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教宗方濟各 宗座憲章

牧放主的羊群

藉以修訂《天主教法典》第六卷

「你們務要牧放天主託付給你們的羊群；盡監督之職，不是出於不得已，而是出於甘心，隨天主的聖意」（伯前五 2）。聖伯多祿宗徒的這些話會使我們想起主教的晉牧典禮：「原來我們的主耶穌基督，由聖父派遣來救贖人類，他又派遣了十二位使徒，充滿聖神的德能，去世界各地，傳揚福音，以善牧基督之名，召集萬民成為一個羊群，聖化他們、領導他們。……是主基督藉著主教的智慧，以善牧的身分，在這世界的旅途中，領導你們走向永福」（參：授予主教聖秩禮儀）。牧者蒙召「以善言、善勸及善表，而且也用權力和神權」（梵二，《教會憲章》，27）來履行其職務，而愛德和慈悲則要求慈父也應對偶爾出現的扭曲現象予以矯正。

在現世的旅途中，自宗徒時代開始，教會便制定了行為規範，在世代更迭中逐漸形成了法律典籍，使天主的子民團結在一起，而主教便是遵守法規的責任人。這些法規反映了我們每個人所宣示的信仰，法律的效力即來自於此，法律也以此為基礎，並彰顯出教會母親般的仁慈，而教會始終以靈魂的得救為其宗旨。在時代的變遷

中，雖然應對團體生活進行規範，但是這些法規也應與社會變化和天主子民的新需求密切地連繫在一起，這就需要對法規進行修改，使其適應發生變化的情形。

在我們所經歷的社會快速的變遷中，應意識到「我們所面對的不僅僅是變化的時代，而是時代的變化」（2019年12月21日，在恭賀聖誕之際對羅馬教廷的接見），為了正確地回應教會在普世中的需求，顯而易見的是必需對由聖若望保祿二世在1983年1月25日所頒布的《天主教法典》中的刑法進行修改，以便使其成為牧者更為靈活採用的救恩性與糾正性措施，及時地以牧靈愛德運用法律，以避免造成更為嚴重的惡果和減輕由人性軟弱而造成的傷害。

為此目的，我可敬的前任，本篤十六世於2007年曾命宗座法律委員會著手研究對1983年版法典中刑法部分進行修改的工作。根據這項委託，此委員會認真而具體地研究了新的需求，明確了現行法律的局限和不足，並指出了可行而簡明的解決方案。研究工作是在集體與合作的精神中完成的，並求助了多位專家與牧者，同時也考慮了針對不同地方教會的需求與特徵而提出的可能解決方案。

因此，便編纂了《天主教法典》新第六卷的首部草案，並派發給了每個主教團、羅馬教廷各部會、各修會上司、教會法學院系和其它教會機構，以搜集他們的意見。與此同時，也徵詢了世界各地眾多教會法學者和刑法專家的意見。對這首次徵詢的回應，經過相應的整理

後，便交給了由專家所組成的特別團隊，而此團隊根據所收到的建議，對草案進行了修正後，便重新交給諸議員們進行詳細的審核。然後，經過後續的修訂和校對，所形成的最終草案便在宗座法律委員會成員全體會議上進行了討論。最後，全體會議所做的修正得到了落實，便將草案文本於 2020 年 2 月呈遞給了羅馬教宗。

全體天主子民都應遵守刑法，然而，正如上述所言，正確實施刑法的責任專屬牧者與各團體的上司。這項職責並不是以某種方式附加於委託給他們的牧靈職務的，應將其作為具體而不可放棄的愛德要求予以完成，不僅僅是對教會、對基督徒團體和對受害者的愛德，而且也是對犯有罪行之人的愛德，這樣的人更需要教會的仁慈，而不是矯正。

在過去，因對在教會內踐行愛德與——當情形與正義要求時——求助於懲處性法律之間存在的密切關係缺乏認識，而造成了很多傷害。經驗證明，這種思維模式的危險就是導致人以違反風俗紀律的行為而生活，而其補救方法僅勸勉或建議是不夠的。這種情況本身通常會隨著時間的流逝而使這些行為日益鞏固，以致更難以糾正，同時，也會在信友間產生惡表與混淆。因此，對牧者和上司來說，實施懲處便變得尤為必要。牧者若疏於採用懲處機制，便顯然未能正確而又忠實地履行其職責，正如我在最近的文件中曾明確告誡的，其中尤其是以「手諭」的方式發布的宗座牧函。（諸如 2016 年 6 月 4 日的《猶如一位慈母》和 2019 年 5 月 7 日的《你們是世界的光》）

誠然，愛德要求牧者每當有必要時，應採取懲處機制，同時也應考慮到在教會中使其成為必要的三項目的，即：恢復正義、罪人的改正和彌補惡表。

正如我在最近所言，法定處分也有彌補和救贖的作用，並特別尋求信友的益處，因此「代表著實現王國和在信友團體中重建正義的一種確切措施，而所有信友都蒙召達至個人與共同的成聖。」（2020年2月21日，對宗座法律委員會全體會議成員的講話）

因此，關於對教會法律制度——這制度遵從了教會在歷史中所形成的傳統——基本脈絡的延續，新內容對現行法律做了不同類型的修改，核准了一些新的罪行，這些都反應了不同團體對重建罪行所打破之正義和秩序的廣泛要求。此外，從技術角度來說，文本內容也得到了改善，尤其是有關刑法基本方面的內容，比如辯護權、處罰的時效和對罪罰的更加明確等，這些都是對處罰合法性要求的回應；同時，也為教長和審判員在判斷針對具體案例實施更為恰當的制裁時提供了客觀準則。

在修訂過程中，所遵從的另一項原則就是由教會當局斟酌在案件中施以何種懲處，這樣也有助於在執行罪罰的過程中，遵守法律（*servatis de iure servandis*）和保存教會的合一，尤其是針對那些在教會團體中造成重大傷害和惡表的罪行。

綜上所述，藉此宗座憲章，特頒布曾令修改之《天主教法典》第六卷修訂正文，望其成為對靈魂有益的工具，必要時，其各項規定應由牧者以義德與慈悲精神予以落

實，且謹記當信友福祉要求時，加以懲處作為義德的義務——這是樞德內在的要求——也是其職務所在。

最後，為了便於每個人都能更深刻地明白這些規定，敕令該《天主教法典》第六卷修訂版通過在《羅馬觀察報》上的公布而得以頒布，並自 2021 年 12 月 8 日起開始生效，隨後附載於《宗座公報》的官方評注中。

