

Implementation of Penal Sanctions and Detention in Custody Act

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PART ONE

GENERAL PROVISIONS. SPECIALISED AUTHORITIES IMPLEMENTING PENAL SANCTIONS

Chapter One

GENERAL PROVISIONS

Article 1. This Act regulates the implementation of penal sanctions imposed by the courts through effective judicial acts, as well as the legal status of persons detained in custody according to the procedure established by the Criminal Procedure Code.

Article 2. Implementation of penal sanctions shall seek to achieve the objectives thereof by means of:

1. exercising control over the behaviour of sentenced persons and limiting the possibility of reoffending and of inflicting detriment on society;
2. differentiating and individualising the effect of the implementation of penal sanctions for correction and re-education of sentenced persons depending on the behaviour thereof;
3. ensuring conditions to sustain the physical and mental health of sentenced persons and to respect the rights and dignity thereof;
4. publicity, openness and exercising of independent control over the authorities implementing penal sanctions;
5. interacting with state bodies, governmental organisations, as well as contracting with legal persons.

Article 3. (Amended, SG No. 13/2017, effective 7.02.2017) (1) Convicts and persons detained in custody may not be subjected to torture or to cruel, inhuman or degrading treatment.

(2) The placement of a person in adverse conditions of serving an imprisonment sentence or of detention, including insufficient living space, food, clothing, heating, lighting, ventilation, medical care, or physical exercise opportunities, lasting isolation with no opportunities for communication, unreasonable use of aids, or any action, inaction or circumstance which degrades human dignity or instils a feeling of fear, indefensibility or inferiority, shall also be considered a violation of Paragraph (1).

Article 4. (1) State bodies, specialised governmental and non-governmental organisations shall interact for attainment of the objectives of the penal sanction.

(2) Control upon implementation of penal sanctions shall be exercised by state bodies, organisations and not-for-profit legal entities registered for pursuit of public benefit activities.

(3) The findings of the checks conducted into the state and problems of the penal sanctions implementation system shall be made public.

(4) The operation of the authorities implementing penal sanctions shall be controlled and monitored in cooperation with the intergovernmental bodies and the international non-governmental organisations.

Article 5. (1) The prosecuting magistracy shall exercise supervision as to compliance with legality upon implementation of penal sanctions according to the Judiciary System Act.

(2) The prosecutor shall have the right to familiarise himself or herself with the overall work comprehended in implementation of penal sanctions and to make proposals for improvement of the said work.

(3) The authorities implementing penal sanctions shall be obligated to extend full cooperation to the prosecutor in the performance of the activity referred to in Paragraphs (1) and (2), to furnish the prosecutor with the requisite materials, and to provide the data and explanations as requested.

(4) The administration of the places of deprivation of liberty shall be obligated:

1. to afford the prosecutor access at any time to the prisons, the reformatories and the prison hostels, and an opportunity to interview persons deprived of their liberty in the absence of other persons;

2. to act on the directions of the prosecutor regarding compliance with the established rules for implementation of the penal sanction.

Article 6. (1) Judges may familiarise themselves with the work comprehended in implementation of penal sanctions and with detention in custody as a precautionary measure to secure a person's appearance.

(2) The authorities implementing penal sanctions shall be obligated to extend full cooperation to judges in the performance of the activity referred to in Paragraph (1), to afford access to the places of deprivation of liberty and the probation services and an opportunity to interview sentenced persons.

Article 7. (1) The authorities implementing penal sanctions shall extend cooperation to the Ombudsman upon performance of the functions thereof according to the Ombudsman Act, shall furnish the Ombudsman with the requisite information and shall provide the data and explanations as requested.

(2) The Ombudsman shall have access to the places of deprivation of liberty and the probation services and may interview sentenced persons privately.

Article 8. (1) The central and local government authorities, as well as the non-governmental organisations, acting within the functions thereof, shall facilitate attainment of the objectives of the penal sanction.

(2) In the activity comprehended in implementation of penal sanctions, contractual relations shall be entered into with legal persons for the financing, construction, remodelling or maintenance of the physical assets or the provision of public interest services.

Article 9. (1) The good behaviour of sentenced persons shall be encouraged and they shall be offered opportunities to choose an appropriate behaviour.

(2) Sentenced persons shall be given a clarification of the consequences of non-compliance with the duties and restrictions during service of the sentence.

Chapter Two

MINISTER OF JUSTICE

Article 10. (1) The Minister of Justice shall implement overall direction and control over the activity comprehended in implementation of penal sanctions.

(2) The Minister of Justice shall:

1. carry out the state policy in the area of implementation of penal sanctions;
2. organise interaction with state bodies, bodies of local self-government and non-governmental organisations whose activity is concerned with the implementation of penal sanctions;
3. determine the terms, procedure and organisation of the contractual relations with legal persons, as well as the forms and areas of application of such relations;
4. determine indicators and criteria for allocation of the resources for maintenance of the places of deprivation of liberty and the probation services;
5. (amended and supplemented, SG No. 32/2016) exercise the powers of an authority responsible for appointment pursuant to the Ministry of Interior Act and the Civil Servants Act with regard to the civil servants in the Chief Directorate of Implementation of Penal Sanctions and the territorial services thereof;
6. (repealed, SG No. 103/2012);
7. issue a classifier of the positions in the system of the Chief Directorate of Implementation of Penal Sanctions and the territorial services thereof;
8. determine the structures and the staffing, establish and close down structural services within the limits of the endorsed budget and staff size of the Chief Directorate of Implementation of Penal Sanctions and the territorial services thereof;
9. (amended, SG No. 32/2016) determine the positions and the specific names of the positions of the personnel members in the Chief Directorate of Implementation of Penal Sanctions and the territorial services thereof, as well as the supplementary remunerations for specific working conditions and results achieved in the service;
10. endorse a Code of Ethical Behaviour of the civil servants;
11. determine the type of the uniforms and distinctive insignia and endorse a list of the personnel members who shall wear uniforms on duty;
12. be responsible for the management of the state-owned properties allocated to the Chief Directorate of Implementation of Penal Sanctions and the territorial services thereof;
13. determine the terms and procedure for performance of work by the persons deprived of their liberty;
14. form state-owned commercial corporations in connection with the manufacturing operations and economic activities at the places of deprivation of liberty;
15. revoke any legally non-conforming and inexpedient acts issued by the Chief Director of the Chief Directorate of Implementation of Penal Sanctions and by the heads of the territorial services of the said Chief Directorate, acting on complaints by interested parties and on his or her own initiative;
16. perform any other functions assigned thereto by this Act, by another law or by an act of the Council of Ministers.

Article 11. (1) The Minister of Justice may issue an order delegating powers under Items 1, 2, 3, 7, 8, 9, 10, 15 and 16 of Article 10 herein to a Deputy Minister.

(2) The Minister of Justice may assign the performance of particular powers under this Act to the Chief Director of the Directorate of Implementation of Penal Sanctions.

(3) In the exercise of the powers thereof, the Deputy Minister and the Chief Director shall issue orders.

Chapter Three

CHIEF DIRECTORATE OF IMPLEMENTATION OF PENAL SANCTIONS

Article 12. (1) The direct management of the places of deprivation of liberty and the probation services and the control over the operation thereof shall be implemented by a Chief Directorate of Implementation of Penal Sanctions.

(2) (Amended, SG No. 15/2013, effective 1.01.2014) The Chief Directorate of Implementation of Penal Sanctions shall be a legal person under the Minister of Justice with a head office in Sofia and shall be a subsisting on budgetary support.

(3) (Amended, SG No. 32/2016) Prisons and the Regional Services of Implementation of Penal Sanctions shall be territorial services of the Chief Directorate of Implementation of Penal Sanctions.

Article 13. (1) Eligibility for appointment to the office of Chief Director of the Chief Directorate of Implementation of Penal Sanctions shall be limited to persons who hold a degree of higher education in Law and who have practised law for not less than ten years or who have a length of employment service of not less than ten years at the places of deprivation of liberty, the probation services, the Ministry of Interior or with the Ombudsman, at intergovernmental organisations, including not less than five years of managerial experience in the system of state governance.

(2) The Chief Director of the Chief Directorate of Implementation of Penal Sanctions shall:

1. direct, coordinate, control and be responsible for the overall operation of the Chief Directorate and the territorial services thereof;

2. plan, allocate and control the utilisation of the budget resources of the Chief Directorate and the territorial services thereof;

3. prepare and propose changes in the structure and staffing of the Chief Directorate and the territorial services thereof;

4. (amended, SG No. 32/2016) appoint and re-appoint civil servants to junior executive positions as well as terminate employment relationships therewith;

4a. (new, SG No. 32/2016) appoint as trainees the persons who won the competition for junior executive positions;

5. (amended, SG No. 32/2016) re-appoint civil servants to executive positions except in cases of transfer from senior management and management positions to executive positions as well as from junior executive to executive positions after the person has won the competition;

6. conclude, modify and terminate the employment contracts with the persons working under an employment relationship, under the terms and according to the procedure, established by the Labour Code;

7. (repealed, SG No. 32/2016);

8. issue orders on supplementary remunerations for specific working conditions and on supplements for work at the places of deprivation of liberty;

9. award and sanction personnel members at the Chief Directorate and at the territorial services thereof;

10. endorse job descriptions, grant leaves and authorise secondments of personnel members at the Chief Directorate and at the territorial services thereof;

11. organise and direct the training and upgrading the qualification of personnel members at the Chief Directorate and at the territorial services thereof;

12. award public procurements under the terms and according to the procedure established by the Public Procurement Act, sign the requisite documents and conclude contracts;
13. endorse acts on discarding of tangible fixed assets;
14. organise the participation of the Chief Directorate in international cooperation and in cooperation with members of the public, representatives of national, international, governmental and non-governmental organisations;
15. elaborate and maintain a mobilisation plan and crisis management plans;
16. have access to the automated databases of Unified System for Civil Registration and Administrative Services to the Public;
17. perform other functions as well, assigned thereto by this Act, by an act of the Minister of Justice or of the Council of Ministers.

(3) The Chief Director of the Chief Directorate of Implementation of Penal Sanctions may issue an order delegating powers to the deputies thereof or to the directors of the places of deprivation of liberty or of the Regional Services of Deprivation of Liberty.

Article 14. (1) (Amended, SG No. 32/2016) The persons appointed as heads of prisons and prison hostels shall hold a degree of higher education in Law and, in the absence of such candidates, a degree in another appropriate higher education field.

(2) (New, SG No. 32/2016) Candidates for heads of prisons must have at least three years of management experience in the system of State Government.

(3) (Renumbered from Paragraph 2, supplemented, SG No. 32/2016) The eligible candidates for heads of reformatories to the prisons shall hold a degree of higher education in Law or Education.

Article 15. (1) (Amended, SG No. 32/2016) The head of the prison shall:

1. (amended, SG No. 32/2016) analyse and evaluate the results of the separate fields of activity at the prison and take measures for improvement and enhancement of work;
2. plan the goals and priority tasks, analyse the performance of personnel members, plan and direct the activities comprehended in the recruitment, appointment and dismissal of personnel members;
3. (supplemented, SG No. 103/2012, amended, SG No. 53/2014) organise, direct, plan, control and be responsible for the work of personnel members, grant leaves and authorise secondments of personnel members within the country, reward personnel members pursuant to Article 30, Paragraph 2, Item 1 herein, and impose disciplinary sanctions pursuant to Article 197, Paragraph 1, Items 1-3 of the Ministry of Interior Act, as well as to Article 188, Items 1 and 2 of the Labour Code;
4. (amended, SG No. 32/2016) be responsible for the observance of legality at the prison;
5. endorse the personnel emergency response plans;
6. direct the actions of personnel members in crisis situations, plan subject-specific checks and personally exercise control over the drawing of guard duty, the organisation of security, the condition and use of the security equipment, the activities comprehended in realisation of the rights and duties of the persons deprived of their liberty, the social and correctional education work;
7. represent and manage the activity of the territorial division of the Prison Service Fund State-Owned Enterprise;
8. fulfil the functions assigned thereto by this Act or by order of the Minister of Justice or of the Chief Director of the Chief Directorate of Implementation of Penal Sanctions.

(2) (Amended, SG No. 32/2016) The head of the prison may issue an order delegating powers to officials designated thereby.

Article 16. (1) (Amended, SG No. 103/2012) The Regional Services of Implementation of Penal Sanctions shall pool, direct and control the operation of the probation and detention facilities.

(2) (New, SG No. 32/2016) District offices may be set up with the Regional Services of Implementation of Penal Sanctions.

(3) (Amended, SG No. 103/2012, renumbered from Paragraph 2, SG No. 32/2016) The Chiefs of the probation and detention facilities shall perform the functions assigned thereto by this Act or by order of the Minister of Justice or of the Chief Director of the Chief Directorate of Implementation of Penal Sanctions.

Article 16a. (New, SG No. 103/2012) (1) (New, SG No. 32/2016) The persons appointed as heads of Regional Services of Implementation of Penal Sanctions shall have higher education degree in Law, and in the absence of such applicants, other appropriate higher education degree, and no less than three years of management experience in the system of State Government.

(2) (Renumbered from Paragraph 1, SG No. 32/2016) Directors of Regional Services of Implementation of Penal Sanctions shall:

1. represent, manage and be responsible for the overall operation of the relevant territorial unit;
2. plan, analyse and assess activities carried out in relation to implementing probation, probation measures and detention in custody in the relevant territorial unit; in addition, they shall take steps to improve and streamline the work of the relevant unit;
3. organise, coordinate and oversee the work of probation and detention facilities.
4. enforce compliance with the law in the relevant territorial unit;
5. (amended, SG No. 53/2014) grant leaves and authorise secondments of personnel members from the relevant Regional Service within the country, reward personnel members pursuant to Article 30, Paragraph 2, Item 1 herein, and impose disciplinary sanctions pursuant to Article 197, Paragraph 1, Items 1-3 of the Ministry of Interior Act, as well as to Article 188, Items 1 and 2 of the Labour Code;
6. manage and oversee the selection, appointment and dismissal of personnel members;
7. organise and oversee the allocation and utilisation of funds, as well as the use of premises and facilities, vehicles and office equipment;
8. fulfil the functions assigned thereto by this Act or by order of the Minister of Justice or of the Chief Director of the Chief Directorate of Implementation of Penal Sanctions.

(3) (Renumbered from Paragraph 2, SG No. 32/2016) Directors of Regional Services of Implementation of Penal Sanctions may issue orders delegating powers to officials designated thereby.

Article 17. (Amended, SG No. 13/2017, effective 7.02.2017) The following activities involving firearms and ammunition shall be carried out at the Enforcement of Sentences Directorate General and its local units:

1. acquisition, storage, carrying, use and reporting of weapons, ammunition and pyrotechnic devices;
2. transport of weapons, ammunition and pyrotechnic devices;
3. repairs of weapons and ammunition;
4. technical inspection, scrapping and destruction of weapons, ammunition and pyrotechnic devices;
5. control of activities involving weapons, ammunition and pyrotechnic devices.

Article 18. The contracting, purchase, delivery, installation and operation of the technical facilities for security and control, the arms and the auxiliary means shall follow the terms and the procedure provided for in respect of the Ministry of Interior.

Chapter Four

PERSONNEL AT CHIEF DIRECTORATE OF IMPLEMENTATION OF PENAL SANCTIONS AND AT TERRITORIAL SERVICES

Article 19. (Amended, SG No. 32/2016) (1) The personnel at the Chief Directorate of Implementation of Penal Sanctions and at the territorial services thereof shall consist of:

1. civil servants involved directly in activities related to the implementation of penal sanctions or detention in custody as a precautionary measure;

2. civil servants;

3. persons working under an employment relationship.

(2) The provisions regarding civil service in the Ministry of Interior Act shall apply to the civil servants under Paragraph (1), Item 1, save insofar as otherwise provided for in this Act.

(3) The status of civil servants under Paragraph 1, Item 2, shall be regulated by the Civil Servants Act.

(4) The status of the persons working under an employment relationship shall be regulated under the terms and following the procedure of the Labour Code, the relevant provisions of the Ministry of Interior Act and this Act.

Article 20. (1) Eligibility for appointment as civil servants shall be limited to persons of high moral standing, professional qualification, physical fitness and psychological suitability for work at the places of deprivation of liberty and the probation services.

(2) (Amended, SG No. 32/2016) Civil servants shall receive a basic monthly remuneration, consisting of a salary for position.

(3) (Repealed, SG No. 32/2016).

(4) The specific amount of the salary for position shall be fixed by the Minister of Justice.

Article 21. (1) The persons working under an employment relationship shall receive a basic monthly remuneration, consisting of a salary for position and a supplement for work at the places of deprivation of liberty and at the probation services.

(2) The amount of the supplement referred to in Paragraph (1) shall be fixed by the Minister of Justice.

Article 22. The basis for calculation of the amount of the basic monthly remuneration for the lowest position shall be endorsed annually by the State Budget of the Republic of Bulgaria Act, and the monthly remuneration shall be increased by coefficients towards the basis corresponding to the coefficients for the civil servants and the persons working under an employment relationship, according to the Ministry of Interior Act.

Article 23. (1) The personnel at the Chief Directorate of Implementation of Penal Sections and at the territorial services thereof shall be provided, on a monthly basis, with food or with the lev equivalent thereof, which shall be exempt from taxation.

(2) (Amended, SG No. 32/2016) The civil servants shall be provided with working clothes and uniforms and other general supplies and accoutrements, and those who do not wear uniforms, with an annual amount for clothes that shall be exempt from taxation.

(3) The persons working under an employment relationship shall be paid annually a clothing allowance to an amount whereto the civil servants who draw duty ununiformed are entitled. The clothing allowance of the persons working under an employment relationship shall be exempt from taxation.

(4) For the performance of activities involving consequences harmful to health, the personnel shall be paid supplementary remunerations and shall be provided with free preventive food and antidotes.

(5) Upon relocation to work in other nucleated settlements, in the cases specified by the Minister of Justice, the civil servants and the family members thereof shall be paid a lump-sum compensation and the transport costs upon the relocation.

(6) The personnel members, as well as the family members of civil servants who have been killed in the line of duty and who have found themselves in straitened circumstances, shall be aided by cash allowances according to a procedure established by the Minister of Justice.

(7) Upon death of a personnel member, the funeral expenses shall be borne by the Chief Directorate of Implementation of Penal Sanctions or by the territorial services thereof to an amount fixed by the Minister of Justice.

(8) The amount of the sums and allowances covered under Paragraphs (1) to (7), the terms and procedure for the provision thereof shall be determined annually by order of the Minister of Justice.

Article 24. (1) (Supplemented, SG No. 32/2016) The work performed by the civil servants under Article 19, Paragraph 1, Item 1, shall count as Work Category I upon retirement.

(2) The length of employment service at the Chief Directorate of Implementation of Penal Sanctions, for which holding a degree of higher education in Law is required, shall count as relevant experience according to the Judiciary System Act.

(3) (Amended, SG No. 15/2013, effective 1.01.2014) The personnel of the Chief Directorate of Implementation of Penal Sanctions and the territorial services thereof shall compulsorily be insured for the account of the state budget against death, temporary disability or permanently lost or reduced working capacity as a result of an accident.

(4) The compulsory insurance shall not prejudice the conclusion of other insurance contracts by the personnel members.

(5) (Amended, SG No. 15/2013, effective 1.01.2014) The compulsory social and health insurance of the civil servants shall be for the account of the state budget.

Article 25. The civil servants, who use housing at a freely negotiable rent, shall be paid compensation sums by the Ministry of Justice under terms and according to a procedure established by the Council of Ministers.

Article 26. (1) (Amended and supplemented, SG No. 32/2016) When performing the official duties thereof, the civil servants at the Chief Directorate of Implementation of Penal Sanctions and the territorial services thereof shall travel by public urban transport free of charge under the conditions and following the procedure laid down in the order of the Minister of Justice.

(2) (Amended, SG No. 32/2016) The civil servants shall travel free of charge under Paragraph 1 with a travel document (card) according to the sample endorsed by order of the Minister of Transport, Information Technology and Communications.

(3) (New, SG No. 32/2016) The employees at the Chief Directorate of Implementation of Penal Sanctions and the territorial services thereof shall be paid annually a one-off amount for travelling expenses during the paid annual leave under the conditions and in the amount defined in the order of the Minister of Justice.

Article 27. (1) Upon exercise of the powers thereof, the civil servants at the Chief Directorate for Implementation of Penal Sanctions and at the territorial services thereof shall certify the capacity thereof by means of an identity card. The type of the identify card shall be determined by the Minister of Justice.

(2) The civil servants, who are directly and immediately engaged in security or other specific official duties, shall wear uniforms of a pattern, colour and with symbols and distinctive insignia, determined by the Minister of Justice.

(3) (Repealed, SG No. 32/2016).

(4) The civil servants, who obligatorily wear uniforms on duty, shall be designated by the Minister of Justice.

(5) (Amended, SG No. 32/2016) Civil servants shall bear service arms under the terms and according to the procedure defined in an order of the Minister of Justice.

Article 28. (1) The personnel members shall take an oath, swearing to observe the Constitution and the laws of the land and to be loyal to the government institutions in the Republic of Bulgaria.

(2) (New, SG No. 32/2016) Taking the oath shall be certified by the signature of the oath statement. The refusal to take an oath shall be an impediment to the entry into office at the Chief Directorate of Implementation of Penal Sanctions and at the territorial services thereof.

(3) (Renumbered from Paragraph 2, supplemented, SG No. 32/2016) The personnel members shall not be members of political parties and be involved in any political activity, express political opinions as well as take any steps in the line of duty whereby the political neutrality thereof is violated.

Article 29. (1) (Supplemented, SG No. 103/2012) The civil servants may not execute another civil service, except in cases regulated by this Act or by another act.

(2) The civil servants may not perform any activity which is incompatible with the service thereof.

(3) Incompatibility with the service shall be in evidence where the civil servants:

1. (supplemented, SG No. 103/2012, amended, SG No. 32/2016) would come in a hierarchical relation of management and control with a spouse, a cohabiting partner, a lineal relative up to any degree of consanguinity, a collateral relative up to the fourth degree of consanguinity or an affine up to the fourth degree of affinity;

2. (amended, SG No. 103/2012) are sole traders, partners in unlimited commercial corporations, managers, business representing counsel, commercial agents, procurators, trade representatives, liquidators or receivers, members of management or supervisory bodies of commercial corporations or cooperatives;

3. engage in business activity;

4. (amended, SG No. 103/2012) work under an employment contract or under a contract for personal services at civil law, except for teaching or research, or in cases of exercising copyright, under terms and conditions to be set by the Minister of Justice;

5. participate in management and supervisory bodies of commercial corporations.

(4) (Supplemented, SG No. 32/2016) Ownership of stock, participation in privatisation with privatisation vouchers and in cooperatives with restituted agricultural land tracts or forests shall not be treated as business activity within the meaning given by Item 3 of Paragraph (3).

(5) (Supplemented, SG No. 32/2016) Incompatibility with the service shall be also present in the cases where the civil servants are elected as President, Vice President, Members of the European Parliament from the Republic of Bulgaria, Members of Parliament, mayors or municipal councillors.

(6) (Supplemented, SG No. 103/2012) Incompatibility with the service shall not be in evidence upon participation in commercial corporations whereof the principal is the Minister of Justice, for which no remuneration shall be received, or in not-for-profit legal entities designated for pursuit of public-benefit activities, in cases of participating in projects and programmes related to the work of the Ministry of Justice and funded by the European Union, in cases of trade union membership of members of staff of the Ministry of Justice.

