

STATE AND OFFICIAL SECRETS

Penal Code (1968)

Chapter 8:

Crimes against the activities of state organs and public organizations

Section 2: Crimes in connection with official activities

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Art. 284, para.1

An official person¹ who communicates or publicizes in detriment to the state, enterprise, organization or private person data, which are entrusted on him or accessible to him in the course of his office and knowing that they constitute official secret, shall be punished by deprivation of liberty up to 2 years or compulsory labor.

Para.2

The penalty for action as provided in the above paragraph shall be imposed as well on a person who is not an official, works for state establishment, enterprise or public organization and became knowing data constituting official secret in the course of his job.

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Chapter 12: Crimes against the defense potential of the Republic

Section 1:

Criminal offences against the state secrets

Art. 357, para.1 (former para.1 abolished in 1975 and para.2 became para.1)

One who imparts data, which constitute state secret and were entrusted on him or became known by him in the course of his office or job, as well as one who imparts such data knowing that this could cause harm to the interests of the Republic of Bulgaria, if not liable to heavier penalty², shall be punished by deprivation of liberty up to 5 years.

Par.2 (former para.3 until 1975)

If as a result of that action followed particularly serious consequences for the security of the state, the penalty shall be deprivation of liberty from 3 up to 10 years.

Penal Code (proposed amendments)

¹ Art.93, item 1: Official person is one who was imposed the duty to implement for payment or for free, temporary or constantly a) office in state establishment except in cases of only factual implementation b) management or job related to keeping or management of other's property in state enterprise, cooperation, public organization, other legal person or commercial, or notary professional.

² This is espionage (my note).

Art. 284, para.1

An official person who imparts or allows in detriment to the state, enterprise, organization or private person classified information that constitute official secret, which was provided to him or became known by him in the course of his office, shall be punished by deprivation of liberty up to 3 years or compulsory labor.

Para.2

The penalty for action as provided in the above paragraph shall be imposed as well on a person who is not an official, works for state establishment, enterprise or public organization and became knowing classified information that constitute official secret in the course of his job.

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Art. 357, para.1

One who imparts, changes or gives in breach of the established rules classified information consisting state secret or foreign classified information, which were entrusted on him or became known by him in the course of his office or job, shall be punished by deprivation of liberty up to 6 years.

Para.2

When as a result of that action followed endangering of the sovereignty, independence or territorial integrity of the Republic of Bulgaria or of its foreign politics and international relations, linked to the national security, or followed damages³ in the area of national security, defense, foreign politics or the protection of the constitutionally established order, the penalty shall be deprivation of liberty from 3 up to 15 years.

Para.3

With the same penalty provided under para.1 is punished one who imparts or gives classified information, constituting state secret, or foreign classified information, knowing that this could cause endangering of the sovereignty, independence or territorial integrity of the Republic of Bulgaria or of its foreign politics and international relations, linked to the national security, or followed damages in the area of national security, defense, foreign politics or the protection of the constitutionally established order.

³ There is not difference between “damage”, “harm” and “detriment”. There is only one word used in the Bulgarian Criminal Code (my note).