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1971 REFORMS TO MEXICAN PENAL CODES

L. KOS-RABCEWICZ-ZUBKOWSKI*

INTRODUCTION

On December 29, 1970, drafts of two amendments were submitted to the Congress of the United States of Mexico through separate bills:

- a. To the Penal Code for the Federal District and Territories; and
- b. to the Code of Penal Procedure for the Federal District and Territories.

These bills, with subsequent additions and amendments, were adopted on February 12, 1971 and February 17, 1971 respectively, and published in the *Diario Oficial* of March 19, 1971, together with the amendment of Art. 538 of the Federal Code of Penal Procedure, the latter adopted on February 19, 1971.¹ All the amendments came into force sixty days after publication in the *Diario Oficial*.²

The United States of Mexico is composed of twenty-nine states, the federal district and federal territories.³ The Constitution of the United States of Mexico provides that each of the States has jurisdiction in penal law except with respect to offenses reserved for federal tribunals.⁴ There-

*LL.D., University of Paris; F.R.S.A.; member of the Bar of Montreal, Canada; Vice President, Canadian Inter-American Research Institute; Chairman, Committee on Private International Law, Inter-American Bar Association; Professor, University of Ottawa, Canada; author of several books and articles; correspondent, *Lawyer of the Americas*.

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fore, each of the States has its own penal code. There is also a Penal Code for the Federal District and Territories which applies:

- a. In the Federal District and Territories to offenses within the jurisdiction of the penal tribunals of common law not reserved to federal tribunals;⁵ and
- b. in the entire Mexican Republic to offenses within the jurisdiction of federal tribunals.⁶

Codes of various Mexican States show the influence of the Federal Code.⁷ Jurisdiction not expressly reserved to federal officials remains with the officials of the States.⁸

Each of the Mexican States also has a separate code of penal procedure. While there is only one federal penal code, federal penal procedure is regulated by two separate laws. One, the Code of Penal Procedure for the Federal District and Territories applies only to tribunals of the said territorial units, and in a parallel way to codes of penal procedure in each of the Mexican States.⁹ The second, the Federal Code of Penal Procedure,¹⁰ applies to federal tribunals in the entire Republic of Mexico.¹¹

THE PENAL CODE

Introduction

In the *exposé des motifs* for the revision of the Penal Code for the Federal District and Territories, it is stated that such revision results from humanitarian and technical considerations, and that it aims at social rehabilitation of the delinquent.¹²

Complaint of the victim indispensable for prosecution of certain non-intentional offenses

The Penal Code of the Federal District and Territories (henceforth the Penal Code) distinguishes between "intentional" and "non-intentional" offenses.¹³ It also calls the latter "offenses by imprudence" (*imprudencia*) and explains that imprudence is a lack of foresight (*imprevisión*), negligence (*negligencia*), lack of skill (*impericia*), lack of consideration (*irreflexión*) or carelessness (*descuido*), when the ensuing damage is the same as that resulting from an intentional offense.¹⁴

Article 62 provides for the prosecution of non-intentional offenders who cause minor damage to property, only upon complaint of an interested party. The amendment raises the limit of damages from 500.00 pesos

(U.S. \$40.00) to 10,000 *pesos* (U.S. \$800.00) and the maximum fine from 1,000 *pesos* (\$80.00) to the amount corresponding to the damages caused by the offender plus indemnification to the victim. This sanction by fine and indemnification is extended to all non-intentional offenses resulting from traffic accidents, without any limit as to the value of the damages to the property. Prosecution upon private complaint also exists only in the case of bodily injuries resulting from traffic accidents which do not imperil the life of the victim¹⁵ even if causing a permanent noticeable scar on the face.¹⁶

Prosecution upon private complaint only, both in cases of bodily injury and damages to property, does not apply when the person presumably responsible was in a state of drunkenness, under the influence of drugs, or other substances having similar effects. Furthermore, the provisions of Art. 62 do not apply to offenses committed within the railway or electrical transportation system, ships, aircraft or any other means of federal public service transportation.