(7) Within seven days after occurrence of any circumstance covered under Paragraphs (1), (3) and (5), the civil servants shall

be obligated to submit a declaration.

Article 30. (1) Personnel members may be awarded for achieving remarkable performance in work and for specific substantial contribution upon discharge of the official duties thereof or for continuous duty.

(2) There shall be the following awards:

1. letter of commendation;

2. (amended, SG No. 103/2012) award of merit citation with a monetary award of:

(a) up to BGN 200 - in cases of awards made by the Minister of Justice or a deputy minister of justice;

(b) up to BGN 120 - in cases of awards made by the Chief Director of the Chief Directorate of Implementation of Penal Sanctions;

3. cash prize or merchandise award;

4. honorary distinction or badge of honour: as designated by the Minister of Justice.

(3) (Supplemented, SG No. 32/2016) The awards under Paragraph 2, Item 4, as well as firearms shall be granted by the Minister of Justice.

(4) (New, SG No. 32/2016) The conditions and procedure for awarding and the nature of the awards shall be determined by order of the Minister of Justice.

Article 31. (1) The training, qualification and vocational training of the civil servants shall be delivered according to a procedure, established by the Minister of Justice.

(2) Those who have won a competition for entry into civil service shall be subject to initial vocational training.

(3) The Minister of Justice shall designate the civil servant positions in respect of which initial vocational training shall not be mandatory.

(4) Upon failure to finish the initial vocational training, the civil-service relationship with the civil servant shall be terminated.

(5) (Amended, SG No. 103/2012, SG No. 32/2016) Vocational training upon initial entry into employment shall be delivered at the training centres of the Chief Directorate of Implementation of Penal Sanctions. In cases of promotion to a higher position in the same or another category, vocational training shall be delivered at the training centres of the Chief Directorate of Implementation of Penal Sanctions, in the Chief Directorate or its territorial services.

(6) The personnel members who handle special groups of persons deprived of their liberty, such as foreign nationals, juveniles, persons suffering from mental disorders and others, shall undergo specialised training.

(7) The Minister of Justice may conclude contracts with higher schools for upgrading the qualification of personnel members.

Chapter Five

COUNCIL ON IMPLEMENTATION OF PENAL SANCTIONS

Article 32. (1) There shall be established a Council on Implementation of Penal Sanctions with the Ministry of Justice, chaired by the Deputy Minister of Justice who is in charge of the operation of the Chief Directorate of Implementation of Penal Sanctions.

(2) The Council on Implementation of Penal Sanctions shall:

1. (amended, SG No. 32/2016) organise and carry out research in connection with the implementation of penal sanctions;
2. develop methodological guidelines for the operation of the places of deprivation of liberty and the probation services;
3. (supplemented, SG No. 32/2016) draft legislative acts related to the implementation of penal sanctions or issue opinions on draft acts;
4. (amended, SG No. 32/2016) take part in the organisation and management of the initial training and raising the professional qualification of the personnel members of the Chief Directorate of Implementation of Penal Sanctions and the territorial services thereof;
5. work for building public confidence in the operation of the Chief Directorate of Implementation of Penal Sanctions and the territorial services thereof.

(3) Upon development and implementation of projects for improvement of the activity comprehended in implementation of penal sanctions, the Council shall interact with similar units and organisations of the governmental and non-governmental sectors at home and abroad.

(4) (Amended, SG No. 32/2016) The Council on Implementation of Penal Sanctions, jointly with the Chief Directorate of Implementation of Penal Sanctions, shall publish a Prison Service news bulletin in order to research the problems related to implementation of penal sanctions and support the training of the personnel members at the places of deprivation of liberty and the probation services.

Article 33. (1) The Council on Implementation of Penal Sanctions shall consist of tenured staff members and of a plenary complement.

(2) (Amended and supplemented, SG No. 32/2016) The full-time personnel members of the Council on Implementation of Penal Sanctions shall be managed by Chief Director of Chief Directorate of Implementation of Penal Sanctions who shall be Deputy Chairperson and the personnel members shall have the status of civil servants under Article 19, Paragraph 1, Items 1 or 2.

(3) (Amended, SG No. 68/2013, effective 2.08.2013) The plenary complement shall include representatives of the Ministry of Justice, the Ministry of Interior, the Ministry of Education and Science, the Ministry of Health, the Supreme Bar Council, magistrates, public figures and representatives of non-governmental organisations engaged in activities related to implementation of penal sanctions.

(4) The Council on Implementation of Penal Sanctions may recruit experts in other fields of science. The procedure for recruitment of experts and the pay thereof shall be established by Rules of Organisation and Operation of the Council on Implementation of Penal Sanctions, issued by the Minister of Justice.

Chapter Six

PSYCHOLOGICAL LABORATORY. TESTING FOR OCCUPATIONAL AND PSYCHOLOGICAL FITNESS

(Title supplemented, SG No. 13/2017, effective 1.07.2017)

Article 34. (1) (Amended, SG No. 32/2016, SG No. 13/2017, effective 1.07.2017) A Psychological Laboratory shall be set up under the Enforcement of Sentences Directorate General to carry out occupational and psychological fitness tests, as well as to develop methodological guidelines and control the work of psychologists at penitentiary establishments and probation services.

(2) (Amended, SG No. 32/2016) The employees of the psychological laboratory shall be civil servants under Article 19, Paragraph 1, Items 1 or 2.

(3) (Amended, SG No. 32/2016) The methodological guidelines for the work of psychologists at the places of deprivation of

liberty and the probation services shall be endorsed by Chief Director of Chief Directorate of Implementation of Penal Sanctions.

Article 35. (Amended, SG No. 103/2012, amended and supplemented, SG No. 32/2016, amended, SG No. 13/2017, effective 1.07.2017) (1) Applicants for civil servant positions under Item 1 of Article 19(1) at the Enforcement of Sentences Directorate General and the local units thereof shall be subject to testing for occupational and psychological fitness.

(2) Current employees under under Item 1 of Article 19(1) shall also be subject to testing for occupational and psychological fitness where they are reappointed to a higher position.

Article 35a. (New, SG No. 13/2017, effective 1.07.2017) (1) Testing for occupational and psychological fitness may be applied to determine the current psychological compatibility of civil servants under Item 1 of Article 19(1) with the requirements of the position held by them and their fitness to perform their work duties.

(2) Testing under Paragraph (1) shall be applicable to civil servants under Item 1 of Article 19(1) who:

1. have difficulties and serious deficits in their professional adaptation, training and specialised qualification;
2. demonstrate a lack of motivation, emotional inadequacy and risk behaviour;
3. systematically commit disciplinary offences.

(3) In the cases referred to in Paragraph (2) the testing shall be performed by virtue of an order by the Minister of Justice or by the Director General of the Enforcement of Sentences Directorate General.

(4) The heads of the local units of the Enforcement of Sentences Directorate General may submit proposals for such testing to the Minister of Justice or the Director General. Such proposal shall contain a description of the relevant civil servant's behaviour at issue, the reasons why testing is needed, personal and work details and a work reference.

(5) In case it is found that the relevant civil servant is psychologically incompatible with the requirements of the position held by him/her and unfit to perform his/her work duties, a work performance assessment proposal shall be made.

Article 36. (Repealed, SG No. 103/2012, new, SG No. 13/2017, effective 7.02.2017) (1) (Effective 1.07.2017 - SG No. 13/2017) Testing for occupational and psychological fitness shall be conducted by expert psychologists and shall be concluded with an expert opinion.

(2) The conditions and procedure for testing for occupational and psychological fitness shall be laid down in an ordinance by the Minister of Justice.

Chapter Seven

PRISON SERVICE FUND STATE-OWNED ENTERPRISE

Article 37. (1) The Prison Service Fund State-Owned Enterprise shall manage the activities related to improvement of the conditions for implementation of penal sanctions and shall enjoy the status of a state-owned enterprise within the meaning given by Article 62 (3) of the Commerce Act, and shall carry out other economic activities as well, which assist, accompany or complement the core objects thereof.

(2) (Amended, SG No. 32/2016) The Enterprise shall be a legal person with head office in Sofia and territorial divisions at the prisons.

(3) The Prison Service Fund State-Owned Enterprise shall be managed by:

1. the Minister of Justice;

2. a Management Council;

3. an Executive Director.

(4) The Prison Service Fund State-Owned Enterprise shall open current accounts, whereon the resources on the activities carried out shall be raised and expended.

(5) The organisation and operation of the Prison Service Fund State-Owned Enterprise shall be regulated by Rules, adopted by the Council of Ministers.

Article 38. (1) The resources of the Prison Service Fund State-Owned Enterprise shall be raised from:

1. the income, accruing from the economic activity and from other activities, implemented at the places of deprivation of liberty;

2. the income from leased buildings and facilities;

3. the unappertaining portion of the labour remuneration of the persons deprived of their liberty;

4. the confiscated money and articles which the persons deprived of their liberty have no right to keep and to use;

5. the deductions from the labour remunerations of the persons sentenced to probation with imposition of a probation measure of corrective labour;

6. donations by natural and legal persons;

7. other sources of income.

(2) The financial result of the Prison Service Fund State-Owned Enterprise shall be exempt from taxation.

Article 39. The resources raised by the Prison Service Fund State-Owned Enterprise shall be spent on:

1. (supplemented, SG No. 103/2012) construction, remodelling and repair of the places of deprivation of liberty and probation service facilities, improvement of the physical-welfare and manufacturing conditions thereat, and on procurement of security and technical facilities for the said places;

2. working capital assigned for use in manufacturing and financing of venture undertakings related to manufacturing operations;

3. improvement of medical services at the places of deprivation of liberty;

4. financing of research and publishing activities in the field of implementation of penal sanctions;

5. general training and professional qualification of the persons deprived of their liberty and of the personnel members at the Chief Directorate of Implementation of Penal Sanctions and the territorial services thereof;

6. morale support activities;

7. incentives for persons deprived of their liberty and for personnel members;

8. incentives for members of the public who have co-operated with the authorities implementing penal sanctions;

9. other expenditures related to the activity comprehended in implementation of penal sanctions.

PART TWO

IMPLEMENTATION OF PENAL SANCTION OF DEPRIVATION OF LIBERTY

Chapter Eight

PLACES OF DEPRIVATION OF LIBERTY

Section I

Establishment and Closure of Places of Deprivation of Liberty. Types

Article 40. (1) The penal sanction of deprivation of liberty shall be implemented by means of placement of the sentenced persons at designated places of deprivation of liberty and the subjection thereof to correctional intervention.

(2) The correctional intervention shall be implemented through:

1. ensuring conditions to sustain the physical and mental health and to respect the human dignity of the sentenced persons;
2. implementing the restrictions included in the content of the penal sanction;
3. containing the adverse consequences of the effect of the sentence and the harmful influence of the community on the sentenced persons;
4. ensuring conditions for the exercise of the rights of the sentenced persons;
5. organising work, correctional-education, educational, sports and other activities.

Article 41. (1) (Amended, SG No. 32/2016) The places of implementation of the penal sanction of deprivation of liberty shall be prisons.

(2) (Amended, SG No. 32/2016) Closed and open prison hostels, reformatories for minors and detention facilities may be established with the prisons.

(3) At the prisons, reformatories and prison hostels, implementation of the correctional intervention shall be differentiated in respect of the specific categories of sentenced persons placed thereat.

Article 42. (1) (Supplemented, SG No. 42/2015, SG No. 63/2017, effective 5.11.2017) Persons sentenced to deprivation of liberty by an enforceable sentence shall be placed at prisons, reformatories and prison hostels, including such brought there in compliance with a public prosecutor's order under Article 340, paragraph (5) and Article 354, paragraph (7) of the Criminal Procedure Code.

(2) Detention facilities shall be places of deprivation of liberty for placement of persons detained according to the procedure, established by the Criminal Procedure Code.

(3) The persons referred to in the foregoing paragraph (2) may be placed at the prisons, the reformatories and the closed prison hostels according to the procedure, established by this Act.

Article 43. (1) Places of deprivation of liberty shall be established and closed down by order of the Minister of Justice, issued on his or her own initiative or on a proposal by the Chief Director of the Chief Directorate of Implementation of Penal Sanctions.

(2) Each place of deprivation of liberty must have the requisite premises for accommodation, association and other premises for implementation of correctional intervention, and the detention facilities must have the requisite premises to sustain the physical and mental health and to respect the human dignity of the detainees.

(3) (Effective 1.01.2019, amended, SG No. 103/2012, repealed, SG No. 13/2017, effective 7.02.2017).

(4) (New, SG No. 13/2017, effective 7.02.2017) The minimum living space in dormitories may not be less than 4 square metres per inmate. The Enforcement of Sentences Directorate General shall maintain a current database of the capacity of penitentiary establishments.

(5) (Renumbered from Paragraph (4), SG No. 13/2017, effective 7.02.2017) The amount of daylight, the degree of artificial lighting, heating and ventilation, the access to lavatories and running water, as well as the minimum furnishings of the dormitories, shall be determined by the Rules for Application of this Act.

Article 44. (1) The places of deprivation of liberty shall be furnished with technical and other security and surveillance equipment for the prevention of escapes, other criminal offences and violations.

(2) The persons deprived of their liberty shall be warned of the possibility of use of security and technical equipment, including audiovisual systems, for surveillance of behaviour.

Article 45. (1) The conditions for establishment and closure of places of deprivation of liberty shall be assessed by a commission, appointed by the Minister of Justice.

(2) The complement of the commission referred to in Paragraph (1) shall be proposed by the Chief Director of the Chief Directorate of Implementation of Penal Sanctions and shall include experts in the field of construction, security and security equipment, medical services, communal feeding and physical welfare.

(3) The commission, referred to in Paragraph (2), shall prepare the terms of reference for construction of new places of deprivation of liberty or for remodelling and redevelopment of existing places.

Article 46. (1) (Supplemented, SG No. 32/2016) The Ombudsman may recommend to the Minister of Justice the closure, renovation or extension of a particular prison, prison hostel, reformatory or detention facility where, owing to severe overcrowding or poor conditions of hygiene and physical welfare, it is impossible to implement correctional intervention or there is a risk of impairment of the physical or mental health of detainees.

(2) The recommendation, referred to in Paragraph (1), shall be laid before the Council of Ministers within one month by the Minister of Justice. Within three months, the Council of Ministers shall announce the measures taken to address the problems.

Section II

Accommodation at Places of Deprivation of Liberty

Article 47. (1) At the prisons, any newly admitted persons deprived of their liberty shall be accommodated at a reception unit, where they shall remain for a period of not less than 14 days and not more than one month.

(2) Any persons sentenced for the first time to a term of deprivation of liberty not exceeding five years for wilful offences and any persons sentenced for negligent offences shall be accommodated separately from the rest.

(3) (Amended, SG No. 103/2012) Any persons admitted from the detention facilities shall be accommodated at the reception unit of the prison for a period of up to 7 days.

Article 48. (1) Upon accommodation of the persons deprived of their liberty at the reception unit, the following particulars shall be recorded:

1. the identity of the newly admitted person;
2. the grounds for placement at the places of deprivation of liberty;
3. the day and time of admission;

4. an inventory of the personal belongings of the newly admitted person;
5. any traces of wounds and complaints of physical violence sustained;
6. the health status of the newly admitted person, respecting the requirements for confidentiality of medical data.

(2) (Amended, SG No. 82/2009) The newly admitted persons deprived of their liberty shall be photographed and the Bulgarian personal documents thereof shall be seized. If the Bulgarian personal documents are not available, the reasons for their lack shall be noted.

Article 49. (Amended, SG No. 32/2016) The director of the prison or persons empowered thereby may collect and process personal data of the persons deprived of their liberty respecting the requirements of the rules for personal data protection.

Article 50. (1) The newly admitted persons, deprived of their liberty, shall be immediately afforded an opportunity to inform the relatives thereof.

(2) Should the persons deprived of their liberty be unable to inform the relatives thereof by reason of an illness, illiteracy or other reasons, the information shall be provided by the administration of the prison, provided the newly admitted person states an express consent.

Article 51. (1) Any foreign nationals deprived of their liberty shall be informed in a language which they understand of:

1. the right to meet with a representative of the diplomatic or consular service of the State whose nationality they hold;
2. the right thereof to use legal aid and defence from the relevant diplomatic or consular services: applicable to the stateless persons and to the nationals of foreign states which do not have missions in the Republic of Bulgaria;
3. the conditions for transfer to the State whose nationality they hold, and the relevant competent authorities.

(2) The Ministry of Foreign Affairs shall be notified immediately of the admission of any persons deprived of their liberty who are not Bulgarian nationals.

Article 52. (1) At the reception unit, the persons deprived of their liberty shall be informed, in a language which they understand, regarding the internal order and discipline regulations, as well as of the basic rights and duties thereof.

(2) At the request of the person deprived of his or her liberty, the information referred to in Paragraph (1) shall be made available thereto in writing.

Article 53. During the stay at the reception unit, the person deprived of his or her liberty may request consultation on addressing personal problems related to the protection and conservation of property, employment, family and other issues which have arisen in connection with the carrying of the sentence into execution.

Article 54. (1) (Amended, SG No. 103/2012) Within a period of up to two working days, a personal record shall be opened on each person deprived of his or her liberty, containing documents and particulars related to the admission to the prison and the carrying of the sentence into execution.

(2) The Chief Director of the Chief Directorate of Implementation of Penal Sanctions shall designate the officials who may familiarise themselves with the particulars on the personal record, as well as the procedure and manner for provision and use of the information contained therein.

Article 55. (1) Newly admitted persons deprived of their liberty shall be obligated to cooperate upon the conduct of a check of cleanliness and hygiene, a medical examination, and a psychological evaluation.

(2) (Supplemented, SG No. 103/2012) Before expiration of the period for stay at the reception unit, an assessment of the risk

of recidivism and the risk of damage shall be prepared for each newly admitted person, as well as an assessment of the personality traits, health status and working capacity and recommendations for future group or individual work. The said assessment shall be prepared by the relevant social worker, the medical officer of the prison and the psychologist.

(3) (New, SG No. 103/2012) Mandatory psychological evaluation shall be conducted for persons sentenced to life imprisonment or life imprisonment without commutation, for persons sentenced to more than 10 years' deprivation of liberty, as well as convicts who are assessed by the risk assessment system to pose a "very high" or "high" risk of causing damage. In all other cases, evaluation shall be conducted upon request from a social and correctional-education work inspector which states the reasons thereof.

Article 56. (1) The articles seized from persons deprived of their liberty upon the admission thereof shall be sent, with their consent and at their expense, to the relatives thereof, unless subject to destruction or confiscation, or shall be made available thereto, if the persons deprived of their liberty have the right and have expressed a wish to use the said articles during the service of the sentence.

(2) Persons deprived of their liberty may dispose of sums of money up to the amount of one national minimum wage.

(3) Any sums of money in excess of the amount referred to in Paragraph (2) shall be deposited on an account in the name of the person deprived of his or her liberty with a bank named thereby or, with the consent thereof, shall be sent to the relatives thereof.

Section III

Allocation of Persons Deprived of their Liberty to Prisons, Prison Hostels and Reformatories

Article 57. (Supplemented, SG No. 103/2012, amended, SG No. 32/2016, SG No. 13/2017, effective 7.02.2017) (1) The court shall determine the initial regime of serving a sentence as follows:

1. special security regime: for persons sentenced to life imprisonment and to life imprisonment without commutation;

2. medium-security regime for persons convicted to imprisonment:

(a) of more than 5 years for intentional crimes;

(b) for intentional crimes where no more than 5 years have elapsed of the service of a previous prison sentence not suspended pursuant to Article 66 of the Criminal Code, notwithstanding rehabilitation;

(c) for intentional crimes committed during the period of probation of a conditional sentence for which it has been ruled that the suspended term is to be served separately, if the total length of the two sentences exceeds two years;

3. low-security regime – in all other cases.

(2) The court may also determine an initial medium-security regime in cases under Item 3 of Paragraph (1) where the convict has been in hiding in the course of the criminal proceedings.

(2) The court may also determine an initial low-security regime in cases under Item 2 of Paragraph (1) where the convict does not represent a high risk to the public.

Article 58. (Supplemented, SG No. 32/2016, amended, SG No. 13/2017, effective 7.02.2017, SG No. 63/2017, effective 5.11.2017) Convicts shall be assigned to penitentiary establishments in accordance with a procedure determined by the Director General of the Enforcement of Sentences Directorate General, so that they can serve their sentences as near their permanent residence as possible, subject to the requirement under Article 43(4), as follows:

1. convicts with an initial special security regime of sentence service shall be assigned to prisons;

2. convicts with an initial medium-security regime of sentence service shall be assigned to prisons or closed prison hostels;
3. convicts with an initial low-security regime of sentence service shall be assigned to open prison hostels.

Article 59. (Amended, SG No. 13/2017, effective 7.02.2017) (1) Women shall serve custodial sentences at separate prisons and prison hostels from men.

(2) Minors convicted to imprisonment shall be placed at reformatories, girls separately from boys.

(3) Foreign nationals convicted to imprisonment shall serve their sentences at prison hostels designated by an order by the Minister of Justice.

Article 60. (Amended, SG No. 103/2012, SG No. 13/2017, effective 7.02.2017) By an order by the director of the prison, separate units may be designated at the prison for placement of inmates who represent a high risk to the public, inmates suffering from alcoholism or drug addiction, persons with mental disorders or vulnerable persons, with a view to ensuring the safety of such persons, of other inmates and of prison staff.

Article 61. (Repealed, SG No. 13/2017, effective 7.02.2017).

Section IV

Transfer of Persons Deprived of their Liberty

Article 62. (1) Persons deprived of their liberty shall be transferred from one prison to another by order of the Chief Director of the Chief Directorate of Implementation of Penal Sanctions:

1. (amended, SG No. 13/2017, effective 7.02.2017) upon enrolment in training or in courses for acquisition of specialist qualifications, for upgrading existing qualifications or for an occupation – provided that the inmate expresses such wish;
2. upon admission for medical treatment to a hospital facility by direction of a doctor;
3. at the request of the relatives or of the person deprived of his or her liberty upon change of the permanent address of the family or of the persons wherewith the sentenced person maintains contacts;
4. on a proposal by the director of the prison upon occurrence of psychological incompatibility, conflicts with personnel members or with persons deprived of their liberty who are victims or relatives to victims of the criminal offence committed, or on other important considerations related to resocialisation, to the safety of the person and to security at the places of deprivation of liberty;
5. (new, SG No. 103/2012, amended, SG No. 13/2017, effective 7.02.2017, SG No. 63/2017, effective 5.11.2017) where required under Article 43(4); in this case the inmate's wishes shall also be taken into account.

(2) Persons deprived of their liberty may not be transferred if there is a risk of a serious deterioration of the health status thereof.

(3) (Amended, SG No. 13/2017, effective 7.02.2017) Transfer orders and refusals shall be subject to challenge as provided for by the Administrative Procedure Code before the administrative court exercising jurisdiction over the location where the sentence is served. The court's decision shall be final.

(4) (New, SG No. 103/2012) The Chief Director of the Chief Directorate of Implementation of Penal Sanctions may issue an order delegating powers referred to in Paragraph 1, Items 1-3 and Item 5, to the deputies thereof or to a head of department at the Chief Directorate who holds a degree of higher education in Law.

Article 63. (1) (Amended, SG No. 13/2017, effective 7.02.2017) Persons deprived of their liberty may be transferred from a prison to a closed prison hostel functioning as a division of the prison and back by order of the director of the prison in the cases referred to in Items 1, 4 and 5 of Article 62 (1) herein.

