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NORMS REGARDING DELICTS RESERVED TO THE CONGREGATION FOR THE DOCTRINE OF THE FAITH

Part One: Substantive Norms

Art. 1

§1 The Congregation for the Doctrine of the Faith, according to [art. 52](#) of the Apostolic Constitution *Pastor bonus*, judges delicts against the faith, in accordance with art. 2 §2, and also the more grave delicts committed against morals and in the celebration of the sacraments and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law, with due regard for the competence of the Apostolic Penitentiary and in keeping with the [Agendi ratio in doctrinarum examine](#).

§2 With regard to the delicts mentioned above in §1, the Congregation for the Doctrine of the Faith, by prior mandate of the Roman Pontiff, may judge Cardinals, Patriarchs, Legates of the Apostolic See, Bishops, as well as other physical persons mentioned in can. 1405 §3 of the Code of Canon Law (=CIC), and in can. 1061 of the Code of Canons of the Eastern Churches (=CCEO).

§3 The Congregation for the Doctrine of the Faith judges the reserved delicts mentioned in §1 according to the following norms.

Art. 2

§1 The delicts against the faith mentioned in art. 1 are heresy, apostasy, and schism according to the norm of cann. 751 and 1364 CIC, and cann. 1436 and 1437 CCEO.

§2 In the above-mentioned cases referred to in §1, it pertains to the Ordinary or Hierarchy, according to the norm of law, to undertake either a judicial trial in the first instance or an extrajudicial process concluding with a decree, with due regard for the right of appeal or of recourse to the Congregation for the Doctrine of the Faith.

§3 In the above-mentioned cases referred to in §1, it pertains to the Ordinary or Hierarchy, according to the norm of law, to remit the *latae sententiae* excommunication or major excommunication, respectively, in the external forum.

Art. 3

§1 The more grave delicts against the sanctity of the most Holy Sacrifice and Sacrament of the Eucharist reserved to the Congregation for the Doctrine of the Faith for judgment are:

1° the taking or retaining for a sacrilegious purpose or the throwing away of the consecrated species, as mentioned in can. 1382 §1 CIC and in can. 1442 CCEO;

2° attempting the liturgical action of the Eucharistic Sacrifice as mentioned in can. 1379 §1, 1° CIC;

3° the simulation of the liturgical action of the Eucharistic Sacrifice, as mentioned can. 1379 §5 CIC and in can. 1443 CCEO;

4° the concelebration of the Eucharistic Sacrifice prohibited according to the norm of can. 908 *CIC* and can. 702 *CCEO*, as mentioned in can. 1381 *CIC* and in can. 1440 *CCEO*, with ministers of ecclesial communities which do not have apostolic succession and do not acknowledge the sacramental dignity of priestly ordination.

§2 Also reserved to the Congregation for the Doctrine of the Faith is the delict which consists in the consecration for a sacrilegious purpose of one matter without the other or even of both, either within or outside of the Eucharistic celebration, which is mentioned in can. 1382 §2 *CIC*.

Art. 4

§1 The more grave delicts against the sanctity of the Sacrament of Penance reserved to the judgment of the Congregation for the Doctrine of the Faith are:

1° the absolution of an accomplice in a sin against the sixth commandment of the Decalogue, mentioned in can. 1384 *CIC* and in can. 1457 *CCEO*;

2° the attempted sacramental absolution or the prohibited hearing of confession, mentioned in can. 1379 § 1, 2° *CIC*;

3° simulated sacramental absolution, as mentioned in can. 1379 §5 *CIC* and in can. 1443 *CCEO*;

4° the solicitation to a sin against the sixth commandment of the Decalogue in the act, on the occasion, or under the pretext of confession, as mentioned in can. 1385 *CIC* and in can. 1458 *CCEO*, if it is directed to sinning with the confessor himself;

5° the direct and indirect violation of the sacramental seal, as mentioned in can. 1386 §1 *CIC* and in can. 1456 §1 *CCEO*;

6° the recording, made by any technical means whatsoever, or the malicious diffusion through any form of communications media, of what is said in sacramental confession, whether actual or simulated, by the confessor or the penitent, as mentioned in can. 1386 §3 *CIC*.

