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Criminal Law Division**

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**PRACTICE MEMORANDUM  
To Counsel, Criminal Law Division**

**Date:** October 1, 2002

**Subject:** CHARGE SCREENING

**Synopsis:** This memorandum sets out detailed advice regarding Charge Screening. It elaborates upon the meaning of "reasonable prospect of conviction" and "public interest". As well, it sets out other tasks that should be completed as part of the charge screening function. This memorandum replaces the Charge Screening Policy CS-1. Special considerations apply to in-custody informers. Reference may be made to the policy on In-Custody Informers.

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**Opinion/Advice:**

**1. INTRODUCTION**

The decision to continue or terminate a prosecution can be one of the most difficult for Crown counsel to make. The community relies upon Crown counsel to vigorously pursue provable charges while protecting individuals from the serious repercussions of a criminal charge where there is no reasonable prospect of conviction. **Every charge must be screened in accordance with the charge screening standard of reasonable prospect of conviction and public interest as outlined in this memo.**

**2. THE MARTIN REPORT**

Counsel may obtain further background information about Charge Screening from the *"Report of the Attorney General's Advisory Committee on Charge Screening Disclosure and Resolution Discussions (the Martin Committee Report)"*. In introducing the subject of screening, *The Martin Committee Report* had this to say:

"The question of what standard to apply when determining the sufficiency of evidence and the public interest in prosecution is an extremely important one. In the committee's

view, the proper standard, or proper threshold test, must be one that does not unduly restrict Crown counsel's prosecutorial discretion, but at the same time prevents the process of the criminal law from being used oppressively, where there is no realistic prospect of conviction on the evidence. The prosecution must also be in the public interest. Crown counsel, when assessing whether it is in the public interest to recommend commencing criminal proceedings against a person, or the discontinuing of criminal proceedings against the accused, must take into account more than the sufficiency of the evidence against that person: all relevant circumstances must be considered, keeping in mind that "the contemporary view favours restraint generally in the exercise of the criminal law power."

### **3. PROCEDURES**

Crown counsel are to screen every charge as soon as practicable after the charge arrives at the Crown's office and prior to setting a date for preliminary hearing or trial. **The Crown Attorney in each jurisdiction must set up a protocol for all charges to be screened.**

### **4. TASKS TO BE PERFORMED DURING THE SCREENING FUNCTION**

Screening is the ongoing review by the Crown Attorney's office of every charge in the criminal justice system to determine:

- a) whether there is a reasonable prospect of conviction;
- b) whether it is in the public interest to discontinue a prosecution even though there is a reasonable prospect of conviction;
- c) whether the proper charge has been laid.
- d) whether a hybrid or summary conviction offence can reasonably be substituted for an indictable offence;
- e) whether there is jurisdiction to proceed. This issue relates to questions with respect to the type of offence (whether summary or indictable), the date of commission of the offence and where the offence was alleged to have been committed.
- f) whether the investigation is complete and the fruits of that investigation are available to Crown counsel and defence;
- g) whether the Crown will be seeking a DNA databank order. See PM [2000] No.8 for criteria to apply when deciding whether to seek Databank Order.
- h) whether appropriate Notices have been served under the *Canada Evidence Act* as well as Notices of Increased Penalty (see the Firearms Policy and the Drinking and Driving Policy);

- i) whether the circumstances of the offence require that the Children's Aid Society be notified pursuant to s.72(1) of the *Child and Family Services Act*. The screening Crown should ensure that notification takes place if not already done by the investigating police agency.
- j) whether the accused is eligible for any Alternative Measures or Diversion;
- k) whether the prosecution of the charge, and/or in some cases, the conduct of the bail hearing should be specially assigned to Crown counsel;
- l) whether disclosure has been made pursuant to the Disclosure Policy and Practice Memoranda and
- m) whether it is appropriate to provide a preliminary estimate of the Crown's position on sentence. At the initial intake stage, the screening the Crown has a discretion as to whether to take a position on an appropriate sentence. Often Crown counsel will not be aware of all the facts and circumstances of the case, victim impact evidence, or mitigating or aggravating factors. Thus, caution should be used both in determining this initial position, and in conveying it to the accused or counsel.

If this initial sentencing position is stated on the screening form, the form should clearly indicate the following:

- i) the position is based on a guilty plea before a date for trial or a preliminary hearing is set and may change in time;
- ii) the position is based on the facts as known at that time and may change as more information becomes known to the Crown and
- iii) the final decision as to the appropriate sentence rests with the trial Judge.

Given that more and more accused persons are representing themselves in court, charge screening forms containing the Crown's position on sentence may be given to them directly. Unrepresented accused should be encouraged to speak with duty counsel for further clarification if necessary.

The obligation to screen a charge is ongoing as new information is received by Crown counsel in preparation for and during the conduct of bail hearings, pre-trials, preliminary hearings, and trials.

## **5. THRESHOLD TEST – REASONABLE PROSPECT OF CONVICTION**

**When considering whether or not to continue the prosecution of a charge, the first step is to determine if there is a reasonable prospect of conviction. This test must be applied to all cases. If the Crown determines there is no reasonable prospect of conviction at any stage of the proceeding, then the prosecution of that charge must be discontinued.**

The threshold test of "reasonable prospect of conviction" is objective. This standard is higher than a "prima facie" case which merely requires that there is evidence whereby a reasonable jury, properly instructed, could convict. (*See United States v. Sheppard*, [1976] 30 CCC (2d), 424

(SCC)). On the other hand, the standard does not require "a probability of conviction," that is, a conclusion that a conviction is more likely than not. The term "reasonable prospect of conviction," denotes a middle ground between these two standards, it is a legal term of art that is not capable of precise scientific application. It requires the exercise of prosecutorial judgment and discretion based on objective indicators found in the case itself.

For example, whenever a prosecution is based on a single witness whose evidence is subject to some difficulties, a prosecutor might well conclude that a conviction is not likely or probable. But this is not the test we apply. The reasonable prospect of conviction standard is whether a conviction would be "reasonable". If the prosecutor concludes that the single witness' evidence is reasonably capable of belief and that the difficulties can be explained, thus providing a basis for the trier of fact to believe the witness and convict, then the charge should not be "screened out" at this initial stage. The threshold test requires a limited assessment of credibility based on objective factors, an assessment of the admissibility of evidence and a consideration of likely defences.

In applying this test, Crown counsel is to consider the following factors:

- a. The availability of evidence;
- b. The admissibility of evidence implicating the accused. This factor is not meant to institutionalize the *status quo*. It may be appropriate to continue a prosecution in which evidence is initially inadmissible to try to effect a change in the law – e.g. *R. v. Khan*, *R. v. K.G.B.*;
- c. Some assessment of the credibility and competence of witnesses without usurping the function of the trier of fact. It would undermine public confidence in the administration of justice if Crown counsel were to assume the fact-finding role of the judge or jury. Crown counsel should not substitute his/her own, or a particular judge's, subjective views about criminal proceedings. Instead Crown counsel should look to the objective indications in the evidence which may include:
  - i. a witness's history of dishonesty;
  - ii. a strong motive to lie;
  - iii. an inadequate opportunity to observe; or
  - iv. irrefutable evidence indicating that a witness is mistaken or lying.

In making this limited assessment of credibility, however, counsel should take care to set aside personal views about a witness and ensure that his/her credibility assessments are not based on discriminatory views. In particular, counsel are not to apply stereotypes when assessing certain categories of witnesses such as child witnesses, witnesses with mental disabilities and complainants of spouse/partner abuse or sexual offences. The screening function is limited to determining whether there is a reasonable basis for accepting the witness's credibility after applying professional judgment to the objective indicators in the case;

- d. A consideration of any defences that should reasonably be known or that have come to the attention of the Crown. For example, in assessing the prospect for conviction,

counsel may take into account the existence of a clear *Charter* violation that will undoubtedly lead to the exclusion of evidence essential to sustain a conviction.

## **6. PUBLIC INTEREST**

**The public interest factors must only be considered after the threshold test, “a reasonable prospect of conviction”, has been met. No public interest, however compelling, can warrant the prosecution of an individual if there is no reasonable prospect of conviction.** In addition, Crown counsel should consider whether prosecuting a particular individual would be counter-productive, for example, by bringing the administration of justice into disrepute.

In determining whether it is in the public interest to discontinue a prosecution, the following factors are to be **excluded** from consideration:

- a) the race, national or ethnic origin, colour, religion, sex, sexual orientation, status in life, political associations, activities or beliefs of the accused or any other person involved in the investigation;
- b) the personal feelings of any official involved in the prosecution concerning the alleged victim or the accused;
- c) any partisan political advantage or disadvantage which might flow from the decision to undertake or stop a prosecution; or
- d) the possible effect on the personal or professional circumstances of anyone connected to the prosecution decision.