(2) (Amended, SG No. 13/2017, effective 7.02.2017) Transfer orders and refusals shall be subject to challenge as provided for by the Administrative Procedure Code before the administrative court exercising jurisdiction over the location where the sentence is served. The court's decision shall be final.

Article 64. (Amended, SG No. 13/2017, effective 7.02.2017) (1) Inmates exhibiting good behaviour who have served at least one-fourth but no less than six months of their sentence at a prison or closed prison hostel may, upon the prison director's initiative or upon their own request, be transferred to open prison hostels to serve the remainder of their sentence.

(2) (Amended, SG No. 63/2017, effective 5.11.2017) The prison director shall issue an order, with reasons stated therein, after taking into account the opinions of the head of the social and reformatory work unit, the deputy security chief and the director of the relevant prison hostel on the convict's behaviour while serving his/her sentence, subject to the requirement under Article 43(4). A copy of such order shall be served to the convict, which he/she shall acknowledge by his/her signature, and shall be forwarded to the prosecutor supervising the enforcement of his/her sentence.

(3) In such transfer order, the prison director shall determine the regime of sentence service as provided for in Article 65.

(4) Such order shall be subject to challenge within 14 days of being served as provided for by the Administrative Procedure Code before the administrative court exercising jurisdiction over the location where the sentence is served, through the prison director. The court's decision shall be final. Where the court does not grant the appeal, a further transfer request may not be submitted prior to the lapse of 6 months of the entry into effect of the order.

Article 64a. (New, SG No. 13/2017, effective 7.02.2017) Inmates serving a sentence at an open prison hostel may be transferred to a prison or to a closed prison hostel where:

1. they grossly or systematically breach the established order;
2. there is evidence that they are preparing to escape or to commit another crime;
3. they systematically shirk work;
4. they exert a bad influence on others.

(2) The transfer referred to in Paragraph (1) shall be effected by the district court exercising jurisdiction over the location where the sentence is served on a proposal by the prison director after the opinions of the persons referred to in Article 64(2) are taken into account.

(3) The district court, sitting in a single-judge panel, shall decide the issue with a ruling, which shall be unappealable.

(4) After drawing up a transfer proposal, the prison director may order the transfer of the convict to a prison or closed prison hostel awaiting the court's ruling.

Section V

Treatment Regime at Places of Deprivation of Liberty

Article 65. (1) The treatment regime at the places of deprivation of liberty shall facilitate implementation of the objectives of the penal sanction.

(2) Low-security, medium-security and special security regime shall be applied at prisons and at closed prison hostels.

(3) Low-security and minimum-security regime shall be applied at open prison hostels.

Article 66. (1) (Supplemented, SG No. 13/2017, effective 7.02.2017) The prison director may replace the initial security regime with the regime of the next lower security level after service, inclusive of allowance for the working days, of one-fourth of the sentence as imposed or as reduced by a pardon but not less than six months, subject to the condition that the person deprived of his or her liberty exhibits good behaviour and demonstrates that he or she is reforming.

(2) (New, SG No. 13/2017, effective 7.02.2017) The prison director shall issue an order, with reasons stated therein, after taking into account the opinions of the head of the social and reformatory work unit, the deputy security chief or the director of the relevant prison hostel on the convict's behaviour while serving his/her sentence. A copy of such order shall be served to the convict, which he/she shall acknowledge by his/her signature, and shall be forwarded to the prosecutor supervising the enforcement of his/her sentence. Such order shall be subject to challenge by protest within 14 days of being served as provided for by the Administrative Procedure Code before the administrative court exercising jurisdiction over the location where the sentence is served. The court's decision shall be final.

(3) (Renumbered from Paragraph (2), SG No. 13/2017, effective 7.02.2017) Where a person, deprived of his or her liberty, is serving two or more than two sentences in respect of which a cumulative penal sanction cannot be assigned, the minimum referred to in Paragraph (1) shall be calculated considering the sum total of the penal sanctions but not more than deprivation of liberty for thirty years.

(4) (Renumbered from Paragraph (3), SG No. 13/2017, effective 7.02.2017) A further replacement of the treatment regime by the regime of the next lower security level may not be decreed before service of less than six months after the last preceding replacement.

Article 67. (1) (Amended, SG No. 13/2017, effective 7.02.2017) The security regime may be replaced by the regime of the next higher security level where the inmate concerned grossly or systematically breaches the established order, systematically shirks work, or exerts a bad influence on others:

1. within the initial security regime determined by the court – by an order by the prison director, with reasons stated therein, upon his/her own initiative or upon a proposal by the deputy security chief, the head of the social and reformatory work unit or the director of the relevant prison hostel; the prison director shall require the opinions of each of the persons listed above;

2. into the regime of the next higher security level than the initial security regime determined by the court – by the district court exercising jurisdiction over the location where the sentence is served, on a proposal by the prison director.

(2) (New, SG No. 13/2017, effective 7.02.2017) The order referred to in Item 1 of Paragraph (1) shall be subject to challenge within 14 days of being served before the administrative court exercising jurisdiction over the location where the sentence is served. The court, sitting in a single-judge panel, shall decide the issue with a ruling, which shall be unappealable.

(3) (New, SG No. 13/2017, effective 7.02.2017) Where a special security regime has been determined as provided for by Item 1 of Paragraph (1), Article 198(3) shall apply.

(4) (Renumbered from Paragraph (2), SG No. 13/2017, effective 7.02.2017) Having been replaced by a regime of a higher security level, the treatment regime may be replaced by a regime of a lower security level after the lapse of six calendar months from the placement of the person deprived of his or her liberty under a regime of a higher security level.

(5) (Amended, SG No. 32/2016, renumbered form Paragraph (3), SG No. 13/2017, effective 7.02.2017) Any seriously sick persons deprived of their liberty, who have been assigned a special security or a medium-security regime, as well as any pregnant and breast-feeding women, who have been assigned a medium-security regime, shall be placed under a low-security regime by order of the director of the prison for the duration of their condition.

Article 68. (1) (Amended, SG No. 13/2017, effective 7.02.2017) On a proposal by the prison director, the district court exercising jurisdiction over the place of implementation of the penal sanction may assign a special security regime to persons deprived of their liberty who are placed at a prison or at a closed prison hostel, where they grossly or systematically breach the established order, exert a bad influence on the rest of the persons deprived of their liberty, and pose a credible risk to the safety thereof.

(2) A special security regime may be assigned to women deprived of their liberty solely as an initial regime.

(3) (New, SG No. 13/2017, effective 7.02.2017) Where a special security regime has been determined as provided for by Paragraph (1), Article 198(3) shall apply.

Article 69. (1) (Amended, SG No. 13/2017, effective 7.02.2017) Upon the transfer of any persons deprived of their liberty from an open prison hostel to a prison or to a closed prison hostel, the court, acting on a proposal by the prison director, may decree that the sentenced person serve the sentence under a medium-security regime.

(2) (Amended, SG No. 13/2017, effective 7.02.2017) Unless a proposal for replacement of the treatment regime by a medium-security regime has been submitted by the prison director or should the court refuse to grant the said proposal, upon the transfer of the sentenced person to a prison or to a closed prison hostel, the said person shall be placed under a low-security regime.

(3) (Repealed, SG No. 13/2017, effective 7.02.2017).

Article 70. (1) The minimum-security regime may not be assigned as an initial regime.

(2) If the sentenced person is serving a sentence at an open prison hostel under a minimum-security regime, the said person may be transferred to a prison or to a closed prison hostel solely if the treatment regime thereof is replaced by a low-security regime.

Article 71. (1) At the prisons and at the closed prison hostels, the persons deprived of their liberty shall be placed under close supervision and security, shall work solely within the perimeter of the relevant prison or prison hostel and, as an exception, at stand-alone secured sites outside that perimeter.

(2) Persons deprived of their liberty under a special security regime shall be accommodated on permanently locked premises under close supervision and security.

(3) (New, SG No. 103/2012, amended, SG No. 13/2017, effective 7.02.2017) Persons sentenced to life imprisonment and life imprisonment without commutation who have been placed under medium-security regime shall be accommodated on permanently locked premises, under close supervision and security, except in the cases referred to in Article 198, Paragraph 4, which allow accommodation on premises shared with the rest of the persons deprived of their liberty.

Article 72. (1) (Supplemented, SG No. 103/2012) Persons deprived of their liberty who serve a sentence at open prison hostels shall be placed under relaxed supervision and may work outside the perimeter of the hostel unguarded. They may have visits without fences, with free access to visitors.

(2) By order of the Chief Director of the Chief Directorate of Implementation of Penal Sanctions, particular persons deprived of their liberty may be allowed to spend the night at the work sites outside the hostel. Control and verification in such cases shall be assigned to the director of the relevant hostel.

(3) Persons deprived of their liberty, who serve the sentence at open prison hostels, may:

1. use medical care at the medical-treatment facilities outside the places of deprivation of liberty, including in-patient treatment unguarded;

2. attend cultural, sports, religious and other events taking place in the nucleated settlement where the hostel is located, according to a procedure established by the director of the hostel;

3. study at schools located at the same place as the hostel, including being enrolled in courses for attainment of specialist qualifications or for upgrading the qualification together with the free citizens.

Section VI

(Repealed, SG No. 13/2017, effective 7.02.2017)

Penal Sanctions Implementation Board

Article 73. (Amended, SG No. 32/2016, repealed, SG No. 13/2017, effective 7.02.2017).

Article 74. (Amended, SG No. 32/2016, repealed, SG No. 13/2017, effective 7.02.2017).

Chapter Nine

LEGAL STATUS OF PERSONS DEPRIVED OF THEIR LIBERTY. MEANS OF MAINTAINING ORDER AND DISCIPLINE AT PLACES OF DEPRIVATION OF LIBERTY

Section I

Rights and Duties of Persons Deprived of their Liberty

Article 75. Persons deprived of their liberty may enjoy the rights thereof with the exception of the rights:

1. whereof they are deprived by a sentence;
2. which are withdrawn therefrom or which are expressly restricted by a law;
3. whereof the exercise is incompatible with the implementation of the penal sanction.

Article 76. (1) Persons deprived of their liberty may request information on:

1. questions concerning the execution of the sentence;
2. the length of the served portion of the sentence;
3. (amended and supplemented, SG No. 103/2012) the possibilities for relaxation of the conditions of service of the sentence, including early release and conditional early release.

(2) (Supplemented, SG No. 103/2012) Persons deprived of their liberty may consult a lawyer of their choice. They may meet the lawyers in private at any time of day or night, may correspond without restrictions and may use telephone communications at any time of the day.

(3) The meetings of persons deprived of their liberty with lawyers may be watched, but their conversations may not be listened to and recorded.

Article 77. (1) During the service of the sentence, persons deprived of their liberty shall have the right to suitable work.

(2) As far as possible, the preference of the person deprived of his or her liberty for a particular kind of work shall be satisfied.

(3) Participation in work activity shall be encouraged and shall be taken into consideration in determining the degree of correction and re-education.

Article 78. (1) For any work other than voluntary unpaid work and order-keeping and cleaning duties, the persons deprived of their liberty shall be paid a fixed portion but not less than 30 per cent of the remuneration earned.

(2) The portion of the remuneration, referred to in Paragraph (1), shall be fixed by order of the Minister of Justice.

(3) Deductions may be withheld from the remuneration accruing to persons deprived of their liberty according to the effective laws which, however, may not exceed two-thirds of the remuneration appertaining thereto. This limitation shall not apply to any deductions under an obligation for maintenance.

Article 79. (1) The duration of the working day of persons deprived of their liberty shall be fixed in conformity with the provisions of labour legislation. Persons deprived of their liberty shall enjoy reduced working hours on an equal footing with the relevant categories of workers and employees.

(2) Performance of overtime work shall be permitted by order of the Chief Director of the Chief Directorate of Implementation of Penal Sanctions up to the length established in the labour legislation.

(3) With the consent of the persons deprived of their liberty, the Chief Director of the Chief Directorate of Implementation of Penal Sanctions may allow specific groups of persons deprived of their liberty to work a six-day working week. In such cases, work during the sixth working day shall not be considered overtime work.

(4) Persons deprived of their liberty shall be entitled to a minimum uninterrupted daily rest period of 12 hours and to a minimum uninterrupted weekly rest period of 38 hours or, in uninterruptible production processes or when the pattern of shift work changes, to a minimum of 24 hours.

(5) (Supplemented, SG No. 103/2012) Persons deprived of their liberty shall not work on holidays except for those employed in the service and household maintenance industries, as well as in the cases of disasters and accidents, whereupon the work performed shall be considered overtime work.

Article 80. (1) (Amended, SG No. 103/2012) With their express written consent, persons deprived of their liberty may be assigned voluntary unpaid work by the prison administration for:

1. (amended, SG No. 103/2012) spatial renewal, maintenance and cleaning of the premises and the area of the prison facility when not put on order-keeping and cleaning duties;
2. (amended, SG No. 103/2012) spatial renewal, maintenance and conservation of cultural, historical or architectural landmarks, as well as central and local government sites;
3. repairing damage caused by fires and natural disasters, or preventing accidents;
4. organising and holding courses in literacy training, creative, cultural, sports and other pursuits by properly qualified or skilled persons deprived of their liberty;
5. (new, SG No. 103/2012) other activities.

(2) The time during which persons deprived of their liberty have performed voluntary work shall be allowed towards reduction of the term of the sentence.

Article 81. (1) On days of classes, the pupils deprived of their liberty shall be released from work one hour earlier.

(2) (Amended, SG No. 103/2012, SG No. 32/2016) On a one-off basis, the director of the prison may excuse pupils from work for a period not exceeding 30 days, in order that they can prepare for and attend examinations:

1. to complete a school year on an individual or independent study plan;
2. to obtain a degree and/or specialist qualifications.

(3) During the time of excuse from work according to the procedure established by Paragraphs (1) and (2), the persons deprived of their liberty shall enjoy the rights of working prisoners but shall receive no remuneration.

Article 82. (1) The persons deprived of their liberty, who have worked at least eight months during the last preceding ten

months, shall be entitled to annual rest of 14 working days. Those engaged in especially detrimental and hazardous production processes shall be entitled to an additional unpaid rest of a length as fixed for the relevant categories of workers and employees.

(2) (Supplemented, SG No. 103/2012) The time required for use of annual rest shall include the time during which the person deprived of his or her liberty interrupted work by reason of sickness, pregnancy or child-birth, work-related illness or accident.

(3) The time of annual rest of the persons deprived of their liberty shall be allowed as working days.

Article 83. (1) The time during which the persons deprived of their liberty do not work by reason of employment injury or occupational disease shall be allowed as working days.

(2) The provision of Paragraph (1) shall not apply to any persons deprived of their liberty who have deliberately caused a disorder of the health thereof.

(3) Women deprived of their liberty shall be entitled to rest in the case of pregnancy and child-birth in the lengths established for the paid leave of female workers and employees. The time of the said rest shall be allowed as working days.

Article 84. (1) (Amended, SG No. 103/2012) On a proposal by the Minister of Justice, the Council of Ministers shall adopt an ordinance, setting out standards of an annual budget maintenance per person deprived of his or her liberty.

(2) Persons deprived of their liberty shall be entitled to:

1. free food, sufficient in chemical and caloric composition, according to tables endorsed by the Minister of Justice in consultation with the Minister of Health and the Minister of Finance;

2. a minimum uninterrupted diurnal period of sleep of eight hours;

3. (amended, SG No. 103/2012) a separate bed and bedding, and, in cases of inmates who do not possess clothing or footwear - free clothing and footwear appropriate for the relevant season, according to tables endorsed by the Minister of Justice;

4. health insurance as from the time of detention; the health insurance contributions of the persons deprived of their liberty shall be for the account of the state budget and shall be remitted through the Ministry of Justice.

(3) Working prisoners shall receive an increased food ration which takes into account the nature of the work performed. Pregnant women and mothers shall receive an enlarged food ration according to a special table during the pregnancy and during ten months after confinement. By direction of the medical officer, the sick shall receive dietetic food.

Article 85. (1) Pregnant and breast-feeding women shall be under systematic medical control and shall be accommodated on appropriately furnished premises satisfying the necessary requirements of hygiene.

(2) (Amended, SG No. 32/2016) Until attainment of the age of one year, the children of women deprived of their liberty may remain with the mothers thereof at the creche with the prison.

Article 86. (1) Persons deprived of their liberty shall be entitled to:

1. at least one hour of outdoor time per day;

2. visits: not less frequently than twice every month;

3. correspondence;

4. sums of money disposable for meeting their personal needs;

5. telephone communications according to a procedure and a manner determined by the Chief Director of the Chief Directorate of Implementation of Penal Sanctions.

(2) (Supplemented, SG No. 103/2012, SG No. 13/2017, effective 7.02.2017) For a period of up to 6 months, the director of the prison or of the prison hostel may refuse permission for visits, correspondence or telephone communications to persons who exert a bad influence on the person deprived of his liberty, with the exception of such contacts with descendants, ascendants, spouses, siblings, defence counsel or representing counsel or with a cohabiting partner.

(3) (New, SG No. 13/2017, effective 7.02.2017) Inmates' correspondence shall not be subject to written content control, unless required to uncover and prevent serious crimes.

(4) (Renumbered from Paragraph (3), SG No. 13/2017, effective 7.02.2017) During the visits, the persons deprived of their liberty may receive food and articles which they have the right to use and to keep.

(5) (New, SG No. 13/2017, effective 7.02.2017) Inmates serving their sentence at a penitentiary establishment which is not as near their permanent residence as possible may benefit from more favourable visiting and phone call conditions as determined by an order by the Director General of the Enforcement of Sentences Directorate General.

Article 87. Persons deprived of their liberty shall be entitled to receive and to read newspapers, magazines and books, and to study foreign languages. They may listen to radio transmissions and watch television programmes according to a procedure, established by the director of the relevant place of deprivation of liberty.

Article 88. (1) Persons deprived of their liberty shall be entitled to create and to publish original works of authorship thereof.

(2) During the leisure time thereof, persons deprived of their liberty may engage in creative pursuits.

(3) Noted experts may be allowed to engage in creative pursuits only according to a procedure established by the Minister of Justice. This time shall be allowed as working days.

(4) In respect of the inventions, innovations, literary and artistic works thereof, persons deprived of their liberty shall receive royalties to the full amount and shall enjoy the rest of the rights provided for in the relevant laws.

Article 89. (1) Persons deprived of their liberty may contract a civil marriage

(2) (Amended, SG No. 103/2012) Where the marriage has to be solemnised at the place of deprivation of liberty, the time and place shall be determined by the relevant director.

Article 90. (1) Persons deprived of their liberty may lodge requests and complaints, as well as present themselves in person before the director of the prison, reformatory or prison hostel.

(2) Acting on an express written authorisation, lawyers and non-governmental organisations may lodge requests and complaints on behalf of persons deprived of their liberty.

(3) (Amended, SG No. 103/2012) Any postage expenses incurred for the correspondence of a person deprived of his or her liberty shall be met by that person.

(4) (New, SG No. 103/2012) For persons deprived of liberty which are ascertained to have no means, the correspondence costs shall be met by the place they are deprived of liberty.

(5) (Renumbered from Paragraph 4, SG No. 103/2012) Any re-lodged requests and complaints shall be considered if they state new circumstances.

(6) (Renumbered from Paragraph 5, SG No. 103/2012) Persons deprived of their liberty shall not incur disciplinary liability for the requests and complaints lodged.

Article 91. (1) Persons deprived of their liberty may be photographed, filmed or recorded by the mass communication media solely with their consent.

(2) Persons deprived of their liberty may lodge requests and complaints to print and electronic media and meet with journalists.

(3) (Amended, SG No. 32/2016) Members of electronic and print media may be admitted to the places of deprivation of liberty and may interview sentenced persons with the permission of the director of the prison.

(4) Any denials of such permission shall be appealable before the Chief Director of the Chief Directorate of Implementation of Penal Sanctions.

(5) Shooting of advertising video clips, fashion shows and motion picture productions shall not be allowed within the perimeter of the places of deprivation of liberty.

(6) Music videos may be shot solely on original works of authorship of persons deprived of their liberty.

Article 92. (1) Persons deprived of their liberty shall be mandatorily searched upon:

1. entry into and exit from the place of deprivation of liberty;
2. leaving for and returning from the work sites;
3. confinement to and release from a disciplinary cell;
4. going to and returning from a visit;
5. admission to and discharge from a hospital facility;
6. (repealed, SG No. 103/2012).

(2) (Amended, SG No. 32/2016) For prevention of criminal offences and of other violations, persons deprived of their liberty may be searched with the permission of the director of the prison.

(3) (Amended, SG No. 32/2016) Where the director of the prison is absent, the permission for a search shall be granted by the chief of the on-duty unit.

Article 93. (1) Persons deprived of their liberty may not be searched in a humiliating manner.

(2) A search shall be conducted by specially trained officials who are of the same sex as the person deprived of his or her liberty.

(3) A search of the private parts of the person deprived of his her liberty may be conducted solely by a medical official.

Article 94. (Supplemented, SG No. 103/2012, amended, SG No. 32/2016) Office holders and members of the public who enter a prison may be searched solely by an express order made in speech or writing by the director according to a procedure established by the Regulations for Application of this Act, where there is reason to believe that the said persons bring in prohibited articles.

Article 95. (1) Dormitories, work premises and other premises at the places of deprivation of liberty shall be searched by security personnel members in the presence of persons deprived of their liberty or of a representative thereof, who are accommodated on the relevant premises or use them.

(2) Memorandums on the searches of persons and premises as carried out shall be drawn up, stating the results of the conduct of the said searches. The said memorandum shall be signed by the official and by the person deprived of his or her liberty.

(3) (New, SG No. 103/2012) In the cases referred to in Article 92, Paragraph 1, Item 1, where persons deprived of their liberty leave and enter the prison facility multiple times during the day for house-keeping and other maintenance purposes, searches shall be recorded in a special diary, and no search memoranda shall be drawn up, except where objects and articles are found which may not be owned, kept and used.

(4) (Renumbered from Paragraph 3, SG No. 103/2012) The provisions of the Criminal Procedure Code shall apply to any unregulated cases upon conduct of searches of persons and premises.

Article 96. Persons deprived of their liberty shall be obligated:

1. to perform the work assigned thereto by the administration;
2. to exercise care for the conservation of property;
3. to comply with the rules, established for them;
4. to fulfil strictly the directions and orders of the competent officials;
5. to co-operate upon checks for use of alcohol, narcotic drugs and intoxicating substances.

Article 97. Persons deprived of their liberty may not:

1. (supplemented, SG No. 103/2012) bring in and keep any unauthorised articles, and in cases of inmates placed in closed facilities, including money;
2. (amended, SG No. 103/2012, supplemented, SG No. 13/2017, effective 7.02.2017) receive, borrow, sell, purchase, present as a gift and exchange with other persons deprived of their liberty any articles in their possession;
3. (supplemented, SG No. 73/2010, amended, SG No. 103/2012) possess, use or keep arms, ammunition, explosives and pyrotechnical products, including hand-made ones, as well as a mobile telephone, a still camera, audio and video recording devices or parts thereof;
4. engage in physical or mental violence, including for settlement of conflicts that have arisen therebetween;
5. use alcoholic beverages and narcotic drugs;
6. play any games, which violate the internal order, the rights of the rest of the persons deprived of their liberty or good morals, or which are organised for the purpose of obtaining onerous services;
7. receive and possess printed and other materials of pornographic content or professing national, ethnic, racial or religious hatred;
8. stage rallies and group protests;
9. hold meetings, which are not authorised by the administration;
10. move inside and outside the perimeter of the places of deprivation of liberty contrary to the established procedure;
11. (new, SG No. 13/2017, effective 7.02.2017) impede the monitoring of the premises where they reside or otherwise hamper the work of the staff in charge of monitoring their behaviour.

