



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

ITALY

Communicated by the Government of Italy

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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Preliminary explanatory remarks*

Provisions and Communications

Ministry of Mercy and Justice

Updated text of Law No. 1423 of 27 December 1956 (Preventive measures in respect of persons posing a danger to security and public morality) and of Law No. 575 of 31 May 1965 (Provisions against the mafia)

In compliance with Circular No. 335302 of the Office of the President of the Council of Ministers of 3 September 1981 (published in the Official Gazette No. 251 of 12 September 1981, p. 5980), the Ministry of Mercy and Justice, Legislative Office, has drafted the updated text of the following two laws:

Law No. 1423 of 27 December 1956: Preventive measures in respect of persons posing a danger to security and public morality (published in the Official Gazette No. 327 of 31 December 1956);

Law No. 575 of 31 May 1965: Provisions against the mafia (published in the Official Gazette No. 138 of 5 June 1965).

Accordingly, the text of these two laws has been amended to reflect the modifications incorporated in them from successive laws, namely the following:

Law No. 1176 of 23 November 1967 (published in the Official Gazette No. 313 of 16 December 1967);

Law No. 497 of 14 October 1974 (published in the Official Gazette No. 275 of 22 October 1974);

Law No. 152 of 22 May 1975 (published in the Official Gazette No. 136 of 24 May 1975);

Law No. 646 of 13 September 1982 (published in the Official Gazette No. 253 of 14 September 1982);

Law No. 726 of 12 October 1982 (published in the Official Gazette No. 281 of 12 October 1982), which, in the conversion of Decree-Law No. 629 of 6 September 1982, introduced into that law modifying provisions of Law No. 646 of 13 September 1982 (the text of the decree-law co-ordinated with the conversion law has been published in the Official Gazette No. 289 of 20 October 1982);

Law No. 936 of 23 December 1982 (published in the Official Gazette No. 355 of 28 December 1982).

In the preparation of the updated text, account has also been taken of the rulings of unconstitutionality pronounced by the Constitutional Court.

The updated text of the two laws, No. 1423 of 1956 and No. 575 of 1965, is followed by "excerpts" in the form of additional provisions dealing with the same subject and contained in Law No. 152 of 22 May 1975 and Law No. 646 of 13 September 1982 (of this last law, chapters II and III only), as well as in Decree-Law No. 629 of 6 September 1982 converted, with modifications, into Law No. 726 of 12 October 1982 (for this last "excerpt", reference is made to the co-ordinated text of the decree-law). The provisions contained in the "excerpts" are also published in the updated text.

Paragraphs substituted, amended or added with respect to the original text of the laws are underlined. The law on which the modification is based is in each case identified in a footnote.

* Note by the Secretariat: Ministerial communication prepared to facilitate familiarity with the text of recently modified laws.

For the reader's convenience, before each paragraph the number assigned to that paragraph within the article of the co-ordinated text is indicated in square brackets.

The force and extent of the legislative documents co-ordinated here remain unchanged, since the text published has been prepared for the sole purpose of facilitating the reading of the new legal provisions.

E/NL.1988/5

LAW NO. 1423 OF 27 DECEMBER 1956 - PREVENTIVE MEASURES IN RESPECT OF
PERSONS POSING A DANGER TO SECURITY AND PUBLIC MORALITY

Article 1

[1] The following persons may be placed on notice by the police superintendent ("questore"):

- (1) Idle persons and habitual vagrants with the ability to work;
- (2) Persons who are habitually and notoriously engaged in one or another form of illicit trafficking;
- (3) Persons who, because of their conduct and manner of life, must be assumed to be living habitually, if only in part, on the proceeds of crime or through the abetting or encouragement of criminal acts; 1/
- (4) Persons who, on the basis of their behaviour, are believed to be engaged in abetting or exploiting the prostitution of, or the trafficking in, women or the corruption of minors, or in contraband, or in illicit trafficking in toxic or narcotic substances or in wrongfully facilitating their use, or in the habitual management of clandestine gambling dens, or, finally, in habitually engaging in improper betting in connection with horse races; 2/
- (5) Persons who habitually carry out other activities contrary to public morality.

[2] The police superintendent ("questore") shall order the person who has been put on notice to change his conduct, warning him that, unless he does so, the preventive measures described in the following articles will be imposed.

Article 2

[1] When a person indicated in the preceding article poses a danger to public security or public morality and is living away from his customary place of residence, the police superintendent may, in an order stating its reasons and on the basis of a warrant of mandatory repatriation, have said person sent back to that place, ordering him not to return to the administrative area ("comune") from which he has been expelled without prior authorization or for a period not to exceed three years.

[2] A person violating this order shall be punished with imprisonment ("arresto") for a period of from one to six months.

[3] The sentence of conviction shall provide that, once the period of punishment has been served, the offender shall be transferred to his place of repatriation.

* Translator's note: The position of the "questore" corresponds to a far higher office in Italy than that of a police superintendent's in England. It is roughly equivalent to that of the Chief Constable of a county.

1/ The continuation of the subparagraph has been declared unconstitutional (Constitutional Court, 22 December 1980, No. 177).

2/ Subparagraph incorporated from the single article of Law No. 1176 of 22 November 1967.

Article 3

[1] Persons described in article 1 who fail to change their conduct despite having been put on notice by the police superintendent ("questore"), and who pose a danger to public security or public morality, may be subjected, in the ways provided for in the following articles, to the preventive measure of special public security surveillance.

[2] When the circumstances of the case require it, special surveillance may be coupled with a prohibition on residence in one or more administrative areas ("comuni") or in one or more provinces.

[3] In cases when there is a serious danger to society and when the other preventive measures are not regarded as suitable for the safeguarding of public security, mandatory residence in a specified administrative area ("comune") may be imposed. 3/

[4] Mandatory residence shall be ordered in an administrative area ("comune"), or in a section ("frazione") of such an area having a population of not more than 5,000 inhabitants, that is located at a distance from any large metropolitan zone, so as to ensure the effective surveillance of the persons subjected to the preventive measure, and that has its own police headquarters. 4/

Article 4

[1] For the application of the orders referred to in the preceding article, the police superintendent ("questore") in whose province the person resides, once that person has been put on notice to no avail, shall submit a proposal on the matter, accompanied by the reasons justifying it, to the president of the court located in the town that is the administrative centre ("capoluogo") of that province.

[2] Within 30 days of the receipt of the proposal, the court, meeting in the judges' council chambers, with the participation of the public prosecutor ("pubblico ministero") and the interested party, shall issue a ruling, stating its reasons and observing, to the degree they are applicable, the provisions of articles 636 and 637 of the Code of Criminal Procedure.

