Index

ABDUCTION
See also UNLAWFUL OR FORCIBLE CONFINEMENT
Generally, **8:410, 8:411**

ABORIGINAL OFFENDERS
Generally, **1:23**

ACCESSORY
See MURDER

ACCIDENT
See CONVEYANCES; FAILURE TO STOP AT SCENE OF ACCIDENT

ADMINISTERING NOXIOUS THING
Generally, **8:182 to 8:184**

AGGRAVATED ASSAULT
See ASSAULT; SEXUAL ASSAULT; CAUSING BODILY HARM WITH INTENT

AGGRAVATING CIRCUMSTANCES
See SENTENCING PRINCIPLES, statutory

AIDS, PERSON WITH
See also HIV, PERSON INFECTED WITH
Common nuisance charge and, **5:160 to 5:162**

AIRCRAFT
Dangerous operation of
see CONVEYANCES; DANGEROUS OPERATION OF MOTOR VEHICLES, ETC.

AIRCRAFT—Cont'd
Operation of while impaired
see CONVEYANCES; MOTOR VEHICLE, operation while impaired

ALTERNATIVE MEASURES
See SENTENCING PRINCIPLES, statutory

ALTERNATIVES TO IMPRISONMENT
Generally, **1:22**

ANIMALS, CRUELTY TO
Generally, **12:57 to 12:59**

APPEALS
Generally, **1:90**
Appellate deference, **1:95**
Dangerous offenders, by, **1:100**
Deferential standard of review, **1:95**
Evidence on
see EVIDENCE
Jurisdiction re sentences, **1:97**
Leave application, **1:101**
Parole ineligibility, review of, **1:99**
Powers of court of appeal, **1:96**
Pre-hearing procedure
bail pending, **1:92**
notice, **1:91**
stay of sentence pending, **1:93**
Re-incarcerate offender, **1:98**
Sentence, leave to, **1:94**
Standard of review, **1:95**
Sufficiency of sentencing reasons, **1:95.50**
Supreme Court of Canada, to, **1:97, 1:102**

APPEARANCE NOTICE
Failure to comply with, **4:69 to 4:71**

ARSON
See also FRAUD
Damage to property, **12:37 to 12:39**
Disregard for human life
generally, **12:26, 12:27**
case summaries
generally, **12:28**
Fraudulent purpose, for, **12:48 to 12:50**
Negligence, by, **12:55, 12:56**
Own property, **12:46, 12:47**

ASSAULT
Aggravated
generally, **8:266, 8:267**
case summaries
generally, **8:276**
child abuse, **8:291**
children/parents, against, **8:301**
domestic situations, **8:295**
racially motivated, **8:304**
Bodily harm, causing
generally, **8:242, 8:243**
intent, with, **8:172**
case summaries
generally, **8:245**
domestic assault, **8:257**
family victims other than spouses, **8:263**
Common
generally, **8:207, 8:208**
case summaries
generally, **8:211**
children, against, **8:224**
domestic situations, **8:217**
gang-related, **8:228**
racially motivated, **8:227**
Peace officer, against, **8:305 to 8:310**
Sexual
see SEXUAL ASSAULT

ASSAULT—Cont'd
Weapon, with
generally, **8:229, 8:230**
case summaries
generally, **8:232**
domestic situations, **8:238**

ATTEMPTED MURDER
See also MURDER
Generally, **8:138, 8:139**
Case summaries
generally, **8:140**
exceptional dispositions, **8:140**
spousal victim, **8:140**
Tackling Violent Crime Act, **8:138**

BAIL
Minimum sentences, impact of conditions on, **1:42**
Pending appeal, **1:92**

BEING AT LARGE
See also CUSTODY; PRISON BREACH
Escape from custody, **4:55 to 4:59, 4:62**
Excuse, without lawful, **4:55 to 4:59, 4:66**

BESTIALITY
Generally, **5:79, 5:80**

BETTING, ILLEGAL
Generally, **7:6 to 7:8**

BLOOD ALCOHOL CONTENT EXCEEDING 80 MG
See MOTOR VEHICLE, operation while impaired

BLOOD SAMPLE, REFUSAL TO COMPLY
See MOTOR VEHICLE, operation while impaired

BOOKMAKING
Generally, **7:6 to 7:8**

BREACH OF TRUST
Criminal, **10:20 to 10:22**
Public officer, by, **4:6 to 4:8**
Secret commissions, **11:57 to 11:59**

BREAKING AND ENTERING
See also DWELLING HOUSE, being unlawfully in
Generally, **10:96**
Case summaries
commercial, **10:126**
residential, **10:100**

BREATH SAMPLE, REFUSAL TO COMPLY
See MOTOR VEHICLE, operation while impaired

BRIBERY
Criminal justice administrative officers, of, **4:3 to 4:5**
Judicial officials, of, **4:1, 4:2**

