

Code of canon law

Book VI

Penal sanctions in the Church

Synopsis

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NEW VERSION 2021

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 an offence has been committed, the law more favourable to the offender is to be applied.

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PART I

Delicts and penalties in general

TITLE I

The punishment of delicts in general

Can. 1311

The Church has the innate and proper right to coerce offending members of the Christian faithful with penal sanctions.

Can. 1312

- §1. The following are penal sanctions in the Church:
 - 1° medicinal penalties, or censures, which are listed in cann. 1331-1333;
 - 2° expiatory penalties mentioned in can. 1336.
- §2. The law can establish other expiatory penalties which deprive a member of the Christian faithful of some spiritual or temporal good and which are consistent with the supernatural purpose of the Church.
- §3. Penal remedies and penances are also used; the former especially to prevent delicts, the latter to substitute for or to increase 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 removes a law, or at least a penalty, the penalty immediately lapses.

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 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

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

Can. 1314

Generally, a penalty is *ferendae sententiae*, so that it does not bind the guilty party until after it has been imposed; if the law or precept expressly establishes it, however, a penalty is *latae sententiae*, so that it is incurred ipso facto when the delict is committed.

Can. 1315

- §1. A person who has legislative power can also issue penal laws; within the limits of his competence by reason of territory or of persons, moreover, he can by his own laws also strengthen with an appropriate penalty a divine law or an ecclesiastical law issued by a higher authority.
- §3. Particular law also can add other penalties to those established by universal law for some delict; however, this is not to be done except for very grave necessity. If universal law threatens an indeterminate or facultative penalty, particular law can also establish a determinate or obligatory one in its place.
- §2. The law itself can determine a penalty, or its determination can be left to the prudent appraisal of a judge.

Can. 1316

Insofar as possible, diocesan bishops are to take care that if penal laws must be issued, they are uniform in the same city or region.

Can. 1317

Penalties are to be established only insofar as they are truly necessary to provide more suitably for ecclesiastical discipline. Particular law, however, cannot establish a penalty of dismissal from the clerical state.

Can. 1318

A legislator is not to threaten *latae sententiae* penalties except possibly for certain singularly malicious delicts 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, what is established in cann. 1317 and 1318 is to be observed.

Can. 1320

In all matters in which they come under the authority of the local Ordinary, religious can be constrained by him with penalties.

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.

either can result in graver scandal or cannot be punished effectively by *ferendae sententiae* penalties; he is not, however, to establish censures, especially excommunication, except with the greatest moderation and only for graver delicts.

Can. 1319

- §1. Insofar as a person can impose precepts in the external forum in virtue of the power of governance, the person can also threaten determinate penalties by precept, except perpetual expiatory penalties.
- §2. A penal precept is not to be issued unless the matter has been considered thoroughly and those things established in cann. 1317 and 1318 about particular laws have been observed.

Can. 1320

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

TITLE III *The subject liable to penal sanctions*

Can. 1321

- §1. No one is punished unless the external violation of a law or precept, committed by the person, is gravely imputable by reason of malice or negligence.
- §2. A penalty established by a law or precept binds the person who has deliberately violated the law or precept; however, a person who violated a law or precept by omitting necessary diligence is not punished unless the law or precept provides otherwise.
- §3. When an external violation has occurred, imputability is presumed unless it is otherwise apparent.

Can. 1322

Those who habitually lack the use of reason, even though they appeared sane when they violated a law or precept, are deemed incapable of committing an offence.

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. 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;

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

The following are not subject to a penalty when they have violated a law or precept:

1° a person who has not yet completed the sixteenth year of age;

2° a person who without negligence was ignorant that he or she violated a law or precept; inadvertence and error are equivalent to ignorance;

3° a person who acted due to physical force or a chance occurrence which the person could not foresee or, if foreseen, avoid;

4° a person who acted coerced by grave fear, even if only relatively grave, or due to necessity or grave inconvenience unless the act is intrinsically evil or tends to the harm of souls;

5° a person who acted with due moderation against an unjust aggressor for the sake of legitimate self defense or defense of another;

6° a person who lacked the use of reason, without prejudice to the prescripts of cann. 1324, §1, n. 2 and 1325;

7° a person who without negligence thought that one of the circumstances mentioned in nn. 4 or 5 was present.

