

Canadian Mandatory Minimum Sentences in the *Criminal Code and Controlled Drugs and Substances Act*

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| Offence | Additional elements | Mandatory minimum sentence | Act | Section | Came into force | Created by | Status | Case citation(s) (for Status) |
|--------------------------------|---------------------|----------------------------|----------------------|---------|-----------------|--|-----------------------------------|---|
| Sexual interference (previous) | Summary | 14d | <i>Criminal Code</i> | 151(b) | 1-Nov-2005 | <i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, SC 2005, c 32, s 3</i> | Upheld (as not violating s 15) | <ul style="list-style-type: none"> • <i>R v TMB</i>, 2013 ONSC 4019 |
| | Indictable | 45d | <i>Criminal Code</i> | 151(a) | 1-Nov-2005 | <i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, SC 2005, c 32, s 3</i> | Mostly upheld | <p><u>Challenged and not applied</u> (but not explicitly struck down):</p> <ul style="list-style-type: none"> • <i>R v BJT</i>, 2016 ONSC 6616 <p><u>Upheld</u>:</p> <ul style="list-style-type: none"> • <i>R v SA</i>, 2016 ONSC 5355 • <i>R v FC</i>, 2016 ONSC 6059 • <i>R v Craig</i>, 2013 BCSC 2098 • <i>R v Lonegren</i>, 2009 BCSC 1678 and 2010 BCSC 960 |
| | Summary | 90d | <i>Criminal Code</i> | 151(b) | 9-Aug-2012 | <i>Safe Streets and Communities Act, SC 2012, c 1, s 11</i> | Struck down | <p><u>Struck down</u>:</p> <ul style="list-style-type: none"> • <i>R v Drumonde</i>, 2019 ONSC 1005 • <i>R v Pye</i>, 2019 YKTC 21 • <i>R v Brandon Boeyenga</i> (Main J, ONCJ, 2-Nov-2016) <p><u>Upheld</u>:</p> <ul style="list-style-type: none"> • <i>R v CF</i>, 2016 ONCJ 302 • <i>R v RRGs</i>, 2014 BCPC 170 |

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| Sexual interference (current) | Indictable | 1y | <i>Criminal Code</i> | 151(a) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 11 | Struck down | <p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R v Ford</i>, 2019 ABCA 87 • <i>R v Scofield</i>, 2019 BCCA 3 • <i>R v JED</i>, 2018 MBCA 123 • <i>R v Hood</i>, 2018 NSCA 18 • <i>Caron Barrette c R</i>, 2018 QCCA 516 • <i>R v WG</i>, 2019 ONSC 1146 • <i>R v BS</i>, 2018 BCSC 2044 • <i>R v AW</i>, 2018 CanLII 94529 (NLPC) • <i>R v HL</i>, 2018 ONSC 1026 • <i>R v Sarmales</i>, 2017 ONSC 1869 • <i>R v SJP</i>, 2016 NSPC 50 • <i>R v ML</i>, 2016 ONSC 7082 • <i>R v BJT</i>, 2016 ONSC 6616 • <i>R c Jomphe</i>, 2016 QCCQ 11271 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R c Desmarais</i>, 2017 QCCQ 7882 • <i>R c d'Anjou</i>, 2016 QCCQ 5101 • <i>R v EMQ</i>, 2015 BCSC 201 |
| Inviting sexual touching (previous) | Summary | 14d | <i>Criminal Code</i> | 152(b) | 1-Nov-2005 | <i>Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act</i> , SC 2005, c 32, s 3 | Upheld (by a provincial court) | • <i>R v SK</i> , 2013 ONCJ 267 |
| | Indictable | 45d | <i>Criminal Code</i> | 152(a) | 1-Nov-2005 | <i>Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act</i> , SC 2005, c 32, s 3 | | |
| Inviting sexual touching (current) | Summary | 90d | <i>Criminal Code</i> | 152(b) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 12 | Mixed treatment (by provincial courts) | <p><u>Held to violate Charter:</u></p> <ul style="list-style-type: none"> • <i>R v JG</i>, 2017 ONCJ 881 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v Gumban</i>, 2017 BCPC 226 |
| | Indictable | 1y | <i>Criminal Code</i> | 152(a) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 12 | Mixed treatment | <p><u>Held to violate Charter:</u></p> <ul style="list-style-type: none"> • <i>R v Hussein</i>, 2017 ONSC 4202 • <i>R c Caron</i>, 2018 QCCQ 2507 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R c Desmarais</i>, 2017 QCCQ 7882 • <i>R c d'Anjou</i>, 2016 QCCQ 5101 |