CAUSING BODILY HARM WITH INTENT
See also ASSAULT
Generally, **8:172**

CHILD
See also INCEST; NECESSARIES, DUTY OF PERSONS TO PROVIDE; PROCURING BY PARENT; SEXUAL EXPLOITATION; SEXUAL INTERFERENCE; SEXUAL TOUCHING, INVITATION TO
Aggravated assault of, **8:301 to 8:303**
Agreement/arrangement for sexual offence against, **5:143 to 5:151**
Assault causing bodily harm to, **8:264, 8:265**
Common assault of, **8:224 to 8:226**
Criminal negligence causing
bodily harm to, **8:43 to 8:46**
death to, **8:31**
Effect of sexual assault on, **8:314**

CHILD—Cont'd
Luring of child through internet, **5:122 to 5:126**
Manslaughter of, **8:85, 8:93**
Orders limiting contact with, **1:56**
Orders limiting contact with, breach of, **4:82**
Pornography
see CHILD PORNOGRAPHY
Sexual offence against, agreement/arrangement for, **5:143 to 5:151**

CHILD PORNOGRAPHY
See also CHILD
Case summaries
offences alone, **5:113 to 5:118**
offences committed with other sexual offences, **5:100 to 5:110**
Forfeiture provisions, **1:51**
Offence of, **5:90 to 5:92**

COMMON NUISANCE
Generally, **5:160 to 5:162**

COMPUTER HACKERS
Generally, **12:24, 12:25**

CONDITIONAL IMPRISONMENT
See DISPOSITIONS AVAILABLE, primary

CONFINEMENT
See ABDUCTION; UNLAWFUL OR FORCIBLE CONFINEMENT

CONVEYANCES
See also FAILURE TO STOP AT SCENE OF ACCIDENT; STREET RACING
Generally, **8:423, 9:1**
Accident, failure to stop after, **9:40 to 9:46**
Dangerous operation
bodily harm, causing, **9:11 to 9:13**

CONVEYANCES—Cont'd
Dangerous operation—Cont'd
death, causing, **9:20 to 9:31**
simpliciter, **9:3 to 9:5**
Demand, failure/refusal to comply with
generally, **9:50 to 9:56**
bodily harm, causing, **9:67, 9:68**
death, causing, **9:77 to 9:79**
Disqualified, operation while, **9:95 to 9:97**
Flight, **9:34 to 9:36**
Impaired, operation while
generally, **9:50 to 9:56**
bodily harm, causing, **9:68, 9:69**
death, causing, **9:77 to 9:79**
Stopping after accident, failure re, **9:40 to 9:46**
Street racing, **9:39**

CORPORATION
See ORGANIZATION, SENTENCING OF

CORRUPTING MORALS
Generally, **5:81 to 5:86**

COUNTERFEIT MONEY, MAKING, POSSESSING AND UTTERING
Generally, **12:62 to 12:65**

COURT
Failure to attend, **4:69 to 4:71**

COURT ORDER
See also DISPOSITIONS AVAILABLE, secondary
Disobeying, **4:18 to 4:20**

CREDIT, ENHANCED
Bail, for time spent on, **1:82**
Criminal record, **1:78**
Generally, **1:76**
Minimum sentence, where, **1:81**
Offences committed while on release, **1:79**
Pre-trial custody, for, **1:81**

CREDIT, ENHANCED—Cont'd
Principles, applicable, **1:77**
Retrospective application, **1:80**

CREDIT CARD THEFT/FORGERY
Generally, **10:29 to 10:31**

CRIME COMICS
Forfeiture provisions, **1:51**

CRIMINAL HARASSMENT
Generally, **8:188 to 8:190**

CRIMINAL JUSTICE ADMINISTRATIVE OFFICERS, BRIBERY OF
Generally, **4:3 to 4:5**

CRIMINAL NEGLIGENCE
See also CONVEYANCES; NEGLIGENCE; STREET RACING
Causing bodily harm by
generally, **8:32**
case summaries
generally, **8:35**
child victims, **8:43**
driving-related offences, **8:41**
HIV, infecting others with, **8:35**
HIV, infecting others with, **8:32**
Causing death by
generally, **8:9**
case summaries
generally, **8:17**
child victim, **8:31**
driving-related offences, **8:22**
negligent operation of motor vehicles, **8:9**
sentencing severity, **8:15**

CROWN OFFICER
Disability of, **13:35, 13:36**

CRUELTY TO ANIMALS
Generally, **12:57 to 12:59**

CUSTODY
See also BEING AT LARGE
Credit, enhanced, **1:76 to 1:82**
Escape from lawful, **4:55 to 4:64**
Pre-sentence, **1:75 to 1:82**

DANGEROUS DRIVING
See CONVEYANCES; DANGEROUS OPERATION OF MOTOR VEHICLES, ETC.

