

REPORT OF THE FEDERAL JURISDICTIONAL REPRESENTATIVE

Uniform Law Conference of Canada Criminal Section Ottawa, Ontario, August 12 - 16, 2024

Introduction

It is an honour to present the Annual Report of the Federal Jurisdictional Representative to the Criminal Section of the Uniform Law Conference of Canada (ULCC), at its 106th meeting, which was held in Ottawa, Ontario, August 12-16, 2024.

Part I highlights federal-provincial-territorial (FPT) developments of interest to ULCC. While Part III examines Parliament's criminal law reforms since ULCC's last meeting in August 2023, Part II provides a status update of ULCC resolutions over the past five years, in keeping with Rule 8 of the Criminal Section [*Rules of Procedure*](#).

Part I - FPT DEVELOPMENTS OF INTEREST TO ULCC 2023-2024

FPT Ministers Responsible for Justice and Public Safety

The annual meeting of FPT Ministers responsible for Justice and Public Safety took place from October 11-13, 2023 in Bromont, Quebec. No public documents were made available during that meeting, but the FPT Ministers issued a statement following calls for global protests from the terrorist organization Hamas. Ministers stated their support of Canadians' right to feel safe, practice their faith, and express their belief. They also condemned any support of terrorism and assured the public that law enforcement would ensure the safety of all Canadians.

The meeting touched on a host of varying issues. Ministers discussed the efforts deployed by different jurisdictions to address the threat of synthetic drugs, illicit substances and the cannabis market, including avenues of FPT collaboration, broader international initiatives, and agreeing to explore further measures to combat illegal cannabis sales. FPT Ministers discussed bail reform for repeat and violent offending, primarily by agreeing to monitor the impacts of Bill C-48. Potential impacts of the measure on groups over-represented in the criminal justice system were taken into account and participants agreed it is important to aim to mitigate any negative consequences. Ministers were updated on Canada's Black Justice Strategy, which is being developed in collaboration with an external Steering Group of Black experts and leaders and in consultation with Black communities across Canada. The strategy will contribute to efforts to address anti-Black racism and systemic discrimination that has led to the overrepresentation of Black people in the criminal justice system, including as victims of crime. Ministers also agreed to collaborate to address the underlying problems outlined in the final reports of the Public Order Emergency Commission and the Mass Casualty Commission. Other pressing issues included Indigenous justice and policing, rising hate crimes, the firearms compensation program, cyber security updates, contract policing, the increase of auto thefts, updates on foreign interference threats, the prevalence of impaired driving offences, the implementation of sexual and domestic violence courts, and responses to illicit financial transactions.

FPT Coordinating Committee of Senior Officials - Criminal Justice (CCSO)

Through its broad network of working groups, CCSO is responsible for analysis and recommendations on criminal justice policy issues that are of joint concern to the FPT governments. While its work remains confidential, CCSO takes particular interest in the resolutions adopted by the ULCC Criminal Section. Like Justice Canada, CCSO respects and monitors resolutions, as well as Working Group Reports from the ULCC Criminal Section, which is lauded for its unique composition, bringing together criminal law experts from the defence bar and the Crown, as well as legal scholars and members of the judiciary. Moreover, through the years, its delegates have included representatives from a number of important legal organizations, including, for example, the Barreau du Québec; the Canadian Association of Provincial Court Judges (CAPCJ); the Canadian Bar Association (CBA); the Canadian Council of Chief Judges (CCCJ); the Canadian Council of Criminal Defence Lawyers (CCCDL); the Court of Quebec; the Criminal Defence Advocacy Society (CDAS); the Criminal Defense Lawyers Association of Manitoba (CDLAM); the Criminal Lawyers Association (CLA); the Public Prosecution Service of Canada (PPSC) and the Quebec Defense Lawyers Association (QDLA).

Part II - STATUS OF ULCC RESOLUTIONS

As required by Rule 8 of the ULCC Criminal Section Rules of Procedure the federal jurisdictional representative reports on the status of the resolutions carried in prior years. ULCC resolutions are adopted by majority vote by a show of hands. Resolutions may also be amended, withdrawn and on rare occasions defeated. A chart containing all the resolutions adopted by the Criminal Section since 1983 can be found on the Uniform Law Conference of Canada website (<https://www.ulcc-chlc.ca/>).

During the past five years (2018-2023), the Criminal Section considered 150 resolutions. The table below divides the current resolutions in cycle by 7 categories. “Legislative action” refers to resolutions that have turned partially or wholly into Bills, including those Bills that have subsequently passed into law. Resolutions that have received “no action,” are those that have not yet been reviewed by Justice. “No change” means there have been no substantial change in status since the previous year. Resolutions “not yet done” have been reviewed but have not undergone any meaningful study or work. On the other hand, “resolutions under consideration by Justice Canada,” refer to resolutions that are currently being studied or for which work is being done. Similarly, “resolutions under active consideration by Justice Canada,” are those where study and work are nearly complete, and which are close to being introduced into a Bill or other policy. These resolutions tend to impact the *Criminal Code* or its sister legislation like the *Youth Criminal Justice Act (YCJA)*, the *Controlled Drugs and Substances Act (CDSA)* and the *Canada Evidence Act*. Oftentimes, these resolutions await the proper opportunity to enter the legislative process, such as becoming the subject of FPT consultations, Supreme Court of Canada decisions, or the political/philosophical direction of the Minister of Justice and Attorney General of Canada and indeed the government of the day. Finally, “working group” refers to resolutions that are being studied by working groups.