此外，敕令藉著第六卷新內容的生效，而廢除現行《天主教法典》中的第六卷，任何相反之事項，即使極堪提及者，亦然廢除。

方濟各

於羅馬，聖伯多祿大殿，2021 年 5 月 23 日，聖神降臨節，在任第九年

(天主教會臺灣地區主教團 譯)

第六卷 教會中的制裁

第一編 罪罰總則

第一題 罪罰總論

1311 條 -1 項 -天主教會以懲罰制裁其犯罪信徒的天賦及固有的權力。

2 項 -在教會內肩負主管責任者，應以牧民愛德、生活善表、善言及規勸，維護並促進教會團體本身和個別信徒的福祉，必要時，可根據法律規定，施以懲處或宣布制裁，然始終應以法律衡平法實施，且應以恢復正義、糾正錯誤和彌補惡表作為考慮。

1312 條 -1 項 -教會的懲罰制裁為：

- 1° 1331 條至 1333 條所列舉的醫治罰或懲戒罰；
- 2° 1336 條所述的贖罪罰。

2 項 -法律得另定褫奪信徒某種屬靈的或物質的權益，以及符合教會超性目的之贖罪罰。

3 項 -此外，尚得適用 1339 條與 1340 條所規定之預防罰及補贖處分；前者尤其在於防止犯罪；後者則在於替代或加重罪罰。

第二題 科罰法及科罰令

1313 條 -1 項 -犯罪後法律如有變更者，應運用較有利於犯人的法律。

2 項 -後法撤銷前法或至少撤銷科罰者，科罰立即停止。

1314 條 -科罰，通常為待科罰，因此，非經宣判，犯人不受其約束；如法律或命令明言為自科罰時，一旦犯罪，犯人立即受其約束。

1315 條 -1 項 -有權制定科罰法者，亦得以適當的科罰來維護神律。

2 項 -下級立法者，在遵守 1317 條之規定的前提下，亦得：

1° 以適當的科罰來維護由上司所頒布的法律，但不應越過其對地區或對人員的權限。

2° 於普通法已有的科罰外，對某種罪附加其他的處罰；

3° 在普通法沒有制定明確的懲罰或在懲罰是酌情任選的情況下，制定明確的或強制性的懲罰。

3 項 -法律得確定科罰；或任由審判員依其明智審斷定罰。

1316 條 -各教區主教應盡可能于同一國家或地區內，制定統一的待科罰法律。

1317 條 -只有在更適於維持教會紀律有必要時，才得制定懲罰；特別法不得制定撤銷聖職身分的處罰。

1318 條 -慎勿制定自科罰，除非為針對某些或會特別有危害的罪行，或罪行能導致非常重大的惡表，或僅處以待科罰無法達懲治之效。至於懲戒罰，尤其絕罰，除非出於不得已，並且只為針對特別重大的罪行，始得制定之。

1319 條 -1 項 -凡根據 **48 條** 至 **58 條** 之規定，享有治理權而能在外場得發布命令者，亦得以命令制定明確懲罰以戒之；但永久的贖罪罰除外。

2 項 -如經深思熟慮，有需要發布懲罰令，必須遵守 **1317 條** 及 **1318 條** 之規定。

1320 條 -修會會士在所有從屬教區教長的事項上，也可受到教區教長懲罰的制裁。

第三題 科罰的對象

1321 條 -1 項 -凡人皆為無罪者，除非有反證。

2 項 -任何人，非有外在的違法或背命行為，而其行為因故意或過失負上嚴重罪責者，不得受科罰的處分。

3 項 -惟故意違反法律或命令者，受法律或命令所定的處罰；其行為出於欠缺應有的專注者，不受處罰，但法律或命令另有規定者除外。

4 項 -有外在犯罪行為者，即推定應負罪責；但顯有反證者，不在此列。

1322 條 -凡永久性地缺乏智力者，雖於犯罪或背命時，貌似常人，也視為無犯罪能力。

1323 條 -違法或背命有下列情事之一者，不受處罰：

1° 未滿十六歲者；

2° 非因過失而不知違法或背命的事實者；不注意及錯誤以不知論；

3° 其行為出於外來暴力或出於意料之外，或無法預防之情形者；

4° 其行為出於相當大的恐懼，或出於不得已，或為避免重大損失者；但其行為本質為惡行或為害人靈者除外；

5° 對無理侵犯自己或他人而行使合法自衛者；但自衛應保持必要的克制；

6° 缺乏智力者；但 1324 條 1 項 2 款及 1326 條 1 項 4 款的規定保持不變；

7° 非因過失認為有 4 款或 5 款所述情事之一者。

1324 條 -1 項 -犯者不得免除懲罰；但有下列情事之一者，得減輕法定或由命令所定的罰而科以補贖：

1° 犯者理智不健全；

2° 犯者由於過失酗酒或類似的神智不清，因而缺乏理智運用者；但 1326 條 1 項 4 款的規定保持不變；

3° 犯者出於重大感情衝動，雖非完全阻止其運用

理智和意志，然亦非故意激發或培養者；

4° 犯者未滿十六歲的未成年人；

5° 雖然行為本身為惡或損害人靈者，但犯者出於重大恐懼，雖為相對的重大恐懼，或出於不得已，或為避免重大損失而為者；

6° 犯者對無理侵犯自己或他人而行使自衛，而未保持必要的克制者；

7° 犯罪行為出於抵抗重大及無理的挑釁者；

8° 犯者因過失而又錯認為有 1323 條 4 及 5 款所述情事之一者；

9° 犯者非因過失而不知法律或命令附帶科罰者；

10° 犯者雖有重大罪行，但不負完全罪責而作為者。

2 項 -有其他減輕罪責的情形時，審判員得作類似的處理。

3 項 -有 1 項之情形者，犯者雖不受自科罰的制裁，但仍得處以較輕的罰，或科以補贖，以求悔改或彌補惡表。

1325 條 -疏忽、怠慢及故意的無知，決不可使用 1323 條及 1324 條之規定。

1326 條 -1 項 -審判員對下列人士，得于法律或命令規定之外，加重處罰：

1° 已經受處罰或已經宣布受罰者重犯前罪，致使其情形得以明智推定其固執已轉為惡意者；

2° 身居高位，或因濫用權勢或職務而犯罪者；

3° 凡是在處罰罪行後，已預見後果，但仍不採用任何辦法者；

4° 凡是由於酗酒或類似的神智不清而犯罪行後，仍以此為藉口，或因故意誘發或促發激情之故，而尋求犯罪者。

2 項 -對 1 項所制定的罰為自科罰者，得加處其他罰或補贖。

3 項 -在上述情況下所制定的罰若為任選罰者，得變為強制性處罰。

1327 條 -除 1323 條至 1326 條所言案情外，特別法得以通則或就個別罪行制定其他免除、減輕或加重的情事；亦得以命令制定免除、減輕或加重由命令所制定懲罰的情事。