DANGEROUS OFFENDERS
Appeal by, **1:65**
Case summaries, **14:5 to 14:56**
Imprisonment of, **1:43**
Principle, **14:1 to 14:3**

DANGEROUS OPERATION OF MOTOR VEHICLES, ETC
See also CONVEYANCES; STREET RACING

DANGEROUS OPERATION OF MOTOR VEHICLES, ETC.
Bodily harm, causing
generally, **9:12, 9:13**
case summaries, **9:14**
Death, causing
case summaries
generally, **9:32**
exceptional dispositions, **9:32**
Short of criminal negligence, **8:9**
case summaries
generally, **8:16**

DEAD BODY
Indignity to, **5:165 to 5:167**

DELIVERY OF OFFENDER TO KEEPER OF PRISON
Generally, **13:29, 13:30**

DETERRENCE
See SENTENCING PRINCIPLES, statutory

DISABILITIES
Generally, **13:35, 13:36**

DISCHARGES
See DISPOSITIONS AVAILABLE, primary

DISPOSITIONS AVAILABLE
Generally, **1:55**
Discretionary
children, orders limiting contact with, **1:56**
driving prohibition orders, **1:53**
fines, **13:21, 13:22**
fines in lieu of forfeiture, **1:60**
firearms prohibition orders, **1:52**
forensic DNA analysis orders, **1:54**
forfeiture provisions, **1:57, 13:21**
explosives, **1:58**
obscene publications, **1:59**
offence-related property, **1:61**
weapons, **1:57**
sureties to keep the peace
injury or damage feared, **1:55**
serious personal injury feared, **1:55**
sexual offence feared, **1:55**
victim compensation order, **1:62**
Primary
conditional sentence of imprisonment
breach of, **15:9**
case summaries, **15:10 to 15:22**
commentary, **15:7 to 15:9**
changing, **15:8**
combined with prison term, **15:1**
imposing, **15:7**
introduction, **15:1**
legislation, **15:6**
rise and fall 1996-2012, **15:1**
section: past and present, **15:1**
statutory provisions, **15:6**
discharge, absolute and conditional, **1:30, 13:12, 13:13**

DISPOSITIONS AVAILABLE —Cont'd
Primary—Cont'd
driving prohibition orders, mandatory, **1:50**
fine, **1:32 to 1:37**
ability to pay, **1:32**
amount of, **1:32**
corporations, against, **1:37**
default of payment, **13:21, 13:22**
general provisions re, **1:32, 13:21**
imprisonment in default of payment, **1:45**
option programs, **1:35, 13:21**
procedure for imposing, **13:21, 13:22**
statutory limit, **1:32**
time to pay, **1:33**
victim fine surcharge, **1:46, 13:21, 13:22**
firearms prohibition orders, mandatory, **1:49**
forensic DNA analysis orders, mandatory, **1:51**
imprisonment, **1:49**
bail conditions and, **1:42**
Charter challenges re, **1:41**
conditional
see conditional sentence of imprisonment
dangerous offenders and, **1:43**
intermittent sentences, **1:39**
life imprisonment, **13:31, 13:32**
maximum period of, **1:38**
minimum, mandatory, **1:40 to 1:42**
murder, for
first degree, **1:44**
second degree, **1:45**
statutory provisions re, **13:26**
young offender, **13:26**

DISPOSITIONS AVAILABLE —Cont'd
Primary—Cont'd
probation
breach of, **13:14, 13:18**
conditions of, **1:48, 13:14, 13:18**
fine or imprisonment, in addition to, **1:46**
intermittent sentence, in conjunction with, **1:47**
order, **1:43, 13:14**
suspended sentence, **1:43**

DISTURBANCE, CAUSING PUBLIC
Generally, **5:152 to 5:154**

DOMESTIC VIOLENCE
Aggravated assault, **8:295 to 8:299**
Assault causing bodily harm, **8:257**
Assault with weapon, **8:244 to 8:249**
Common assault, **8:215 to 8:216**
Manslaughter, **8:76 to 8:83**
Sexual assault, **8:344 to 8:349**

DRIVING OFFENCES
See MOTOR VEHICLE

DRIVING PROHIBITION ORDERS
Generally, **1:39**

DWELLING HOUSE
See also BREAKING AND ENTERING
Being unlawfully in, **10:132 to 10:134**