Table 1: Status of ULCC Resolutions 2018-2023

Status	Resolutions	Total
Legislative Action	AB2023-06; MB2022-03; Can-CAPCJ2021-02; Can-CBA2021-03; ON2021-02; QC2021-01; QC2019-01; AB2018-05; ON2018-01; ON2018-05	10
No action	AB2023-01; AB2023-02; AB2023-03; Can-CAPCJ2023-01; Can-CAPCJ2023-02; Can-CBA2023-03; Can-PPSC2023-03; Can-PPSC2023-04; NS2023-02; NS2023-03; QC2023-02; QC2023-04; AB2022-01; Can-CAPCJ2022-01; ON2022-05; Can-PPSC2021-02; SK2019-01; SK2019-02; BC2018-03; Can-CBA2018-02	20
No change	NS2023-02; ON2023-03; Can-PPSC2022-02; NB2022-01; QC2022-05; AB2021-03; Can-CBA2021-01; Can-CCCDL2021-01; Can-PPSC2021-01; ON2021-01; BC2019-03; Can-CBA2019-02; Can-PPSC2019-01; Can-PPSC2019-02; Can-PPSC2019-03; MB2019-02; ON2019-03; QC2019-02; QC2019-03; AB2018-03; AB2018-04; BC2018-01; BC2018-04; BC2018-05; Can-CBA2018-01; Can-PPSC2018-01; Can-PPSC2018-02; NB2018-01; ON2018-02; ON2018-03; ON2018-04; QC2018-01; QC2018-04; QC2018-05	34
Not yet done	NS2023-01; SK2023-01; Can-CAPCJ2022-02; ON2022-01; ON2022-02; QC2022-02; AB2021-02; AB2021-04; BC2018-02	9
Resolution under consideration by Justice Canada	MB2023-01; QC2023-01; SK2023-03; BC2022-01; ON2022-04; QC2021-02; BC2019-02; AB2018-02; QC2018-02	9
Resolution under active consideration by Justice Canada	Can-PPSC2023-01; Can-PPSC2023-02; QC2023-05; MB2022-01; Can-CAPCJ2021-01; MB2021-01	6
Working Groups (including CCSO FPTs)	BC2023-01; BC2023-02; ON2023-01; ON2023-02; ON2023-04; QC2023-03; QC2022-06; AB2023-05; AB2022-02; BC2022-02; Can-PPSC2022-01; ON2022-03; QC2022-04; AB2021-01; BC2021-01; ON2021-03; QC2021-03; MB2021-02; ON2019-02; ON2019-04; Can-CBA2018-03; Can-CBA2018-05; QC2018-06	23
Total		111

Several key elements should be noted about the numbers in Table 1. In total, 15 of the resolutions listed are currently being considered by Justice Canada, 6 of which are under active consideration. An additional 10 resolutions have informed or been addressed through different legislative initiatives and 23 are the subject of Working Group studies, including CCSO FPT studies.

The 10 resolutions that were taken into account in legislative initiatives are as follows:

1. AB2023-06: Clause 2 of Bill [S-205](#), introduced on November 24, 2021, proposes to

amend section 810 of the *Criminal Code* to authorize a justice to order a defendant to enter into a recognizance for a period of not more than two years in cases where that defendant has been previously convicted of intimate partner violence and the application concerns intimate partner violence involving the defendant. Bill S-205 is currently at the Report Stage in the House of Commons.

2. MB2022-03: Clause 1 of [Bill S-12](#), introduced on April 26, 2023 amended section 153.1(1)(a) of the *Criminal Code* to increase the maximum term of imprisonment for an indictable offence of the sexual exploitation of a person(s) with (a) disability(ies) to 10 years. Bill S-12 received royal assent on October 26th, 2023.
3. Can-CAPCJ2021-02: This resolution has been addressed in subsequent legislative initiatives. It should be noted that this is not a resolution that requires a single, specific or concrete action or amendment. Rather, it requires Criminal Law Policy Section (CLPS) consideration and Ministerial decision on each legislative initiative. CLPS is actively considering the inclusion of temporal application clauses in its legislative advisory work, while the decision-making in this regard continues to be a matter of Ministerial/Government decision-making, which implements the recommendation to the extent possible.
4. Can-CBA2021-03: Addressed in [Bill S-231](#), *An Act to amend the Criminal Code, the Criminal Records Act, the National Defence Act and the DNA Identification Act*. Bill S-231 is currently at the Standing Senate Committee on Legal and Constitutional Affairs.
5. ON2021-02: Clause 13 of [Bill C-21](#) (Firearms), introduced on May 30, 2022 amended section 183 of the *Criminal Code* to include in the definition of “offence” sections 92, 95 and the new offence of altering a cartridge magazine in proposed section 104.1. Bill C-21 received royal assent on December 15, 2023.
6. QC2021-01: Addressed in [Bill S-12](#), which received royal assent on October 26, 2023.
7. QC2019-01: Addressed in [Bill S-4](#), which received royal assent on December 15th, 2022 and came into force 30 days later.
8. AB2018-05: With the passage of [Bill C-59](#), *An Act respecting national security matters the Youth Criminal Justice Act* (YCJA) in paragraph 119(2)(d.1) now provides a records access period for recognizances. Bill C-59 received royal assent on June 21st, 2019.
9. ON2018-01: With the passage of [Bill C-59](#), the YCJA (s. 67) provides all young persons charged with murder with an election as to mode of trial regardless of whether the Attorney General has given notice of the intention to seek an adult sentence against the young person. Bill C-59 received royal assent on June 21st, 2019.

10. ON2018-05: Addressed in [Bill C-5](#), *An Act to amend the Criminal Code and the Controlled Drugs and Substances Act*. Bill C-5 received royal assent on November 17th, 2022.

Part III - LEGISLATIVE INITIATIVES (AUGUST, 2023 – 2024)

Turning to federal criminal law reform and the bills introduced or before Parliament since last year, there were twelve (12) Government justice-related bills on various criminal law topics. Of these, six (6) have received Royal Assent.

