

LIBER VI DE SANCTIONIBUS POENALIBUS  
IN ECCLESIA

PARS I DE DELICTIS ET POENIS IN GENERE

TITULUS I DE DELICTORUM PUNITIOE  
GENERATIM

**Can. 1311** - § 1. Nativum et proprium Ecclesiae ius est christifideles poenalibus sanctionibus coercendi qui delicta commiserint.

§ 2. Qui Ecclesiae praeest bonum ipsius communitatis singulorumque christifidelium tueri ac promovere debet caritate pastoralis, exemplo vitae, consilio et adhortatione et, si opus sit, etiam poenarum irrogatione vel declaratione, iuxta legis praecepta semper cum aequitate canonica applicanda, prae oculis habens iustitiae restitutionem, rei emendationem et scandalum reparationem.

**Can. 1312** - § 1. Sanctiones poenales in Ecclesia sunt:

1° poenae medicales seu censurae, quae in cann. 1331-1333 recensentur;

2° poenae expiatoriae, de quibus in can. 1336.

§ 2. Lex alias poenas expiatorias constituere potest, quae christifidelem aliquo bono spirituali vel temporali privent et supernaturali Ecclesiae fini sint consentaneae.

§ 3. Praeterea adhibentur remedia poenalia et paenitentiae de quibus in cann. 1339 et 1340, illa quidem praesertim ad delicta praecavenda, hae potius ad poenam substituendam vel augendam.

TITULUS II. DE LEGE POENALI AC DE  
PRAECEPTO POENALI

**Can. 1313** - § 1. Si post delictum commissum lex mutetur, applicanda est lex reo favorabilior.

§ 2. Quod si lex posterior tollat legem vel saltem poenam, haec statim cessat.

**Can. 1314** - Poena ordinarie est ferendae sententiae, ita ut reum non teneat, nisi postquam irrogata sit; est autem latae sententiae si lex vel praeceptum id expresse

BOOK VI PENAL SANCTIONS IN THE  
CHURCH

PART I OFFENCES AND PUNISHMENTS IN  
GENERAL

TITLE I THE PUNISHMENT OF OFFENCES IN  
GENERAL

**Can. 1311** - § 1. The Church has its own inherent right to constrain with penal sanctions Christ's faithful who commit offences.

§ 2. The one who is at the head of a Church must safeguard and promote the good of the community itself and of each of Christ's faithful, through pastoral charity, example of life, advice and exhortation and, if necessary, also through the imposition or declaration of penalties, in accordance with the provisions of the law, which are always to be applied with canonical equity and having in mind the restoration of justice, the reform of the offender, and the repair of scandal.

**Can. 1312** - § 1. The penal sanctions in the Church are:

1° medicinal penalties or censures, which are listed in cann. 1331-1333;

2° expiatory penalties, mentioned in can. 1336.

§ 2. The law may determine other expiatory penalties which deprive a member of Christ's faithful of some spiritual or temporal good, and are consistent with the Church's supernatural purpose.

§ 3. Use is also made of penal remedies and penances, referred to in cann. 1339 and 1340: the former primarily to prevent offences, the latter rather to substitute for or to augment a penalty.

Title II. Penal Law and Penal Precept

**Can. 1313** - § 1. If a law is changed after a delict has been committed, the law more favorable to the accused is to be applied.

§ 2. If a later law abolishes a law or at least the penalty, the penalty immediately ceases.

**Can. 1314** - A penalty is ordinarily ferendae sententiae, that is, not binding upon the offender until it has been imposed. It is, however, latae sententiae if the law or precept

statuat, ita ut in eam incurratur ipso facto commissi delicti.

**Can. 1315** - § 1. Qui potestatem habet leges poenales ferendi, potest etiam legem divinam congrua poena munire.

§ 2. Legislatur inferior, attento can. 1317, potest insuper:

1° legem a superiore auctoritate latam congrua poena munire, servatis competentiae limitibus ratione territorii vel personarum;

2° poenis lege universali in aliquod delictum constitutis alias poenas addere;

3° poenam lege universali constitutam ut indeterminatam vel facultativam determinare aut obligatoriam reddere.

§ 3. Lex ipsa potest poenam determinare vel prudenti iudicis aestimationi determinandam relinquere.

**Can. 1316** - Curent Episcopi dioecesani ut, quatenus fieri potest, in eadem civitate vel regione uniformes ferantur poenales leges.

**Can. 1317** - Poenae eatenus constituentur, quatenus vere necessariae sint ad aptius providendum ecclesiasticae disciplinae. A legislatore autem inferiore dimissio e statu clericali constitui nequit.

**Can. 1318** - Latae sententiae poenae ne constituentur, nisi forte in singularia quaedam delicta dolosa, quae vel graviori esse possint scandalo vel efficaciter puniri poenis ferendae sententiae non possint; censurae autem, praesertim excommunicatio, ne constituentur, nisi maxima cum moderatione et in sola delicta specialis gravitatis.

**Can. 1319** - § 1. Quatenus quis potest vi potestatis regiminis in foro externo praecepta imponere iuxta praescripta cann. 48-58, eatenus potest etiam poenas determinatas, exceptis expiatoriis perpetuis, per praeceptum comminari.

§ 2. Si praeceptum poenale, re mature perpensa, imponendum sit, servantur quae

expressly lays this down, so that it is incurred automatically upon the commission of an offence.

**Can. 1315** - § 1. Whoever has power to issue penal laws may also reinforce a divine law with a fitting penalty.

§ 2. A lower legislator, taking into account can. 1317, can also:

1° reinforce with a fitting penalty a law issued by a higher authority, observing the limits of his competence in respect of territory or persons;

2° add other penalties to those laid down for a certain offence in a universal law;

3° determine or make obligatory a penalty which a universal law establishes as indeterminate or discretionary.

§ 3. A law can either itself determine the penalty or leave its determination to the prudent decision of a judge.

**Can. 1316** - Diocesan Bishops are to take care that as far as possible any penal laws are uniform within the same city or region.

**Can. 1317** - Penalties are to be established only in so far as they are really necessary for the better maintenance of ecclesiastical discipline. Dismissal from the clerical state, however, cannot be laid down by a lower legislator.

**Can. 1318** - Latae sententiae penalties are not to be established, except perhaps for some outstanding and malicious offences which may be either more grave by reason of scandal or such that they cannot be effectively punished by ferendae sententiae penalties; censures, however, especially excommunication, are not to be established, except with the greatest moderation, and only for offences of special gravity.

**Can. 1319** - § 1. To the extent to which one can impose precepts by virtue of the power of governance in the external forum in accordance with the provisions of cann. 48-58, to that extent can one also by precept threaten determined penalties, with the exception of perpetual expiatory penalties.

§ 2. If, after the matter has been very carefully considered, a penal precept is to be imposed,

statuuntur in cann. 1317 et 1318.

**Can. 1320** - In omnibus in quibus religiosi subsunt Ordinario loci, possunt ab eodem poenis coerceri.

### TITULUS III DE SUBIECTO POENALIBUS SANCTIONIBUS OBNOXIO

**Can. 1321** - § 1. Quilibet innocens censetur donec contrarium probetur.

§ 2. Nemo punitur, nisi externa legis vel praecepti violatio, ab eo commissa, sit graviter imputabilis ex dolo vel ex culpa.

§ 3. Poena lege vel praecepto statuta is tenetur, qui legem vel praeceptum deliberate violavit; qui vero id egit ex omissione debitae diligentiae, non punitur, nisi lex vel praeceptum aliter caveat.

§ 4. Posita externa violatione, imputabilitas praesumitur, nisi aliud appareat.

**Can. 1322** - Qui habitualiter rationis usu carent, etsi legem vel praeceptum violaverint dum sani videbantur, delicti incapaces habentur.

**Can. 1323** - Nulli poenae est obnoxius qui, cum legem vel praeceptum violavit:

1° sextum decimum aetatis annum nondum explevit;

2° sine culpa ignoravit se legem vel praeceptum violare; ignorantiae autem inadvertentia et error aequiparantur;

3° egit ex vi physica vel ex casu fortuito, quem praevidere vel cui praeviso occurrere non potuit;

4° metu gravi, quamvis relative tantum, coactus egit, aut ex necessitate vel gravi incommodo, nisi tamen actus sit intrinsece malus aut vergat in animarum damnum;

5° legitimae tutelae causa contra iniustum sui vel alterius aggressorem egit, debitum servans moderamen;

6° rationis usu carebat, firmis praescriptis cann. 1324, § 1, n. 2, et 1326, § 1, n. 4;

what is established in cann. 1317 and 1318 is to be observed.

**Can. 1320** - The local ordinary can coerce religious with penalties in all those matters in which they are subject to him.

### TITLE III THOSE WHO ARE LIABLE TO PENAL SANCTIONS

**Can. 1321** - § 1. Any person is considered innocent until the contrary is proved.

§ 2. No one can be punished unless the commission by him or her of an external violation of a law or precept is gravely imputable by reason of malice or of culpability.

§ 3. A person who deliberately violated a law or precept is bound by the penalty prescribed in that law or precept. If, however, the violation was due to the omission of due diligence, the person is not punished unless the law or precept provides otherwise.

§ 4. Where there has been an external violation, imputability is presumed, unless it appears otherwise.

**Can. 1322** - Those who habitually lack the use of reason are considered to be incapable of a delict, even if they violated a law or precept while seemingly sane.

**Can. 1323** - No one is liable to a penalty who, when violating a law or precept:

1° has not completed the sixteenth year of age;

2° was, without fault, ignorant of violating the law or precept; inadvertence and error are equivalent to ignorance;

3° acted under physical force, or under the impetus of a chance occurrence which the person could not foresee or if foreseen could not avoid;

4° acted under the compulsion of grave fear, even if only relative, or by reason of necessity or grave inconvenience, unless, however, the act is intrinsically evil or tends to be harmful to souls;

5° acted, within the limits of due moderation, in lawful self-defence or defence of another against an unjust aggressor;

6° lacked the use of reason, without prejudice to the provisions of cann. 1324 § 1 n.

7° sine culpa putavit aliquam adesse ex circumstantiis, de quibus in nn. 4 vel 5.

