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## LEGISLATIVE SUMMARY



### **Bill C-56: An Act to amend the Corrections and Conditional Release Act and to make a consequential amendment to the International Transfer of Offenders Act**

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Notice: For clarity of exposition, the legislative proposals set out in the bill described in this Legislative Summary are stated as if they had already been adopted or were in force. It is important to note, however, that bills may be amended during their consideration by the House of Commons and Senate, and have no force or effect unless and until they are passed by both houses of Parliament, receive Royal Assent, and come into force.

Any substantive changes in this Legislative Summary that have been made since the preceding issue are indicated in **bold print**.

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*Legislative Summary of Bill C-56*  
(Legislative Summary)

Publication No. 41-2-C56-E

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# LEGISLATIVE SUMMARY OF BILL C-56: AN ACT TO AMEND THE CORRECTIONS AND CONDITIONAL RELEASE ACT AND TO MAKE A CONSEQUENTIAL AMENDMENT TO THE INTERNATIONAL TRANSFER OF OFFENDERS ACT

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## 1 BACKGROUND

On 27 March 2015, Bill C-56, An Act to amend the Corrections and Conditional Release Act and to make a consequential amendment to the International Transfer of Offenders Act (short title: Statutory Release Reform Act) was introduced in the House of Commons by the Minister of Public Safety and Emergency Preparedness, the Honourable Stephen Blaney.

The bill amends the *Corrections and Conditional Release Act*<sup>1</sup> (CCRA) to create the new designation of a “person-at-risk.” This category includes persons who have previously received a sentence of five years or more for offences set out in Schedule I of the CCRA,<sup>2</sup> which primarily lists crimes involving violence against others.<sup>3</sup> New sentencing rules will apply when a person-at-risk subsequently commits another Schedule I offence and is given a sentence of two years or more. These rules state that such an offender shall not be eligible for statutory release until six months before the end of his or her sentence. Additional rules will also apply if these offenders subsequently have their parole or statutory release revoked or commit another offence.

The bill makes a consequential amendment to the *International Transfer of Offenders Act* (ITOA)<sup>4</sup> to extend the application of the changes made to the CCRA to certain persons-at-risk who are transferred to Canada from a foreign state and who are serving sentences for any subsequent offences comparable to those in Schedule I of the CCRA.

The bill also requires that, before statutory release is granted to a person-at-risk who has committed a subsequent Schedule I offence, the Correctional Service of Canada (CSC) provide the police with all information relevant to the person’s risk of reoffending.

### 1.1 CONTEXT

Under the terms of eligibility currently prescribed in the CCRA and its accompanying regulations, offenders may be granted various forms of conditional release during their sentence, such as escorted temporary absences, unescorted temporary absences, work releases, day parole, full parole and statutory release. The date of commencement of an offender’s sentence and the date of warrant expiry are relied upon to calculate his or her eligibility for conditional release, but this determination can be increasingly complex when the offender receives subsequent sentences.

The overall objective of conditional release is to assist in the rehabilitation of offenders through gradual reintegration into the community as law-abiding citizens. This objective is also part of the overall purpose and principles of the correctional system.<sup>5</sup>

Parole is a form of conditional release that allows the offender to serve a portion of his or her sentence in the community. There are two types of parole: day parole and full parole. Eligibility for day parole (the offender is required to return to the penitentiary or halfway house each night) or full parole (the offender serves the remainder of his or her sentence in the community under strict conditions) is not automatic, as the responsibility for authorizing this form of conditional release lies with the Parole Board of Canada (PBC). The PBC renders its decision based on an assessment of the risk posed by the offender.

Statutory release is different from parole because it does not usually require the PBC to review the offender's file and render a decision. Section 127 of the CCRA provides the general statutory framework for determining an offender's eligibility for statutory release. It states that an offender "is entitled to be released" on statutory release and to remain at large until the expiration of his or her sentence. Offenders who have not been granted parole are automatically released on statutory release after serving two thirds of their sentence (section 127(3) of the CCRA). The Act also prescribes an offender's eligibility for statutory release when the offender receives an additional sentence (section 127(5.1) of the CCRA).

An offender who is released on statutory release continues, while at large, to serve his or her sentence until its expiration (section 128(1) of the CCRA).