There were also twenty-nine (29) Private Members' Bills (PMBs) and eighteen (18) Senate Public Bills either introduced or before Parliament during the same period – none of these bills have received Royal Assent.

Further details of these legislative initiatives are provided below.

Government Bills (12)

Six (6) Government Bills received Royal Assent:

1) [Bill C-21](#), *An Act to amend certain Acts and to make certain consequential amendments (firearms)*

This Bill proposed significant amendments to the *Firearms Act*, the *Criminal Code* and other statutes with the goal of addressing firearms violence and improving public safety. Amendments include:

- (a) the creation of “red flag” and “yellow flag” laws to permit individuals to seek court orders for the immediate removal of firearms or the suspension of firearms licenses where public safety risks have been identified;
- (b) increased maximum penalties for a number of *Criminal Code* firearms offences, including weapons smuggling and trafficking;
- (c) the creation of a new offence of altering a magazine cartridge; and,
- (d) added sections 92 and 95 to the definition of offence in section 183 of the *Criminal Code*;

Bill C-21 received Royal Assent on December 15, 2023 (S.C. 2023, c. 32).

2) [Bill C-48](#), *An Act to amend the Criminal Code (bail reform)*

This Bill amended the *Criminal Code* to, among other things,

- (a) create a reverse onus provision for any person charged with a serious offence involving violence and the use of a weapon who has been convicted, within the last five years, of a serious offence involving violence and the use of a weapon;

- (b) add certain firearms offences to the existing reverse onus provisions;
- (c) expand the reverse onus provision for offences involving intimate partner violence to ensure that it applies to an accused person who has been previously discharged for such an offence;
- (d) require the court to consider if an accused person has any previous convictions involving violence and to include in the record a statement that the safety and security of the community was considered; and
- (e) require the court to include in the record a statement setting out how the court determined whether the accused is Aboriginal or belongs to a vulnerable population and, if so, how the particular circumstances of the accused were considered.

This Bill also made further clarifications and provides for a parliamentary review of the provisions it enacts or amends to commence on the fifth anniversary of the day on which it receives royal assent, or as soon as feasible after that anniversary.

Bill C-48 received Royal Assent on December 5, 2023 (S.C. 2023, c. 30).

3) [Bill C-59](#), *An Act to implement certain provisions of the fall economic statement tabled in Parliament on November 21, 2023 and certain provisions of the budget tabled in Parliament on March 28, 2023*

This Bill provided for greater flexibility in meeting the requirement to demonstrate that property was obtained from the commission of a specific designated offence in the offence of laundering proceeds of crime, when carried out by a person who was not involved in the commission of a predicate offence (i.e., third party money launderers). It streamlined the special search warrants and the special restraint order for proceeds of crime in Part XII.2 (Proceeds of Crime) by repealing the provisions requiring an undertaking from the Attorney General in relation to loss or damage of seized or restrained property and removing the requirement to establish that the property may be forfeited under subsections 462.37(1) or (2.01) or 462.38(2). Lastly, it clarified that the production order for financial data applies to identifiers associated with digital assets.

Bill C-59 received Royal Assent on June 20, 2024 (S.C. 2023, c. 15).

4) [Bill C-69](#), *An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024*

This Bill created two new auto theft offences that target violence used in the commission of the offence or links to organized crime. In addition, the Bill created an offence addressing the laundering of proceeds of crime for the benefit of, at the direction of, or in association with a criminal organization. The Bill also implemented a new aggravating factor at sentencing applicable to an adult offender who involves a young person in the commission of an offence, including auto theft. The Bill also created two new offences targeting the possession and distribution of electronic devices suitable for committing auto theft. Additionally, it made wiretap warrants and DNA orders available for the existing auto theft offences and the new offences created under Bill C-69.

Further, as part of a broader set of amendments to several statutes to respond to money laundering and terrorism financing, the Bill amended the *Criminal Code* in two ways. It established an order to require a person to keep an account open to assist in the investigation of a suspected criminal offence. Second, it established a production order requiring a person to produce specified documents or data on specified dates over the period that the order is in effect to support an investigation into a criminal offence.

Bill C-69 received Royal Assent on June 20, 2024 (S.C. 2024, c.17).

5) [Bill C-70](#), *An Act respecting countering foreign interference*

This Bill bolstered Canada’s ability to detect, disrupt, and counter foreign interference threats. It establishes a framework for a Foreign Influence Transparency Registry, updates the *Security of Information Act*, the *Canada Evidence Act*, and the *Criminal Code*. Specifically, it amended the *Criminal Code* to, among other things, broaden the scope of the sabotage offence to include certain acts done in relation to essential infrastructures and ensure that certain provisions respecting the interception of “private communications” as defined in that Act apply to certain offences in the *Foreign Interference and Security of Information Act*.

Bill C-70 received Royal Assent on June 20, 2024 (S.C. 2024, c. 16).

6) [Bill S-12](#), *An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act*

Bill S-12 proposed to amend the *Criminal Code*, the *Sex Offender Information Registration Act* and the *International Transfer of Offenders Act* to, among other things,

- (a) require compliance with the *Sex Offender Information Registration Act* for persons who are convicted of an offence of a sexual nature against a child and for persons who have been convicted on separate occasions of two or more offences of a sexual nature;
- (b) require other persons who are convicted of, or receive a verdict of not criminally responsible on account of mental disorder for, an offence of a sexual nature to comply with that Act unless a court is satisfied that doing so would have no connection to the purposes of that Act or that the impact on the person of doing so would be grossly disproportionate to those purposes;
- (c) provide that an order to comply with that Act as a result of convictions, or verdicts of not criminally responsible on account of mental disorder, for two or more offences of a sexual nature that are dealt with in the same proceeding — or an obligation to comply with that Act as a result of convictions, or such verdicts, for two or more offences of a sexual nature — does not apply for life if a court is satisfied that the offences do not demonstrate a pattern of behaviour showing that the person presents an increased risk of reoffending by committing such an offence;
- (d) authorize a peace officer to obtain a warrant to arrest a person who has contravened any

of sections 4 to 5.1 of that Act and bring them to a registration centre to remedy that contravention; and

- (e) clarify the obligations in section 6 of that Act respecting the notice that sex offenders who plan to absent themselves from their residence must provide.