ELECTED OFFICIALS
See BRIBERY, judicial officials

ESCAPE FROM LAWFUL CUSTODY
See PRISON BREACH

EVIDENCE
Appeal, on
fresh evidence, rules re admission, **2:17**
informal information, **2:17**
material before court, **2:15**
trial judge's report, **2:16**
witnesses, **2:17**
Certificate of analyst, proof of, **2:7, 2:8**
Counsel submissions, **2:13**
Determination of facts
disputed facts, **13:10**
hearsay rule, **2:2 to 2:4**
mitigating/aggravating factors, onus re, **2:2 to 2:4**
standard of proof, **2:2 to 2:4**
Documents, copies of, **13:10**
Drug-related, **2:7, 2:8**
Offender's background, **2:11, 2:12**
Other offences, consideration of, **2:5, 2:6, 13:10**
untried offences under common law, **2:5, 2:6**
Pre-sentence report, **2:11, 2:12**
Previous convictions, **13:10**
Probation officer report, **2:11, 2:12, 13:10**
Production and submission of, **13:10**
Proof of certificate of analyst, **13:10**
Sentencing hearing, **2:1**
Statutory provisions, **13:10, 13:11**
Victim impact statement, **2:9, 2:10, 13:10**

EXPOSING GENITAL ORGANS
See GENITALS, EXPOSING

EXTORTION
Generally, **10:85 to 10:87**
Tackling Violent Crime Act, **10:85**

FAILURE TO APPEAR
Generally, **4:69 to 4:71**

FAILURE TO PROVIDE BREATH SAMPLE
Generally, **9:68**
Where bodily harm caused, **9:69**

FAILURE TO STOP AT SCENE OF ACCIDENT
See also CONVEYANCES
Generally, **9:41 to 9:50**
Associated criminal violations, **9:41**
Case summaries, **9:47**

FALSE PRETENCES/STATEMENT
Generally, **10:159 to 10:161**

FINES
See DISPOSITIONS AVAILABLE, primary

FINES IN LIEU OF FORFEITURE
See DISPOSITIONS AVAILABLE, discretionary

FIREARMS
See also WEAPONS
Careless use, etc. of, **3:45, 3:52, 3:53**
Causing bodily harm with intent, **8:172**
Determining second and subsequent offences, **3:38**
Discharging intentionally or recklessly, **8:172**
case summaries, **8:177**
Importing/exporting, **3:117**
Order prohibiting possession of, **1:49, 1:52, 1:57**
Pointing, **3:45, 3:52, 3:53**
Possession, **3:98**
case summaries, **3:99, 3:112**
Possession for trafficking, **3:116**
Probation order re, **13:14, 13:18**
Storage, etc. of, **3:45, 3:58**
Tackling Violent Crime Act, **3:87**
Trafficking, **3:116**

FIREARMS—Cont'd
Use during commission of offence, **3:37 to 3:39**
case summaries, **3:40**

FIRES
See ARSON

FLIGHT
Generally, **9:35 to 9:39**

FORCIBLE CONFINEMENT
See ABDUCTION; UNLAWFUL OR FORCIBLE CONFINEMENT

FORFEITURE ORDERS
See also DISPOSITIONS AVAILABLE, discretionary
Generally, **1:57 to 1:60**

FORGERY
Generally, **10:170 to 10:178**
Credit card, of, **10:29 to 10:31**

FRAUD
Generally, **11:1, 11:5**
Arson as
see ARSON, fraudulent purpose
Case summaries, **11:6**
Identity theft, **11:48 to 11:53**
Personation
see PERSONATION
Secret commissions, **11:57**

GAMING HOUSE
Keeping/being found in/permitting place to be used as, **7:1 to 7:3**

GANG CRIME
Common assault, **8:228**

GAP PRINCIPLE
Generally, **1:87**

GENDER-BASED VIOLENCE
See DOMESTIC VIOLENCE

GENITALS, EXPOSING
Generally, **5:146 to 5:148**

HARASSMENT, CRIMINAL
Generally, **8:188 to 8:190**

HATE CRIME
See RACIALLY-MOTIVATED CRIME

HIT AND RUN
See CONVEYANCES; FAILURE TO STOP AT SCENE OF ACCIDENT

HIV, PERSON INFECTED WITH
See also AIDS, PERSON WITH
Infecting others
common nuisance, **5:160 to 5:162**
criminal negligence, **8:35**

HOSTAGE TAKING
Generally, **8:407**
Tackling Violent Crime Act, **8:407**

HUMAN TRAFFICKING
Generally, **8:403**

IDENTITY THEFT
Generally, **11:48 to 11:53**

IMMIGRATION CONSEQUENCES
Generally, **1:83 to 1:86**

IMPAIRED DRIVING
See MOTOR VEHICLE

IMPRISONMENT
See DISPOSITIONS AVAILABLE, primary

INCEST
See also CHILD
Case summaries
father-daughter, **5:74 to 5:76**
mother-son, **5:77**
sibling, **5:78**
Commentary, **5:71, 5:72**