Offenders serving a life sentence or a sentence for an indeterminate period are not eligible for statutory release. There are other cases where an offender may not be granted statutory release, such as in the case of offenders who are not serving a life or an indeterminate sentence but are serving a sentence of two years or more for an offence in Schedule I or Schedule II of the CCRA. These offenders are subject to the detention review provisions found in section 129 of the CCRA.

Schedules I and II of the CCRA include certain violent offences and drug offences prosecuted by way of indictment under the *Criminal Code*<sup>6</sup> or the *Controlled Drugs and Substances Act*.<sup>7</sup> Pursuant to section 129(1) of the CCRA, the CSC Commissioner must ensure that the CSC reviews every file where an offender is serving a sentence of two years or more for an offence in Schedule I or Schedule II of the CCRA before the date of statutory release.

Where appropriate, the CSC is required to refer an offender's case to the PBC at least six months before the offender becomes eligible for statutory release if it is of the opinion that:

- there are reasonable grounds to believe that an offender who caused the death of or serious harm to another person is likely to commit such an offence before the expiration of his or her sentence (section 129(2)(a)(i));
- there are reasonable grounds to believe that an offender serving a sentence for a sexual offence involving a child is likely to commit another sexual offence involving a child or an offence causing death or serious harm to another person before the expiration of his or her sentence (section 129(2)(b)(ii)); or
- there are reasonable grounds to believe that an offender serving a sentence for an offence set out in Schedule II is likely to commit a serious drug offence before the expiration of his or her sentence.

The CSC must also provide the PBC with any information that it deems relevant to the case.

Furthermore, pursuant to section 129(3), if the CSC Commissioner believes on reasonable grounds that an offender is likely, before the expiration of his or her sentence, to commit an offence causing the death of or serious harm to another person, a sexual offence involving a child, or a serious drug offence, the Commissioner is required to refer the file to the chairperson of the PBC as soon as practicable, including all information in the CSC's possession that the Commissioner considers to be relevant to the case.

The Commissioner's referral to the chairperson of the PBC for review is different from the CSC's power of referral provided in section 129(2) of the CCRA, because there is no requirement that the offender be serving a sentence for the commission of a particular offence. The Commissioner's referral must be made more than six months before the offender's statutory release date unless:

- the Commissioner formed that belief on the basis of the offender's behaviour or information obtained during those six months (section 129(3)(a)); or
- as a result of a change in the statutory release date due to a recalculation, the statutory release date has passed or the offender is entitled to be released on statutory release during those six months (section 129(3)(b)).

When an offender's case is referred to the PBC by the CSC (section 129(2)) or by the CSC Commissioner to the chairperson of the PBC (section 129(3)), the PBC "shall cause all such inquiries to be conducted in connection with the review as it considers necessary" (section 130(1)).<sup>8</sup>

When cases are referred to the PBC under section 129, the PBC, after conducting its review, can render a decision ordering that the offender be detained in custody for his or her entire sentence without statutory release (section 130(3) of the CCRA).

Pursuant to section 130(4), the PBC can make an order that if the offender's statutory release is revoked, he or she is not entitled to be released again on statutory release before the expiration of his or her sentence (also known as "one chance statutory release"). This may occur when the PBC is satisfied that:

- at the time the case was referred, the offender was serving a sentence that included a sentence for an offence set out in Schedule I or II; and
- in the case of an offence set out in Schedule I, the commission of the offence caused the death of, or serious harm to, another person or the offence was a sexual offence involving a child.

Section 134 of the CCRA states that an offender who has been released on statutory release shall comply with any instructions given by the PBC or the CSC and will continue to be supervised by the CSC while in the community.

The PBC may impose any conditions it considers reasonable and necessary on the statutory release of an offender to protect society and to facilitate his or her successful reintegration into society. The PBC may also require the offender to reside in a community-based residential facility or a psychiatric facility if satisfied that without this condition the offender will present an undue risk to society by committing a Schedule I offence or certain offences related to criminal organizations (section 133 of the CCRA) prior to the expiration of his or her sentence.