**Can. 1324 - § 1.** Violationis auctor non eximitur a poena, sed poena lege vel praecepto statuta temperari debet vel in eius locum paenitentia adhiberi, si delictum patratum sit:

1° ab eo, qui rationis usum imperfectum tantum habuerit;

2° ab eo qui rationis usu carebat propter ebrietatem aliamve similem mentis perturbationem, quae culpabilis fuerit, firmo praescripto can. 1326, § 1, n. 4;

3° ex gravi passionis aestu, qui non omnem tamen mentis deliberationem et voluntatis consensum praecesserit et impedierit, et dummodo passio ipsa ne fuerit voluntarie excitata vel nutrita;

4° a minore, qui aetatem sedecim annorum explevit;

5° ab eo, qui metu gravi, quamvis relative tantum, coactus est, aut ex necessitate vel gravi incommodo egit, si delictum sit intrinsece malum vel in animarum damnum vergat;

6° ab eo, qui legitimae tutelae causa contra iniustum sui vel alterius aggressorem egit, nec tamen debitum servavit moderamen;

7° adversus aliquem graviter et iniuste provocantem;

8° ab eo, qui per errorem, ex sua tamen culpa, putavit aliquam adesse ex circumstantiis, de quibus in can. 1323, nn. 4 vel 5;

9° ab eo, qui sine culpa ignoravit poenam legi vel praecepto esse adnexam;

10° ab eo, qui egit sine plena imputabilitate, dummodo haec gravis permanserit.

§ 2. Idem potest iudex facere, si qua alia adsit circumstantia, quae delicti gravitatem deminuat.

§ 3. In circumstantiis, de quibus in § 1, reus poena latae sententiae non tenetur, attamen ad resipiscentiam vel ad scandalii reparationem,

2 and 1326 § 1 n. 4;

7° thought, through no personal fault, that some one of the circumstances existed which are mentioned in nn. 4 or 5.

**Can. 1324 - § 1.** The perpetrator of a violation is not exempted from penalty, but the penalty prescribed in the law or precept must be diminished, or a penance substituted in its place, if the offence was committed by:

1° one who had only an imperfect use of reason;

2° one who was lacking the use of reason because of culpable drunkenness or other mental disturbance of a similar kind, without prejudice to the provision of can. 1326 § 1 n. 4;

3° one who acted in the heat of passion which, while serious, nevertheless did not precede or hinder all mental deliberation and consent of the will, provided that the passion itself had not been deliberately stimulated or nourished;

4° a minor who has completed the sixteenth year of age;

5° one who was compelled by grave fear, even if only relative, or who acted by reason of necessity or grave inconvenience, if the offence is intrinsically evil or tends to be harmful to souls;

6° one who acted in lawful self-defence or defence of another against an unjust aggressor, but did not observe due moderation;

7° one who acted against another person who was gravely and unjustly provocative;

8° one who erroneously, but culpably, thought that some one of the circumstances existed which are mentioned in can. 1323 nn. 4 or 5;

9° one who through no personal fault was unaware that a penalty was attached to the law or precept;

10° one who acted without full imputability, provided it remained grave.

§ 2. A judge can do the same if there is any other circumstance present which would reduce the gravity of the offence.

§ 3. In the circumstances mentioned in § 1, the offender is not bound by a latae sententiae penalty, but may have lesser penalties or

ipsi poenae mitiores irrogari vel poenitentiae applicari possunt.

**Can. 1325** - Ignorantia crassa vel supina vel affectata numquam considerari potest in applicandis praescriptis cann. 1323 et 1324.

**Can. 1326** - § 1. Iudex gravius punire debet quam lex vel praeceptum statuit:

1° eum, qui post condemnationem vel poenae declarationem ita delinquere pergit, ut ex adiunctis prudenter eius pertinacia in mala voluntate conici possit;

2° eum, qui in dignitate aliqua constitutus est, vel qui auctoritate aut officio abusus est ad delictum patrandum;

3° eum, qui, cum poena in delictum culposum constituta sit, eventum praevidit et nihilominus cautiones ad eum vitandum omisit, quas diligens quilibet adhibuisset;

4° eum, qui deliquerit in statu ebrietatis aliusve mentis perturbationis, quae sint de industria ad delictum patrandum vel excusandum quaesitae, aut ob passionem voluntarie excitatam vel nutritam.

§ 2. In casibus, de quibus in § 1, si poena constituta sit latae sententiae, alia poena addi potest vel poenitentia.

§ 3. In iisdem casibus, si poena constituta sit ut facultativa, fit obligatoria.

**Can. 1327** - Lex particularis potest alias circumstantias eximentes, attenuantes vel aggravantes, praeter casus de quibus in cann. 1323-1326, statuere, sive generali norma, sive pro singulis delictis. Item in praecepto possunt circumstantiae statui, quae a poena praecepto constituta eximant, vel eam attenuent vel aggravent.

**Can. 1328** - § 1. Qui aliquid ad delictum patrandum egit vel omisit, nec tamen, praeter suam voluntatem, delictum consummavit, non tenetur poena in delictum consummatum statuta, nisi lex vel praeceptum aliter caveat.

penances imposed for the purposes of repentance or repair of scandal.

**Can. 1325** - Ignorance which is crass or supine or affected can never be taken into account when applying the provisions of cann. 1323 and 1324.

**Can. 1326** - § 1. A judge must inflict a more serious punishment than that prescribed in the law or precept when:

1° a person, after being condemned, or after the penalty has been declared, continues so to offend that obstinate ill will may prudently be concluded from the circumstances;

2° a person who is established in some position of dignity, or who, in order to commit a crime, has abused a position of authority or an office;

3° a person who, after a penalty for a culpable offence was constituted, foresaw the event but nevertheless omitted to take the precautions to avoid it which any careful person would have taken;

4° a person who committed an offence in a state of drunkenness or other mental disturbance, if these were deliberately sought so as to commit the offence or to excuse it, or through passion which was deliberately stimulated or nourished.

§ 2. In the cases mentioned in § 1, if the penalty constituted is latae sententiae, another penalty or a penance may be added.

§ 3. In the same cases, if the penalty constituted is discretionary, it becomes obligatory.

**Can. 1327** - A particular law may, either as a general rule or for individual offences, determine other excusing, attenuating or aggravating circumstances, over and above the cases mentioned in cann. 1323-1326. Likewise, circumstances may be determined in a precept which excuse from, attenuate or aggravate the penalty constituted in the precept.

**Can. 1328** - § 1. A person who has done or omitted something in order to commit a delict and yet, contrary to his or her intent, did not commit the delict is not bound by the penalty established for a completed delict unless the law or precept provides otherwise.

§ 2. Quod si actus vel omissiones natura sua ad delicti executionem conducant, auctor potest paenitentiae vel remedio poenali subici, nisi sponte ab incepta delicti executione destiterit. Si autem scandalum aliudve grave damnum vel periculum evenerit, auctor, etsi sponte destiterit, iusta potest poena puniri, levioere tamen quam quae in delictum consummatum constituta est.

**Can. 1329** - § 1. Qui communi delinquendi consilio in delictum concurrunt, neque in lege vel praecepto expresse nominantur, si poenae ferendae sententiae in auctorem principalem constitutae sint, iisdem poenis subiciuntur vel aliis eiusdem vel minoris gravitatis.

§ 2. In poenam latae sententiae delicto adnexam incurrunt complices, qui in lege vel praecepto non nominantur, si sine eorum opera delictum patratum non esset, et poena sit talis naturae, ut ipsos afficere possit; secus poenis ferendae sententiae puniri possunt.

**Can. 1330** - Delictum quod in declaratione consistat vel in alia voluntatis vel doctrinae vel scientiae manifestatione, tamquam non consummatum censendum est, si nemo eam declarationem vel manifestationem percipiat.

## TITULUS IV DE POENIS ALIISQUE PUNITIONIBUS

### CAPUT I DE CENSURIS

**Can. 1331** - § 1. Excommunicatus prohibetur:

1° Eucharistiae Sacrificium et reliqua sacramenta celebrare;

2° sacramenta recipere;

3° sacramentalia administrare et reliquas cultus liturgici caeremonias celebrare;

4° in celebrationibus antea recensitis ullam partem activam habere;

5° ecclesiastica officia, munera, ministeria et functiones exercere;

6° actus regiminis ponere.

§ 2. Quod si excommunicatio ferendae sententiae irrogata vel latae sententiae

§ 2. If the acts or omissions are by their nature conducive to the execution of the delict, however, their perpetrator can be subjected to a penance or penal remedy unless the perpetrator voluntarily ceased from carrying out the delict which had been initiated. If scandal or some other grave damage or danger resulted, however, the perpetrator, even if he or she voluntarily desisted, can be punished with a just penalty, although one lesser than that established for a completed delict.

**Can. 1329** - § 1. If ferendae sententiae penalties are established for the principal perpetrator, those who conspire together to commit a delict and are not expressly named in a law or precept are subject to the same penalties or to others of the same or lesser gravity.

§ 2. Accomplices who are not named in a law or precept incur a latae sententiae penalty attached to a delict if without their assistance the delict would not have been committed, and the penalty is of such a nature that it can affect them; otherwise, they can be punished by ferendae sententiae penalties.

**Can. 1330** - A delict which consists in a declaration or in another manifestation of will, doctrine, or knowledge must not be considered completed if no one perceives the declaration or manifestation.

## TITLE IV PENALTIES AND OTHER PUNISHMENTS

### CHAPTER I CENSURES

**Can. 1331** - § 1. An excommunicated person is prohibited:

1° from celebrating the Sacrifice of the Eucharist and the other sacraments;

2° from receiving the sacraments;

3° from administering sacramentals and from celebrating the other ceremonies of liturgical worship;

4° from taking an active part in the celebrations listed above;

5° from exercising any ecclesiastical offices, duties, ministries or functions;

6° from performing acts of governance.

§ 2. If a ferendae sententiae excommunication has been imposed or a latae sententiae

declarata sit, reus:

1° si agere velit contra praescriptum § 1, nn. 1-4, est arcendus aut a liturgica actione est cessandum, nisi gravis obstet causa;

2° invalide ponit actus regiminis, qui ad normam § 1, n. 6, sunt illiciti;

3° prohibetur frui privilegiis antea concessis;

4° retributiones, quae [quas] ob titulum mere ecclesiasticum habeat, non acquirit;

5° inhabilis est ad consequenda officia, munera, ministeria, functiones, iura, privilegia et titulos honorificos.

**Can. 1332** - § 1. Interdictus tenetur prohibitionibus, de quibus in can. 1331, § 1, nn. 1-4.

§ 2. Lex tamen vel praeceptum interdictum definire eo modo potest, ut tantum quaedam singulares actiones, de quibus in can. 1331, § 1, nn. 1-4, vel alia quaedam singularia iura reo prohibeantur.

§ 3. Etiam in casu interdicti praescriptum can. 1331, § 2, n. 1, servandum est.

**Can. 1333** - § 1. Suspendio prohibet:

1° omnes vel aliquos actus potestatis ordinis;

2° omnes vel aliquos actus potestatis regiminis;

3° exercitium omnium vel aliquorum iurium vel munerum officio inhaerentium.

§ 2. In lege vel praecepto statui potest, ut post sententiam vel decretum, quae poenam irrogant vel declarant, actus regiminis suspensus valide ponere nequeat.

§ 3. Prohibitio numquam afficit:

1° officia vel regiminis potestatem, quae non sint sub potestate Superioris poenam constituentis;

2° ius habitandi, si quod reus ratione officii habeat;

3° ius administrandi bona, quae ad ipsius suspensi officium forte pertineant, si poena sit latae sententiae.

