Code of Canon Law

BOOK VI. SANCTIONS IN THE CHURCH
LIBER VI. DE SANCTIONIBUS IN ECCLESIA
PART I. DELICTS AND PENALTIES IN GENERAL
TITLE III. THE SUBJECT LIABLE TO PENAL SANCTIONS (Cann. 1321 - 1330)

Can. 1321 §1. No one is punished unless the external violation of a law or precept, committed by the person, is gravely imputable by reason of malice or negligence.

§2. A penalty established by a law or precept binds the person who has deliberately violated the law or precept; however, a person who violated a law or precept by omitting necessary diligence is not punished unless the law or precept provides otherwise.

§3. When an external violation has occurred, imputability is presumed unless it is otherwise apparent.

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

Can. 1323 The following are not subject to a penalty when they have violated a law or precept:

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

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

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

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

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

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

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

Can. 1324 §1. The perpetrator of a violation is not exempt from a penalty, but the penalty established by law or precept must be tempered or a penance employed in its place if the delict was committed:

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

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

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

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

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

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

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

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

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

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

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

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

Can. 1325 Crass, supine, or affected ignorance can never be considered in applying the prescripts of can. ⇒ 1323 and ⇒ 1324; likewise drunkenness or other disturbances of mind cannot be considered if they are sought deliberately in order to commit or excuse a delict, nor can passion which is voluntarily stimulated or fostered.

Can. 1326 §1. A judge can punish the following more gravely than the law or precept has established:

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

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

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

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

Can. 1327 Particular law can establish other exempting, mitigating, or aggravating circumstances besides the cases in cann. 1323-1326, either by general norm or for individual delicts. Likewise, circumstances can be established in a precept which exempt from, mitigate, or increase a penalty established by the precept.

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

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

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

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

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