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UNIFORM LAW CONFERENCE OF CANADA

**WORKING GROUP ON
SECTION 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.

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Newfoundland and Labrador
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Presented to the Criminal Section

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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, Andrew Hotke (Attorney General of Ontario), Isabelle Doray (Director of Criminal and Penal Prosecutions of Quebec), Rachel Huntsman (Royal Newfoundland Constabulary), Michael McEachren, Simon William (PPSC), Luc Labonté (Attorney General of New Brunswick), Nadine Nesbitt (Department of Justice of Alberta), Hélène Mathieu, (Department of Justice of Québec), Stéphanie O'Connor, Paul St-Denis, Normand Wong (Department of Justice Canada), Mia Manocchio (as representative of the Barreau du Québec), Nicholas Reithmeier (Department of Justice of British Columbia). Isabelle Doray and Luc Labonté having been appointed to the bench, the working group will be welcoming new members to replace them.

[3] The working group met throughout the year. The discussions focused mainly on the objectives pursued by the regime set out in s. 490 of the *Criminal Code*, with a view to proposing informed recommendations on useful reforms. To this end, Stéphanie O'Connor made a presentation to the group on the legislative history of the provision.

[4] The next step will consist in formulating recommendations regarding the detention, access, return and disposal of seized items at every step of the criminal process, during the investigation, after the laying of charge(s) and after the trial.

[5] The working group is recommending to continue its work and report back to the Criminal Section at the annual meeting in 2020. The working group is proposing to continue its study in consultation with other committees which are working on issues related to search warrants.