INDECENT ACT
Generally, **5:146 to 5:148**

INDECENT EXHIBITION, EXPOSING IN PUBLIC PLACE
Generally, **5:152, 5:153**

INDECENT PERFORMANCES OR SHOWS
Generally, **5:81 to 5:86**

INDIGENOUS OFFENDERS
Generally, **1:23**

INDIGNITY TO DEAD BODY
Generally, **5:165 to 5:167**

INFANTICIDE
Generally, **8:47 to 8:51**

INTERCEPTION OF PRIVATE COMMUNICATIONS
See PRIVACY, INVASION OF

INTERMITTENT SENTENCES
Generally, **1:25**

INTERNET
Child pornography and, **5:90**
Luring child, **5:122 to 5:126**

INTIMATE PARTNER
See also DOMESTIC VIOLENCE
Manslaughter, **8:76, 8:77, 8:79 to 8:81, 8:83**
Sexual assault, **8:352, 8:354**

JOINT SUBMISSIONS
Generally, **1:88**
Sentence, proposing a range of, **1:88.50**

JUDICIAL OFFICIALS, BRIBERY OF
Generally, **4:1, 4:2**

JUMP PRINCIPLE
Generally, **1:87**

KIDNAPPING
See also ABDUCTION; UNLAWFUL OR FORCIBLE CONFINEMENT

KIDNAPPING—Cont'd
Generally, **8:390 to 8:392**
Case summaries, **8:386**
Tackling Violent Crime Act, **8:382**

LIBEL DEFAMATORY
Costs recovery, **13:37, 13:38**

LIFE IMPRISONMENT
See DISPOSITIONS AVAILABLE, primary

LOITERING IN PUBLIC PLACE
Generally, **5:152, 5:153**

LONG-TERM OFFENDER
Appeal by, **1:65**
Breach of long-term supervision order, **14:69, 14:70**
case summaries, **14:72**
Case summaries, **14:48 to 14:57**
Imprisonment of, **1:43**
Predicate offences, **14:36**
Principles, **14:1, 14:4**
Violent offences, **14:36**

LURING OF CHILD
Generally, **5:122 to 5:126**

MANDATORY IMPRISONMENT
Generally, **1.210**

MANSLAUGHTER
Generally, **8:52**
Case summaries
generally, **8:55, 8:82**
child victim, **8:85**
domestic cases, **8:76**
intimate partner, re, **8:76**
Voluntary vs. involuntary, **8:52**

MAXIMUM SENTENCE
Circumstances for use of, **1:74**
Mechanics of sentencing, **1:74**

MISCHIEF
Endangering life, **12:1, 12:2**
case summaries, **12:3**

MISCHIEF—Cont'd
Endangering life or in relation to property or data, **12:24, 12:25**
Public, **4:48 to 4:50**
To property over 01675,000, **12:7 to 12:9**
To property under 01675,000, **12:19 to 12:21**

MOTOR MANSLAUGHTER
See CRIMINAL NEGLIGENCE, causing death by

MOTOR VEHICLE
Dangerous operation of
see CONVEYANCES; DANGEROUS OPERATION OF MOTOR VEHICLES, ETC.
Impaired driving, ''over 80,'' and refusal to comply
causing bodily harm
generally, **9:69**
case summaries, **9:68**
range of dispositions, **9:13**
causing death, **9:21 to 9:22**
Negligent operation
see CRIMINAL NEGLIGENCE
Operation while disqualified, **9:96**
Operation while impaired
generally, **9:56**
case summaries, **9:57, 9:70, 9:80**
driving prohibition, **9:55**
first vs. second offence, **9:55**
prior convictions, **9:55**

MUNICIPAL CORRUPTION
Generally, **4:15 to 4:17**

MUNICIPAL OFFICIAL, INFLUENCING
Generally, **4:15 to 4:17**

MURDER
Generally, **8:94**
Accessory after fact to, **8:159 to 8:161**

MURDER—Cont'd
Attempted
see ATTEMPTED MURDER
Case summaries, **8:103**
Discretionary orders, **8:102**
First degree, **1:44**
Imprisonment for, **8:102**
Mandatory orders, **8:102**
Second degree, **1:45**

NATIONAL SEX OFFENDER REGISTRY
Generally, **1:63**
CC provisions re, **1:63**
Designated offences, **1:65**
tables of, **1:65**
attempts/conspiracies, **1:65**
historical sexual offences, **1:65**
non-sexual offences, **1:65**
sexual offences, **1:65**
Establishment of, **1:63**
Grossly disproportionate test, **1:71**
Offence provisions and penalties, **1:73**
Prospective orders, **1:64, 1:66 to 1:68**
appeals of, **1:68**
duration of, **1:67**
Retrospective orders, **1:64, 1:69**
application for exemption from, **1:71**
duration of, **1:70**
Termination applications, **1:72**