§ 4. Suspendio prohibens fructus, stipendium,

excommunication declared, the offender:

1° proposing to act in defiance of the provision of § 1 nn. 1-4 is to be removed, or else the liturgical action is to be suspended, unless there is a grave reason to the contrary;

2° invalidly exercises any acts of governance which, in accordance with § 1 n. 6, are unlawful;

3° is prohibited from benefiting from privileges already granted;

4° does not acquire any remuneration held in virtue of a merely ecclesiastical title;

5° is legally incapable of acquiring offices, duties, ministries, functions, rights, privileges or honorific titles.

**Can. 1332** - § 1. One who is under interdict is obliged by the prohibitions mentioned in can. 1331 § 1 nn. 1-4.

§ 2. A law or precept may however define the interdict in such a way that the offender is prohibited only from certain particular actions mentioned in can. 1331 § 1 nn. 1-4, or from certain other particular rights.

§ 3. The provision of can. 1331 § 2 n. 1 is to be observed also in the case of interdict.

**Can. 1333** - § 1. Suspension prohibits:

1° all or some of the acts of the power of order;

2° all or some of the acts of the power of governance;

3° the exercise of all or some of the rights or functions attaching to an office.

§ 2. In a law or a precept it may be prescribed that, after a judgement or decree which impose or declare the penalty, a suspended person cannot validly perform acts of governance.

§ 3. The prohibition never affects:

1° any offices or power of governance which are not within the control of the Superior who establishes the penalty;

2° a right of residence which the offender may have by virtue of office;

3° the right to administer goods which may belong to an office held by the person suspended, if the penalty is latae sententiae.

§ 4. A suspension prohibiting the receipt of

pensiones aliave eiusmodi percipere, obligationem secumfert restituendi quidquid illegitime, quamvis bona fide, perceptum sit.

**Can. 1334** - § 1. Suspensionis ambitus, intra limites in canone praecedenti statutos, aut ipsa lege vel praecepto definitur, aut sententia vel decreto quo poena irrogatur.

§ 2. Lex, non autem praeceptum, potest latae sententiae suspensionem, nulla addita determinatione vel limitatione, constituere; eiusmodi autem poena omnes effectus habet, qui in can. 1333, § 1 recensentur.

**Can. 1335** - § 1. Si censuram infligat vel declaret in processu iudiciali aut per decretum extra iudicium, auctoritas competens potest quoque eas poenas expiatorias imponere, quas ad iustitiam restituendam vel ad scandalum reparandum necessarias censeat.

§ 2. Si censura prohibeat celebrare sacramenta vel sacramentalia vel ponere actum potestatis regiminis, prohibitio suspenditur, quoties id necessarium sit ad consulendum fidelibus in mortis periculo constitutis; quod si censura latae sententiae non sit declarata, prohibitio praeterea suspenditur, quoties fidelis petit sacramentum vel sacramentale vel actum potestatis regiminis; id autem petere ex qualibet iusta causa licet.

## CAPUT II DE POENIS EXPIATORIIS

**Can. 1336** - § 1. Poenae expiatoriae, quae delinquentem afficere possunt aut in perpetuum aut in tempus praefinitum aut in tempus indeterminatum, praeter alias, quas forte lex constituerit, sunt quae in §§ 2-5 recensentur.

§ 2. Praescriptio:

- 1° commorandi in certo loco vel territorio;
- 2° solvendi mulctam pecuniariam seu summam pecuniae in fines Ecclesiae, iuxta rationes ab Episcoporum conferentia definitas.

§ 3. Prohibitio:

- 1° commorandi in certo loco vel territorio;
- 2° exercendi, ubique aut in certo loco vel territorio aut extra illa, omnia vel aliqua officia,

benefits, stipends, pensions or other such things, carries with it the obligation of restitution of whatever has been unlawfully received, even though this was in good faith.

**Can. 1334** - § 1. The extent of a suspension, within the limits laid down in the preceding canon, is defined either by the law or precept, or by the judgement or decree whereby the penalty is imposed.

§ 2. A law, but not a precept, can establish a latae sententiae suspension without an added determination or limitation; such a penalty has all the effects enumerated in can. 1333 §1.

**Can. 1335** - § 1. If the competent authority imposes or declares a censure in a judicial process or by an extra-judicial decree, it can also impose the expiatory penalties it considers necessary to restore justice or repair scandal.

§ 2. If a censure prohibits the celebration of the sacraments or sacramentals or the performing of acts of the power of governance, the prohibition is suspended whenever this is necessary to provide for the faithful who are in danger of death. If a latae sententiae censure has not been declared, the prohibition is also suspended whenever one of the faithful requests a sacrament or sacramental or an act of the power of governance; for any just reason it is lawful to make such a request.

## CHAPTER II EXPIATORY PENALTIES

**Can. 1336** - § 1. Expiatory penalties can affect the offender either for ever or for a determined or an indeterminate period. Apart from others which the law may perhaps establish, they are those enumerated in §§ 2-5.

§ 2. An order:

- 1° to reside in a certain place or territory;
- 2° to pay a fine or a sum of money for the Church's purposes, in accordance with the guidelines established by the Episcopal Conference.

§ 3. A prohibition:

- 1° against residing in a certain place or territory;
- 2° against exercising, everywhere or inside or outside a specified place or territory, all or

munera, ministeria aut functiones vel aliqua tantum opera officiis aut muneribus inhaerentia;

3° ponendi omnes vel aliquos actus potestatis ordinis;

4° ponendi omnes vel aliquos actus potestatis regiminis;

5° exercendi aliquod ius vel privilegium aut utendi insignibus vel titulis;

6° fruendi voce activa vel passiva in electionibus canonicis vel partem habendi cum iure ferendi suffragium in consiliis vel collegiis ecclesialibus;

7° deferendi habitum ecclesiasticum vel religiosum.

§ 4. Privatio:

1° omnium vel aliquorum officiorum, munerum, ministeriorum aut functionum vel aliquorum tantum operum officiis aut muneribus inhaerentium;

2° facultatis confessiones excipiendi vel praedicandi;

3° potestatis regiminis delegatae;

4° alicuius iuris vel privilegii aut insignium vel tituli;

5° totius vel partis remunerationis ecclesiasticae, iuxta rationes ab Episcoporum conferentia statutas, salvo quoque praescripto can. 1350, § 1.

§ 5. Dimissio e statu clericali.

**Can. 1337 - § 1.** Prohibitio commorandi in certo loco vel territorio sive clericos sive religiosos afficere potest; praescriptio autem commorandi, clericos saeculares et, intra limites constitutionum, religiosos.

§ 2. Ut praescriptio commorandi in certo loco vel territorio irrogetur, accedat oportet consensus Ordinarii illius loci, nisi agatur de domo extradioecesanis quoque clericis paenitentibus vel emendandis destinata.

**Can. 1338 - § 1.** Poenae expiatoriae, quae in can. 1336 recensentur, numquam afficiunt potestates, officia, munera, iura, privilegia, facultates, gratias, titulos, insignia, quae non sint sub potestate Superioris poenam constituentis.

some offices, duties, ministries or functions, or only certain tasks attaching to offices or duties;

3° against performing all or some acts of the power of order;

4° against performing all or some acts of the power of governance;

5° against exercising any right or privilege or using insignia or titles;

6° against enjoying an active or passive voice in canonical elections or taking part with a right to vote in ecclesial councils or colleges;

7° against wearing ecclesiastical or religious dress.

§ 4. A deprivation:

1° of all or some offices, duties, ministries or functions, or only of certain functions attaching to offices or duties;

2° of the faculty of hearing confessions or of preaching;

3° of a delegated power of governance;

4° of some right or privilege or insignia or title;

5° of all ecclesiastical remuneration or part of it, in accordance with the guidelines established by the Episcopal Conference, without prejudice to the provision of can. 1350 § 1.

§ 5. Dismissal from the clerical state.

**Can. 1337 - § 1.** A prohibition against residing in a certain place or territory can affect both clerics and religious; however, the order to reside in a certain place or territory can affect secular clerics and, within the limits of the constitutions, religious.

§ 2. To impose an order to reside in a certain place or territory requires the consent of the ordinary of that place unless it is a question of a house designated for clerics doing penance or being rehabilitated even from outside the diocese.

**Can. 1338 - § 1.** The expiatory penalties enumerated in can. 1336 never affect powers, offices, functions, rights, privileges, faculties, favours, titles or insignia, which are not within the control of the Superior who establishes the penalty.

§ 2. Potestatis ordinis privatio dari nequit, sed tantum prohibitio eam vel aliquos eius actus exercendi; item dari nequit privatio graduum academicorum.

§ 3. De prohibitionibus, quae in can. 1336, § 3, indicantur, norma servanda est, quae de censuris datur in can. 1335, § 2.

§ 4. Latae sententiae eae tantum poenae expiatoriae esse possunt, quae ut prohibitiones in can. 1336, § 3, recensentur vel aliae quae forte lege aut praecepto constitutae sint.

§ 5. Prohibitiones de quibus in can. 1336, § 3, numquam sunt sub poena nullitatis.

### CAPUT III DE REMEDIIS POENALIBUS ET PAENITENTIIS

**Can. 1339** - § 1. Eum, qui versatur in proxima delinquendi occasione, vel in quem, ex investigatione peracta, gravis cadit suspicio delicti commissi, Ordinarius per se vel per alium monere potest.

§ 2. Eum ex cuius conversatione scandalum vel gravis ordinis perturbatio oriatur, Ordinarius corripere potest, modo peculiaribus personae et facti condicionibus accommodato.

§ 3. De monitione et correptione constare semper debet saltem ex aliquo documento, quod in secreto curiae archivo servetur.

§ 4. Si, semel vel pluries, monitiones vel correptiones inutiliter alicui factae sint, vel si ex iis effectus exspectare non liceat, Ordinarius det praeceptum poenale, in quo accurate praescribat quid agendum vel vitandum sit.

§ 5. Si casus gravitas ferat, ac praesertim si quis versetur in periculo relabendi in delictum, eum Ordinarius, etiam praeter poenas ad normam iuris irrogatas vel declaratas per sententiam vel decretum, submittat vigilantiae modo per decretum singulare determinato.

**Can. 1340** - § 1. Paenitentia, quae imponi potest in foro externo, est aliquod religionis vel pietatis vel caritatis opus peragendum.

§ 2. Ob transgressionem occultam numquam

§ 2. There can be no deprivation of the power of order, but only a prohibition against the exercise of it or of some of its acts; neither can there be a deprivation of academic degrees.

§ 3. The norm laid down for censures in can. 1335 § 2 is to be observed in regard to the prohibitions mentioned in can. 1336 § 3.

§ 4. Only those expiatory penalties enumerated as prohibitions in can. 1336 § 3, or others that may perhaps be established by a law or precept, may be latae sententiae penalties.