Section II

Encouragement Measures and Disciplinary Punishments

Article 98. (1) For markedly disciplined behaviour, for cooperation exhibited in the performance of social and correctional-education actions, for success achieved in work, sports, morale support activities and other commendable performance, persons deprived of their liberty may be encouraged by:

1. a letter of commendation;
2. striking off or cancellation of a disciplinary punishment as imposed;
3. an additional food parcel;

4. a cash prize or a merchandise award;
5. an extended visit for a period of up to four hours;
6. a visit with relatives outside the prison, prison hostel or reformatory for a period of up to 12 hours;
7. a monthly home leave of up to two days;
8. a home leave of up to five days;
9. use of the annual rest outside the open prison hostels.

(2) Persons deprived of their liberty may receive one food parcel per month. An additional food parcel may be allowed as a privilege in its own right or upon use of a visit or a home leave.

(3) A cash prize shall be allowed for spending on personal needs of funds in excess of the minimum monthly wage which persons deprived of their liberty have at their disposal. A cash prize may not exceed BGN 200 for a period of one to three months.

(4) The monthly visits with persons deprived of their liberty shall last for up to 40 minutes. Extended visits shall take place on expressly furnished premises.

(5) Visits outside the relevant place of deprivation of liberty may be allowed as a privilege to persons deprived of their liberty who serve a sentence at an open prison hostel or are placed under a low-security regime and serve a sentence at a prison or at a closed prison hostel.

(6) A monthly home leave of up to two days may be allowed as a privilege to persons deprived of their liberty who serve a sentence at an open prison hostel. Persons deprived of their liberty under a minimum-security regime shall use the monthly home leave of up to two days by right.

(7) Use of the annual rest outside the open prison hostel may be allowed as a privilege to persons deprived of their liberty under a minimum-security regime. The privilege shall include use of the entire length of the annual rest or a part thereof, determined by the director of the prison concerned.

(8) Persons deprived of their liberty under a medium-security regime shall not be eligible for the privilege of a home leave of up to five days unless they have served more than one year of the sentence imposed thereon.

(9) Persons deprived of their liberty, who serve the sentence under a special security regime, shall not be eligible for the privilege of home leave.

Article 99. (1) (Amended, SG No. 32/2016) Privileges shall be conferred by order of the Director of the prison and those referred to in Article 98, paragraph 1, Items 1 to 6 herein by order of the Director of the prison hostel or the reformatory as well. The Chief Director of the Chief Directorate of Implementation of Penal Sanctions may confer all privileges provided for in this Act.

(2) The time during which persons deprived of their liberty use a home leave or an annual rest shall be allowed against the service of the sentence.

(3) If any information is received of the commission of criminal offences or evasion of the service of the sentence during the time of use of the privilege of home leave or annual rest, the home leave or the annual rest shall be terminated by order of the director of the prison, who shall immediately notify the prosecutor.

Article 100. (1) A breach of discipline shall be any act or omission performed culpably by persons deprived of their liberty, whereby the internal order is violated, the property is damaged or personnel members of persons deprived of their liberty are physically injured or insulted.

(2) The following shall qualify as a breach of discipline:

1. any non-compliance with the order and discipline on the premises or at the workplace;

2. any non-fulfilment or inadequate fulfilment of tasks assigned and orders given by the competent officials;
3. any gross breach of hygiene in the dormitories and on the premises for shared use, as well as of the occupational safety rules;
4. any late return after the home leave or the suspension, as well as any use of the time for suspension of the service of the sentence for a purpose other than intended;
5. any non-fulfilment of duties or any non-compliance with the restrictions provided for in this Act;
6. any attempted escape or evasion from the places of deprivation of liberty or the work sites;
7. (amended, SG No. 103/2012) any physical assault upon personnel members or other persons deprived of their liberty, including a threat of assault;
8. (new, SG No. 103/2012) any attempt to smuggle into the prison, reformatory or prison hostel arms, narcotic substances or other articles which could potentially be instrumental in a breakout or an assault.

(3) Where the breach of discipline committed contains elements of an indictable offence, parallel to the imposition of a disciplinary punishment, the case file shall be transmitted to the competent prosecution office.

Article 101. The following disciplinary punishments shall be imposed:

1. a caution in writing;
2. an extra cleaning duty for a period of up to seven days;
3. cancellation of a privilege which has not been used;
4. exclusion from association undertakings inside and outside the places of deprivation of liberty;
5. deprivation of a food parcel for a period of up to three months;
6. withdrawal of the right to a monthly home leave for the persons deprived of their liberty serving a sentence at open prison hostels, for a period of up to three months;
7. solitary confinement to a disciplinary cell for a period of up to 14 days;
8. (supplemented, SG No. 103/2012) solitary confinement to a disciplinary cell outside working time or study time, on non-working days and holidays for an aggregate period of up to 14 days in the course of up to three months.

Article 102. (1) In awarding a disciplinary punishment, account shall be taken of the nature and gravity of the breach, the attitude of the person deprived of his or her liberty to the said breach, the behaviour of the said person prior to the breach, and the health status of the said person.

(2) (New, SG No. 13/2017, effective 7.02.2017) The disciplinary sanctions under Items 7 and 8 of Article 101 may only be imposed where a disciplinary offence under Items 4, 6, 7 or 8 of Article 100(2) or systematic offences under Items 1, 2, 3 or 5 of Article 100(2) have been committed.

(3) (Renumbered from Paragraph (2), SG No. 13/2017, effective 7.02.2017) Considering the health status of the offender, the execution of the disciplinary punishment as imposed may be deferred until the recovery thereof.

Article 103. (1) (Amended, SG No. 103/2012) During the time of stay in a disciplinary cell, persons deprived of their liberty shall forfeit the right to receipt of food parcels.

(2) The conditions in the disciplinary cell and the articles which the punishees may keep and use shall be determined by the Regulations for Application of this Act.

Article 104. (1) (Amended, SG No. 32/2016, supplemented, SG No. 13/2017, effective 7.02.2017) Disciplinary

punishments shall be imposed by an order by the prison director, with reasons stated therein, and in the events under Article 193, by the Director of the reformatory as well.

(2) (Amended and supplemented, SG No. 103/2012) The directors of prison hostels may impose the disciplinary punishments referred to in Items 1 to 6 of Article 101 herein, or, for a period of 5 days, those referred to in Items 7 and 8 of Article 101 herein.

(3) The Chief Director of the Chief Directorate of Implementation of Penal Sanctions may impose all punishments provided for in this Act.

Article 105. (1) Before imposition of a punishment, the offender shall mandatorily be given a hearing.

(2) A person deprived of his or her liberty may not be punished more than once for the same breach.

Article 106. (1) (Amended, SG No. 103/2012) Disciplinary punishability shall expire by the lapse of one year after commission of the breach or two months after detection of the said breach.

(2) Executability of a disciplinary punishment as imposed shall expire by the lapse of three months after the issuing of the order.

(3) (Amended, SG No. 13/2017, effective 7.02.2017) The periods, referred to in Paragraphs (1) and (2), shall be interrupted by a deferral of the execution of the disciplinary punishment as imposed according to the procedure, established by Article 102 (3) herein.

(4) If two or more punishments of solitary confinement to a disciplinary cell have been imposed on a person deprived of his or her liberty and none of the said punishments has been suffered, the stay of the person deprived of his or her liberty in the disciplinary cell may be extended to up to 20 days but to not more than the aggregate number of days whereby he or she has been punished.

Article 107. (1) (Supplemented, SG No. 103/2012) The execution of a disciplinary punishment as imposed may be suspended conditionally for a period of up to three months if no disciplinary punishments have been imposed on the person deprived of his or her liberty during the last preceding six months pursuant to Article 101, Items 7 and 8, and if the probation period following the previous punishment has expired.

(2) If a punishee commits another breach during the designated probation period, the said punishee shall undergo the suspended punishment separately as well. Otherwise, the said punishee shall be considered unpunished.

Article 108. If a person deprived of his or her liberty exhibits good behaviour while undergoing a punishment, the director of the relevant place of deprivation of liberty may remit the remainder of the punishment as imposed.

Article 109. (1) If a person deprived of his or her liberty has not committed another breach of discipline within one year after undergoing a disciplinary punishment, the said person shall be considered unpunished.

(2) (Amended, SG No. 13/2017, effective 7.02.2017) Where an inmate has been punished for a breach within the period specified in Paragraph (1), his/her record shall be considered to be clear of punishments if he/she does not commit another breach within two years after serving the period of the latest punishment.

Article 110. (1) (Amended, SG No. 32/2016) Orders for disciplinary action issued by the heads of prison hostels and reformatories may be challenged before the Director of the prison. The orders issued by the Director of the prison may be appealed before Chief Director of Chief Directorate of Implementation of Penal Sanctions, and in the cases under Article 104 (3), before the Minister of Justice. The orders shall be appealed within 7 days from delivering the order to the person deprived of liberty.

(2) An appeal under Paragraph (1) shall be lodged care of the authority who imposed the disciplinary punishment. Any appeal lodged after expiry of the time limit shall be returned to the lodger upon signed acknowledgement and shall be left without

consideration.

(3) (Amended and supplemented, SG No. 32/2016) An appeal shall not stay the execution of the order on punishment, unless the Minister of Justice, Chief Director of Chief Directorate of Implementation of Penal Sanctions or the Director of the prison orders otherwise.

(4) (Amended and supplemented, SG No. 32/2016) The Minister of Justice, Chief Director of the Chief Directorate of Implementation of Penal Sanctions and the Director of the prison shall pronounce on an appeal within one month after the receipt thereof.

(5) (New, SG No. 32/2016) The authority competent to examine the appeal shall decide by reasoned decision whereby:

1. cancelling the order;
2. rejecting the appeal and confirming the challenged order;
3. cancelling the order and returning the file to the authority that issued the order with additional instructions.

Article 111. (1) (Amended, SG No. 32/2016, SG No. 13/2017, effective 7.02.2017) Any order imposing a disciplinary punishment of solitary confinement to a disciplinary cell shall be subject to challenge before the administrative court exercising jurisdiction over the location of the prison within three days after the announcement of such order.

(2) The appeal referred to in Paragraph (1) shall be lodged care of the authority who imposed the disciplinary punishment and who may revoke the order on his or her own initiative. If the said authority does not revoke the said order, the said authority shall transmit the said order to the court within three days together with the relevant records.

(3) The court, sitting in a single-judge panel, shall hear the case immediately but not later than three days after receipt of the records, securing the appearance of the authority who issued the order, the appellant or a defence counsel thereof. Non-appearance of the authority who issued the order and of the defence counsel without a valid reason shall be no impediment to hearing of the case. The case shall be heard in the absence of the appellant should the said appellant state that he or she does not wish to appear, or should the appearance of the appellant be precluded on health grounds.

(4) (Amended, SG No. 103/2012) The appeal shall not prevent the punishment order from being carried out, unless the court rules otherwise.

(5) (New, SG No. 103/2012, amended, SG No. 13/2017, effective 7.02.2017) The court shall consider all circumstances pertaining to the legality of the order and shall pass a decision which shall be announced to the parties at a court session and may not be appealed against.

(6) (New, SG No. 103/2012, amended, SG No. 13/2017, effective 7.02.2017) In its decision, the court may:

1. uphold the order;
2. overturn the order;
3. overturn the order and return the case file to the authority which issued the order, enclosing mandatory guidelines concerning compliance with the law.

Section III

Restraints. Use of Force, Auxiliary Means and Arms

Article 112. (1) Upon discharge of the official duties thereof, the civil servants of the places of deprivation of liberty may use physical force, auxiliary means and arms unless observance of order and discipline cannot be achieved otherwise.

(2) For personal safety in the discharge of the official duties thereof, the civil servants of the places of deprivation of liberty may

use helmets, shields, body armour vests and other personal protective equipment in operational service at the Ministry of Interior.

Article 113. (1) (Supplemented, SG No. 13/2017, effective 7.02.2017) Civil servants at penitentiary establishments may use physical force, only where absolutely necessary, in the following cases:

1. when confronted by open defiance and/or a refusal to obey a lawful direction or prohibition;
2. when confronted by physical resistance, attack or assault involving use of deadly force against the officers or against another person;
3. to prevent an escape when apprehending or escorting a person deprived of his or her liberty, should the said person offer resistance or refuse to obey.

(2) The use of physical force shall include, inter alia, application of martial art techniques.

Article 114. (1) (Supplemented, SG No. 13/2017, effective 7.02.2017) Use of aids shall be admissible only where absolutely necessary, if the required effect cannot be achieved by use of physical force:

1. for the release of hostages;
2. for recovery of captured buildings and premises, facilities and means of transport;
3. for frustration of a group attack and barricading or for halting a disturbance or another type of aggressive behaviour;
4. (amended, SG No. 13/2017, effective 7.02.2017) upon detention of an inmate;
5. where, as a result of a mental disorder or depression, there is a risk of a person deprived of his or her liberty attempting to commit suicide or to kill or injure another person.

(2) Auxiliary means shall be: handcuffs, restraint belts, rubber, plastic, assault and stun batons and electroshock devices, blank cartridges, rubber-bullet and ballplast cartridges, baton rounds, flash and noise diversion devices, devices for forced entry of premises, police dogs, water cannon and air jet machines and other, which are approved by the Minister of Interior and are in operational service at the Ministry of Interior; lachrymators, fettering agents and other chemical substances, endorsed by the Minister of Health.

(3) (New, SG No. 13/2017, effective 7.02.2017) Beyond the cases referred to in Paragraph (1), the use of handcuffs shall also be allowed where it is necessary while escorting an inmate.

Article 115. (1) Use of physical force and auxiliary means shall reckon with the specific situation, the nature of the breach and the person of the offender.

(2) When using physical force and auxiliary means, the civil servants of the places of deprivation of liberty shall be obligated, as far as possible, to safeguard the health and to take all measures for the protection of the life of the persons targeted.

(3) The use of physical force and auxiliary means shall be discontinued immediately after the situation is brought under control.

(4) In respect of persons deprived of their liberty who are of advanced age or with visible physical or mental defects, the use of physical force and auxiliary means shall be admissible solely in the cases of surprise attack, apprehension, release of hostages and recovery of captured areas, as well as upon group disobedience, where all other means have been exhausted.

Article 116. (1) (Supplemented, SG No. 13/2017, effective 7.02.2017) Arms may be used at penitentiary establishments only where absolutely necessary and as a last resort in the following cases:

1. to frustrate an escape;
2. in defence against an attack involving use of deadly or non-deadly force, as well as in the release of a hostage;

3. to repel a group attack or an armed attack.

(2) In respect of juveniles or women deprived of their liberty, arms may be used solely in the case of an armed attack.

Article 117. (1) Physical force, auxiliary means and arms shall be used after an express warning.

(2) Personnel members of the places of deprivation of liberty may use physical force, auxiliary means and arms solely if they have gone through a special course of training.

(3) Following the use of physical force, auxiliary means and arms, the personnel members of the places of deprivation of liberty shall be obligated to give aid to the wounded and injured.

Article 118. (1) Auxiliary means and arms shall be used after direction by the director of the prison, reformatory, prison hostel or detention facility. Out of hours, any such direction shall be given by the commanding officer of the on-duty unit. Upon a surprise attack and in circumstances which have occurred suddenly, the decision shall be made by the personnel member.

(2) A report shall be prepared on any use of physical force, auxiliary means or arms and the competent prosecutor shall be notified immediately.

Article 119. (1) In the event of natural disasters, epidemics, fires, floods, armed attacks and riots at the places of deprivation of liberty, the Minister of Justice may introduce additional restrictive measures for a period not exceeding 30 days.

(2) The additional restrictive measures shall be imposed on a basis of proportionality between the nature of the risk and the nature of the relevant measure and shall include: restriction on or suspension of the access of outsiders to the places of deprivation of liberty, of visits, home leaves, outdoor time, association undertakings, educational, sports, cultural or religious activities.

(3) The special forces of the Ministry of Interior may be approached for assistance for the restoration of order at the places of deprivation of liberty in the cases referred to in Paragraph (1).

(4) (Supplemented, SG No. 81/2016, effective 14.10.2016) The commitment of the special forces of the Ministry of Interior or an official authorised thereby shall be authorised by the Minister of Interior at the request of the Minister of Justice.

Article 120. (1) As a precaution against escape whenever necessary, use of deadly or non-deadly force against other persons, as well as against other criminal offences, by order of the Chief Director of the Chief Directorate of Implementation of Penal Sanctions a person deprived of his or her liberty may be placed in solitary confinement for a period of up to two months with removal from association.

(2) Any such order of the Chief Director of the Chief Directorate of Implementation of Penal Sanctions, referred to in Paragraph (1), shall be appealable before the district court exercising jurisdiction over the place of the prison within three days after the said order has been brought to the notice of the person deprived of his or her liberty under the terms and according to the procedure, established by Article 111 herein.

(3) The competent prosecutor shall be notified of the commencement of the solitary confinement and of the release.

(4) (New, SG No. 103/2012) Before a proposal is made to place a person deprived of his or her liberty in solitary confinement, he or she shall be interviewed by the director of the prison, and the interview shall be reflected in the proposal.

(5) (New, SG No. 103/2012) Where the person deprived of his or her liberty behaves well whilst in solitary confinement or where the circumstances that necessitated solitary confinement no longer obtain, the authority which issued the order shall release him or her from solitary confinement before the period of solitary confinement has expired.

Article 121. (1) Where a person deprived of his or her liberty refuses food and this endangers his or her health or life, the appropriate medical measures shall be taken by direction of the medical officer.

(2) The competent prosecutor shall be notified of the cases, referred to in Paragraph (1).

Article 122. (1) (Amended, SG No. 103/2012) The Minister of Justice shall endorse a list of authorised objects and articles which may be kept and used by persons sentenced and detained pursuant to the Criminal Procedure Code who have been placed in prisons, reformatories and prison hostels.

(2) (Supplemented, SG No. 103/2012, amended, SG No. 32/2016) Any articles and money whereof the holding is not authorised or whereof the owner has not been identified shall be confiscated. Ownership of any such articles and money shall be forfeited in favour of the Prison Service Fund by order of the director of the prison.

(3) Any such order shall be brought to the notice of the person deprived of his or her liberty upon signed acknowledgement of service. The said person may appeal any such order within 14 days after being familiarised therewith under the terms and according to the procedure established by Article 111 herein.

Section IV

Pecuniary Liability Incurred by Persons Deprived of their Liberty

Article 123. (1) (Amended, SG No. 32/2016) For any detriment inflicted on the prison in the course of, or in connection with, the work assigned thereto, unless the act constitutes a criminal offence, the persons deprived of their liberty shall incur pecuniary liability, which shall be limited to the value of the detriment as inflicted but may not exceed the portion of the basic monthly remuneration appertaining thereto for the relevant type of work.

(2) The pecuniary liability shall be enforced notwithstanding the disciplinary liability for the same act.

Article 124. (1) (Amended, SG No. 32/2016) The pecuniary liability, referred to in Article 123 herein, shall be enforced by deductions withdrawn from the remuneration appertaining to the person deprived of his or her liberty in pursuance of an order, issued by the director of the prison within one month after detection of the detriment, inflicted by the prisoner but not later than six months after the infliction of the said detriment.

(2) (Amended, SG No. 32/2016) No deductions may be withdrawn prior to the expiry of 14 days after the date of notification in writing of the person deprived of his or her liberty. Should the said person challenge the grounds or the amount of the indemnity within the same time limit, no deductions shall be withdrawn and the controversy shall be referred by the administration within seven days to the regional court exercising jurisdiction over the place of the prison.

(3) The court, sitting in a single-judge panel, shall pronounce by a decision, which shall be unappealable.

Article 125. Persons deprived of their liberty shall incur pecuniary liability to the full amount for any missing items of clothing, footwear and other articles provided thereto for personal use. The value of the missing articles shall be deducted from the remuneration according to the procedure established by Article 124 (1) herein. In such cases, the provision of Article 124 (2) herein shall not apply.

Article 126. (1) (Amended, SG No. 32/2016) Should a person deprived of his or her liberty inflict any detriment on a third party under the terms of Article 123 (1) herein, the prison shall incur pecuniary liability. Where the third party has assigned work performed by the person deprived of his or her liberty, the liability of the Prison Service State-Owned Enterprise shall be limited to the liability of the person who inflicted the detriment.

(2) (Amended, SG No. 32/2016) In the cases referred to in Paragraph (1), the prison or the Prison Service State-Owned Enterprise may, according to the procedure established by Article 124 herein, withhold the amount paid from the person deprived of his or her liberty or demand restitution of the amount paid but not more than the amount of the limited pecuniary liability incurred by the said person.

Article 127. The provisions of the Labour Code shall apply in respect of any matters concerning the full pecuniary liability and the limited pecuniary liability of persons deprived of their liberty, which are not regulated in this Act.

Chapter Ten

MEDICAL SERVICES AT PLACES OF DEPRIVATION OF LIBERTY

Section I

Medical-Treatment Facilities at Places of Deprivation of Liberty

Article 128. (1) (Supplemented, SG No. 13/2017, effective 7.02.2017) Upon implementation of the penal sanction of deprivation of liberty, conditions shall be created for the protection of the physical and mental health of the persons deprived of their liberty. A medical file shall be drawn up for each inmate, which shall contain information on his/her health status and shall be updated on a regular basis. In case the inmate is transferred to another prison, the medical file shall immediately be forwarded to the receiving local unit.

(2) (Supplemented, SG No. 103/2012, amended, SG No. 15/2013, effective 1.01.2014) Health insurance shall be remitted for all persons deprived of their liberty as from the time of the detention thereof, so they shall be entitled to use public health care. The said contributions shall be for the account of the state budget and shall be remitted through the Ministry of Justice.

(3) The terms and procedure for medical services at the places of deprivation of liberty shall be established by an ordinance, issued by the Minister of Health and the Minister of Justice.

Article 129. (1) Persons deprived of their liberty shall be provided with medical centres and specialized hospitals for active treatment opened at the places of deprivation of liberty according to the procedure, established by Article 5 (1) of the Medical-Treatment Facilities Act.

(2) The medical-treatment facilities, referred to in Paragraph (1), shall be part of the national health care system and the medical care provided thereat shall conform to the general medical standards.

(3) The directions of medical specialists shall be mandatory for the directors of the relevant places of deprivation of liberty. A medical decision shall be made solely in the interest of the health of the person deprived of his or her liberty.

Article 130. (1) There shall be the following medical-treatment facilities at the places of deprivation of liberty:

1. specialised hospitals for active treatment;
2. medical-treatment facilities for non-hospital care: medical centres.

(2) The activity of the medical-treatment facilities at the places of deprivation of liberty shall be coordinated and controlled by the Minister of Justice.

(3) The Minister of Health shall exercise methodological guidance and control over the medical activity of the medical-treatment facilities at the places of deprivation of liberty and shall facilitate the provision of medical and dental care to persons deprived of their liberty.

Article 131. (1) The following units shall be opened in the specialised hospitals for active treatment at the places of deprivation of liberty:

1. a diagnostic and consulting block with consulting and admission offices and laboratories;
2. an in-patient block;
3. a hospital pharmacy;
4. an administration and estate-management block.

(2) The in-patient block shall include wards with beds for hospital treatment of persons deprived of their liberty. Within the wards, there shall be separate sectors for treatment of women deprived of their liberty.