The interested party may present petitions and obtain the assistance of a lawyer or attorney ("procuratore"). 5/

[3] When the interested party does not participate and his presence is required for interrogation, the president of the court shall summon him to appear and, if he fails to obey the summons, may order that he be brought to the court under police escort.

[4] The court in its order shall set the duration of the preventive measure, which may not be less than one year or more than five years.

[5] The order shall be communicated to the procurator of the Republic, the procurator-general at the appellate court and the interested party, who shall have the right to appeal to the appellate court on grounds that include, inter alia, the merits of the case.

[6] The appeal shall not have the effect of suspending the execution of the order and must be submitted within 10 days of the latter's communication. The appellate court, meeting in the judges' council chambers, shall issue its decision, stating its reasons, within 30 days of the submission of the appeal.

3/ Paragraph substituted for the original third paragraph of article 18 of Law No. 646 of 13 September 1982.

4/ Paragraph substituted for the original third paragraph of article 19 of Law No. 616 of 13 September 1982.

5/ Paragraph declared unconstitutional, "in that it does not provide for the mandatory assistance of a defence counsel" (Constitutional Court, 5 May 1970, No. 76).

[7] An appeal to the Court of Cassation on the grounds of violation of the law may be filed against the decision of the appellate court by the public prosecutor and the interested party within 10 days. The Court of Cassation, meeting in the judges' council chambers, shall rule within 30 days of the appeal. The appeal shall not have the effect of suspending the execution of the order.

[8] Except where otherwise provided for in the present law, for the submission and resolution of appeals there shall be observed, to the degree they are applicable, the provisions of the Code of Criminal Procedure regarding the submission and resolution of appeals against the application of security measures.

Article 5

[1] When the court orders the application of one of the preventive measures provided for in article 3, the requirements binding on the person subjected to that measure shall be specified in the order itself.

[2] To this end, when the measure applied is one of special public security surveillance and the person involved is idle, a vagrant or suspected of living on the proceeds of criminal acts, the court shall require that, within an appropriate period, he seek work, establish his own place of residence, make it known to the public security authorities within the period in question, and not absent himself from it without first informing these authorities.

[3] In any case, the court shall order the person in question to live an honest life, to respect the laws, to do nothing of a suspicious nature, and to refrain from leaving his place of residence without first informing the local public security authorities; further, to refrain from habitually associating with persons who have been convicted in the past or are currently subjected to preventive or security measures; to not return home in the evening later or leave home in the morning earlier than a prescribed hour without demonstrated need and, in any case, without first informing the local public security authorities; to neither own nor bear arms; to refrain from habitually frequenting taverns, wine-shops or houses of prostitution; and to abstain from participation in public meetings.

[4] In addition, the court may impose all such obligations as it deems necessary, having regard to the requirements of social defence, and, in particular, it may prohibit residence in one or more administrative areas ("comuni") or in one or more provinces.

[5] When the measure applied calls for mandatory residence in a specified administrative area ("comune"), the court may also order the person in question:

(1) To refrain from absenting himself at any considerable distance from the place of residence selected without first informing the surveillance authorities;

(2) To report to the public security authorities in charge of the surveillance on the days indicated and whenever summoned by them.

[6] The persons referred to in the preceding paragraph shall be provided with a residence card, which they must carry on their person and produce whenever requested by public security officers or agents.

Article 6

[1] If the proposal concerns the measure of mandatory residence in a prescribed administrative area ("comune"), the president of the court, pending the proceedings referred to in article 4, paragraph 2, may, when there are reasons of particular gravity, order in a ruling accompanied by the reasons justifying it that the person charged be held under custody in a judicial prison until the preventive measure becomes enforceable.

[2] With the measure of mandatory residence in a specified administrative area ("comune"), the judge shall order that the person to whom this measure has been applied be transferred under police escort from the judicial prison in which he is being held to the administrative area ("comune") of residence and be handed over to the local public security authorities. 6/

Article 7

- [1] The order for the application of the preventive measures referred to in article 3 shall be communicated to the police superintendent ("questore") for enforcement.
- [2] The order itself, at the petition of the interested party and once arguments have been heard from the public security authorities that proposed it, may be revoked or modified by the organ by which it was issued, when the grounds for its imposition have ceased to exist or are no longer the same.
- [3] Appeal against the order of revocation or modification shall not have the effect of suspending the execution of the order.

Article 7-bis

- [1] When there are serious and demonstrated reasons of health, persons subjected to mandatory residence in a specified administrative area ("comune") may be authorized to go to a specified place outside the administrative area in question for the purpose of undergoing the necessary medical examinations and treatment, in which connection they may be absent for a period not to exceed 10 days, not including the time required for travel.
- [2] The request of the interested party must be submitted to the president of the court that is competent under the terms of article 4.
- [3] The court, after having ascertained the truthfulness of the circumstances alleged by the interested party, shall rule on the matter in the judges' council chambers in a decision accompanied by the reasons justifying it.
- [4] In cases of absolute urgency, the request may be submitted to the president of the court competent under the terms of article 4, which may then authorize, in a manner including the use of a voice recording, the requester to absent himself for a period not to exceed three days, not including the time required for travel.
- [5] The decision contemplated under the preceding paragraphs shall be communicated to the procurator of the Republic and to the interested party, both of whom may submit an appeal to the Court of Cassation on the grounds of violation of the law. The appeal shall not have the effect of suspending the execution of the decision.
- [6] The decision shall also be brought to the attention, in a manner that may include the use of the telephone or telegraph, of the public security authorities responsible for the surveillance of the person in mandatory residence. These authorities shall see to it that the authorities of the place to which the interested party is to travel are informed, and shall arrange for the modalities and itinerary of the travel. 7/

Article 7-ter

Any person who, having obtained the authorization referred to in the preceding articles, fails to return to his administrative area ("commune") of mandatory residence within the prescribed time-period, or who absents himself from the administrative area to which he has requested to go, shall be punished with imprisonment at hard labour ("reclusione") for a period of from two to five years. Imprisonment shall be permitted even in cases in which the person in question is not apprehended in the act of committing the offence. 7/

Article 8

- [1] Orders of mandatory residence issued prior to the entry into force of the present law shall be subject to confirmation by the competent judicial authorities in accordance with the provisions of the law itself.
- [2] Where necessary, the police superintendent ("questore") shall transmit, within 30 days of the entry into force of the law, a copy of each order, together with a substantiated proposal, to the president of the court, who shall then rule under the terms of article 4.
- [3] When a proposal for confirmation is not submitted within the aforementioned time-period, the ruling shall cease to have effect. The police superintendent ("questore") shall inform the interested party to this effect within the next 15 days.