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| Sexual exploitation (previous) | Summary | 14d | <i>Criminal Code</i> | 153(1.1)(b) | 1-Nov-2005 | <i>Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, SC 2005, c 32, s 4</i> | | |
| | Indictable | 45d | <i>Criminal Code</i> | 153(1.1)(a) | 1-Nov-2005 | <i>Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, SC 2005, c 32, s 4</i> | Upheld | • <i>R v Aldersley</i> , 2018 BCSC 734 |
| Sexual exploitation (current) | Summary | 90d | <i>Criminal Code</i> | 153(1.1)(b) | 9-Aug-2012 | <i>Safe Streets and Communities Act, SC 2012, c 1, s 13</i> | Held to violate Charter by provincial court | • <i>R v Okoro</i> (12 April 2018), Toronto, Ont, per Bacchus J (ONCJ) |
| | Indictable | 1y | <i>Criminal Code</i> | 153(1.1)(a) | 9-Aug-2012 | <i>Safe Streets and Communities Act, SC 2012, c 1, s 13</i> | Mixed treatment | Struck down: • <i>R v EO</i> , 2019 YKCA 9 • <i>R v Hood</i> , 2018 NSCA 18 • <i>R v Cristoferi-Paolucci</i> , 2017 ONSC 4246 Upheld: • <i>R v EJB</i> , 2018 ABCA 239 |
| Incest against child under 16 | | 5y | <i>Criminal Code</i> | 155(2) | 9-Aug-2012 | <i>Safe Streets and Communities Act, SC 2012, c 1, s 14</i> | Mixed treatment (by provincial courts) | Held to violate Charter: • <i>LSJPA - 1740</i> , 2017 QCCQ 19516 Upheld: • <i>R c YP</i> , 2018 QCCQ 2956 |
| Bestiality involving child | Summary | 6m | <i>Criminal Code</i> | 160(3)(b) | 9-Aug-2012 | <i>Safe Streets and Communities Act, SC 2012, c 1, s 15</i> | | |
| | Indictable | 1y | <i>Criminal Code</i> | 160(3)(a) | 9-Aug-2012 | <i>Safe Streets and Communities Act, SC 2012, c 1, s 15</i> | | |
| Making child pornography | Indictable (offence is straight indictable since 17-Jul-2015) | 1y | <i>Criminal Code</i> | 163.1(2) | 1-Nov-2005 | <i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, SC 2005, c 32, s 7(2); Safe Streets and Communities Act, SC 2012, c 1, s 17; Tougher Penalties for Child Predators Act, SC 2015, c 23, s 7(1)</i> | Mixed treatment | Struck down: • <i>R v Joseph</i> , 2018 ONSC 4646 Upheld: • <i>R v Cristoferi-Paolucci</i> , 2017 ONSC 4246 |