Can. 1324

§1. The perpetrator of a violation is not exempt from a penalty, but the penalty established by law or precept must be tempered or a penance employed in its place if the delict was committed:

1° by a person who had only the imperfect use of reason;

2° by a person who lacked the use of reason because of drunkenness or another similar culpable disturbance of mind;

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 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.

3° from grave heat of passion which did not precede and hinder all deliberation of mind and consent of will and provided that the passion itself had not been stimulated or fostered voluntarily;

4° by a minor who has completed the age of sixteen years;

5° by a person who was coerced by grave fear, even if only relatively grave, or due to necessity or grave inconvenience if the delict is intrinsically evil or tends to the harm of souls;

6° by a person who acted without due moderation against an unjust aggressor for the sake of legitimate self defense or defense of another;

7° against someone who gravely and unjustly provokes the person;

8° by a person who thought in culpable error that one of the circumstances mentioned in can. 1323, nn. 4 or 5 was present;

9° by a person who without negligence did not know that a penalty was attached to a law or precept;

10° by a person who acted without full imputability provided that the imputability was grave.

§2. A judge can act in the same manner if another circumstance is present which diminishes the gravity of a delict.

§3. In the circumstances mentioned in §1, the accused is not bound by a *latae sententiae* penalty.

Can. 1325

Crass, supine, or affected ignorance can never be considered in applying the precepts of cann. 1323 and 1324; likewise drunkenness or other disturbances of mind cannot be considered if they are sought deliberately in order to commit or excuse a delict, nor can passion which is voluntarily stimulated or fostered.

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. One who in furtherance of an offence did something or failed to do something but then, involuntarily, did not complete the offence, is not bound by the penalty prescribed for the completed offence, unless the law or a precept provides otherwise

Can. 1326

§1. A judge can punish the following more gravely than the law or precept has established:

1° a person who after a condemnation or after the declaration of a penalty continues so to offend that from the circumstances the obstinate ill will of the person can prudently be inferred;

2° a person who has been established in some dignity or who has abused a position of authority or office in order to commit the delict;

3° an accused person who, when a penalty has been established against a delict based on negligence, foresaw the event and nonetheless omitted precautions to avoid it, which any diligent person would have employed.

[cfr. can. 1325]

§2. If the penalty established in the cases mentioned in §1 is *latae sententiae*, another penalty or a penance can be added.

Can. 1327

Particular law can establish other exempting, mitigating, or aggravating circumstances besides the cases in cann. 1323-1326, either by general norm or for individual delicts. Likewise, circumstances can be established in a precept which exempt from, mitigate, or increase a penalty established by 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. If the acts or the omissions of their nature lead to the carrying out of the offence, the person responsible may be subjected to a penance or to a penal remedy, unless he or she had spontaneously desisted from the offence which had been initiated. However, if scandal or other serious harm or danger has resulted, the perpetrator, even though spontaneously desisting, may be punished by a just penalty, but of a lesser kind than that determined for the completed crime.

Can. 1329

- §1. Where a number of persons conspire together to commit an offence, and accomplices are not expressly mentioned in the law or precept, if *ferendae sententiae* penalties were constituted for the principal offender, then the others are subject to the same penalties or to other penalties of the same or a lesser gravity.
- §2. In the case of a *latae sententiae* penalty attached to an offence, accomplices, even though not mentioned in the law or precept, incur the same penalty if, without their assistance, the crime would not have been committed, and if the penalty is of such a nature as to be able to affect them; otherwise, they can be punished with *ferendae sententiae* penalties.

Can. 1330

An offence which consists in a declaration or in some other manifestation of will or of doctrine or of knowledge is not to be regarded as effected if no one actually 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;

§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 forbidden:
- 1° to have any ministerial participation in celebrating the sacrifice of the Eucharist or any other ceremonies of worship whatsoever;

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* 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;

2° to celebrate the sacraments or sacramentals and to receive the sacraments;

3° to exercise any ecclesiastical offices, ministries, or functions whatsoever or to place acts of governance.

§2. If the excommunication has been imposed or declared, the offender:

1° who wishes to act against the prescript of §1, n. 1 must be prevented from doing so, or the liturgical action must be stopped unless a grave cause precludes this;

2° invalidly places acts of governance which are illicit according to the norm of §1, n. 3;

3° is forbidden to benefit from privileges previously granted;

5° does not appropriate the benefits of a dignity, office, any function, or pension, which the offender has in the Church.