Article 9

[1] Any person violating the obligations inherent in special surveillance shall be punished with imprisonment ("arresto") for a period of three months to one year.

[2] If the failure to observe the requirements is in connection with special surveillance involving mandatory or prohibited residence, the penalty applied shall be that of imprisonment at hard labour ("reclusione") for a period of from two to five years.

[3] In every case, imprisonment shall be permitted even when the person in question is not apprehended in the act of committing the offence. 8/

[4] Except as prescribed by other provisions of law, a person under special surveillance who, for an offence committed after the order of special surveillance, has received a custodial sentence for a period of not less than six months, may be released under police supervision for a period of not less than two years.

Article 10

When a measure of custodial security or release under police supervision has been applied, there may be no recourse to special surveillance; if the latter has been ordered, its effects cease.

Article 11

[1] Special surveillance shall begin on the day on which the order is communicated to the interested party and shall cease as a matter of law with the expiry of the time-period specified in the order itself, provided that the person under special surveillance has, in the mean time, not committed an offence.

[2] If in the course of the specified time-period the person under surveillance commits an offence for which he is subsequently convicted and the special surveillance is not to cease, the time-period shall recommence from the day on which the sentence is served in full. 9/

Article 12

[1] Any person subject to mandatory residence in a specified administrative area ("comune") who violates the related regulations shall be punished with imprisonment ("arresto") for a period of from three months to one year.

[2] The time spent in preventive custody followed by conviction or in expiation of a custodial penalty, even as the result of the conversion of a monetary penalty, shall not be regarded as applying to the required period of mandatory residence in a specified administrative area ("comune").

[3] Mandatory residence shall cease as a matter of law if the person affected is subjected to a custodial security measure. If a person required to reside in a specified administrative area ("comune") is released under police supervision, that person shall remain under this régime of supervised liberty after the period of mandatory residence has ended.

Article 13

The application of the preventive measures provided for in article 3 of this law shall have the same consequential effects as those produced by warning and banishment ("assegnazione al confino") under the preceding ordinance.

8/ Paragraphs substituted from article 8 of Law No. 497 of 14 October 1974 for the first paragraph of the original text. The new second paragraph was then subsequently replaced by article 12 of Law No. 646 of 13 September 1982.

9/ Paragraph declared unconstitutional "in that it does not provide that, for the repetition of the measure of special surveillance security, on the hypothesis that within the time-period specified for its duration the person under surveillance commits an offence for which he is subsequently convicted, the judge must ascertain beforehand that the commission of said offence represents per se an indication of the offender's continuing dangerousness" (Constitutional Court, 21 May 1975, No. 113).

LAW NO. 575 OF 31 MAY 1965 - PROVISIONS AGAINST THE MAFIA

Article 1

The present law shall be applied to persons under suspicion of belonging to a mafia-type association, the camorra or other associations, whatever their local designations, that pursue ends or operate with methods corresponding to those of the mafia-type association. 1/

Article 2

The preventive measures of special surveillance and of prohibited or mandatory residence, in accordance with the provisions of articles 3 and 4 of Law No. 1423 of 27 December 1956, may also be proposed by the procurators of the Republic, even when the persons involved have not been put on notice, without prejudice to the competence to decide established in article 4 of that law.

Article 2-bis

[1] The procurator of the Republic or the police superintendent ("questore") competent to request the application of a preventive measure shall proceed, in a manner that may include the use of the excise and revenue police of the "guardia di finanza",* to investigations into the standard of living, financial resources and assets, including the determination of their origin, of the persons in respect of whom a preventive measure may be proposed because of the suspicion of their belonging to a mafia-type association or to any of the associations provided for in article 1. They shall ascertain, inter alia, whether these persons hold police licences, trading licences, licences as commissioned auctioneers at wholesale food supply markets, public waterworks concessions, and the rights thereto, and also whether they are registered in professional registers, registers of public works or supply contractors, or the national register of builders.

[2] Investigations shall also be conducted regarding the spouse and children of, and such persons as who in the last five years have lived together with, the persons indicated in the preceding paragraph, and also regarding physical and corporate persons, associations or bodies the assets of which, in whole or in part, directly or indirectly, are found to be at the disposal of said persons.

[3] The procurator of the Republic and the police superintendent ("questore") may, through the excise and revenue police, request every government office, every public or private credit institution, and every trust company to provide such documentation as may be regarded as useful for the purposes of the investigations in respect of the persons referred to in the preceding paragraphs. Following authorization by the procurator of the Republic indicated in paragraph 1, the officers of the excise and revenue police may proceed to the seizure of the documentation in accordance with the modalities referred to in articles 338, 389 and 340 of the Code of Criminal Procedure. 2/

Article 2-ter

[1] In the course of the proceedings for the application of one of the preventive measures provided for in article 3 of Law No. 1423 of 27 December 1956, initiated in respect of the persons indicated in article 1, the court, where necessary, may undertake further investigations beyond those already conducted in accordance with the provisions of the preceding article.

* Translator's note: The "guardia di finanza" is a State military corps assigned to the customs service and, in general, to the work of preventing, investigating and reporting instances of tax evasion and violations of a financial nature. For lack of an appropriate equivalent English term, it has been left untranslated in this text.

1/ Article substituted from article 13 of Law No. 646 of 13 September 1982.

2/ Article added from article 14 of Law No. 646 of 13 September 1982 and subsequently amended by article 1 of Law No. 936 of 23 December 1982.

[2] Except as provided for in articles 22, 23 and 24 of Law No. 152 of 22 May 1975, the court shall order, and may do so on its own initiative, in an order stating its reasons, the seizure of the goods which are found to be at the disposal, directly or indirectly, of the person in respect of whom the proceedings have been initiated, and which there is reason to believe, on the basis of sufficient indications, such as a substantial disparity between that person's standard of living and his apparent or declared income, are the proceeds of illicit activities or represent the reinvestment of such proceeds.

[3] Together with the application of the preventive measure, the court shall order the confiscation of those of the goods seized whose legitimate origin has not been demonstrated. In the case of complex investigations, this order may also be issued at a later date, but not beyond a year from the date on which the goods were seized.

[4] The seizure shall be revoked by the court when the proposal for the application of the preventive measure is rejected or when the legitimate origin of the goods has been demonstrated.

[5] If it is found that the goods seized belong to third parties, these parties shall be called by the court, in an order stating its reasons, to take part in the proceedings, and may, with or without the assistance of a defence counsel, within the time-period established by the court, present their arguments in the judges' council chambers and request that they be provided with any element of use in deciding on the question of confiscation.