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| Distributing child pornography | | 1y | <i>Criminal Code</i> | 163.1(3) | 1-Nov-2005; 17-Jul-2015 | <i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, SC 2005, c 32, s 7(3); Tougher Penalties for Child Predators Act, SC 2015, c 23, s 7(1)</i> | Mixed treatment | <p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R v Mollon</i>, 2019 BCSC 423 • <i>R v Boodhoo and others</i>, 2018 ONSC 7207 • <i>R c Delage</i>, 2019 QCCQ 1125 • <i>R c Gangoo-Bassant</i>, 2018 QCCQ 11080 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v Schultz</i>, 2008 ABQB 679 • <i>R v Watts</i>, 2016 ABPC 57 |
| Possessing child pornography (previous) | Summary | 14d | <i>Criminal Code</i> | 163.1(4)(b) | 1-Nov-2005 | <i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, SC 2005, c 32, s 7(4)</i> | | |
| | Indictable | 45d | <i>Criminal Code</i> | 163.1(4)(a) | 1-Nov-2005 | <i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, SC 2005, c 32, s 7(4)</i> | Upheld | <ul style="list-style-type: none"> • <i>R v Walker</i>, 2017 BCSC 1301 • <i>R v LeCourtis</i>, 2016 ONSC 190 |
| Possessing child pornography (previous) | Summary | 90d | <i>Criminal Code</i> | 163.1(4)(b) | 9-Aug-2012 | <i>Safe Streets and Communities Act, SC 2012, c 1, s 17(3)</i> | Struck down | <p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R v Swaby</i>, 2018 BCCA 416 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v AR</i>, 2018 ONCJ 613 |
| | Indictable | 6m | <i>Criminal Code</i> | 163.1(4)(a) | 9-Aug-2012 | <i>Safe Streets and Communities Act, SC 2012, c 1, s 17(3)</i> | Struck down | <p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R v Alexander</i>, 2019 BCCA 100 • <i>R v John</i>, 2018 ONCA 702 • <i>R v Mollon</i>, 2019 BCSC 423 • <i>R v Joseph</i>, 2018 ONSC 4646 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v Cristoferi-Paolucci</i>, 2017 ONSC 4246 • <i>R v Watts</i>, 2016 ABPC 57 • <i>R v Machulec</i>, 2016 ONSC 8219 |

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| Possessing child pornography (current) | Summary | 6m | <i>Criminal Code</i> | 163.1(4)(b) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 7(2) | Mixed treatment (by provincial courts) | <u>Held to violate Charter</u> : • <i>R v Zhang</i> , 2018 ONCJ 646 <u>Upheld</u> : • <i>R v Clouthier and Mitchell</i> , 2018 ONCJ 933 |
| | Indictable | 1y | <i>Criminal Code</i> | 163.1(4)(a) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 7(2) | Held to violate Charter by a provincial court | • <i>R c Delage</i> , 2019 QCCQ 1125 |
| Accessing child pornography (previous) | Summary | 90d | <i>Criminal Code</i> | 163.1(4.1)(b) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 17(4) | | |
| | Indictable | 6m | <i>Criminal Code</i> | 163.1(4.1)(a) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 17(4) | Mixed treatment | <u>Struck down</u> : • <i>R v Fitzpatrick</i> , 2019 ONSC 2407 <u>Upheld</u> : • <i>R v Cristoferi-Paolucci</i> , 2017 ONSC 4246 |
| Accessing child pornography (current) | Summary | 6m | <i>Criminal Code</i> | 163.1(4.1)(b) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 7(3) | Held to violate Charter by a provincial court | • <i>R v Qusted</i> , 2019 BCPC 95 |
| | Indictable | 1y | <i>Criminal Code</i> | 163.1(4.1)(a) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 7(3) | Held to violate Charter by provincial courts | • <i>R c Delage</i> , 2019 QCCQ 1125 • <i>R v Hunt</i> , 2019 CanLII 42426 (NL PC) • <i>R v Clarke</i> , 2018 CanLII 116038 (NL PC) |
| Parent/guardian procuring sexual activity against minor | | 1y | <i>Criminal Code</i> | 170 | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 8 | | |
| Householder permitting unlawful sexual activity with child | | 1y | <i>Criminal Code</i> | 171 | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 9 | Held to violate Charter by a provincial court | • <i>R v Johnson</i> , 2019 ONCJ 224 |

