

Legislative Influences

Changes in legislation and the resulting change in the offence classification creates discontinuity in the historical record of particular criminal offences. Legislative changes to assault, sexual assault, theft, arson, mischief, prostitution and youth crime must be considered when making comparisons over time. Some of the more significant changes are as follows:

Sexual Assault: Bill C-127 (1983):

Bill C-127 abolished the offences of rape, attempted rape and indecent assault and introduced a three-tiered structure for sexual assault offences. The Bill also eased the circumstances under which police could lay charges in incidents of sexual and non-sexual assault.

Young Offenders Act (1984):

With the proclamation of the YOA in April 1984, 12 years became the minimum age for which criminal charges could be laid. However, the maximum age continued to vary until April 1985, when the maximum age of 17 (up to the 18th birthday) was established in all provinces and territories. Youths, as defined in this publication, refer to those aged 12 to 17 (inclusive). This definition applies to the target group who fall under the delegation of the *Young Offenders Act* (YOA).

Traffic Offences: Bill C-18 (1985):

In December 1985, Bill C18 made major legislative changes with respect to certain **traffic offences (all 700 series offences)**. It imposed more stringent sentences for dangerous driving and drinking and driving. It also facilitated the enforcement of impaired driving laws by authorizing police to take blood and/or breath samples under certain circumstances. As a result, data previous to 1985 for traffic offences are not comparable and have not been presented.

Property value limits: Bill C-18 (1985) and Bill C-42 (1995):

In 1985, Bill C-18 altered the property value limits from under and over \$200 to under and over \$1,000. This applies to offences such as theft, possession of stolen goods, mischief and fraud. As of February 1995, Bill C-42 revised the property value limits to under and over \$5,000.

Alternative measures: Bill C-41 (1996):

Bill C-41 was proclaimed into law September 3, 1996. One of its highlights was the introduction of "alternative measures" for adults, which provided ways of dealing with disputes and minor offences outside the formal court proceedings.

Firearms: Bill C-68 (1997):

Bill C-68, proclaimed on January 1, 1997, requires that all firearm owners must obtain a Firearms License by January, 2001. This license replaces the Firearms Acquisition Certificate in use since 1977. Commencing October 1, 1998, each weapon must be registered within five years and a Registration Certificate will be issued. Bill C-68 also provides for tougher penalties for using a firearm while committing a crime.

Controlled Drugs and Substances Act: Bill C-8 (1997):

This new legislation came into force on May 14, 1997. The **Controlled Drugs and Substances Act** (CDSA) repealed and replaced the **Narcotic Control Act (NCA)** and parts of the **Food and Drugs Act (FDA)** in 1996. With this change in legislation, offences related to the possession, trafficking and importation of certain controlled or restricted drugs not identified in the earlier statutes are now (since 1997) included in other drugs category. Hence, comparisons with years prior to 1997 should be made with caution.

Dangerous Operation Evading Police: Bill C-202 (2000):

Law C-202 came into effect March 30th, 2000. This legislation modifies section 249 of the Criminal Code, thus creating new offences of dangerous operation of a motor vehicle when used for evading police.

Youth Criminal Justice Act: Bill C-7 (2003):

The extrajudicial measures encouraged by the *Youth Criminal Justice Act*, proclaimed on April 1, 2003, include taking no further action, informal police warnings, referrals to community programs, formal police cautions, Crown cautions, and extrajudicial sanctions programs. It is presumed that extrajudicial measures are adequate to hold accountable non-violent offenders who have not previously been found guilty in court.

Street Racing: Bill C-19 (2006):

Bill C-19, proclaimed on December 14, 2006, addresses the street-racing problem by making four amendments to the Criminal Code: "Street-racing" has been defined, five new street-racing offences have been added, for three of the new offences, it provides maximum prison terms longer than those currently provided for dangerous operation or criminal negligence in the operation of a motor vehicle, and it introduces mandatory driving prohibition orders for a minimum period of time, with the length of the prohibition increasing gradually for repeat offences.

Unauthorized Recording of a Movie: Bill C-59 (2007):

Bill C-59, proclaimed on June 22, 2007, addresses the illegal recording of movies in theatres by creating two offences in the criminal code: recording for personal use of a movie shown in a theatre – liable to imprisonment for not more than two years, and recording for commercial purposes of a movie shown in a theatre – liable to imprisonment for not more than five years.