Public interest factors will vary with the charge under consideration. The exercise of sound prosecutorial discretion brings the prosecutor's experience to bear on all of the circumstances of the individual case. The following is a list of public interest factors that may be taken into account. No one factor is determinative and it is not an exhaustive list as some cases will raise unique factors. Each factor can work in favour of proceeding with or discontinuing the prosecution:

- a) the gravity or triviality of the incident. In determining whether an incident is “grave,” reference should be made to Crown Policies and Practice Memoranda, including those on firearms, child abuse, sexual assault, spouse/partner offences, child abduction, drinking/driving offences, gay bashing, and racially motivated crimes;
- b) circumstances and views of the victim including any safety concerns.
- c) the age, physical health, mental health or special infirmity of an accused or witness. If Crown counsel is considering physical health issues, he/she may request a medical report.
- d) national security and international relations;

- e) the degree of culpability of the accused (particularly in relation to other alleged parties to the offence);
- f) the prevalence of the type of offence and any related need for specific and general deterrence;
- g) whether the consequences of any resulting conviction would be unduly harsh or oppressive to the accused;
- h) whether the accused is willing to co-operate or has already co-operated in the investigation or prosecution of others. Any benefit offered to an accused may affect a finding regarding the credibility of the accused as a witness in another trial. Caution is to be exercised when conferring a benefit on an accused, particularly where they are acting as an “in-custody informer”.
- i) the evidence of an in-custody informer should only be adduced at trial if there are sufficient indicia of reliability and a compelling public interest in doing so. When assessing the credibility of in-custody informers, Crown counsel should refer to the reliability criteria set out in the Policy on In-Custody Informers. **The evidence of an in-custody informer must not be adduced without the guidance and approval of the In-Custody Informer Committee.**
- j) the likely outcome in the event of a finding of guilt, having regard to the sentencing options available to the court;
- k) the strength of the Crown’s case, the staleness of the alleged offence, or the likely length and expense of the trial when considered in relation to the seriousness of the offence.
- l) There will generally be a greater public interest in proceeding with charges related to crimes of violence than in some property offences. The interests of society may be better served through the exercise of prosecutorial discretion to stay or withdraw the charges of some property offences. See practice memos on Community Justice, Alternative Measures and Mentally Disordered Offenders – Diversion and Stays;
- m) the availability and efficacy of any alternatives to prosecution such as diversion, civil remedies, or alternative measures;
- n) the possibility of charges in other jurisdictions.
- o) the content of any other policy statement from the Ministry of the Attorney General including Crown Policies or Practice Memoranda issued by the Assistant Deputy Attorney General.

## **7. OTHER CONSIDERATIONS**

Crown counsel should make reasonable efforts to obtain from the Police all information that relates to a charge for purposes of screening. If Crown counsel is not reasonably satisfied that he/she has obtained all such information, then Crown counsel should seek it from the investigators. This material will include, but will not be limited to, that which is required for disclosure.

Any charges that fail to meet the threshold test, or that are to be discontinued in the public interest, should be spoken to by Crown counsel in open court and brief reasons, on the record, should accompany any request for a stay or withdrawal. See the Practice Memorandum [2005] PM No. \* *Stays*. A notation of this decision and the reasons for same should be placed in the file.

Before withdrawing a charge for public interest reasons, Crown counsel should be mindful of the needs as well as the role of the victim. Crown counsel should consider the victim's position as one of the significant factors in arriving at a just position, but Crown counsel does not require the approval of the victim to the proposed resolution. Prior to withdrawal of charges, Crown counsel should ensure that he/she has informed himself/herself of all relevant factors. This may often require that Crown counsel speak personally with the victim.

It is preferable that a victim be first advised of a withdrawal of charges by Crown counsel, rather than hearing about it through the media. In cases involving serious emotional, physical and psychological harm, Crown counsel should contact the victim to advise of the decision to withdraw charges prior to the charges being withdrawn. These types of cases include the following:

- i) cases where death has ensued,
- ii) driving offences involving significant bodily harm,
- iii) cases in which children have witnessed traumatic events including spouse/partner offences or other forms of domestic violence,
- iv) cases in which children have been the victims of physical or sexual abuse,
- v) spouse partner offences which, whether or not serious harm is caused, are suitable for pre-assignment, according to the criteria set out in the Practice Memoranda: Spouse Partner Offences – Miscellaneous Issues.”
- vi) cases of sexual assault involving significant physical, emotional or psychological trauma,
- vii) cases involving special needs victims, or
- viii) other cases with fragile and vulnerable victims.

## **8. CONCLUSION**

**All cases prosecuted by Crown counsel, including child abuse, sexual assaults and spouse/partner offences, must be screened in accordance with the “reasonable prospect of conviction” and “public interest” standards.** The personal, professional or “political” consequences of a screening decision should never affect a prosecutor’s judgment. Since this is an area of discretion where reasonable people will differ, it is always advisable to consult with experienced colleagues when faced with a difficult charge screening decision. Crown counsel will be supported by the Ministry when they make difficult judgment calls in the proper exercise of their discretion.

**Attachment:** Attachment #1 - Screening Table  
Attachment #2 - Screening Worksheet

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Criminal Law Division

**Practice Memoranda are not considered to be confidential and may be given to defence counsel or other interested persons, upon request.**

### **MANDATORY LANGUAGE:**

**Every charge must be screened in accordance with the charge screening standard of reasonable prospect of conviction and public interest as outlined in this memo.**

**The Crown Attorney in each jurisdiction must set up a protocol for all charges to be screened.**

**When considering whether or not to continue the prosecution of a charge, the first step is to determine if there is a reasonable prospect of conviction. This test must be applied to all cases. If the Crown determines there is no reasonable prospect of conviction at any stage of the proceeding, then the prosecution of that charge must be discontinued.**

**The public interest factors must only be considered after the threshold test, a reasonable prospect of conviction, has been met. No public interest, however compelling, can warrant the prosecution of an individual if there is no reasonable prospect of conviction.**

**The evidence of an in-custody informer must not be adduced without the guidance and approval of the In-Custody Informer Committee.**

**All cases prosecuted by Crown counsel, including child abuse, sexual assaults and spouse/partner offences, must be screened in accordance with the “reasonable prospect of conviction” and “public interest” standards.**



## **SCREENING/VETTING TOOL FOR CROWN COUNSEL**

Date: \_\_\_\_\_

Crown: \_\_\_\_\_

**R. v.** \_\_\_\_\_

CHARGE(s)	OFFENCE DATE

EVIDENTIARY REQUIREMENTS	REQUIRED	IN FILE
s.117.13 Certificate of Firearms Analyst		
Notice of Intention to Produce Document		
Affidavit of Service		
Certificate of Clerk of Court		
Certified copy of Judicial Interim Release		
Certified Copy of Information		
s.486(2.1) Expert Evidence for use of screen/closed circuit T.V..		
KGB Videotaped Statement		
Certificate of Breath Tech		
Notice of Increased Penalty		
MTO Driving Record		
Certified Copy of Prohibition Order		
Photo line-up		
s.657.1 Affidavit of Ownership and Value of Goods		
Bank records		
Business Records Notice (CEA)		
s.461(2) Certificate of Examiner of Counterfeit Money		

TRIAL CONSIDERATIONS	CHECK WHERE APPROPRIATE
s.486(3) & (4.1) Publication Ban	
s.486(2.1) & (2.101) screen/closed-circuit t.v	
s.486(2.101) ban on publication of jurors' names	
s.486(1.2) Support Person	
s.715.1 Videotaped Evidence	
s.16 CEA capacity of witness to testify	
s.278 Third Party Records	
s.276 Sexual History	
s.4 CEA spouse is compellable witness	
s.38.01 CEA notice	
s.38.02 CEA disclosure prohibited	
s.72(1) <i>Child and Family Services Act</i> report to CAS	
KGB/Khan Application	
s.359 use of previous related convictions	
Doctrine of recent possession	

SENTENCING CONSIDERATIONS	CHECK WHERE APPROPRIATE
Mandatory Minimum Penalty (firearms, child sexual offences etc.)	
s.109/110 Firearms Order	
s.491 Mandatory Weapons Forfeiture	
Notice of Increased Penalty	
Probation with Victim Safeguards	
s.161 Public Places/Parks Ban	
DNA Primary/Secondary Offence	
S.O.I.R.A. order	
s.718.01 denunciation and deterrence paramount in child abuse	
s.718.2 Aggravating Factors	
s.722 Victim Impact Statement	
s.462.37 Proceeds of Crime Forfeiture Order	
s.490.1 property forfeiture	
s.164.2 forfeiture of things used for child pornography	
s.259 Mandatory/Discretionary Driving Prohibition	
s.255.1 Over 160mg BAC Aggravating Factor	
s.255 Mandatory Minimum Penalties for s.253 Offences	
Dangerous Offender	
High Risk Offender	
Long Term Offender	
Compensation/Restitution Order	
s.446(5) Discretionary Animal Prohibition	
s.743.6 power of court to delay parole	
Sentence must be served consecutively	

OTHER NOTES:

## SCREENING WORKSHEET

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.85</b> Use of firearm or imitation, commission of offence  Straight indictable  <b>Max: 14 years</b>  <b>mandatory minimum penalty:</b> <b>-1<sup>st</sup> offence: 1 year jail</b> <b>-2<sup>nd</sup> or more: 3 years</b>		<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture order <input type="checkbox"/> sentence must be consec. to any other imposed <input type="checkbox"/> higher penalty for second or subsequent offence requires compliance with s.727 <input type="checkbox"/> probation with victim safeguards	
<b>s.86</b> firearm, careless use or storage, breach of regulations  Hybrid  <b>Maximums</b> <b>Ind: up to 2 years on 1<sup>st</sup> offence;</b> <b>Up to 5 years on 2<sup>nd</sup> offence</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• affidavit of service</li> <li>• notice of intention to produce document</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> Higher penalty for second or subsequent offence requires compliance with s.727 <input type="checkbox"/> s.491 mandatory weapon forfeiture	
<b>s.87</b> pointing firearm  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• certificate of analyst (s.117.13)</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> s.491 mandatory weapon forfeiture order <input type="checkbox"/> probation with victim safeguards	
<b>s.88</b> possession for purpose dangerous to the public  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• affidavit of service</li> <li>• notice of intention to produce document</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> s.491 mandatory weapon forfeiture order	

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.90</b> concealed weapon  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> s.491 mandatory weapon forfeiture order	
<b>s.91</b> unauthorized possession of firearm  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> s.491 mandatory weapons forfeiture order	
<b>s.92</b> possession of firearm knowing possession is unauthorized  Straight indictable  <b>Maximums</b> <b>1<sup>st</sup>: up to 10 years</b> <b>2<sup>nd</sup>: minimum 1 year, maximum 10 years</b> <b>3<sup>rd</sup>: minimum 2 years less a day, maximum 10 years</b>  <b>Mandatory minimum penalty:</b> -2 <sup>nd</sup> offence: 1 year -3 <sup>rd</sup> or more: 2 years less a day	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> Higher penalty for second or subsequent offence requires compliance with s.727	
<b>s.93</b> possession of weapon at unauthorized place  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> s.491 mandatory weapons forfeiture order	

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.94</b> possession of weapon in motor vehicle  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> s.491 mandatory weapon forfeiture	
<b>s.95</b> possession of restricted or prohibited firearm with ammunition  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years with  minimum of one year</b> <b>Sum: up to one year</b>  <b>mandatory minimum  penalty:</b> <b>-if by indictment: 1 year  jail</b>	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>	<input type="checkbox"/> s.109 mandatory firearms order	
<b>s.96</b> possession of weapon obtained by crime  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years with  minimum of 1 year</b> <b>Sum: up to one year</b>  <b>mandatory minimum  penalty:</b> <b>-if by indictment: 1 year  jail</b>	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> s.491 mandatory weapon forfeiture	

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.99</b> weapons trafficking  Straight indictable  <b>Max: 10 years with minimum of 1 year</b>  <b>mandatory minimum penalty: -1 year jail</b>	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>	<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture	
<b>s.100</b> possession of weapons for purpose of trafficking  Straight indictable  <b>Max: up to 10 years with minimum of 1 year</b>  <b>mandatory minimum penalty: -1 year jail</b>	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>	<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture	
<b>s.102</b> making automatic firearm  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years with minimum of one year</b> <b>Sum: up to one year</b>  <b>mandatory minimum penalty: -if by indictment: 1 year jail</b>	<ul style="list-style-type: none"> <li>• certificate of analyst allowed (s.117.13)</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>	<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture	
<b>s.117.01</b> possession contrary to order; failure to surrender documents  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• prove court order</li> </ul>	<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture	

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.127</b> disobeying court order  Straight indictable  <b>Max: 2 years</b>	<ul style="list-style-type: none"> <li>• prove court order</li> <li>• ensure there is no other mode of proceeding or punishment provided for by law</li> </ul>		
<b>s.129</b> obstructing or resisting peace officer  Hybrid  <b>Maximums</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>		<input type="checkbox"/> s.110 discretionary firearms order	
<b>s.131, 132</b> perjury  Straight indictable  <b>Max: 14 years</b>	<ul style="list-style-type: none"> <li>• obtain transcript of perjured statement</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> <li>• corroboration required</li> </ul>		
<b>s.145(1)(a)</b> escape custody and unlawfully at large  Hybrid  <b>Maximums</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• prove conviction that led to custody of accused</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>		
<b>s.145(2)</b> fail to attend court  Hybrid  <b>Maximums</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• need certificate of clerk of the court</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>		

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.145(4)</b> fail to show for fingerprints or court (summons)  Hybrid  <b>Maximums</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• need certificate of clerk of the court</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>		
<b>s.145(5)</b> fail to show for fingerprints or court (AN, PTA, OIC recog)  Hybrid  <b>Maximums</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• need certificate of clerk of the court</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>		
<b>s.145(5.1)</b> breach of OIC undertaking  Hybrid  <b>Maximums</b> <b>Ind: Up to 2 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• need certified copy of undertaking</li> <li>• notice of intention to produce document</li> <li>• affidavit of service</li> </ul>		
<b>s.151</b> sexual interference  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• Victim under 14</li> <li>• call expert evidence for s.486(2.1) application</li> </ul>	<ul style="list-style-type: none"> <li>❑ s.109/110 order</li> <li>❑ s.161 discretionary prohibition from attending certain public places or taking employment where V is under 14 years</li> <li>❑ DNA Primary Offence</li> <li>❑ s.718.2 aggravating feature if V is accused's child or abused relationship of trust or authority</li> <li>❑ probation with victim safeguards</li> <li>❑ s.722 victim impact statement</li> </ul>	<ul style="list-style-type: none"> <li>• s.486(3) discretionary publication ban</li> <li>• s.486(1.2) support person</li> <li>• s.486(2.1) screen or closed circuit t.v.</li> <li>• s.715.1 videotaped evidence</li> <li>• s.16 CEA capacity of witness to testify</li> <li>• s.278.1 third party records</li> <li>• s.276 sexual history</li> <li>• s.4(2) CEA:</li> </ul>



SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
			spouse is compellable witness <ul style="list-style-type: none"> <li>• R. v. Khan</li> <li>• CFSA s.72(1) notification</li> </ul>
<b>s.152</b> invite sexual touching  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• Victim under 14</li> <li>• call expert evidence for s.486(2.1) application</li> </ul>	<ul style="list-style-type: none"> <li>☐ s.109/110 order</li> <li>☐ s.161 discretionary prohibition from attending certain public places or taking employment where V is under 14 years</li> <li>☐ DNA primary offence</li> <li>☐ s.718.2 aggravating feature if V is accused's child or abused relationship of trust or authority</li> <li>☐ probation with victim safeguards</li> <li>☐ s.722 victim impact statement</li> </ul>	<ul style="list-style-type: none"> <li>• s.486(3) discretionary publication ban</li> <li>• s.486(2.1) screen or closed-circuit t.v.</li> <li>• s.486(1.2) support person</li> <li>• s.715.1 videotaped evidence</li> <li>• s.16 CEA capacity of witness to testify</li> <li>• R. v. Khan</li> <li>• s.278.1 third party records</li> <li>• s.276 sexual history</li> <li>• s.4(2) CEA: spouse is compellable witness</li> <li>• CFSA s.72(1) notification</li> </ul>
<b>s.153</b> sexual exploitation  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• victim between ages of 14 to 17</li> <li>• call expert evidence for s.486(2.1) application</li> </ul>	<ul style="list-style-type: none"> <li>☐ s.110 discretionary firearms order</li> <li>☐ DNA primary offence</li> <li>☐ s.718.2 aggravating feature if V is accused's child or abused relationship of trust or authority</li> <li>☐ probation with victim safeguards</li> <li>☐ s.722 victim impact statement</li> </ul>	<ul style="list-style-type: none"> <li>• s.486(3) discretionary publication ban</li> <li>• s.486(2.1) screen or closed-circuit t.v.</li> <li>• s.486(1.2) support person</li> <li>• s.4(2) CEA: spouse is compellable witness</li> <li>• s.715.1 videotaped evidence</li> <li>• R. v. Khan</li> <li>• CFSA s.72(1) notification</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.155</b> incest Straight indictable <b>Max: up to 14 years</b>	<ul style="list-style-type: none"> <li>call expert evidence for s.486(2.1) application</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> s.109 mandatory firearms order</li> <li><input type="checkbox"/> s.161 discretionary prohibition from attending certain public places or taking employment where V is under 14 years</li> <li><input type="checkbox"/> DNA primary offence</li> <li><input type="checkbox"/> s.718.2 aggravating feature if V is accused's child or abused relationship of trust or authority</li> <li><input type="checkbox"/> probation with victim safeguards</li> <li><input type="checkbox"/> s.722 victim impact statement</li> </ul>	<ul style="list-style-type: none"> <li>s.486(3) discretionary publication ban</li> <li>s.486(2.1) private testimony order</li> <li>s.486.(1.2) support person</li> <li>s.715.1 videotaped evidence</li> <li>s.4(2) CEA: spouse is compellable witness</li> <li>s.16 CEA capacity of witness</li> <li>R. v. Khan</li> <li>s.278.1 third party records</li> <li>s.276 sexual history</li> <li>CFSA s.72(1) notification</li> </ul>
<b>s.159</b> anal intercourse Hybrid <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>call expert evidence for s.486(2.1) application</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> s.109/110 order</li> <li><input type="checkbox"/> s.161 discretionary prohibition from attending certain public places or taking employment where V is under 14 years</li> <li><input type="checkbox"/> probation with victim safeguards</li> <li><input type="checkbox"/> s.722 victim impact statement</li> </ul>	<ul style="list-style-type: none"> <li>s.486(3) discretionary publication ban</li> <li>s.486(2.1) private testimony order</li> <li>s.486.(1.2) support person</li> <li>s.715.1 videotaped evidence</li> <li>s.4(2) CEA: spouse is compellable witness</li> <li>s.16 CEA capacity to testify</li> <li>s.276 sexual history</li> <li>CFSA s.72(1) notification</li> </ul>
<b>s.160</b> bestiality Hybrid <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>call expert evidence for s.486(2.1) application</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> s.109/110 order</li> <li><input type="checkbox"/> DNA Secondary offence for s.160(3)</li> <li><input type="checkbox"/> s.161 discretionary prohibition from attending certain public places or taking employment where V is</li> </ul>	<ul style="list-style-type: none"> <li>s.486(3) discretionary publication ban</li> <li>s.486(2.1) private testimony order</li> <li>s.715.1 videotaped evidence</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
		under 14 years	<ul style="list-style-type: none"> <li>• s.4(2) CEA: spouse is compellable witness</li> <li>• s.16 CEA capacity to testify</li> <li>• s.276 sexual history</li> </ul>
<b>s.163.1</b> child pornography Hybrid  <b>Maximums</b>  <b>Print, publish or possess for that purpose</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>  <b>Import, distribute, sell or possess for that purpose</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b> <b>Possess for own use</b> <b>Ind: up to 5 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• call expert evidence for s.486(2.1) application</li> </ul>	<ul style="list-style-type: none"> <li>❑ s.462.37 proceeds of crime forfeiture order on Crown application</li> <li>❑ DNA secondary offence</li> <li>❑ s.718.2 aggravating feature if V is accused's child or abused relationship of trust or authority</li> <li>❑ probation with victim safeguards</li> <li>❑ s.722 victim impact statement</li> </ul>	<ul style="list-style-type: none"> <li>• s.486(2.1)screen or closed circuit t.v.</li> <li>• s.715.1 videotaped evidence</li> <li>• s.486.(1.2) support person</li> <li>• R. v. Khan</li> <li>• s.16 CEA capacity of witness</li> <li>• CFSA s.72(1) notification</li> </ul>
<b>s.173</b> indecent acts Straight summary  <b>Max: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• call expert evidence for s.486(2.1) application</li> </ul>	<ul style="list-style-type: none"> <li>❑ DNA secondary offence</li> <li>❑ s.722 victim impact statement</li> </ul>	<ul style="list-style-type: none"> <li>• s.486(3) discretionary publication ban</li> <li>• s.486(2.1) private testimony order</li> <li>• s.715.1 videotaped evidence</li> <li>• s.4(2) CEA: spouse is compellable witness</li> <li>• s.16 CEA capacity to testify</li> <li>• s.276 sexual history</li> <li>• CFSA s.72(1) notification</li> </ul>
<b>s.175</b> cause disturbance, indecent exhibition, loitering			