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| Making sexually explicit material available to child (previous) | Summary | 30d | <i>Criminal Code</i> | 171.1(2)(b) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 22(2) | Held to violate <i>Charter</i> by a provincial court | • <i>R v Koenig</i> , 2019 BCPC 83 |
| | Indictable | 90d | <i>Criminal Code</i> | 171.1(2)(a) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 22(2) | Upheld | • <i>R v Allen</i> , 2018 ONSC 252 |
| Making sexually explicit material available to child | Summary | 90d | <i>Criminal Code</i> | 171.1(2)(b) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 10 | Upheld (by a provincial court) | • <i>R v Clarke</i> , 2018 CanLII 116038 (NL PC) |
| | Indictable | 6m | <i>Criminal Code</i> | 171.1(2)(a) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 10 | | |
| Child luring (previous) | Summary | 90d | <i>Criminal Code</i> | 172.1(2)(b) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 22(2) | Mixed treatment (by provincial courts) | Held to violate <i>Charter</i> : • <i>R v Koenig</i> , 2019 BCPC 83 Upheld: • <i>R v Stapley</i> , 2014 ONCJ 184 |
| | Indictable | 6m | <i>Criminal Code</i> | 172.1(2)(a) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 11 | Held to violate <i>Charter</i> by a provincial court | • <i>R v Randall</i> , 2018 ONCJ 470 |
| Child luring (current) | Summary | 6m | <i>Criminal Code</i> | 172.1(2)(b) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 11 | SCC set aside finding of unconstitutionality and declined to rule on it | Declined to decide • <i>R v Morrison</i> , 2019 SCC 15, rev'g 2017 ONCA 582 Struck down: • <i>R v Hood</i> , 2018 NSCA 18 • <i>R v BS</i> , 2018 BCSC 2044 Upheld: • <i>R v Clarke</i> , 2018 CanLII 116038 (NL PC) • <i>Lavoie-Santerre c Attorney General of Canada</i> , 2016 QCCQ 17287 |
| | Indictable | 1y | <i>Criminal Code</i> | 172.1(2)(a) | 9-Aug-2012; 17-Jul-2015 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 22(2); <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 11 | | |
| Agreeing or arranging sexual offence against child | Summary | 6m | <i>Criminal Code</i> | 172.2(2)(b) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 12 | | |
| | Indictable | 1y | <i>Criminal Code</i> | 172.2(2)(a) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 12 | Upheld | • <i>R v Wheeler</i> , 2017 CanLII 86656 (Ont SCJ) |

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| Exposure to child | Summary | 30d | <i>Criminal Code</i> | 173(2)(b) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 23 | | |
| | Indictable | 90d | <i>Criminal Code</i> | 173(2)(a) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 23 | | |
| Sexual assault against child under 16 | Summary | 6m | <i>Criminal Code</i> | 271(b) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 14 | Held to violate Charter by provincial courts | <ul style="list-style-type: none"> • <i>R v MM</i> (7 June 2018), Barrie, Ont, 3811-998-16-3616-00, per Dawson J (Ont CJ) • <i>R c Gagnon</i>, 2018 QCCQ 9569 |
| | Indictable | 1y | <i>Criminal Code</i> | 271(a) | 17-Jul-2015 | <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 14 | Struck down | <ul style="list-style-type: none"> • <i>R v MacLean</i>, 2018 NLSC 209 • <i>R v Deyoung</i>, 2016 NSPC 67 • <i>R v ERDR</i>, 2016 BCSC 684 and 2016 BCSC 1759 |
| Sexual assault with weapon, threats, or bodily harm | With a firearm | 4y | <i>Criminal Code</i> | 272(2)(a.1) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 145 | | |
| | Against child under 16 | 5y | <i>Criminal Code</i> | 272(2)(a.2) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 26 | Struck down | <ul style="list-style-type: none"> • <i>R v MJ</i>, 2016 ONSC 2769 • <i>Director of Criminal and Penal Prosecutions c Trottier</i>, 2018 QCCQ 4814 and 2019 QCCQ 1205 |
| | With restricted/prohibited firearm, or for crim org with any firearm, 1st offence | 5y | <i>Criminal Code</i> | 272(2)(a)(i) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 28(1) | | |
| | With restricted/prohibited firearm, or for crim org with any firearm, 2nd offence | 7y | <i>Criminal Code</i> | 272(2)(a)(ii) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 28(1) | | |
| Aggravated sexual assault | With a firearm | 4y | <i>Criminal Code</i> | 273(2)(a.1) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 146 | | |
| | Against child under 16 | 5y | <i>Criminal Code</i> | 273(2)(a.2) | 9-Aug-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 27 | | |
| | With restricted/prohibited firearm, or for crim org with any firearm, 1st offence | 5y | <i>Criminal Code</i> | 273(2)(a)(i) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 29(1) | | |

