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UNIFORM LAW CONFERENCE OF CANADA

**WORKING GROUP ON
S. 490 OF THE CRIMINAL CODE**

STATUS REPORT

**Presented by
Manon Lapointe**

Readers are cautioned that the ideas or conclusions set forth in this paper, including any proposed statutory language and any comments or recommendations, may not have not been adopted by the Uniform Law Conference of Canada. They may not necessarily reflect the views of the Conference and its Delegates. Please consult the Resolutions on this topic as adopted by the Conference at the Annual meeting.

**Via videoconference
August 2020**

Presented to the Criminal Section

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For more information, please contact
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[1] At the 2017 ULCC meeting in Regina, Saskatchewan, the Criminal Section adopted a resolution from British Columbia to examine s. 490 of the *Criminal Code*. The Resolution is as follows:

That the Criminal Section of the Uniform Law Conference of Canada establish a working group to undertake an examination of section 490 (Detention of things seized) of the *Criminal Code* with a view to reform the detention of seized property regime.

(Carried as amended 26-0-1)

[2] The Working Group, chaired by Manon Lapointe of the Public Prosecution Service of Canada (PPSC) is composed of Melissa Adams, Elizabeth Teed (Attorney General of Ontario), Michel Greene (Directeur des poursuites criminelles et pénales), Rachel Huntsman (Royal Newfoundland Constabulary), Mia Manocchio (as representative of the Association québécoise des avocats et des avocates de la défense), Hélène Mathieu, (Department of Justice of Québec), Michael McEachren, Simon William (PPSC), Nadine Nesbitt (Department of Justice of Alberta), Stéphanie O'Connor, Paul St-Denis, Norm Wong (Department of Justice Canada), Nicholas Reithmeier (Department of Justice of British Columbia). The composition of the group will be changing this year with the departure of a number of members who have been assigned to new functions (Rachel Huntsman, Mia Manocchio and Simon William). The working group would benefit from the input of from defence counsel.

[3] This year, the discussions of the working group focussed on the formulation of recommendations pertaining to the three periods covered by s. 490 : 1) from the investigation to the laying of charges, 2) from the laying of charges to the trial and, 3) after the trial.

[4] The working group is recommending to continue its work and report back to the Criminal Section at the annual meeting in 2021. The working group is proposing to continue its study in consultation with other committees which are working on issues related to search warrants.