Article 132. (1) The specialised hospitals for active treatment at the places of deprivation of liberty shall treat:

1. persons deprived of their liberty with acute and aggravated chronic diseases, who cannot be treated as outpatients;
2. sick whose life is in danger or whose health status risks deteriorating;
3. persons without an established diagnosis, which requires clinical observation and laboratory tests.

(2) Persons deprived of their liberty from across the country shall be admitted for medical treatment at the specialised hospitals for active treatment.

Article 133. (1) Medical centres shall be established at the prisons, prison hostels and reformatories.

(2) Up to ten beds for short-term medical treatment shall be opened at each medical centre.

Article 134. (1) Medical centres shall provide:

1. emergency medical and dental care;
2. primary medical care;
3. specialist non-hospital medical care;
4. dental services;
5. preventive, rehabilitation, and hygiene and epidemic-control activity to sustain and improve the physical and mental health of persons deprived of their liberty;
6. medical certification of the health status of persons deprived of their liberty.

(2) The director of the medical centre shall be entitled to unimpeded access to the disciplinary cells and the other places of segregated accommodation of persons deprived of their liberty.

(3) The director of the medical centre shall give an opinion and shall prepare medical records on the health status of persons deprived of their liberty.

Article 135. (1) Persons deprived of their liberty shall be sent to medical-treatment facilities outside the places of deprivation of liberty where:

1. there are no conditions for conduct of the required medical treatment at the medical-treatment facilities at the places of deprivation of liberty;
2. infectious diseases have to be treated;
3. consultative examinations or specialised tests are required.

(2) (Amended and supplemented, SG No. 103/2012, amended, SG No. 32/2016) Persons deprived of their liberty shall be

sent for medical treatment to medical-treatment facilities outside the places of deprivation of liberty by order of the director of the prison on a proposal by the director of the specialised hospital for active treatment of persons deprived of their liberty of by the director of the medical centre.

(3) (Amended, SG No. 32/2016) In emergencies or for consultative examinations and specialised tests, the sending shall be effected by oral direction of the director of the prison.

(4) (Amended and supplemented, SG No. 103/2012) The security, transportation and medical treatment of persons deprived of their liberty at medical-treatment facilities outside the places of deprivation of liberty shall be organised and implemented under the guidance of the director of the prison, prison hostel or reformatory.

Article 136. (1) Consultants from other medical-treatment facilities may be recruited for assistance to the medical service of persons deprived of their liberty.

(2) A proposal for a consultation on a specific occasion shall be made by the director of the hospital or the medical centre and shall be endorsed by the director of the relevant place of deprivation of liberty.

Article 137. (1) In case of disagreement with the diagnosis as established or with the medical treatment as prescribed, the person deprived of his or her liberty may, at his or her own expense, request a second opinion from specialists of other medical-treatment facilities. In such case, the consultant shall be afforded access to the requester.

(2) The director of the hospital or of the medical treatment centre shall be obligated to familiarise the relevant specialist with the medical documentation on the case.

(3) The opinion of the specialists of the other medical-treatment facilities shall be of an advisory nature. They may not determine the place where the medical treatment is to be received.

Article 138. (1) There shall be established a medical board with the Chief Directorate of Implementation of Penal Sanctions, which shall:

1. give opinions regarding the existence or non-existence of conditions for medical treatment of persons with health problems in respect of whom a custodial sentence is to be carried into execution;

2. give conclusions on complaints by persons deprived of their liberty regarding medical treatment outside the medical-treatment facilities at the places of deprivation of liberty against refusals to propose or to extend a suspension of the implementation of the penal sanction of deprivation of liberty or modification on health grounds of detention in custody as a precautionary measure to secure the appearance of a person;

3. make proposals for pardon of persons deprived of their liberty on health grounds.

(2) The complement of the medical board, referred to in Paragraph (1), shall be determined by order of the Minister of Justice or a Deputy Minister empowered thereby, in consultation with the Minister of Health.

(3) Consultants from other medical-treatment facilities may be recruited to assist the work of the medical board.

Section II

Preventive Procedures and Guidelines for Medical Services to Persons Deprived of their Liberty

Article 139. (1) (Amended, SG No. 103/2012) Upon admission, each person deprived of his or her liberty shall be subjected to an initial medical examination for assessment of the general health status thereof and sanitary treatment.

(2) (Amended, SG No. 103/2012) Should any traces of violence be detected or information about such traces received, the

person shall be certified and measures shall be taken for the provision of medical care. The case shall be reported immediately to the competent director, who shall notify the prosecutor exercising supervision as to legality.

Article 140. (1) At least once a year, each person deprived of his or her liberty shall be subjected to a preventive examination, fluoroscope and laboratory tests and the scheduled compulsory immunisations and re-immunisations shall be carried out.

(2) All persons deprived of their liberty shall be ensured conditions for voluntary, anonymous or confidential consultation and testing for HIV/AIDS.

(3) Tests for HIV/AIDS may alternatively be prescribed by the director of the hospital or the medical centre. In such cases, the person deprived of his or liberty may refuse to submit to the test.

Article 141. (1) HIV/AIDS-positive persons deprived of their liberty shall be ensured confidentiality of the health status thereof.

(2) The current medical observation, the specialised laboratory tests and the antiviral treatment shall be implemented jointly with the specialised medical-treatment facilities for AIDS.

Article 142. (1) Upon detection of infectious diseases, until sent for medical treatment to specialised medical-treatment facilities, the sick shall be accommodated in segregated premises.

(2) Patients suffering from tuberculosis shall be treated at the pneumo-phthisiatric ward of the specialised hospital for active treatment of persons deprived of their liberty.

Article 143. (1) The persons deprived of their liberty, who wish to submit to a medical examination, shall be received by a doctor within 24 hours.

(2) The sick who are running a temperature, who have sustained injuries or other emergency conditions, shall be received by a doctor immediately at any time.

Article 144. (1) (Amended, SG No. 13/2017, effective 7.02.2017) Inmates confined to a disciplinary cell shall be visited by a medical specialist each working day. The medical examination shall be conducted on site, unless the case requires otherwise.

(2) At the request of the persons referred to in Paragraph (1), the examination shall be implemented immediately.

(3) (New, SG No. 13/2017, effective 7.02.2017) The medical examinations performed shall be documented in written records to be enclosed with the convict's medical file.

Article 145. (1) After use of physical force, auxiliary means or arms, the doctor shall be obligated to provide immediate medical care to the person affected and to record in detail the injuries as inflicted, if any.

(2) In case of self-injury or attempted suicide by persons deprived of their liberty, the necessary medical care shall be provided immediately.

Article 146. (1) Should he or she determine that reasons of a health nature exist, the director of the medical-treatment facility shall recommend:

1. lengthening of the outdoor time or altering the nature of the work assigned;
2. cancelling or deferring the execution of a disciplinary punishment as imposed;
3. admission for medical treatment at a specialised medical-treatment facility.

(2) The ordinance on medical services at the places of deprivation of liberty shall make special provisions for women and

juveniles according to their specific needs and conditions.

Article 147. (1) When mental disorder of a person deprived of his or her liberty is suspected, clinical psychological and psychiatric tests shall be conducted to confirm the diagnosis.

(2) Persons suffering from mental disorders, who need hospital treatment, shall be placed at the specialised hospital for active treatment at the places of deprivation of liberty.

(3) When insanity is detected, the person deprived of his or her liberty shall be sent for medical treatment to a specialised psychiatric facility.

Article 148. Persons deprived of their liberty with dependencies or suicidal episodes shall be kept on record by the psychiatrist and the psychologist inspector. Special treatment programmes shall be prepared for any such persons.

Section III

Supply of Medicines

Article 149. (1) The entire activity comprehended in the supply of medicines shall be directed and controlled by the directors of the medical-treatment facilities at the places of deprivation of liberty.

(2) Medicines producing an intoxicating or narcotic effect shall be dispensed to those in need solely within the limits of the prescribed daily dose.

(3) Persons deprived of their liberty may receive medicines from outside solely with the knowledge of the doctor of the relevant medical-treatment facility and under the control of the said doctor.

Section IV

Health Control and Hygiene at Places of Deprivation of Liberty

Article 150. (1) The medical specialists at the medical-treatment facilities at the places of deprivation of liberty shall perform the duties of health inspectors and shall give directions regarding:

1. the quantity and quality of the food and the quality of the water intended for drinking and household needs;
2. the usability and cleanliness of clothing and bedding;
3. the hygiene and cleanliness of the premises and of the persons deprived of their liberty accommodated thereon;
4. the condition of lighting, heating, sewerage and ventilation of the dormitories and work premises;
5. the health and safety at work provided to the persons deprived of their liberty and the assignment of work suitable for the health status thereof;
6. observance of the epidemic-control mode of operation at the medical-treatment facilities at the places of deprivation of liberty.

(2) (Amended, SG No. 32/2016) Upon detection of any breaches of the requirements of cleanliness and hygiene, the health inspectors shall issue directions for the elimination of these breaches, which shall be mandatory for the directors of the prisons.

Article 151. (1) Persons deprived of their liberty shall be ensured conditions for:

1. hair care and shaving;
2. hands and feet hygiene;
3. bathing: as far as possible, every day but not less frequently than twice a week; after each use of a bathroom, the premise shall be cleaned and disinfected;
4. mandatory change of underwear and bedding at least once a week.

(2) The dormitories and the premises for shared use shall be thoroughly cleaned and disinfected once a month under the control of a medical specialist.

Chapter Eleven

SOCIAL AND CORRECTIONAL-EDUCATION WORK

Article 152. (1) Social and correctional-education work shall be essential tools of resocialisation of persons deprived of their liberty and shall seek to assist the personality change of sentenced persons and the building of skills and abilities for a law-abiding lifestyle in society.

(2) Social and correctional-education work at the places of deprivation of liberty shall include:

1. diagnostic and individual correctional work;
2. (amended, SG No. 103/2012) programmes for intervention, for reduction of the risk of recidivism and of the risk of damage;
3. education, training and qualification of persons deprived of their liberty;
4. creative, cultural and sports pursuits and religious support.

(3) Group and individual social and correctional-education work shall be implemented with persons deprived of their liberty.

Section I

Programmes for Intervention, for Reduction of the Risk of Recidivism and of the Risk of Damage

(Title amended, SG No. 103/2012)

Article 153. (1) (Amended, SG No. 103/2012, SG No. 32/2016) Sentenced persons, accused persons and defendants shall obligatorily be enrolled in a programme for adaptation to the conditions in prisons immediately after they have been admitted to them.

(2) The adaptation programme shall be of a duration of up to three months.

(3) Upon implementation of the adaptation programme, the persons deprived of their liberty shall be provided with information in a language which they understand regarding the objectives and forms of social and correctional-education work at the places of deprivation of liberty.

Article 154. (1) (Amended, SG No. 103/2012) During his or her stay in the reception unit, every sentenced person shall be enrolled in the adaptation programme; an assessment of the risk of recidivism and the risk of damage, as well as an initial

report, shall be prepared.

(2) (Amended, SG No. 103/2012) The initial report shall include:

1. (amended, SG No. 103/2012) an assessment of the risk of recidivism and the risk of damage;
2. causative factors of the risk of recidivism;
3. (amended, SG No. 103/2012) a proposal for remedying personality deficiencies and containing the causative factors of the risk of recidivism and the risk of damage.

(3) (New, SG No. 103/2012, amended, SG No. 13/2017, effective 7.02.2017) Persons with psychiatric and mental problems for whom it is impossible to carry out the diagnostic activities referred to in Paragraph 1 herein shall be subjected to psychiatric and psychological evaluation.

(4) (New, SG No. 103/2012) Accused persons and defendants who have been placed in a reception unit shall be enrolled in the adaptation programme, and an assessment of the risk of damage shall be prepared for them.

(5) (Renumbered from Paragraph 3, amended, SG No. 103/2012) The rules for assessing the risk of recidivism and the risk of damage shall be endorsed by the Minister of Justice.

Article 155. (1) The evaluation of the sentenced person shall be modified depending on the behaviour of the person deprived of his or her liberty.

(2) On the basis of the evaluation of the sentenced person, proposals shall be made for:

1. alteration of the regime of service of the sentence;
2. transfer to a prison facility of a lower security type or, respectively, of a higher security type;
3. conditional early release.

Article 156. (1) (Amended, SG No. 103/2012) After the completion of the adaptation programme, an individual plan for execution of the sentence shall be drawn up for each sentenced person; it shall include intervention activities and programmes for resocialisation of the sentenced person.

(2) The individual plan for execution of the sentence shall be prepared on the basis of:

1. the type and nature of the criminal offence committed;
2. the length of the sentence imposed;
3. (supplemented, SG No. 103/2012) the assessment of the sentenced person and the causative factors of the risk of recidivism and of damage;
4. (amended, SG No. 13/2017, effective 7.02.2017) the initial establishment specified for the service of the imprisonment sentence.

(3) The individual plan for execution of the sentence shall have as an objective:

1. (supplemented, SG No. 103/2012) the enrolment of the sentenced person in programmes and activities for personality change and elimination of the causative factors of the risk of recidivism and of damage;
2. transfer for service of the sentence as imposed to a prison facility of a lower security type;
3. conditional early release.

(4) An annual report on the results of the work under the individual plan for execution of the sentence shall be prepared for each sentenced person.

Article 157. (1) The specialised programmes for individual and group work shall be implemented by the social and correctional-education work inspectors jointly with the personnel members of the rest of the fields of activity, volunteers and suitably trained outside experts.

(2) The specialised programmes shall have as an objective:

1. to motivate and encourage law-abiding behaviour;
2. to increase the social competence and to build behavioural skills;
3. to overcome dependencies;
4. (repealed, SG No. 103/2012).

(3) Participation of sentenced persons in specialised programmes shall be voluntary. Their cooperation in the resocialisation process shall be encouraged.

(4) (Amended, SG No. 13/2017, effective 7.02.2017) The specialised programmes for individual and group work shall be endorsed by the Director General of the Enforcement of Sentences Directorate General.

Article 157a. (New, SG No. 103/2012) (1) (Amended, SG No. 13/2017, effective 7.02.2017) Before they are released, persons deprived of their liberty shall be enrolled in a programme preparing them for life after release.

(2) The life after release programme shall last between one and three months.

(3) In implementing the programme referred to in Paragraph 1 herein, an action plan shall be drawn up for every sentenced person, listing realistic, practical steps to cope with the conditions of life in society after release.

Article 158. Individual work with sentenced persons shall include:

1. provision of information regarding the legal and social status and the possibilities to relax the conditions of serving the sentence;
2. assistance to addressing problem situations and building skills to cope with difficulties;
3. referral to and intermediation with outside organisations for solving particular problems;
4. motivation for active participation and cooperation in the preparation for return to life in society after release.

Section II

Education, Training and Qualification of Persons Deprived of their Liberty

Article 159. (1) Educational, training and qualifying activities, accessible on an equal footing to all persons deprived of their liberty, shall be implemented at the places of deprivation of liberty.

(2) The participation of persons deprived of their liberty in educational, training and qualifying activities shall be taken into consideration in determining the degree of correction and re-education.

Article 160. (1) (Amended, SG No. 68/2013, effective 2.08.2013, SG No. 79/2015, effective 1.08.2016) Schools at the places of deprivation of liberty shall be opened, transformed and closed by the Minister of Education and Science on a proposal by the Minister of Justice. The said schools shall carry out the activity thereof according to the state education standards.

(2) (Amended, SG No. 79/2015, effective 1.08.2016) The school principals and the teachers at the places of deprivation of liberty shall be appointed according to the procedure, established by the Pre-school and School Education Act.

- Article 161.** (1) (Amended, SG No. 79/2015, effective 1.08.2016) The curricula and syllabi shall be approved in accordance with the Pre-school and School Education Act.
- (2) (Amended, SG No. 103/2012, SG No. 68/2013, effective 2.08.2013) The activity of the schools at the places of deprivation of liberty shall be financed by the state budget through the Ministry of Education and Science.
- (3) (Amended, SG No. 68/2013, effective 2.08.2013) A completed education level, an acquired qualification in an occupation or part of an occupation shall be certified by a document, endorsed by the Ministry of Education and Science.
- (4) (New, SG No. 103/2012) In order to meet the needs of schools at places of deprivation of liberty, the Ministry of Justice shall provide and make available premises of its own.

- Article 162.** (1) Persons deprived of their liberty, who have not attained the age of 16 years, shall be subject to compulsory schooling at the schools at the places of deprivation of liberty.
- (2) (Amended, SG No. 79/2015, effective 1.08.2016) Persons deprived of their liberty, aged 16 or above, shall study at the schools under Paragraph 1 at their choice.
- (3) The educational, training and qualification activities at the places of deprivation of liberty shall include:
1. general and vocational education;
 2. vocational training;
 3. literacy and vocational courses;
 4. social education.
- (4) The activities, covered under Paragraph (3), shall be implemented in the following forms:
1. daytime;
 2. evening courses;
 3. extramural;
 4. individual;
 5. self-managed learning.

Section III

Creative, Cultural and Sports Pursuits. Exercise of Freedom of Religion

- Article 163.** (1) Conditions shall be created at the places of deprivation of liberty for creative and cultural pursuits and for development of the physical culture of the persons deprived of their liberty.
- (2) Outside organisations and volunteers may be recruited for implementation of the activities, referred to in Paragraph (1).
- (3) The exchange of creative, cultural and sports events between the places of deprivation of liberty shall be organised and conducted according to a procedure, established by the Chief Director of the Chief Directorate of Implementation of Penal Sanctions.

- Article 164.** (1) As far as possible, each person deprived of his or her liberty shall be ensured conditions for participation in sports games and exercise for one hour per day besides the designated outdoor time.

(2) If the conditions are unfavourable, the sports games and exercise shall be held indoors.

(3) Tourist outings, visits to cultural events and sports events outside the places of deprivation of liberty may be organised for juveniles, women and specific categories of men deprived of their liberty.

Article 165. (1) A library shall be set up at each prison, prison hostel and reformatory, and access thereto shall be ensured to all persons deprived of their liberty.

(2) The library holdings shall be replenished and renewed periodically. The instruments of national and international law, which regulate the activity comprehended in implementation of penal sanctions, shall be arranged in the library and shall be made available for use.

(3) Persons deprived of their liberty shall be afforded an opportunity for subscription to publications of the local and national print media. The service subscription for persons deprived of their liberty shall be endorsed by the Minister of Justice.

Article 166. (1) Persons deprived of their liberty shall be afforded an opportunity to satisfy the needs of their religious life by means of attending religious services and rites, as well to use the relevant literature.

(2) The satisfaction of the needs of religious life may not breach order at the places of deprivation of liberty.

Article 167. (1) Ministers of the religious communities, registered in the Republic of Bulgaria, shall be afforded access to the places of deprivation of liberty.

(2) A clergy persons shall be allowed to meet in private with persons deprived of their liberty.

(3) Persons deprived of their liberty may not be compelled to attend religious services and rites.

(4) Persons professing different religions shall have equal rights.

(5) (Amended, SG No. 32/2016) Ministers of the religious denomination professed by the prevailing number of persons deprived of their liberty who serve a sentence at the respective prison may be appointed to a full-time position at the places of deprivation of liberty.

Section IV

Autonomous Bodies of Persons Deprived of their Liberty

Article 168. (1) Activities at the places of deprivation of liberty shall be carried out with the active and organised participation of the persons deprived of their liberty.

(2) For the activities referred to in Paragraph (1), the persons deprived of their liberty shall elect autonomous bodies, may organise and hold meetings and other community actions with the permission of the competent director of a prison, prison hostel or reformatory.

Article 169. (1) The autonomous bodies of persons deprived of their liberty shall promote the initiative of the sentenced persons in the organisation and conduct of the various activities at the places of deprivation of liberty.

(2) The members of the autonomous bodies shall represent the persons deprived of their liberty in dealings with the administration and shall be elected by secret ballot.

(3) The number of members and the structure of the autonomous bodies shall be endorsed by the director of the prison, prison hostel or reformatory.

Section V

Supervisory Boards

Article 170. (1) Work on the resocialisation of persons deprived of their liberty shall be assisted by representatives of supervisory boards, boards for control of juvenile anti-social behaviour, territorial structures of the Ministry of Labour and Social Policy, civil-society and religious associations, and non-governmental organisations.

(2) (Amended, SG No. 32/2016) The supervisory boards shall be established with the municipal councils. The complement of the said boards shall include a probation officer and a personnel member of the prison.

(3) The complement of the supervisory boards shall be endorsed by the chairperson of the municipal council, who shall direct the activity of the supervisory board either immediately or through a representative thereof.

Article 171. (1) The supervisory boards shall:

1. exercise public control over the operation of the places of deprivation of liberty;
2. assist the resocialisation of persons deprived of their liberty, including through the initiation of social services within the territory of the municipality;
3. make proposals for an alteration of the treatment regime, transfer of persons deprived of their liberty to prison facilities of a lower or higher security type or for conditional early release;
4. make proposals and give opinions on requests for pardon;
5. support the families of persons deprived of their liberty;
6. facilitate the job placement and housing arrangements of releasees from the places of deprivation of liberty.

(2) The members of the supervisory boards may visit the places of deprivation of liberty, interview persons deprived of their liberty, familiarise themselves with the documents they need, request and receive information from the administration of the places of deprivation of liberty.

(3) (Amended, SG No. 32/2016) The proposals and recommendations of the supervisory boards shall be mandatory for the director of the prison. Upon failure to act on a proposal or recommendation of a supervisory board, the matter shall be referred to the Chief Director of the Chief Directorate of Implementation of Penal Sanctions.

(4) The maintenance of the supervisory boards shall be provided by the municipal councils.

Chapter Twelve

WORK AT PLACES OF DEPRIVATION OF LIBERTY

Article 172. (1) The participation of persons deprived of their liberty in work activity shall have as an objective the resocialisation thereof.

(2) The work which a person deprived of his or her liberty must perform shall be determined by the administration within the available opportunities, taking into account the age, sex, health status and working capacity, the requirements of security, the professional qualification and the preferences of the said person.

(3) When organising the work, particular attention shall be paid to the opportunities for upgrading the qualification in respect of the juveniles deprived of their liberty.

Article 173. (1) Persons deprived of their liberty shall work primarily at shops, farms and workshops within the perimeter of the places of deprivation of liberty.

(2) Work at the places of deprivation of liberty shall be organised at an up-to-date level, similar to manufacturing in the relevant branch for enterprises outside the places of deprivation of liberty.

Article 174. (1) Persons deprived of their liberty may work on sites of legal and natural persons under terms and according to a procedure, established by the Minister of Justice.

(2) The legal persons and the sole traders shall be obligated to arrange, at their own expense, healthy and safe working conditions, the requisite conditions of hygiene and physical welfare, and conditions for guarding the persons deprived of their liberty.

(3) (Amended, SG No. 32/2016) The persons deprived of their liberty shall be sent to work solely provided the requirements of Paragraph (2) are satisfied. Upon breach of the said requirements, the director of the prison shall suspend the persons deprived from their liberty from work until the breach is remedied.

Article 175. (1) The legal and natural persons shall pay the Prison Service Fund State-Owned Enterprise the remuneration due for the work performed in conformity with the effective systems of pay for work together with all supplements due in respect of the workers.

(2) The working conditions of persons deprived of their liberty shall be determined by the labour legislation.

Chapter Thirteen

RELEASE FROM PLACES OF DEPRIVATION OF LIBERTY

Article 176. (Amended, SG No. 32/2016) Persons deprived of their liberty shall be released from the prisons:

1. upon completion of the service of the sentence;
2. upon amnesty;
3. upon pardon remitting the unserved portion of the sentence as imposed;
4. upon conditional early release and unconditional early release;
5. upon suspension of the implementation of the penal sanction;
6. (supplemented, SG No. 103/2012) in other cases provided for in the Criminal Procedure Code and the Judicial System Act.