Substitution and commutation of sanctions

The *exposé des motifs* of the draft bill states that considering that short duration imprisonment represents:

- a. The danger of moral, or rather immoral "contamination" from contact in prison with hardened criminals, and
 - b. a hardship to the dependents of the convicted person,
- the reform provides for a broader use of fines in lieu of prison terms.¹⁷

Thus, in the case of first offenders, the judge will be able to impose a fine instead of sentencing to "imprisonment not exceeding one year" (previously six months.) The new text requires the judge to state the grounds for such action, taking into account the personal circumstances of the convict, the motivation behind conduct, and the circumstances surrounding the offense. The last two requirements were included in the previous text of the Code.¹⁸

The present amendments also consider the victim, often neglected in the penal codes and even more so in practice.¹⁹ In order to have the punishment of imprisonment commuted to a fine, the convicted person shall:

- a. Provide for the reparation of the damages caused by him, or
- b. furnish a guarantee, to be determined by the judge, assuring that payment will be made within a specified period of time.

The latter alternative may enable the person convicted to save sufficient money from his salary or other income to make the necessary payment.²⁰ This is a welcomed broadening of the previous wording of Art. 76 which simply required indemnification and did not provide for a delay in the payments.

In the *exposé des motifs* it is stated that experience should show whether the commutation of imprisonment to a fine should be extended to other types of delinquents in future legislation.

It seems that a delinquent convicted of an offense of one type and who subsequently commits an offense of a different type (e.g. the first offense of a sexual type,²¹ and the second against property,)²² can be considered a candidate for the commutation of the punishment from imprisonment to a fine, although he may not be a first offender. It is suggested that recidivism should rather be considered within one category only. A delinquent who commits two offenses, each of a different nature, may still be an occasional offender.

The bill refers to the Department of Social Prevention under the new name of *Dirección General de Servicios Coordinados de Prevención y Readaptación Social* (Office of Coordinated Prevention and Social Rehabilitation Services and henceforth *Dirección General*.) However, except for this change, it retains the provisions of Art. 75 of the Penal Code. Art. 75 also enables the *Dirección General* to modify the sanctions so long as their essence is maintained if the person convicted establishes that he cannot comply with certain aspects of the sanctions because of age, sex, health or physical condition.

The *exposé des motifs* for the bill amending the Code of Penal Procedure for the Federal District and Territories, states that all legislative changes shall remain without effect if not supported by preventive and enforcement structures prescribed by modern criminal policy.²³ For this reason, the name of the *Departamento de Prevención Social* (Department of Social Prevention) has been changed to *Dirección General de Servicios Coordinados de Prevención y Readaptación Social*. The *Dirección General* shall not only direct and regulate social prevention of delinquency in the Federal District and Territories and control the enforcement of the punitive action of federal convicts as at present, but, in the future, shall also furnish pertinent orientation and facilitate the establishment and maintenance of institutions for the handling of convicts throughout the Republic. The drafters of the *motifs* made every effort to state unequivocally, that the new *Dirección General* will not affect the sovereignty of the Federated Mexican States and that it will act exclusively through agreements with

such States. The new goal is to assure adequate coordination based on sound techniques, permitting the development of the preventive policies and the enforcement of judgment policies on a national scale.²⁴

Work of inmates and reduction of term

The new version of Art. 81 reaffirms the obligation of all inmates to work. It introduces, however, an important incentive by providing that sentences of deprivation of liberty shall be shortened by one day for each two days of work, subject to the following conditions:

- a. That the inmate maintain good conduct,
- b. that he take part regularly in educational activities organized in the institution, and
- c. that he otherwise give proof of his social rehabilitation (this last condition is essential for the reduction of his term).

All sentences shall mention this new right.

Article 82 states that inmates shall pay the cost of their clothing and food in the institution from the fruits of their work. The balance shall be divided as follows:

- a. 30% for reparation of damages caused by the offense,
- b. 30% for the support of the inmate's dependents,
- c. 30% to create the inmate's savings fund, and
- d. 10% for the inmate's petty expenses.

This last item was added by the last amendment, which decreased from 40% to 30% the part previously allotted to indemnification. This should constitute an additional incentive for the inmate to work.

Should either or both items *a* and *b* be inapplicable or previously covered, the balance shall be proportionally divided among the remaining items, except that the part for petty expenses shall remain unchanged.²⁵

Parole

The bill modifies the provisions on parole (*libertad preparatoria*.) A distinction is made between intentional and non-intentional offenders.

