

RESOLUTIONS

ALBERTA

Alberta - 01

The sentence maximums for breaches, or for refusal to enter into recognizances as ordered under sections 810.1, 810.01, 810.2 should be examined to determine if these maximums adequately reflect the risk proposed by offenders subject to these orders.

Carried as amended: 24-1-0

Alberta - 02

The use of model jury instructions promulgated by Canadian Judicial Council should be mandatory.

Carried as amended: 13-6-6

Further, the powers of Appellate review regarding the language of jury instructions should be restricted where those model instructions have been used.

Carried as amended: 12-7-6

Alberta - 03

Where parole or statutory release has been revoked, the Parole Board should be empowered to impose an escalating period of ineligibility to make subsequent applications based on the seriousness of the violation, or the history of previous violations.

Defeated: 6-18-1

Alberta - 04

Section 680 of the *Criminal Code* should be examined to determine if the process of appellate review should be streamlined, and if different processes should be used for review of the various orders presently referenced in that section.

Carried: 19-0-6

BRITISH COLUMBIA

British Columbia - 01

As s. 159 has been found unconstitutional by the Courts of Appeal of Ontario, Quebec, and B.C., and as s. 179(1)(b) has been found unconstitutional by the Supreme Court of Canada, both sections should be removed from the *Criminal Code*.

Carried as amended: 20-0-3

British Columbia - 02

That Justice Canada explore creation of specific procedures for compelling the appearance of the accused for the retrial and creating concurrent jurisdiction to address bail in the appellate court before any appearance in the trial court and in the trial court after the first appearance in the trial court on the retrial.

Carried: 19-0-6

British Columbia - 03

That s. 516(2) be amended to provide that a non-communication order remains in effect until bail is granted or denied, or it is varied by the court.

Carried: 23-0-2

MANITOBA

Manitoba - 01

Amend section 129 of the Corrections and Conditional Release Act to provide the ability to detain long-term offenders who are serving less than 2 years on a new offence or offences.

Carried: 11-5-10

Amend the *Criminal Code* so that an interruption in a long-term offender order takes into account the total sentence (i.e., the actual time spent in custody) and not just the time received at the date of sentencing.

Carried: 16-3-7

Manitoba - 02

That *Criminal Code* sections 372 (1), (2) and (3) should be amended to expand the means by which these offences can be committed to include all methods of telecommunications.

Carried as amended: 25-0-0

NEW BRUNSWICK

New Brunswick - 01

That 743.6 be amended to include all the listed offences found in section 348.1.

Withdrawn after discussion

New Brunswick - 02

That section 657.1 be studied by Justice Canada to identify other offences to be included in its regime and to amend this section accordingly.

Carried as amended: 20-1-1

New Brunswick - 03

That the conduct described in section 372 *Criminal Code* (annoying and harassing communications) be reviewed to establish whether this behaviour should continue to be criminalized, and if so, whether or not this conduct should be criminalized when done in person.

Carried as amended: 20-1-2

New Brunswick - 04

That the French version of subsection 490(8) be amended to reflect the English version in respect to the term hardship.

Carried: 13-1-8

New Brunswick - 05

That section 462.32 be amended to delete the words “in Form 1”.

Carried as amended: 18-0-4

NEWFOUNDLAND**Newfoundland and Labrador - 01**

Resolve that Section 719(3.1) be amended to provide that if an accused person has been remanded pursuant to Section 672.29 in determining sentence a court may take into account any time spent in custody as a result of the offence and is not limited to a maximum credit of 1.5 days for each day served.

Defeated: 4-15-5

NOVA SCOTIA

Nova Scotia - 01

Victims of white collar crime and related offences, frequently bear costs that are not presently covered by the restitution provisions of the *Criminal Code*. These costs for items such as forensic audits can be significant. A criminal section working group should be formed to examine these issues, with the possible participation of the civil section.

Carried as amended: 21-0-2

Nova Scotia - 02

Upon an accused's conviction for a new offence, Sections 730(4) and 732.2(5) of the Criminal Code provide for the revocation of a conditional discharge and suspended sentence and the re-sentence of the accused on the original offence. In practice these sections are not effective. Amendments to the Criminal Code should be considered to give effect to the intent of these sections.

Carried as amended: 18-0-5

ONTARIO

Ontario - 01

That the *Criminal Code*, and other federal legislation, if necessary, be amended to clarify that a person receiving an absolute or conditional discharge is not eligible to be placed on the national sex offender registry.

Carried as amended: 13-5-5

Ontario - 02

That s.672.92(1) be amended to clarify that the place to which the accused is taken has the legal authority to detain that person after the police have delivered him/her to that place, pending a review of the person's status by the provincial Review Board, and that the Review Board be notified of the breach as soon as practicable.

Withdrawn

That Justice Canada, in consultation with the provinces and territories, undertake expeditiously a review of the process following the arrest of an accused under 672.91 of the Criminal Code.

Carried as amended: 23-0-0

Ontario - 03

That the federal Department of Justice, in consultation with the provinces and territories, undertake on an expeditious basis, a review of the scheme set out by s.490 of the *Criminal Code* to deal with the detention of things seized.

Carried: 25-0-0

QUEBEC**Quebec - 01**

Include in the list of offences resulting in the reversal of onus during a bail hearing under subsection 515(6) of the *Criminal Code* the offence set out in section 753.3 Cr.C. for failure or refusal to comply with a long term supervision order.

Carried as amended: 22-0-2

SASKATCHEWAN**Saskatchewan - 01**

Amend s. 752.1 of the *Criminal Code* to require the court to:

- a) designate an expert jointly proposed by the prosecution and defence to perform an assessment on the offender; and
- b) if the parties cannot agree on an expert, designate one expert nominated by the prosecution and one expert nominated by the defence to perform assessments on the offender.

Withdrawn following discussion

Saskatchewan - 02

Amend the *Criminal Code* to stipulate that it applies to the prosecutor, counsel designated under s.650.02 of the *CC*, counsel acting for a defendant charged with a summary conviction offence or counsel appearing as agent for a defendant charged with a summary conviction offence.

Carried as amended: 23-0-0

Saskatchewan - 03

Amend s. 650.02 of the *Criminal Code* by adding a subsection which would provide that, subject to those sections of the *Criminal Code* which require an appearance by video link, when the court cannot open at the place originally scheduled due to exceptional or

emergency circumstances, the court may open in another place and may permit counsel and accused to appear by telephone.

Carried: 24-0-0

CANADA

Canadian Bar Association

CBA – 01

That the *Criminal Code* be amended so that terms for paying restitution in a CSO shall be converted to a free-standing Restitution Order (as presently allowed at the time of sentencing under section 738 of the *Code*) if the CSO is terminated pursuant to section 742.6(9)(d) of the *Code*, unless the judge orders otherwise.

Carried as amended: 23-0-1

CBA – 02

Amend the Criminal Code to allow a reviewing court or justice to commit an accused to stand for trial in cases where jurisdictional error has been found to have been committed by a preliminary inquiry judge in discharging an accused.

Carried as amended: 22-0-0