Article 177. (1) Release from service of the sentence shall be effected on the day of expiration of the term of the penal sanction as imposed by the sentence or as reduced by a pardon, inclusive of allowance for the working days.

(2) If the term expires on a non-working day, the person deprived of his or her liberty shall be released on the last preceding working day.

(3) The terms, calculated in years and months, shall expire on the same day of the month as the day on which the person deprived of his or her liberty was detained. If there is no such day in the month, the term shall expire on the last day of the said month.

Article 178. (1) In calculating the term of the sentence as served, two working days shall count as three days of deprivation of

liberty, excluding the working days wherefor the allowance has been cancelled by the court.

(2) The days on which the persons deprived of their liberty met their work targets shall be allowed according to the procedure, established by Paragraph (1). In case of meeting less than 100 per cent of the work targets, the working day shall be allowed proportionately.

(3) Should there be no work targets, the working days shall be allowed in accordance with the efficient utilisation of working time.

(4) The time of attendance of classes by persons deprived of their liberty, who do not work and are enrolled in general educational instruction, courses for attainment of specialist qualifications or for upgrading the qualification, as well as in specialised intervention programmes, shall be allowed as working days.

(5) Any reduction of the sentence according to the procedure established by Paragraphs (1) to (4) by 30 days shall count as reduction by one month, and any reduction by 360 days shall count as reduction by one year.

Article 179. (1) Where a person deprived of his or her liberty has to serve two or more than two custodial sentences and one of the said sentences is vacated, the served portion of the said sentence shall count against the execution of the rest of the sentences.

(2) If a person deprived of his or her liberty has served a penal sanction in excess of the term assigned by the court under one of the sentences, the term served in excess shall count against the execution of the rest of the sentences.

(3) (New, SG No. 13/2017, effective 7.02.2017) The order by the Director General of the Enforcement of Sentences Directorate General referred to in Paragraphs (1) and (2) shall be subject to challenge within 14 days of being served as provided for by the Administrative Procedure Code before the administrative court exercising jurisdiction over the location where the sentence is served. The court's decision shall be final.

Article 180. (1) (Amended, SG No. 32/2016) The decrees on pardon, the rulings on conditional early release and unconditional early release, as well as the acts on release from the places of deprivation of liberty according to the procedure, established by the Criminal Procedure Act, shall be executed on the day of receipt thereof at the prison.

(2) If the acts referred to in Paragraph (1) have been received out of hours, the release shall be effected on the next succeeding working day.

Article 181. (1) (Supplemented, SG No. 103/2012, amended, SG No. 32/2016) The prison shall pay the expenses on travel to the permanent address of releasees who lack financial resources of their own, except for those referred to in Article 176, Item 5 herein, and shall provide them with the food necessary for the duration of the journey.

(2) Where the releasees lack clothing, underwear or footwear suitable for the season and lack financial resources for the acquisition thereof, the said items shall be supplied to the releases according to the procedure, established by Paragraph (1).

(3) Any releasees who, by reason of a physical defect or disease need assistance, shall be provided with an attendant.

Article 182. (1) If on the day of the release the person is undergoing medical treatment at a medical-treatment facility at the places of deprivation of liberty and the health status thereof requires continued treatment, the administration shall arrange the admission of the person deprived of his or her liberty to another medical-treatment facility.

(2) Where the health status of the sick person precludes the transfer thereof, the said person shall remain at the medical-treatment facility at the places of deprivation of liberty, unless he or she refuses to do so. The Chief Directorate of Implementation of Penal Sanctions, the competent prosecutor and the relatives of the sick person shall be notified immediately of this.

Article 183. (1) One month prior to the release of any person deprived of his or her liberty, the administration shall notify the municipal council or mayoralty, as the case may be, exercising jurisdiction over the permanent address of the said person and

the relevant supervisory board.

(2) Any notification, referred to in Paragraph (1), shall specify the manufacturing specialist qualifications and the qualification possessed by the person subject to release and the assistance necessary for the job placement and housing arrangements thereof.

(3) If a person deprived of his or her liberty, whose release is forthcoming, suffers from alcoholism or narcotic addiction, from a mental disorder or a chronic disease, the letter of notification shall specify the results achieved during the service of the sentence and recommendations for reinforcement of the said results in the period after the release.

(4) If the person deprived of his or her liberty has been pardoned, amnestied, or granted unconditional early release or conditional early release, the notification shall be dispatched simultaneously with the release.

Article 184. (1) If a person deprived of his or her liberty has been granted a conditional early release and the court has ordered execution of probation measures during the probation period, the director of the prison shall dispatch the ruling of the court for execution to the competent probation service.

(2) The releasee shall be obligated to present himself or herself at the probation service within three days after his or her release from the prison.

(3) The probation officer shall notify immediately the competent prosecutor of the ruling of the court as received and of the commencement of execution of the probation measures.

Article 185. The municipal councils and the mayoralities shall facilitate a suitable job placement of the releasees and the housing arrangements thereof. They shall take special care of juvenile releasees.

Chapter Fourteen

SPECIAL PROVISIONS ON IMPLEMENTATION OF PENAL SANCTION OF DEPRIVATION OF LIBERTY IN RESPECT OF JUVENILES

Article 186. The implementation of the penal sanction of deprivation of liberty in respect of juveniles shall have as a prime objective their re-education and their preparation for return to life in society after release.

Article 187. (1) (Supplemented, SG No. 32/2016) Upon admission to a reformatory with the prison in question, minor detainees shall be accommodated at a reception unit where they shall remain for a period from 14 days to one month under the observation of an educator, a doctor and a psychologist.

(2) Those admitted for the first time to the reformatory shall be accommodated separately from the rest.

(3) (Amended, SG No. 32/2016) Within three days after admission of juveniles, the administration of the prison shall notify the parents thereof or the persons who exercise the parental rights, the prosecution office, the draft registration office, the municipal council, the supervisory board and the police counselling centre at the place of residence thereof and the competent local board for control of juvenile anti-social behaviour.

Article 188. (Amended, SG No. 68/2013, effective 2.08.2013, SG No. 32/2016) An educational board shall be established with each prison in which a reformatory has been opened, whereof the composition, tasks and operation shall be determined by an ordinance of the Minister of Justice and the Minister of Education and Science.

Article 189. (1) Juveniles who attend schools and courses may be required to participate in work for up to three hours daily beyond the time envisaged in the syllabi while classes are in progress. Instruction shall be delivered in daytime schools and courses.

(2) The time of work and attendance of classes by juveniles deprived of their liberty shall be allowed as working days for the purpose of reduction of the term of the sentence.

Article 190. (1) The overall activity comprehended in the resocialisation of juveniles deprived of their liberty shall be conducted in conditions of maximising opportunities for contact of the sentenced persons with the outside environment as a whole, with relatives and persons who exert a good influence thereon, with volunteers and representatives of non-governmental organisations.

(2) Juveniles deprived of their liberty shall be guaranteed at least two hours of outdoor time daily.

(3) (Amended, SG No. 32/2016) The head of the prison can:

1. direct the juveniles to contacts with persons and representatives of charitable organisations, who may facilitate the resocialisation thereof;
2. allow longer visits with relatives who exert a good influence and with the persons referred to in Item 1;
3. organise visits to historical and other remarkable landmarks, joint events with members of the public who are peers of the sentenced persons, visits to cultural, sports and other events outside the reformatory.

Article 191. (1) Minimum-security, low-security and medium-security regime shall be applied at the reformatories.

(2) Initially, juveniles deprived of their liberty shall be assigned a low-security regime.

(3) By way of exception, a medium-security regime may be assigned to juveniles deprived of their liberty if they have previously served a custodial sentence, have escaped or have committed gross or systematic breaches of order and discipline at the reformatory or have an unserved portion of the sentence exceeding five years.

(4) Juveniles placed under a medium-security regime may be accommodated on segregated premises if they intentionally exert a bad influence on the rest.

Article 192. (1) The medium-security regime may be replaced by a low-security regime for good behaviour and conscientious attitude to work and studies not less than two months after the juvenile has been placed under a medium-security regime.

(2) The low-security regime may be replaced by a minimum-security regime for good behaviour and conscientious attitude to studies after service of one-fourth of the sentence imposed but not less than three months.

(3) Those placed under a minimum-security regime may visit or meet with volunteers and representatives of non-governmental organisations outside the reformatory for a period of up to six hours daily.

(4) Specific groups of persons deprived of their liberty may be taken to work outside the reformatory unguarded.

Article 193. (1) In respect of juveniles, the following disciplinary punishments may be applied:

1. a caution in writing;
2. an extra cleaning duty for a period of up to three days;
3. cancellation of a privilege which has not been used;
4. exclusion from association undertakings inside and outside the places of deprivation of liberty for a period of up to three months;
5. (amended, SG No. 13/2017, effective 7.02.2017) confinement to a disciplinary cell, with breaks for work or school, for a period of up to three days.

(2) (Supplemented, SG No. 32/2016, SG No. 13/2017, effective 7.02.2017) Disciplinary punishments shall be imposed by an

order by the director of the prison or the head of the reformatory, with reasons stated therein.

(3) (New, SG No. 13/2017, effective 7.02.2017) The disciplinary sanction of confinement to a disciplinary cell may only be imposed on a minor where he/she has committed a disciplinary offence under Items 4, 6, 7 or 8 Article 100(2) or systematic offences under Items 1, 2, 3 or 5 of Article 100(2). The sanction may not include solitary confinement.

(4) (Supplemented, SG No. 32/2016, renumbered from Paragraph (3), amended, SG No. 13/2017, effective 7.02.2017) A juvenile may appeal the order of the director of the prison or the head of the reformatory whereby a disciplinary punishment of confinement to a disciplinary cell has been imposed thereon before the administrative court exercising jurisdiction over the place of implementation of the penal sanction under the terms and according to the procedure, established by Article 111 herein.

Article 194. (1) (Amended, SG No. 32/2016) Prisoners that have come of age shall be moved to the prison or a prison hostel.

(2) Those placed under a minimum-security and low-security regimes shall be sent to open prison hostels for service of the remainder of the sentence.

(3) (Supplemented, SG No. 32/2016) The persons placed under a medium-security regime or those who have an unserved portion of the sentence exceeding five years shall be placed at a prison or closed prison hostels.

(4) (New, SG No. 32/2016) Where there are closed or open prison hostels with the prison under whose structure a reformatory was set up, the transfer under Paragraph 2 and 3 shall be carried out by order of the Director of the prison in question.

(5) (New, SG No. 32/2016) With the exception of the cases under Paragraph 4, the transfer under Paragraph 2 and 3 shall be carried out by order of Chief Director of Chief Directorate of Implementation of Penal Sanctions on the proposal of the Director of the prison.

Article 195. (1) Pupils deprived of their liberty who attain majority may be left at the reformatory until attainment of the age of 20 years on a proposal by the educational board.

(2) (Amended, SG No. 32/2016) According to the procedure established by Paragraph (1), on a proposal of the director of the prison, the persons deprived of their liberty who attain majority may be left at the reformatory if they so wish.

(3) In the cases referred to in Paragraphs (1) and (2), the prosecutor shall be notified.

Article 196. Save insofar as otherwise provided for in this Chapter, the general provisions shall apply upon implementation of the penal sanction of deprivation of liberty in respect of juveniles.

Chapter Fifteen

IMPLEMENTATION OF PENAL SANCTION OF LIFE IMPRISONMENT AND LIFE IMPRISONMENT WITHOUT COMMUTATION

Article 197. (1) The penal sanction of life imprisonment shall be implemented in separate prisons or in segregated units at the other prisons.

(2) Save insofar as otherwise provided for in this Chapter, the general provisions shall apply upon implementation of the penal sanction of life imprisonment and life imprisonment without commutation.

Article 198. (Amended, SG No. 13/2017, effective 7.02.2017) (1) After one year of the sentence is served, the prison director shall issue an order, with reasons stated therein, after taking into account the opinions of the head of the social and

reformatory work unit, the deputy security chief and the psychologist on the reasons for continuing the special security regime of service of the convict's sentence. A copy of such order shall be served to the convict, which he/she shall acknowledge by his/her signature, and shall be forwarded to the prosecutor supervising the enforcement of his/her sentence.

(2) Such order shall be subject to challenge within 14 days of being served as provided for by the Administrative Procedure Code before the administrative court exercising jurisdiction over the location where the sentence is served, through the prison director. The court's decision shall be final.

(3) The prison director shall rule on the continuation of the special security regime of service of the convict's sentence on a regular basis, but in any case no later than his/her latest ruling thereon. The relevant order shall be subject to appeal or protest as provided for by Paragraph (2).

(4) Convicts sentenced to life imprisonment and life imprisonment without commutation and placed under a special security regime may, based on an order by the prison director with reasons stated therein, be placed in common premises with the rest of the inmates and take part in all activities together with them.

(5) Based on an order by the prison director, convicts sentenced to life imprisonment and life imprisonment without commutation may take part in labour, reformatory, educational, sports and other activities together with other inmates.

Article 199. (1) Persons sentenced to life imprisonment and to life imprisonment without commutation shall not be placed under a minimum-security and low-security regime and shall not be entitled to privileges which are used outside the perimeter of the prison.

(2) Persons sentenced to life imprisonment may be transferred to open prison hostels if the court decrees commutation of the life imprisonment to a penal sanction of deprivation of liberty. In such cases, the restrictions under Paragraph (1) shall not apply.

PART THREE

IMPLEMENTATION OF NON-CUSTODIAL PENAL SANCTIONS

Chapter Sixteen

IMPLEMENTATION OF PENAL SANCTION OF PROBATION

Article 200. (1) The penal sanction of probation shall be implemented by the probation services.

(2) Probation services shall be established and closed down by order of the Minister of Justice, who shall implement overall direction and control over the operation thereof.

(3) The direct management and control over the operation of probation services shall be implemented by the Chief Director of the Chief Directorate of Implementation of Penal Sanctions.

Article 201. Probation services shall:

1. assist the court in the choice of a suitable penal sanction and the respective type of probation measures;
2. organise and implement the probation measures and restrictions in respect of sentenced persons;
3. ensure the necessary effect of the implementation of the penal sanction for correction and re-education of sentenced persons and attainment of the objectives of the penal sanction;
4. work in interaction with state bodies, governmental and non-governmental organisations for the resocialisation of sentenced

persons.

Article 202. (1) (Amended, SG No. 103/2012) Probation services shall organise and direct the work of probation officers.

(2) (Amended, SG No. 103/2012, SG No. 32/2016) At the request of the Court, probation officers shall prepare pre-sentence reports.

(3) Within the area of practice of each regional court, there shall be established probation boards, composed of:

1. (supplemented, SG No. 103/2012) chairperson: a probation officer or a legal adviser from the relevant territorial service;

2. members: representatives of the municipalities, the precinct departments of the Ministry of Interior, the territorial structures of health care, education, welfare and the employment services.

(4) A prosecutor of the competent regional prosecution office shall attend the meeting of the probation board.

(5) Representatives of non-governmental organisations may be recruited for participation in the meetings of the probation board.

(6) (Amended, SG No. 103/2012) The specific members of the probation boards shall be named by the Chief Director of the Chief Directorate of Implementation of Penal Sanctions on a nomination by the directors of Regional Services of Implementation of Penal Sanctions.

Article 203. (1) The probation board shall meet not less frequently than once every month.

(2) The meetings shall be held if two-thirds of the members of the probation board are present.

(3) The probation board shall make decisions regarding:

1. the facilities where community service is performed;

2. the selection of volunteers and non-governmental organisations, who and which are recruited to assist probation activities;

3. drafting of motions to the competent court under Article 43a of the Criminal Code;

4. drafting of an opinion to the competent prosecutor on imposition of coercive medical measures under Articles 89 to 92 of the Criminal Code.

(4) The probation board shall make decisions by a simple majority of the total number of members.

Article 204. The district prosecutor shall exercise supervision as to legality over the operation of the probation services and the probation boards according to the procedure, established by the Judiciary System Act.

Article 205. (1) The probation measures shall be implemented at the current address of the sentenced person.

(2) The place of implementation of probation measures may be changed by order of the Chief Director of the Chief Directorate of Implementation of Penal Sanctions at the request of the sentenced person, accompanied by an opinion of the competent probation officer.

(3) (Supplemented, SG No. 103/2012) The place of implementation of probation measures within the area of one and the same probation service may be changed by order of the chief of the said service at the request of the sentenced person, accompanied by an opinion of the competent probation officer. Upon any such change, the competent prosecution office, the mayor of the nucleated settlement, and the relevant chief of the precinct department of the Ministry of Interior, shall mandatorily be notified.

Article 206. (1) The judicial acts, whereby the penal sanction of probation has been imposed, shall be transmitted for

implementation by the prosecutor to the competent probation service.

(2) (Repealed, SG No. 103/2012).

Article 207. (1) (Supplemented, SG No. 103/2012) Within three days after receipt of the judicial act, the probation officer shall summon the sentenced person according to the procedure established by the Criminal Procedure Code to present himself or herself within seven days, for implementation of the penal sanction.

(2) (Supplemented, SG No. 103/2012) Where the sentenced person fails to present himself or herself without a valid reason three days after the expiration of the time limit which he or she has been set, the competent prosecutor shall be notified and shall order the compelled attendance of the said person.

Article 208. (1) (Supplemented, SG No. 103/2012) The day on which the sentenced person presents himself or herself before the probation officer shall be regarded as commencement of the implementation of the penal sanction, and the competent prosecutor, the mayor of the nucleated settlement where the penal sanction is implemented, and the relevant chief of the precinct department of the Ministry of Interior, shall be notified of the said presentation. The notification letter shall contain data concerning the sentenced person, the nature of the offence, as well as the type and length of the probation measures set by the court.

(2) (Amended, SG No. 103/2012) A case record and a report card shall be compiled no later than three days after the sentenced person has presented himself or herself before the probation officer.

(3) Upon presentation, the probation officer shall draw up a memorandum whereby the sentenced person is notified of the rights and obligations thereof during implementation of the probation measures as imposed. The said memorandum shall be signed by the sentenced person and shall be inserted into the case record.

Article 209. (1) The following shall be prepared within 14 days after the commencement of the implementation of the penal sanction:

1. (amended, SG No. 103/2012) an assessment of the sentenced person, which determines the degree of risk of recidivism and of causing damage and which contains an analysis of the reasons and conditions which give rise to the said risks;
2. (amended, SG No. 103/2012) an individual plan for implementation of the probation measures and actions for intervention with the reasons and conditions which give rise to the risk of recidivism and causing damage.

(2) (Amended, SG No. 103/2012) The rules for assessing the risk of recidivism and the risk of damage shall be endorsed by the Minister of Justice.

(3) The individual plan for implementation of the probation measures shall be prepared by the probation officer with the participation of the sentenced person.

Article 210. (1) The probation measure of compulsory registration at current address shall be effected by the sentenced person signing before a probation officer or before an official designated thereby.

(2) Where a probation measure of corrective labour has been decreed for the sentenced person as well, compulsory registration may be effected at the place of work.

(3) (Amended, SG No. 103/2012) The time of medical treatment of the sentenced person at an in-patient unit or at home, certified by an official document issued by the general practitioner of the sentenced person or by the doctor in charge of the treatment, by a doctors' consultative panel or by a dentist, shall be allowed as a served probation measure of compulsory registration.

(4) The probation measure of compulsory registration at current address shall be implemented according to a plan prepared by the probation officer and consulted with the competent chief of the precinct department of the Ministry of Interior.

Article 211. (1) The probation officer may excuse the sentenced person from the obligation to sign for a period of up to ten

days:

1. by reasons of a personal or official nature;
2. (amended, SG No. 103/2012) for medical treatment at home or in hospital;
3. for attendance of an examination at schools or for appearance in connection with court proceedings.

(2) Where the absence has to continue for more than ten days, the probation officer shall coordinate the permission with the competent regional prosecutor.

Article 212. (1) The appointments of the sentenced person with the probation officer shall be held according to a schedule and shall be scheduled, unscheduled, or at the request of the sentenced person.

(2) Unscheduled appointments shall be held according to a procedure, established by the probation officer, for the exercise of control over compliance with the implementation of the probation measures. Where any such appointments have to be held after 22:00 hours and before 6:00 a.m., the regional prosecutor shall be notified.

(3) Where an appointment has been requested by the sentenced person, the said appointment shall be held within seven days after being requested.

Article 213. (1) (Amended, SG No. 103/2012) Implementation of the probation measure of restricted freedom of movement shall be controlled by means of planned and scheduled checks which shall be planned and scheduled by the probation officer and coordinated with the competent chief of the precinct department of the Ministry of Interior or with an official authorised thereby.

(2) (Amended, SG No. 103/2012) The checks referred to in Paragraph 1 herein shall be carried out by a probation officer or an official designated thereby.

(3) (Supplemented, SG No. 103/2012) The ban referred to in Article 42b, Paragraph 3, Item 1 of the Criminal Code shall furthermore be brought to the notice of the proprietors or officials in charge of the access to the places, areas and establishments specified by the court.

(4) A permission to leave the nucleated settlement shall be granted to the sentenced person by the probation officer:

1. by reasons of a personal or public nature: for a period not exceeding seven days;
2. for admission for medical treatment;
3. for attendance of an examination at schools or for appearance in connection with court proceedings,

(5) Where emergency medical care has to be used at a hospital facility outside the current address of the sentenced person, the probation officer shall permit the absence on the basis of the doctor's referral and a certificate on the period of the medical treatment. The sentenced person or the relatives thereof shall be obligated to notify the probation officer immediately of the referral for medical treatment.

(6) Where the absence has to continue for more than seven days, the probation officer shall coordinate the permission to leave the current address with the regional prosecutor.

Article 214. (Repealed, SG No. 32/2016).

Article 215. Upon implementation of the probation measure of enrolment in professional qualification courses and/or social intervention programmes, the probation officer shall take into consideration the assessment of the sentenced person, the registered zones of need, the necessity to lower the risk of reoffending, the qualification, the degree of education and the wish of the sentenced person.

Article 216. (1) In organizing training for acquisition of professional qualification, the needs of the labour market and the

interests of the sentenced persons shall be taken into account.

(2) (Amended, SG No. 68/2013, effective 2.08.2013) Any such courses shall be organised and paid by the probation service jointly with the territorial authorities of the Ministry of Labour and Social Policy and the Ministry of Education and Science.

Article 217. (1) Social intervention programmes shall be organised and paid by the regional probation service and may be developmental and correctional.

(2) Developmental programmes shall include courses in literacy training, building job-finding skills, counselling appointments and talks with representatives of the social services and the police.

(3) Correctional programmes shall seek a transformation in the attitudes, values, and behaviour of the sentenced persons and overcoming dependencies.

Article 218. (1) Non-governmental organisations and volunteers may be recruited to organise professional qualification courses or social intervention programmes.

(2) The probation services and the non-governmental organisations may elaborate jointly and implement probation programmes and practices.

(3) The probation services may resort to specialised services of natural and legal persons for work with sentenced persons.

Article 219. (1) Implementation of the probation measure of corrective labour shall be organised by the probation officer at the place of work of the sentenced person.

(2) Deductions from the remuneration shall be calculated on the basis of the gross monthly remuneration of the sentenced person accruing under civil-service and employment relationships or fees for personal services.

(3) Should the sentenced person be dismissed or transfers to another work, the said person shall immediately notify the probation officer. Upon transfer to another work, performance of the corrective labour shall proceed at the new place of work.