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
Straight summary  <b>Max: \$2000/6 mos</b>			
<b>s.177</b> trespassing at night  Straight summary  <b>Max: \$2000/6 mos</b>			
<b>s.179</b> vagrancy  Straight summary  <b>Max: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• for s.179(2), prove conviction of sexual offence</li> <li>• see also s.161(4) for similar offence</li> </ul>		<ul style="list-style-type: none"> <li>• s.4(2) CEA: spouse is compellable witness</li> </ul>
<b>s.201(1)</b> keeping gaming or betting house  Straight indictable (Absolute PCJ)  <b>Max: up to 2 years</b>		<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application	
<b>s.201(2)</b> person found in gaming or betting house or owner permitting use  Straight summary  <b>Max: \$2000/6 mos</b>		<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application	
<b>s.210(1)</b> keeping common bawdy house  Straight indictable (Absolute PCJ)  <b>Max: up to 2 years</b>	<ul style="list-style-type: none"> <li>• call expert evidence for s.486(2.1) application</li> </ul>	<input type="checkbox"/> s.210(3) notice of conviction to be served on owner, landlord or lessor <input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application	<ul style="list-style-type: none"> <li>• s.486(2.1) screen or closed circuit t.v.</li> <li>• s.715.1 videotaped evidence</li> <li>• s.486.(1.2) support person</li> <li>• s.486(3) discretionary publication ban</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.210(2)</b> inmate of common bawdy house  Straight summary  <b>Max: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>call expert evidence for s.486(2.1) application</li> </ul>		<ul style="list-style-type: none"> <li>s.486(2.1)screen or closed circuit t.v.</li> <li>s.715.1 videotaped evidence</li> <li>s.486.(1.2) support person</li> <li>s.486(3) discretionary publication ban</li> </ul>
<b>s.212(1)</b> procuring  Straight indictable  <b>Max: up to 10 years</b>	<ul style="list-style-type: none"> <li>call expert evidence for s.486(2.1) application</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application <input type="checkbox"/> s.722 victim impact statement	<ul style="list-style-type: none"> <li>s.486(2.1)screen or closed circuit t.v.</li> <li>s.715.1 videotaped evidence</li> <li>s.486.(1.2) support person</li> <li>s.486(3) discretionary publication ban</li> <li>s.4(2) CEA: spouse is compellable witness</li> </ul>
<b>s.212(2)</b> living on avails of person under 18  Straight indictable  <b>Max: up to 14 years</b>	<ul style="list-style-type: none"> <li>call expert evidence for s.486(2.1) application</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application	<ul style="list-style-type: none"> <li>s.486(2.1)screen or closed circuit t.v.</li> <li>s.715.1 videotaped evidence</li> <li>s.486.(1.2) support person</li> <li>s.486(3) discretionary publication ban</li> <li>s.4(2) CEA: spouse is compellable witness</li> </ul>
<b>s.212(4)</b> obtain sexual services of person under 18  Straight indictable  <b>Max: up to 5 years</b>	<ul style="list-style-type: none"> <li>call expert evidence for s.486(2.1) application</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application <input type="checkbox"/> DNA primary offence <input type="checkbox"/> s.722 victim impact statement	<ul style="list-style-type: none"> <li>s.486(2.1)screen or closed circuit t.v.</li> <li>s.715.1 videotaped evidence</li> <li>s.486.(1.2) support person</li> <li>s.486(3) discretionary publication ban</li> <li>s.4(2) CEA: spouse is compellable witness</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.213</b> prostitution or obtaining services  Straight summary  <b>Max: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>call expert evidence for s.486(2.1) application</li> </ul>		<ul style="list-style-type: none"> <li>s.486(2.1) screen or closed circuit t.v.</li> <li>s.715.1 videotaped evidence</li> <li>s.486.(1.2) support person</li> <li>s.486(3) discretionary publication ban</li> </ul>
<b>s.220</b> crim neg causing death  Straight indictable  <b>Max: life</b>  <b>If firearm used, minimum 4 years</b>		<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> s.259(2) discretionary driving prohibition (no limit) <input type="checkbox"/> DNA secondary offence <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> BAC over 160 mg is aggravating factor (s.255.1)	<ul style="list-style-type: none"> <li>s.4(4) CEA: spouse is compellable witness</li> </ul>
<b>s.221</b> crim neg causing bodily harm  Straight indictable  <b>Max: up to 10 years</b>		<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> s.259(2) discretionary driving prohibition (up to 10 years) <input type="checkbox"/> DNA Secondary offence <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> BAC over 160 mg is aggravating factor (s.255.1)	<ul style="list-style-type: none"> <li>s.4(4) CEA: spouse is compellable witness</li> </ul>
<b>s.229 to 231, 235</b> murder  Straight indictable (Absolute SCJ)  <b>Max: life</b>	<ul style="list-style-type: none"> <li>KGB statement (if any)</li> </ul>	<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> s.522 release by superior court justice only <input type="checkbox"/> DNA primary offence <input type="checkbox"/> s.718.2 aggravating feature if V is accused's	<ul style="list-style-type: none"> <li>s.4(4) CEA: spouse is compellable witness</li> <li>R. v. Khan s. 38.01 Canada Evidence Act notice</li> <li>s. 38.02 CEA disclosure prohibited</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
		child or spouse or abused relationship of trust or authority <input type="checkbox"/> s.722 victim impact statement	
<b>s.237</b> Infanticide  Straight indictable  <b>Max: 5 years</b>		<input type="checkbox"/> s.110 discretionary firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> DNA primary offence <input type="checkbox"/> s.722 victim impact statement	<ul style="list-style-type: none"> <li>s.4(4) CEA: spouse is compellable witness</li> </ul>
<b>s.234, 236(a)</b> manslaughter, use of firearm  Straight indictable (Absolute SCJ)  <b>Max: life</b>  <b>If firearm used, minimum 4 years</b>		<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> DNA primary offence <input type="checkbox"/> s.718.2 aggravating feature if V is accused's child or spouse or abused relationship of trust or authority <input type="checkbox"/> s.722 victim impact statement	<ul style="list-style-type: none"> <li>s.4(4) CEA: spouse is compellable witness</li> </ul>
<b>s.234, 236(b)</b> manslaughter, other  Straight indictable (Absolute SCJ)  <b>Max: life</b>	<ul style="list-style-type: none"> <li>KGB statement (if any)</li> </ul>	<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> s.259(2) discretionary driving prohibition (no limit) <input type="checkbox"/> DNA primary offence <input type="checkbox"/> s.718.2 aggravating feature if V is accused's child or spouse or abused relationship of trust or authority <input type="checkbox"/> s.722 victim impact statement	<ul style="list-style-type: none"> <li>s.4(4) CEA: spouse is compellable witness</li> <li>R. v. Khan</li> </ul>
<b>s.239(a)</b> attempt murder  Straight indictable  <b>Max: life</b>	<ul style="list-style-type: none"> <li>KGB statement (if any)</li> </ul>	<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> s.718.2 aggravating feature if V is accused's	<ul style="list-style-type: none"> <li>s.4(4) CEA: spouse is compellable witness</li> <li>R. v. Khan</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
If firearm used, minimum 4 years		child or spouse or abused relationship of trust or authority <input type="checkbox"/> s.722 victim impact statement	
<b>s.249</b> dangerous driving  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: \$2000/6 mos</b>		<input type="checkbox"/> s.259(2) discretionary driving prohibition (up to 3 years) <input type="checkbox"/> BAC over 160 mg is aggravating factor (s.255.1)	
<b>s.249(3)</b> dangerous driving, bodily harm  Straight indictable  <b>Max: 10 years</b>		<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.259(2) discretionary driving prohibition (up to 10 years) <input type="checkbox"/> DNA secondary offence <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> BAC over 160 mg is aggravating factor (s.255.1)	
<b>s.249(4)</b> dangerous driving, death occurs  Straight indictable  <b>Max: 14 years</b>		<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.259(2) discretionary driving prohibition (up to 10 years) <input type="checkbox"/> DNA secondary offence <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> BAC over 160 mg is aggravating factor (s.255.1)	
<b>s.252(1)</b> fail to stop at scene of accident  Hybrid  <b>Maximums</b> <b>Ind: 5 years</b> <b>Sum: \$2000/6 mos</b>  If bodily harm occurs,		<input type="checkbox"/> s.259(2) discretionary driving prohibition (up to 3 years) <input type="checkbox"/> DNA secondary offence <input type="checkbox"/> BAC over 160 mg is aggravating factor (s.255.1)	



SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>max. of 10 years</b>  <b>If death occurs, max. of life</b>			
<b>s.253</b> impaired/over 80  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: up to 6 mos</b> <b>(see minimums)</b>  <b>mandatory minimum penalties:</b> <b>\$600 – 1<sup>st</sup> offence</b> <b>14 days – 2<sup>nd</sup></b> <b>90 days – 3<sup>rd</sup></b>	<ul style="list-style-type: none"> <li>• certificate of analyst</li> <li>• notice of intention to use document</li> <li>• notice of increased penalty</li> <li>• MTO record</li> <li>• affidavit of service</li> </ul>	<ul style="list-style-type: none"> <li>❑ s.259 mandatory driving prohibition (min. 1 to 3 years for 1<sup>st</sup> offence, 2 to 5 years for 2<sup>nd</sup> offence, minimum of 3 years for the 3<sup>rd</sup> offence)</li> <li>❑ BAC over 160 mg is aggravating factor (s.255.1)</li> </ul>	
<b>s.254(5)</b> refuse to provide breath or blood sample  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: up to 6 mos</b> <b>(see minimums)</b>  <b>mandatory minimum penalties:</b> <b>\$600 – 1<sup>st</sup> offence</b> <b>14 days – 2<sup>nd</sup></b> <b>90 days – 3<sup>rd</sup></b>	<ul style="list-style-type: none"> <li>• notice of increased penalty</li> </ul>	<ul style="list-style-type: none"> <li>❑ s.259(1) mandatory driving prohibition: (min. 1 to 3 years for 1<sup>st</sup> offence; 2 to 5 years for 2<sup>nd</sup>, min. 3 years for 3<sup>rd</sup>)</li> </ul>	
<b>s.255(2)</b> Impaired operation causing bodily harm  Straight indictable  <b>Max: 10 years</b>	<ul style="list-style-type: none"> <li>• certificate of analysis</li> <li>• notice of intention to use document</li> <li>• notice of increased penalty</li> <li>• MTO record</li> <li>• affidavit of service</li> </ul>	<ul style="list-style-type: none"> <li>❑ s.259(2) discretionary driving prohibition (up to 10 years)</li> <li>❑ DNA secondary offence</li> <li>❑ s.722 victim impact statement</li> <li>❑ BAC over 160 mg is aggravating factor (s.255.1)</li> </ul>	