NECESSARIES, DUTY OF PERSONS TO PROVIDE
See also CHILD
Generally, **8:2 to 8:4**
Case summaries, **8:6**

NEGLIGENCE
Arson caused by, **12:55, 12:56**
Criminal
see CRIMINAL NEGLIGENCE

NOXIOUS THING, ADMINISTERING
Generally, **8:182, 8:183**
Case summaries, **8:184**

NUISANCE, COMMON
Generally, **5:160 to 5:162**

OBSCENITY OFFENCES
Generally, **5:81 to 5:86**
Forfeiture provisions, **1:51**

OBSTRUCTING JUSTICE
Generally, **4:39 to 4:41**
Case summaries, **4:43**

ORGANIZATION, SENTENCING OF
Fines, **1:37**
Fraud, **11:1**
Principles, **1:25 to 1:29**
Probation, **13:16**
Punishment, **1:29.05**

PARDONS, REMISSIONS, AND RECORD SUSPENSIONS
Generally, **13:33, 13:34**

PARENTAL PIMPING
See PROCURING BY PARENT

PARENTS
Procuring by, **5:119 to 5:121**

PAROLE ELIGIBILITY
Generally, **1:89, 13:27, 13:28**

PAROLE INELIGIBILITY PERIOD
Generally, **1:99, 8:102, 13:31, 13:32**

PAY TV INTERCEPTION
See PRIVACY, INVASION OF

PEACE OFFICER
Assaulting, **8:305 to 8:310**
Resisting or obstructing, **4:24 to 4:26**

PEEPING TOMS
Generally, **5:157 to 5:159**

PERJURY
Generally, **4:28 to 4:30**

PERSONATION
See also FRAUD
Generally, **11:48 to 11:53**

PIMPING OFFENCES
See PROCURING; PROCURING BY PARENT

PORNOGRAPHY
See CHILD PORNOGRAPHY; OBSCENITY OFFENCES

POSSESSION OF PROPERTY OBTAINED BY CRIME
Generally, **10:143, 10:144**
Case summaries
possession over 01675,000, **10:146**
possession under 01675,000, **10:155**
Threshold increase, **10:143**

PRE-SENTENCE CUSTODY
Generally, **1:75**
Minimum sentence, where, **1:81**

PRINCIPLES
See SENTENCING PRINCIPLES

PRISON BREACH
Generally, **4:55**
Being at large without lawful excuse, **4:55 to 4:59, 4:66**
Escape from lawful custody, **4:55 to 4:59, 4:62**
Prison, deliver to, **13:29**
Prison break, **4:56 to 4:61**

PRIVACY, INVASION OF
Intercepted communications, disclosure of, **6:1, 6:8, 6:9**
Interception devices, possession of, **6:1, 6:5, 6:6**

PRIVACY, INVASION OF—Cont'd
Private communications, interception of, **6:1 to 6:3**
Radio-based telephone communications
disclosure of information received from, **6:1, 6:10**
interception of, **6:1, 6:4**

PROBATION
See DISPOSITIONS AVAILABLE, primary
Breach of, **13:14 to 13:18**

PROBATION OFFICER REPORT
Generally, **2:11, 2:12, 13:10**

PROCEDURE
See also SEXUAL SERVICES
Generally, **13:10**

PROCURING
Generally, **8:422**

PROCURING BY PARENT
See also CHILD
Generally, **5:119 to 5:121**

PROPERTY OBTAINED BY CRIME
See POSSESSION OF PROPERTY OBTAINED BY CRIME

PROSTITUTION
See PROCURING; SEXUAL ACTIVITY, COMMODIFICATION OF; SEXUAL SERVICES

PROWLING AT NIGHT
Generally, **5:157 to 5:159**

PUBLIC DISTURBANCE, CAUSING
Generally, **5:152 to 5:154**

PUBLIC EMPLOYEE
Disability of, **13:35, 13:36**

PUBLIC MISCHIEF
Generally, **4:48 to 4:50**

PUBLIC OFFICER
Breach of trust by, **4:6 to 4:8**
Resisting or obstructing, **4:24 to 4:26**

PUBLIC PLACE, LOITERING IN
Generally, **5:152, 5:153**

PUNISHMENT
See SENTENCING PRINCIPLES, statutory

RACIALLY-MOTIVATED CRIME
Aggravated assault, **8:304**
Common assault, **8:227**

RADIO-BASED TELEPHONE COMMUNICATIONS
See PRIVACY, INVASION OF

RAPE
Abolishment of, **8:314**
Sexual interference cases
see SEXUAL INTERFERENCE

REASONS FOR SENTENCE
Generally, **13:10**

RECOGNIZANCE
Breach of contrary to s. 811, **4:85, 4:86**
Failure to comply with (s. 145), **4:75 to 4:77**
Failure to comply with prohibition order (s. 161), **4:82, 4:83**