4° cannot acquire validly a dignity, office, or other function in the Church;

Can. 1332

The prohibitions mentioned in can. 1331, §1, nn. 1 and 2 bind an interdicted person. If the interdict has been imposed or declared, however, the prescript of can. 1331, §2, n. 1 must be observed.

[can. 1332]

Can. 1333

§1. Suspension, which can affect only clerics, prohibits:

1° either all or some acts of the power of orders;

2° either all or some 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 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

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

- §2. A law or precept can establish that a suspended person cannot place acts of governance validly after a condemnatory or declaratory sentence.
- §3. A prohibition never affects:
- 1° the offices or the power of governance which are not under the power of the superior who establishes the penalty;
 - 2° the right of residence which the offender may have by reason of office;
 - 3° the right to administer goods which may pertain to the office of the person suspended if the penalty is *latae sententiae*.
- §4. A suspension prohibiting a person from receiving benefits, a stipend, pensions, or any other such thing entails the obligation of making restitution for whatever has been received illegitimately, even if in good faith.

Can. 1334

- §1. Within the limits established by the preceding canon, either the law or precept itself or the sentence or decree which imposes the penalty defines the extent of a suspension.
- §2. A law, but not a precept, can establish a *latae sententiae* suspension without additional determination or limitation; such a penalty has all the effects listed in can. 1333, §1.

Can. 1335

If a censure prohibits the celebration of sacraments or sacramentals or the placing of an act of governance, the prohibition is suspended whenever it is necessary to care for the faithful in danger of death. If a *latae sententiae* censure has not been declared, the prohibition is also suspended whenever a member of the faithful requests a

sacramental or an act of the power of governance; for any just reason it is lawful to make such a request.

CHAPTER II
Le pene espiatorie

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 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;

sacrament or sacramental or an act of governance; a person is permitted to request this for any just cause.

CHAPTER II
Expiatory penalties

Can. 1336

- §1. In addition to other penalties which the law may have established, the following are expiatory penalties which can affect an offender either perpetually, for a prescribed time, or for an indeterminate time:
- 1° a prohibition or an order concerning residence in a certain place or territory;
 - 2° ° privation of a power, office, function, right, privilege, faculty, favor, title, or insignia, even merely honorary;
 - 3° a prohibition against exercising those things listed under n. 2, or a prohibition against exercising them in a certain place or outside a certain place; these prohibitions are never under pain of nullity;
 - 4° a penal transfer to another office;

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. An order to reside in a certain place can affect secular clerics and, within the limits of their constitutions, religious.

§2. An order imposing residence in a certain place or territory must have the consent of the Ordinary of that place, unless there is question of a house set up for penance or rehabilitation of clerics, including extra-diocesans.

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. 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.

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 privations and prohibitions listed in can. 1336, §1, nn. 2 and 3, never affect powers, offices, functions, rights, privileges, faculties, favours, titles, or insignia which are not subject to the power of the superior who establishes the penalty.

§2. Privation of the power of orders is not possible but only a prohibition against exercising it or some of its acts; likewise, privation of academic degrees is not possible.

§3. The norm given in can. 1335 for censures must be observed for the prohibitions listed in can. 1336, §1, n. 3.

Can. 1336

§2. Only those expiatory penalties listed in §1, n. 3 can be *latae sententiae*.

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 or piety or charity.
- §2. A public penance is never to be imposed for an occult transgression.
- §3. According to his prudent judgement, the Ordinary may add penances to the penal remedy of warning or correction

CHAPTER III
Penal remedies and penances

Can. 1339

- §1. An ordinary, personally or through another, can warn a person who is in the proximate occasion of committing a delict or upon whom, after investigation, grave suspicion of having committed a delict has fallen.
- §2. He can also rebuke a person whose behavior causes scandal or a grave disturbance of order, in a manner accommodated to the special conditions of the person and the deed.
- §3. The warning or rebuke must always be established at least by some document which is to be kept in the secret archive of the curia.

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 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
L'applicazione delle pene

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.