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| | With restricted/prohibited firearm, or for crim org with any firearm, 2nd offence | 7y | <i>Criminal Code</i> | 273(2)(a)(ii) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 29(1) | | |
| Human trafficking | | 4y | <i>Criminal Code</i> | 279.01(1)(b) | 6-Dec-2014 | <i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 18 | | |
| | Involving kidnapping, aggravated assaults, or death | 5y | <i>Criminal Code</i> | 279.01(1)(a) | 6-Dec-2014 | <i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 18 | | |
| | Of child under 18 | 5y | <i>Criminal Code</i> | 279.011(1)(b) | 29-Jun-2010 | <i>An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)</i> , SC 2010, c 3, s 2 | Struck down | • <i>R v Webber</i> , 2019 NSSC 147 • <i>R v Finestone</i> , 2017 ONCJ 22 |
| | Of child under 18, involving kidnapping, aggravated assaults, or death | 6y | <i>Criminal Code</i> | 279.011(1)(a) | 29-Jun-2010 | <i>An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)</i> , SC 2010, c 3, s 2 | | |
| Obtaining material benefit from child trafficking | | 2y | <i>Criminal Code</i> | 279.02(2) | 6-Dec-2014 | <i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 19 | Struck down | • <i>R v Webber</i> , 2019 NSSC 147 |
| Withholding/destroying documents, child trafficking | | 1y | <i>Criminal Code</i> | 279.03(2) | 6-Dec-2014 | <i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 19 | | |
| Purchasing sex from child under 18 (previous) | | 6m | <i>Criminal Code</i> | 212(4) | Pre-2000 | | Struck down | • <i>Her Majesty The Queen v Jacques Lalonde</i> , 2017 ONCS 2181 • <i>R v Badali</i> , 2016 ONSC 788 |
| | | Fines from \$500-\$4,000 | <i>Criminal Code</i> | 286.1(1)(a) | 6-Dec-2014 | <i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 20 | Upheld for \$500 fine (by a provincial court) | • <i>R v Mercer</i> , 2017 NSPC 20 |

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| Purchasing sex (current) | From child under 18, 1st offence | 6m | <i>Criminal Code</i> | 286.1(2)(a) | 6-Dec-2014 | <i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 20 | Struck down | <ul style="list-style-type: none"> • <i>R v JLM</i>, 2017 BCCA 258, leave to appeal denied 2018 CanLII 14529 (SCC) • <i>R v Alvi</i>, 2018 ABPC 136 |
| | From child under 18, 2nd offence | 1y | <i>Criminal Code</i> | 286.1(2)(b) | 6-Dec-2014 | <i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 20 | | |
| Living on the avails of child prostitution (repealed) | | 2y | <i>Criminal Code</i> | 212(2) | Pre-2000 | | Struck down | <ul style="list-style-type: none"> • <i>R v Badali</i>, 2016 ONSC 788 |
| Obtaining material benefit from child prostitution | | 2y | <i>Criminal Code</i> | 286.2(2) | 6-Dec-2014 | <i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 20 | Struck down | <ul style="list-style-type: none"> • <i>R v Boodhoo and others</i>, 2018 ONSC 7207 • <i>R v Joseph</i>, 2018 ONSC 4646 • <i>R v Robitaille</i>, 2017 ONCJ 768 |
| Procuring child under 18 for prostitution | | 5y | <i>Criminal Code</i> | 286.3(2) | 6-Dec-2014 | <i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 20 | Struck down | <ul style="list-style-type: none"> • <i>R v Boodhoo and others</i>, 2018 ONSC 7207 • <i>R v Safieh</i>, 2018 ONSC 4468 |

