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TITLE VI.

THE CESSATION OF PENALTIES (Cann. 1354 - 1363)

Can. 1354 §1. In addition to the persons listed in [⇒](#) cann. 1355-1356, all who can dispense from a law which includes a penalty or who can exempt from a precept which threatens a penalty can also remit that penalty.

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

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

Can. 1355 §1. Provided that the penalty has not been reserved to the Apostolic See, the following can remit an imposed or declared penalty established by law:

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

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

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

Can. 1356 §1. The following can remit a *ferendae sententiae* or *latae sententiae* penalty established by a precept not issued by the Apostolic See:

1/ the ordinary of the place where the offender is present;

2/ if the penalty has been imposed or declared, the ordinary who initiated the trial to impose or declare the penalty or who personally or through another imposed or declared it by decree.

§2. The author of the precept must be consulted before remission is made unless this is impossible because of extraordinary circumstances.

Can. 1357 §1. Without prejudice to the prescripts of cann. 508 and 976, a confessor can remit in the internal sacramental forum an undeclared latae sententiae censure of excommunication or interdict if it is burdensome for the penitent to remain in the state of grave sin during the time necessary for the competent superior to make provision.

§2. In granting the remission, the confessor is to impose on the penitent, under the penalty of reincidence, the obligation of making recourse within a month to the competent superior or to a priest endowed with the faculty and the obligation of obeying his mandates; in the meantime he is to impose a suitable penance and, insofar as it is demanded, reparation of any scandal and damage; however, recourse can also be made through the confessor, without mention of the name.

§3. After they have recovered, those for whom an imposed or declared censure or one reserved to the Apostolic See has been remitted according to the norm of ⇒ can. 976 are also obliged to make recourse.

Can. 1358 §1. Remission of a censure cannot be granted unless the offender has withdrawn from contumacy according to the norm of ⇒ can. 1347, §2; it cannot be denied, however, to a person who withdraws from contumacy.

§2. The person who remits a censure can make provision according to the norm of ⇒ can. 1348 or can even impose a penance.

Can. 1359 If several penalties bind a person, a remission is valid only for the penalties expressed in it; a general remission, however, takes away all penalties except those which the offender in bad faith omitted in the petition.

Can. 1360 The remission of a penalty extorted by grave fear is invalid.

Can. 1361 §1. A remission can also be given conditionally or to a person who is absent.

§2. A remission in the external forum is to be given in writing unless a grave cause suggests otherwise.

§3. Care is to be taken that the petition of remission or the remission itself is not divulged except insofar as it is either useful to protect the reputation of the offender or necessary to repair scandal.

Can. 1362 §1. Prescription extinguishes a criminal action after three years unless it concerns:

1/ delicts reserved to the Congregation for the Doctrine of the Faith;

2/ an action arising from the delicts mentioned in cann. 1394, 1395, 1397, and 1398, which have a prescription of five years;

3/ delicts which are not punished in the common law if particular law has established another period for prescription.

§2. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

Can. 1363 §1. Prescription extinguishes an action to execute a penalty if the offender is not notified

of the executive decree of the judge mentioned in ⇒ can. 1651 within the time limits mentioned in ⇒ can. 1362; these limits are to be computed from the day on which the condemnatory sentence became a res iudicata.

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

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