(4) Where the sentenced person is unable to perform the corrective labour for a valid reason: prolonged illness, occurrence of permanent or temporary disability, the probation officer shall lay before the probation board a proposal for the replacement of corrective labour by another measure.

Article 220. (1) Implementation of the probation measure of community service to the benefit of society shall be organised by the probation officer.

(2) Community service shall be performed at facilities of the Prison Service State-Owned Enterprise and facilities, endorsed by the competent probation board.

(3) Community service may not be performed to the benefit of any natural persons, sole traders or commercial corporations wherein the State or a municipality does not hold an interest.

Article 221. (1) Community service may be performed to the benefit of crime victims with the express consent thereof and of the sentenced person.

(2) Upon designation of the facilities where community service is performed, account shall be taken of the work skills, qualifications and working capacity of the sentenced person.

(3) The sentenced person shall be assigned work of up to three hours daily beyond the normal hours of work or for a full working day on one of the holidays or non-working days.

(4) (Amended and supplemented, SG No. 103/2012) During an annual leave or if the sentenced person is unemployed, he or she may be assigned work for not more than 56 hours monthly, in compliance with the provisions of the Labour Code.

(5) Supervision over the sentenced persons during work shall be exercised by the probation officer, by an official designated

thereby, or by a representative of the person to the benefit whereof the community service is performed.

Article 222. (1) If after the expiry of the calendar period for performance of community service a definite number of hours have not been worked, the obligation of the sentenced person to work the said hours shall be extinguished.

(2) Probation officers shall incur disciplinary liability for non-fulfilment of the obligations thereof regarding the designation of the facilities and control over the performance of community service.

Article 223. Where a sentenced person fails to fulfil the obligation thereof to perform community service despite the creation of conditions for this, the probation officer shall approach the probation board with a proposal for:

1. replacement of the community service by another probation measure, if the community service cannot be performed for a valid reason: prolonged illness of the sentenced person, occurrence of permanent or temporary disability and other such;
2. replacement of the probation, in whole or in part, by deprivation of liberty under the terms, established by Item 2 of Article 43a of the Criminal Code.

Article 224. (Amended, SG No. 32/2016, SG No. 13/2017, effective 7.02.2017) The head of the probation service shall organise the interaction with the prison director at the location where the sentence is served in case of parole conditional on probation measures.

Article 225. (1) (Amended, SG No. 103/2012) The probation officer shall lay an evaluation report on the behaviour of each sentenced person before the competent probation board for consideration.

(2) (Amended, SG No. 103/2012) The report referred to in Paragraph (1) shall be made not less frequently than once every six months during the service of the sentence.

Article 226. (1) Where a sentenced person has served at least one-fourth of the assigned length of the probation measure as imposed and has exhibited exemplary behaviour, depending on the evaluation, the probation board, acting on a proposal by the probation officer, may:

1. replace the obligation of the sentenced person to register daily at current address by an obligation to register once every month, or relax the intensity of electronic monitoring;
2. lift the ban on leaving the residence after 22:00 hours on non-working days and holidays;
3. lift the ban on leaving without permission the nucleated settlement where the place of residence thereof is located on non-working days and holidays.

(2) If the sentenced person commits breaches, the probation board may restore the initial content of the probation measures.

Article 227. (1) For any breaches of the probation measures as decreed, the sentenced persons may be punished by:

1. (amended, SG No. 103/2012) admonition;
2. written warning of a proposal to replace the probation by a penal sanction of deprivation of liberty.

(2) (Amended and supplemented, SG No. 103/2012) The order imposing the punishment shall be issued by the Director of the relevant Regional Service of Implementation of Penal Sanctions after giving the offender a hearing or after consideration and acceptance of his or her explanation which shall be made in writing.

(3) Any order imposing a punishment shall be appealable before the Chief Director of the Chief Directorate of Implementation of Penal Sanctions within seven days. The decision of the Chief Director shall be final.

(4) If the person sentenced to probation does not commit another breach of discipline within six months after imposition of the

disciplinary punishment, the said person shall be considered unpunished.

Article 228. (1) (Amended and supplemented, SG No. 103/2012, amended, SG No. 13/2017, effective 7.02.2017) After the probation board has accepted a motion for replacement of the probation by deprivation of liberty under the terms established by Article 43a of the Criminal Code, the implementation of the probation measures shall be suspended, with the unserved portion of the probation term calculated as from that moment in time.

(2) (Repealed, SG No. 103/2012).

(3) (Amended, SG No. 13/2017, effective 7.02.2017) Where, while service of the penal sanction of probation is in progress, detention in custody or house arrest is decreed as a precautionary measure to secure the appearance of the sentenced person or another sentence is carried into execution in respect of the said person with imposition of an effective penal sanction of deprivation of liberty, the implementation of the probation measures shall be suspended. In such cases, the probation officer shall calculate the served portion of the penal sanction of probation and shall send it to the competent prosecutor who has carried the penal sanction into execution.

(4) (New, SG No. 13/2017, effective 7.02.2017) Where the convict has deviated during his/her probation term and is declared wanted at a national level, the enforcement of the probation measures shall be suspended until he/she is traced and taken to the probation service.

Article 229. (Amended, SG No. 103/2012) In respect of juvenile sentenced persons, probation shall be implemented by designated probation officers with specialist training, jointly with an inspector of the police counselling centre.

Article 230. (Amended and supplemented, SG No. 103/2012) A probation officer referred to in Article 229 herein, a social worker of the Child Protection Department, an inspector of the police counselling centre, a guidance counsellor, and a member of the local board for control of juvenile anti-social behaviour, shall prepare jointly:

1. an individual programme for implementation of the probation measures as imposed in respect of the juvenile sentenced person;
2. social intervention programmes in respect of juvenile sentenced persons;
3. proposals to the probation board to make decisions;
4. opinions to the court in the cases provided for in the Criminal Procedure Code.

Article 231. (1) Implementation of the penal sanction of probation shall be completed after the expiration of the term of the longest possible probation measure.

(2) The prosecutor, the Chief Directorate of Implementation of Penal Sanctions, the competent precinct department of the Ministry of Interior, the draft registration office at the permanent address of the sentenced person, the mayor of the nucleated settlement where the penal sanction was last implemented and, in the cases referred to in Article 213 (3) and Article 219 (1) herein, the relevant persons shall be notified in writing of the completion of implementation of the penal sanction.

(3) The person released from service of the penal sanction of probation shall be issued a certificate and, at his or her request, a reference as well.

Article 232. Save insofar as otherwise provided for in this Chapter, the provisions regarding the implementation of the penal sanction of deprivation of liberty shall furthermore apply to the implementation of the penal sanction of probation.

Chapter Seventeen

IMPLEMENTATION OF PENAL SANCTIONS OF CONFISCATION OF PROPERTY AND FINE

Article 233. (1) The penal sanction of confiscation shall be implemented by the National Revenue Agency at:

1. the place of the confiscated movable and immovable things;
2. the permanent address of the sentenced person, where sums of money have been confiscated conforming to the provisions on collection of state receivables.

(2) (Amended, SG No. 15/2013, effective 1.01.2014) The immovable and movable things, seized upon execution of confiscation, shall be provided to the National Revenue Agency, and the sums of money shall be credited in state budget revenue.

Article 234. Should a confiscation be reversed after the execution thereof, the properties seized shall be restituted to the sentenced person or to the heirs thereof. Where restitution is impossible, the money equivalent of the said properties shall be paid at the relevant government-set retail prices or, where there are no such prices, at the market prices, with allowance for the applicable wear and tear.

Article 235. The penal sanction of fine shall be implemented by the National Revenue Agency according to the permanent address of the sentenced person in accordance with the provisions on collection of state receivables.

Chapter Eighteen

IMPLEMENTATION OF PENAL SANCTIONS OF DEPRIVATION OF RIGHTS AND PUBLIC CENSURE

Article 236. (1) The penal sanction of deprivation of the right to hold a specific state or public office shall be implemented by the authorities which elect or appoint the relevant office holders.

(2) Should the sentenced person hold an office which he or she is deprived of the right to hold, the authority referred to in Paragraph (1) shall remove the said person from office immediately.

Article 237. (1) The penal sanction of deprivation of the right to practise a specific profession or activity shall be implemented by the authorities which recognise this right and control the exercise thereof, and by the heads of the institutions, enterprises and organisations where the sentenced persons work.

(2) Should the sentenced person practise a profession or activity which he or she is deprived of the right to practise, the head of the institution, enterprise or organisation shall release the said person immediately.

(3) (New, SG No. 13/2017, effective 7.02.2017) The judgement imposing the sanction of deprivation of the right to pursue business shall be forwarded by the prosecutor to the Registry Agency for the latter to perform the relevant entry, deregistration and announcement procedures.

Article 238. The penal sanctions of deprivation of the right to hold orders, honorary titles and distinctions and deprivation of a military service grade shall be implemented according to the procedure, established for such implementation.

Article 239. The penal sanction of public censure shall be implemented by means of announcement at the place of work or at the permanent address of the sentenced person, in the press or in another manner, as specified in the sentence.

PART FOUR

IMPLEMENTATION OF DETENTION IN CUSTODY AS PRECAUTIONARY MEASURE TO SECURE PERSON'S APPEARANCE

Article 240. Save insofar as otherwise provided for in this Part, the provisions regarding the persons sentenced to deprivation of liberty shall furthermore apply to the accused and the defendants who are detained in custody as a precautionary measure to secure the appearance thereof.

Article 241. (1) Persons detained in custody as a precautionary measure to secure the appearance thereof shall be placed at the detention facility of the judicial district wherein the pre-trial proceeding is implemented or the case is examined.

(2) The following shall furthermore be placed at the detention facilities:

1. the persons sentenced to deprivation of liberty, who have been transferred on a warrant of the court or the prosecutor for appearance at hearings of court cases, for participation in investigative and other procedural steps, or the persons who have been detained in custody as a precautionary measure to secure the appearance thereof in the capacity of accused and defendants in connection with other criminal offences;

2. the detainees who figure on a national wanted list;

3. the persons detained by the prosecutor according to the procedure, established by the Criminal Procedure Code.

(3) Persons in staged transit under escort may also be placed at the detention facilities should the relevant structural unit of the Ministry of Interior lack the appropriate conditions for placement of such persons.

(4) (New, SG No. 103/2012) Where persons who are detained in custody as a precautionary measure to secure the appearance thereof cannot be placed pursuant to Paragraph 1 herein, following a reasoned proposal from the Director of the relevant Regional Service of Implementation of Penal Sanctions or the head of the detention facilities in the relevant territorial unit, such persons may be placed in another detention facility which is nearest to the area within which the pre-trial proceeding is implemented or the case is heard, following a warrant of the competent court and in accordance with availability.

Article 242. (1) No person may be admitted to an investigative detention facility without a written direction for the detention of the said person.

(2) Each newly admitted person shall be submitted to a search, sanitary treatment, and a medical examination.

(3) (Amended, SG No. 82/2009, SG No. 32/2016) The Bulgarian personal documents of the persons detained in custody shall be seized and kept in the safe custody of the detention facility. The documents of the said persons shall be returned thereto upon release, or shall be transmitted to the competent director upon transfer of the said persons to a prison.

(4) A memorandum in three copies shall be drawn up on the documents, money and articles seized, of which one copy shall be inserted into the case file, one copy shall be attached to the documents and the articles, and one copy shall be delivered to the detainee.

Article 243. (1) Each detainee may inform immediately the family or the relatives thereof of his or her admission to the places of deprivation of liberty. If the detainee does not wish to inform the family or the relatives thereof, the said detainee shall sign a declaration to this effect. If any such declaration exists, the administration may not inform the relatives on its own initiative.

(2) (Amended, SG No. 103/2012) The rights to visits, telephone communications, correspondence, food parcels and the amount of the sums of money disposable for spending on personal needs shall immediately be explained to the detainee.

(3) The detainees, who are not Bulgarian citizens, shall be informed of the right thereof to contact diplomatic agents or consular officers of the State whose nationality they hold and shall be immediately ensured conditions to do so.

(4) Upon placement of the detainees at the places of deprivation of liberty, they shall be immediately informed of the rights and duties thereof in respect of observance of internal order and discipline, as well as of the sanctions provided for breaches committed, and the said detainees shall acknowledge this briefing by the signature thereof.

(5) (New, SG No. 103/2012) Persons admitted to a detention facility shall be subject to an assessment of the risk of damage, and their behaviour for the duration of the detention shall be monitored. The case file shall be handed over along with the person upon transfer to another detention facility or to a prison.

Article 244. (1) (Amended, SG No. 32/2010, effective 28.05.2010, SG No. 32/2016) The accused and the defendants shall be sent to the prisons on a written warrant of the competent prosecutor after the investigative body has drawn up a written opinion, or on a written warrant by the judge after the indictment has been submitted to the court.

(2) (Amended, SG No. 32/2010, effective 28.05.2010, SG No. 32/2016) The prosecutor may order the transfer from a detention facility to the nearest prison within the area of which the pre-trial proceeding is implemented or the case is conducted, of accused in respect of whom the investigative steps and the other procedural steps have been completed but, owing to complications of the factual circumstances or legal aspects of the case, the drawing up of a written opinion is to be delayed.

Article 245. (1) (Amended, SG No. 32/2010, effective 28.05.2010, supplemented, SG No. 103/2012, amended, SG No. 32/2016) Upon the transfer of accused and defendants to a prison, the warrant of the prosecutor or of the court shall be accompanied by a copy or an abstract of the written opinion of the investigative body or of the indictment, as well as by a medical statement on the said persons, a ruling on the detention in custody as a precautionary measure to secure the persons' appearance and a statement of the persons' criminal record.

(2) (Amended, SG No. 32/2010, effective 28.05.2010) Where no written opinion by an investigative body or indictment has been drawn up on the case, the abstract must recite particulars of the legal qualification of the act, a brief description of the factual circumstances, a record of previous convictions and all other information on the detainee which is necessary for the proper implementation of the precautionary measure taken to secure the person's appearance.

Article 246. (1) Upon allocation, the accused and the defendants shall be accommodated:

1. the men separately from the women;
2. the juveniles separately from the adults;
3. the persons who are not Bulgarian citizens separately from the rest.

(2) The accused and the defendants in one and the same case shall not be subject to mandatory segregated placement unless the competent prosecutor or court has issued an express reasoned warrant.

(3) (Amended, SG No. 32/2016) At the prisons the accused and the defendants shall be accommodated in dormitories separately from the sentenced persons.

(4) The defendants whereof the sentences whereby a penal sanction of life imprisonment has been imposed thereon and whose sentences have not entered into effect, shall be held on permanently locked premises.

Article 247. (1) The accused and the defendants shall be sent to the prison within the area of which the pre-trial proceeding is implemented or the case is examined.

(2) (Supplemented, SG No. 32/2016) Juveniles shall be sent to a reformatory with the prison in question.

Article 248. (1) (Amended, SG No. 32/2016) At the prisons the accused and the defendants shall be held on permanently locked premises with removal from association where:

1. they have been charged with criminal offences which carry a penal sanction of deprivation of liberty for a term exceeding 15 years or life imprisonment;

2. (amended, SG No. 32/2016) they grossly or systematically breach the established order, thereby endangering security at the prison.

(2) (Amended, SG No. 32/2016) In the cases referred to in Paragraph (1), the accommodation shall require a written order by the director of the prison. A copy of any such order shall be transmitted to the prosecutor exercising supervision as to legality.

(3) The provisions of Paragraphs (1) and (2) shall furthermore apply at the detention facilities. The order, referred to in Paragraph (2), shall be issued by the chief of the detention facility.

(4) The orders referred to in Paragraphs (2) and (3) shall be appealable before the regional court exercising jurisdiction over the place of the prison or detention facility under the terms and according to the procedure, established by Article 111 herein.

Article 249. The segregation of the accused and defendants, who are accommodated separately from the rest, shall furthermore be ensured under escort, during medical treatment, visits, outdoor time, and on other occasions of leaving the premise.

Article 250. (1) (Supplemented, SG No. 103/2012) The accused and the defendants may be transferred from one prison to another and from one detention facility to another, outside of the cases referred to in Article 241, Paragraph 4, solely on a warrant of the supervising prosecutor or on a warrant of the competent court solely for the performance of investigative steps and other procedural steps.

(2) In case of need of admission to a medical-treatment facility without delay, or should a situation arise endangering security at the prison or detention facility, or the life of the detainee, or of any personnel members, the transfer referred to in Paragraph (1) may be effected by order of the Chief Director of the Chief Directorate of Implementation of Penal Sanctions on a proposal by the director of the prison or of the detention facility, of which the competent prosecutor or court shall be notified.

(3) (New, SG No. 103/2012, amended, SG No. 32/2016) The accused and defendants shall be sent to medical-treatment facilities on a warrant of the competent prosecutor or court, following a proposal from the director of the prison, the Director of the relevant Regional Service of Implementation of Penal Sanctions or the head of the detention facilities in the relevant territorial unit.

(4) (New, SG No. 103/2012) Where a medical-treatment facility at a place of deprivation of liberty provides no conditions for the requisite treatment, or where consultative medical examinations, specialised tests or treatment of infectious disease are necessary, the accused and defendants shall be sent to medical-treatment facilities outside of the places of deprivation of liberty, pursuant to Paragraph 3 herein.

(5) (New, SG No. 103/2012) The need to send an accused person or a defendant to a medical-treatment facility shall be justified by the head of the specialised hospital for active treatment of persons deprived of their liberty, by the head of the medical centre or by the medic of the detention facility.

(6) (New, SG No. 103/2012, amended, SG No. 32/2016) The security and transportation of the accused and defendants to and at medical-treatment facilities shall be regulated by an order of the director of the prison, the Director of the relevant Regional Service of Implementation of Penal Sanctions or the head of the detention facilities in the relevant territorial unit.

Article 251. (Amended, SG No. 32/2016) Any investigative steps and other procedural steps in another case involving persons sentenced to deprivation of liberty or involving accused and defendants in cases, in respect of whom a detention in custody as a precautionary measure to secure the said persons' presence has not been decreed, shall be performed at the prison or detention facility where the said persons are held. In exceptional cases, any such persons may be transferred to another prison or detention facility solely on a written warrant of the competent prosecutor or court, with any such warrant expressly stating the period of time for which the transfer is authorised.

Article 252. (1) (Amended, SG No. 32/2016) The court shall notify in writing the administration of the prison, where the

defendant is registered, of the sentence passed immediately after its pronouncement.

(2) (Amended, SG No. 32/2016) Where the court releases the defendant in the courtroom, the court shall forthwith transmit a true copy of the judgment to the prison or detention facility.

(3) (Amended, SG No. 32/2016) Where the defendant is brought for a court hearing, the administration of the prison shall send a statement of the period of detention in this case, inclusive of the working days allowed.

Article 253. (1) The right of communication with the accused and defendants shall be limited to the prosecutor, the investigative bodies, the judges, the experts, the defence counsel and the representing counsel in the case.

(2) Access to the accused and the defendants and to the places where they are placed shall be afforded to the international experts who have the right to visit such places by virtue of international treaties ratified by the Republic of Bulgaria. In such cases, the requirements of the relevant treaty shall be complied with.

(3) The competent prosecutor or the court may allow the accused and the defendants interviews with representatives of human rights, religious and other organisations and communities registered in Bulgaria, as well as interviews with officers of the police detection services.

(4) Interviews of accused and defendants with members of the mass communication media shall be admitted after written permission of the competent prosecutor or court. The accused and the defendants may be interviewed and photographed solely if they state an express written consent to this.

(5) Access of the persons under Paragraphs (1) to (4) shall be afforded within normal working hours upon presentation of the relevant documents. By way of exception, such access may be prolonged for not more than two hours.

(6) The prosecutors, who exercise supervision as to legality at the places of deprivation of liberty, shall be afforded access at any time of the day or night.

Article 254. (1) The accused and the defendants shall have the right to receive a visit from the defence counsel thereof immediately after the detention thereof.

(2) During the visits of the defence counsel, the accused and the defendants may hand or receive solely materials in writing in connection with the case whereof the content shall not be subject to examination.

(3) Interviews of the accused and the defendants with lawyers, defence counsel and representing counsel shall be held in private. The said interviews may be watched, but the conversations thereof may not be listened to and recorded.

Article 255. (1) The accused and the defendants shall be visited by a doctor at least once a week, and shall receive medical attention instantly in cases of emergency.

(2) (Supplemented, SG No. 103/2012) In cases of urgency, medical care shall be ensured without delay and, where necessary, the detainee shall be admitted to a specialised medical-treatment facility, including medical-treatment facilities outside places of deprivation of liberty, in compliance with Article 250, Paragraphs 5 and 6, of which the investigative body, the competent prosecutor or court shall be immediately notified.

(3) (Amended, SG No. 32/2016) The prescriptions of the doctor shall be mandatory for the security and administration personnel of the prison or detention facility.

Article 256. (1) The accused and the defendants shall be entitled:

1. (amended, SG No. 103/2012) to visits, food parcels, parcels of clothing and other articles authorised for personal use, correspondence, outdoor time, and sums of money disposable for spending on their personal needs;

2. (amended, SG No. 103/2012) to telephone communication with immediate and extended family members, defence counsel and representing counsel according to a procedure established by the Chief Director of the Chief Directorate of Implementation of Penal Sanctions;

3. to use clothing and footwear of their own;

4. to receive and to read newspapers, magazines and books, to listen to radio transmissions and to watch television programmes;

5. (new, SG No. 103/2012) to dispose of sums of money up to the amount of one national minimum wage.

(2) The correspondence of the accused and the defendants shall not be subject to examination by the administration.

(3) The accused and the defendants may be refused permission to visits, telephone conversations and correspondence with particular persons on a written warrant of the competent prosecutor or of the court, where this is necessitated for the detection or prevention of serious criminal offences. These restrictions on visits, telephone conversations and correspondence shall not apply to the defence counsel and the representing counsel, the lineal descendants and ascendants up to any degree, the spouse and the siblings.

(4) (Amended, SG No. 103/2012) The internal order at the detention facilities, the number of visits and the outdoor time shall be determined by order of the Chief Director of the Chief Directorate of Implementation of Penal Sanctions.

Article 257. (1) (Amended, SG No. 32/2016) The accused and the defendants held at prisons may work, so far as possible and provided they have expressly stated such a wish in writing.

(2) Enrolment of the accused and the defendants in training for literacy, for acquisition of professional qualification, for acquisition and refinement of key competences and motivational training shall be encouraged.

(3) (Amended, SG No. 32/2016) The disciplinary punishments and the privileges provided for by this Act may be awarded to or imposed on the accused and the defendants held at prisons.

(4) The accused and the defendants shall not be eligible for the privilege of home leave and of visits outside the place where they are detained.

(5) According to the procedure provided for in this Act, physical force, auxiliary means and arms shall be applied in respect of any accused and defendants who behave violently, terrorise the rest, or offer physical resistance.

(6) Where the accused and the defendants refuse food and thus endanger their life and health, the appropriate medical measures shall be taken on a prescription of the doctor.

(7) The accused and the defendants may be held on premises which are locked only during the night.

Article 258. The persons sentenced to deprivation of liberty, who are accused or defendants in another case, shall be subject to the more stringent restrictions of those included in the content of the relevant treatment regime or in the legal status of the accused and defendants.

Article 258a. (New, SG No. 103/2012) The Minister of Justice shall endorse a list of authorised objects and articles which may be kept and used by sentenced persons, accused persons and defendants detained in detention facilities.