TITLE V
The application of penalties

Can. 1341

An ordinary is to take care to initiate a judicial or administrative process to impose or declare penalties only after he has ascertained that fraternal correction or rebuke or other means of pastoral solicitude cannot sufficiently repair the scandal, restore justice, reform the offender.

Can. 1342

- §1. Whenever just causes preclude a judicial process, a penalty can be imposed or declared by extrajudicial decree; penal remedies and penances, however, can be applied by decree in any case whatsoever.
- §2. Perpetual penalties cannot be imposed or declared by decree, nor can penalties be so applied when the law or precept establishing them prohibits their application by decree.
- §3. What a law or precept states about the imposition or declaration of a penalty by a judge in a trial must be applied to a superior who imposes or declares a penalty by extrajudicial decree unless it is otherwise evident or unless it concerns prescripts which pertain only to procedural matters

Can. 1343

If the law or precept gives the judge the power to apply or not apply a penalty, the judge can also temper the penalty or impose a penance in its place, according to his own conscience and prudence.

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 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.

Can. 1344

Even if the law uses preceptive words, the judge can, according to his own conscience and prudence:

1° defer the imposition of the penalty to a more opportune time if it is foreseen that greater evils will result from an offerly hasty punishment of the offender;

2° abstain from imposing a penalty, impose a lighter penalty, or employ a penance if the offender has reformed and repaired the scandal or if the offender has been or, it is foreseen, will be punished sufficiently by civil authority;

3° suspend the obligation of observing an expiatory penalty if it is the first offense of an offender who has lived a praiseworthy life and if the need to repair scandal is not pressing, but in such a way that if the offender commits an offense again within the time determined by the judge, the person is to pay the penalty due for each delict unless in the interim the time for the prescription of a penal action has elapsed for the first delict.

Can. 1345

Whenever the offender had only the imperfect use of reason or committed the delict from fear, necessity, the heat of passion, or mental disturbance from drunkenness or something similar, the judge can also abstain from imposing any penalty if he thinks that reform of the person can be better accomplished in another way.

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

Can. 1348

When the person has been found not guilty of an accusation, or where no penalty has been imposed, the Ordinary may provide for the person's welfare and for the common good by opportune warnings or other solicitous means, and even, if the case calls for it, by the use of penal remedies.

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. 1346

Whenever the offender has committed several delicts, it is left to the prudent decision of the judge to moderate the penalties within equitable limits if the sum of the *feren dae sententiae* penalties appears excessive.

Can. 1347

- §1. A censure cannot be imposed validly unless the offender has been warned at least once beforehand to withdraw from contumacy and has been given a suitable time for repentance.
- §2. An offender who has truly repented of the delict and has also made suitable reparation for damages and scandal or at least has seriously promised to do so must be considered to have withdrawn from contumacy.

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 the law does not provide otherwise, the judge is not to impose graver penalties, especially censures, unless the seriousness of the case clearly demands it; he cannot, however, impose perpetual penalties.

Can. 1350

- §1. Unless it concerns dismissal from the clerical state, when penalties are imposed on a cleric, provision must always be made so that he does not lack those things necessary for his decent support.
- §2. In the best manner possible, however, the ordinary is to take care to provide for a person dismissed from the clerical state who is truly in need because of the penalty.

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 a recourse against judgments of a court or against decrees which impose or declare any penalty has a suspensive effect.

TITLE VI

The remission of penalties 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:

Can. 1351

Unless other provision is expressly made, a penalty binds the offender everywhere, even when the authority of the one who established or imposed the penalty has lapsed.

Can. 1352

- §1. If a penalty prohibits the reception of the sacraments or sacramentals, the prohibition is suspended as long as the offender is in danger of death.
- §2. The obligation to observe an undeclared *latae sententiae* penalty which is not notorious in the place where the offender is present, is suspended totally or partially whenever the offender cannot observe it without danger of grave scandal or infamy.

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 cessation of penalties

Can. 1354

- §1. In addition to the persons listed in cann. 1355-1356, all who can dispense from a law which includes a penalty or who can exempt from a precept which threatens a penalty can also remit that penalty.
- §2. Moreover, a law or precept which establishes a penalty can also give the power of remission to others.
- §3. If the Apostolic See has reserved the remission of a penalty to itself or to others, the reservation must be interpreted strictly

Can. 1355

- §1. Provided that the penalty has not been reserved to the Apostolic See, the following can remit an imposed or declared penalty established by law:

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. §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. 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.