§ 5. The prohibitions mentioned in can. 1336 § 3 are never under pain of nullity.

### CHAPTER III PENAL REMEDIES AND PENANCES

**Can. 1339** - § 1. When someone is in a proximate occasion of committing an offence or when, after an investigation, there is a serious suspicion that an offence has been committed, the Ordinary either personally or through another can give that person warning.

§ 2. In the case of behaviour which gives rise to scandal or serious disturbance of public order, the Ordinary can also correct the person, in a way appropriate to the particular conditions of the person and of what has been done.

§ 3. The fact that there has been a warning or a correction must always be proven, at least from some document to be kept in the secret archive of the curia

§ 4. If on one or more occasions warnings or corrections have been made to someone to no effect, or if it is not possible to expect them to have any effect, the Ordinary is to issue a penal precept in which he sets out exactly what is to be done or avoided.

§ 5. If the gravity of the case so requires, and especially in a case where someone is in danger of relapsing into an offence, the Ordinary is also to subject the offender, over and above the penalties imposed according to the provision of the law or declared by sentence or decree, to a measure of vigilance determined by means of a singular decree.

**Can. 1340** - § 1. A penance, which can be imposed in the external forum, is the performance of some work of religion, piety, or charity.

§ 2. A public penance is never to be imposed

publica imponatur paenitentia.

§ 3. Paenitentias Ordinarius pro sua prudentia addere potest poenali remedio monitionis vel correptionis.

#### TITULUS V DE POENARUM APPLICATIONE

**Can. 1341** - Ordinarius proceduram iudicalem vel administrativam ad poenas irrogandas vel declarandas promovere debet cum perspexerit neque pastoralis sollicitudinis viis, praesertim fraterna correctione, neque monitione neque correptione satis posse iustitiam restitui, reum emendari, scandalum reparari.

**Can. 1342** - § 1. Quoties iustae obstant causae ne iudicialis processus fiat, poena irrogari vel declarari potest per decretum extra iudicium, servato can. 1720, praesertim quod attinet ad ius defensionis atque ad moralem certitudinem in animo eius qui decretum fert ad normam can. 1608. Remedia poenalia et paenitentiae applicari possunt per decretum in quolibet casu.

§ 2. Per decretum irrogari vel declarari non possunt poenae perpetuae, neque poenae quas lex vel praeceptum eas constituens vetet per decretum applicare.

§ 3. Quae in lege vel praecepto dicuntur de iudice, quod attinet ad poenam irrogandam vel declarandam in iudicio, applicanda sunt ad Superiorem, qui per decretum extra iudicium poenam irroget vel declaret, nisi aliter constet neque agatur de praescriptis quae ad procedendi tantum rationem attineant.

**Can. 1343** - Si lex aut praeceptum iudici facultatem concedat applicandi vel non applicandi poenam, iste, salvo praescripto can. 1326, § 3, rem definiat, pro sua conscientia et prudentia, iuxta id quod expostulant iustitiae restitutio, rei emendatio et scandalum reparatio; iudex autem his in casibus potest etiam, si res ferat, poenam temperare vel in eius locum paenitentiam imponere.

**Can. 1344** - Etiam si lex utatur verbis praeceptivis, iudex pro sua conscientia et prudentia potest:

1° poenae irrogationem in tempus magis opportunum differre, si ex praepropera rei

for an occult transgression.

§ 3. According to his own prudent judgment, an ordinary can add penances to the penal remedy of warning or rebuke.

#### TITLE V THE APPLICATION OF PENALTIES

**Can. 1341** - The Ordinary must start a judicial or an administrative procedure for the imposition or the declaration of penalties when he perceives that neither by the methods of pastoral care, especially fraternal correction, nor by a warning or correction, can justice be sufficiently restored, the offender reformed, and the scandal repaired.

**Can. 1342** - § 1. Whenever there are just reasons against the use of a judicial procedure, a penalty can be imposed or declared by means of an extra-judicial decree, observing canon 1720, especially in what concerns the right of defence and the moral certainty in the mind of the one issuing the decree, in accordance with the provision of can. 1608. Penal remedies and penances may in any case whatever be applied by a decree.

§ 2. Perpetual penalties cannot be imposed or declared by means of a decree; nor can penalties which the law or precept establishing them forbids to be applied by decree.

§ 3. What the law or decree says of a judge in regard to the imposition or declaration of a penalty in a trial is to be applied also to a Superior who imposes or declares a penalty by an extra-judicial decree, unless it is otherwise clear, or unless there is question of provisions which concern only procedural matters.

**Can. 1343** - If a law or precept grants the judge the faculty to apply or not to apply a penalty, he is, without prejudice to the provision of can. 1326 § 3, to determine the matter according to his own conscience and prudence, and in accordance with what the restoration of justice, the reform of the offender and the repair of scandal require; in such cases the judge may also, if appropriate, modify the penalty or in its place impose a penance.

**Can. 1344** - Even though the law may use obligatory words, the judge may, according to his own conscience and prudence:

1° defer the imposition of the penalty to a more opportune time, if it is foreseen that

punitione maiora mala eventura praevideantur, nisi necessitas urgeat scandalum reparandi;

2° a poena irroganda abstinere vel poenam mitiorem irrogare aut paenitentiam adhibere, si reus emendatus sit, necnon scandalum et damnum forte illatum reparaverit, aut si ipse satis a civili auctoritate punitus sit vel punitum iri praevideatur;

3° obligationem servandi poenam expiatoriam suspendere, si reus primum post vitam laudabiliter peractam deliquerit neque necessitas urgeat reparandi scandalum, ita tamen ut, si reus intra tempus ab ipso iudice determinatum rursus deliquerit, poenam utriusque delicto debitam luat, nisi interim tempus decurrerit ad actionis poenalis pro priore delicto praescriptionem.

**Can. 1345** - Quoties delinquens vel usum rationis imperfectum tantum habuerit, vel delictum ex necessitate vel gravi metu aut passionis aestu vel, salvo praescripto can. 1326, § 1, n. 4, in ebrietate aliave simili mentis perturbatione patruerit, iudex potest etiam a qualibet punitione irroganda abstinere, si censeat aliter posse melius consuli eius emendationi; reus tamen puniri debet si aliter ad iustitiam restituendam, et scandalum forte illatum reparandum provideri non possit.

**Can. 1346** - § 1. Ordinarie tot poenae quot delicta.

§ 2. Quoties vero reus plura delicta patruerit, si nimius videatur poenarum ferendae sententiae cumulus, prudenti iudicis arbitrio relinquitur poenas intra aequos terminos moderari, et eum vigilantiae subicere.

**Can. 1347** - § 1. Censura irrogari valide nequit, nisi antea reus semel saltem monitus sit ut a contumacia recedat, dato congruo ad resipiscentiam tempore.

§ 2. A contumacia recessisse dicendus est reus, quem delicti vere paenituerit, quique praeterea congruam scandalum et damni

greater evils may arise from a too hasty punishment of the offender, unless there is an urgent need to repair scandal;

2° abstain from imposing the penalty or substitute a milder penalty or a penance, if the offender has repented, as well as having repaired any scandal and harm caused, or if the offender has been or foreseeably will be sufficiently punished by the civil authority;

3° may suspend the obligation of observing an expiatory penalty, if the person is a first-offender after a hitherto blameless life, and there is no urgent need to repair scandal; this is, however, to be done in such a way that if the person again commits an offence within a time laid down by the judge, then that person must pay the penalty for both offences, unless in the meanwhile the time for prescription of a penal action in respect of the former offence has expired.

**Can. 1345** - Whenever the offender had only an imperfect use of reason, or committed the offence out of necessity or grave fear or in the heat of passion or, without prejudice to the provision of can. 1326 § 1 n. 4, with a mind disturbed by drunkenness or a similar cause, the judge can refrain from inflicting any punishment if he considers that the person's reform may be better accomplished in some other way; the offender, however, must be punished if there is no other way to provide for the restoration of justice and the repair of any scandal that may have been caused.

**Can. 1346** - § 1. Ordinarily there are as many penalties as there are offences.

§ 2. Nevertheless, whenever the offender has committed a number of offences and the sum of penalties which should be imposed seems excessive, it is left to the prudent decision of the judge to moderate the penalties in an equitable fashion, and to place the offender under vigilance.

**Can. 1347** - § 1. A censure cannot validly be imposed unless the offender has beforehand received at least one warning to purge the contempt, and has been allowed suitable time to do so.

§ 2. The offender is said to have purged the contempt if he or she has truly repented of the offence and has made suitable reparation for

reparationem dederit vel saltem id praestare serio promiserit.

**Can. 1348** - Cum reus ab accusatione absolvitur vel nulla poena ei irrogatur, Ordinarius potest opportunis monitis aliisque pastoralis sollicitudinis viis, vel etiam, si res ferat, poenalibus remediis eius utilitati et publico bono consulere.

**Can. 1349** - Si poena sit indeterminata neque aliud lex caveat, iudex in poenis determinandis eas eligat quae inducto scandalo et damni gravitati proportionatae sint; poenas tamen graviores ne irroget, nisi casus gravitas id omnino postulet; perpetuas autem poenas irrogare non potest.

**Can. 1350** - § 1. In poenis clerico irrogandis semper cavendum est, ne iis quae ad honestam sustentationem sunt necessaria ipse careat, nisi agatur de dimissione e statu clericali.

§ 2. Dimisso autem e statu clericali, qui propter poenam vere indigeat, Ordinarius meliore quo fieri potest modo providere curet, exclusa vero collatione officii, ministerii vel muneris.

**Can. 1351** - Poena reum ubique tenet, etiam resoluta iure eius qui poenam constituit, irrogavit vel declaravit, nisi aliud expresse caveatur.

**Can. 1352** - § 1. Si poena prohibeat recipere sacramenta vel sacramentalia, prohibitio suspenditur, quamdiu reus in mortis periculo versatur.

§ 2. Obligatio servandi poenam latae sententiae, quae neque declarata sit neque sit notoria in loco ubi delinquens versatur, eatenus ex toto vel ex parte suspenditur, quatenus reus eam servare nequeat sine periculo gravis scandali vel infamiae.

**Can. 1353** - Appellatio vel recursus a sententiis iudicialibus vel a decretis, quae poenam quamlibet irrogent vel declarent, habent effectum suspensivum.

TITULUS VI DE POENARUM REMISSIONE

the scandal and harm, or at least seriously promised to make it.

**Can. 1348** - When an accused is acquitted of an accusation or when no penalty is imposed, the ordinary can provide for the welfare of the person and for the public good through appropriate warnings and other means of pastoral solicitude or even through penal remedies if the matter warrants it.

**Can. 1349** - If a penalty is indeterminate, and if the law does not provide otherwise, the judge in determining the penalties is to choose those which are proportionate to the scandal caused and the gravity of the harm; he is not however to impose graver penalties, unless the seriousness of the case really demands it. He may not impose penalties which are perpetual.