1328 條 -1 項 -凡決意做某事或拒做某事要犯罪，但出其意外犯罪未遂者，不受既遂犯的處罰；但法律或命令另有規定者除外。

2 項 -犯者之所為或拒不為，因其性質本可陷人於罪行者，可受補贖或治療罰；但自動停止其犯罪行為者，可免罰。但如有惡表或其他重大損害或危險發生時，犯者雖自動停止其犯罪行為，仍得受相當的罰；惟其罰應輕於既遂犯的罰。

1329 條 -1 項 -數人合謀共同犯罪，而法律或命令無明文指明時，主犯如處以待科罰，從犯亦應處以同等或較輕的罰。

2 項 -法律或命令未提及的同犯，如無其助力，則犯罪不成立，而科罰之性質正是針對此類人者，亦能處以與罪行相連的自科罰；否則處以待科罰。

1330 條 -因發表宣言或在發表意見、學說、科學見解上所犯的罪行，如無人查覺其宣言或發表時，以未遂罪論。

第四題 科罰及其他處分

第一章 懲戒罰

1331 條 -1 項 -受絕罰者，禁止：

- 1° 舉行感恩聖祭及其他聖事；
- 2° 領受聖事；
- 3° 舉行聖儀及其他禮儀性儀式；
- 4° 在上述禮儀性儀式中，擔當任何職務；
- 5° 擔任教會的職位或職務，或教會職能；
- 6° 行使管理的權力。

2 項 -待科絕罰一經科處，或自科絕罰一經宣布，犯者：

- 1° 如違反 1 項 1-4 款的規定，應立即制止或中斷

其敬禮行為，除非有重大原因作梗；

2° 其行使 1 項 6 款所言之非法管理行為，概屬無效；

3° 被禁止享用已得的特恩；

4° 不得以教會的名義獲取酬勞；

5° 不能取得職位、委任、職務、職能、權利、特恩或尊稱。

1332 條 -1 項 -受禁罰者，禁止行使 1331 條 1 項 1-4 款所列事項；

2 項 -然法律或命令仍可只限定受禁罰者不得行使 1331 條 1 項 1-4 款中所列之個別事項，或行使其他個別權利。

3 項 -受禁罰者亦應遵守 1331 條 2 項 1 款規定。

1333 條 -1 項 -停職罰禁止：

1° 全部或某些聖秩權之行為；

2° 全部或某些治權行為；

3° 行使與職務相連之全部或某些權利，或職能。

2 項 -法律或命令得制定，在判決或法令科處或宣布處罰後，被停職者不得有效行使治權行為。

3 項 -下列事項不在禁止之列：

1° 凡不屬制定處罰之上司權下的職務或治權；

2° 犯者由於職務而有的居留權；

3° 可能屬於原職務的財產管理權；但以其罰為自

科罰者為限。

4 項 -停職罰禁止收取利息、獻儀、退休金或其他利益者，對一切違法所得的利益，即使是由善意所得，負有償還的責任。

1334 條 -1 項 -停職的範圍於前條所定的界限內，或者由法律或命令予以指定，或者由判決或由給予懲罰的法令劃定。

2 項 -法律，而非命令，得制定不加任何確定或限制的自科停職罰；此種罰有 1333 條 1 項所列舉的一切效力。

1335 條 -1 項 -經司法訴訟或非司法的法令科處或宣布制裁之主管當局，於恢復正義或彌補惡表有必要時，亦得處以贖罪罰。

2 項 -如懲戒罰為禁止舉行聖事或聖儀，或禁止治理行為者，每當需要照顧有死亡危險的信徒時，禁罰中止；至於受自科罰而未經宣判者，還可在信徒請求舉行聖事或聖儀或行使治權行為時，中止其禁罰；信徒得按任何正當理由請求之。

第二章 贖罪罰

1336 條 -1 項 -用以處分犯者的永久或定時或無定時的贖罪罰，除法律特定者外，為如下 2-5 項所列：

2 項 -勒令：

- 1° 居留於某地方或地區；
- 2° 根據主教團所制定之規則，為教會之目的，支付罰款或一筆資金；

3 項 -禁止：

- 1° 居留於某地方或地區；
- 2° 在各處，或在某地方或某地區，或在此地之外，行使所有或某些職權、任務、職務或職能，或者與職權或職務相連的某些工作；
- 3° 行使全部或某些聖秩權之行為；
- 4° 行使全部或某些治權行為；
- 5° 行使某項權利或特恩，或使用某些標幟或名銜；
- 6° 在法定選舉中享有選舉權或被選舉權，以及出席參議會或教務會議並享有投票權；
- 7° 穿著教職服或修會服；

4 項 -褫奪：

- 1° 所有或某些職位、職責、職務或職能，或者與職位或委任相連的某些職能。
- 2° 聽告解權或宣道權；
- 3° 獲授予的治權；
- 4° 某些權利或特恩、標幟或名銜；
- 5° 根據主教團所制定之規則，所有或部分教會酬勞，但 1350 條 1 項所規定者除外。