1° the ordinary who initiated the trial to impose or declare a penalty or who personally or through another imposed or declared it by decree;

2° the ordinary of the place where the offender is present, after the ordinary mentioned under n. 1 has been consulted unless this is impossible because of extraordinary circumstances.

- §2. If the penalty has not been reserved to the Apostolic See, an ordinary can remit a *latae sententiae* penalty established by law but not yet declared for his subjects and those who are present in his territory or who committed the offense there; any bishop can also do this in the act of sacramental confession.

Can. 1356

- §1. The following can remit a *ferendae sententiae* or *latae sententiae* penalty established by a precept not issued by the Apostolic See:
 2° if the penalty has been imposed or declared, the ordinary who initiated the trial to impose or declare the penalty or who personally or through another imposed or declared it by decree.
 1° the ordinary of the place where the offender is present;
 §2. The author of the precept must be consulted before remission is made unless this is impossible because of extraordinary circumstances.

Can. 1357

- §1. Without prejudice to the prescripts of cann. 508 and 976, a confessor can remit in the internal sacramental forum an undeclared *latae sententiae* censure of excommunication or interdict if it is burdensome for the penitent to remain in the state of grave sin during the time necessary for the competent superior to make provision.

- §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. 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

- §2. In granting the remission, the confessor is to impose on the penitent, under the penalty of reincidence, the obligation of making recourse within a month to the competent superior or to a priest endowed with the faculty and the obligation of obeying his mandates; in the meantime he is to impose a suitable penance and, insofar as it is demanded, reparation of any scandal and damage; however, recourse can also be made through the confessor, without mention of the name.
- §3. After they have recovered, those for whom an imposed or declared censure or one reserved to the Apostolic See has been remitted according to the norm of can. 976 are also obliged to make recourse.

Can. 1358

- §1. Remission of a censure cannot be granted unless the offender has withdrawn from contumacy according to the norm of can. 1347, §2; it cannot be denied, however, to a person who withdraws from contumacy.
- §2. The person who remits a censure can make provision according to the norm of can. 1348 or can even impose a penance.

Can. 1359

If several penalties bind a person, a remission is valid only for the penalties expressed in it; a general remission, however, takes away all penalties except those which the offender in bad faith omitted in the petition.

Can. 1360

The remission of a penalty extorted by grave fear is invalid.

Can. 1361

- §1. A remission can also be given conditionally or to a person who is absent.
- §2. A remission in the external forum is to be given in writing unless a grave cause suggests otherwise.
- §3. Care is to be taken that the petition of remission or the remission itself is not

far as this would either be useful for the protection of the good name of the offender, or be necessary to repair scandal.

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

divulged except insofar as it is either useful to protect the reputation of the offender or necessary to repair scandal.

Can. 1362

- §1. Prescription extinguishes a criminal action after three years unless it concerns:
- 1° delicts reserved to the Congregation for the Doctrine of the Faith;
 - 2° an action arising from the delicts mentioned in cann. 1394, 1395, 1397, and 1398, which have a prescription of five years;
 - 3° delicts which are not punished in the common law if particular law has established another period for prescription.
- §2. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

Can. 1363

- §1. An action to execute a penalty is extinguished by prescription if the judge's decree of execution mentioned in can. 1651 was not notified to the offender within the periods mentioned in can. 1362; these periods are to be reckoned from the day the condemnatory judgement became an adjudged matter.
- §2. The same applies, with the necessary adjustments, if the penalty was imposed by an extra-judicial 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. 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

Penalties for individual delicts

TITLE I

Delicts against religion and the unity of the Church

Can. 1364

- §1. Without prejudice to the prescript of can. 194, §1, n. 2, an apostate from the faith, a heretic, or a schismatic incurs a *latae sententiae* excommunication; in addition, a cleric can be punished with the penalties mentioned in can. 1336, §1, nn. 1, 2, and 3.
- §2. If contumacy of long duration or the gravity of scandal demands it, other penalties can be added, including dismissal from the clerical state.