Tackling Violent Crime: Bill C-2 (2008)

As a result of Bill C-2, which was proclaimed on February 28, 2008, the age of consent was raised from 14 to 16 for the following Criminal Code offences: sexual interference, invitation to sexual touching, sexual exploitation, bestiality and exposure to person under 14. For sexual assault levels 1 to 3, the age changes for complainant (formerly 14) to under the age of 16.

Impaired operation and failure to provide blood sample now includes the separation between alcohol and drugs (or combination of drugs). Fail/refuse to provide breath sample and failure to comply or refusal (drugs) will now have a maximum penalty of 25 years.

New firearm offences will separate offences of breaking and entering by robbery to steal a firearm and to steal a firearm, which carry a maximum penalty of 25 years.

Tackling Violent Crime: Bill C-2 (2009)

As a result of Bill C-2, which was proclaimed on February 28, 2008, the UCR has also created a new code for sexual exploitation of a person with a disability. As well, two new Firearm violations have been added: Robbery to steal a firearm, and Break and Enter to steal a firearm.

Act to amend the Criminal Code (organized crime and protection of justice system participants) Bill C-14 (2009)

Bill C-14 officially came into effect on October 2, 2009. As a result, two new violation codes have been created: Assaulting with a weapon or causing bodily harm to a peace officer, and aggravated assault to a peace officer.

In 2002, legislative changes were made to include the use of the Internet for the purpose of committing child pornography offences. As such, the percent change in this offence is calculated from 2003 to 2009.

Codifying Identity Theft: Bill S4 (2010)

Bill S-4 officially came into effect on January 8, 2010. As a result, two new violation codes were created: Identity Theft and Identity Fraud.

Trafficking in Person's under the age of 18: Bill C-268 (2010)

Bill C-268 officially came into effect on June 29, 2010. As a result, a new section was added to the Criminal Code; Section 279.011(1). This section will be coded into the existing UCR code of Trafficking in Persons.

An Act to amend the Criminal Code (suicide bombings): Bill S-215 (2010)

Bill S-215 officially came into effect on December 15, 2010. This enactment amends the Criminal Code to clarify that suicide bombings fall within the definition "terrorist activity". As such they should be included in UCR codes: Participate in Terrorist Activity, Facilitate Terrorist Activity, and Instruct/Carry Out Terrorist Activity.

Tackling Auto Theft and Trafficking in Property Obtained by Crime: Bill S-9 (2011)

Bill S-9 officially came into effect on April 29, 2011. As a result, a new UCR violation code for Motor Vehicle Theft was created, replacing the current UCR violations of Motor Vehicle Theft over \$5,000 and Motor Vehicle Theft \$5,000 and under.

Possession of Stolen Goods is now separated into two categories; Possession of Stolen Goods over \$5,000 and Possession of Stolen Goods \$5,000 and under.

Three new UCR violation codes were also created: Altering/Destroying/Removing a vehicle identification number (VIN), Trafficking in Stolen Goods over \$5,000, Trafficking in Stolen Goods \$5,000 and under.

Amendment to the Controlled Drugs and Substances Act: Bill C-475 (2011)

Bill C-475 officially came into effect on June 26, 2011. As a result, a new section was added to the Criminal Code; Section 7.1(1). This section will be coded into the new UCR violation code of Precursor/Equipment (crystal meth, ecstasy).

The Safe Streets Act: Bill C-10 (2012)

Bill C-10 officially came into effect on August 9, 2012. As a result, two new sections were added to the Criminal Code; Section 172.2(1) and Section 171.1(1). Section 172.2(1) will be mapped to the existing UCR code of Luring a child via computer. Section 171.1(1) will be mapped to the new UCR violation code of Making Sexually Explicit material available to Children.

An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act: Bill S-7 (2013)

On April 25th, 2013 the Government of Canada introduced a new Bill entitled “An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act” (Bill S-7). This Bill came into force on July 15th, 2013.

The Bill brings with it changes to the Criminal Code in relation to harbouring terrorists. Please see the chart below for existing terrorism codes, new codes and codes that have expired as a result of this legislation.