5 項 -撤銷聖職身分。

1337 條 -1 項 -禁止居留某地方或某地區的罰，可加之於聖職人員或修會會士；勒令居留的罰，可加之於教區聖職人員，也可在會憲範圍內加之於修會會士。

2 項 -發布居留某地方或某地區之命令前，應有該地教長的同意；但其居處專為各教區聖職人員作補贖或改過之用者除外。

1338 條 -1 項 -1336 條所列之補贖罰，絕對不得施於制定該罪罰的上司所無權過問的權力、職位、職務、權利、特恩、特權、恩寵、名銜及標幟。

2 項 -聖秩權不能被褫奪；惟得禁止行使此權或其中某些行動；學位亦不能被褫奪。

3 項 -關於 **1336 條 3 項**所列舉的禁令，應遵守 **1335 條 2 項**有關懲戒罰所制定的規定。

4 項 -惟有 **1336 條 3 項**所列舉之作為禁令的補贖罰，方可作為自科罰，或由法律或命令所制定之其他可能的罪罰。

5 項 -1336 條 3 項所列舉的禁令，絕非屬無效之罰。

第三章 預防罰與補贖

1339 條 -1 項 -教會教長對處於犯罪近機會的人，或因調查而知有犯罪重大嫌疑的人，得親自或經由他人給予勸告。

2 項 -對於其行為足以產生惡表，或嚴重擾亂秩序的人，教會教長得於斟酌其人及其事的特別情形後，予以譴責。

3 項 -對勸告或譴責的事實，常該留有某種字據，並應將字據保存於公署的祕密檔案內。

4 項 -若對某人施以一次或多次警告或糾正後，徒勞或無望有任何效果，教長得給予懲罰令，詳細列明應履行或應避免之事項。

5 項 -按案情之嚴重性需要，尤其在當事人有重陷罪行之危險時，教長除了依法科處，或藉判決或法令宣布處罰外，亦得以個別法令對其施以具體監視。

1340 條 -1 項 -於外場可科處的補贖，可為某種宗教、敬禮或慈善行為。

2 項 -對隱密罪，絕不得加以公開補贖。

3 項 -教會教長得依其明智，於預防罰的勸告或譴責外，另科補贖。

第五題 科罰之實施

1341 條 -當對犯者採用了各種牧民引導方法，尤其是兄弟般的規勸、訓誡及譴責後，而仍不足以恢復正義、糾正錯誤和賠補惡表時，教會教長應展開審判或行政程序，給予科處或定罰。

1342 條 -1 項 -每當有正當原因可以使犯者免於起訴時，可以在法庭外用法令給予科處或定罰，但應遵守**1720 條**，特別是有關辯護權和**1608 條**對頒布法令者所要求的常情確實性之規定；至於預防罰及補贖，在任何情況下均得用法令科處。

2 項 -不得用法令判處永久性的罰，也不得用法令判處那些法律或命令規定了的懲罰而同時又禁止用裁定施行的罰。

3 項 -法律或命令對審判員有關科處或定罰的規定，亦得適用於上司之于法庭外科處或定罰；但在另外的情形，或僅屬於程序的規定除外。

1343 條 -如法律或命令授予審判員以可罰可不罰的權力時，審判員得按其良知及明智，根據恢復正義、糾正錯誤和賠補惡表的要求，作出裁決，但**1326 條 3 項**之規定除外；然如有必要，審判員亦可減輕罪罰或代科以補贖。

1344 條 -法律雖慣用命令式言詞，但審判員仍得按其良知及明智作下列行為：

1° 預見因急速處分犯者可能導致更大惡果時，得延至較適宜的時間處分之，但有迫切需要彌補惡表者除外；

2° 犯者已經悔改、惡表已補救且可能造成之損失已得賠償，或已經由國家機關判以相當處罰，或預見將受充份的處罰時，得免除或減輕其罪罰或科以補贖；

3° 如犯者平素行為良好而初次犯罪，也無必要賠補惡表時，得暫免其受贖罪罰的義務；但于審判員所定的期限內再犯者，應受二罪的罰，惟如此時，該懲罰前罪的時間已過，則不在此限。

1345 條 -犯罪行為出於智力不健全，或出於不得已，或出於重大恐懼，或出於情緒衝動，酗酒或其他神經錯亂狀態者，審判員認為使用其他方法更有利於改正時，也可免加任何懲罰，但 1326 條 1 項 4 款之規定除外；然倘若不能恢復正義和賠補惡表及賠償可能造成之損失者，仍得對犯罪者施以懲處。

1346 條 -1 項 -通常有多少罪行，就有多少罪罰。

2 項 -犯者多次犯罪，而審判員認為其待科的罰將累積過重時，得按其明智裁決在相當範圍內減輕其罰，並對其施以監視。

1347 條 -1 項 -除非事先至少一次警告犯者拋棄其違法的意念，並給予相當的悔改時間，不得有效科處懲戒罰。

2 項 -凡真心改過，並對所發生的損害及惡表，已作相當的補救及賠償，或至少誠心許諾作相當的補救及賠償者，應視為已拋棄違法的意念。

1348 條 -當犯者免於起訴或受罰時，教會教長得給予必要的警告或施以其他牧靈措施，且得按情形，為犯者好處及公益，科以預防罰。

1349 條 -如罪罰未有明確的指示，而法律又無其他規定時，審判員在確定可選擇之罰時，應使其與所引發之惡表和損失之嚴重性相稱；然不得科處較重的罰，但因案情重大而有絕對必要時除外；惟不得科處永久性的罰。