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| Offence | Additional elements | Mandatory minimum sentence | Act | Section | Came into force | Created by | Status | Case citation(s) (for Status) |
|--|---|----------------------------|--|----------------|-----------------|---|--|--|
| Trafficking and possession for the purpose of trafficking — Schedule I drug | For criminal organization | 1y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(i)(A) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | | |
| | Use or threaten violence | 1y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(i)(B) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | | |
| | Use, carry, or threaten use of weapons | 1y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(i)(C) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | Held to violate <i>Charter</i> by a provincial court; prosecutors instructed not to seek MMS for "carrying" a weapon | <ul style="list-style-type: none"> • <i>R v Jackson-Bullshields</i>, 2015 BCPC 411 and 2015 BCPC 414 • Public Prosecution Service of Canada, "Supplementary Guideline on Mandatory Minimum Penalties for Certain Drug Offences Under the Controlled Drugs and Substances Act" (24 June 2016) |
| | Accused convicted of a designated drug offence within the previous 10 years | 1y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(i)(D) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | Struck down | • <i>R v Lloyd</i> , 2016 SCC 13 |
| | In or near a school or an area frequented by children | 2y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(ii)(A) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | Struck down | <ul style="list-style-type: none"> • <i>R v Dickey</i>, 2016 BCCA 177 • <i>R v Robinson</i>, 2016 ONSC 2819 |
| | In a prison | 2y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(ii)(B) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | Upheld | <ul style="list-style-type: none"> • <i>R v Carswell</i>, 2018 SKQB 53 • <i>R v Butcher</i>, 2017 CanLII 38352 (Nfld SC) |
| | Using or involving child | 2y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(ii)(C) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | Struck down | • <i>R v Dickey</i> , 2016 BCCA 177 |
| | For criminal organization | 1y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(i)(A) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | | |
| | Use or threaten violence | 1y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(i)(B) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | | |

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| Offence | Additional elements | Mandatory minimum sentence | Act | Section | Came into force | Created by | Status | Case citation(s) (for Status) |
|--|---|----------------------------|--|----------------|-----------------|---|--------------------|---|
| Trafficking and possession of more than 3kg for the purpose of trafficking — Schedule II drug (marijuana) | Use, carry, or threaten use of weapons | 1y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(i)(C) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | | |
| | Accused convicted of a designated drug offence within the previous 10 years | 1y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(i)(D) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | Struck down | • <i>R v Lloyd</i> , 2016 SCC 13 |
| | In or near a school or an area frequented by children | 2y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(ii)(A) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | | |
| | In a prison | 2y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(ii)(B) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | | |
| | Using or involving child | 2y | <i>Controlled Drugs and Substances Act</i> | 5(3)(a)(ii)(C) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1) | | |
| Importing narcotics (repealed) | | 7y | <i>Narcotic Control Act</i> | 5(2) | Pre-2000 | | Struck down | • <i>R v Smith</i> , 1987 CanLII 64 (SCC) |
| Importing and exporting — Schedule I drug | Committed for the purpose of trafficking | 1y | <i>Controlled Drugs and Substances Act</i> | 6(3)(a)(i) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 40 | Struck down | • <i>R v Duffus</i> , 2017 ONSC 231 |
| | Abuse of a position of trust or authority | 1y | <i>Controlled Drugs and Substances Act</i> | 6(3)(a)(ii) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 40 | | |
| | Abuse of access to a restricted area | 1y | <i>Controlled Drugs and Substances Act</i> | 6(3)(a)(iii) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 40 | | |