[6] The measures provided for in this article may be initiated, at the request of the procurator of the Republic or the police superintendent ("questore"), when the appropriate conditions exist, even after the application of the preventive measure, but before it ceases. The request shall be ruled on by the same court that has ordered the preventive measure, in the manner provided for the proceedings in question and observing the provisions referred to in the preceding paragraph. 3/

Article 2-quater

[1] The seizure, ordered in accordance with the provisions of article 2-ter, shall be executed on moveables and assets in the manner prescribed in the Code of Civil Procedure for the attachment by garnishment in respect of the debtor or third party and on real estate or registered moveables, with the order recorded at the competent offices.

[2] The persons in respect of whom the measure has been ordered, and also their spouses, relatives and kinsmen or the persons with whom they live, may not be appointed trustees of the goods seized. 3/

Article 2-quinquies

[1] The costs incurred in connection with a seizure executed under the terms of article 2-quater shall be paid in advance by the State, in accordance with the rules specified in the table of charges approved under Royal Decree No. 2701 of 23 December 1865, without the right of recovery in the event the preventive measure is not subsequently applied.

[2] Such goods as are confiscated under the terms of article 2-ter, paragraph 3, shall become the property of the State; to the degree applicable, the rules provided for in the Code of Criminal Procedure and those contained in Royal Decree No. 602 of 28 May 1931 shall be observed.

[3] The costs incurred in connection with the security on property provided for in article 3-bis, paragraph 3, shall be paid in advance by the interested party under the terms of article 39 of the implementing provisions of the Code of Civil Procedure approved under Royal Decree No. 368 of 18 December 1941; those incurred in connection with the seizure by distress provided for in paragraph 6 of the same article shall be paid for in advance by the State in accordance with the rules specified in the table of charges for civil actions, approved under Royal Decree No. 2700 of 23 December 1865.

[4] The reimbursement of the postal expenses and of the transfer allowance due the judicial officer shall be regulated by Law No. 59 of 7 February 1979. 4/

3/ Article added from article 14 of Law No. 646 of 13 September 1982.

4/ Article added from article 2-bis of Decree-Law No. 629 of 6 September 1982, introduced from Conversion Law No. 726 of 12 October 1982 (article 1).

Article 3

In the event the reasons of particular gravity contemplated in article 6 of Law No. 1423 of 27 December 1956 are not present, the president of the court may order that, as a provisional measure, the person reported be placed under the obligation to remain in a specified administrative area ("comune") other than his administrative area of residence until the preventive measure becomes enforceable.

Article 3-bis

[1] The court, when applying the preventive measure, shall order that the person subjected to that measure pay the clerk of fines a sum of money, in the form of bail, in an amount that, having regard, inter alia, to his economic conditions and to the measures adopted under the terms of the preceding article 2-ter, represent an effective impediment to the violation of the rules imposed.

[2] Other than in the cases provided for in article 6 of Law No. 1423 of 27 December 1956, the court may impose on the person reported, provisionally and when it deems it expedient, the rules provided for in article 5, paragraphs 2 and 3, of Law No. 1423 of 27 December 1956. Along with the measure, the court may impose the fine referred to in the preceding paragraph.

[3] At the request of the interested party, the presentation of suitable security on property may be substituted for the deposit. The court shall rule on the manner of custody of the goods given in pledge, and, in the case of real estate, shall order that the decree under which, in satisfaction of the interested party's request, the lien has been ordered be recorded at the office of the Registrar of Mortgages and Charges of the real estate registry at the place where the goods themselves are located.

[4] When the interested party fails to obey, within the time-period set by the court, the deposit order or fails to provide alternative securities, he shall be punished with imprisonment ("arresto") for a period of from six months to two years.

[5] When the execution of the preventive measure has ceased or the proposal has been rejected, the court shall order, in a decision, the restitution of the deposit or the release of the security.

[6] In case of a violation of the obligations or prohibitions deriving from the application of the preventive measure, the court shall order the confiscation of the bail or the seizure by distress of the goods representing the security, to the extent of the amount of the bail. The court's order shall have executory effect. For the seizure by distress, under the supervision of the clerk of court, the provisions of the first two titles of Book Three of the Code of Civil Procedure shall be observed to the degree applicable, disregarding, in respect of the goods constituting the security, the formal requirements of distraint.

[7] Whenever, after the order referred to in the preceding paragraph has been issued, the conditions that justified the bail continue to exist, the court, at the request of the procurator of the Republic or of the police superintendent ("questore") and in the manner prescribed for the preventive measure proceedings, shall order that the fine be reimposed in an amount that may be higher than the original amount.

[8] The precautionary measures of bail or security provided for in the present article shall remain in effect for the entire duration of the preventive measure and may not be revoked, even in part, except on the grounds of demonstrated and serious personal or family need. 5/

Article 3-ter

[1] The rulings under which the court, under the terms of articles 2-ter and 3-bis, orders, respectively, the confiscation of the goods seized, the revocation of the seizure or the restitution of the fine or the release of the security or the seizure by distress of the goods representing the security shall be communicated without delay to the procurator-general at the appellate court, the procurator of the Republic and the interested parties.

[2] Applications for remedy against the aforementioned orders shall be regulated by the provisions of article 4, paragraphs 5, 6, 7 and 8, of Law No. 1423 of 27 December 1956.

[3] Orders issued by the criminal court judge limiting or excluding the availability of the goods shall prevail over orders issued, regarding the same goods, on the occasion of proceedings for the application of one of the preventive measures provided for in article 3 of Law No. 1423 of 27 December 1956. 5/

Article 4

[1] Provided that they have already at least been placed on notice as provided for in article 1 of Law No. 1423 of 27 December 1956, the persons indicated in article 1 of the present law may be detained in the manner regulated by article 238 of the Code of Criminal Procedure even when an arrest warrant is not required, on condition that the offence involved is one for which such a warrant may be issued under the terms of article 254 of the Code of Criminal Procedure.

[2] The time-period of seven days for the extension of the detention may be doubled.

Article 5

A person leaving without authorization the administrative area ("comune") or the section of an administrative area to which he has been confined for mandatory residence shall be punished with imprisonment at hard labour ("reclusione") for a period of from two to five years. Imprisonment shall be permitted even when the person in question is not apprehended in the act of committing the offence. 6/

Article 6

For a person driving a four-wheel motor vehicle or a three- or two-wheel motor-powered vehicle without a driver's licence or after he has been denied a licence or his licence has been suspended or revoked, under the terms of article 82 and article 91, paragraph 2 and third paragraph from the end, subparagraph 2, of Presidential Decree No. 393 of 15 June 1959, the punishment shall be imprisonment ("arresto") for a period of six months to three years when that person has already, under a definitive order, been subjected to a preventive measure.