1350 條 -1 項 -處罰聖職人員時，應關注維持其正常生活之所需使不至匱乏；除非連其聖職身分也被解除。

2 項 -被解除聖職身分者，如因受罰而生活陷於真正困境者，教會教長應儘量照顧之，但不得授予職位、職務和任務。

1351 條 -懲罰不因犯者處境改變而消失；即使制定罪罰、科處或宣布罪罰者的權力解除時，亦然；但法律另有明文規定者除外。

1352 條 -1 項 -如所處的罰為禁止領受聖事或聖儀，於犯者有死亡危險時，可暫停其罰。

2 項 -對未經宣布的又未在犯者居留地公開的自科罰，犯者是否能全部或部分地暫時免受制裁，須看他有沒有產生重大惡表或聲名敗壞的危險。

1353 條 -因不服科處或宣布罪罰的判決或裁定所提之上訴或申訴，有暫停受罰之效。

第六題 懲罰之停止及追訴時效

1354 條 -1 項 -除 1355 條及 1356 條所列舉的人外，凡對附有懲罰的法律或附有懲罰的命令有豁免權者，亦得免除該罰。

2 項 -凡制定懲罰的法律或命令，亦得將免除懲罰的權力授予他人。

3 項 -如宗座為自己或為他人保留免除懲罰的權力時，其保留應以狹義解釋之。

1355 條 -1 項 -法律制定的罪罰，無論是已科處之待科罰，還是已宣判之自科罰，除非受宗座之保留，得由下列人士免除之：

1° 曾進行該科處或宣布懲罰的審判，或者自己或經由他人用法令科處或宣布該罰的教會教長；

2° 犯者居留地的教區教長；惟應先徵求 1 款所言教會教長意見；但因有特殊原因不能徵求者，除外。

2 項 -法律制定的自科罰，於宣布之前，如果不是宗座保留者：

1° 教會教長得對其下屬免除之；

2° 教區教長得對居留該地的人，或是在其轄區內犯罪之人免除之；

3° 任何主教於聽告解時，亦可免除之。

1356 條 -1 項 -以命令制定的待科罰或自科罰，其不出

於宗座的命令者，得由下列人士免除之：

1° 頒布命令者；

2° 曾進行科處或宣布懲罰的審判，或者自己或經由他人以法令科處或宣布該罰的教會教長。

3° 犯者居留地之教區教長。

2 項 -在免除懲罰之前，應徵求頒發命令者的意見，但因特殊情形不能徵求時，不在此限；或徵求科處或宣布該罰者之意見。

1357 條 -1 項 -除遵守 508 條及 976 條規定外，自科絕罰或禁罰，其未經宣判者，聽告解司鐸得於聖事內場免除之，但以犯者因處於重罪狀況，難以等待有關上司的處理者為限。

2 項 -聽告解司鐸對犯者行使免除權時，應責成犯者於一個月內呈報上司或有權之司鐸，並服從其處理，否則原罰恢復；其間應科以相當的補贖，如有需要，還得命令補救惡表及賠償損失；呈報可經由聽告解司鐸以匿名為之。

3 項 -凡依 976 條之規定，得以免除已經科處或宣判，或宗座所保留之懲戒罰者，於脫離危險後，負同樣呈報之責。

1358 條 -1 項 -除非犯者依 1347 條 2 項的規定，已拋棄違法的意念，不得免除其懲戒罰；對已拋棄違法意念者，不得拒絕免除其罰，但 1361 條 4 項之規定除外。

2 項 -免除懲戒罰之人，得依 1348 條的規定行事，或科以補贖。

1359 條 -同時受數罰者，只能免除在免除書內所指明的罰；如為全部免除，則免除一切罰；但犯者在申請時惡意隱瞞的罰除外。

1360 條 -因脅迫、重大恐嚇或欺騙而做出的免除無效。

1361 條 -1 項 -得對不在場的人行使罪罰免除；亦得行使附加條件的免除。

2 項 -外場的免除應以書面為之；但因有重大理由不能以書面為之者，不在此限。

3 項 -勿使申請或獲得免除的事公開化；但其公開對保護犯者的名譽有利，或為補救惡表有必要者，不在此限。

4 項 -根據教長的明智判斷，除非犯者已賠償可能造成之損失，不得給予免除；亦得以 1336 條 2-4 項所列罪罰之一代為補償或償還；當依 1358 條 1 項之規定免除懲戒罰時，亦可如此。

1362 條 -1 項 -追訴犯罪權因三年內不行使而喪失；但下列各罪行不在此限：

1° 保留於信理部的罪行，此等罪行受特別法節制；

2° 1376 條、1377 條、1378 條、1393 條 1 項、1394 條、1395 條、1397 條及 1398 條 2 項所列舉的罪行，

此等追訴權因七年內不行使而喪失；或 1398 條 1 項之罪行，追訴權因二十年內不行使而喪失，但上述 1 款之規定保持不變。

3° 非依普通法所科處的罪行，如特別法對時效期限另有規定。

2 項 -時效自犯罪之日算起；如為持續罪行或慣犯罪行時，自罪行停止之日算起；法律另有規定者，不在此限。

3 項 -犯者按 1723 條之規定被傳喚，或按 1507 條 3 項所規定之方式獲悉訴狀已按 1721 條 1 項之規定呈交之後，犯罪追訴權暫停三年；當這三年期屆滿，或當該時效暫停期間懲戒訴訟已終止而中斷，則時效期限得重新開始，惟須加上訴訟前已流逝之時間。若依 1720 條 1 款之規定，在訴訟外以法令進行科處或宣布罪罰，犯罪追訴權之時效亦以同一程序處理。

1363 條 -1 項 -由科罰的判決成為斷案之日算起，於 1362 條所定的期限內，未將 1651 條所言執行命令通知犯者時，該科罰追訴權因時效已過而消失。

2 項 -此項規定，在合法的情形下，也適用於在訴訟外以法令科罰的案件。

第二編 罪行與罪罰分則

第一題 相反信仰及教會統一罪

1364 條 -1 項 -背教人、異端人或裂教人，受自科絕罰，但 194 條 1 項 2 款之規定保持不變；此外，亦可加處 1336 條 2-4 項所定的罰。

2 項 -對怙惡不悛或有重大惡表者，必要時加處其他罰，並得撤銷其聖職身分。

1365 條 -除 1364 條 1 項所言情況外，凡講授已為羅馬教宗或大公會議所棄絕的教義，或堅持拒絕 750 條 2 項或 752 條所說的道理，雖經宗座或教會教長警告而不更正者，得處懲戒罰，並褫奪其職務；且得加處 1336 條 2-4 項所列之其他罰。

1366 條 -凡向大公會議或世界主教團控告羅馬教宗者，得處懲戒罰。

1367 條 -父母或代替父母的人，使子女受非天主教的洗禮及教育者，應處懲戒罰或其他相當的罰。

1368 條 -凡公開表演或演說，或發表文章，或以其他社會傳播工具散布猥褻言論，嚴重妨害善良風俗，或譏謗宗教或傷害教會，或對之激發輕蔑仇恨者，皆應處以相當的罰。

1369 條 -凡褻瀆聖物者，不論是可移動的或固定的聖物，處相當的罰。

第二題 相反教會權威及履行職務罪

1370 條 -1 項 -對羅馬教宗施以暴力者，處保留于宗座的自科絕罰；如為聖職人員，得按其罪行輕重而加處其他罰；包括撤銷聖職身分的罰。

2 項 -對主教施以暴力者，處自科禁罰；如為聖職人員，得加處自科停職罰。

3 項 -凡因輕視信仰、教會、教會權力或教會職務，而對聖職人員、修會會士或其他信徒施以暴力者，應處相當的罰。

1371 條 -1 項 -凡違背宗座、教會教長或上司的合法命令或禁令，雖經警告而拒不從命者，得按其罪行輕重，處以懲戒罰、或褫奪職務、或處以 **1336 條 2-4 項**所列之其他罰。

