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

§2. 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.

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

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;

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.

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.

§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;
- 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;

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 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 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. 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.

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.

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 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 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. 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 judgements 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:

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. 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. 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 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. 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. 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 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:

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; 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.

§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, 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. 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 — 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 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 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. 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 — 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.

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