



Press Office of the Constitutional Court

Press release of 12 February 2020

RETROACTIVE APPLICATION OF THE “*SPAZZACORROTTI*” LAW IS UNCONSTITUTIONAL

Today, in chambers, the Constitutional Court examined the challenges made by several courts on the retroactive effect of Law no. 3 of 9 January 2019 (the so-called *Spazzacorrotti* [“corruption-eliminating” law]), which extended the exclusions regarding benefits and measures alternative to detention established by Article 4-*bis* of the Prison Law to individuals who have committed crimes against public administrative bodies. In particular, the challenges concerned the absence of a transitional legal framework that prevented the new provisions from applying to individuals convicted of crimes committed before Law no. 3 of 2019 entered into force.

Pending filing of the judgment, expected to occur in the next few weeks, the Press Office provides the following information to the public.

The Constitutional Court acknowledges that, as per the settled interpretation given in its case law, any changes making the law on measures alternative to detention harsher do have retroactive application. This principle has been followed in case law to date, including with reference to Law no. 3 of 2019.

The Court has declared that this interpretation is unconstitutional with regard to measures alternative to detention, release on parole and the prohibition on suspending arrest warrants issued after the prison sentence.

Indeed, in the Court’s view, retroactive application of a legal framework that entails a radical transformation of the nature of the punishment involved and of its impact on personal freedom, compared to the law in force when the crime was

committed, is incompatible with the principle of legality in relation to criminal offences established by Article 25(2) of the Constitution.

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