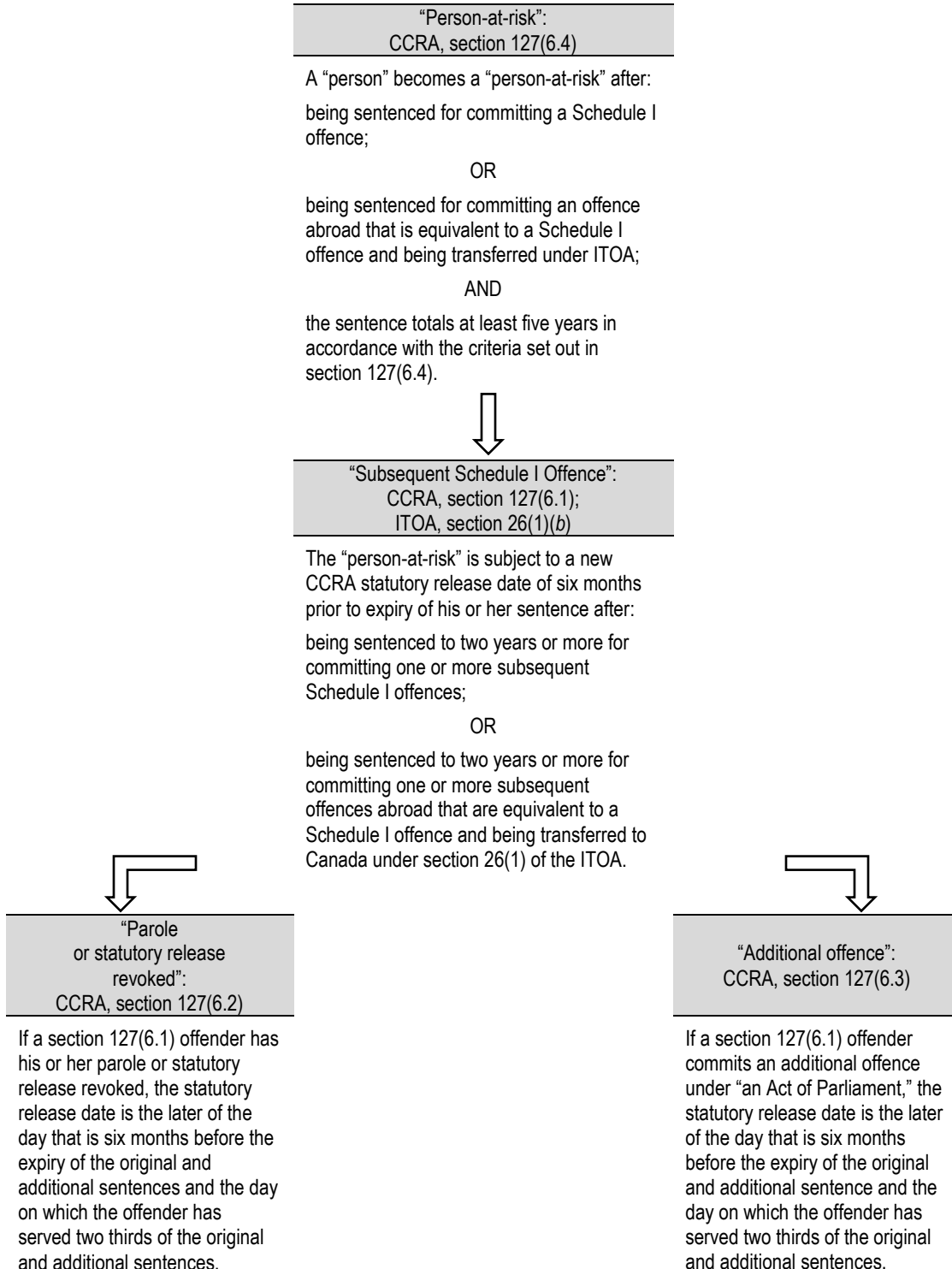
The CSC or the PBC are able to authorize warrants for the suspension of an offender's statutory release where the offender has breached a condition of statutory release or where either body determines that doing so is necessary to prevent a breach of conditions or in order to protect society. The CSC or the PBC may also issue a warrant requesting that the offender be apprehended and recommitted to custody until his or her statutory release is cancelled, the suspension is terminated or revoked, or the sentence expires (section 135 of the CCRA).

Special rules currently apply where the PBC has ordered that the offender not be released before the expiration of his or her sentence and the offender receives an additional sentence with a later date of expiration than was in effect for the sentence the offender was previously serving (section 130 of the CCRA).