Article 7

[1] The penalties stipulated for the crimes provided for in articles 336, 338, 353, 378, 379, 416, 416-bis, 424, 435, 575, 605, 610, 611, 612, 629, 630, 632, 634, 635, 636, 637 and 638 of the Penal Code shall be increased, and those stipulated for the contraventions referred to in article 695, paragraph 1, and articles 696, 697, 698 and 699 of the Penal Code shall be doubled if the offence is committed by a person already subjected, under a definitive order, to a preventive measure.

[2] In every case, proceedings shall be automatic and imprisonment shall be permitted even when the person in question is not apprehended in the act of committing the offence.

[3] A measure of custodial security shall be added to penalty. 7/

Article 8

Licences for the possession and bearing of arms or for the manufacture, storage, sale and transport of explosive materials may not be granted. Licences already granted must be revoked.

Article 9

The penalties stipulated by the law for the failure to report arms and for the unlawful bearing of arms shall be tripled in the case of light machine guns or rifles with sawed-off barrels or bombs or other explosive materials possessed or transported by a person subjected to preventive measures under a definitive order.

5/ Ibid.

6/ Text resulting from the substitution made from article 17 of Law No. 646 of 13 September 1982 and the subsequent modification of that article based on article 2-ter of Decree-Law No. 629 of 6 September 1982, introduced from Conversion Law No. 726 of 12 October 1982 (article 1).

7/ Article substituted from article 18 of Law No. 646 of 13 September 1982.

Article 10

[1] Once the orders referred to in article 3 of Law No. 1423 of 27 December 1956 have become definitive, under the terms of article 4 of that law, there shall lapse, as a matter of law, the police licences, trading licences, licences as commissioned auctioneers at wholesale food supply markets, public waterworks concessions or the rights thereto which the persons subject to said orders may hold, as well as their registration in professional registers, registers of public works or supply contractors, or the national register of builders.

[2] In the course of the prevention proceedings referred to in article 4 of Law No. 1423 of 27 December 1956, the court may, where there are reasons of particular gravity, suspend the licences, concessions and registrations referred to in paragraph 1 that may be held by the person reported.

[3] The order applying the preventive measure implies that such licences, concessions and registrations as have lapsed may not in any case be granted, and, if granted, shall be revoked as a matter of law, to persons subjected to preventive measures or to their spouses or children or to other persons living with them.

[4] For the purposes of the administrative procedures governing the licences, concessions and registrations referred to in paragraph 1, and of the awarding and approval of the public contracts indicated in article 10-quinquies and the authorizations of sub-contracts and piecework for public administration projects, provided for in article 21 of the Law No. 646 of 13 September 1982, the notification required on each occasion regarding whether or not the interested party is under proceedings or orders for the application of one of the preventive measures referred to in article 3 of Law No. 1423 of 27 December 1956, or under the proceedings referred to in paragraph 2 as well as in articles 10-ter and 10-quater, shall be issued at the request of the competent public administration or agency by the prefecture within whose district the documents in question are executed.

[5] The release to the requesting public administration or agency of the certification regarding the existence or non-existence of a lapsed or revoked right, as indicated in paragraph 3, shall be effected by the same prefecture following production by the interested party of evidence of his family status and a certificate of residence dated not earlier than three months prior to submission. 8/

Article 10-bis

[1] Under a decree to be issued by the President of the Council of Ministers, in agreement with all the ministers concerned, within six months from the entry into force of the present law, which is to be published in the Official Gazette of the Italian Republic, a general list of the agencies and administrations authorized to grant the licences, concessions and registrations indicated in article 10, paragraph 1, shall be drawn up. Such revisions as may be necessary to keep the list current shall be prepared in accordance with the same modalities.

[2] The offices of the clerk of court of the lower courts, appellate courts and the Court of Cassation shall be required to forward to the police headquarters ("questura") within whose district they are located, within not more than five days from the deposit or, in the case of a ruling subject to appeal, within not more than five days from the expiry of the time-period for the challenge, a copy, which may be in the form of an extract, of the orders issued, respectively, on the basis of article 4, paragraphs 2, 6 and 7, of Law No. 1423 of 27 December 1956, as well as of the suspension orders referred to in paragraph 2 of article 10 above, and of the orders referred to in articles 10-ter and 10-quater below. The communication shall indicate whether the order has become definitive.

[3] When presenting to the court proposals for the application of one of the preventive measures referred to in article 3 of Law No. 1423 of 27 December 1956, the procurators of the Republic shall forward a copy of the proposal, in the identical text, to the police headquarters ("questura") in whose district the court itself is located.

8/ The first three paragraphs of the article have been substituted for the original single paragraph of article 19 of Law No. 646 of 13 September 1982. The next two paragraphs have been added from article 2 of Law No. 936 of 23 December 1982.

- [4] The police superintendents ("questori") shall order the immediate storage in the magnetic files of the data-processing centre referred to in article 8 of Law No. 121 of 1 April 1981 both of the communications required under the preceding paragraphs and of such proposals as they themselves may have presented for the application of one of the preventive measures indicated in the preceding paragraph. This information shall be transmitted, in its identical text, to the prefectures through the terminals installed at the respective telecommunications centres.
- [5] Once this information has been received, the prefectures shall see to the timely communication of the orders resulting in the lapses, suspensions or revocations of rights, provided for in articles 10, 10-ter and 10-quater of the present law, to the organs and agencies that have been identified in the decree referred to in paragraph 1 and are located in the provinces in question.
- [6] For the purposes of the application of the rules regarding the national register of builders, the prefecture at Rome shall in any case inform the Ministry of Public Works within and not later than five days from the reception of the data. The information must also refer to the proposals indicated in paragraphs 3 and 4.
- [7] A public administrator, official or employee who, disregarding the lapse or suspension that has occurred, fails to order, within 30 days of the communication, the withdrawal of the licences or concessions or the deletion from the registers shall be punished with imprisonment at hard labour ("reclusione") for a period of from two to four years.
- [8] If the offence is committed without criminal intent, the penalty shall be imprisonment ("reclusione") at hard labour for a period of from three months to one year.
- [9] The same penalties shall be applied in the case of the issue of licences or concessions or of registration in violation of the provisions of paragraph 3 of the preceding article. 9/