§2 In the cases concerning the delicts mentioned in §1, it is not permitted for anyone to indicate the name of the accuser or the penitent either to the accused or to his or her patron, unless the one making the accusation or the penitent has expressly consented; the question of the credibility of the accuser is to be considered attentively; and any danger of violating the sacramental seal is to be altogether avoided, taking care, however, that the right of defense of the accused remains intact.

Art. 5

The more grave delict of the attempted sacred ordination of a woman is also reserved to the Congregation for the Doctrine of the Faith:

1° if the one who attempts to confer sacred ordination or the woman who attempts to receive sacred ordination are members of the Christian faithful subject to the *CIC*, they shall incur excommunication *latae sententiae*, the remission of which is reserved to the Apostolic See according to the norm of can. 1379 §3 *CIC*;

2° if the one who attempts to confer sacred ordination on a woman or the woman who attempts to receive sacred ordination are members of the Christian faithful subject to the *CCEO*, they are to be punished by a major excommunication, the remission of which is reserved to the Apostolic See.

Art. 6

The more grave delicts against morals which are reserved to the judgment of the Congregation for the Doctrine of the Faith are:

1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years or with a person who habitually has the imperfect use of reason; ignorance or

error on the part of the cleric regarding the age of the minor does not constitute an extenuating or exonerating circumstance;

2° the acquisition, possession, exhibition, or distribution, for purposes of sexual gratification or profit, of pornographic images of minors under the age of eighteen years, in any manner and by any means whatsoever, by a cleric.

Art. 7

Whoever commits the delicts mentioned in artt. 2-6, besides what is established for individual delicts in the *CIC* and in the *CCEO*, as well as in these present Norms, is to be punished, as the case warrants, with a just penalty according to the gravity of the crime; if committed by a cleric, he may also be punished by dismissal or deposition from the clerical state.

Art. 8

§1 Criminal action concerning delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by prescription after twenty years.

§2 Prescription runs according to the norm of can. 1362 §2 *CIC* and can. 1152 §3 *CCEO*. However, in the case of the delict mentioned in art. 6 n. 1, prescription begins on the day the minor reaches the age of eighteen.

§3 The Congregation for the Doctrine of the Faith has the right to derogate from prescription for all individual cases of reserved delicts, even if they regard delicts committed prior to the coming into force of the present Norms.

Part Two: Procedural Norms

Title One: Concerning the Competence of the Tribunal

Art. 9

§1 The Congregation for the Doctrine of the Faith is the Supreme Apostolic Tribunal for the Latin Church as well as the Eastern Catholic Churches, for the judgment of the delicts defined in the preceding articles.

§2 This Supreme Tribunal, only in conjunction with the delicts reserved to it, also judges other delicts for which a defendant is accused by reason of connection of person and of complicity in a delict.

§3 Delicts reserved to this Supreme Tribunal are to be tried in a judicial process or by means of an extrajudicial decree.

§4 The pronouncements of this Supreme Tribunal, rendered within the limits of its proper competence, do not need to be submitted for the approval of the Supreme Pontiff.

Art. 10

§1 Whenever the Ordinary or Hierarch receives a report of a more grave delict, which has at least the semblance of truth, and after having completed the preliminary investigation according to the norm of can. 1717 *CIC* and can. 1468 *CCEO*, he is to communicate the matter to the Congregation for the Doctrine of the Faith which, unless it calls the case to itself due to particular circumstances, will direct the Ordinary or Hierarch how to proceed further.

§2 The Ordinary or Hierarch may impose, from the beginning of the preliminary investigation, those measures which are established in can. 1722 *CIC* or in can. 1473 *CCEO*.

§3 If a case is referred directly to the Congregation without a preliminary investigation having been undertaken, the initial steps of the process, which fall by common law to the Ordinary or Hierarchy, may be carried out by the Congregation itself, which will provide for those matters either directly or through its Delegate.

