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Changes detailed by Congregation for the Doctrine of Faith

Thomas C. Fox | Jul. 14, 2010

Letter to the bishops of the Catholic Church and to the Ordinaries and Hierarchs, regarding the modifications introduced in the
Normae de gravioribus delictis

Nine years after the promulgation of the Apostolic Letter Motu proprio data, «Sacramentorum sanctitatis tutela», regarding the norms de gravioribus delictis reserved to the Congregation for the Doctrine of the Faith, this Dicastery held it necessary to proceed with a reform of the above mentioned text, emending it not in its entirety, but only in certain areas, in order to render the text more useful.

After a thorough and attentive study of the proposed modifications to the norms, the Fathers of the Congregation for the Doctrine of the Faith presented the Roman Pontiff with a draft. The Holy Father approved and ordered the promulgation of these revised norms on 21 May 2010.

Attached with this letter is a brief description of the changes and amendments of the normative text, «Sacramentorum sanctitatis tutela». In this way, the modifications are rendered more immediately accessible.

Rome, from the Congregation for the Doctrine of the Faith, 21 May 2010.

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CONGREGATION FOR THE DOCTRINE OF THE FAITH

A brief introduction to the modifications made in the *Normae de gravioribus delictis*, reserved to the Congregation for the Doctrine of the Faith

The new text of the *Normae de gravioribus delictis*, as revised by Pope Benedict XVI on 21 May 2010, contains modifications to both the substantial and the procedural norms found in the original text of *Sacramentorum sanctitatis tutela.*

The following are the changes introduced into the text:

A) The following faculties, originally granted by Pope John Paul II to the Congregation for the Doctrine of the Faith and later confirmed by his successor, Pope Benedict XVI, on 6 May 2005, have been introduced into the

text:

1. The right, as mandated by the Roman Pontiff, to judge Cardinals, Patriarchs, Legates of the Apostolic See, Bishops and other physical persons found in CIC can. 1405 §3 and CCEO can. 1061 (art. 1 § 2);
2. The extension of the term of prescription of a criminal action to twenty years, maintaining the right of the Congregation for the Doctrine of the Faith to derogate from prescription on a case by case basis (art. 7);
3. The faculty to dispense from the requirement of priesthood and the requirement of a doctorate in canon law for the personnel of the Tribunal, advocates and procurators (art. 15);
4. The faculty to sanate acts in cases where only procedural laws have been violated by an inferior Tribunal, guaranteeing, always, the right to a proper defense (art. 18);
5. The faculty to dispense from a judicial trial and, therefore, to proceed per decretum extra iudicium. In these cases the Congregation for the Doctrine of the Faith, after a careful examination of the facts, decides on a case by case basis when to authorize an extra-judicial (administrative) process, at the request of the Ordinary or local Hierarch or ex officio(in any of these cases, the imposition of a perpetual, expiatory penalty requires the mandate of the Congregation for the Doctrine of the Faith) (art. 21 § 2 n. 1);
6. The faculty to present cases directly to the Holy Father for dimissio e statu clericali or depositio, una cum dispensatione a lege caelibatus; to proceed in this manner, in addition to the extreme gravity of the particular case, the commission of the delict in question must be manifest and the right to a proper defense of the accused must be guaranteed (art. 21 § 2 n. 2);
7. The faculty to make recourse to the Ordinary Session of the Congregation for the Doctrine of the Faith against administrative acts issued or approved by the same Congregation in a lower grade of judgment, in cases of reserved delicts (art. 27).

B) The following modifications have also been introduced into the text:

8. The delicta contra fidem (heresy, apostasy and schism) have been included; for these delicts, the norms indicate a particular competence for the local Ordinary to proceed ad normam iuris, either in a judicial manner or extra iudicium in the first instance, maintaining the right of appeal or recourse to the Congregation for the Doctrine of the Faith (art. 1 § 1 and art. 2);
9. Regarding the Eucharist, the two delicts of attentatio liturgicae eucharistici Sacrificii actionis (CIC can. 1378 § 2 n.1) and the simulation of the same (CIC can. 1379; CCEO can. 1443) are now considered under separate numbers (art 3 § 1 nn. 2 and 3);
10. Also concerning delicts against the Eucharist, with respect to the previous version of the text, the phrase ?alterius materiae sine altera? has been replaced with the expression ?unius materiae vel utriusque? and the phrase ?aut etiam utriusque extra eucharisticam celebrationem? has been replaced with ?aut extra eam? (art. 3 § 2);
11. Regarding the Sacrament of Penance, the crimes specified in CIC can. 1378 § 2 (attempting to impart sacramental absolution or hearing a sacramental confession, when one cannot do so validly) and CIC 1379 and CCEO can. 1443 (simulation of sacramental absolution) have been included in the text (art. 4 § 1 nn. 2 and 3);
12. Also included among the delicts are the indirect violation of the seal (art. 4 § 1 n. 5), the recording and divulgation of a sacramental confession done with malice (decree of the Congregation for the Doctrine of the Faith, 23 September 1988) (art. 4 § 2);
13. The attempted ordination of a woman has also been introduced as a delict in the new text, as established by the decree of the Congregation for the Doctrine of the Faith on 19 December 2007 (art. 5);
14. Among the delicta contra mores: a person over 18 years of age who is developmentally disabled is equated to a minor exclusively in regards to art. 6 § 1 n. 1;
15. Also added as delicts are the acquisition, possession or distribution of pornographic images of minors under the age of 14, a clerico turpe patrata, in any way and by any means (art. 6 § 1 n. 2);
16. It is clarified that the munera processui praeliminaria may be, but need not necessarily be, undertaken directly by the Congregation for the Doctrine of the Faith (art. 17);

17. The possibility of taking the cautionary measures foreseen in CIC can. 1722 and CCEO can. 1473 during the preliminary investigation is allowed (art. 19). Given at the Congregation for the Doctrine of the Faith

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