The Bill also amended the *Criminal Code* to, among other things, codify the process for modifying and revoking publication bans, and add a requirement for sentencing courts to inquire into whether the victim of an offence would like to receive information about the administration of the offender's sentence and, in the affirmative, provide the Correctional Service of Canada with the victim's contact information.

Bill S-12 received Royal Assent on October 26, 2023 (S.C. 2023, c. 28).

Six (6) Government Bills remain before Parliament:

- 1) **Bill C-40, *An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation (miscarriage of justice reviews)***

This Bill proposes to amend the *Criminal Code* to, among other things,

- (a) Establish an independent body to be called the Miscarriage of Justice Review Commission;
- (b) replace the review process set out in Part XXI.1 with a process in which applications for reviews of findings and verdicts on the grounds of miscarriage of justice are made to the Commission instead of to the Minister of Justice;
- (c) confer on the Commission powers of investigation to carry out its functions;
- (d) provide that the Commission may direct a new trial or hearing or refer a matter to the court of appeal if it has reasonable grounds to conclude that a miscarriage of justice may have occurred and considers that it is in the interests of justice to do so;
- (e) authorize the Commission to provide supports to applicants in need and to provide the public, including potential applicants, with information about its mandate and miscarriages of justice; and
- (f) require the Commission to make and publish policies and to present and publish annual reports that include demographic and performance measurement data.

It also makes consequential amendments to other Acts and repeals the Regulations Respecting Applications for Ministerial Review — Miscarriages of Justice.

Bill C-40 was introduced on February 16, 2023 and awaits Second Reading in the Senate.

- 2) **Bill C-63, *An Act to enact the Online Harms Act, to amend the Criminal Code, the Canadian Human Rights Act and An Act respecting the mandatory reporting of Internet***

child pornography by persons who provide an Internet service and to make consequential and related amendments to other Acts

This Bill, among other things, proposes to amend the *Criminal Code* to

- (a) create a hate crime offence of committing an offence under that Act or any other Act of Parliament that is motivated by hatred based on certain factors;
- (b) create a recognizance to keep the peace relating to hate propaganda and hate crime offences;
- (c) define “hatred” for the purposes of the new offence and the hate propaganda offences; and
- (d) increase the maximum sentences for the hate propaganda offences.

Bill C-63 was introduced on February 26, 2024 and is undergoing Second Reading in the House of Commons.

3) [Bill C-66](#), *An Act to amend the National Defence Act and other Acts*

This Bill, among other things, would amend the *National Defence Act* to harmonize the sex offender information and publication ban provisions with the amendments made to the *Criminal Code* in *An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act*. It also would amend the *Criminal Code* to, among other things, provide superior courts of criminal jurisdiction with the jurisdiction to hear applications for an exemption in respect of orders to comply with the *Sex Offender Information Registration Act* made under the *National Defence Act* and applications to vary the duration of such orders.

Bill C-66 was introduced on March 21, 2024 and is awaiting Second Reading in the House of Commons.

4) [Bill S-15](#), *An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*

This Bill would amend the *Criminal Code* to create offences related to keeping elephants and great apes in captivity, subject to certain exceptions. It also would amend the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* to, among other things, specify the circumstances in which the importation or exportation of living elephants and great apes may be permitted as well as the circumstances in which the keeping of these animals in captivity may be authorized.

Bill S-15 was introduced on November 21, 2023 and has completed Consideration in Committee by the Standing Senate Committee on Legal and Constitutional Affairs, it is currently at report stage.

5) [Bill S-7](#), *An Act to amend the Customs Act and the Preclearance Act, 2016*

This Bill would amend the *Customs Act* to

- (a) clarify the circumstances in which border service officers may examine documents stored on personal digital devices;
- (b) authorize the making of regulations in respect of those examinations; and
- (c) update certain provisions respecting enforcement, offences and punishment.

The enactment also would amend the *Preclearance Act, 2016* to

- (a) clarify the circumstances in which preclearance officers may examine, search and detain documents stored on personal digital devices;
- (b) authorize the making of regulations and the giving of ministerial directions in respect of those examinations, searches and detentions; and
- (c) update the French version of that Act in respect of a traveller's obligation to identify themselves.

Bill S-7 was introduced on March 21, 2022 and awaits Second Reading in the House of Commons.

6) **Bill S-13**, *An Act to amend the Interpretation Act and to make related amendments to other Acts*

This Bill would amend the *Interpretation Act* to provide that Acts of Parliament and regulations are to be construed as upholding the Aboriginal and treaty rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*, and not as abrogating or derogating from them. It also would amend or repeals similar provisions in other Acts known as non-derogation clauses.

Bill S-13 was introduced on June 8, 2023 and awaits Second Reading in the House of Commons.

Private Members' Bills (29)

Three (3) Private Members' Bill were defeated over the past year:

1) **Bill C-314**, *An Act to amend the Criminal Code (medical assistance in dying)*

This Bill sought to amend the *Criminal Code* to provide that a mental disorder is not a grievous and irremediable medical condition for which a person could receive medical assistance in dying.