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.255(3)</b> Impaired operation causing death  Straight indictable  <b>Max: life</b>	<ul style="list-style-type: none"> <li>• certificate of analysis</li> <li>• notice of intention to use at trial</li> <li>• notice of increased penalty</li> <li>• MTO record</li> <li>• affidavit of service</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> s.259(2)(a) discretionary driving prohibition for maximum of life (no minimum)</li> <li><input type="checkbox"/> DNA secondary offence</li> <li><input type="checkbox"/> s.722 victim impact statement</li> <li><input type="checkbox"/> BAC over 160 mg is aggravating factor (s.255.1)</li> </ul>	
<b>s.259(4)</b> disqualified driving  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: \$2000/6 mos</b>	<b>no longer absolute jurisdiction effective March 15, 2001</b> <ul style="list-style-type: none"> <li>• certified copy of prohibition order</li> <li>• certified copy of original information</li> <li>• MTO record</li> <li>• notice of intention to produce documents</li> <li>• affidavit of service</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> s.259(2) discretionary driving prohibition (up to 3 years)</li> <li><input type="checkbox"/> BAC over 160 mg is aggravating factor (s.255.1)</li> </ul>	
<b>s.264</b> criminal harassment  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• KGB statement (if any)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> s.109 mandatory firearms prohibition</li> <li><input type="checkbox"/> s.718.2 aggravating feature if V is accused's child or spouse or abused relationship of trust or authority</li> <li><input type="checkbox"/> s.164(4) aggravating factor if accused contravened a court order when committing this offence</li> <li><input type="checkbox"/> s.722 victim impact statement</li> <li><input type="checkbox"/> probation with victim safeguards</li> </ul>	<ul style="list-style-type: none"> <li>• s.486(1.2) support person</li> <li>• CFSA s.72(1) notification</li> </ul>
<b>s.264.1</b> threat to cause death or harm  Hybrid	<ul style="list-style-type: none"> <li>• KGB statement (if any)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> s.110 discretionary firearms order</li> <li><input type="checkbox"/> s.491 mandatory weapon forfeiture order</li> <li><input type="checkbox"/> probation with victim safeguards</li> </ul>	<ul style="list-style-type: none"> <li>• s.16 CEA: capacity of witness</li> <li>• R. v. Khan</li> <li>• CFSA s.72(1) notification</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>Maximums</b> <b>If s.264.1(1)(a):</b> <b>Ind: up to 5 years</b> <b>Sum: up to 18 mos</b>  <b>If s.264.1(1)(b) or (c):</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>		<input type="checkbox"/> s.718.2 aggravating feature if V is accused's child or spouse or abused relationship of trust or authority <input type="checkbox"/> s.722 victim impact statement	
<b>s.266</b> assault  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• KGB statement (if any)</li> <li>• call expert evidence for s.486(2.1) application</li> </ul>	<input type="checkbox"/> s.110 discretionary firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture order <input type="checkbox"/> probation with victim safeguards <input type="checkbox"/> DNA secondary offence <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> s.718.2 aggravating feature if V is accused's child or spouse or abused relationship of trust or authority	<ul style="list-style-type: none"> <li>• s.486(2.1)screen or closed circuit t.v.</li> <li>• s.715.1 videotaped evidence</li> <li>• s.486.(1.2) support person</li> <li>• s.4(4) CEA: spouse is compellable witness</li> <li>• s.16 CEA: capacity to testify</li> <li>• CFSA s.72(1) notification</li> </ul>
<b>s.267</b> assault causing bodily harm or with weapon  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/18 mos</b>	<ul style="list-style-type: none"> <li>• KGB statement (if any)</li> <li>• call expert evidence for s.486(2.1) application</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> s.491 mandatory weapon forfeiture order <input type="checkbox"/> probation with victim safeguards <input type="checkbox"/> DNA primary offence <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> s.718.2 aggravating feature if V is accused's child or spouse or abused relationship of trust or authority <input type="checkbox"/> dangerous offender?	<ul style="list-style-type: none"> <li>• s.486(2.1)screen or closed circuit t.v.</li> <li>• s.715.1 videotaped evidence</li> <li>• s.486.(1.2) support person</li> <li>• R. v. Khan</li> <li>• s.4(4) CEA: spouse is compellable witness</li> <li>• s.16 CEA: capacity to testify</li> <li>• CFSA s.72(1) notification</li> </ul>
<b>s.268</b> aggravated assault  straight indictable  <b>Max: 14 years</b>	<ul style="list-style-type: none"> <li>• KGB statement (if any)</li> <li>• call expert evidence for s.486(2.1) application</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> s.491 mandatory weapon forfeiture order <input type="checkbox"/> probation with victim safeguards <input type="checkbox"/> DNA primary	<ul style="list-style-type: none"> <li>• s.486(2.1)screen or closed circuit t.v.</li> <li>• s.715.1 videotaped evidence</li> <li>• s.486.(1.2)</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
		offence <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> s.718.2 aggravating feature if V is accused's child or spouse or abused relationship of trust or authority <input type="checkbox"/> dangerous offender?	support person • R. v. Khan • s.4(4) CEA: spouse is compellable witness • s.16 CEA: capacity to testify • CFSA s.72(1) notification
<b>s.270</b> assault officer, resist arrest  Hybrid  <b>Maximums</b> <b>Ind: up to 5 years</b> <b>Sum: \$2000/6 mos</b>		<input type="checkbox"/> s.110 discretionary firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture order <input type="checkbox"/> DNA secondary offence	
<b>s.271</b> sexual assault  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/18 mos</b>	<ul style="list-style-type: none"> <li>call expert evidence for s.486(2.1) application</li> <li>KGB statement (if any)</li> </ul>	<input type="checkbox"/> s.109/110 order <input type="checkbox"/> probation with victim safeguards <input type="checkbox"/> s.161 discretionary prohibition from attending certain public places or taking certain employment where V under 14 years <input type="checkbox"/> DNA primary offence <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> s.718.2 aggravating factor if V is spouse or child of accused or accused in position of authority or trust to V <input type="checkbox"/> dangerous offender?	<ul style="list-style-type: none"> <li>s.486(2.1) screen or closed-circuit t.v.</li> <li>s.486(1.2) support person</li> <li>s.486(3) discretionary publication ban</li> <li>s.276 sexual history</li> <li>s.278.1 third party records</li> <li>s.715.1 videotaped evidence</li> <li>s.16 CEA capacity to testify</li> <li>s.486(1) exclusion of public</li> <li>R. v. Khan</li> <li>s.4(2) CEA: spouse is compellable witness</li> <li>CFSA s.72(1) notification</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.272</b> sexual assault with weapon, threats or causing harm, use of firearm  Straight indictable  <b>Max: 14 years</b>  <b>If firearm used, minimum 4 years</b>	<ul style="list-style-type: none"> <li>• KGB statement (if any)</li> <li>• call expert evidence for s.486(2.1) application</li> </ul>	<ul style="list-style-type: none"> <li>❑ s.109 mandatory firearm order</li> <li>❑ s.491 mandatory weapon forfeiture order</li> <li>❑ s.161 discretionary prohibition from attending certain public places or taking certain employment where V under 14 years</li> <li>❑ probation with victim safeguards</li> <li>❑ DNA primary offence</li> <li>❑ s.722 victim impact statement</li> <li>❑ s.718.2 aggravating factor if V is spouse or child of accused or accused in position of authority or trust to V</li> <li>❑ dangerous offender?</li> </ul>	<ul style="list-style-type: none"> <li>• s.486(2.1) screen or closed circuit t.v.</li> <li>• s.486(1.2) support person</li> <li>• s.486(3) discretionary publication ban</li> <li>• s.715.1 videotaped evidence</li> <li>• s.276 sexual history</li> <li>• s.278.1 third party records</li> <li>• s.16 CEA capacity to testify</li> <li>• s.486(1) exclusion of public</li> <li>• R. v. Khan</li> <li>• s.4(2) CEA: spouse is compellable witness</li> <li>• CFSA s.72(1) notification</li> </ul>
<b>s.273</b> aggravated sexual assault  Straight indictable  <b>Max: life</b>  <b>If firearm used, minimum 4 years</b>	<ul style="list-style-type: none"> <li>• KGB statement (if any)</li> <li>• call expert evidence for s.486(2.1) application</li> </ul>	<ul style="list-style-type: none"> <li>❑ s.109 mandatory firearm order</li> <li>❑ s.491 mandatory weapon forfeiture order</li> <li>❑ s.161 discretionary prohibition from attending certain public places or taking certain employment where V under 14 years</li> <li>❑ probation with victim safeguards</li> <li>❑ DNA primary offence</li> <li>❑ s.722 victim impact statement</li> <li>❑ s.718.2 aggravating factor if V is spouse or child of accused or accused in position of authority or trust to V</li> <li>❑ dangerous offender?</li> </ul>	<ul style="list-style-type: none"> <li>• s.486(2.1) private testimony order</li> <li>• s.486(3) discretionary publication ban</li> <li>• s.486(1.2) support person</li> <li>• s.715.1 videotaped evidence</li> <li>• s.276 sexual history</li> <li>• s.278.1 third party records</li> <li>• s.16 CEA capacity to testify</li> <li>• s.486(1) exclusion of public</li> <li>• R. v. Khan</li> <li>• s.4(2) CEA: spouse is compellable witness</li> <li>• CFSA s.72(1) notification</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.279(1)</b> kidnapping  Straight indictable  <b>Max: life</b>  <b>If firearm used, minimum 4 years</b>		<input type="checkbox"/> s.109 mandatory firearm order <input type="checkbox"/> s.491 mandatory weapon forfeiture order <input type="checkbox"/> DNA primary offence <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> dangerous offender?	
<b>s.279(2)</b> forcible confinement  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/18 mos</b>		<input type="checkbox"/> s.109 mandatory firearm order <input type="checkbox"/> s.491 mandatory weapon forfeiture order <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> probation with victim safeguards <input type="checkbox"/> dangerous offender?	
<b>s.280</b> abduction of person under 16  Straight indictable  <b>Max: 5 years</b>	<ul style="list-style-type: none"> <li>Victim under 16</li> </ul>	<input type="checkbox"/> s.110 discretionary firearm prohibition <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> probation with victim safeguards	<ul style="list-style-type: none"> <li>R. v. Khan</li> <li>s.4(2) CEA: spouse is compellable witness</li> <li>s.16 CEA: capacity to testify</li> <li>CFSA s.72(1) notification</li> </ul>
<b>s.281</b> abduction of person under 14  Straight indictable  <b>Max: 10 years</b>	<ul style="list-style-type: none"> <li>Victim under 14</li> </ul>	<input type="checkbox"/> s.110 discretionary firearm prohibition <input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> probation with victim safeguards <input type="checkbox"/> s.161 discretionary prohibition from attending certain public places or taking certain employment where V under 14 years	<ul style="list-style-type: none"> <li>R. v. Khan</li> <li>s.4(2) CEA: spouse is compellable witness</li> <li>s.16 CEA: capacity to testify</li> <li>CFSA s.72(1) notification</li> </ul>
<b>s.334(a)</b> theft over \$5000  Straight indictable  <b>Max: 10 years</b>	<ul style="list-style-type: none"> <li>prove ownership, value of goods (or affidavit per s.657.1)</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application <input type="checkbox"/> restitution <input type="checkbox"/> compensation	

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.334(b)</b> theft under \$5000  Hybrid (Absolute PCJ)  <b>Maximums</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• prove ownership, value of goods (or affidavit per s.657.1)</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application <input type="checkbox"/> restitution <input type="checkbox"/> compensation	
<b>s.342</b> theft or forgery of credit card  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>		<input type="checkbox"/> compensation <input type="checkbox"/> restitution	<ul style="list-style-type: none"> <li>• s.359: previous related convictions admissible for limited purpose</li> </ul>
<b>s.344</b> robbery  Straight indictable  <b>Max: life</b>  <b>If firearm used, minimum 4 years</b>	<ul style="list-style-type: none"> <li>• KGB statement (if any)</li> </ul>	<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application <input type="checkbox"/> DNA secondary offence <input type="checkbox"/> restitution <input type="checkbox"/> compensation <input type="checkbox"/> probation with victim safeguards <input type="checkbox"/> s.722 victim impact statement	
<b>s.346</b> extortion  Straight indictable  <b>Max: life</b>  <b>If firearm used, minimum 4 years</b>		<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application <input type="checkbox"/> restitution <input type="checkbox"/> compensation <input type="checkbox"/> s.722 victim impact statement	<ul style="list-style-type: none"> <li>• s.486(3) discretionary publication ban</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.348</b> break and enter; dwelling house  Straight indictable  <b>Max: life</b>	<ul style="list-style-type: none"> <li>ownership of property (or affidavit per s.657.1)</li> <li>KGB statement (if any)</li> </ul>	<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> DNA secondary offence <input type="checkbox"/> restitution order <input type="checkbox"/> compensation order <input type="checkbox"/> s.722 victim impact statement	<ul style="list-style-type: none"> <li>doctrine of recent possession</li> </ul>
<b>s.348</b> break and enter; <u>not</u> a dwelling house  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>ownership of property (or affidavit per s.657.1)</li> <li>KGB statement (if any)</li> </ul>	<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> DNA secondary offence <input type="checkbox"/> restitution order <input type="checkbox"/> compensation order <input type="checkbox"/> s.722 victim impact statement	<ul style="list-style-type: none"> <li>doctrine of recent possession</li> </ul>
<b>s.349</b> unlawfully in a dwelling house  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>		<input type="checkbox"/> s.109/110 firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> s.722 victim impact statement	
<b>s.351(1)</b> possession of B & E tools  Straight indictable  <b>Max: 10 years</b>			
<b>s.351(2)</b> disguise with intent  Straight indictable  <b>Max: 10 years</b>			



SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.355(a)</b> possession of stolen property over \$5000  Straight indictable  <b>Max: 10 years</b>	<ul style="list-style-type: none"> <li>ownership of stolen goods (or affidavit per s.657.1)</li> <li>KGB statement (if any)</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application <input type="checkbox"/> restitution order <input type="checkbox"/> compensation order	<ul style="list-style-type: none"> <li>s.359/360 use of previous related convictions for limited purpose</li> <li>doctrine of recent possession</li> </ul>
<b>s.355(b)</b> possession of stolen property under \$5000  Hybrid (Absolute PCJ)  <b>Maximums</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>KGB statement (if any)</li> <li>ownership of stolen goods (or affidavit per s.657.1)</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application <input type="checkbox"/> restitution order <input type="checkbox"/> compensation order	<ul style="list-style-type: none"> <li>s.359/360 use of previous related convictions for limited purpose</li> <li>doctrine of recent possession</li> </ul>
<b>s.362</b> false pretences where property under \$5000  Hybrid (Absolute PCJ)  <b>Maximums</b> <b>If s.362(1)(a):</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>  <b>If s.362(1)(b),(c) or (d):</b> <b>Straight indictable</b> <b>Max: 10 years</b>	<ul style="list-style-type: none"> <li>ownership of property (or affidavit per s.657.1)</li> <li>bank records</li> <li>business records</li> <li>notice of intent to produce</li> </ul>	<input type="checkbox"/> restitution order <input type="checkbox"/> compensation order	
<b>s.362</b> false pretence where property over \$5000  Straight indictable  <b>Max: 10 years</b>	<ul style="list-style-type: none"> <li>ownership of property (or affidavit per s.657.1)</li> <li>bank records</li> <li>business records</li> <li>notice of intent to produce</li> </ul>	<input type="checkbox"/> restitution order <input type="checkbox"/> compensation order	

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.364</b> food fraud/ accomodation fraud  Straight summary  <b>Max: \$2000/6 mos</b>		<input type="checkbox"/> restitution <input type="checkbox"/> compensation	
<b>s.367</b> forgery  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• KGB statement (if any)</li> <li>• bank records</li> <li>• business records</li> <li>• notice of intent to produce</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application <input type="checkbox"/> restitution order <input type="checkbox"/> compensation order	
<b>s.368</b> utter forged document  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• KGB statement (if any)</li> <li>• bank records</li> <li>• business records</li> <li>• notice of intent to produce</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application	
<b>s.372(2)</b> indecent phonecalls  Straight summary  <b>Max: \$2000/6 mos</b>		<input type="checkbox"/> probation with victim safeguards <input type="checkbox"/> s.722 victim impact statement	
<b>s.372(3)</b> harassing phonecalls  Straight summary  <b>Max: \$2000/6 mos</b>		<input type="checkbox"/> probation with victim safeguards <input type="checkbox"/> s.722 victim impact statement	
<b>s.380(1)(a)</b> fraud over \$5000  Straight indictable  <b>Max: 10 years</b>	<ul style="list-style-type: none"> <li>• ownership of property (or affidavit per s.657.1)</li> <li>• notice of intent to produce business records</li> <li>• affidavit of service</li> <li>• affidavit</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application <input type="checkbox"/> restitution <input type="checkbox"/> compensation <input type="checkbox"/> s.722 victim impact statement	

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
	evidence (s.29 CEA) <ul style="list-style-type: none"> <li>• KGB statement (if any)</li> <li>• bank records</li> <li>• business records</li> </ul>		
<b>s.380(1)(b)</b> fraud under \$5000  Hybrid (Absolute PCJ)  <b>Maximums</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• ownership of property (or affidavit per s.657.1)</li> <li>• notice of intent to produce business records</li> <li>• affidavit of service</li> <li>• KGB statement (if any)</li> <li>• bank records</li> <li>• business records</li> <li>• affidavit evidence (s.29 CEA)</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application <input type="checkbox"/> restitution <input type="checkbox"/> compensation <input type="checkbox"/> s.722 victim impact statement	
<b>s.393(3)</b> transportation fraud  Straight summary  <b>Max: \$2000/6 mos</b>		<input type="checkbox"/> restitution <input type="checkbox"/> compensation	
<b>s.423.1</b> Intimidation of a justice system participant  Straight indictable  <b>Max: up to 14 years</b>			<ul style="list-style-type: none"> <li>• s.486(2.101) testimony outside court room or behind screen</li> <li>• s.486(4.1) discretionary publication ban</li> </ul>
<b>s.430(3)</b> mischief to property over \$5000  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: \$2000/6 mos</b>		<input type="checkbox"/> restitution <input type="checkbox"/> compensation <input type="checkbox"/> s.722 victim impact statement	
<b>s.430(4)</b> mischief to property under \$5000  Hybrid		<input type="checkbox"/> restitution <input type="checkbox"/> compensation <input type="checkbox"/> s.722 victim impact statement	

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
(Absolute PCJ)  <b>Maximums</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>			
<b>s.433</b> arson—disregard human life  Straight indictable  <b>Max: life</b>		<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> DNA secondary offence <input type="checkbox"/> restitution <input type="checkbox"/> compensation <input type="checkbox"/> s.722 victim impact statement	
<b>s.434</b> arson—damage to property  Straight indictable  <b>Max: 14 years</b>		<input type="checkbox"/> s.109 mandatory firearms order <input type="checkbox"/> s.491 mandatory weapon forfeiture <input type="checkbox"/> DNA secondary offence <input type="checkbox"/> restitution <input type="checkbox"/> compensation <input type="checkbox"/> s.722 victim impact statement	
<b>s.437</b> false fire alarm  Hybrid  <b>Maximums</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>			
<b>s.446</b> cause unnecessary suffering to animal  Straight summary  <b>Max: \$2000/6 mos</b>		<input type="checkbox"/> s.446(5) discretionary animal or bird prohibition (up to 2 years consec. to probation order) <input type="checkbox"/> probation with “no- animals” term <input type="checkbox"/> restitution <input type="checkbox"/> compensation	<input type="checkbox"/> CFSA s.72(1) notification

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s.449, 450, 452</b> counterfeit money  Straight indictable  <b>Max: 14 years</b>	<ul style="list-style-type: none"> <li>• s.461(2) certificate of examiner</li> </ul>	<input type="checkbox"/> s.462.37 proceeds of crime forfeiture order on Crown application	
<b>s.467.11</b> participates in or contributes to a criminal organization  Straight indictable  <b>Max: 5 years</b>		<input type="checkbox"/> s.467.14 a sentence for this offence shall be served consecutively <input type="checkbox"/> s.743.6(1.2) power of court to delay parole until lesser of one half of term or 10 years is served <ul style="list-style-type: none"> <li>• s.490.1 forfeiture of property on application of AG</li> </ul>	<ul style="list-style-type: none"> <li>• s.486(2.101) testimony outside court room or behind screen</li> <li>• s.486(4.1) discretionary publication ban</li> <li>• s.631(6) ban on publication of jurors' names</li> </ul>
<b>s.467.12</b> commits indictable offence for the benefit of a criminal organization  Straight indictable  <b>Max: 14 years</b>		<input type="checkbox"/> s.467.14 a sentence for this offence shall be served consecutively <input type="checkbox"/> s.743.6(1.2) power of court to delay parole until lesser of one half of term or 10 years is served <ul style="list-style-type: none"> <li>• s.490.1 forfeiture of property on application of AG</li> </ul>	<ul style="list-style-type: none"> <li>• s.486(2.101) testimony outside court room or behind screen</li> <li>• s.486(4.1) discretionary publication ban</li> <li>• s.631(6) ban on publication of jurors' names</li> </ul>
<b>s.467.13</b> leader of a criminal organization who instructs others to commit an offence  Straight indictable  <b>Max: life</b>		<input type="checkbox"/> s.467.14 a sentence for this offence shall be served consecutively <input type="checkbox"/> s.743.6(1.2) power of court to delay parole until lesser of one half of term or 10 years is served <ul style="list-style-type: none"> <li>• s.490.1 forfeiture of property on application of AG</li> </ul>	<ul style="list-style-type: none"> <li>• s.486(2.101) testimony outside court room or behind screen</li> <li>• s.486(4.1) discretionary publication ban</li> <li>• s.631(6) ban on publication of jurors' names</li> </ul>
<b>s.811</b> breach of s.810 peace bond  Hybrid (Absolute PCJ)  <b>Maximums</b> <b>Ind: up to 2 years</b> <b>Sum: \$2000/6 mos</b>	<ul style="list-style-type: none"> <li>• certified copy of s.810 order</li> <li>• notice of intention to use at trial</li> <li>• proof of service</li> </ul>	<input type="checkbox"/> s.722 victim impact statement <input type="checkbox"/> probation with victim safeguards	

