

6 b.

Please see below a detailed extract from the Penal Code:

Art. 31. (1) Criminally liable is the person of age - who has accomplished 18 years of age, who in a state of sanity commits a crime.

(2) A juvenile who has accomplished 14 years of age but who has not accomplished 18 years of age shall be criminally liable, if said person could have realised the quality and the importance of the act and handle his conduct.

(3) (Amend. - SG 107/96) The juveniles whose acts cannot be imputed shall be accommodated by a court decision in a corrective boarding school or in other suitable establishment if so required by the circumstances of the case.

(4) The special rules stipulated by this Code shall apply with respect to criminal liability of juveniles.

Art. 32. (1) A minor who has not accomplished 14 years of age shall not be criminally liable.

(2) With regard to juveniles who have committed socially dangerous acts, appropriate corrective measures may be applied.

Art. 33. (1) Criminally liable shall not be the person who acts in a state of insanity, where due to a mental underdevelopment, or continuous or short-term mental disorder, could not have understood the quality or the importance of the act or to handle their conduct.

(2) (Amend. - SG 95/75) Penalty shall not be imposed to a person who has committed a crime when, until the passing of the sentence, he lapses into a mental disorder, as a result of which he cannot realise the quality or the importance of his conduct or handle it. Such a person shall be subject to punishment if he recovers.

Art. 34. Respective compulsory medical measures can be applied in the cases stipulated by this Code regarding the persons under the preceding Art.

Chapter six. SPECIAL RULES FOR JUVENILES

Art. 60. The penalty for juveniles shall be imposed with the priority objective of their reformation and preparation for socially useful labour.

Art. 61. (1) (Amend. - SG 89/86; amend. - SG, 75/06, in force from 13.10.2006) Regarding a juvenile who commits a crime due to aberration or recklessness, which does not represent a great social danger, the prosecutor may decide not to institute or discontinue the instituted pre-trial proceedings, and the court may decide on no committal to trial or no conviction if corrective measures can be successfully applied according to the Measures against Delinquency of Minors and Juveniles Act.

(2) In these cases the court itself can impose a corrective measure informing about that the local commission for juvenile delinquency or send to it the file regarding the imposing of such a measure.

(3) (Amend. - SG 89/86; amend. - SG 107/96; amend. - SG 26/04; amend. - SG 75/06, in force from 13.10.2006) If the prosecutor decides not to institute pre-trial proceedings or abandon the instituted one, he shall send the file to the commission for imposing corrective measure.

Art. 62. Only the following punishments can be imposed on juveniles:

1. imprisonment;

1a. (new - SG 92/02, amend. regarding the entry into force at “ SG 26/04, in force from 01.01.2004, amend. SG 103/04, in force from 01.01.2005) probation;

2. public reprimand;

3. (amend. - SG 103/04, in force from 01.01.2005) deprivation of right to practice a particular profession or activity according to Art. 37, para 1, item 7.

Art. 63. (1) The penalties stipulated for juveniles by the special part of this Code shall be replaced:

1. (suppl. - SG 50/95; amend. - SG 153/98) the life imprisonment without parole and the life imprisonment - by imprisonment from three to ten years;

2. the imprisonment of more than ten years - by imprisonment of up to five years;

3. the imprisonment of more than five years - by imprisonment of up to three years;

4. the imprisonment of up to five years including - by imprisonment of up to two years, but no longer than the stipulated by the law;

5. (amend. - SG 92/02, amend. - SG 103/04; amend. - SG 75/06, in force from 13.10.2006) the fine - by a public reprimand;

6. (new - SG 92/02, in force from 01.01.2005, amend. regarding the entry into force at “ SG 26/04, in force from 01.01.2004) the probation for those under 16 years of age - by a public reprimand.

(2) (Amend. - SG 28/82, in force from 01.07.1982) Penalties stipulated by the special part of this Code for the juveniles who have accomplished sixteen years of age shall be replaced:

1. (suppl. - SG 50/95; amend. - SG 153/98) the life imprisonment without parole and the life imprisonment and imprisonment of more than fifteen years - by imprisonment from five to twelve years;

2. the imprisonment of more than ten years - by imprisonment of two to eight years.

(3) (Amend. - SG 28/82, in force from 01.07.1982) Within the limits under the preceding paras, the court shall determine the penalty according to the rules of Chapter Five.

Art. 64. (1) (Amend. - SG 107/96) When the determined penalty is imprisonment of less than one year and its fulfilment has not been postponed under Art. 66, the juvenile shall be exempt from its incurring and the court shall accommodate him/her in a corrective boarding school or shall impose another corrective measure stipulated by the Measures Against Delinquency of Minors and Juveniles Act.

(2) (Amend. - SG 107/96) Upon a proposal of the prosecutor or of the respective local commission for fighting juvenile delinquency the court can, after rendering the verdict, replace the accommodation in a corrective school by another corrective measure.

(3) The rule of Para. 1 shall not apply:

a) when the juvenile has committed a crime while serving the sentence of deprivation of liberty and

b) when convicted after coming of age.

(4) The rule of Para. 1 shall also not apply in the cases of repeated conviction if the court finds that in order to correct and re-educate the perpetrator, it is necessary for him to serve the penalty of deprivation of liberty and when:

a) its term is not shorter than six months or

b) if the perpetrator has already served time of imprisonment.

Art. 65. (1) The juveniles, until coming of age, shall serve the time of imprisonment in a corrective home.

(2) (Amend. - SG 75/06, in force from 13.10.2006) After coming of age, they shall be moved to a prison or to a prison hostel. For completion of their education or qualification, upon proposal of the pedagogical council, by a permit of the prosecutor, they can remain in the corrective house until reaching twenty years of age.

Chapter seven.
EXEMPTION FROM SERVING IMPOSED PENALTY

Section I.
Probationary Sentence

Art. 67. (1) In case of postponement of the fulfilment of the penalty, the court can assign to the respective public organisation or a work team, upon their consent, corrective care for the convicted during the probation period.

(2) If there is no such consent, or when the court finds it necessary, it shall assign to a definite person the corrective care for the probationary convicted. If the probationary convicted has a place of residence in another populated area this person shall be determined by the respective regional court.

(3) (New - SG 92/02; amend. regarding the entry into force at “ SG 26/04, in force from 01.01.2004, amend. - SG 27/09, amend. - SG 67/23) When the imposed penalty of imprisonment is for no less than 6 months, the court can rule one or several of the probation measures under Art. 42a, Para 2 for the probation period.

(4) (New - SG 28/82, revoked, prev. para 3 - SG 92/02, amend. regarding the entry into force at “ SG 26/04, in force from 01.01.2004) For postponement of the penalty for a juvenile, the court shall inform the respective local commission which shall organise the corrective care.

(5) (Amend. - SG 95/75; prev. para 4 - SG 28/82, in force from 01.07.1982) The general control over the corrective care and the conduct of the probationary convicted shall be exercised by the regional court at the place of residence.

(6) (Prev. para 5 - SG 28/82, in force from 01.07.1982) The order and the way of applying the provisions of the preceding paras shall be settled by a law.