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| Offence | Additional elements | Mandatory minimum sentence | Act | Section | Came into force | Created by | Status | Case citation(s) (for Status) |
|---|--|----------------------------|--|--------------|-----------------|---|--------------------|--------------------------------------|
| | More than 1kg | 2y | <i>Controlled Drugs and Substances Act</i> | 6(3)(a.1) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 40 | Struck down | • <i>R v Sharma</i> , 2018 ONSC 1141 |
| Importing and exporting — Schedule II drug (marijuana) | Committed for the purpose of trafficking | 1y | <i>Controlled Drugs and Substances Act</i> | 6(3)(a)(i) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 40 | | |
| | Abuse of a position of trust or authority | 1y | <i>Controlled Drugs and Substances Act</i> | 6(3)(a)(ii) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 40 | | |
| | Abuse of access to a restricted area | 1y | <i>Controlled Drugs and Substances Act</i> | 6(3)(a)(iii) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 40 | | |
| Production — Schedule I drug | | 2y | <i>Controlled Drugs and Substances Act</i> | 7(2)(a) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1) | | |
| | Using real property belonging to third party | 3y | <i>Controlled Drugs and Substances Act</i> | 7(2)(a) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1) | | |
| | Causing potential security, health, or safety hazard to children | 3y | <i>Controlled Drugs and Substances Act</i> | 7(2)(a) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1) | | |
| | Causing potential public safety hazard in residential area | 3y | <i>Controlled Drugs and Substances Act</i> | 7(2)(a) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1) | | |
| | Using traps | 3y | <i>Controlled Drugs and Substances Act</i> | 7(2)(a) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1) | | |

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|--|--|----------------------------|--|--------------|-----------------|---|-------------|---|
| Production — Schedule II drug (marijuana) | 6-200 plants + purpose is for trafficking | 6m | <i>Controlled Drugs and Substances Act</i> | 7(2)(b)(i) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1) | Struck down | <ul style="list-style-type: none"> • <i>R v Elliott</i>, 2017 BCCA 214 • <i>R c Hydrobec</i>, 2018 QCCQ 6447 • <i>R c Chouinard</i>, 2018 QCCQ 9370 • <i>R v Boulton</i>, 2016 ONSC 2979 • <i>R v Vu</i>, 2015 ONSC 5834 • <i>R v Boudreau</i>, 2018 NSPC 19 |
| | 6-200 plants + purpose is for trafficking + health & safety factor | 9m | <i>Controlled Drugs and Substances Act</i> | 7(2)(b)(ii) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1) | Struck down | <ul style="list-style-type: none"> • <i>R v Vu</i>, 2015 ONSC 5834 |
| | 201-500 plants | 1y | <i>Controlled Drugs and Substances Act</i> | 7(2)(b)(iii) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1) | Struck down | <p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R v Vu</i>, 2018 ONCA 436 • <i>R v Serov</i>, 2017 BCCA 456 • <i>R v Morrell</i>, 2017 ONSC 5606 • <i>R v Landry</i>, 2016 QCCQ 16626, leave to appeal granted 2017 QCCA 65 • <i>Directeur des poursuites criminelles et pénales c Martin</i>, 2016 QCCQ 5592 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v Yu</i>, 2017 BCSC 823 • <i>R v Picard</i>, 2016 BCSC 2052 • <i>R v Nguyen</i>, 2017 BCPC 263 |
| | 201-500 plants + health & safety factor | 1.5y | <i>Controlled Drugs and Substances Act</i> | 7(2)(b)(iv) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1) | Struck down | <ul style="list-style-type: none"> • <i>R v Serov</i>, 2017 BCCA 456 • <i>R v Nguyen</i>, 2017 BCPC 261 |

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|---------|---|----------------------------|--|-------------|-----------------|---|---------------------------|---|
| | More than 500 plants | 2y | <i>Controlled Drugs and Substances Act</i> | 7(2)(b)(v) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1) | Struck down | <ul style="list-style-type: none"> • <i>R v Vu</i>, 2018 ONCA 436 • <i>R v McGee</i>, 2017 BCCA 457 • <i>R c Hydrobec</i>, 2018 QCCQ 6447 • <i>R v Tran</i>, 2017 ONSC 651 • <i>R v Ling</i>, 2017 ONSC 5627 |
| | More than 500 plants + health & safety factor | 3y | <i>Controlled Drugs and Substances Act</i> | 7(2)(b)(vi) | 6-Nov-2012 | <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1) | Mostly struck down | <p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R v Vu</i>, 2018 ONCA 436 • <i>R v McGee</i>, 2017 BCCA 457 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R c Bui</i>, 2017 QCCQ 9635 |