## OFFENCES RELATED TO TERRORIST ACTIVITY

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s. 83.02</b> providing or collecting property for terrorist activities (financing terrorism)  Straight indictable  <b>Max: up to 10 years</b>		<input type="checkbox"/> s. 83.14 order of forfeiture on Crown application ( <b>NOTE: UNLIKE the forfeiture provisions of the CCC, including Proceeds of Crime, a person does NOT have to be convicted or discharged of a criminal offence before an application for forfeiture under s. 83.14 can be instituted</b> ) <input type="checkbox"/> s. 83.26: sentence shall be served consecutively <input type="checkbox"/> s. 490.1 order of forfeiture of property <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence <input type="checkbox"/> s. 743.6(1.2) power of court to delay parole	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 Canada Evidence Act notice</li> <li>• s. 38.02 CEA disclosure prohibited</li> </ul>
<b>s. 83.03</b> providing property or services for terrorists  Straight indictable  <b>Max: up to 10 years</b>		<input type="checkbox"/> s. 83.14 order of forfeiture on Crown application <input type="checkbox"/> s. 83.26: sentence shall be served consecutively <input type="checkbox"/> s. 490.1 order of forfeiture of property <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence <input type="checkbox"/> s. 743.6(1.2) power of court to delay parole	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 CEA notice</li> <li>• s. 38.02 disclosure prohibited CEA</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s. 83.04</b> using or possessing property for terrorist purposes.  Straight indictable  <b>Max: up to 10 years</b>		<input type="checkbox"/> s. 83.14 order of forfeiture on Crown application <input type="checkbox"/> s. 83.26: sentence shall be served consecutively <input type="checkbox"/> s. 490.1 order of forfeiture of property <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence <input type="checkbox"/> s. 743.6(1.2) power of court to delay parole	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 notice CEA</li> <li>• s. 38.02 disclosure prohibited CEA</li> </ul>
<b>s. 83.08</b> dealing in property, facilitating transactions or providing services in respect of property owned or controlled by terrorist groups  Hybrid  <b>Ind: up to 10 years;</b> <b>Sum: \$100,000/1 year</b>		<input type="checkbox"/> s. 83.14 order of forfeiture on Crown application <input type="checkbox"/> s. 490.1 order of forfeiture of property <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 notice CEA</li> <li>• s. 38.02 disclosure prohibited CEA</li> </ul>
<b>s. 83.1</b> mandatory disclosure of property and information  Hybrid  <b>Ind: up to 10 years;</b> <b>Sum: \$100,000/1 year</b>		<input type="checkbox"/> s. 83.14 order of forfeiture on Crown application <input type="checkbox"/> s. 490.1 order of forfeiture of property <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 notice CEA</li> <li>• s. 38.02 disclosure prohibited CEA</li> </ul>
<b>s. 83.11</b> mandatory auditing and reporting  Hybrid  <b>Ind: up to 10 years;</b> <b>Sum: \$100,000/1 year</b>		<input type="checkbox"/> s. 83.14 order of forfeiture on Crown application <input type="checkbox"/> s. 490.1 order of forfeiture of property <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 notice CEA</li> <li>• s. 38.02 disclosure prohibited CEA</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s. 83.18</b> participation in activity of terrorist group  Straight indictable  <b>Max: Up to 10 years</b>		<input type="checkbox"/> s. 83.26: sentence shall be served consecutively <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence <input type="checkbox"/> s. 743.6(1.2) power of court to delay parole <input type="checkbox"/> DNA primary offence <input type="checkbox"/> S. 491 forfeiture of weapons order <input type="checkbox"/> S. 109/110 mandatory firearms order	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 notice CEA</li> <li>• s. 38.02 disclosure prohibited CEA</li> </ul>
<b>s. 83.19</b> facilitating a terrorist activity  Straight indictable  <b>Max: Up to 14 years</b>		<input type="checkbox"/> s. 83.26: sentence shall be served consecutively <input type="checkbox"/> s. 490.1 order of forfeiture of property <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence <input type="checkbox"/> s. 743.6(1.2) power of court to delay parole <input type="checkbox"/> DNA primary offence <input type="checkbox"/> S. 491 forfeiture of weapons order <input type="checkbox"/> S. 109/110 mandatory firearms order	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 notice CEA</li> <li>• s. 38.02 disclosure prohibited CEA</li> </ul>
<b>s. 83.2</b> commission of an indictable offence for the benefit of, at the direction of, or in association with a terrorist group  Straight indictable  <b>Max: life</b>		<input type="checkbox"/> s. 83.26: sentence shall be served consecutively <input type="checkbox"/> s. 490.1 order of forfeiture of property <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence <input type="checkbox"/> s. 743.6(1.2) power of court to delay parole	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 notice CEA</li> <li>• s. 38.02 disclosure prohibited CEA</li> </ul>



SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
		<input type="checkbox"/> DNA primary offence <input type="checkbox"/> S. 491 forfeiture of weapons order <input type="checkbox"/> S. 109/110 mandatory firearms order	
<b>s. 83.21</b> instructing to carry out an activity for a terrorist group  Straight indictable  <b>Max: life</b>		<input type="checkbox"/> s. 83.26: sentence shall be served consecutively <input type="checkbox"/> s. 490.1 order of forfeiture of property <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence <input type="checkbox"/> s. 743.6(1.2) power of court to delay parole <input type="checkbox"/> DNA primary offence <input type="checkbox"/> S. 491 forfeiture of weapons order <input type="checkbox"/> S. 109/110 mandatory firearms order	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 notice CEA</li> <li>• s. 38.02 disclosure prohibited CEA</li> </ul>
<b>s. 83.22</b> instructing to carry out a terrorist activity  Straight indictable  <b>Max: life</b>		<input type="checkbox"/> s. 83.26: sentence shall be served consecutively <input type="checkbox"/> s. 490.1 order of forfeiture of property <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence <input type="checkbox"/> s. 743.6(1.2) power of court to delay parole <input type="checkbox"/> DNA primary offence <input type="checkbox"/> S. 491 forfeiture of weapons order <input type="checkbox"/> S. 109/110 mandatory firearms order	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 notice CEA</li> <li>• s. 38.02 disclosure prohibited CEA</li> </ul>

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s. 83.23</b> harbouring or concealing  Straight indictable  <b>Max: up to 10 years</b>		<input type="checkbox"/> s. 83.26: sentence shall be served consecutively <input type="checkbox"/> s. 490.1 order of forfeiture of property <input type="checkbox"/> s. 718.2(a) aggravating factor if terrorism offence <input type="checkbox"/> s. 743.6(1.2) power of court to delay parole <input type="checkbox"/> DNA primary offence <input type="checkbox"/> S. 491 forfeiture of weapons order <input type="checkbox"/> S. 109/110 mandatory firearms order	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> <li>• s. 38.01 notice CEA</li> <li>• s. 38.02 disclosure prohibited CEA</li> </ul>
<b>S.83.27</b> Punishment for terrorist activity		<input type="checkbox"/> Crown must notify the accused prior to plea that this punishment will be sought	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>s. 424</b> threat against internationally protected person  Straight indictable  <b>Max: up to 5 years</b>		<input type="checkbox"/> s. 722 victim impact statement	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> </ul>
<b>s. 424.1</b> threat against United Nations or associated personnel  Straight indictable  <b>Max: up to 10 years</b>		<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• s. 486(2.101) testimony on closed-circuit TV or behind screen</li> <li>• s. 486(4.1) ban on publication</li> </ul>
<b>s. 430 (4.1)</b> mischief relating to religious property  Hybrid  <b>Maximums</b> <b>Ind: up to 10 years</b> <b>Sum: up to 18 months</b>		<input type="checkbox"/> restitution <input type="checkbox"/> compensation <input type="checkbox"/> s. 722 victim impact statement	

SECTION NUMBER	EVIDENCE	SENTENCING	TRIAL CONSIDERATIONS
<b>s. 431</b> attack on premises, residence or transport of internationally protected person  Straight indictable  <b>Max: up to 14 years</b>			<ul style="list-style-type: none"> <li>• s. 38.01 Canada Evidence Act notice</li> <li>• s. 38.02 CEA disclosure prohibited</li> </ul>
<b>s. 431.1</b> attack on premises, accommodation or transport of United Nations or associated personnel  Straight indictable  <b>Max: up to 14 years</b>		☐	<ul style="list-style-type: none"> <li>• s. 38.01 Canada Evidence Act notice</li> <li>• s. 38.02 CEA disclosure prohibited</li> </ul>
<b>s. 431.2(2)</b> delivering, placing, discharging or detonating an explosive or other lethal device  Straight indictable  <b>Max: life</b>		☐	<ul style="list-style-type: none"> <li>• s. 38.01 Canada Evidence Act notice</li> <li>• s. 38.02 CEA disclosure prohibited</li> </ul>