**Can. 1350** - § 1. In imposing penalties on a cleric, except in the case of dismissal from the clerical state, care must always be taken that he does not lack what is necessary for his worthy support.

§ 2. If a person is truly in need because he has been dismissed from the clerical state, the Ordinary is to provide in the best way possible, but not by the conferral of an office, ministry or function.

**Can. 1351** - A penalty binds an offender everywhere, even when the right of the one who established, imposed or declared it has ceased, unless it is otherwise expressly provided.

**Can. 1352** - § 1. If a penalty prohibits the reception of the sacraments or sacramentals, the prohibition is suspended for as long as the offender is in danger of death.

§ 2. The obligation of observing a latae sententiae penalty which has not been declared, and is not notorious in the place where the offender actually is, is suspended either in whole or in part to the extent that the offender cannot observe it without the danger of grave scandal or loss of good name.

**Can. 1353** - An appeal or recourse from judicial sentences or from decrees, which impose or declare a penalty, has a suspensive effect.

TITLE VI THE REMISSION OF PENALTIES

## ET DE ACTIONUM PRAESCRPTIONE

**Can. 1354** - § 1. Praeter eos, qui in cann. 1355-1356 recensentur, omnes, qui a lege, quae poena munita est, dispensare possunt vel a praecepto poenam comminanti eximere, possunt etiam eam poenam remittere.

§ 2. Potest praeterea lex vel praeceptum, poenam constituens, aliis quoque potestatem facere remittendi.

§ 3. Si Apostolica Sedes poenae remissionem sibi vel aliis reservaverit, reservatio stricte est interpretanda.

**Can. 1355** - § 1. Poenam lege constitutam, quae sit ferendae sententiae irrogata vel latae sententiae declarata, dummodo non sit Apostolicae Sedi reservata, remittere possunt:

1° Ordinarius, qui iudicium ad poenam irrogandam vel declarandam promovit vel decreto eam per se vel per alium irrogavit vel declaravit;

2° Ordinarius loci in quo delinquens versatur, consulto tamen, nisi propter extraordinarias circumstantias impossibile sit, Ordinario, de quo sub n. 1.

§ 2. Poenam lege constitutam, quae sit latae sententiae nondum declarata et dummodo non sit Apostolicae Sedi reservata, remittere possunt:

1° Ordinarius suis subditis;

2° Ordinarius loci etiam iis qui in ipsius territorio versantur vel ibi deliquerint;

3° quilibet Episcopus in actu tamen sacramentalis confessionis.

**Can. 1356** - § 1. Poenam ferendae vel latae sententiae constitutam praecepto quod non sit ab Apostolica Sede latum, remittere possunt:

1° praecepti auctor;

2° Ordinarius qui iudicium ad poenam irrogandam vel declarandam promovit vel decreto eam per se vel per alium irrogavit vel declaravit;

3° Ordinarius loci, in quo delinquens versatur.

## AND THE PRESCRIPTION OF ACTIONS

**Can. 1354** - § 1. Besides those who are enumerated in cann. 1355-1356, all who can dispense from a law which is supported by a penalty, or excuse from a precept which threatens a penalty, can also remit the penalty itself.

§ 2. Moreover, a law or precept which establishes a penalty can also grant to others the power of remitting the penalty.

§ 3. If the Apostolic See has reserved the remission of a penalty to itself or to others, the reservation is to be strictly interpreted.

**Can. 1355** - § 1. Provided it is not reserved to the Apostolic See, a penalty established by law which is ferendae sententiae and has been imposed, or which is latae sententiae and has been declared, can be remitted by the following:

1° the Ordinary who initiated the judicial proceedings to impose or declare the penalty, or who by a decree, either personally or through another, imposed or declared it;

2° the Ordinary of the place where the offender actually is, after consulting the Ordinary mentioned in n. 1, unless because of extraordinary circumstances this is impossible.

§ 2. Provided it is not reserved to the Apostolic See, a penalty established by law which is latae sententiae and has not yet been declared can be remitted by the following:

1° the Ordinary in respect of his subjects;

2° the Ordinary of the place also in respect of those actually in his territory or of those who committed the offence in his territory;

3° any Bishop, but only in the course of sacramental confession.

**Can. 1356** - § 1. A ferendae or a latae sententiae penalty established in a precept not issued by the Apostolic See, can be remitted by the following:

1° the author of the precept;

2° the Ordinary who initiated the judicial proceedings to impose or declare the penalty, or who by a decree, either personally or through another, imposed or declared it;

3° the Ordinary of the place where the offender actually is.

§ 2. Antequam remissio fiat, consulendus est, nisi propter extraordinarias circumstantias impossibile sit, praecepti auctor, vel qui poenam irrogavit vel declaravit.

**Can. 1357** - § 1. Firmis praescriptis cann. 508 et 976, censuram latae sententiae excommunicationis vel interdicti non declaratam confessarius remittere potest in foro interno sacramentali, si paenitenti durum sit in statu gravis peccati permanere per tempus necessarium ut Superior competens provideat.

§ 2. In remissione concedenda confessarius paenitenti onus iniungat recurrendi intra mensem sub poena reincidentiae ad Superiorem competentem vel ad sacerdotem facultate praeditum, et standi huius mandatis; interim imponat congruam paenitentiam et, quatenus urgeat, scandalum et damnum reparationem; recursus autem fieri potest etiam per confessarium, sine nominis mentione.

§ 3. Eodem onere recurrendi tenentur, cessante periculo, ii quibus ad normam can. 976 remissa est censura irrogata vel declarata vel Sedi Apostolicae reservata.

**Can. 1358** - § 1. Remissio censurae dari non potest nisi delinquenti qui a contumacia, ad normam can. 1347, § 2, recesserit; recedenti autem denegari nequit, salvo praescripto can. 1361, § 4.

§ 2. Qui censuram remittit, potest ad normam can. 1348 providere vel etiam paenitentiam imponere.

**Can. 1359** - Si quis pluribus poenis detineatur, remissio valet tantummodo pro poenis in ipsa expressis; generalis autem remissio omnes aufert poenas, iis exceptis quas in petitione delinquens mala fide reticuerit.

**Can. 1360** - Remissio poenae vi aut metu gravi aut dolo extorta ipso iure irrita est.

§ 2. Before the remission is granted, the author of the precept, or the one who imposed or declared the penalty, is to be consulted, unless because of extraordinary circumstances this is impossible.

**Can. 1357** - § 1. Without prejudice to the provisions of cann. 508 and 976, a confessor can in the internal sacramental forum remit a latae sententiae censure of excommunication or interdict which has not been declared, if it is difficult for the penitent to remain in a state of grave sin for the time necessary for the competent Superior to provide.

§ 2. In granting the remission, the confessor is to impose upon the penitent, under pain of again incurring the censure, the obligation to have recourse within one month to the competent Superior or to a priest having the requisite faculty, and to abide by his instructions. In the meantime, the confessor is to impose an appropriate penance and, to the extent demanded, to require reparation of scandal and harm. The recourse, however, may be made even through the confessor, without mention of a name.

§ 3. The same duty of recourse, when the danger has ceased, binds those who in accordance with can. 976 have had remitted an imposed or declared censure or one reserved to the Holy See.

**Can. 1358** - § 1. The remission of a censure cannot be granted except to an offender whose contempt has been purged in accordance with can. 1347 § 2. However, once the contempt has been purged, the remission cannot be refused, without prejudice to the provision of can. 1361 § 4.

§ 2 The one who remits a censure can make provision in accordance with can. 1348, and can also impose a penance.

**Can. 1359** - If one is bound by a number of penalties, a remission is valid only for those penalties expressed in it. A general remission, however, removes all penalties, except those which in the petition the offender concealed in bad faith.

**Can. 1360** - The remission of a penalty extorted by force or grave fear or deceit is invalid by virtue of the law itself.

**Can. 1361** - § 1. Remissio dari potest etiam absenti vel sub condicione.

§ 2. Remissio in foro externo detur scripto, nisi gravis causa aliud suadeat.

§ 3. Remissionis petitio vel ipsa remissio ne divulgetur, nisi quatenus id vel utile sit ad rei famam tuendam vel necessarium ad scandalum reparandum.

§ 4. Remissio dari non debet donec, prudenti arbitrio Ordinarii, damnum forte illatum reus reparaverit; qui ad hanc reparationem vel restitutionem urgeri potest per unam ex poenis de quibus in can. 1336, §§ 2-4, quod valet etiam cum illi censura remittitur ad normam can. 1358, § 1.

**Can. 1362** - § 1. Actio criminalis praescriptione extinguitur triennio, nisi agatur:

1° de delictis Congregationi pro Doctrina Fidei reservatis, quae normis specialibus subiciuntur;

2° firmo praescripto n. 1, de actione ob delicta de quibus in cann. 1376, 1377, 1378, 1393, § 1, 1394, 1395, 1397, 1398, § 2, quae septennio praescribitur, vel de ea ob delicta de quibus in can. 1398, § 1, quae viginti annorum spatio praescribitur;

3° de delictis quae non sunt iure communi punita, si lex particularis alium praescriptionis terminum statuerit.

§ 2. Praescriptio, nisi aliud in lege statuatur, decurrit ex die quo delictum patratum est, vel, si delictum sit permanens vel habituale, ex die quo cessavit.

§ 3. Reo ad normam can. 1723 citato vel modo praeviso in can. 1507, § 3, certiore facto de exhibitione accusationis libelli iuxta can. 1721, § 1, praescriptio actionis criminalis suspenditur per tres annos, quo termino elapso vel interrupta suspensione, cessationis processus poenalis causa, rursus currit tempus, quod adiungitur ad illud iam decursum pro praescriptione. Eadem suspensio pariter viget si, servato can. 1720, n. 1, ad poenam irrogandam vel declarandam per decretum

**Can. 1361** - § 1. A remission can be granted even to a person who is not present, or conditionally.

§ 2. A remission in the external forum is to be granted in writing, unless a grave reason suggests otherwise.

§ 3. The petition for remission or the remission itself is not to be made public, except in so far as this would either be useful for the protection of the good name of the offender, or be necessary to repair scandal.

§ 4. Remission must not be granted until, in the prudent judgement of the Ordinary, the offender has repaired any harm caused. The offender may be urged to make such reparation or restitution by one of the penalties mentioned in can. 1336 §§ 2-4; the same applies also when the offender is granted remission of a censure under can. 1358 § 1.

**Can. 1362** - § 1. A criminal action is extinguished by prescription after three years, except for:

1° offences reserved to the Congregation for the Doctrine of the Faith, which are subject to special norms;

2° without prejudice to n. 1, an action arising from any of the offences mentioned in cann. 1376, 1377, 1378, 1393 § 1, 1394, 1395, 1397, or 1398 § 2, which is extinguished after seven years, or one arising from the offences mentioned in can. 1398 § 1, which is extinguished after twenty years;

3° offences not punished by the universal law, where a particular law has prescribed a different period of prescription.