The new wording of Art. 84 of the Penal Code provides that, on the basis of the report referred to in the Code of Penal Procedure, parole may be granted to an inmate who has served three-fifths of his term in the

case of intentional offenses, or one half of his term in the case of non-intentional offenses.²⁶ Previously there was no such distinction and parole was limited to those who had been deprived of their freedom for more than two years and who had served two-thirds of their term. The requirements for the granting of parole are:

- a. That the convicted offender observe good conduct while serving his term;
- b. that an analysis of his personality shows that he is rehabilitated and will not commit new offenses;
- c. that he has made reparation or that he undertakes to make reparation for the damages caused by him in the manner, form and within the time limits established in his case.

The *Dirección General* may grant parole,²⁷ subject to the following conditions:

- a. That the convicted offender reside or, where appropriate, abstain from residing in a specified place, and that he keep the authorities informed as to his changes of residence. In determining the place of residence, the possibility of employment and the fact that such a place will not hinder his rehabilitation, will be taken into account;
- b. that if he lacks the necessary means of support he will engage, within a specified period of time, in gainful employment, artistic activity, industry or any other lawful occupation;
- c. that he abstain from the excessive use of alcoholic beverages, drugs or any other substances which may have similar effects;
- d. that he submit to the orientation and inspection measures prescribed, and to the supervision of an honorable member of the community who will agree to report on his conduct and insure his availability whenever required.²⁸

Art. 85 as amended eliminates the denial of parole to those convicted of:

- a. The kidnapping of a child, and
- b. the corruption of minors.

It retains, however, the denial of parole to:

- a. Habitual offenders, and

- b. those convicted of drug offenses detrimental to health.

The possibility of parole has been extended to "primary recidivists" (offenders convicted of a second offense.)

There is a strong sector of the public which claims that parole should be made available to all inmates; otherwise they are left without proper aid in the form of mandatory counselling and supervision after their release from prison.

It seems obvious that recidivists and habitual criminals need a more strictly enforced supervision and orientation after their release than other delinquents (unless they are considered to be beyond rehabilitation in which case they should be detained by the application of security measures in order to protect society.) In Mexican penal legislation, as in the vast majority of other states, the mandatory aid given by the *Patronato de Reos Libertados* to persons released from prison is limited to parolees and to those under a suspended execution of sentence. It is not given to those who have been released at the end of their terms.²⁹

The new Art. 87 of the Penal Code provides that parolees shall be under the custody and supervision of the *Dirección General*.

The new bill modifies the provisions on revocation of parole. Such revocation shall apply if:

- a. The parolee does not comply with the stipulated conditions of the parole except when, instead of executing the sentence, the judge gives a reprimand and warning (*apercibimiento*), to the effect that if the parolee fails to comply with any of the conditions stipulated the parole will be revoked,³⁰ or
- b. the parolee is sentenced for a new intentional offense by a judgment subject to execution. In this case revocation is mandatory, but if the parolee commits a new non-intentional offense then, depending on the seriousness of the new offense, the parole may be either revoked or continued by the designated authority which is required to document its action. Acts resulting in penal proceedings during the period of parole toll the time of prescription (statute of limitation) applicable to the extinguishment of sanctions.

It is suggested that discretion as to the revocation of parole could be extended to cases where the parolee commits a new intentional offense of a type different from that for which he was initially convicted (e.g. a

subsequent offense against health where the initial offense was one concerning property).

Mexican legislators did not extend the possibility of the granting of parole to the extent shown in several recent legislative acts in other countries.

Thus the Swedish Penal Code of 1962, in force since January 1, 1965, provides for mandatory parole for all persons condemned to imprisonment for a period of not less than six months, after serving five-sixths of their term.³¹ The release occurs no matter how the prisoner has behaved in the institution. The idea behind this rule is that the convicts can be placed under supervision and subject to the threat that they can be returned to the institution to serve the balance of their sentence, unless they behave well during parole. After-care, together with the power to bring pressure to bear on the parolee, has been regarded as the more advisable.³² Obviously, the inmates who showed poor progress in their rehabilitation during imprisonment needed assistance after discharge, even more so than those considered to have been well adjusted to prison life and as such traditional candidates for parole. Further, the Swedish Penal Code also allows for discretionary parole for all persons sentenced to a fixed term of imprisonment after serving two-thirds but not less than four months of the term. This latter discretionary parole may be granted if it seems favorable for the social rehabilitation of the person convicted.³³