Art. 11

With full respect for the right of defense, the Congregation for the Doctrine of the Faith may annul the acts in cases involving delicts reserved to itself, if merely procedural laws have been violated.

Title Two: Concerning the Judicial Process

Art. 12

§1 The Members of the Congregation for the Doctrine of the Faith are *ipso iure* the judges of this Supreme Tribunal.

§2 The Prefect of the Congregation presides as first among equals over the Tribunal, and, if the office of the Prefect is vacant or if the Prefect himself is impeded, the Secretary of the Congregation carries out his duties.

§3 It is likewise the responsibility of the Prefect of the Congregation to appoint other judges.

Art. 13

In all Tribunals dealing with the cases which are mentioned in these Norms, the following are able to validly fulfill the functions of:

1° Judge and Promoter of Justice, only priests possessing a doctoral degree or at least a license in canon law, outstanding in good morals, prudence, and expertise in the law;

2° Notary and Chancellor, only priests with a blameless reputation and above all suspicion;

3° Advocate and Procurator, members of the faithful possessing a doctoral degree or at least a license in canon law, who are to be admitted by the presiding judge of the college.

Art. 14

In individual cases, the Congregation for the Doctrine of the Faith is able to grant dispensations from the requirement of priesthood.

Art. 15

The presiding judge of the tribunal, having heard the Promoter of Justice, enjoys the same power mentioned in art. 10 §2.

Art. 16

§1 Once an instance before another Tribunal has been finished in any manner, all of the acts of the case are to be transmitted *ex officio* to the Congregation for the Doctrine of the Faith as soon as possible.

§2 The accused and the Promoter of Justice of the Supreme Tribunal of the Congregation for the Doctrine of the Faith may lodge an appeal to the Tribunal within the peremptory time limit of sixty useful days from the publication of the sentence of first instance.

§3 The appeal must be proposed before the Supreme Tribunal of the Congregation which, except in the case of conferral of this responsibility to another Tribunal, judges in the second instance cases having

been determined in the first instance by other Tribunals, or by the Supreme Apostolic Tribunal itself in another collegial composition.

§4 No appeal is admitted before the Supreme Tribunal of the Congregation against a sentence if it relates solely to other delicts mentioned in art. 9 §2.

Art. 17

If, in the appellate stage, the Promoter of Justice brings forth a specifically different accusation, this Supreme Tribunal may admit and judge it, as if it were in the first instance.

Art. 18

A res iudicata occurs:

1° if a sentence has been rendered in second instance;

2° if an appeal was not proposed within the time limit mentioned in art. 16 §2;

3° if, in the appellate grade, the instance is abated or is renounced.

Title Three: Concerning the Extrajudicial Process

Art. 19

§1 Whenever the Congregation for the Doctrine of the Faith has decided that an extrajudicial process should be initiated, can. 1720 *CIC* or can. 1486 *CCEO* is to be applied.

§2 With the prior mandate of the Congregation for the Doctrine of the Faith, perpetual expiatory penalties may be imposed.

Art. 20

§1 The extrajudicial process may be carried out by the Congregation for the Doctrine of the Faith or by an Ordinary or Hierarch or by their Delegate.

§2 The function of Delegate can be discharged only by priests possessing a doctoral degree or at least a license in canon law, outstanding in good morals, prudence, and expertise in the law.

§3 According to the norm of can. 1720 *CIC*, the requirements mentioned in can. 1424 *CIC* apply to the function of the Assessor in this process.

§4 The one who conducts the investigation cannot undertake the functions mentioned in §§2 and 3.

§5 According to the norm of can. 1486 *CCEO*, only priests possessing a doctoral degree or at least a license in canon law, outstanding in good morals, prudence, and expertise in the law are able to carry out the function of Promoter of Justice.

§6 Only priests with a blameless reputation and above all suspicion are able to carry out the function of Notary.

§7 The defendant must always utilize an Advocate or Procurator, who must be a member of the faithful with a doctoral degree or at least a license in canon law, admitted by the Congregation for the Doctrine of the Faith or by the Ordinary or the Hierarch or by their Delegate. Should the defendant not provide one for himself, the competent authority shall name one who will remain in office only until such time as the defendant appoints one himself.