§ 2. Prescription, unless provided otherwise in a law, runs from the day the offence was committed or, if the offence was enduring or habitual, from the day it ceased.

§ 3. When the offender has been summoned in accordance with can. 1723, or informed in the manner provided in can. 1507 § 3 of the presentation of the petition of accusation according to can. 1721 § 1, prescription of the criminal action is suspended for three years; once this period has expired or the suspension has been interrupted through the cessation of the penal process, time runs once again and is added to the period of prescription which has already elapsed. The same suspension equally

extra iudicium procedatur.

**Can. 1363** - § 1. Si intra terminos de quibus in can. 1362, ex die quo sententia condemnatoria in rem iudicatam transierit computandos, non sit reo notificatum exsecutorium iudicis decretum de quo in can. 1651, actio ad poenam exsequendam praescriptione extinguitur.

§ 2. Idem valet, servatis servandis, si poena per decretum extra iudicium irrogata sit.

## PARS II DE SINGULIS DELICTIS DEQUE POENIS IN EADEM CONSTITUTIS

### TITULUS I DE DELICTIS CONTRA FIDEM ET ECCLESIAE UNITATEM

**Can. 1364** - § 1. Apostata a fide, haereticus vel schismaticus in excommunicationem latae sententiae incurrit, firmo praescripto can. 194, § 1, n. 2; praeterea poenis, de quibus in can. 1336, §§ 2-4, puniri potest.

§ 2. Si diuturna contumacia vel scandali gravitas id postulet, aliae poenae addi possunt, non excepta dimissione e statu clericali.

**Can. 1365** - Qui, praeter casum de quo in can. 1364, § 1, doctrinam a Romano Pontifice vel a Concilio Oecumenico damnatam docet vel doctrinam, de qua in can. 750, § 2, vel in can. 752, pertinaciter respuit, et ab Apostolica Sede vel ab Ordinario admonitus non retractat, censura puniatur et privatione officii; his sanctionibus aliae addi possunt de quibus in can. 1336, §§ 2-4.

**Can. 1366** - Qui contra Romani Pontificis actum ad Concilium Oecumenicum vel ad Episcoporum collegium recurrit censura puniatur.

**Can. 1367** - Parentes vel parentum locum tenentes, qui liberos in religione acatholica baptizandos vel educandos tradunt, censura aliave iusta poena puniantur.

**Can. 1368** - Qui in publico spectaculo vel concione, vel in scripto publice evulgato, vel

applies if, observing can. 1720 n. 1, the procedure is followed for imposing or declaring a penalty by way of an extra-judicial decree.

**Can. 1363** - § 1. Prescription extinguishes an action to execute a penalty if the offender is not notified of the executive decree of the judge mentioned in can. 1651 within the time limits mentioned in can. 1362; these limits are to be computed from the day on which the condemnatory sentence became a res iudicata.

§ 2. Having observed what is required, the same is valid if the penalty was imposed by extrajudicial decree.

## PART II PARTICULAR OFFENCES AND THE PENALTIES ESTABLISHED FOR THEM

### TITLE I OFFENCES AGAINST THE FAITH AND THE UNITY OF THE CHURCH

**Can. 1364** - § 1. An apostate from the faith, a heretic or a schismatic incurs a latae sententiae excommunication, without prejudice to the provision of can. 194 § 1 n. 2; he or she may also be punished with the penalties mentioned in can. 1336 §§ 2-4.

§ 2. If a long-standing contempt or the gravity of scandal calls for it, other penalties may be added, not excluding dismissal from the clerical state.

**Can. 1365** - A person who, apart from the case mentioned in canon 1364 § 1, teaches a doctrine condemned by the Roman Pontiff, or by an Ecumenical Council, or obstinately rejects the teaching mentioned in canon 750 § 2 or canon 752 and, when warned by the Apostolic See or the Ordinary, does not retract, is to be punished with a censure and deprivation of office; to these sanctions others mentioned in can. 1336 §§ 2-4 may be added.

**Can. 1366** - A person who appeals from an act of the Roman Pontiff to an Ecumenical Council or to the College of Bishops is to be punished with a censure.

**Can. 1367** - Parents and those taking the place of parents who hand over their children to be baptised or brought up in a non-Catholic religion are to be punished with a censure or other just penalty.

**Can. 1368** - A person is to be punished with a just penalty who, at a public event or assembly,

aliter instrumentis communicationis socialis utens, blasphemiam profert, aut bonos mores graviter laedit, aut in religionem vel Ecclesiam iniurias exprimit vel odium contemptumve excitat, iusta poena puniatur.

**Can. 1369** - Qui rem sacram, mobilem vel immobilem, profanat iusta poena puniatur.

## TITULUS II DE DELICTIS CONTRA ECCLESIASTICAM AUCTORITATEM ET MUNERUM EXERCITIUM

**Can. 1370** - § 1. Qui vim physicam in Romanum Pontificem adhibet, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit, cui, si clericus sit, alia poena, non exclusa dimissione e statu clericali, pro delicti gravitate addi potest.

§ 2. Qui id agit in eum qui episcopali caractere pollet, in interdictum latae sententiae et, si sit clericus, etiam in suspensionem latae sententiae incurrit.

§ 3. Qui vim physicam in clericum vel religiosum vel alium christifidelem adhibet in fidei vel Ecclesiae vel ecclesiasticae potestatis vel ministerii contemptum, iusta poena puniatur.

**Can. 1371** - § 1. Qui Sedi Apostolicae, Ordinario vel Superiori legitime praecipienti vel prohibenti non obtemperat, et post monitionem in inoboedientia persistit, pro casus gravitate puniatur censura vel privatione officii vel aliis poenis de quibus in can. 1336, §§ 2-4.

§ 2. Qui obligationes sibi ex poena impositas violat, poenis de quibus in can. 1336, §§ 2-4, puniatur.

§ 3. Si quis, asserens vel promittens aliquid coram ecclesiastica auctoritate, periurium committit, iusta poena puniatur.

§ 4. Qui obligationem secreti pontificii servandi violat poenis de quibus in can. 1336, §§ 2-4, puniatur.

§ 5. Qui non servaverit officium exsequendi sententiam executivam vel decretum poenale executivum iusta poena puniatur, non exclusa

or in a published writing, or by otherwise using the means of social communication, utters blasphemy, or gravely harms public morals, or rails at or excites hatred of or contempt for religion or the Church.

**Can. 1369** - A person who profanes a sacred object, moveable or immovable, is to be punished with a just penalty.

## TITLE II OFFENCES AGAINST CHURCH AUTHORITIES AND THE EXERCISE OF DUTIES

**Can. 1370** - § 1. A person who uses physical force against the Roman Pontiff incurs a latae sententiae excommunication reserved to the Apostolic See; if the offender is a cleric, another penalty, not excluding dismissal from the clerical state, may be added according to the gravity of the crime.

§ 2. One who does this against a Bishop incurs a latae sententiae interdict and, if a cleric, he incurs also a latae sententiae suspension.

§ 3. A person who uses physical force against a cleric or religious or another of Christ's faithful out of contempt for the faith, or the Church, or ecclesiastical authority or the ministry, is to be punished with a just penalty.

**Can. 1371** - § 1. A person who does not obey the lawful command or prohibition of the Apostolic See or the Ordinary or Superior and, after being warned, persists in disobedience, is to be punished, according to the gravity of the case, with a censure or deprivation of office or with other penalties mentioned in can. 1336, §§ 2-4.

§ 2. A person who violates obligations imposed by a penalty is to be punished with the penalties mentioned in can. 1336 §§ 2-4.

§ 3. A person who, in asserting or promising something before an ecclesiastical authority, commits perjury, is to be punished with a just penalty.

§ 4. A person who violates the obligation of observing the pontifical secret is to be punished with the penalties mentioned in can. 1336 §§ 2-4.

§ 5. A person who fails to observe the duty to execute an executive sentence is to be punished with a just penalty, not excluding a

censura.

§ 6. Qui communicare negligit notitiam de delicto, cum ad id exsequendum lege canonica teneatur, puniatur ad normam can. 1336, §§ 2-4, adiunctis quoque aliis poenis pro delicti gravitate.

**Can. 1372** - Puniantur ad normam can. 1336, §§ 2-4:

1° qui impediunt libertatem ministerii vel exercitium potestatis ecclesiasticae aut legitimum rerum sacrarum vel bonorum ecclesiasticorum usum, aut perterrent eum qui potestatem vel ministerium ecclesiasticum exercuit;

2° qui impediunt libertatem electionis aut perterrent electorem vel electum.

**Can. 1373** - Qui publice simultates vel odia adversus Sedem Apostolicam vel Ordinarium excitat propter aliquem officii vel muneris ecclesiastici actum, aut ad inoboedientiam in eos provocat, interdicto vel aliis iustis poenis puniatur.

**Can. 1374** - Qui nomen dat consociationi, quae contra Ecclesiam machinatur, iusta poena puniatur; qui autem eiusmodi consociationem promovet vel moderatur, interdicto puniatur.

**Can. 1375** - § 1. Quicumque officium ecclesiasticum usurpat, iusta poena puniatur.

§ 2. Usurpationi aequiparatur illegitima, post privationem vel cessationem a munere, eiusdem retentio.

**Can. 1376** - § 1. Poenis de quibus in can. 1336, §§ 2-4, puniatur, firma damnum reparandi obligatione:

1° qui bona ecclesiastica subtrahit vel impedit ne eorundem fructus percipiantur;

2° qui sine praescripta consultatione, consensu vel licentia aut sine alio requisito iure ad validitatem vel ad liceitatem imposito bona ecclesiastica alienat vel in ea actus administrationis exsequitur.

censure.

§ 6. A person who neglects to report an offence, when required to do so by a canonical law, is to be punished according to the provision of can. 1336 §§ 2-4, with the addition of other penalties according to the gravity of the offence.

**Can. 1372** - The following are to be punished according to the provision of can. 1336 §§ 2-4:

1° those who hinder the freedom of the ministry or the exercise of ecclesiastical power, or the lawful use of sacred things or ecclesiastical goods, or who intimidate one who has exercised ecclesiastical power or ministry;

2° those who hinder the freedom of an election or intimidate an elector or one who is elected.

**Can. 1373** - A person who publicly incites hatred or animosity against the Apostolic See or the Ordinary because of some act of ecclesiastical office or duty, or who provokes disobedience against them, is to be punished by interdict or other just penalties.

**Can. 1374** - A person who joins an association which plots against the Church is to be punished with a just penalty; however, a person who promotes or directs an association of this kind is to be punished with an interdict.

