[BG] Legislative Changes Concerning Distribution of Pornographic Materials

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Наказателен кодекс (the Bulgarian Criminal Code) has recently been amended. One of the amendments concerns the introduction of a new criminal offence for the distribution of pornographic materials by all types of media operating in the territory of Bulgaria.

A new definition of “pornographic material” has been added to Article 93, item 28 of the Criminal Act. Namely, "Pornographic material" is defined as a material which is indecent, unacceptable or incompatible with public morals and which depicts in an open manner a sexual conduct. Such conduct shall be action, which expresses real or simulated sexual intercourse between persons of the same or different gender, sodomy, masturbation, sexual sadism or masochism, or lascivious demonstration of the sexual organs of a person.

The provisions of Article 159 of the Criminal Act have also been amended and supplemented. The current text of Article 159 now reads as follows:

(1) A person who produces, displays, presents, broadcasts, distributes, sells, rents or otherwise circulates pornographic material, shall be punished by imprisonment for up to one year and a fine of BGN 1,000 to BGN 3,000.

(2) A person who distributes pornographic material via the Internet, shall be punished by imprisonment for up to two years and a fine of BGN 1,000 to BGN 3,000.

(3) An individual who displays, presents, offers, sells, rents, or distributes in another manner, pornographic material to a person under the age of 16 years, shall be punished by imprisonment for up to three years and a fine of up to BGN 5,000.

(4) Regarding acts described under para. 1-3, where a person under the age of 18 years or one who has the appearance of such a person, was used for the creation of the pornographic material, the punishment shall be imprisonment for up to six years and a fine of up to BGN 8,000.

(5) Where acts described under para. 1 - 4 are conducted by order of, or under the decision-making of an organised crime group, punishment shall be

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imprisonment from two to eight years and a fine of up to BGN 10,000; the court are also competent to order confiscation of some or all the possessions of the perpetrator.

(6) A person who possesses or provides pornographic material for himself or for another person through a computer system or via other means, material that has featured a person who has not turned 18 years of age or one who has the appearance of such a person, shall be punished by imprisonment of up to one year or a fine of up to BGN 2,000.

(7) The material property gained from criminal activity shall be confiscated by the state; where these profits cannot be found or have already been disposed of, an equivalent sum of money shall be charged.

Наказателен кодекс

Amendment to the Bulgarian Criminal Code, State Gazette No. 38, 11 May 2007

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