Bill C-314 was defeated at Second Reading in the House of Commons on October 18, 2023.

2) **Bill C-325**, *An Act to amend the Criminal Code and the Corrections and Conditional Release Act (conditions of release and conditional sentences)*

This Bill sought to amend the *Criminal Code* and the *Corrections and Conditional Release Act* to create a new offence for the breach of conditions of conditional release imposed in relation to certain serious offences and to require the reporting of those breaches to the appropriate authorities.

Bill C-325 was defeated at Second Reading in the House of Commons on October 18, 2023.

3) **Bill C-381**, *An Act to amend the Criminal Code (extortion)*

This Bill sought to amend mandatory minimum penalties in relation to the offence of extortion, including when the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization. Additionally, it would have added arson as an aggravating factor for the purposes of sentencing when a person is convicted of extortion.

Bill C-381 was defeated at Second Reading in the House of Commons on February 12, 2024.

Twenty-six (26) Private Members' Bills proposing changes to the Criminal Code remain before Parliament:

1) [Bill C-202](#), *An Act to amend the Criminal Code (controlling or coercive control)*

This Bill proposes a new *Criminal Code* offence that would prohibit engaging in controlling or coercive conduct towards an intimate partner that has a “significant impact” on them, including a decline in their physical or mental health, or a “substantial adverse effect” on their daily activities.

The Bill was introduced on November 25, 2021 and awaits Second Reading in the House of Commons.

2) [Bill C-209](#), *An Act to amend the Criminal Code and the Controlled Drugs and Substances Act*

This Bill would repeal mandatory minimum penalties in the *Criminal Code* and the *Controlled Drugs and Substances Act*.

The Bill was introduced on December 9, 2021 and awaits Second Reading in the House of Commons.

3) [Bill C-213](#), *An Act to amend the Criminal Code (criminal interest rate)*

This Bill would amend the *Criminal Code* to lower the criminal rate of interest to an amount that exceeds the Bank of Canada’s overnight rate by 30%. It also would amend the definition of interest to include the charges paid to obtain insurance. Finally, it repeals the provision of the *Criminal Code* exempting payday loans from the criminal interest rate provisions.

The Bill was introduced on December 14, 2021 and awaits Second Reading in the House of Commons.

4) [Bill C-220](#), *An Act to amend the Criminal Code (assault against a health care worker)*

This Bill would amend the *Criminal Code* to require sentencing courts to treat assaults (or uttering threats) committed against health care workers engaged in the performance of their duties as an aggravating factor at sentencing.

Bill C-220 was introduced on December 16, 2021 and awaits Second Reading in the House of Commons.

5) [Bill C-229](#), *An Act to amend the Criminal Code (banning symbols of hate)*

This Bill would create a new *Criminal Code* hybrid offence that prohibits the public display, sale or offer for sale of symbols, emblems, flags or uniforms that are associated with persons or organizations that promote or incite hatred against an identifiable group.

Bill C-229 was introduced on February 3, 2022 and awaits Second Reading in the House of Commons.

6) [Bill C-261](#), *An Act to amend the Criminal Code and the Canadian Human Rights Act and to make related amendments to another Act (hate propaganda, hate crimes and hate speech)*

Bill C-261 seeks to address hate propaganda, hate crime and hate speech and would amend the *Criminal Code* to create a new peace bond directed at preventing the commission of hate propaganda offences or hate crimes in the *Criminal Code*. It also includes a definition of “hatred” in the *Criminal Code* based on Supreme Court of Canada jurisprudence.

This Bill also proposes amendments to the *Canadian Human Rights Act* to define a new discriminatory practice of communicating hate speech online and to provide individuals with additional remedies to address hate speech.

Bill C-261 duplicates the amendments proposed in the Government’s former Bill C-36. The Bill was introduced on March 28, 2022 and awaits Second Reading in the House of Commons.

7) [Bill C-270](#), *An Act to amend the Criminal Code (pornographic material)*

This Bill would amend the *Criminal Code* to prohibit a person from making, distributing or advertising pornographic material for commercial purposes without having first ascertained that, at the time the material was made, each person whose image is depicted in the material was 18 years of age or older and gave their express consent to their image being depicted.

Bill C-270 was introduced on April 28, 2022 and is undergoing Consideration in Committee by the Standing Committee on Justice and Human Rights at the House of Commons.

8) [Bill C-273](#), *An Act to amend the Criminal Code (Corinne’s Quest and the protection of children)*

This Bill would repeal section 43 of the *Criminal Code*, the provision that provides a limited defence for parents/caregivers who use minor corrective force that is reasonable in the circumstances.

Bill C-273 was introduced on May 19, 2022 and is at the Report Stage in the House of Commons.

9) [Bill C-274](#), *An Act to amend the Criminal Code (detention in custody)*

This Bill would mandate pre-trial detention for accused who have been charged more than twice with an indictable offence punishable by five years imprisonment or more, unless exceptional circumstances warrant their release.

Bill C-274 was introduced on May 19, 2022 and awaits Second Reading in the House of Commons.

10) [Bill C-279](#), *An Act to amend the Criminal Code (criminal organizations)*

This Bill would authorize the Governor in Council to list criminal organizations.

Bill C-279 was introduced on June 2, 2022 and awaits Second Reading in the House of Commons.

11) [Bill C-291](#), *An Act to amend the Criminal Code and to make consequential amendments to other acts (child sexual abuse material)*

This Bill would replace references to “child pornography” with “child sexual abuse material” in federal law.

Bill C-291 was introduced on June 17, 2022 and is undergoing Consideration in Committee by the Standing Senate Committee on Legal and Constitutional Affairs.