**Can. 1375** - § 1. Anyone who usurps an ecclesiastical office is to be punished with a just penalty.

§ 2. The unlawful retention of an office after being deprived of it, or ceasing from it, is equivalent to usurpation.

**Can. 1376** - § 1. The following are to be punished with the penalties mentioned in can. 1336 §§ 2-4, without prejudice to the obligation of repairing the harm:

1° a person who steals ecclesiastical goods or prevents their proceeds from being received;

2° a person who without the prescribed consultation, consent, or permission, or without another requirement imposed by law for validity or for lawfulness, alienates ecclesiastical goods or carries out an act of administration over them.

§ 2. Iusta poena puniatur, non exclusa officii privatione, firma damnum reparandi obligatione:

1° qui delictum de quo in § 1, n. 2, ex sua gravi culpa committit;

2° qui aliter graviter negligens in bonis ecclesiasticis administrandis repertus fuerit.

**Can. 1377** - § 1. Qui quidvis donat vel pollicetur ut aliquis officium vel munus in Ecclesia exercens, illegitime quid agat vel omittat, iusta poena puniatur ad normam can. 1336, §§ 2-4; item qui ea dona vel pollicitationes acceptat pro delicti gravitate puniatur, non exclusa officii privatione, firma damnum reparandi obligatione.

§ 2. Qui in officio vel munere exercendo stipem ultra definitam aut summas adiunctivas aut aliquid in sui utilitatem requirit, congruenti mulcta pecuniaria vel aliis poenis, non exclusa officii privatione, puniatur, firma damnum reparandi obligatione.

**Can. 1378** - § 1. Qui, praeter casus iure iam praevisos, ecclesiastica potestate, officio vel munere abutitur, pro actus vel omissionis gravitate puniatur, non exclusa eorundem privatione, firma damnum reparandi obligatione.

§ 2. Qui vero, ex culpabili negligentia, ecclesiasticae potestatis vel officii vel muneris actum illegitime cum damno alieno vel scandalo ponit vel omittit, iusta poena puniatur ad normam can. 1336, §§ 2-4, firma damnum reparandi obligatione.

### TITULUS III DE DELICTIS CONTRA SACRAMENTA

**Can. 1379** - § 1. In poenam latae sententiae interdicti vel, si clericus sit, etiam suspensionis incurrit:

1° qui ad ordinem sacerdotalem non promotus liturgicam eucharistici Sacrificii

§ 2. The following are to be punished, not excluding by deprivation of office, without prejudice to the obligation of repairing the harm:

1° a person who through grave personal culpability commits the offence mentioned in § 1, n. 2;

2° a person who is found to have been otherwise gravely negligent in administering ecclesiastical goods.

**Can. 1377** - § 1. A person who gives or promises something so that someone who exercises an office or function in the Church would unlawfully act or fail to act is to be punished according to the provision of can. 1336 §§ 2-4; likewise, the person who accepts such gifts or promises is to be punished according to the gravity of the offence, not excluding by deprivation of office, without prejudice to the obligation of repairing the harm.

§ 2. A person who in the exercise of an office or function requests an offering beyond that which has been established, or additional sums, or something for his or her own benefit, is to be punished with an appropriate monetary fine or with other penalties, not excluding deprivation of office, without prejudice to the obligation of repairing the harm.

**Can. 1378** - § 1. A person who, apart from the cases already foreseen by the law, abuses ecclesiastical power, office, or function, is to be punished according to the gravity of the act or the omission, not excluding by deprivation of the power or office, without prejudice to the obligation of repairing the harm.

§ 2. A person who, through culpable negligence, unlawfully and with harm to another or scandal, performs or omits an act of ecclesiastical power or office or function, is to be punished according to the provision of can. 1336 §§ 2-4, without prejudice to the obligation of repairing the harm.

### TITLE III OFFENCES AGAINST THE SACRAMENTS

**Can. 1379** - § 1. The following incur a latae sententiae interdict or, if a cleric, also a latae sententiae suspension:

1° a person who, not being an ordained priest, attempts the liturgical celebration of the

actionem attentat;

2° qui, praeter casum de quo in can. 1384, cum sacramentalem absolutionem dare valide nequeat, eam impertire attentat, vel sacramentalem confessionem audit.

§ 2. In casibus de quibus in § 1, pro delicti gravitate, aliae poenae, non exclusae excommunicatione, addi possunt.

§ 3. Tum qui sacrum ordinem mulieri conferre attentaverit, tum mulier quae sacrum ordinem recipere attentaverit, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit; clericus praeterea dimissione e statu clericali puniri potest.

§ 4. Qui deliberate sacramentum administrat illis qui recipere prohibentur, puniatur suspensione, cui aliae poenae ex can. 1336, §§ 2-4, addi possunt.

§ 5. Qui, praeter casus de quibus in §§ 1-4 et in can. 1384, sacramentum se administrare simulat, iusta poena puniatur.

**Can. 1380** - Qui per simoniam sacramentum celebrat vel recipit, interdicto vel suspensione vel poenis de quibus in can. 1336, §§ 2-4, puniatur.

**Can. 1381** - Reus vetitae communicationis in sacris iusta poena puniatur.

**Can. 1382** - § 1. Qui species consecratas abicit aut in sacrilegum finem abducit vel retinet, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit; clericus praeterea alia poena, non exclusae dimissione e statu clericali, puniri potest.

§ 2. Reus consecrationis in sacrilegum finem unius materiae vel utriusque in eucharistica celebratione aut extra eam pro gravitate delicti puniatur non exclusae dimissione e statu clericali.

**Can. 1383** - Qui quaestum illegitime facit ex Missae stipe, censura vel poenis de quibus in can. 1336, §§ 2-4, puniatur.

Eucharistic Sacrifice;

2° a person who, apart from the case mentioned in can. 1384, though unable to give valid sacramental absolution, attempts to do so, or hears a sacramental confession.

§ 2. In the cases mentioned in § 1, other penalties, not excluding excommunication, can be added, according to the gravity of the offence.

§ 3. Both a person who attempts to confer a sacred order on a woman, and the woman who attempts to receive the sacred order, incur a latae sententiae excommunication reserved to the Apostolic See; a cleric, moreover, may be punished by dismissal from the clerical state.

§ 4. A person who deliberately administers a sacrament to those who are prohibited from receiving it is to be punished with suspension, to which other penalties mentioned in can. 1336 §§ 2-4 may be added.

§ 5. A person who, apart from the cases mentioned in §§ 1-4 and in can. 1384, pretends to administer a sacrament is to be punished with a just penalty.

**Can. 1380** - A person who through simony celebrates or receives a sacrament is to be punished with an interdict or suspension or the penalties mentioned in can. 1336 §§ 2-4.

**Can. 1381** - One who is guilty of prohibited participation in religious rites is to be punished with a just penalty.

**Can. 1382** - § 1. One who throws away the consecrated species or, for a sacrilegious purpose, takes them away or keeps them, incurs a latae sententiae excommunication reserved to the Apostolic See; a cleric, moreover, may be punished with some other penalty, not excluding dismissal from the clerical state.

§ 2. A person guilty of consecrating for a sacrilegious purpose one element only or both elements within the Eucharistic celebration or outside it is to be punished according to the gravity of the offence, not excluding by dismissal from the clerical state.

**Can. 1383** - A person who unlawfully traffics in Mass offerings is to be punished with a censure or with the penalties mentioned in can. 1336 §§ 2-4.

**Can. 1384** - Sacerdos qui contra praescriptum can. 977 agit, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit.

**Can. 1385** - Sacerdos, qui in actu vel occasione vel praetextu confessionis paenitentem ad peccatum contra sextum Decalogi praeceptum sollicitat, pro delicti gravitate, suspensione, prohibitionibus, privationibus puniatur, et in casibus gravioribus dimittatur e statu clericali.

**Can. 1386** - § 1. Confessarius, qui sacramentale sigillum directe violat, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit; qui vero indirecte tantum, pro delicti gravitate puniatur.

§ 2. Interpretes aliique, de quibus in can. 983, § 2, qui secretum violant, iusta poena puniantur, non exclusa excommunicatione.

§ 3. Firmis praescriptis §§ 1 et 2, quicumque quovis tecnico instrumento captat aut in communicationis socialis mediis malitiose evulgat quae in sacramentali confessione, vera vel ficta, a confessario vel a paenitente dicuntur, pro gravitate delicti puniatur, non exclusa, si de clerico agatur, dimissione e statu clericali.

**Can. 1387** - Episcopus qui sine pontificio mandato aliquem consecrat in Episcopum, itemque qui ab eo consecrationem recipit, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrunt.

**Can. 1388** - § 1. Episcopus qui, contra praescriptum can. 1015, alienum subditum sine legitimis litteris dimissoriis ordinavit, prohibetur per annum ordinem conferre. Qui vero ordinationem recepit, est ipso facto a recepto ordine suspensus.

§ 2. Qui ad sacros ordines accedit innodatus quadam censura vel irregularitate, voluntarie reticita, praeter id quod statuitur in can. 1044, § 2, n. 1, est ipso facto a recepto ordine suspensus.

**Can. 1384** - A priest who acts against the prescription of can. 977 incurs a latae sententiae excommunication reserved to the Apostolic See.

**Can. 1385** - A priest who in confession, or on the occasion or under the pretext of confession, solicits a penitent to commit a sin against the sixth commandment of the Decalogue, is to be punished, according to the gravity of the offence, with suspension, prohibitions and deprivations; in the more serious cases he is to be dismissed from the clerical state.

**Can. 1386** - § 1. A confessor who directly violates the sacramental seal incurs a latae sententiae excommunication reserved to the Apostolic See; he who does so only indirectly is to be punished according to the gravity of the offence.

§ 2. Interpreters, and the others mentioned in can. 983 § 2, who violate the secret are to be punished with a just penalty, not excluding excommunication.

§ 3. Without prejudice to the provisions of §§ 1 and 2, any person who by means of any technical device makes a recording of what is said by the priest or by the penitent in a sacramental confession, either real or simulated, or who divulges it through the means of social communication, is to be punished according to the gravity of the offence, not excluding, in the case of a cleric, by dismissal from the clerical state.

**Can. 1387** - Both the Bishop who, without a pontifical mandate, consecrates a person a Bishop, and the one who receives the consecration from him, incur a latae sententiae excommunication reserved to the Apostolic See.

**Can. 1388** - § 1. A Bishop who, contrary to the provision of can. 1015, ordained someone else's subject without the lawful dimissorial letters, is prohibited from conferring orders for one year. The person who received the order is ipso facto suspended from the order received.

§ 2. A person who comes forward for sacred orders bound by some censure or irregularity which he voluntarily conceals is ipso facto suspended from the order received, apart from what is established in canon 1044, § 2, n. 1.

**Can. 1389** - Qui, praeter casus, de quibus in cann. 1379-1388, sacerdotale munus vel aliud sacrum ministerium illegitime exsequitur, iusta poena puniatur, non exclusa censura.