Art. 21

The Congregation for the Doctrine of the Faith may grant dispensations from the requirements of priesthood and of academic degrees mentioned in art. 20.

Art. 22

With the extrajudicial process having been completed in any manner, all of the acts of the case are to be transmitted *ex officio* to the Congregation for the Doctrine of the Faith as soon as possible.

Art. 23

§1 In accord with the norm of can. 1734 *CIC*, the Promoter of Justice of the Congregation for the Doctrine of the Faith and the defendant have the right to petition in writing for the revocation or correction of the decree issued by the Ordinary or by his Delegate in accordance with can. 1720, 3° *CIC*.

§2 Only afterwards may the Promoter of Justice of the Congregation for the Doctrine of the Faith and the defendant, having observed the provisions of can. 1735 *CIC*, make hierarchical recourse to the *Congresso* of the same Dicastery according to the norm of can. 1737 *CIC*.

§3 Against the decree issued by the Hierarch or by his Delegate *ex* can. 1486, §1, 3° *CCEO*, the Promoter of Justice of the Congregation for the Doctrine of the Faith and the defendant may present hierarchical recourse to the *Congresso* of the same Dicastery, in accord with can. 1487 *CCEO*.

§4 No recourse is admitted before the *Congresso* of the Congregation for the Doctrine of the Faith against a decree if it pertains solely to the other delicts mentioned in art. 9 §2.

Art. 24

§1 Against singular administrative acts of the Congregation for the Doctrine of the Faith in cases of reserved delicts, the Promoter of Justice of the Dicastery and the accused have the right to present recourse within the peremptory term of sixty useful days to the same Congregation, which judges the merits and legitimacy of the recourse, excluding any further recourse whatsoever as described in art. 123 of the Apostolic Constitution *Pastor bonus*.

§2 In order to present the recourse referred to in §1, the accused must, on pain of the inadmissibility of the same recourse, always avail himself of the services of an Advocate who should be a member of the faithful, possessing the appropriate mandate and possessing a doctorate or at least a licentiate in canon law.

§3 The recourse mentioned in §1, in order to be admitted, must clearly indicate the *petitum* and contain the reasons *in iure* and *in facto* on which it is based.

Art. 25

An extrajudicial penal decree becomes definitive:

1° where the period of time mentioned in can. 1734 §2 *CIC* or in can. 1737 §2 *CIC* has elapsed without action;

2° where the period of time mentioned in can. 1487 §1 *CCEO* has elapsed without action;

3° where the period of time mentioned in art. 24 §1 of the present Norms has elapsed without action;

4° when it has been issued by the Congregation for the Doctrine of the Faith pursuant to art. 24 §1 of these present Norms.

Title Four: Final Dispositions

Art. 26

It is the right of the Congregation for the Doctrine of the Faith, in whatever stage and grade of the unfolding of the proceedings, to present directly the most grave cases mentioned above in artt. 2-6 to the decision of the Supreme Pontiff with regard to dismissal or deposition from the clerical state, together with dispensation from the law of celibacy, when it is manifestly evident that the delict has been committed, after having given the guilty party the possibility of defending himself.

Art. 27

It is the right of the accused, in whatever moment, to request from the Supreme Pontiff, through the Congregation for the Doctrine of the Faith, a dispensation from all the obligations deriving from sacred ordination, including celibacy, and, should it be the case, from religious profession.

Art. 28

§1 With the exception of allegations, processes, and decisions concerning the delicts mentioned in art. 6, cases involving delicts regulated by these Norms are subject to the pontifical secret.

§2 Whoever has violated the secret, whether deliberately (*ex dolo*) or through grave negligence, or has caused some harm to the accused or to witnesses or to those involved in the penal case in any manner, at the request of the injured party or even *ex officio*, shall be punished by means of suitable penalties.

Art. 29

In these cases, together with the prescripts of these Norms, the canons concerning delicts and penalties as well as the canons concerning the penal process of each Code also must be applied.