Article 10-ter

- [1] When it is evident, on the basis of serious, accurate and consistent indications, that a person subjected to a preventive measure is participating directly or indirectly in profits generated by the exercise of economic activities connected with the licences, concessions and registrations referred to in article 10, and when these licences, concessions and registrations are held by other persons, the court deciding on the preventive measure shall order in respect of these persons the lapse of said licences, concessions and registrations, which may not, for a period of five years, be reinstated in their name and which, if reinstated, shall be revoked as a matter of law. The provisions of article 10, paragraph 2, shall be applied.
- [2] The provisions of paragraph 1 shall also be applied in the case of licences, concessions or registrations granted in the name of partnerships or individual enterprises of which the person subjected to the preventive measure is an administrator, partner or employee, or in the name of companies having share capital of which the same person is an administrator or routinely, in his capacity as partner or employee or in some other way, exercises decision-making authority or determines policy.
- [3] For the purpose of the determinations in this connection, the provisions of articles 2-bis and 2-ter shall be applied. 10/

Article 10-quater

- [1] Before adopting any of the measures referred to in article 10-ter, the court, in an order stating its reasons, shall call on the interested parties to take part in the proceedings. The latter may, with or without the assistance of a defence counsel, present their arguments in the judges' council chambers and request that they be provided with any element of use in deciding the matter.

9/ Article added from article 20 of Law No. 646 of 13 September 1982 and subsequently amended by article 3 of Law No. 936 of 23 December 1982, from which the present paragraphs 2-6 have been substituted for paragraph 2 of the original text.

10/ Article added from article 20 of Law No. 646 of 13 September 1982.

[2] The measures provided for in the preceding article may be adopted, at the request of the procurator of the Republic or the police superintendent ("questore"), when the appropriate conditions are present, even after the application of a preventive measure. The request shall be ruled on by the same court that has ordered the preventive measure, in the manner provided for the proceedings in question and observing the provisions of the preceding paragraph.

[3] The provisions of article 3-ter, paragraphs 1 and 2, shall be applied. 10/

Article 10-quinquies

[1] A public administrator, official or employee of the State or of another public agency who awards under contract or sub-contract works involving the government to persons, enterprises or companies whose registration in the register of public works and supply contractors has been suspended or has lapsed or who or which are not eligible for registration in said register because of the adoption of any of the provisions referred to in the preceding articles shall be punished with imprisonment at hard labour ("reclusione") for a period of from two to four years and with perpetual disqualification from public office.

[2] If the offence is committed without criminal intent, the penalty shall be imprisonment at hard labour ("reclusione") for a period of three months to one year. 11/

Article 11

The present law shall enter into force on the day following its publication in the Official Gazette of the Republic.

E/NL.1988/7

LAW NO. 152 OF 22 MAY 1975 - PROVISIONS FOR THE PROTECTION OF PUBLIC ORDER

[...]

Article 18

[1] The provisions of Law No. 575 of 31 May 1965 shall also be applied to persons who:

(1) Operating in groups or by themselves, carry out preparatory acts, of an objectively significant nature, aimed at subverting the order of the State through the commission of one of the crimes provided for in Chapter I, Title VI, of Book II of the Penal Code and in articles 284, 285, 286, 306, 438, 439, 605 and 630 of the same Code;

(2) Have been members of public associations disbanded under the terms of Law No. 645 of 20 June 1952, and who must be assumed, because of their subsequent behaviour, to be continuing to engage in activities similar to their previous activities;

(3) Perform preparatory acts, of an objectively significant nature, aimed at the reconstitution of the fascist party under the terms of article 1 of the aforementioned Law No. 645 of 1952, in particular by extolling or practising violence;

(4) Apart from the cases indicated in the preceding subparagraphs, have been convicted for one of the crimes provided for in Law No. 895 of 2 October 1967 and in articles 8 et seq. of Law No. 497 of 14 October 1974, and in subsequent amendments, when, because of their subsequent behaviour, they must be assumed to be inclined to commit an offence of the same kind for the purpose indicated in subparagraph 1 above.

10/ Ibid.

11/ Article added from article 20 of Law No. 646 of 13 September 1982 and subsequently modified by article 2-quater of Decree-Law No. 629 of 6 September 1982, introduced from Conversion Law No. 726 of 12 October 1982 (article 1).

[2] The provisions referred to in the preceding paragraph shall also be applied to the instigators, principals and financial backers.

[3] A person who furnishes sums of money or other goods, knowing the purpose for which they are intended, shall be regarded as a financial backer.

Article 19

[1] The provisions of Law No. 575 of 31 May 1965 shall also be applied to the persons indicated in article 1, subparagraphs 2, 3 and 4, of Law No. 1423 of 27 December 1956.

[2] The judicial police officers and agents must communicate to the police superintendent ("questore") the notifications brought to the attention of the procurator of the Republic.

Article 20

The procurator of the Republic may conduct, either directly or by means of the judicial police, all the inquiries necessary for the implementation of articles 18 and 19 above, observing the rules laid down for summary preliminary investigations.

[...]

Article 22

[1] The judge may add to one of the preventive measures provided for in article 3 of Law No. 1423 of 27 December 1956 a measure temporarily suspending the right to the administration of personal goods, excluding those intended for professional or productive activity, when there is sufficient evidence that the free availability of these goods to the persons indicated in articles 18 and 19 would in any case facilitate the conduct, behaviour or socially dangerous activity covered in the aforementioned rules.

[2] The judge may also apply, to the aforementioned persons, only the suspension provided for in the preceding paragraph, if he believes this to be sufficient for the protection of the community.

[3] The suspension may be imposed for a period not to exceed five years. At its expiry, it may be renewed if the conditions on the basis of which it was imposed continue to exist.

Article 23

[1] With the order applying a temporary suspension of the administration of goods, the judge shall appoint a special trustee, selecting him from among the persons enrolled in the bar association, the association of attorneys at law, the register of commercial counsellors or the register of certified public accountants.

[2] The trustee shall be subject, to the degree they are compatible, to the provisions of articles 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 42, 43, 44, 45, 46, 47, 48 and 88 of Royal Decree No. 267 of 16 March 1942, with the court that has pronounced the order substituted for the bankruptcy court and with a judge of that court appointed by the president substituted for the commissioned judge of the bankruptcy court.

[3] Within a month of his appointment, the trustee must submit a detailed report on the socially dangerous person's assets, indicating their exact amount and origin, and also on the standard of living of that person and his family and on any other aspects that may possibly be of interest with reference, inter alia, to criminal proceedings.

Article 24

[1] A person who has been temporarily suspended from the administration of his goods and who, through any means, including simulation, prevents or attempts to prevent the execution of the order shall be punished with imprisonment at hard labour ("reclusione") for a period of from three to five years. The same penalty shall be applied to anyone who, even while not participating in the offence, assists that person in avoiding the execution of the order.

