

ROYAL DECREE 19 October 1930, no. 1398

Approval of the final text of the Criminal Code

In force as of 21-5-2020

TITLE III: CRIMES AGAINST THE ADMINISTRATION OF JUSTICE

CHAPTER I: Crimes against judicial activities

Article 371-bis

(False information to the Public Prosecutor *((or the Prosecutor of the International Criminal Court))*)

Anyone who, in the course of criminal proceedings, requested by the Public Prosecutor *((or the Prosecutor of the International Criminal Court))* to provide information for purposes of investigations, makes false statements or does not mention, in whole or in part, what he/she knows about the facts in respect of which he/she is being heard, shall be punished by a term of imprisonment of up to four years.

Without prejudice to the immediate institution of proceedings in the event of refusal to provide information, in the other cases criminal proceedings shall be suspended until a first-instance judgment is delivered in the proceedings in the course of which information has been collected or if the proceedings have been concluded at an earlier stage by dismissing the case or by a judgment of *nolli prosequi*. (144)

The provisions of the first and second paragraphs shall not apply in the case referred to in Article 391-bis, paragraph 10, of the Code of Criminal Procedure, even when information for purposes of investigation is requested by a defence lawyer.

UPDATE (144)

Law of 8 August 1995 no. 332 stipulates (under Article 28, paragraph 1) that "Suspension of criminal proceedings prescribed by Article 371-bis, second paragraph, of the Criminal Code, as amended by Article 25 of this Law, shall not apply to proceedings where, upon entry into force of this piece of legislation, criminal action has already been exercised pursuant to Article 405 of the Code of Criminal Procedure. This shall be without prejudice to the court holding jurisdiction in these cases".

Article 371-ter

(((False statements to defence Lawyers)))

((In the cases referred to in Article 391-bis, paragraphs 1 and 2, of the Code of Criminal Procedure, any person who, without invoking their right under paragraph 3, subparagraph d) of that same article, makes false statements shall be punished by a term of imprisonment of up to four years.

*Criminal proceedings shall be suspended until in the proceedings, in the course of which such statements have been collected, a first-instance judgment has been delivered or the proceedings have already been concluded by dismissing the case or by a judgment of *nolli prosequi*)).*

Article 372
(False testimony)

Any person who, when giving evidence as a witness before a judicial authority *((or the International Criminal Court))*, tells falsehood or denies the truth, or does not mention, in whole or in part, what he/she knows of the facts in respect of which he/she is being questioned, shall be punished by a term of imprisonment of two to six years.

Article 373
(False expert report or interpretation)

An expert witness or interpreter appointed by the judicial authority who provides a false opinion or interpretation, or gives an untrue account of facts, shall be subject to the punishment prescribed in the preceding article.

A conviction shall also imply disqualification from holding public offices, disqualification from exercising the relevant profession or art.

((96))

UPDATE (96)

Law of 31 May 1965, no. 575 as amended by Law of 13 September 1982 no. 646, stipulates:

- (by Article 7, paragraph 1) that the punishment established for the offence under this Article shall be increased if the fact is committed by a person who has already received a preventive measure by final order,

-(by Article 7, paragraph 3) that a security detention measure shall be added to the relevant punishment.

Article 377
(Obstruction to justice)

Anyone who offers or promises money or other property to a person called to make statements before a judicial authority *((or the International Criminal Court))* or to a person requested to make statements by a defence lawyer in the course of investigations, or to the person appointed to act as an expert, consultant or interpreter, to induce that person to commit the offences referred to in Articles 371-bis, 371-ter, 372 and 373, shall be subject, if the offer or promise is not accepted, to the punishment prescribed in such articles reduced by one half to two thirds.

The same provision shall apply when the offer or promise is accepted but no falsity has been committed.

Any person who uses violence or threats for the purposes indicated in the first paragraph shall receive the punishment prescribed for the offences referred to in that first paragraph, reduced by an amount not exceeding a third, for the event that such purpose is not achieved (208) (233)

The punishment established in the first and third paragraphs shall be increased if there is concurrence of the conditions referred to in Article 339.

A conviction shall imply disqualification from holding public offices.

UPDATE (208)

Law of 31 May 1965, no. 575, as amended by Law of 16 March 2006, no. 146, stipulates (by Article 7, paragraphs 1 and 3) that the punishment established for the offence referred to in the third paragraph of this article shall be increased by one third up to one half if the fact is committed by a person who received a preventive measure by a final order during the application period and up to three years starting from when enforcement ceased. A security detention measure shall be added to the punishment.

AGGIORNAMENTO (233)

Legislative Decree of 6 September 2011, no. 159, stipulates:

- (by Article 71, paragraph 1) that the punishment established for the offence referred to in the third paragraph of this article shall be increased by one third up to one half if the fact is committed by a person who received a preventive measure on persons by a final order during the application period and up to three years starting from when enforcement ceased,
- (by Article 71, paragraph 3) that a security detention measure shall be added to the punishment.

Article 377-bis

*((Inducement not to make statements or to make false statements to the
judicial authority).))*

*((Unless the act constitutes a more serious offence, any person who, by means of violence or threats, or by an offer or promise of money or other property, induces a person - called to make statements before the judicial authority that may be used in criminal proceedings - not to make statements or to make false statements, when such a person has the right not to provide any answers, shall be punished by a term of imprisonment of two to six years)).
((175))*

UPDATE (175)

Law of 1 March 2001, no. 63, stipulates (by Article 26, paragraph 1) that "In criminal trials pending upon the day of entry into force of this piece of legislation, the provisions of the preceding articles shall apply except for the provisions of paragraphs 2 to 5".