2 項 -對未盡由處罰所產生的義務者，應處以 **1336 條 2-4 項**所列之罰。

3 項 -凡在教會當局前鋪陳或許諾某事而發虛誓者，應處相當的罰。

4 項 -凡違犯保守宗座祕密之義務者，應處以 **1336 條 2-4 項**所列之罰。

5 項 -凡是未履行執行判決或執行處罰法令之義務者，應處相當的罰，包括懲戒罰。

6 項 -凡疏於通報罪行者，通報罪行乃教會法定義務，應處以 1336 條 2-4 項所列之罰，且得按罪行之嚴重性而加處其他罰。

1372 條 -對下列人士，應處以 1336 條 2-4 項所列之罰：

1° 凡妨礙執行職務之自由、阻止教會權力之行使、阻止聖物或其他教會財產之合法享用，或威脅行使教會權力之人或教職人員者；

2° 凡妨礙選舉自由者，或威脅選舉人或被選舉人者。

1373 條 -為了謀求教會的某種職權或教會職位，公開煽動屬下抗爭或怨恨宗座或教會教長，或教唆屬下拒不服從其命者，應處禁罰或其他相當的罰。

1374 條 -凡加入圖謀反對天主教之社團者，應處相當的罰，凡推行或領導此等社團者，應處禁罰。

1375 條 -1 項 -凡僭取教會職務者，處相當的罰。

2 項 -被撤職或停職後仍據原職不放者，視同不合法僭越。

1376 條 -1 項 -對下列人士，除應賠償損失外，得處以 1336 條 2-4 項所列之罰：

1° 竊取教會財產，或阻止其產生利益者；

2° 未經規定之諮詢、同意或許可，或未滿足法律針對行為之有效性或合法性所規定之條件，而轉讓教會財產，或對其執行管理行為者。

2 項 -對下列人士，除應賠償損失外，應處相當的罰，包括褫奪職務：

1° 凡因個人之重大過錯而觸犯上述 1 項 2 款之罪者；

2° 凡以其他方式被認為在管理教會財產中嚴重失職者。

1377 條 -1 項 -凡以饋贈或以許諾任何東西，使在教會內履行職務或執行任務者非法作某事或不作某事者，應根據 1336 條 2-4 項之規定，處相當的罰；凡接受該饋贈或承諾者，除應賠償損失外，根據罪行之嚴重性，亦得處相當的罰，包括褫奪其職務。

2 項 -凡是在履行職務或執行任務中，為了個人利益而索取規定之外的報酬或額外的款項，或某物者，除應賠償損失外，亦得被處以適當的罰款或其他的罰，包括褫奪其職務。

1378 條 -1 項 -除了法律所規定的情況外，凡妄用教會權力、職位或職務者，除應賠償損失外，以其作為或失職之嚴重性處罰之，包括褫奪其職位或職務。

2 項 -因有過失而疏忽，對執行教會權力、職務或任務，有違法行為或失職，因而損及他人或造成惡表者，除應賠償損失外，應根據 1336 條 2-4 項之規定，

處以相當的罰。

第三題 相反聖事罪

1379 條 -1 項 -下列人士受自科禁罰；其為聖職人員者，處停職罰：

1° 未領司鐸聖秩而擅自舉行感恩祭者；

2° 除 **1384 條**之情形外，凡不具備赦罪權而擅敢行使之，或擅敢聽告解者。

2 項 -在 **1 項**所列之案件中，按罪行之嚴重性，得加處其他罰，包括絕罰。

3 項 -無論是試圖將聖秩授予婦女者，還是試圖領受聖秩之婦女，均遭受保留于宗座的自科絕罰；對聖職人員，亦可處以撤銷其聖職身分的罰。

4 項 -蓄意為被禁止領受聖事之人施行聖事者，處停職罰；亦得加處 **1336 條 2-4 項**所列之其他罰。

5 項 -除了上述 **1-4 項**和 **1384 條**所言之情形外，對偽裝施行聖事者，應處以相當的罰。

1380 條 -因買賣行為而施行或領受聖事者，處禁罰或停職罰，或處以 **1336 條 2-4 項**所列之罰。

1381 條 -違反「互領聖事」 (*communicatio in sacris*) 之禁令者，處相當的罰。

1382 條 -1 項 -拋棄聖體或拿取或保存聖體以作褻瀆者，處保留于宗座的自科絕罰；如為聖職人員，得加處他罰，包括撤銷其聖職身分。

2 項 -以褻聖為目的在感恩祭中或在感恩祭之外，祝聖餅酒或僅祝聖其中之一者，根據其罪行之嚴重性而處以相當的罰，包括撤銷聖職身分的罰。

1383 條 -利用彌撒獻儀非法謀利者，處懲戒罰，或根據 1336 條 2-4 項之規定，處以其他的罰。

1384 條 -對違反 977 條規定之司鐸，處以保留于宗座的自科絕罰。

1385 條 -司鐸在聽告解時，或藉聽告解的機會，或以聽告解為藉口，引誘辦告解者犯第六誡之罪者，按罪過的輕重，處停職罰、禁止罰、或褫職罰；於較重的案情，應撤銷其聖職身分。

1386 條 -1 項 -聽告解司鐸直接洩漏告解祕密者，處保留于宗座的自科絕罰；間接洩漏之者，按其罪過的輕重處罰之。

2 項 -對 983 條 2 項所指明的翻譯和其他有關的人洩漏祕密者，處相當的罰，包括絕罰。

3 項 -凡以任何技術方式記錄，或懷着惡意，藉著社會傳播工具傳播聽告解司鐸或辦告解者在告解聖事中的談話內容，不論聖事為真實或偽裝，根據罪行之嚴重性，處以相當的罰；如為聖職人員，不排除處以撤銷