In England, all prisoners serving fixed sentences become eligible for parole after serving one-third of their sentence, subject to a minimum of one year.³⁴ This is intended to benefit prisoners who seem likely to respond to a period of controlled liberty in the community, under the supervision of a probation officer, instead of completing their sentences in prison.³⁵

The Canadian National Parole Board may grant parole to an inmate subject to the terms or conditions it considers desirable. Parole may be granted if the Board considers that:

- a. The inmate has derived the maximum benefit from imprisonment;
- b. the reform and rehabilitation of the inmate will be aided by the granting of parole, and
- c. the release of the inmate on parole would not constitute an undue risk to society.³⁶

In Canada the term of imprisonment normally served before the granting of parole is as follows:

- a. Where the sentence of imprisonment is not a sentence of imprisonment for life, or a sentence of preventive detention, one-third of the term of imprisonment imposed, or four years, whichever is the lesser, but in the case of a sentence of imprisonment of two years or more to a federal institution, at least nine months;
- b. where the sentence of imprisonment is for life, in principle, seven years (minus the time spent in custody from the day on which the inmate was arrested to the day the sentence was imposed).³⁷

However, the Parole Board may grant parole to an inmate before he has served the above mentioned portion of his sentence.³⁸

A person who is serving a sentence of imprisonment, to which a sentence of death has been commuted, or a person upon whom a sentence of imprisonment for life has been imposed as a minimum punishment, shall serve the entire term of imprisonment, unless the federal government directs otherwise upon the recommendation of the Board.³⁹

Suspended sentence

The new bill modifies Art. 90 of the Penal Code, dealing with suspended sentence (*condena condicional*).

When sentencing, the judge or the court, as the case may be, may, upon petition of the party or *ex officio*, suspend the execution of punishment if the following conditions coexist:

- a. That the sentence of imprisonment does not exceed two years;
- b. that the offender, who is incurring an intentional offense for the first time, has observed good conduct before and after commission of the offense;
- c. that his personal history or honest way of life, as well as the nature of the offense, including its characteristics and motives, warrant the presumption that he will not commit a second offense.

In order to obtain a suspended sentence the person convicted shall:

- a. Provide the necessary guarantee or abide by the pertinent measures established to insure his appearance before the authorities when required;

- b. undertake to reside in a specified place which he must not leave without authorization from the supervising authority;
- c. exercise, within the period granted to him, a lawful profession, office, artistic activity or other occupation;
- d. abstain from the excessive use of alcohol and from the use of drugs having similar effects, except by medical prescription;
- e. make reparation for the damages caused by him.

When, because of his personal circumstances, he cannot make reparation of damages immediately, he shall post bond (*caución*) or submit to measures which the judge or the court will consider sufficient to insure compliance within a specified period of time.⁴⁰

The suspension applies to prison terms and fines. The judge or the court shall decide, at its discretion, as to the suspension of the execution of other sanctions.⁴¹

Convicted persons benefiting from the suspension of execution of sentence shall be informed as to the provisions of Art. 90 of the Penal Code. Compliance with this requirement should be noted officially. However, non-compliance with such official action shall not obviate the application of the dispositions of Art. 90.⁴²

Convicted persons benefiting from a suspended sentence shall remain under the custody and supervision of the *Dirección General*.⁴³

Should the convicted person not be tried and found guilty of a new offense during the three years following the date on which the sentence became executory, the initial sanction shall be considered extinguished. Otherwise, the initial sanction shall be executed and the person convicted shall be considered a recidivist insofar as the second sentence is concerned. In the case of a new non-intentional offense, the competent authority will consider the evidence and decide whether or not to implement the previously suspended sanction.⁴⁴

Whether intentional or non-intentional, offenses leading to a new trial interrupt the three-year period.⁴⁵

Should the person convicted fail to comply with his undertaking, the judge may order the execution of the suspended sanction, or reprimand him with a warning that if he fails again to comply with any of the conditions stipulated the sanction will be executed.⁴⁶

In case a surety or bondsman (*fiador*) is appointed to guarantee compliance with the conditions imposed on the convicted person, the obli-

gation of the former shall expire six months after completion of the three-year period mentioned above, provided the delinquent does not commit an act which leads to a new trial which results in a conviction. When the surety has grounds to relinquish his obligation he shall communicate such grounds to the judge. Should the judge consider them to be justified, he shall request the offender to furnish a new surety within a specified period, and warn the delinquent that if he fails to do so, the suspended sanction shall be executed. If the surety dies or becomes insolvent, the offender shall inform the judge; otherwise, the sanction will be executed.⁴⁷