Can. 1371 [CIC 1998: M.p. *Ad tuendam fidem*]

1° in addition to the case mentioned in can. 1364, §1, a person who teaches a doctrine condemned by the Roman Pontiff or an ecumenical council or who obstinately rejects the doctrine mentioned in can. 750, §2 or in can. 752 and who does not retract after having been admonished by the Apostolic See or an ordinary;

Can. 1372

A person who makes recourse against an act of the Roman Pontiff to an ecumenical council or 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, 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

Can. 1366

Parents or those who take the place of parents who hand over their children to be baptized or educated in a non Catholic religion are to be punished with a censure or other just penalty.

Can. 1369

A person who in a public show or speech, in published writing, or in other uses of the instruments of social communication utters blasphemy, gravely injures good morals, expresses insults, or excites hatred or contempt against religion or the Church is to be punished with a just penalty.

Can. 1376

A person who profanes a movable or immovable sacred object is to be punished with a just penalty.

TITLE II

Delicts against ecclesiastical authorities and the freedom of the Church

Can. 1370

- §1. A person who uses physical force against the Roman Pontiff incurs a *latae sententiae* excommunication reserved to the Apostolic See; if he is a cleric, another penalty, not excluding dismissal from the clerical state, can be added according to the gravity of the delict.
- §2. A person who does this against a bishop incurs a *latae sententiae* interdict and, if he is a cleric, also a *latae sententiae* suspension.
- §3. A person who uses physical force against a cleric or religious out of contempt for the faith, the Church, ecclesiastical power, or the ministry is to be punished with a just penalty.

Can. 1371 [CIC 1998: M.p. *Ad tuendam fidem*]

[The following are to be punished with a just penalty: ...]
2° a person who otherwise does not obey a legitimate precept or prohibition of the

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 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:

11° 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.

Apostolic See, an ordinary, or a superior and who persists in disobedience after a warning.

Can. 1393

A person who violates obligations imposed by a penalty can be punished with a just penalty.

Can. 1368

A person who commits perjury while asserting or promising something before ecclesiastical authority is to be punished with a just penalty.

Can. 1375

Those who impede the freedom of ministry, of election, or of ecclesiastical power or the legitimate use of sacred goods or other ecclesiastical goods or who greatly intimidate an elector, one elected, or one who exercises ecclesiastical power or ministry can be punished with a just penalty.

Can. 1373

A person who publicly incites among subjects animosities or hatred against the Apostolic See or an ordinary because of some act of power or ecclesiastical ministry or provokes subjects to disobey them is to be punished by an 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; one who promotes or takes office in such an association 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. 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.

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. 1381

- §1. Whoever usurps an ecclesiastical office is to be punished with a just penalty.
- §2. Illegitimate retention of a function after its privation or cessation is equivalent to usurpation

Can. 1377

A person who alienates ecclesiastical goods without the prescribed permission is to be punished with a just penalty.

Can. 1386

A person who gives or promises something so that someone who exercises a function in the Church will do or omit something illegitimately is to be punished with a just penalty; likewise, the one who accepts such gifts or promises.

- §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 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,

Can. 1389

- §1. A person who abuses an ecclesiastical power or function is to be punished according to the gravity of the act or omission, not excluding privation of office, unless a law or precept has already established the penalty for this abuse.
- §2. A person who through culpable negligence illegitimately places or omits an act of ecclesiastical power, ministry, or function with harm to another is to be punished with a just penalty.

TITLE III

Usurpation of ecclesiastical functions and delicts in their exercise

Can. 1378

- §2. The following incur a *latae sententiae* penalty of interdict or, if a cleric, a *latae sententiae* penalty of suspension:
- 1° a person who attempts the liturgical action of the Eucharistic sacrifice though not promoted to the sacerdotal order;
- 2° apart from the case mentioned in §1, a person who, though unable to give sacramental absolution validly, attempts to impart it or who hears sacramental confession.
- §3. In the cases mentioned in §2, other penalties, not excluding excommunication, can be added according to the gravity of the delict.

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

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

Can. 1379

In addition to the cases mentioned in can. 1378, a person who simulates the administration of a sacrament is to be punished with a just penalty.

Can. 1380

A person who celebrates or receives a sacrament through simony is to be punished with an interdict or suspension.

Can. 1365

A person guilty of prohibited participation in sacred rites (*communicatio in sacris*) is to be punished with a just penalty.