#### TITULUS IV DE DELICTIS CONTRA BONAM FAMAM ET DE DELICTO FALSI

**Can. 1390** - § 1. Qui confessarium de delicto, de quo in can. 1385, apud ecclesiasticum Superiorem falso denuntiat, in interdictum latae sententiae incurrit et, si clericus sit, etiam in suspensionem.

§ 2. Qui aliam ecclesiastico Superiori calumniosam praebet delicti denuntiationem, vel aliter alterius bonam famam illegitime laedit, iusta poena puniatur ad normam can. 1336, §§ 2-4, cui praeterea censura addi potest.

§ 3. Calumniator cogi debet etiam ad congruam satisfactionem praestandam.

**Can. 1391** - Poenis de quibus in can. 1336, §§ 2-4, pro delicti gravitate puniatur:

1° qui ecclesiasticum documentum publicum falsum conficit, vel verum mutat, destruit, occultat, vel falso vel mutato utitur;

2° qui alio falso vel mutato documento utitur in re ecclesiastica;

3° qui in publico ecclesiastico documento falsum asserit.

#### TITULUS V DE DELICTIS CONTRA SPECIALES OBLIGATIONES

**Can. 1392** - Clericus qui sacrum ministerium voluntarie et illegitime relinquit, per sex menses continuos, cum animo sese subducendi a competenti Ecclesiae auctoritate, pro delicti gravitate, suspensione vel etiam poenis in can. 1336, §§ 2-4, statutis puniatur, et in casibus gravioribus dimitti potest e statu clericali.

**Can. 1393** - § 1. Clericus vel religiosus mercaturam vel negotiationem contra canonum praescripta exercens pro delicti gravitate puniatur poenis de quibus in can. 1336, §§ 2-4.

§ 2. Clericus vel religiosus qui, praeter casus

**Can. 1389** - A person who, apart from the cases mentioned in cann. 1379-1388, unlawfully exercises the office of a priest or another sacred ministry, is to be punished with a just penalty, not excluding a censure.

#### TITLE IV OFFENCES AGAINST REPUTATION AND THE OFFENCE OF FALSEHOOD

**Can. 1390** - § 1. A person who falsely denounces a confessor of the offence mentioned in can. 1385 to an ecclesiastical Superior incurs a latae sententiae interdict and, if a cleric, he incurs also a suspension.

§ 2. A person who calumniously denounces some other offence to an ecclesiastical Superior, or otherwise unlawfully injures the good name of another, is to be punished according to the provision of can. 1336 §§ 2-4, to which moreover a censure may be added.

§3. The calumniator must also be compelled to make appropriate amends.

**Can. 1391** - The following are to be punished with the penalties mentioned in can. 1336 §§ 2-4, according to the gravity of the offence:

1° a person who composes a false public ecclesiastical document, or who changes, destroys, or conceals a genuine one, or who uses a false or altered one;

2° a person who in an ecclesiastical matter uses some other false or altered document;

3° a person who, in a public ecclesiastical document, asserts something false.

#### TITLE V OFFENCES AGAINST SPECIAL OBLIGATIONS

**Can. 1392** - A cleric who voluntarily and unlawfully abandons the sacred ministry, for six months continuously, with the intention of withdrawing himself from the competent Church authority, is to be punished, according to the gravity of the offence, with suspension or additionally with the penalties established in can. 1336 §§ 2-4, and in the more serious cases may be dismissed from the clerical state.

**Can. 1393** - § 1. A cleric or religious who engages in trading or business contrary to the provisions of the canons is to be punished with the penalties mentioned in can. 1336 §§ 2-4, according to the gravity of the offence.

§ 2. A cleric or religious who, apart from the

iure iam praevisos, in re oeconomica delictum committit, vel graviter violat praescriptiones, quae in can. 285, § 4, recensentur, poenis de quibus in can. 1336, §§ 2-4, puniatur, firma damnum reparandi obligatione.

**Can. 1394** - § 1. Clericus matrimonium, etiam civiliter tantum, attentans, in suspensionem latae sententiae incurrit, firmis praescriptis cann. 194, § 1, n. 3, et 694, § 1, n. 2; quod si monitus non resipuerit vel scandalum dare perrexerit, gradatim privationibus vel etiam dimissione e statu clericali puniri debet.

§ 2. Religiosus a votis perpetuis, qui non sit clericus, matrimonium etiam civiliter tantum attentans, in interdictum latae sententiae incurrit, firmo praescripto can. 694, § 1, n. 2.

**Can. 1395** - § 1. Clericus concubinarius, praeter casum de quo in can. 1394, et clericus in alio peccato externo contra sextum Decalogi praeceptum cum scandalo permanens, suspensione puniantur, cui, persistente post monitionem delicto, aliae poenae gradatim addi possunt usque ad dimissionem e statu clericali.

§ 2. Clericus qui aliter contra sextum Decalogi praeceptum deliquerit, si quidem delictum publice patratum sit, iustis poenis puniatur, non exclusa, si casus ferat, dimissione e statu clericali.

§ 3. Eadem poena de qua in § 2 puniatur clericus qui vi, minis vel abusu suae auctoritatis delictum committit contra sextum Decalogi praeceptum aut aliquem cogit ad actus sexuales exsequendos vel subeundos.

**Can. 1396** - Qui graviter violat residentiae obligationem cui ratione ecclesiastici officii tenetur, iusta poena puniatur, non exclusa, post monitionem, officii privatione.

## TITULUS VI DE DELICTIS CONTRA HOMINIS VITAM, DIGNITATEM ET LIBERTATEM

**Can. 1397** - § 1. Qui homicidium patrat, vel hominem vi aut fraude rapit vel detinet vel mutilat vel graviter vulnerat, poenis, de quibus

cases already foreseen by the law, commits an offence in a financial matter, or gravely violates the stipulations contained in can. 285 § 4, is to be punished with the penalties mentioned in can. 1336 §§ 2-4, without prejudice to the obligation of repairing the harm.

**Can. 1394** - § 1. A cleric who attempts marriage, even if only civilly, incurs a latae sententiae suspension, without prejudice to the provisions of can. 194 § 1 n. 3, and 694 § 1 n. 2. If, after warning, he has not reformed or continues to give scandal, he must be progressively punished by deprivations, or even by dismissal from the clerical state.

§ 2. Without prejudice to the provisions of can. 694 § 1 n. 2, a religious in perpetual vows who is not a cleric but who attempts marriage, even if only civilly, incurs a latae sententiae interdict.

**Can. 1395** - § 1. A cleric living in concubinage, other than in the case mentioned in can. 1394, and a cleric who continues in some other external sin against the sixth commandment of the Decalogue which causes scandal, is to be punished with suspension. To this, other penalties can progressively be added if after a warning he persists in the offence, until eventually he can be dismissed from the clerical state.

§ 2. A cleric who has offended in other ways against the sixth commandment of the Decalogue, if the offence was committed in public, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

§ 3. A cleric who by force, threats or abuse of his authority commits an offence against the sixth commandment of the Decalogue or forces someone to perform or submit to sexual acts is to be punished with the same penalty as in § 2.

**Can. 1396** - A person who gravely violates the obligation of residence which binds by reason of ecclesiastical office is to be punished by a just penalty, not excluding, after a warning, even privation from office.

## TITLE VI OFFENCES AGAINST HUMAN LIFE, DIGNITY AND LIBERTY

**Can. 1397** - § 1. One who commits homicide, or who by force or by fraud abducts, imprisons, mutilates or gravely wounds a person, is to be

in can. 1336, §§ 2-4, pro delicti gravitate puniatur; homicidium autem in personas de quibus in can. 1370, poenis ibi et etiam in § 3 huius canonis statutis punitur.

§ 2. Qui abortum procurat, effectu secuto, in excommunicationem latae sententiae incurrit.

§ 3. Si de delictis agatur de quibus in hoc canone, in casibus gravioribus clericus reus dimittatur e statu clericali.

**Can. 1398** - § 1. Privatione officii et aliis iustis poenis, non exclusa dimissione e statu clericali, si casus id secumferat, puniatur clericus:

1° qui delictum committit contra sextum Decalogi praeceptum cum minore vel cum persona quae habitualiter usum imperfectum rationis habet vel cui ius parem tutelam agnoscit;

2° qui sibi devincit aut inducit minorem aut personam quae habitualiter usum imperfectum rationis habet aut eam cui ius parem tutelam agnoscit, ut pornographice sese ostendat vel exhibitiones pornographicas, sive veras sive simulatas, participet;

3° qui contra bonos mores sibi comparat, detinet, exhibet vel divulgat, quovis modo et quolibet instrumento, imagines pornographicas minorum vel personarum quae habitualiter usum imperfectum rationis habent.

§ 2. Sodalis instituti vitae consecratae vel societatis vitae apostolicae, et fidelis quilibet aliqua dignitate gaudens aut officio vel functione in Ecclesia fungens, si delictum committat de quo in § 1 vel in can. 1395, § 3, puniatur ad normam can. 1336, §§ 2-4, adiunctis quoque aliis poenis pro delicti gravitate.

## TITULUS VII NORMA GENERALIS

**Can. 1399** - Praeter casus hac vel aliis legibus statutos, divinae vel canonicae legis externa violatio tunc tantum potest iusta quidem poena puniri, cum specialis violationis gravitas punitionem postulat, et necessitas urget scandala praeveniendi vel reparandi.

punished, according to the gravity of the offence, with the penalties mentioned in can. 1336. In the case of the homicide of one of those persons mentioned in can. 1370, the offender is punished with the penalties prescribed there and also in § 3 of this canon.

§ 2. A person who actually procures an abortion incurs a latae sententiae excommunication.

§ 3. If offences dealt with in this canon are involved, in more serious cases the guilty cleric is to be dismissed from the clerical state.

**Can. 1398** - § 1. A cleric is to be punished with deprivation of office and with other just penalties, not excluding, where the case calls for it, dismissal from the clerical state, if he:

1° commits an offence against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law recognises equal protection;

2° grooms or induces a minor or a person who habitually has an imperfect use of reason or one to whom the law recognises equal protection to expose himself or herself pornographically or to take part in pornographic exhibitions, whether real or simulated;

3° immorally acquires, retains, exhibits or distributes, in whatever manner and by whatever technology, pornographic images of minors or of persons who habitually have an imperfect use of reason.

§ 2. A member of an institute of consecrated life or of a society of apostolic life, or any one of the faithful who enjoys a dignity or performs an office or function in the Church, who commits an offence mentioned in § 1 or in can. 1395 § 3 is to be punished according to the provision of can. 1336 §§ 2-4, with the addition of other penalties according to the gravity of the offence.

## Title VII. General Norm

**Can. 1399** - In addition to the cases established here or in other laws, the external violation of a divine or canonical law can be punished by a just penalty only when the special gravity of the violation demands punishment and there is an urgent need to prevent or repair scandals.