When the defendant considers that he meets the requirements for a suspended sentence and that he is in a position to comply with other requirements, but when either by omission on his part or of that of the tribunals, he was not granted a suspended sentence at the time of sentencing, he may apply for such a suspension by instituting the proper action incidental to the main action, before the judge who sentenced him.⁴⁸

The reform of 1971 did not introduce probation as a substitute for another punishment but a similar effect may result from the suspended execution of punishment. The latter possibility is limited to first offenders in the case of intentional offenses for which they have been sentenced to imprisonment for a period not to exceed two years. Thus, the Mexican federal courts cannot suspend the execution of the sentence and provide for probation in the case of an offender who has committed a second intentional offense even if the first offense was of a completely different nature. This differs from certain current laws which leave the application of suspended execution of sentences and probation largely to the judgment of the court.

Thus, according to the Canadian Criminal Code, as amended on May 14, 1969, where an accused is convicted of an offense, and taking into consideration his age and moral character, the nature of the offense and the circumstances surrounding its commission, the Court may:

- a. In the case of an offense other than that for which a minimum punishment is prescribed by law, suspend sentencing and direct that the accused be released upon the conditions prescribed in a probation order; or
- b. in addition to fining the accused or sentencing him to imprisonment, whether in default of payment of a fine or otherwise, for a term not exceeding two years, direct that the accused comply with the conditions prescribed in a probation order.⁴⁹

CODE OF PENAL PROCEDURE FOR THE FEDERAL DISTRICT AND TERRITORIES

Introduction

The *exposé des motifs* introducing the bill which amends the Code of Penal Procedure for the Federal District and Territories states that the amendments aim to simplify the procedure. The amendments are intended to expand the principles of oral procedure, of concentration of the trial and of expeditious handling of cases.⁵⁰

Summary procedure

In the third title of the Code—"Trial"—Chapter I was completely replaced by new provisions on "Summary Procedure,"⁵¹ and Chapter II was renamed "Ordinary Procedure" and replaced almost *in toto* by new provisions.⁵²

Summary procedure is applied in the case of offenses punishable by a maximum of five years imprisonment.⁵³ Summary procedure is characterized by shorter procedural delays (statutory periods for filing proceedings, etc.). It favors concentration of the trial and oral procedure at the main hearing. It should be noted that in cases where the representative from the Attorney General's (public prosecutor's) office or the attorney for the defense are absent from the main hearing, disciplinary measures may be applied. In such cases the hearing shall be postponed for a period not exceeding eight days.

Should the public prosecutor fail to appear on the second date scheduled for the hearing, the hearing shall proceed in his absence. In case of a similar absence of the attorney for the defense another attorney shall be appointed *ex officio*. However, in such case, the accused is free to choose another attorney among those present in the courtroom. The newly appointed attorney is granted an additional period in which to prepare the defense.⁵⁴

One-judge courts

The new amendments abolished the penal courts composed of three judges and have replaced these with *one-judge* tribunals.⁵⁵ In the *motifs* for the bill it is stated that this innovation allows for integral development of the trial before the same judge, thus assuring procedural immediacy and a better individualization of punishment. It also aims to accelerate the administration of justice.⁵⁶ To facilitate the latter, the jurisdiction of

Minor Judges and Justices of the Peace has been extended to offenses punishable by a maximum fine of 200.00 *pesos* (U.S. \$16.00) and/or one year in prison.⁵⁷

Oral procedure

The present reform provides that various proceedings may be carried out orally during the main hearing and requests the presence of the parties concerned at such hearing.⁵⁸ In principle, such a hearing shall be completed without interruption during the course of one day.⁵⁹

Freedom with recognizance previous to trial

In cases of non-intentional offenses resulting from vehicular traffic (except when the offender abandoned the injured victim), the offender shall not be detained before trial if he supplies sufficient guarantee to assure his appearance and payment of damages.⁶⁰

The possibility of freedom with recognizance has been extended to offenders suspected of offenses punishable by a maximum of two years imprisonment (previously six months), who have resided in the same place at least one year (previously two years).⁶¹ Other conditions having remained unchanged, the present requirements are:

- a. That the offender has a permanent and known domicile within the jurisdiction of the trial court;
- b. that he has resided in the same domicile for at least one year;
- c. that in the opinion of the judge there is no fear that he will default;
- d. that he undertakes to appear when required;
- e. that he is a first offender; and
- f. that the crimes carry a maximum sentence which will not exceed two years of imprisonment.⁶²

Other amendments deal with parole and the newly widened role of the *Dirección General*, a body which supervises the execution of punishment by prison and parole.⁶³

FEDERAL CODE OF PENAL PROCEDURE

The amendment to the Federal Code of Penal Procedure repeats the provisions of Art. 90 (X) of the Penal Code for the Federal District and

Territories allowing the defendant to apply for conditional suspension of execution of the sentence even after the judge rendered an enforceable sentence.⁶⁴ Previous wording did not allow such a petition.

CONCLUSION

The recent Mexican amendments extended the possibility of application of measures other than deprivation of liberty namely by providing for a wider use of:

- a. Fines combined with reparation of damages;⁶⁵
- b. suspension of the execution of sentence;⁶⁶
- c. parole;⁶⁷
- d. reduction of the term of imprisonment by one day for each two days of work of the inmate.⁶⁸

The 1971 amendments⁶⁹ conform to the essential idea of the Mexican Penal Code for the Federal District and Territories that the duty of the offender to indemnify the victim of his offense is not of a private or civil law nature, but that the sentence condemning the offender to effect such an indemnification is a penal law sentence in the same manner as a sentence calling for a fine.⁷⁰

Several of the amendments only apply to:

- a. Non-intentional offenses;⁷¹
- b. first offenders;⁷²
- c. first intentional offenders (even when they previously have committed non-intentional offenses).⁷³

The changes in procedure bring the Mexican trial closer to the "day in court" concept and show the trend towards facilitating the individualization of the sanctions to be applied by the judge who follows the case from its commencement in court.

The ideas of:

- a. Prevention;
- b. more efficient rehabilitation of the offender; and
- c. protection of the dependents of the convict

are the underlying grounds for the broadened tasks of the *Dirección General de Servicios Coordinados de Prevención y Readaptación Social*.⁷⁴

NOTES

¹Diario Oficial, Organó del Gobierno Constitucional de los Estados Unidos Mexicanos, Tomo CCCV, No. 17, pp. 1-9.

²According to articles I of transitional provisions to each of said three laws, published March 19, 1971. Complete list of amendments:

a) Penal Code for the Federal District and Territories:
Articles 62, 74 to 76, 81 to 87 and 90 modified.

b) Code of Penal Procedure for the Federal District and Territories:
Repealed—Articles 630 to 639, Chapter IV of the Seventh Title.
Modified—Articles 10, 305 to 320, 322, 325 to 329, 331, 408, 431, 525, 546, 548, 550, 552, 575, 578, 580 to 590, 598 to 601, 619, 622, 625, 640, 642, 643, 647, 650 to 653, 656, 669, 673 to 675.
Added—new paragraph to article 271.

³Art. 43 of the Constitution.

⁴Art 40, Constitution of the United States of Mexico of February 5, 1917. R. Carranca Trujillo, Derecho Penal Mexicano. Parte General, 8th ed., 1967, p. 94, No. 64.

⁵Arts. 103-107, Constitution of February 5, 1917.

⁶Art. 1, Penal Code for the Federal District and Territories as to common law jurisdiction and for the entire Republic as to federal jurisdiction, of January 2, 1931.

⁷Celestino Porte Petit, Evolución Legislativa Penal en México, 1965. R. Carranca y Trujillo, Derecho Penal Mexicano. Parte General. 8th ed., 1967, No. 64, pp. 94-103.

⁸Art. 124.

⁹Of January 2, 1931, in 677 articles, Diario Oficial of August 29, 1931.

¹⁰In 576 articles, Diario Oficial of August 30, 1934.

¹¹Art. 11, Federal Code of Penal Procedure.

¹²p. 1.

¹³Art. 8.

¹⁴Art. 8 in fine.

¹⁵Art. 289.

¹⁶Art. 290.

¹⁷p. 1.

¹⁸Art. 74, Penal Code.