Can. 1367

A person who throws away the consecrated species or takes or retains them for a sacrilegious purpose incurs a *latae sententiae* excommunication reserved to the Apostolic See; moreover, a cleric can be punished with another penalty, not excluding dismissal from the clerical state.

Can. 1385

A person who illegitimately makes a profit from a Mass offering is to be punished with a censure or another just penalty.

Can. 1378

- §1. A priest who acts against the prescript 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

Can. 1387

A priest who in the act, on the occasion, or under the pretext of confession solicits a penitent to sin against the sixth commandment of the Decalogue is to be punished, according to the gravity of the delict, by suspension, prohibitions, and privations; in graver cases he is to be dismissed from the clerical state.

Can. 1388

- §1. A confessor who directly violates the sacramental seal incurs a *latae sententiae* excommunication reserved to the Apostolic See; one who does so only indirectly is to be punished according to the gravity of the delict.
- §2. An interpreter and the others mentioned in can. 983, §2 who violate the secret are to be punished with a just penalty, not excluding excommunication

Can. 1382

A bishop who consecrates some one a bishop without a pontifical mandate and the person who receives the consecration from him incur a *latae sententiae* excommunication reserved to the Apostolic See.

Can. 1383

A bishop who, contrary to the prescript of can. 1015, ordains without legitimate dimissorial letters someone who is not his subject is prohibited for a year from conferring the order. The person who has received the ordination, however, is *ipso facto* suspended from the order received.

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

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. §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

Can. 1384

In addition to the cases mentioned in cann. 1378-1383, a person who illegitimately performs a priestly function or another sacred ministry can be punished with a just penalty.

TITLE IV

The crime of falsehood

Can. 1390

- §1. A person who falsely denounces before an ecclesiastical superior a confessor for the delict mentioned in can. 1387 incurs a *latae sententiae* interdict and, if he is a cleric, also a suspension.
- §2. A person who offers an ecclesiastical superior any other calumnious denunciation of a delict or who otherwise injures the good reputation of another can be punished with a just penalty, not excluding a censure.
- §3. A calumniator can also be forced to make suitable reparation.

Can. 1391

The following can be punished with a just penalty according to the gravity of the delict:

- 1° a person who produces a false public ecclesiastical document, who changes, destroys, or conceals an authentic one, or who uses a false or altered one;
- 2° a person who uses another false or altered document in an ecclesiastical matter;
- 3° a person who asserts a falsehood in a public ecclesiastical document.

TITLE V

Delicts against special obligations

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 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.

Can. 1392

Clerics or religious who exercise a trade or business contrary to the prescripts of the canons are to be punished according to the gravity of the delict.

Can. 1394

- §1. Without prejudice to the prescript of can. 194, §1, n. 3, a cleric who attempts marriage, even if only civilly, incurs a *latae sententiae* suspension. If he does not repent after being warned and continues to give scandal, he can be punished gradually by privations or even by dismissal from the clerical state.
- §2. A perpetually professed religious who is not a cleric and who attempts marriage, even if only civilly, incurs a *latae sententiae* interdict, without prejudice to the prescript of can. 694.

Can. 1395

- §1. A cleric who lives in concubinage, other than the case mentioned in can. 1394, and a cleric who persists with scandal in another external sin against the sixth commandment of the Decalogue is to be punished by a suspension. If he persists in the delict after a warning, other penalties can gradually be added, including dismissal 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 to which he is bound by reason of an ecclesiastical office is to be punished with a just penalty, not excluding, after a warning, deprivation of the 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 punished, according to the gravity of the offence, with the penalties mentioned in can. 1336, §§ 2-4. 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:

- §2. A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

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

Delicts against human life and freedom

Can. 1397

A person who commits a homicide or who kidnaps, detains, mutilates, or gravely wounds a person by force or fraud is to be punished with the privations and prohibitions mentioned in can. 1336 according to the gravity of the delict. Homicide against the persons mentioned in can. 1370, however, is to be punished by the penalties established there.

Can. 1398

A person who procures a completed abortion incurs a *latae sententiae* excommunication.

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

Besides the cases prescribed in this or in other laws, the external violation of divine or canon law can be punished, and with a just penalty, only when the special gravity of the violation requires it and necessity demands that scandals be prevented or repaired.

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.