## 2 DESCRIPTION AND ANALYSIS

### 2.1 AMENDMENTS TO THE *CORRECTIONS AND CONDITIONAL RELEASE ACT*

Figure 1 – Sequence of Steps Created by the New Rules Under Bill C-56





### 2.1.1 “PERSON-AT-RISK” (CLAUSE 3)

Clause 3 of Bill C-56 creates the new category of “person-at-risk” for the purpose of delaying the statutory release date of certain repeat offenders. New section 127(6.4) of the CCRA provides the criteria that determine when someone is a “person-at-risk” for the purposes of the Act. Persons-at-risk are those who received sentences for a Schedule I offence:

- as a single sentence of five years;
- as two or more sentences that amount to five years or more and that include a sentence of two years or more for a Schedule I offence; or
- as consecutive sentences that amount to two years or more for Schedule I offences.

The category of person-at-risk also includes those who are transferred to Canada under the ITOA and who were sentenced according to the same criteria as above, but for offences committed outside Canada that have been identified by the Minister of Public Safety and Emergency Preparedness as having an equivalent offence set out in Schedule I.

In order to be considered a person-at-risk, the offender must have received a sentence for an offence on or after 1 November 1992 – the date on which the CCRA was brought into force – that was listed as a Schedule I offence on the date the sentence was imposed.

The bill does not include any expiry criteria, preconditions that could be met, or procedures to be followed in order for a person-at-risk to lose this status. It therefore appears that once someone is designated as a person-at-risk, he or she will carry this designation indefinitely.

### 2.1.2 CHANGING STATUTORY RELEASE DATES (CLAUSE 3)

Clause 3 adds to the CCRA a new section 127(6.1), which changes the statutory release date for an offender who is sentenced for committing a Schedule I offence after having been designated as a person-at-risk in accordance with new section 127(6.4) (i.e., when this is his or her second conviction for a Schedule I offence). Provided that the new sentence or merged sentence under section 139(1) of the CCRA is for two years or more or constitutes two years or more of consecutive sentences, the offender’s release date is changed from the date when he or she has served two thirds of the sentence to six months before the end of the sentence. Again, the offence must have been listed in Schedule I when the sentence was received, and the sentence must have been given after the new amendments came into force.

New section 127(6.2) applies to offenders who have already met the section 127(6.1) criteria and whose parole or statutory release is then revoked. It maintains a statutory release date of six months before the expiry date of the offender’s sentence, or it moves the release date to the day he or she will have served two thirds of the sentence that begins on the day the offender is recommitted to custody and ends when

the sentence expires, depending on which date is later. It clarifies that the sentence under consideration includes any additional sentence imposed in accordance with a suspension or revocation of parole or statutory release.<sup>9</sup>

New section 127(6.3) applies to offenders who have met the section 127(6.1) criteria and who receive an additional sentence under an Act of Parliament,<sup>10</sup> but who have not had their parole or statutory release revoked.<sup>11</sup> The statutory release date to be applied under section 127(6.3) is either six months before the expiry of the offender's full sentence or the day he or she has served two thirds of the portion of the sentence between being recommitted to custody and the end of the sentence, whichever is later.<sup>12</sup>

### 2.1.3 DISCLOSURE OF INFORMATION TO POLICE FORCES (CLAUSE 2)

The CCRA currently requires the CSC to give to police, at the appropriate times, "all information under its control that is relevant to release decision-making or to the supervision or surveillance of offenders" (section 25(1)). Moreover, section 25(2) requires the CSC to notify, before the release of an inmate on statutory release, all police forces having jurisdiction in the offender's destination.<sup>13</sup>

Clause 2 of Bill C-56 adds the following obligation to the disclosure requirement in section 25 of the CCRA:

The Service shall, before the release of an offender whose statutory release date is determined in accordance with sections 127(6.1) to (6.3), and in a timely manner, take all reasonable steps to give the police all information under its control that is relevant to the offender's risk of reoffending.

Bill C-56 does not specify the information that may be considered "relevant" to the offender's risk of reoffending that would be disclosed to the police. The clause lacks the reference to "police forces having jurisdiction" that is found in current section 25(2). It appears therefore that the disclosure obligation imposed upon CSC in clause 2 of the bill may apply to all police forces, regardless of whether they have jurisdiction in respect of the offender.

### 2.1.4 OTHER CHANGES (CLAUSES 4 TO 6)

Clauses 4 to 6 make changes to the CCRA to add references to the new sections in other parts of the Act. Clause 4 amends section 136 of the CCRA to authorize a member of the PBC (or other officially designated person) to obtain a warrant for an offender's apprehension and recommitment to custody when his or her statutory release is terminated, revoked or becomes inoperative in accordance with new section 127(6.3). Clause 5 amends section 138 to confirm that an offender serving the balance of his or her sentence after the revocation of parole or statutory release remains entitled to be released in accordance with new section 127(6.2).