¹⁹e.g. Arts. 628-630 of the Canadian Criminal Code. Statutes of Canada 1953-54, 2-3 Elizabeth II, Chapter 51, in force April 1, 1955. Revised Statutes of Canada, chapters C-34 and C-35, also 2nd Supplement. These articles, however, seem to be seldom used. See also "Compensation to Victims of Crime in Canada," W. T. McGrath, The Canadian Journal of Corrections, Vol. 12, No. 1, 1970, pp. 10-24.

²⁰Art. 76 Penal Code.

²¹Title 15 of the Penal Code.

²²Title 22 of the Penal Code.

²³p. 3.

²⁴ib. p. 4.

²⁵Art. 85 Penal Code.

²⁶Art. 84 of the Penal Code refers to the Code of Penal Procedure as to such report. See especially the new Art. 584 of the Code of Penal Procedure.

²⁷Art. 583 ss. Code of Penal Procedure for the Federal District and Territories, esp. Art. 185 (all as amended).

²⁸New Art. 84, Penal Code.

²⁹Art. 15 (a contrario) of the new draft Mexican law on minimum norms of social rehabilitation of convicted persons.

³⁰Art. 86 (I) and 90 (IX) of the Penal Code as amended.

³¹Art. 7, chapter XXVI, Penal Code of Sweden, 1962.

³²Ivar Strahl, *Penal Code of Sweden, 1965*, p. 13.

³³Art. 60, chapter XXVI, Penal Code of Sweden, 1962.

³⁴Art. 60 Criminal Justice Act, 1967, chapter 80.

³⁵The Treatment of Offenders in Britain, Her Majesty's Stationary Office, 1968, p. 20.

³⁶Sect. 8, Parole Act, 1958, c. 38.

³⁷Sect. 7(a), Parole Act, and Sect. 2(1), Parole Regulations.

³⁸Sect. 2(2), Parole Regulations.

³⁹Sect. 2(3), Parole Regulations.

⁴⁰Art. 90 (II) Penal Code.

⁴¹Id. (III).

⁴²Id. (IV).

⁴³Id. (V).

⁴⁴Id. (VII).

⁴⁵Id. (VIII).

⁴⁶Id. (IX).

⁴⁷Id. (VI).

⁴⁸Id. (X).

⁴⁹Sect. 638 (I) Statutes of Canada, 1968-69, c. 38, as passed by House of Commons, May 14, 1969, proclaimed in force August 26, 1969.

⁵⁰p. 1.

⁵¹Arts. 305 to 312.

⁵²Arts. 313 to 320, 322, 325 to 331.

⁵³Art. 305.

⁵⁴Art. 326.

⁵⁵Art. 619 (II) amended. Arts. 630 to 639 (chapter IV on penal courts, of the seventh title on the organization and jurisdiction of courts) have been repealed.

⁵⁶p. 2.

⁵⁷Art. 10 and p. 2.

- ⁵⁸Arts. 309 & 310 and pp. 2 & 3.
- ⁵⁹Art. 311.
- ⁶⁰Art. 271.
- ⁶¹Art. 552 (VI) & (II).
- ⁶²Art. 552.
- ⁶³Arts. 573, 578, 580 to 586, 588 to 590, 593 to 596, 598 to 650 to 653, 656, 669, 673 to 675. Article 674 subdivided into fifteen subsections, enumerates jurisdictional powers of the Direction. *Exposé des motifs*, p. 4.
- ⁶⁴Art. 538 of the Federal Code of Penal Procedure.
- ⁶⁵Arts. 62 and 74, Penal Code.
- ⁶⁶Art. 90, Penal Code.
- ⁶⁷Art. 84 ss., Penal Code.
- ⁶⁸Art. 81, Penal Code; Art. 674 (IX), Code of Penal Procedure for the Federal District and Territories.
- ⁶⁹Arts. 62, 76, 82(III), 84(III), 90(II)(e), Penal Code; Art. 271, Code of Penal Procedure for the Federal District and Territories; Art. 538, Federal Code of Penal Procedure.
- ⁷⁰Art. 29 to 39, Penal Code.
- ⁷¹Arts. 62, 90(I)(a), Penal Code; Art. 271. Code of Penal Procedure for the Federal District and Territories.
- ⁷²Art. 74, Penal Code; Art. 552(V), Code of Penal Procedure for the Federal District and Territories.
- ⁷³Art. 90(I)(b), Penal Code.
- ⁷⁴esp. Art. 674, Code of Penal Procedure for the District and Territories.