其聖職身分的罰。

1387 條 -主教無教宗之命祝聖別人為主教，及被其祝聖為主教者，均遭受保留于宗座的自科絕罰。

1388 條 -1 項 -主教違反 1015 條之規定，無合法晉秩委託書而為非屬下授聖秩者，禁止於一年內授聖秩；如此領受聖秩者，立即受停職罰。

2 項 -凡是身負懲戒罰或有虧格，且對此故意保持緘默而領受聖秩者，除受 1044 條 2 項 1 款之禁罰外，亦立即受停職罰。

1389 條 -除 1379 條至 1388 條所列舉的情況外，凡違法執行司鐸職務或其他聖職者，處相當的罰，包括懲戒罰。

第四題 誹謗及偽造罪

1390 條 -1 項 -向教會上司誣告聽告解司鐸犯第 1385 條所言罪者，處自科禁罰；其為聖職人員者，並處停職罰。

2 項 -向教會上司誣告其他罪行或非法以其他方式傷害他人名譽者，根據 1336 條 2-4 項之規定，處相當的罰；並得加處懲戒罰。

3 項 -得強制誣告他人者，作相當的補償。

1391 條 -下列人士，按其罪行的輕重，處以 1336 條 2-4 項所規定之罰：

1° 偽造教會公務文件或竄改、銷毀、湮滅或隱匿教會真實文件，或者使用偽造或竄改之文件者；

2° 於有關教會事務上，使用其他偽造或竄改之文件者；

3° 對於教會公務文件，故意曲解者。

第五題 違反特殊義務罪

1392 條 -聖職人員故意而非法地，連續六個月放棄聖職，以逃避教會當局的管轄，得按罪行輕重，處以停職罰，或處以 1336 條 2-4 項所規定之罰；情形嚴重者，得撤銷其聖職身分。

1393 條 -1 項 -聖職人員或修會會士違反教會法規定，從事經商或交易者，得按罪的輕重，處以 1336 條 2-4 項所規定之罰。

2 項 -聖職人員或修會會士，除了法律所規定的情形外，在經濟事務上觸犯罪行，或嚴重違反 285 條 4 項之規定者，除應賠償損失外，得處以 1336 條 2-4 項所規定之罰。

1394 條 -1 項 -除應遵守 194 條 1 項 3 款和 694 條 1 項 2 款的規定外，聖職人員擅敢結婚者，即使僅依國家法律結婚者，處自科禁罰；對受警告仍不悔改並繼續立惡表者，得逐次處以褫職罰，直至撤銷其聖職身分。

2 項 -已發終身願而非聖職人員之修會會士擅敢結婚者，即使依國家法律而結婚者，當處以自科禁罰；但 694 條 1 項 2 款的規定不變。

1395 條 -1 項 -除 1394 條所指個案外，聖職人員姘居或保持其他外在的違反第六誡的罪而立有惡表者，處停職罰；對已經警告而仍不悔改者，得逐次加處其他罰，直至撤銷聖職身分。

2 項 -聖職人員違反第六誡犯有其他罪，若罪行實為公開者，處相當的罰；必要時，得撤銷聖職身分。

3 項 -聖職人員以強暴或威脅、或濫用職權犯第六誡罪，或強迫他人完成或承受性行為者，處以上述 2 項相同之罰。

1396 條 -嚴重違反因教會職務而有留居駐地的義務者，處以相當的罰；已警告而不悔改者，並得褫奪其職務。

第六題 傷害人生命、尊嚴及自由的罪行

1397 條 -1 項 -殺人者、或以暴力或拐騙施行綁架，或拘禁人者，或使人致殘或嚴重傷害他人者，應按罪過輕重，處 1336 條 2-4 項所言之罰；凡殺害 1370 條所列舉之人者，處以該條 3 項所定之罰。

2 項 -凡從事墮胎而既遂者，應受自科絕罰。

3 項 -凡為該條所論之罪行，犯者為聖職人員，且

情形嚴重者，得撤銷其聖職身分。

1398 條 -1 項 -犯有下列罪行之聖職人員，應處以褫職罰及其他相當的懲罰，必要時，得撤銷其聖職身分：

1° 與未成年人或智力永久不健全者，或與法律承認享有同等保護者，犯第六誡罪；

2° 徵召或引誘未成年人或永久智力不健全者，或與法律承認享有同等保護者，以色情的方式展示自己或參與真實或模擬的色情表演；

3° 無論以任何方式，藉何種工具，不道德地獲取、保存、展示或傳播未成年人或智力永久不健全者之色情圖片。

2 項 -凡是在教會內享有尊位、或擔任職位、或履行職務之獻身生活會或使徒生活團成員，或任何信徒，觸犯上述之 1 項，或 **1395 條 3 項**之罪行者，得處 **1336 條 2-4 項**所言之罰，根據罪行之輕重，加處其他的罰。

第七題 通則

1399 條 -除本法或其他法所定的情況外，對其他違反神律或教律的外在行為，惟獨在案情特別重大，要求處以懲罰，而同時有必要防止或賠補惡表的情況下，方得處以相當的懲罰。

(天主教會臺灣地區主教團 譯)

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APOSTOLIC CONSTITUTION
PASCITE GREGEM DEI
OF THE HOLY FATHER
FRANCIS
REFORMING BOOK VI OF THE CODE OF CANON
LAW

“Tend the flock of God that is your charge, not by constraint but willingly, as God would have you” (cf. 1 Pet 5:2). The inspired words of the Apostle Peter are echoed in those of the Rite of Episcopal Ordination: “Our Lord Jesus Christ, who was sent from the Father to redeem the human race, himself sent twelve apostles into the world. Filled with the power of the Holy Spirit, they were to preach the Gospel, and gathering all peoples into one flock, they were to sanctify and govern them.... Through the wisdom and prudence of the bishop, Christ himself leads you on your earthly pilgrimage toward eternal happiness” (cf. Ordination of a Bishop, of Priests, and of Deacons, second typical edition, English translation, 2018, pp. 41, 43). Bishops are thus called to govern “by counsel, exhortation and example, as well as by their authority and sacred power” (Lumen Gentium, 27), inasmuch as charity and mercy demand that a Father also make every effort to correct deviations.