[2] The offence referred to in the preceding paragraph shall be tried under expedited proceedings, without preliminary investigation, and prosecuted under the same procedure, notwithstanding, if necessary, articles 302 and 504 of the Code of Criminal Procedure.

E/NL.1988/8

LAW NO. 646 OF 13 SEPTEMBER 1982 - PROVISIONS IN THE AREA OF PREVENTIVE MEASURES IN RESPECT OF ASSETS, AND ADDITIONS TO LAWS NO. 1423 OF 27 DECEMBER 1956, NO. 57 OF 10 FEBRUARY 1962 AND NO. 575 OF 31 MAY 1965; ESTABLISHMENT OF A PARLIAMENTARY COMMISSION ON THE PHENOMENON OF THE MAFIA

[...]

Article 16

[1] The procurator of the Republic of the place where the operations are to be carried out may authorize officers of the judicial police to intercept communications or conversations carried by telephone or telegraph or those indicated in article 623-bis of the Criminal Code, when he deems it necessary for the purpose of ascertaining whether persons who have been subjected to one of the preventive measures provided for in article 3 of Law No. 1423 of 27 December 1956 are continuing to engage in activities or to behave in ways similar to those on the basis of which the preventive measure was imposed.

[2] With regard to the interception of communications and conversations carried by telephone or telegraph and those indicated in article 623-bis of the Criminal Code, the modalities provided for in articles 226-ter and 226-quater, paragraphs 1, 2, 3 and 4, of the Code of Criminal Procedure shall be observed.

[3] The evidence acquired through such interceptions may be used exclusively for the conduct of investigations, but is not admissible before a court of law.

[4] The recordings of these interceptions must be transmitted to the procurator of the Republic who has authorized the operations, and who shall order the destruction of the recordings themselves and of any transcription, even partial, thereof.

[...]

Article 21

[1] Any person who, having been awarded a contract for works involving the public administration, sub-contracts or job-contracts these works, in whole or in part, if only on a de facto basis, without the authorization of the competent authority, shall be punished with imprisonment ("arresto") for a period of from six months to one year and with a fine equivalent to one-third of the total value of the work received in contract. The same penalties shall be applied to the sub-contractor and the jobber. The contract-granting administration shall have the right to call for the cancellation of the contract.

[2] The authorization provided for in the preceding paragraph shall be granted following the verification of the technical suitability of the sub-contractor as well as his possession of the subjective requirements for registration in the national register of builders. The authorization may not be granted in the cases provided for in article 10-quinquies of Law No. 575 of 31 May 1965.

[3] For the sub-contracting and job-contracting relationships contemplated in this article that already exist at the time of the entry into force of the present law, the authorization must be obtained within 90 days of that date. The further continuation of these relationships, in the absence of the required authorization, shall be punished with the

penalties stipulated in paragraph 1, without prejudice to the right of the contract-granting administration to call for the cancellation of the contract. 1/

Article 22

- [1] Where it is necessary to provide a watch over the building sites laid out for the performance of public works, this task must be entrusted to persons having the qualifications of sworn private guards.
- [2] For failure to comply with the preceding requirement, the contractor and the director of the works shall be punished with imprisonment ("arresto") for a period of up to three months and with a fine of 100,000 to one million lire.

Article 23

- [1] Following subparagraph 2 of article 13 of Law No. 57 of 10 February 1962 the following is to be added:

"(2-bis) absence of current proceedings for the application of one of the preventive measures referred to in article 3 of Law No. 1423 of 27 December 1956, or of one of the impeding causes provided for in articles 10 and 10-ter of Law No. 575 of 31 May 1965".

- [2] To subparagraph 2 of paragraph 2 of article 20 of Law No. 57 of 10 February 1962 the following words are to be added: "or proceedings for the application of one of the preventive measures referred to in article 3 of Law No. 1423 of 27 December 1956;".

- [3] Following subparagraph 2 of paragraph 1 of article 21 of Law No. 57 of 10 February 1962 the following is to be added:

"(2-bis) issue of an order calling for the application of the preventive measures referred to in article 3 of Law No. 1423 of 27 December 1956, the lapse of the registration in the register or the revocation of the registration itself".

- [4] The authorizations referred to in article 21 shall always be contingent on the condition that the jobber possess the subjective requirements for registration in the register referred to in Law No. 57 of 10 February 1962. 2/

1/ Paragraphs 1 and 3 have been substituted from article 2-quinquies of Decree-Law No. 629 of 6 September 1982, introduced from Conversion Law No. 726 of 12 October 1982 (article 1). Since it deals with the same subject, article 4 of Law No. 936 of 23 December 1982 is quoted: "By way of amending and supplementing the provisions of the last paragraph of article 21 of Law No. 646 of 13 September 1982, as amended by article 1 of Law No. 726 of 12 October 1982, for the sub-contracting and job-contracting relationships contemplated in the aforementioned article 21 that are in existence as of 29 September 1982, the authorization must be requested, within 30 days of the entry into force of the present law, from the competent authorities, who shall decide on the matter within 60 days of the receipt of the request. If the authorization is not requested or is denied, the continuation of the sub-contracting and job-contracting relationships shall be punished with the penalties stipulated in paragraph 1 of the aforementioned article 21 of Law No. 646 of 13 September 1982, as amended by article 1 of Law No. 726 of 12 October 1982 mentioned above, without prejudice to the right of the contract-granting administration to call for the cancellation of the contract".

2/ Law No. 57 of 10 February 1962 has as its purpose the "establishment of the National Register of Builders" and has been published in the Official Gazette No. 56 of 2 March 1962.

Article 24

[1] The provisions of articles 2-bis, 2-ter, 2-quater, 10, 10-bis, 10-ter, 10-quater and 10-quinquies of Law No. 575 of 31 May 1965 and also of article 17 of the present law regarding preventive measures shall likewise be applied in the case of the offence provided for in article 416-bis of the Criminal Code, regarding for this purpose the institution of the criminal action, the criminal proceedings and irrevocable sentence of conviction for the crime of mafia-type association as equivalent, respectively, to the proposal for the application of the preventive measure, the related proceedings and the definitive order.

[2] The sentence ordering any of the measures indicated in article 3-ter and article 10-quater of Law No. 575 of 31 May 1965 shall be communicated to the interested party, who may enter a challenge against that count of the sentence which concerns him.

Article 25

[1] In the case of persons against whom a sentence of conviction, even if not definitive, has been pronounced for the offence provided for in article 416-bis of the Criminal Code, or on whom there has been imposed, under an order that need not be definitive, a preventive measure under the terms of Law No. 575 of 31 May 1965, the excise and revenue police unit of the "guardia di finanza" within whose area of jurisdiction the individual's place of residence is located, shall undertake the verification of said persons' fiscal situation for the purpose, inter alia, of ascertaining whether illegal actions in respect of currency regulations or corporate law have been committed.

