



BULLETIN!
20 November 2007

GOVERNMENT OF CANADA INTRODUCES BILL C-24

**AN ACT TO AMEND THE CRIMINAL CODE AND THE FIREARMS ACT
(NON-REGISTRATION OF FIREARMS THAT ARE NEITHER
PROHIBITED NOR RESTRICTED)**

The Honourable Stockwell Day, Minister of Public Safety, re-introduced legislative amendments on November 16, 2007 that would eliminate the requirement for Canadians to register their non-restricted firearms.

These proposed amendments would:

- repeal the requirement for businesses and individuals to register non-restricted long-guns; and
- require firearms retailers to record all sales transactions of non-restricted firearms, as was the case prior to the imposition of the long-gun registry.

Gun control measures in Canada continue to include the requirement for gun owners to undergo a background check, pass a firearms safety training course, and hold a valid firearms licence before being able to acquire and possess firearms and to acquire ammunition.

Individuals will also continue to be required to register prohibited and restricted firearms, such as handguns.

Police officers will continue to be able to determine who is and is not in legal possession of firearms through a quick check of the Canadian Police Information Centre.

A COPY OF BILL C-24 IS ATTACHED FOR YOUR REFERENCE



The BULLETIN! is a publication of the Canadian Association of Police Boards designed to provide member boards with important information in a rapid and timely fashion.

GOVERNMENT OF CANADA INTRODUCES BILL C-25

AN ACT TO AMEND THE *YOUTH CRIMINAL JUSTICE ACT*

The Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, introduced Bill C-25, legislation that will provide new measures to protect communities from young offenders who pose a significant risk to public safety. The provisions of Bill C-25 include:

- **Amending the *Youth Criminal Justice Act (YCJA)* to allow courts to consider deterrence and denunciation as objectives of youth sentences.** Certain offences committed by young offenders are very serious, and this change would allow judges to impose punishments with the objective of deterring and denouncing these actions. Currently under the YCJA, the purpose of a youth sentence is to hold the young person accountable through meaningful consequences and rehabilitative measures; and
- **Changing the current pre-trial detention provision in the YCJA.** This will make it easier to detain youth in custody prior to their trials if the youth pose a risk to public safety.

In addition to legislative changes to the YCJA, Minister Nicholson announced last month that in 2008 a comprehensive review of the YCJA will be done to address concerns and criticism regarding various provisions and principles of the YCJA.

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Backgrounder

Proposed Amendments to the Youth Criminal Justice Act

The Government of Canada has introduced legislation to amend the *Youth Criminal Justice Act (YCJA)* to include deterrence and denunciation as sentencing principles and to make it easier to detain, before trials, a broader range of young persons who pose a risk to public safety.

Background on YCJA

The YCJA replaced the *Young Offenders Act* as the basis for Canada's youth justice system on April 1, 2003.

The year 2008 marks the 5th Anniversary of the YCJA as well as the 100th anniversary of the first legislation creating a separate criminal youth justice system in Canada.

Proposed Amendments

Deterrence and Denunciation:

Deterrence, as a principle of sentencing, involves a sanction with the objective of discouraging the offender and others from engaging in criminal conduct. Denunciation refers to society's condemnation of the offence.

Currently under the YCJA, the purpose of a youth sentence is to hold the young person accountable through meaningful consequences and rehabilitative measures. The sentence must be proportionate to the seriousness of the offence. It must also be the sentence most likely to rehabilitate the young person.

On June 22, 2006, the Supreme Court of Canada ruled (*R. v. B.W.P.; R. v. B.V.N*) that the YCJA does not allow for deterrence and (by implication) denunciation to be considered by the courts as objectives of youth sentences.

The proposed sentencing amendment would allow courts to consider deterrence and denunciation as objectives of youth sentences. These objectives are included in a manner consistent with the principle of proportionality, which requires that the punishment fits the crime (i.e. the more serious the crime, the more severe the sentence).

Pre-trial detention:

In December 2006, Nova Scotia's Nunn Commission of Enquiry report expressed concern that pre-trial detention provisions under the YCJA are too restrictive, making it difficult to detain young persons who pose a risk to public safety.

The proposed amendment to the YCJA, in the area of pre-trial detention, would make it easier to detain before trials a broader range of young persons who pose a risk to public safety. This would include those who have committed an offence that created a danger of causing serious bodily harm or breached previous conditions of release. This legislation does not preclude further revisions at a later date.

The YCJA Comprehensive Review

The 2008 YCJA Comprehensive Review corresponds with the fifth anniversary of the act and the 100th anniversary of the youth criminal justice system in Canada. The intent of this comprehensive review is to address the multitude of concerns and criticism regarding various provisions and principles of the YCJA. Details of the review, including its scope, will be announced at a later time.

Adult Sentencing Provisions

As part of its platform commitment, the Government had indicated that it would amend the YCJA to provide for automatic adult provisions for youth found guilty of serious and

violent crime and repeat offences. The Government is awaiting the Supreme Court decision in R. v. D.B. before proceeding with sentencing reforms.



The CAPB encourages you to share this Bulletin! with your Chief of Police and Association representative.

**For further information: Jennifer Lanzon, Executive Director
Canadian Association of Police Boards
P.O. Box 4670, Station E
Ottawa, ON K1S 5H8
Tel: 819-682-1440, Fax: 819-682-4569
E-mail: jlanzon@capb.ca
Website: www.capb.ca**