12) [Bill C-295](#), *An Act to amend the Criminal Code (neglect of vulnerable adults)*

This Bill would amend the *Criminal Code* to create an offence for long-term care facilities, their owners and their officers to fail to ensure necessities of life are provided to residents of the facilities.

The Bill also allows the court to make an order prohibiting the owners and the officers of such facilities from being, through employment or volunteering, in charge of or in a position of trust or authority towards vulnerable adults and to consider as an aggravating factor for the purpose of sentencing the fact that an organization failed to perform the legal duty that it owed to a vulnerable adult.

Bill C-295 was introduced on June 20, 2022 and is at second reading in the Senate.

13) [Bill C-296](#), *An Act to amend the Criminal Code (increasing parole ineligibility)*

This Bill would amend the *Criminal Code* to increase the period of parole ineligibility for persons convicted of certain enumerated kidnapping/abduction offences, as well as certain enumerated sexual offences and the offence of murder in respect of the same victim and the same event or series of events.

Bill C-296 was introduced on June 20, 2022 and awaits Second Reading in the House of Commons.

14) [Bill C-299](#), *An Act to amend the Criminal Code (life imprisonment)*

This Bill would amend the *Criminal Code* to increase the maximum penalty to life imprisonment for certain indictable offences.

Bill C-299 was introduced on October 4, 2022 and awaits Second Reading in the House of Commons.

15) [Bill C-313](#), *An Act to amend the Criminal Code (justification for detention in custody)*

This Bill would amend the *Criminal Code* to increase the burden that an accused must satisfy, in certain exceptional circumstances, to establish that their detention in custody is not justified.

Bill C-313 was introduced on February 9, 2023 and awaits Second Reading in the House of Commons.

16) [Bill C-321](#), *An Act to amend the Criminal Code (assaults against health care professionals and first responders)*

This Bill would amend the *Criminal Code* to require a court to consider the fact that the victim of an assault is a health care professional or a first responder to be an aggravating circumstance for the purposes of sentencing.

Bill C-321 was introduced on March 9, 2023 and is undergoing Consideration in Committee by the Standing Senate Committee on Legal and Constitutional Affairs.

17) [Bill C-332](#), *An Act to amend the Criminal Code (controlling or coercive conduct)*

This Bill would amend the *Criminal Code* to create an offence of exercising coercive control of an intimate partner by engaging in a pattern of conduct that consists of any combination, or any repeated instances, of any of the following acts: using, attempting to use or threatening to use violence against certain persons, coercing or attempting to coerce the intimate partner to engage in sexual activity or engaging in other conduct that could reasonably be expected to cause the intimate partner to believe that their safety, or the safety of a person known to them, is threatened.

Bill C-332 was introduced on May 18, 2023 and awaits Second Reading in the Senate.

18) [Bill C-334](#), *An Act to amend the Criminal Code, the Judges Act and the Director of Public Prosecutions Act (orders prohibiting publication of identifying information)*

This Bill would amend the *Criminal Code* to improve communications with a victim before and after a court makes an order to protect the victim's identity, to prohibit the order from being made without the victim's consent in a case where the victim is consulted before the prosecutor applies for such an order, and to establish a procedure for revoking or varying such an order. In the case of an adult victim of certain offences, including sexual offences, it also provides that a court may revoke or vary the order when prompted to do so by the victim's impact statement. Finally, this enactment would amend the *Judges Act* and the *Director of Public Prosecutions Act* to provide for training relating to such orders and their impact on victims of sexual offences for federally appointed judges and prosecutors.

Bill C-334 was introduced on May 31, 2023 and awaits Second Reading in the House of Commons.

19) [Bill C-336](#), *An Act to amend the Criminal Code and the Sex Offender Information Registration Act*

This Bill would amend the *Criminal Code* to allow a court to order that a sex offender who is likely to reoffend must comply with the reporting obligations under the *Sex Offender Information Registration Act* for 30 years. It also provides that a sex offender must complete a sex offender treatment program before applying for termination of the order.

The enactment also would amend the *Sex Offender Information Registration Act* to increase the frequency with which a sex offender must report to a registration centre and to require an offender to report to a registration centre before moving to a new address. Finally, the enactment makes it an offence to fail to report to a registration centre as required.

Bill C-336 was introduced on June 5, 2023 and awaits Second Reading in the House of Commons.

20) [Bill C-373](#), *An Act to amend the Criminal Code (promotion of hatred or antisemitism)*

This Bill would amend the *Criminal Code* to eliminate as a defence against wilful promotion of hatred or antisemitism the fact that a person, in good faith, expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text

Bill C-373 was introduced on February 5, 2024 and awaits Second Reading in the House of Commons.

21) [Bill C-376](#), *An Act to amend the Criminal Code (orders prohibiting the possession of weapons)*

This Bill would amend the *Criminal Code* to require a court to make an order prohibiting an individual from possessing a weapon for a specified period if the individual is convicted of an indictable offence in the commission of which violence against a person was used, threatened or attempted, regardless of the length of the term of imprisonment to which the individual may be sentenced.

Bill C-376 was introduced on February 12, 2024 and awaits Second Reading.

22) [Bill C-390](#), *An Act to amend the Criminal Code (provincial medical assistance in dying framework)*

This Bill would amend the *Criminal Code* to provide that medical assistance in dying may be provided under a provincial framework that allows a person who has an illness that will deprive them of the capacity to consent to care to make an advance request for such assistance.

Bill C-390 was introduced on May 22, 2024 and awaits Second Reading in the House of Commons.

