

Criminal Offences

Summary

The federal government is responsible for making the laws dealing with criminal law and procedure. The *Criminal Code* of Canada is the criminal law statute, but there are other federal laws such as the *Controlled Drugs and Substances Act* that list offences. The *Youth Criminal Justice Act* applies to breaches of federal laws by young persons between the ages of 12 and 17.

Provincial governments can also pass laws that regulate conduct and create offences, which are generally dealt with by summary conviction proceedings. Convictions for provincial offences may result in various sentences, including jail, fines, or probation.

Previous cases from the criminal court system (case law) also help define laws and create precedents.

The Prosecutions department of Manitoba Justice prosecutes *Criminal Code* and provincial offences. The Public Prosecution Service of Canada prosecutes federal offences other than those under the *Criminal Code*, such as drug offences under the *Controlled Drugs and Substances Act* and income tax violations under the *Income Tax Act*.

Classification of Offences

There are two types of offences in Canadian criminal law. Less serious offences are called “**summary conviction**” offences, while the more serious ones are called “**indictable**” offences. Some offences, called *dual* or *hybrid* offences, can be treated as either **summary conviction** or **indictable**. The decision whether to treat a **hybrid** offence as **summary conviction** or **indictable** is made by the Crown Attorney (prosecutor), who bases the decision on the circumstances of the case and the past behaviour of the accused person (including their criminal record).

Summary conviction and **indictable** offences are treated differently in the way they are processed through the courts and in the potential severity of the punishment assigned upon conviction.

Summary Conviction Offences

Summary conviction offences are usually processed relatively quickly and simply. All **summary conviction** offences, including **hybrid** offences that are being dealt with summarily, are heard by a Provincial Court judge without a jury. The penalties for such offences are less serious than for an **indictable** offence. The maximum fines or jail terms for **summary conviction** offences are much lighter than those available for indictable

Lesson Plan Overview

Criminal law is an area of law that deals with criminal offences and consequences when someone is found guilty.

This lesson plan introduces students to the different types of offences.

Activities & Discussion

Questions:

- 1) Find other examples of summary conviction, hybrid and indictable offences under the *Criminal Code of Canada*.
- 2) Read the *R. v. Jarvis* case summary which deals with the crime of voyeurism. What are the penalties for voyeurism under the *Criminal Code*?
- 3) Complete the Quiz.

Glossary

Hybrid Offence – Offences that can be treated as either summary conviction or indictable. Also called dual offences.

Indictable Offences – More serious offences.

Summary Conviction Offences – Less serious offences.

offences.

Examples of **summary conviction** offences found in the *Criminal Code* include causing a public disturbance, trespassing at night, vagrancy, and falsifying employment records.

Provincial statutes such as *The Highway Traffic Act* and *The Liquor, Gaming and Cannabis Control Act* also create **summary conviction** offences.

Common offences under these statutes are careless driving, driving while your driver's license is suspended, driving without a valid driver's license, and drinking alcohol under the age of 18.

Hybrid Offences

Some of the most common offences under the *Criminal Code* are **hybrid** offences and therefore can be treated as either summary conviction or indictable. Examples of this type of offence are theft under \$5,000, assault, impaired driving, and possession of stolen goods under \$5,000.

Indictable Offences

Indictable offences fall into three categories:

1. Offences that must be tried by a Provincial Court judge;
2. Offences that must be tried by a Court of Queen's Bench judge and jury;
3. Offences for which the accused can "elect" (choose) the form of trial.