Article 259. The accused and the defendants shall be released where the precautionary measure taken to secure the appearance thereof is revoked or replaced by another such measure, after receipt of the ruling of the court or the decree of the prosecutor, unless detained on other grounds.

Article 260. (1) (Amended, SG No. 32/2016) Any persons detained at a request for surrender to a foreign State, as well as any Bulgarian citizens sentenced to deprivation of liberty by a foreign court and transferred to Bulgaria for service of the sentence as imposed, shall likewise be placed at prisons.

(2) Until execution of the decision on surrender to the foreign State and until the entry into effect of the judgment of court regarding the execution of the foreign sentence, the persons covered under Paragraph (1) shall enjoy the rights of the accused

and defendants according to this Act.

Article 261. The provisions of this Part shall furthermore apply in respect of other persons detained according to the procedure, established by the Criminal Procedure Code.

PART FIVE

(New, SG No. 32/2016)

ELECTRONIC SURVEILLANCE

Article 262. (New, SG No. 32/2016) (1) Electronic surveillance shall be a form of control over the location, movement and behaviour of individuals.

(2) Electronic surveillance shall be carried out by means of:

1. a voice recognition system;
2. radio-frequency surveillance;
3. satellite surveillance.

Article 263. (New, SG No. 32/2016) (1) Electronic surveillance may be applied to:

1. persons deprived of liberty and serving their punishment at an open prison hostel under a low-security regime as well as under a minimum-security regime in cases under Article 72, Paragraph 2;
2. persons with imposed probation measures of compulsory registration under current address or restrictions in the free movement;
3. persons under a house arrest as a precautionary measure imposed.

(2) Electronic surveillance by means of a voice recognition system shall not be applied to the persons under Paragraph 1, Item 3.

Article 264. (New, SG No. 32/2016) Electronic surveillance shall not be applied to persons suffering from a medical condition that is inconsistent with it.

Article 265. (New, SG No. 32/2016) Persons with imposed probation measures of compulsory registration under current address or restrictions in the free movement, subject to electronic surveillance, shall sign a statement of informed consent.

Article 266. (New, SG No. 32/2016) Electronic surveillance of persons deprived of liberty shall be carried out during the period when they work or spend the night outside the prison hostel.

Article 267. (New, SG No. 32/2016) (1) Persons with imposed probation measures of compulsory registration under current address or restrictions in the free movement shall be placed under electronic surveillance for a period from two to six months.

(2) Not later than a month prior to the expiry of the period set under Paragraph 1, the probation officer shall prepare a report about the behaviour of the convicted person.

(3) Based on the report under Paragraph 2, the period of electronic surveillance may be extended once for up to 6 months.

(4) The maximum duration of electronic surveillance may not be more than one year.

(5) The period under Paragraph 1 shall commence from the date of mounting the technical means.

(6) Electronic surveillance shall end when its period expires. Where the duration of electronic surveillance expires on a non-business day, the surveillance shall end on the last business day.

Article 268. (New, SG No. 32/2016) As regards persons under a house arrest as a precautionary measure, electronic surveillance shall apply for the entire duration of the measure.

Article 269. (New, SG No. 32/2016) (1) During the electronic surveillance carried out under the probation measure of compulsory registration under current address, the convicted person shall be released from the obligation under Article 210, Paragraph 1.

(2) Where a convicted person under Paragraph 1 has served at least one-fourth of the assigned length of the probation measure imposed, exhibited exemplary behaviour and no violations of the measure have been established, the mitigating measures under Article 226, Paragraph 1, Item 1, may be applied by order of the Head of the Regional Service of Implementation of Penal Sanctions.

(3) Under the conditions and following the procedure of Paragraph 2, the mitigating measures under Article 226, Paragraph 1, Items 2 and 3 may also apply to a person under the probation measure of restrictions of the free movement.

Article 270. (New, SG No. 32/2016) (1) Electronic surveillance shall be carried out by the territorial services of Chief Directorate of Implementation of Penal Sanctions.

(2) The activity under Paragraph 1 shall be carried out with the support of the structures of the Ministry of Interior and the latter activity shall be regulated by an instruction issued jointly by the Minister of Justice and the Minister of Interior.

Article 271. (New, SG No. 32/2016) (1) The implementation of the technical activities related to electronic surveillance may be commissioned to service providers that are legal entities, registered on the territory of the Republic of Bulgaria.

(2) The contract with the contractor under Paragraph 1 shall be signed following the procedure of the Public Procurement Act and shall contain clauses about the delivery, mounting, support, repair and servicing the technical equipment, the organisation of surveillance, control and interaction with the probation services in case of any established violations.

(3) The service provider shall process the personal data of the natural persons under the Personal Data Protection Act.

Article 272. (New, SG No. 32/2016) Electronic surveillance of persons with imposed probation measures of compulsory registration under current address or restrictions of the free movement shall be applied by order of the Head of the Regional Service of Implementation of Penal Sanctions on a written proposal by the probation officer, accompanied by a statement of informed consent of the convicted person. The order shall be issued within the deadline under Article 209, Paragraph 1.

Article 273. (New, SG No. 32/2016) Electronic surveillance of persons deprived of their liberty shall be applied by order of the Head of the prison following a written proposal by the Head of the prison hostel.

Article 274. (New, SG No. 32/2016) Electronic surveillance of persons under house arrest as a precautionary measure shall be applied by order of the Head of the Regional Service of Implementation of Penal Sanctions. The order shall be issued within three days from the delivery of the court ruling and the Head of the Regional Office of the Ministry of Interior at the place of residence of the person shall be informed.

Article 275. (New, SG No. 32/2016) (1) Electronic surveillance shall be suspended by decision of the authority that ordered the surveillance, in the event of:

1. a permission issued under Article 211 or Article 213, Paragraphs 4 to 6;
2. ordered suspension of the implementation of the penal sanction or use of leave;
3. a permission issued to leave the house in case of house arrest as a precautionary measure.

(2) The dismantling of the technical equipment shall be determined in the decision under Paragraph 1.

PART SIX

(New, SG No. 13/2017, effective 1.05.2017)

PROTECTION AGAINST TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT

Article 276. (New, SG No. 13/2017, effective 1.05.2017) (1) Each inmate or detainee may request:

1. the discontinuation of any action or inaction by sentence enforcement bodies or officers which violating the prohibition under Article 3;
2. actions to discontinue or prevent a violation of the prohibition under Article 3.

(2) The lack of an explicit statutory obligation to take action shall not prevent a request under Paragraph (1) from being granted in order to discontinue a violation of Article 3.

Article 277. (New, SG No. 13/2017, effective 1.05.2017) (1) Such request shall be submitted in writing to the administrative court exercising jurisdiction over the location where the sentence is served or where the person concerned is detained.

(2) The request may also be submitted through the prison director or the head of the relevant Regional or District Enforcement of Sentences Service, who shall be under the obligation to forward it to the administrative court exercising jurisdiction over the location where the sentence is served or where the person concerned is detained within three days of receiving it, along with details concerning the reasons for the action or inaction being challenged.

(3) The request shall be entered into a special register at the court, together with details of the exact time of receipt and of the person who submitted it.

(4) In the cases under Paragraph (1) the court shall put the relevant sentence enforcement authority under the obligation to immediately provide details on the challenged action or inaction.

Article 278. (New, SG No. 13/2017, effective 1.05.2017) Within 14 days of receipt of the request the judge may, through the bodies of the police, the Prosecution Office, the Ombudsman, an expert witness, non-governmental organisations or otherwise, inspect the action or inaction whose discontinuation is sought, as well as the reasons for them.

Article 279. (New, SG No. 13/2017, effective 1.05.2017) The court shall consider the request in a public hearing.

(2) The hearing shall be attended by the prison director or the head of the relevant Regional or District Enforcement of Sentences Service, the person referred to in Article 276(1) and a representative thereof. Failure by such director or head or by the representative of the person referred to in Article 276(1) to appear shall not prevent the hearing of the case. The case shall be heard in the absence of the person referred to in Article 276(1) where such person states that he/she is unwilling to appear or unable from appearing for health or other good reasons.

Article 280. (New, SG No. 13/2017, effective 1.05.2017) The court shall rule on the case within the time limit under Article 278(1).

(2) The court's ruling may:

1. dismiss the request;

2. order the sentence enforcement authority or the officer concerned to perform specific actions to prevent or unconditionally discontinue the action or inaction being a violation of Article 3, specifying a time limit therefor.

Article 281. (New, SG No. 13/2017, effective 1.05.2017) Such ruling may be appealed against within three days of being announced, before a three-judge panel of the same court.

(2) The appeal shall be considered in accordance with the procedure provided for by Chapter Thirteen of the Administrative Procedure Code and shall not halt enforcement.

Article 282. (New, SG No. 13/2017, effective 1.05.2017) The ruling shall be subject to enforcement as provided for by Chapter Seventeen of the Administrative Procedure Code.

Article 283. (New, SG No. 13/2017, effective 1.05.2017) Any issues not provided for in this Part shall be treated in accordance with the provisions of Chapter Fifteen, Section I of the Administrative Procedure Code.

PART SEVEN

(New, SG No. 13/2017, effective 7.02.2017)

LIABILITY FOR THE ACTIVITIES OF SPECIAL SENTENCE ENFORCEMENT AUTHORITIES

Article 284. (New, SG No. 13/2017, effective 7.02.2017) (1) The state shall be liable for the damage inflicted on inmates and detainees by specialised sentence enforcement authorities as a result of violations of Article 3.

(2) In the cases under Article 3(2) the court shall take into account the cumulative effect on the person of the conditions in which he/she served his/her imprisonment sentence or was detained, the length of time and any other circumstances relevant to the resolution of the dispute.

(3) The court shall put specialised sentence enforcement authorities under the obligation to provide any information relevant to the proper ascertainment of the facts of the case. Where such obligation is not observed, the court may consider the relevant facts as proven.

(4) The court may of its own motion summon officers from the penitentiary establishment and any other persons whose testimony could contribute to the establishment of the facts of the case.

(5) In the cases under Paragraph (1), the infliction of non-material damage shall be presumed unless the contrary is proved.

Article 285. (New, SG No. 13/2017, effective 7.02.2017) (1) Claims under Article 284(1) shall be heard in accordance with the procedure provided for by Chapter Eleven of the Administrative Procedure Code.

(2) The relevant claim shall be brought before the administrative court exercising jurisdiction over the location where the alleged damage has been inflicted or where the current address of the person alleged to have suffered such damage is, against the authorities referred to in Article 284(1) whose deeds, action or inaction have allegedly inflicted the damage.

(3) Claims under the present Part shall be charged a simple state fee, the amount whereof shall be specified in the Tariff under Article 73(3) of the Code of Civil Procedure. No court or enforcement costs shall be paid in advance.

Article 286. (New, SG No. 13/2017, effective 7.02.2017) (1) A prosecutor shall always take part in the hearing of cases under this Part.

(2) Where a claim is completely dismissed, the court shall sentence the claimant to pay the court costs. The court costs shall also be paid by the claimant in case he/she completely withdraws or waives his/her claim.

(3) Where the claim is partially or fully granted, the court shall sentence the defendant to pay the court costs and to reimburse the claimant for the state fee paid. The court shall also sentence the defendant to reimburse the claimant for the legal fees for one attorney-at-law, if the services of one were engaged, proportionately to the granted part of the claim.

SUPPLEMENTARY PROVISIONS

§ 1. (1) Any separate penal sanctions of deprivation of liberty, imposed on one and the same person, shall be implemented in the order in which the sentences became effective.

(2) Any penal sanctions, in respect of which Articles 23, 24, 25 and 27 of the Criminal Code do not apply, shall be implemented separately in the order referred to in Paragraph (1).

(3) (Amended, SG No. 32/2016) Should the conditional sentence or the ruling on service of the unserved portion upon conditional early release be received at the prison after commencement of the implementation of the penal sanction for the criminal offence committed during the probation period, the administration shall enter the appropriate modifications in the

personal record of the person deprived of his or her liberty and shall carry into execution the sentence whereof the execution was suspended.

(4) In the cases referred to in Paragraph (3), the commencement of the implementation of the penal sanction for the criminal offence committed during the probation period shall be regarded as commencement of implementation of the conditionally imposed penal sanction or of the unserved portion of the sentence upon conditional early release.

(5) (Amended, SG No. 32/2016) Should an effective sentence in another case imposing a penal sanction of deprivation of liberty in respect of a person detained in custody as a precautionary measure to secure the appearance thereof be received for execution at the prison, the execution of the said sentence shall commence on the date of the receipt thereof.

(6) The competent prosecutor shall be notified immediately of any modifications as entered.

§ 2. (1) (Amended, SG No. 32/2016) Should two or more than two sentences, in respect of which Articles 25 and 27 of the Criminal Code are applicable, be received at the prison, the administration shall forthwith inform the person deprived of his or her liberty of the right thereof to submit a petition to the court, and shall furthermore notify the prosecutor of the sentences received.

(2) (Amended, SG No. 32/2016) The petition of the person deprived of his or her liberty shall state: the dates of the sentences and the sentencing court, the numbers of the cases, the type and length of the sentences, the portion of the said sentences that has been served, whether a pardon or an early release has been granted, and if so on which sentences and of what length, has a cumulative penal sanction been assigned theretofore, on which sentences and of what type. The administration of the prison shall assist the petitioner in gathering the required information.

(3) (Amended, SG No. 32/2016) Within 24 hours, the administration of the prison shall forward the petition to the court which is competent to impose the cumulative penal sanction.

(4) The cover letter shall recite the particulars of the detention in custody, the sentence or the portion thereof that has been served, and the pardon or early release if granted.

§ 3. (Repealed, SG No. 13/2017, effective 7.02.2017).

§ 3a. (New, SG No. 32/2016) Other appropriate higher education within the meaning of this law is higher education on a subject in the professional field of Pedagogy, Pedagogy of teaching, Philology, Psychology, Social Studies, Administration and Management, Economy and National Security.

§ 3b. (New, SG No. 32/2016) (1) Voice recognition within the meaning of this law is the biometric technology for identification of the convicted person according to the words and phrases pronounced by the person.

(2) Radio-frequency surveillance within the meaning of this law shall be confirmation of the whereabouts of the person, registering the presence or absence of the person at a particular place and time.

(3) Satellite surveillance within the meaning of this law shall be the technology to establish the current whereabouts and movement of the person via a global positioning system.

§ 4. The provisions of Articles 17 and 18 herein shall furthermore apply to the Chief Directorate of Security with the Ministry of Justice.

§ 4a. (New, SG No. 81/2011) The processing of personal data in pursuance of this Act shall conform to the Personal Data Protection Act.

TRANSITIONAL AND FINAL PROVISIONS

§ 5. The Implementation of Penal Sanctions Act (promulgated in the State Gazette No. 30 of 1969; amended in No. 34 of 1974, No. 84 of 1977, No. 36 of 1979 and No. 28 of 1982, Nos. 27 and 89 of 1986, No. 26 of 1988, No. 21 of 1990, No. 109 of 1993, No. 50 of 1995, Nos. 12 and 13 of 1997, Nos. 73 and 153 of 1998, No. 49 of 2000, Nos. 62 and 120 of 2002, Nos. 61, 66, 70 and 103 of 2004, Nos. 86 and 105 of 2005, No. 17 of 2006; modified by Constitutional Court Judgment No. 4 of 2006, promulgated in No. 36 of 2006; amended in Nos. 75 and 82 of 2006, No. 12 of 2009) is hereby superseded.

§ 6. The statutory instruments of secondary legislation, issued in pursuance of the repealed Implementation of Penal Sanctions Act, shall apply until the issuing of the respective new statutory instruments of secondary legislation, insofar as they do not come into conflict with this Act.

§ 7. The Social Insurance Code (promulgated in the State Gazette No. 110 of 1999; modified by Constitutional Court Judgment No. 5 of 2000, promulgated in No. 55 of 2000; amended in No. 64 of 2000, Nos. 1, 35 and 41 of 2001, Nos. 1, 10, 45, 74, 112, 119 and 120 of 2002, Nos. 8, 42, 67, 95, 112 and 114 of 2003, Nos. 12, 21, 38, 52, 53, 69, 70, 112 and 115 of 2004, Nos. 38, 39, 76, 102, 103, 104 and 105 of 2005, Nos. 17, 30, 34, 56, 57 and 68 of 2006; corrected in No. 76 of 2006; amended in No. 80, 82, 95, 102 and 113 of 2007, Nos. 33, 43, 67, 69, 89, 102 and 109 of 2008) shall be supplemented as follows:

1. In Item 4 of Article 4 (1), after the words "Implementation of Penal Sanctions" there shall be inserted "and Detention in Custody".

2. In Article 69:

(a) in the heading, after the words "Implementation of Penal Sanctions" there shall be inserted "and Detention in Custody";

(b) in Paragraph (2), after the words "Implementation of Penal Sanctions" there shall be inserted "and Detention in Custody".

3. In Item 3 (c) of Article 230 (3), after the words "Implementation of Penal Sanctions" there shall be inserted "and Detention in Custody".

4. In Item 4 of Article 262 (1), after the words "Implementation of Penal Sanctions" there shall be inserted "and Detention in Custody".

5. In Item 3 (c) of Article 282 (1), after the words "Implementation of Penal Sanctions" there shall be inserted "and Detention in Custody".

§ 8. In the Control of Juvenile Anti-social Behaviour Act (promulgated in the Transactions of the Presidium of the National Assembly No. 13 of 1958; amended in No. 11 of 1961, State Gazette No. 35 of 1966, No. 30 of 1969, No. 89 of 1974, No. 53 of 1975; corrected in No. 55 of 1975, amended in No. 3 of 1976, No. 36 of 1979, No. 75 of 1988, No. 110 of 1996; corrected in No. 3 of 1997; amended in No. 69 of 1999, Nos. 66 and 96 of 2004, Nos. 28, 94 and 103 of 2005), in Litterae (c) of Article 10 (1), the words "Article 17 of the Implementation of Penal Sanctions Act" shall be replaced by "Article 73 of the Implementation of Penal Sanctions and Detention in Custody Act".

§ 9. In the Income Taxes on Natural Persons Act (promulgated in the State Gazette No. 95 of 2006; amended in Nos. 52, 64 and 113 of 2007, Nos. 28, 43 and 106 of 2008), in Item 1 (e) of Article 24 (2), after the words "Implementation of Penal Sanctions" there shall be inserted "and Detention in Custody".

§ 10. The statutory instruments of secondary legislation on the application of this Act shall be issued within six months after the

entry into force of this Act.

§ 11. Within six months after the entry into force of this Act, the Council of Ministers shall adopt a programme for improvement of conditions at the places of deprivation of liberty in accordance with Article 43 (3) herein.

§ 12. The implementation of this Act shall be commissioned to the Minister of Justice who shall issue the rules for its application.

§ 13. (Amended, SG No. 103/2012) This Act shall enter into force as from the 1st day of June 2009, with the exception of the provision of Article 43 (3) herein, which shall enter into force as from the 1st day of January 2019.

This Act was passed by the 40th National Assembly on the 19th day of March 2009 and the Official Seal of the National Assembly has been affixed thereto.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing
the Vocational Education and Training Act
(SG No. 74/2009, effective 15.09.2009)

.....
§ 30. In the Implementation of Penal Sanctions and Detention in Custody Act (SG No. 25/2009) the words "Minister of Education and Science" and "Ministry of Education and Science", shall be replaced by "Minister of Education, Youth and Science" and "Ministry of Education, Youth and Science".

FINAL PROVISIONS

of the Act Amending and Supplementing
the Professional Education and Training Act
(SG No. 74/2009, effective 15.09.2009)

§ 30. In the Implementation of Penal Sanctions and Detention in Custody Act (SG No. 25/2009), the words "Minister of Education, Youth and Science" and "Ministry of Education, Youth and Science" shall be substituted for "Minister of Education and Science" and "Ministry of Education and Science", respectively, at all places where they occur.

FINAL PROVISIONS to the Act to Amend the Youth Act

(SG No. 68/2013, effective 2.08.2013)

.....
§ 33. In the Implementation of Penal Sanctions and Detention in Custody Act (promulgated, SG No. 25/2009, amended, SG No. 74 and 82/2009, SG No. 32 and 73/2010, SG No. 81/2011, SG No. 103/2012, amended, SG No. 15/2013)

everywhere in the text the words "the Minister of Education, Youth and Science" and "the Ministry of Education, Youth and Science" shall be replaced by "the Minister of Education and Science" and "the Ministry of Education and Science", respectively.

.....

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amending and Supplementing the Implementation
of Penal Sanctions and Detention in Custody Act

(SG No. 32/2016)

§ 77. (1) With the entry into force of this Act the incumbent employment relationships of civil servants holding expert positions shall be reorganised to employment relationships of civil servants holding executive positions.

(2) With the entry into force of this Act the incumbent employment relationships of civil servants holding senior management positions shall be reorganised to employment relationships of civil servants holding management positions.

§ 78. With regard to civil servants under Article 19, Paragraph 1, Item 2, whose employment relationships commenced after the entry into force of this Act, the provisions of the Civil Servants Act shall apply.

§ 79. For civil servants at Chief Directorate of Implementation of Penal Sanctions and its territorial services holding positions of civil servants under Article 19, Paragraph 1, Item 2, whose employment relationships have not been terminated prior to the entry into force of this Act, the provisions of the current legislation for civil servants under Article 19, Paragraph 1, Item 1 shall apply until the termination of their employment relationship.

§ 80. Civil servants under § 79 may be reappointed and temporarily reappointed to fill vacant posts of civil servants under Article 19, Paragraph 1, Item 2.

§ 81. Civil servants under § 79 can be appointed to posts for civil servants under Article 19, Paragraph 1, Item 1, under the conditions and following the procedure of the Ministry of Interior Act, provided that they meet the requirements for holding the position in question.

.....

§ 84. The pending proceedings prior to the entry into force of this Act under Article 445 and 448 of the Criminal Procedure Code shall be completed following the current procedure.

§ 85. (1) The Minister of Justice and the Minister of the Interior shall issue the instruction under Article 270, Paragraph 2 within 6 months from the entry into force of this Act.

(2) The ordinances adopted and issued prior to the entry into force of this Act shall apply insofar as they are not at odds with the Act.

§ 86. Electronic surveillance in accordance with the procedure laid down in this Act shall not apply to the probation measures whose implementation started before its entry into force.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and supplementing the Implementation

of Penal Sanctions and Detention in Custody Act

(SG No. 13/2017, effective 7.02.2017)

§ 47. Inmates or detainees released no more than 6 months prior to this Act's entry into force may bring claims under Article 284(1).

§ 48. Inmates or detainees who have been released prior to this Act's entry into force and whose complaints concerning conditions of detention violating Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms drawn up in Rome on 4 November 1950 (ratified by an Act of Parliament, promulgated, SG No. 66/1992) (promulgated, SG No. 80/1992; amended, SG No. 137/1998 and SG No. 38/2010) have been rejected as inadmissible by a ruling of the European Court of Human Rights on the grounds that the newly introduced domestic legal remedy has not been exhausted may bring claims under Article 284(1). Such claim shall be brought within six months of such persons being notified of the relevant ruling by the Registry of the European Court of Human Rights.

§ 49. Any claims for damages inflicted on inmates or detainees by poor conditions of detention brought prior to this Act's entry into force shall be heard in accordance with the procedure provided for in Article 284(1).

.....
§ 53. This Act shall enter into force on the day of its promulgation in the State Gazette, with the following exceptions:

1. § 3, 4, 5 and 6 concerning Article 35a and Article 36(1) shall enter into force on 1 July 2017;
2. § 45 concerning Part Six shall enter into force on 1 May 2017.