## 2.2 THE *INTERNATIONAL TRANSFER OF OFFENDERS ACT*

The *International Transfer of Offenders Act* was passed in 2004 to update Canadian law enabling offenders to serve their sentences in the country of which they are citizens or nationals. The law sets out the principles and criteria that govern the international transfer of offenders and the Government of Canada's authority to enter into administrative agreements with foreign states for this purpose. A Canadian offender who was sentenced abroad may be entitled to serve his or her sentence in Canada provided that the Canadian offender's conduct would have constituted a criminal offence if it had occurred in Canada. Neither the verdict nor the sentence imposed by any foreign entity is subject to any appeal or other form of review in Canada.

### 2.2.1 AMENDMENTS TO THE *INTERNATIONAL TRANSFER OF OFFENDERS ACT* (CLAUSE 7)

Clause 7 of Bill C-56 replaces section 26(1) of the ITOA in order to extend the changes made by the bill to the calculation of statutory release dates for certain Canadian offenders who are detained in a penitentiary after being transferred from another country.

The offenders subject to the changes are persons-at-risk who have been convicted of an offence abroad for which an equivalent offence is set out in Schedule I of the CCRA (as it read when the sentence was given) or for which the minister has identified an equivalent offence in accordance with section 15 of the ITOA. They are also those offenders who have been sentenced for two years or more, whether in a single sentence or consecutive ones.

These offenders are entitled to statutory release either on the date on which they have served two thirds of their sentence, as calculated from the day of their transfer<sup>14</sup> or on a date calculated in accordance with new section 127(6.1) of the CCRA (i.e., six months before the end of the sentence), whichever date is later.

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## NOTES

1. [Corrections and Conditional Release Act](#) [CCRA], S.C. 1992, c. 20.
2. Schedule I of the CCRA has been reproduced in the appendix of this Legislative Summary.
3. The bill was announced by the Minister of Public Safety and Emergency Preparedness as targeting "repeat violent offenders." Schedule I does, however, include offences that do not necessarily involve violence, such as high treason (ss. 46 and 47), prison breach (s. 144) and incest (s. 155).
4. [International Transfer of Offenders Act](#) [ITOA], S.C. 2004, c. 21.
5. CCRA, ss. 3 and 4.
6. [Criminal Code](#), R.S.C. 1985, c. C-46.
7. [Controlled Drugs and Substances Act](#), S.C. 1996, c. 19.

8. The [\*Decision-Making Policy Manual for Board Members\*](#), s. 5.1.5, states that  
Board members will assess all relevant information to determine whether the offender will present an undue risk to society by committing an offence listed in Schedule I, before the expiration of the offender's sentence according to law, including the following factors:
  - a. the offender's potential for violent behaviour, as established by:
    - i. previous violent behaviour as documented in the offence history such as police reports, provincial records, young offender records accessible under the *Youth Criminal Justice Act* and documentation from any correctional authorities;
    - ii. the seriousness of previous offences;
    - iii. information that the offender has difficulty controlling anger or impulsive behaviour;
    - iv. information concerning threats of violence; the use of a weapon during the commission of an offence; or an attitude of indifference to the criminal behaviour and its impact on the victim(s).
  - b. stressors/factors in the release environment which may be predictive of violent behaviour and the offender's needs in relation to these factors;
  - c. psychiatric or psychological information that a mental illness or disorder has the potential to lead to the commission of an offence involving violence;
  - d. information concerning any attempts by the offender to reduce/mitigate the possibility of future violent behaviour; and
  - e. information that the offender is or will be participating in treatment and/or interventions appropriate to the prevention of violence and observable, and measureable gains derived from them.
9. These new rules apply despite section 127(5) of the CCRA and are subject to sections 130(4) and 130(6).
10. Note that the subsequent offence is not necessarily a Schedule I offence.
11. As per the definition of "offender" in section 2 of the CCRA, the additional sentence would need to be given while he or she is still an inmate or serving a sentence outside the penitentiary by reason of parole, statutory release, court order or an agreement under section 81(1) of the CCRA that allows an Aboriginal offender to receive correctional services from an Aboriginal community.
12. These new rules apply despite section 127(5.1) of the CCRA and are subject to sections 130(4) and 130(6).