23) [Bill C-391](#), *An Act to amend the Criminal Code and the Controlled Drugs and Substances Act (possession of weapons and drugs in hospitals)*

This Bill would amend the *Criminal Code* to require the court to consider as an aggravating circumstance the fact that a person was in possession of a weapon in or near a hospital, on or near hospital grounds or in or near any other public health care facility. It also would amend the *Controlled Drugs and Substances Act* to prevent the Minister from granting an exemption that would result in the illicit or unprescribed use of a controlled substance in a hospital.

Bill C-391 was introduced on May 28, 2024 and awaits Second Reading in the House of Commons.

24) [Bill C-392](#), *An Act to amend the Criminal Code to address the Supreme Court of Canada decision in R. v. Jordan*

This Bill would amend the *Criminal Code* to codify the analytical framework the Supreme Court of Canada set out in its decision in *R. v. Jordan* regarding the right of an accused awaiting trial before a superior or provincial court to be tried within a reasonable time, and to provide for exceptions to this framework.

Bill C-392 was introduced on May 30, 2024 and awaits Second Reading in the House of Commons.

25) [Bill C-394](#), *An Act to amend the Controlled Drugs and Substances Act (importing, exporting and producing certain substances)*

This Bill would amend the *Controlled Drugs and Substances Act* to reinstate certain mandatory minimum penalties in relation to importing, exporting and producing certain substances.

Bill C-394 was introduced on June 12, 2024 and awaits Second Reading in the House of Commons.

26) [Bill C-395](#), *An Act to amend the Criminal Code (public transit workers)*

This Bill would amend the *Criminal Code*, in relation to the offence of assault, to expand the aggravating circumstance of assaulting a public transit operator to include all public transit workers.

Bill C-395 was introduced on June 12, 2024 and awaits Second Reading in the House of Commons.

Senate Public Bills (18)

One (1) Senate Public Bill was dropped from the Senate Order Paper:

1) **Bill S-241**, *An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (great apes, elephants and certain other animals)*

This Bill sought to amend the *Criminal Code* to create offences respecting great apes, elephants and certain other non-domesticated animals in captivity, including respecting captive breeding. It would have authorized the creation of “animal advocates” and created a regime for designating animals, which would trigger protections under the proposed provisions.

It also would have amended the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* to require a permit for the import, export or interprovincial transportation and captive breeding of great apes, elephants and certain other non-domesticated animals.

Bill S-241 was dropped from the Senate Order Paper on Monday, February 12, 2024

Seventeen (17) Senate Public Bills remain before Parliament:

1) **Bill S-205**, *An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders)*

This Bill would amend the *Criminal Code* in respect of interim release and other orders related to intimate partner violence offences. The enactment also provides for recognizance orders to be made when there is a reasonable fear of domestic violence.

Bill S-205 was introduced on November 24, 2021 and is at Report Stage in the House of Commons.

2) **Bill S-210**, *An Act to restrict young persons’ online access to sexually explicit material*

This Bill would make it an offence for organizations to make sexually explicit material available to young persons on the Internet. It also would enable a designated enforcement authority to take steps to prevent sexually explicit material from being made available to young persons on the Internet in Canada.

Bill S-210 was introduced on November 24, 2021 and awaits Report Stage before the House of Commons.

3) **Bill S-212**, *An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation*

This Bill would amend the *Criminal Records Act* to provide for the expiry of criminal records. It also makes consequential amendments to other Acts and repeals a regulation.

Bill S-212 was introduced on November 24, 2021 and is at Third Reading in the Senate.

4) **Bill S-213**, *An Act to amend the Criminal Code (independence of the judiciary)*

This Bill would amend the *Criminal Code* to give a court the discretion to vary the punishment to be imposed in respect of an offence for which the punishment or different degrees or kinds of punishment is prescribed in an enactment.

It would allow a court to decide to not make a mandatory prohibition order provided for under a provision of that Act, or to add conditions or vary any of the conditions set out in that provision, if the court considers it just and reasonable to do so. It would require the court to provide its reasons for making such a decision.

It would require a court to consider all available options prior to imposing a minimum punishment of imprisonment or period of parole ineligibility under a provision of that Act, and to provide written reasons for imposing a minimum punishment of imprisonment or period of parole ineligibility.

It would give a court discretion in the treatment or counselling program that a person who has been found guilty of an offence may attend and would remove the requirement for the Attorney General to give his or her consent in order to delay sentencing under subsection 720(2) of that Act.

It would provide that a judge is to take into consideration the recommendation of the jury in setting the period of parole ineligibility of a person who has been found guilty of first or second-degree murder.

Bill S-213 was introduced on November 24, 2021 and awaits Consideration in Committee by the Senate Standing Committee on Legal and Constitutional Affairs.

5) **[Bill S-231](#), *An Act to amend the Criminal Code, the Criminal Records Act, the National Defence Act and the DNA Identification Act***

This Bill would amend the *Criminal Code*, the *Criminal Records Act*, the *National Defence Act* and the *DNA Identification Act* to promote the DNA collection system and increase the number of DNA profiles stored in the national DNA data bank.

Bill S-231 was introduced on December 2, 2021 and is at Report Stage in the Senate.

6) **[Bill S-232](#), *An Act respecting the development of a national strategy for the decriminalization of illegal substances, to amend the Controlled Drugs and Substances Act and to make consequential amendments to other Acts***

This Bill provides for the development of a national strategy to decriminalize simple possession of illegal substances, would amend the *Controlled Drugs and Substances Act* to repeal provisions that make it an offence to possess certain substances and would make consequential amendments to other Acts.

Bill S-232 was introduced on December 7, 2021 and is awaiting Consideration in Committee in the Senate by the Standing Senate Committee on Social Affairs, Science and Technology.