RECORDS, DISCLOSURE OF
Generally, **13:4, 13:5**

RECORD SUSPENSIONS
Generally, **13:33, 13:34**

REMISSIONS
Generally, **13:33, 13:34**

RESTITUTION
Ability to pay, **13:25**
Fraud cases, in, **11:1**
Victim reparation, **1:9, 13:23, 13:24**

RESTRAINT
Generally, **1:22**

ROBBERY
Generally, **10:36, 10:37**
Case summaries
generally, **10:39**
financial institutions/business establishments, **10:50**
firearms, with, **10:53**
home invasions, **10:71**
multiple robberies, **10:64, 10:65, 10:69**
Elements of offence, **10:36**
Tackling Violent Crime Act, **10:36**

SECRET COMMISSIONS
Generally, **11:57 to 11:59**

SENTENCING PRINCIPLES
Appeals of sentences, **1:97**
Bail conditions, impact on minimum sentences by, **1:42**
Common law development of, **1:2**
Credit, enhanced, **1:76 to 1:82**
Immigration consequences, **1:83 to 1:86**
Joint submissions, **1:88, 1:88.50**
Maximum sentence, mechanics re, **1:74**
Organizations, **1:25**
aggravating factors, **1:16**
mitigating factors, **1:16**
Parole eligibility, **1:89, 13:27, 13:28**
Pre-trial custody time, consideration of, **1:75**
Statutory
generally, **13:1**
alternative measures, **13:4, 13:5**
definitions, **13:3**
procedure and evidence (ss. 720-729), **13:10, 13:11**
punishment, **13:8**
section 718, **1:3 to 1:10, 13:6**
Aboriginal offenders, **1:23**

SENTENCING PRINCIPLES —Cont'd
Statutory—Cont'd
section 718, **1:3 to 1:10, 13:6** —Cont'd
aggravating factors
conveyances, offences involving, **1:19**
judicially noted, **1:101**
statutory, **1:17**
animals, **1:13**
children, offences against, **1:11**
concurrent sentences, totality and, **1:21**
consecutive sentences, totality and, **1:21**
denunciation of unlawful conduct, **1:4**
deterrence, **1:5**
general, **1:6**
specific, **1:5**
disparity, **1:20**
"fundamental purpose of sentencing," **1:3 to 1:10, 13:6**
imprisonment alternatives, **1:22**
Indigenous offenders, **1:23**
mitigating factors, **1:16**
non-Aboriginal/non-Indigenous offenders, **1:24**
parity principle, **1:20**
peace officers and other justice participants, offences against, **1:12**
promotion of sense of responsibility in offender, **1:10**
proportionality, **1:15**
protection of society, **1:3 to 1:10**
provisions re, **1:3 to 1:10**
rehabilitation, **1:8**
separation of offender from society, **1:7**

SENTENCING PRINCIPLES —Cont'd
Statutory—Cont'd
section 718, **1:3 to 1:10, 13:6** —Cont'd
totality, **1:21**
victim/society reparation, **1:9**
vulnerable persons, **1:14**
Time calculation, **13:8, 13:9**
Traditional factors, **1.15**
Vengeance and retribution, **1:4**

SEX OFFENDER REGISTRY
See NATIONAL SEX OFFENDER REGISTRY

SEXUAL ACTIVITY, COMMODIFICATION OF
See also SEXUAL SERVICES
Advertising, **8:422**
Material benefit, **8:418**
Obtaining for consideration, **8:415**
Procuring, **8:422**

SEXUAL ASSAULT
See also ASSAULT
Aggravated, **8:376 to 8:378**
Available dispositions, **8:710**
Bodily harm
see SEXUAL ASSAULT CAUSING BODILY HARM
Case summaries
generally, **8:375**
domestic situations, **8:344**
position of trust situations, **8:353**
Categorizing of, **8:314**
Children, effect on, **8:314**
Major, **8:314**
Rape, abolishment of, **8:314**
Starting point approach, **8:314**
Tackling Violent Crime Act, **8:376**
Threatening bodily harm to third party, **8:367, 8:368**
Weapon, with
see SEXUAL ASSAULT WITH WEAPON

SEXUAL ASSAULT CAUSING BODILY HARM
See also SEXUAL ASSAULT
Generally, **8:367, 8:368**
Case summaries
generally, **8:369**
domestic/position of trust, **8:373**
Psychological harm, **8:367**