13. [Commissioner's Directive, No. 701](#), section 34, states:

Pursuant to section 25 of the CCRA and paragraph 8(2)(f) of the *Privacy Act*, personal information under CSC's control may be disclosed to police forces or investigative bodies for the purpose of administering or enforcing any law or carrying out a lawful investigation. This includes the RCMP when they are acting in such capacities. Any other request from the RCMP or any federal investigative bodies for personal offender information must be processed pursuant to paragraph 8(2)(e) of the *Privacy Act*. Refer to the Access to Information and Privacy [ATIP]: Process and Compliance Manual or to institutional, regional or national ATIP representatives for guidance on such cases.

14. Note that under section 22 of the ITOA, the time that an offender spent in confinement in the foreign state is subtracted from the sentence that the offender will serve in Canada, whether this is actual time spent after sentencing or credited time for time spent in confinement prior to sentencing.

## APPENDIX – SCHEDULE I OF THE *CORRECTIONS AND CONDITIONAL RELEASE ACT*

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### SCHEDULE I (*SUBSECTIONS 107(1), 129(1) AND (2), 130(3) AND (4), 133(4.1) AND 156(3)*)

1. An offence under any of the following provisions of the *Criminal Code*, that was prosecuted by way of indictment:

- (a) sections 46 and 47 (high treason);
- (a.01) section 75 (piratical acts);
- (a.1) section 76 (hijacking);
- (a.2) section 77 (endangering safety of aircraft or airport);
- (a.3) section 78.1 (seizing control of ship or fixed platform);
- (a.4) paragraph 81(1)(a), (b) or (d) (use of explosives);
- (a.5) paragraph 81(2)(a) (causing injury with intent);
- (a.6) section 83.18 (participation in activity of terrorist group);
- (a.7) section 83.19 (facilitating terrorist activity);
- (a.8) section 83.2 (commission of offence for terrorist group);
- (a.9) section 83.21 (instructing to carry out activity for terrorist group);
- (a.91) section 83.22 (instructing to carry out terrorist activity);
- (b) subsection 85(1) (using firearm in commission of offence);
- (b.1) subsection 85(2) (using imitation firearm in commission of offence);
- (c) section 87 (pointing a firearm);
- (c.1) section 98 (breaking and entering to steal firearm);
- (c.2) section 98.1 (robbery to steal firearm);

- (d) section 144 (prison breach);
- (e) section 151 (sexual interference);
- (f) section 152 (invitation to sexual touching);
- (g) section 153 (sexual exploitation);
- (g.1) section 153.1 (sexual exploitation of person with disability);
- (h) section 155 (incest);
- (i) section 159 (anal intercourse);
- (j) section 160 (bestiality, compelling, in presence of or by child);
- (j.1) section 163.1 (child pornography);
- (k) section 170 (parent or guardian procuring sexual activity by child);
- (l) section 171 (householder permitting sexual activity by or in presence of child);
- (m) section 172 (corrupting children);
- (m.1) section 172.1 (luring a child);
- (n) to (o) [Repealed, 2014, c. 25, s. 42]
- (o.1) section 220 (causing death by criminal negligence);
- (o.2) section 221 (causing bodily harm by criminal negligence);
- (p) section 236 (manslaughter);
- (q) section 239 (attempt to commit murder);
- (r) section 244 (discharging firearm with intent);
- (r.1) section 244.1 (causing bodily harm with intent – air gun or pistol);
- (r.2) section 244.2 (discharging firearm – recklessness);
- (r.3) section 245 (administering noxious thing);

(s) section 246 (overcoming resistance to commission of offence);

(s.01) section 247 (traps likely to cause bodily harm);

(s.02) section 248 (interfering with transportation facilities);

(s.1) subsections 249(3) and (4) (dangerous operation causing bodily harm and dangerous operation causing death);

(s.11) subsections 249.1(3) and (4) (flight causing bodily harm or death);

(s.12) section 249.2 (causing death by criminal negligence (street racing));

(s.13) section 249.3 (causing bodily harm by criminal negligence (street racing));

(s.14) section 249.4 (dangerous operation of motor vehicle while street racing);

(s.2) subsections 255(2) and (3) (impaired driving causing bodily harm and impaired driving causing death);

(s.3) section 264 (criminal harassment);

(s.4) section 264.1 (uttering threats);

(t) section 266 (assault);

(u) section 267 (assault with a weapon or causing bodily harm);