7) **[Bill S-237](#), *An Act to establish the Foreign Influence Registry and to amend the Criminal Code***

The Bill would enact the *Foreign Influence Registry and Accountability Act*, which imposes an obligation on individuals acting on behalf of a foreign principal to file a return when they undertake specific actions with respect to public office holders. It also provides for the establishment of a public registry in which all returns must be kept.

It also would amend the *Criminal Code* to increase the sentence for intimidation if the offender acted on behalf of the government of a foreign state, and it specifies that anyone who has filed a return under the *Foreign Influence Registry and Accountability Act* is presumed to be acting on behalf of the government of a foreign state unless the contrary is proved on a balance of probabilities.

Bill S-237 was introduced on February 24, 2022 and is at Second Reading in the Senate.

8) **Bill S-238, *An Act to amend the Criminal Code and the Canadian Victims Bill of Rights (information about the victim)***

This Bill would amend the *Criminal Code* to authorize the imposition of a condition relating to various orders that prohibits the accused/offender/defendant from publishing, distributing, transmitting or making accessible information about a victim.

It also would amend the *Canadian Victims Bill of Rights* to enumerate a new right to have reasonable and appropriate measures taken by criminal justice system authorities to prohibit the posting of information about victims by offenders.

Bill S-238 was introduced on February 24, 2022 and is awaiting Consideration in Committee before the Standing Senate Committee on Legal and Constitutional Affairs.

9) **Bill S-239, *An Act to amend the Criminal Code (criminal interest rate)***

This Bill would amend the *Criminal Code* to lower the criminal rate of interest from 60% to the Bank of Canada's overnight rate plus 20%.

Bill S-239 was introduced on March 1, 2022 and is at Second Reading in the Senate.

10) **Bill S-248, *An Act to amend the Criminal Code (medical assistance in dying)***

This Bill would amend the *Criminal Code* to

- (a) permit an individual whose death is not reasonably foreseeable to enter into a written arrangement to receive medical assistance in dying on a specified day if they lose the capacity to consent to receiving medical assistance in dying prior to that day; and
- (b) permit an individual who has been diagnosed with a serious and incurable illness, disease or disability to make a written declaration to waive the requirement for final consent when receiving medical assistance in dying if they lose the capacity to consent to receive medical assistance in dying, are suffering from symptoms outlined in the written declaration and have met all other relevant safeguards outlined in the *Criminal Code*.

Bill S-248 was introduced on June 2, 2022 and is awaiting Consideration in Committee under the Standing Senate Committee on Legal and Constitutional Affairs.

11) [Bill S-250](#), *An Act to amend the Criminal Code (sterilization procedures)*

This Bill would make it an offence to perform a sterilization procedure without the consent of person on whom it was performed. It would also create an offence of coerced sterilization.

Bill S-250 was introduced on June 14, 2022 and is at Consideration in Committee by the Standing Senate Committee on Legal and Constitutional Affairs.

12) [Bill S-251](#), *An Act to repeal section 43 of the Criminal Code (Truth and Reconciliation Commission of Canada's call to action number 6)*

This Bill would repeal section 43 of the *Criminal Code*, the provision that provides a limited defence for parents/caregivers who use minor corrective force that is reasonable in the circumstances.

Bill S-251 was introduced on June 16, 2022 and is awaiting Consideration in Committee by the Standing Senate Committee on Legal and Constitutional Affairs.

13) [Bill S-252](#), *An Act respecting Jury Duty Appreciation Week*

This Bill would designate the second week of May in each and every year as “Jury Duty Appreciation Week”.

Bill S-252 was introduced on September 29, 2022 and awaits First Reading in the House of Commons.

14) [Bill S-255](#), *An Act to amend the Criminal Code (murder of an intimate partner, one’s own child or an intimate partner’s child)*

The Bill would amend the *Criminal Code* to classify the murder of an intimate partner, one’s own child or an intimate partner’s child as first degree murder.

Bill S-255 was introduced on November 2, 2022 and is at Second Reading in the Senate.

15) [Bill S-256](#), *An Act to amend the Canada Post Corporation Act (Seizure) and to make related amendments to other Acts*

This Bill would amend the *Canada Post Corporation Act* to designate certain statutes under which items in the course of post may be seized, detained or retained. It makes related amendments to the *Criminal Code*, the *Controlled Drugs and Substances Act* and the *Cannabis Act*.

Bill S-256 was introduced on November 22, 2022 and is awaiting Consideration in Committee before the Standing Senate Committee on Legal and Constitutional Affairs.

16) [Bill S-266](#), *An Act to amend the Criminal Code and the Sex Offender Information Registration Act*

This Bill would amend the *Criminal Code* to allow a court to order that a sex offender who is likely to reoffend must comply with the reporting requirements under the *Sex Offender Information Registration Act* for 30 years. It also provides that a sex offender must complete a sexual behaviour treatment program before applying for termination of the order.

The enactment also would amend the *Sex Offender Information Registration Act* to increase the frequency with which a sex offender must report to a registration centre and to require an offender to report to a registration centre before moving to a new address. Finally, the enactment would make it an offence to fail to report to a registration centre as required.

Bill S-266 was introduced on June 6, 2023 and is at Second Reading in the Senate.

17) [Bill S-267](#), *An Act to amend the Criminal Code (aggravating circumstances – evacuation order or emergency)*

This Bill would amend the *Criminal Code* to provide that taking advantage of the fact that a place is under an evacuation order or is experiencing a natural disaster or emergency is to be considered an aggravating circumstance for sentencing purposes.

Bill S-267 was introduced on June 13, 2023 and is at Second Reading in the Senate.

Conclusion

Justice Canada will maintain its close working relationship with ULCC. Delegates are encouraged to follow the progress of these and other criminal law reforms by consulting the Parliament of Canada website, [LEGISinfo](#).

August 22, 2024