[2] The investigations referred to in paragraph 1 shall also be ordered in respect of the persons listed in article 2-bis, paragraph 2, and article 10-ter, paragraph 2, of Law No. 575 of 31 May 1965.

[3] A copy of the sentence of conviction or of the order for the application of the preventive measure shall be forwarded, by the office of the competent clerk of court, to the excise and revenue police unit of the "guardia di finanza" referred to in paragraph 1.

[4] For the conduct of their investigations, the officers of the excise and revenue police shall have the powers provided for in article 2-bis, paragraph 3, of Law No. 575 of 31 May 1965, as well as those powers that are vested in the officers and warrant officers of the special excise and revenue police unit under Law No. 159 of 30 April 1976.

Article 26

All the evidence acquired as a result of the investigations referred to in the preceding paragraph, and in any case variations in assets of more than 20 million lire occurring within the last three years, whether on the part of the contributors or the beneficiaries, must be communicated, under the terms, inter alia, of article 6 of Law No. 121 of 1 April 1981.

Article 27

When the verification carried out by the excise and revenue police, in accordance with the provisions of article 25 above, reveals offences of a fiscal nature, the procurator of the Republic shall institute criminal proceedings and may do so before the time-period indicated in article 13, paragraph 2, of Decree-Law No. 429 of 10 July 1982, converted, with amendments, into Law No. 516 of 7 August 1982.

Article 28

[1] Arrest shall always be mandatory for crimes involving violations of financial, currency or corporate regulations punishable with a penalty of detention and committed by persons who have already been convicted, under a definitive sentence, for mafia-type association under the terms of article 416-bis of the Criminal Code, or on whom there has already been imposed, under a definitive order, a preventive measure under the terms of Law No. 575 of 31 May 1965.

[2] Article 272 of the Code of Criminal Procedure shall be applied for the determination of the term of preventive imprisonment, which may not, in any case, exceed two thirds of the sentence that may be imposed.

Article 29

[1] If a person subjected, under a definitive order, to preventive measures under the terms of Law No. 575 of 31 May 1965, or a person convicted, under a final sentence, for the crime of mafia-type association, is charged with an offence involving a violation of financial, currency or corporate regulations, which offence is connected with other various offences, the proceedings shall not be consolidated.

[2] The competence for offences involving violations of financial, currency or corporate regulations and imputed to one of the persons indicated in the preceding paragraph shall in every case rest with the court that applied the preventive measure or that was competent in the case involving mafia-type association.

[3] Except where suitable bail has been offered, financial offences shall require in every case that a lien be registered or that assets be seized, as provided for in article 189 of the Criminal Code.

Article 30

[1] Persons subjected to one of the preventive measures ordered under the terms of Law No. 575 of 31 May 1965, and persons convicted, under a final sentence, for the crime provided for in article 416-bis of the Criminal Code shall be required to report, for a period of 10 years and within 30 days of the occurrence, to the excise and revenue police unit which has carried out the investigations referred to in article 2-bis of Law No. 575 of 31 May 1965 all variations in the amount and composition of their assets involving elements whose worth is not less than 20 million lire; they shall also be required, by 31 January, to report variations which occurred during the preceding year when these variations involve elements whose worth is not less than 20 million lire. Assets intended for the satisfaction of everyday needs shall be excluded.

[2] The time-period of 10 years shall begin on the date of the order or on that of the final sentence of conviction.

[3] The obligations provided for in paragraph 1 shall cease when the preventive measure is revoked following an appeal to the appellate court or to the Court of Cassation.

Article 31

[1] Any person who, disregarding his obligation to do so, fails to report, within the time-periods stipulated by the law, the variations in assets referred to in the preceding article shall be punished with imprisonment at hard labour ("reclusione") for a period of from two to six years and with a fine of from 20 million to 40 million lire.

[2] The conviction shall be followed by the confiscation of the assets, whatever the manner of their acquisition, and of the consideration received in return for the assets, whatever the manner of their transfer.

E/NL.1988/9

DECREE-LAW NO. 629 OF 6 SEPTEMBER 1982, CO-ORDINATED WITH
CONVERSION LAW NO. 726 OF 12 OCTOBER 1982 (URGENT MEASURES
FOR THE CO-ORDINATION OF THE CAMPAIGN AGAINST
MAFIA CRIMINALITY)

Article 1

[1] For the purposes of preventing and combating mafia criminality, the Minister of the Interior may delegate to a prefect of the Republic, who shall assume the title of High Commissioner, powers of co-ordination between the administrative agencies and the police, at the local and national levels.

[2] Under a decree of his own, the Minister of the Interior shall establish the modalities for, and limits on, the exercise of this delegation of power, and may issue specific rules for the organization of offices and services at the prefectures, allocating the related personnel, notwithstanding, where necessary, the regulations in force.

[3] For the performance of his functions, the High Commissioner shall be vested, notwithstanding, where necessary, the regulations in force, powers of access to, and verification at, public administrations, public agencies, including those of an economic nature, banks, and public and private institutions, with the possibility of availing himself, for this purpose, of the services of the excise and revenue police.

[4] At the request of the High Commissioner, enterprises, whether individual or established in the form of companies, which award contracts or participate in public tenders for contracts or in private negotiations, shall be required to furnish the High Commissioner with information of an organizational, financial and technical nature on its own activities, as well as any data regarded as useful for identifying the owners of the enterprise or the holders of the stock or share contributions.

[5] Contractors who fail to comply with the request referred to in the preceding paragraph or who furnish false information shall be subject to the penalty of imprisonment ("arresto") for a period of from six months to one year. The sentence implies suspension from the register of contractors.

[6] The offices that let contracts for public works are required to furnish the High Commissioner, at his request, with the documentation regarding the award procedures and the contracts for work performed or to be performed.

[7] The High Commissioner shall be vested with every other power enjoyed by the public security authorities, including the power of ordering the interception of telephone communications under the terms of article 226-sexies of the Code of Criminal Procedure.

[8] The High Commissioner shall receive all the communications originating from the Intelligence and Democratic Security Service (SISDE) under the terms of article 6, final paragraph, of Law No. 801 of 24 October 1977, when they concern facts in any way connected with mafia activities. The High Commissioner, in agreement with the Director of SISDE, may make use, for the performance of his functions, of the Service's structures and means, according to the modalities established in the decree referred to in paragraph 2 above.

[...]