(v) section 268 (aggravated assault);

(w) section 269 (unlawfully causing bodily harm);

(w.1) section 269.1 (torture);

(x) section 270 (assaulting a peace officer);

(x.1) section 270.01 (assaulting peace officer with weapon or causing bodily harm);

(x.2) section 270.02 (aggravated assault of peace officer);

(y) section 271 (sexual assault);

(z) section 272 (sexual assault with a weapon, threats to a third party or causing bodily harm);



- (z.1) section 273 (aggravated sexual assault);
- (z.11) section 273.3 (removal of child from Canada);
- (z.2) section 279 (kidnapping and forcible confinement);
- (z.201) section 279.011 (trafficking – person under 18 years);
- (z.202) subsection 279.02(2) (material benefit – trafficking of person under 18 years);
- (z.203) subsection 279.03(2) (withholding or destroying documents – trafficking of person under 18 years);
- (z.21) section 279.1 (hostage taking);
- (z.22) subsection 286.1(2) (obtaining sexual services for consideration from person under 18 years);
- (z.23) subsection 286.2(2) (material benefit from sexual services provided by person under 18 years);
- (z.24) subsection 286.3(2) (procuring – person under 18 years);
- (z.3) sections 343 and 344 (robbery);
- (z.301) section 346 (extortion);
- (z.31) subsection 430(2) (mischief that causes actual danger to life);
- (z.32) section 431 (attack on premises, residence or transport of internationally protected person);
- (z.33) section 431.1 (attack on premises, accommodation or transport of United Nations or associated personnel);
- (z.34) subsection 431.2(2) (explosive or other lethal device);
- (z.4) section 433 (arson – disregard for human life);
- (z.5) section 434.1 (arson – own property);
- (z.6) section 436 (arson by negligence); and
- (z.7) paragraph 465(1)(a) (conspiracy to commit murder).

**2.** An offence under any of the following provisions of the *Criminal Code*, as they read immediately before July 1, 1990, that was prosecuted by way of indictment:

- (a) section 433 (arson);
- (b) section 434 (setting fire to other substance); and
- (c) section 436 (setting fire by negligence).

**3.** An offence under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as they read immediately before January 4, 1983, that was prosecuted by way of indictment:

- (a) section 144 (rape);
- (b) section 145 (attempt to commit rape);
- (c) section 149 (indecent assault on female);
- (d) section 156 (indecent assault on male);
- (e) section 245 (common assault); and
- (f) section 246 (assault with intent).

**4.** An offence under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as they read immediately before January 1, 1988, that was prosecuted by way of indictment:

- (a) section 146 (sexual intercourse with a female under 14);
- (b) section 151 (seduction of a female between 16 and 18);
- (c) section 153 (sexual intercourse with step-daughter);
- (d) section 155 (buggery or bestiality);
- (e) section 157 (gross indecency);
- (f) section 166 (parent or guardian procuring defilement); and
- (g) section 167 (householder permitting defilement).

**5.** The offence of breaking and entering a place and committing an indictable offence therein, as provided for by paragraph 348(1)(b) of the *Criminal Code*, where the indictable offence is an offence set out in sections 1 to 4 of this Schedule and its commission

- (a) is specified in the warrant of committal;
- (b) is specified in the Summons, Information or Indictment on which the conviction has been registered;

(c) is found in the reasons for judgment of the trial judge; or

(d) is found in a statement of facts admitted into evidence pursuant to section 655 of the *Criminal Code*.

**5.1** If prosecuted by way of indictment, the offence of pointing a firearm, as provided for by subsection 86(1) of the *Criminal Code*, as it read immediately before December 1, 1998.

**5.2** An offence under any of the following provisions of the *Criminal Code*, as they read from time to time before the day on which this section comes into force, that was prosecuted by way of indictment:

(a) subsection 212(2) (living on the avails of prostitution of person under 18 years);

(b) subsection 212(2.1) (aggravated offence in relation to living on the avails of prostitution of person under 18 years); and

(c) subsection 212(4) (prostitution of person under 18 years).

**6.** An offence under any of the following provisions of the *Crimes Against Humanity and War Crimes Act*:

(a) section 4 (genocide, etc., committed in Canada);

(b) section 5 (breach of responsibility committed in Canada by military commanders or other superiors);

(c) section 6 (genocide, etc., committed outside Canada); and

(d) section 7 (breach of responsibility committed outside Canada by military commanders or other superiors).