



Press Office of the Constitutional Court

Press Release of 26 February 2020

THE “SWEEP AWAY THE CORRUPT LAW” IN THE WAKE OF THE JUDGMENT ON THE NON-RETROACTIVITY OF THE LAW; THE CONSTITUTIONAL COURT REMITS THE CASE FILES TO THE REFERRING COURTS TO REASSESS THEIR OBJECTIONS

Today the Constitutional Court examined in chambers the questions raised concerning the constitutionality of Law no. 3 of 2019 (so-called “sweep away the corrupt law”) by the Caltanissetta Court of Appeal, the Court of Cassation and the Palermo Court of Appeal. According to these courts, the inclusion of the offences of *embezzlement by a public official* [*peculato*] and *solicitation of a bribe by a public official* [*induzione indebita*] within the list of offences deemed to be “preclusionary” – which render the convicted person ineligible for any prison benefit unless he/she cooperates with the judicial authorities – is incompatible with the principles of reasonableness and the rehabilitative function of sentences, provided for respectively under Articles 3 and 27 of the Constitution.

Pending the filing of the order, the Press Office announces that, after completing its discussions, the Court resolved to remit the case files to the referring courts in order to enable them to assess whether the objections raised were still relevant for the purposes of their decisions in the light of Judgment no. [32/2020](#) filed today (see also the dedicated [press release](#)), which ruled unconstitutional the retrospective application of Law no. 3/2019 to offences committed before it entered into force. Specifically, in all three cases examined, the offences were committed before the entry into force of the “sweep away the corrupt law”.

Rome, 26 February 2020