SEXUAL ASSAULT WITH WEAPON
See also SEXUAL ASSAULT
Generally, **8:367, 8:368**
Case summaries
domestic/position of trust, **8:373**

SEXUAL EXPLOITATION
See also CHILD
Generally, **5:54 to 5:56**
Generally, **5:54 to 5:56**
Disability, of person with, **8:42**

SEXUAL INTERFERENCE
See also CHILD
Generally, **5:1, 5:2**
Case summaries
indecent assault, intrafamilial, **5:23**
indecent assault, non-family members, **5:23**
indecent assault, non-intrafamilial position of trust, **5:23**
intercourse, intrafamilial, **5:23**
Dispositions, **5:2**
Indecent or sexual assault
intrafamilial, **5:3**
non-family members, **5:22**
sexual offences against children, **5:21, 5:28**

SEXUAL SERVICES
See also PROCURING; SEXUAL ACTIVITY, COMMODIFICATION OF
Offences re offering, providing or obtaining, **7:10, 7:11**

SEXUAL TOUCHING, INVITATION TO
See also CHILD
Generally, **5:47, 5:48**
Case summaries, **5:49**

SHOPLIFTING
Generally, **10:1**

STEP/STEP-UP PRINCIPLE
Generally, **1:87**

STREET RACING
Generally, **8.369 to 8.369.1**

SUICIDE
Generally, **8:168**

SUMMONS
Failure to comply with, **4:69 to 4:71**

SUPREME COURT OF CANADA
Appeals to, **1:102**
Sentences, jurisdiction to hear appeal of, **1:97**

SURETIES TO KEEP THE PEACE
Generally, **1:55**

SUSPENDED SENTENCE
Generally, **1:43**

TELECOMMUNICATIONS
See PRIVACY, INVASION OF

TERRORISM
Aggravating factors, key, **3:28**
Case summaries
developing device, **3:30**
financing terrorism, **3:35**
future dangerousness, **3:30**
mastermind of plot, **3:31**
mitigating factors, **3:32**
parole ineligibility, **3:30 to 3:34**
possessing explosives for benefit, **3:32**
rehabilitation, **3:30, 3:35**
remorse, **3:32, 3:34**
totality principle, **3:30**

TERRORISM—Cont'd
Criminal Code provisions, **3:1**
Definitions, **3:1**
Discretionary orders, available, **3:28**
General principles, **3:1, 3:28**
Mandatory orders, **3:28**
Primary dispositions, available, **3:28**

THEFT
Credit card, **10:29 to 10:31**
Over 01675,000
generally, **10:1, 10:2**
case summaries
generally, **10:7**
breach of trust, **10:11**
Under 01675,000
generally, **10:1, 10:2**
case summaries, **10:16**

THREATENING
Generally, **8:200, 8:201**
Case summaries
generally, **8:210**

TRAFFICKING, HUMAN
Generally, **8:403**

TRAFFICKING IN IDENTITY INFORMATION
See PERSONATION

TRESPASSING AT NIGHT
Generally, **5:157 to 5:159**

UNDERTAKING
Failure to comply with condition of, **4:75 to 4:77**

UNLAWFUL OR FORCIBLE CONFINEMENT
See also ABDUCTION
Generally, **8:382 to 8:384, 8:392**
Case summaries, **8:385**
Tackling Violent Crime Act, **8:382**

UTTERING FORGED DOCUMENT
See FORGERY

UTTERING THREATS
See THREATENING

VESSELS
Dangerous operation of
see CONVEYANCES; DANGEROUS OPERATION OF MOTOR VEHICLES, ETC.
Operation of while impaired
see CONVEYANCES; MOTOR VEHICLE, operation while impaired

VICTIMS
Compensation order, **1:62**
Fine surcharge, **1:46**
Impact statement, **2:9, 2:10, 13:10, 13:32**
Reparation to, **1:9**

VOYEURISM
Generally, **5:80.60**
Case summaries, **5:80.80, 5:80.90**
Commentary, **5:80.70**

WARRANT OF COMMITTAL
Generally, **13:29, 13:30**

WEAPONS
See also FIREARMS
Assault and
see ASSAULT
Carrying concealed, **3:86**
Possession for dangerous purpose, **3:58**
firearm, **3:61**
imitation weapon, **3:85**
knife, **3:74**
Prohibition orders, possession contrary to, **3:118**
breach of, **3:121**
discretionary, **3:118**
dispositions, **3:119**
imposition of, **1:49**
mandatory, **3:118**
Restricted and prohibited weapons, **3:87**
unauthorized possession, **3:87 to 3:89**
unauthorized possession in motor vehicle, **3:94**
Sexual assault and
see SEXUAL ASSAULT WITH WEAPON
Unauthorized possession
see WEAPONS restricted and prohibited weapons