

ULCC | CHLC

UNIFORM LAW CONFERENCE OF CANADA

**WORKING GROUP ON THE TREATMENT OF ANIMALS IN THE
CRIMINAL CODE**

STATUS REPORT

**Presented by
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Presented to the Criminal Section

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1. The following resolution ON2022-03 was carried as amended (19-0-4) at the August 2022 Annual ULCC Meeting:

Create a ULCC Criminal Section Working Group to explore the treatment of animals in the *Criminal Code of Canada*, with a view to making recommendations for amendments.

The Criminal Section will also bring the issue of the treatment of animals in the civil and criminal law contexts to the ACPDM for consideration of the establishment of a joint working group, which if established would subsume the Criminal Section working group noted above.

Créer un groupe de travail de la section pénale de la CHLC pour étudier le traitement des animaux dans le *Code criminel du Canada*, en vue de formuler des recommandations de modifications.

La Section pénale soumettra également la question du traitement des animaux dans les contextes du droit civil et du droit pénal à la CAOPC pour qu'elle envisage la création d'un groupe de travail conjoint qui, s'il est créé, englobera le groupe de travail de la Section pénale mentionné ci-dessus.

2. The members of the Treatment of Animals in the *Criminal Code* Working Group (Criminal Animals Working Group) for 2023 – 2024 were:

- Nadine Nesbitt – Chair – AB AG
- Emma Lehrer – BC AG
- Adam Badari – AB AG
- Mandy MacLeod – AB AG
- Andrew Davis – SK AG
- Andrew Synyshyn – MB Criminal Defence Lawyers' Association
- Andrew Cappell – ON AG
- Tara Dobec – ON AG
- Caitlyn Kasper – ON Aboriginal Legal Services
- Melanie Webb – ON Canadian Bar Association
- Aleksander Godlewski – ON Justice Canada

3. The Criminal Animals Working Group provided a Status Report to the Criminal Section at the ULCC annual meeting in August 2023.

4. The 2023 Status Report indicated that:

- the Criminal Animals Working Group had considered amendments to the following sections of the *Criminal Code*:
 - s. 110 (discretionary weapons prohibitions),

- s. 447.1 (order of prohibition),
 - s. 501 (undertaking on a police release),
 - s. 529.3(2) (authority to enter a dwelling house without a warrant),
and
 - s. 718.03 (primary sentencing objectives for injuring or killing an animal),
- the Criminal Animals Working Group would continue to consider other provisions of the *Criminal Code* over the next year (2023 – 2024), with an intention to provide a Final Report in August 2024, and
 - it was the hope of the Criminal Animals Working Group that a Joint Animals Working Group with the Civil Section would be formed as envisioned by the 2022 resolution.
5. A Joint Working Group on the Treatment of Animals in Canadian Law (Joint Animals Working Group) was created at the 2023 ULCC plenary meeting.
 6. Members of the Criminal Animals Working Group continued to have meetings in 2023 – 2024 to discuss amendments to the *Criminal Code* and also participated in meetings of the Joint Animals Working Group.
 7. In 2023 – 2024, the Criminal Animals Working Group discussed s. 446(1)(b) of the *Criminal Code* and the definition of “violent offence” in the *YCJA*. The Working Group also started to discuss the concept of animals as “property” in the *Criminal Code* and the possible creation of a theft offence specific to companion/service animals.
 8. The Criminal Animals Working Group discussed what issues, such as seizure and management of seized animals, would be better addressed through the Joint Animals Working Group.
 9. Due to the additional work created by the new Joint Animals Working Group, the Criminal Animals Working Group was not able to complete its discussions regarding possible amendments to the *Criminal Code*.
 10. The Criminal Animals Working Group hopes to finish its review of possible *Criminal Code* amendments in 2024 and continue to meet as the Joint Animals Working Group for the 2024 – 2025 year.
 11. As contemplated by the 2022 resolution, it is the intention of the Criminal Animals Working Group that any recommendations regarding amendments to the *Criminal Code* will be contained in the Joint Animals Working Group Final Report.

12. It is the hope of the Criminal Animals Working Group that the Joint Animals Working Group Final Report will be completed for the 2025 ULCC annual meeting.