In her earthly pilgrimage, the Church has established from apostolic times laws and rules of conduct that down the centuries took shape as a cohesive body of binding norms safeguarding the unity of God’s People. Bishops are responsible for ensuring that these rules be obeyed, for they reflect the faith that we all profess and from which

their binding force is drawn; founded upon that faith, they manifest the maternal mercy of the Church, which is ever concerned for the salvation of souls. Since those norms are meant to govern the life of the community in the course of time, they must take account of changes in society and new needs of the People of God, for which reason it is at times necessary to modify and adapt them to changed circumstances.

Amid today's rapid social changes, "we are experiencing not simply an epoch of changes but an epochal change" (Address to the Roman Curia for the Exchange of Christmas Greetings, 21 December 2019). It has thus become clear that a fitting response to the needs of the Church throughout the world calls for a revision of the penal discipline in the Code of Canon Law promulgated by Saint John Paul II on 25 January 1983, so that the Church's pastors can employ it as a more flexible means of correction and salvation, capable of being applied swiftly and with pastoral charity in order to avoid more serious evils and to bring healing to injuries caused by human weakness.

To this end, my Venerable Predecessor Benedict XVI in 2007 ordered the Pontifical Council for Legislative Texts to begin the process of revising the penal regulations contained in the 1983 Code. In carrying out this task, the Dicastery made concrete efforts to determine new needs, to identify the limitations and flaws of the current legislation, and to indicate possible clear and simple solutions. That study was carried out in a spirit of collegiality and cooperation, with the assistance of experts and bishops, with a view to adapting eventual solutions to the varying needs and cultures of the local Churches.

A first draft of the new Book VI of the Code of Canon Law was subsequently drawn up and sent to all Episcopal Conferences, the Dicasteries of the Roman Curia, Major Superiors of Religious Institutes, Faculties of Canon Law and other ecclesiastical Institutions for their observations. In the meantime, a number of canonists and experts in penal law worldwide were also consulted. The responses from this preliminary consultation were collected and submitted to a group of experts, who revised the draft in light of those suggestions and then submitted them once more to the consultors for careful review. After further revisions and discussions, the final draft was examined in the Plenary Session of the Members of the Pontifical Council for Legislative Texts. Lastly, after incorporating the corrections from the Plenary Session, the text was consigned to the Roman Pontiff in February 2020.

The observance of penal law is binding on the whole People of God, but responsibility for its correct application — as stated above — lies specifically with the bishops and the superiors of individual communities. It is a task that cannot be separated in any way from the *munus pastorale* entrusted to them, and is to be carried out as a concrete and essential requirement of charity, not only towards the Church, the Christian community and potential injured parties, but also towards those who commit crimes and are themselves in need of the Church's mercy and correction.

In the past, great damage was done by a failure to appreciate the close relationship existing in the Church between the exercise of charity and recourse — where circumstances and justice so require — to disciplinary sanctions. This manner of thinking — as we have learned from experience — risks leading to tolerating immoral conduct, for which mere exhortations or suggestions are

insufficient remedies. This situation often brings with it the danger that over time such conduct may become entrenched, making correction more difficult and in many cases creating scandal and confusion among the faithful. For this reason, it becomes necessary for bishops and superiors to inflict penalties. Negligence on the part of a bishop in resorting to the penal system is a sign that he has failed to carry out his duties honestly and faithfully, as I have expressly pointed out in recent documents, including the Apostolic Letters issued *Motu Proprio As a Loving Mother* (4 June 2016) and *Vos Estis Lux Mundi* (7 May 2019).

Charity thus demands that the Church's pastors resort to the penal system whenever it is required, keeping in mind the three aims that make it necessary in the ecclesial community: the restoration of the demands of justice, the correction of the guilty party and the repair of scandals.

As I observed recently, canonical sanctions also have a reparative and salvific end, and are primarily directed to the good of the faithful. In this sense, they represent "a positive means for the realization of the Kingdom and for rebuilding justice in the community of the faithful, who are called to personal and common sanctification" (Address to Participants in the Plenary Session of the Pontifical Council for Legislative Texts, 21 February 2020).

Therefore, in continuity with the overall features of the canonical system, in accordance with the Church's tradition as consolidated over time, the new text introduces various modifications to the law presently in force and introduces several new types of crime, corresponding to the growing need in various communities to ensure the restoration of justice and order that the delict infringed.

The text has also been improved from a technical aspect, especially with regard to fundamental issues of criminal law, such as the right to self-defense, the prescription of penal action, and the need for greater precision in the determination of penalties, consonant with the requirements of penal law, thus providing ordinaries and judges with objective criteria for identifying the most appropriate sanction in individual cases.

The revision also respects the principle of reducing cases in which the imposition of a sanction is left to the discretion of authorities, so that in the application of penalties, *servatis de iure servandis*, ecclesial unity will be fostered, especially in the case of those delicts that cause the greatest harm and scandal in the community.

In light of the foregoing, by this Apostolic Constitution I promulgate the revised text of Book VI of the Code of Canon Law as ordered and revised, in the hope that it will be an instrument for the good of souls and that its prescriptions will be applied by the Church's pastors, whenever necessary, with justice and mercy, in the awareness that it is part of their ministry, as a duty of justice — an eminent cardinal virtue — to impose punishment when the good of the faithful demands it.

Lastly, in order that all may have full and ready access to the provisions in question, I decree that this revision of Book VI of the Code of Canon Law be promulgated by publication in *L'Osservatore Romano*, entering into force beginning on 8 December 2021, and that it be inserted thereafter in the Official Commentary *Acta Apostolicae Sedis*.

I further decree that, with the entry into force of the new Book VI, the present Book VI of the Code of Canon Law be abrogated,

anything to the contrary notwithstanding, even if worthy of particular mention.

Given in Rome, at Saint Peter's, on the Solemnity of Pentecost, 23 May 2021, the ninth year of my Pontificate.

Franciscus

L'Osservatore Romano, Weekly Edition in English, 4 June 2021.

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.

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

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

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

Can. 1322 — Those who habitually lack the use of reason, 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 mustnot be granted until, in the prudent judgement of the Ordinary, the offender has repaired anyharm caused. Theoffender maybe urged to makesuch 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.

https://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib6_en.pdf



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