



Press Office of the Constitutional Court

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*Press release of 9 December 2020*

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## A JUSTICE OF THE PEACE IS ALSO ENTITLED TO CLAIM REIMBURSEMENT OF THE COSTS OF DEFENCE WITHIN LIABILITY OR RESPONSIBILITY PROCEEDINGS ASSOCIATED WITH THE PERFORMANCE OF HIS OR HER DUTIES

It is unreasonable to allow reimbursement of defence costs - within proceedings concerning civil liability or criminal or administrative responsibility - to be claimed only by tenured judges, as employees of a state administration and not also by justices of the peace, who serve on an honorary basis: in view of the fact that the adjudicatory function is identical and considering its primary constitutional importance, also justices of the peace must be guaranteed the opportunity to work in an untroubled and impartial manner, without being conditioned by the economic risks associated with unfounded liability actions.

This ruling was adopted by the Constitutional Court in [Judgment No. 267](#) filed today (author Stefano Petitti), which declared Article 18 of Decree-Law no. 67 of 1997, converted into Law no. 135 of 1997, unconstitutional insofar as it does not provide that the Ministry of Justice shall reimburse justices of the peace for the costs incurred in their defence within proceedings concerning civil liability or criminal or administrative responsibility launched in relation to the performance of their duties that have resulted in a finding exonerating them from any blame.

The questions had been referred by the Regional Administrative Court of Lazio during proceedings concerning defence costs incurred by a justice of the peace within criminal proceedings in which he had been charged with corruption in judicial proceedings, but had resulted in his acquittal.

Rome, 9 December 2020