CC Section	Status	UCR violation	Description
s 83.18	existing	3713	participate in activity of a terrorist group
s 83.181	new	3721	leave Canada to participate in activity of a terrorist group
s 83.19	existing	3714	Facilitate terrorist activity
s 83.191	new	3722	leave Canada to facilitate terrorist activity
s 83.2	existing	3715	instruct/ commit offence for a terrorist group
s 83.201	new	3723	leave Canada to commit an offence for a terrorist group
s 83.202	new	3724	leave Canada to commit an offence that is a terrorist activity
s 83.23	EXPIRING	3716	harbour/ conceal terrorist
s 83.23(1)(a)	new-replacing 3716	3725	harbour/conceal known terrorist where terrorist activity had max = life
s 83.23(1)(b)	new-replacing 3716	3726	harbour/conceal known terrorist where terrorist activity had max not = life
s 83.23(2)	new-replacing 3716	3727	harbour/conceal person likely to carry out terrorist activity

Mischief to war memorials: Bill C-217 (2014)

Under Criminal Code sections 430(4.11(a)), 430(4.11(b)) and 430 (4.2), Bill C-217 created new criminal offenses of mischief relating to war memorials (2177) and mischief in relation to cultural property (2175) when it came into force on the 19th of June, 2014.

Recruitment to Criminal Organizations: Bill C-394 (2014)

This bill came into force on September 6th, 2014 and makes the recruitment of members by a criminal organization a criminal offense under section 467.111 of the Criminal Code. Incidents of this offence will be coded under violation code 3843.

Protection of Communities and Exploited Persons Act: Bill C-36 (2014)

On December 6th, 2014, this bill created a number of criminal code offences relating to sex work:

- 1) New violation 3140
 - a. 213(1.1) – communicating, for the purpose of offering or providing sexual services – in a public place, or in any place open to public view, that is or is next to a school ground, playground or daycare centre. (summary conviction – not exceeding 6 months)
 - b. Related to violation 3130 (213 (1a-c)) – Stop MV, impede traffic (6 months)
- 2) New violation 3141
 - a. 213(1)(ab) – stopping motor vehicle, impede traffic (6 months)
 - b. Related to violation 3130 (213 (1a-c)) – stopping motor vehicle, impede traffic (6 months)
- 3) New violation 3145
 - a. 286.1(1) – communicate with anyone for purpose of obtaining sexual services (max 5 years)
 - b. Related to violation 3125 (212.(4))- communicates for purpose of sex <18 (max 5 years)

- 4) New violation 3146
 - a. 286.1(2) – communicate with anyone for purpose of obtaining sexual services <18 (max 10 years)
 - b. Related to violation 3125 (212.(4))- communicates for purpose of sex <18 (max 5 years)
- 5) New violation 3150
 - a. 286.2(1) – material benefit from sexual services (living off the avails) (max 10 years)
 - b. Related to violation 3115 (212.(2))- living off the avails of prostitution < 18 (max 14 years)
- 6) New violation 3151
 - a. 286.2(2) – material benefit from sexual services < 18 (living off the avails) (max 14 years)
 - b. Related to violation 3115 (212.(2))- living off the avails of prostitution < 18 (max 14 years)
- 7) New violation 3155
 - a. 286.3(1) – procuring (max 14 years)
 - b. Related to violation 3120 (212.(1a-j))- Procure/solicit illicit sex/entice, etc (covers other cc acts as well) (max 10 years)
- 8) New violation 3156
 - a. 286.3(2) – procuring < 18 (max 14 years)
 - b. Related to violation 3120 (212.(1a-j))- Procure/solicit illicit sex/entice, etc (covers other cc acts as well) (max 10 years)
- 9) New violation 3160
 - a. 286.4 – advertising sexual services (max 5 years)
- 10) New violations **3165, 3166, 3167, 3168**
 - a. S170(ab) and S171(ab), are being broken out into 4 new violation codes to **replace 3120(170(ab), 171(ab), 212.1(a-j))**, which is expired
 - i. **3165** – new code (170(a)) - parent/guardian, procure <16 (max 10 yrs)
 - ii. **3166** – new code (170(b)) - parent/guardian, procure 16-17 (max 5 yrs)
 - iii. **3167** – new code (171(a)) - householder, permit <16 (max 5 yrs)
 - iv. **3168** – new code (171(b)) - householder, permit 16-17 (max 2 yrs)

Comparing UCR Data with Courts and Corrections Data

It is difficult to make comparisons between data reported by police and data from other sectors of the criminal justice system (i.e., courts and corrections). There is no single unit of count (i.e., incidents, offences, charges, cases or persons) which is defined consistently across the major sectors of the justice system. As well, charges actually laid can be different from the **most serious offence** by which incidents are categorized. In addition, the number and type of charges laid by police may change at the pre-court stage or during the court process. Time lags between the various stages of the justice process also make comparisons difficult.