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|--|---------------------|----------------------------|------------------------------|----------------------|-----------------|--|--|---|
| Use firearm or imitation firearm while committing an offence | 1st offence | 1y | <i>Criminal Code</i> | 85(3)(a) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 139 | Mostly upheld | <u>Struck down:</u> <ul style="list-style-type: none"> • <i>R v Superales</i>, 2018 ONSC 6367 <u>Upheld:</u> <ul style="list-style-type: none"> • <i>R v Al-Isawi</i>, 2017 BCCA 163 • <i>R v Cogo</i>, 2015 BCPC 453 • <i>R v Meszaros</i>, 2013 ONCA 682 • <i>R v Stewart</i>, 2010 BCCA 153 • <i>R v McMahon</i>, [2003] OJ No 2967 (SCJ) • <i>R v Born With A Tooth</i>, 1994 CanLII 9151 (ABQB) |
| | 2nd offence | 3y | <i>Criminal Code</i> | 85(3)(b) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 139 | | |
| | | | Sentence must be consecutive | <i>Criminal Code</i> | 85(4) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 139 | Mostly upheld |
| Possession of a firearm | 2nd offence | 1y | <i>Criminal Code</i> | 92(3)(b) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 138 | | |
| | 3rd offence | 2y less 1d | <i>Criminal Code</i> | 92(3)(c) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 138 | | |

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|---|---------------------|----------------------------|----------------------|--------------|-----------------|---|-----------------|--|
| Possession of restricted/prohibited firearm with ammo | 1st offence | 3y | <i>Criminal Code</i> | 95(2)(a)(i) | 1-May-2008 | <i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 8(2) | Struck down | <ul style="list-style-type: none"> • <i>R v Nur</i>, 2015 SCC 15 • <i>R v Holt</i>, 2014 BCSC 2170 and 2015 BCSC 93 • <i>R v MacDonald</i>, 2014 NSCA 102 • <i>R v Adamo</i>, 2013 MBQB 225 • <i>R v Vandyke</i>, 2013 ABPC 347 • <i>R v Sheck</i>, 2013 BCPC 105 |
| | 2nd offence | 5y | <i>Criminal Code</i> | 95(2)(a)(ii) | 1-May-2008 | <i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 8(2) | Struck down | <ul style="list-style-type: none"> • <i>R v Nur</i>, 2015 SCC 15 |
| Possession of weapon obtained by crime | | 1y | <i>Criminal Code</i> | 96(2) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39 | Mixed treatment | <p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R v Foster</i>, [2017] OJ No 471 (SCJ) <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v Ottie</i>, 2019 BCSC 49 • <i>R v Robertson</i>, 2018 BCSC 521 • <i>R v Chislett</i>, 2016 CanLII 85360 (Ont SCJ) • <i>R v Bressette</i>, 2010 ONSC 3831 • <i>R v Carranza</i>, [2004] OJ No 6041 (SCJ) |
| | | 1y | <i>Criminal Code</i> | 99(3) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 139 | | |

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|---|----------------------|----------------------------|----------------------|-----------|-----------------|---|-------------|--|
| Weapons trafficking | Firearm, 1st offence | 3y | <i>Criminal Code</i> | 99(2)(a) | 1-May-2008 | <i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 10 | Struck down | <ul style="list-style-type: none"> • <i>R c Lefrançois</i>, 2018 QCCA 1793 • <i>R v Wetelainen</i>, 2019 ONSC 869 • <i>R v Roberts</i>, 2019 ONCJ 22 • <i>R v De Vos</i>, 2018 ONSC 6813 • <i>R v Sauve</i>, 2018 ONSC 7375 • <i>R v Irkootee</i>, 2018 NUCJ 32 • <i>R v Harriott</i>, 2017 ONSC 3393 • <i>R v Trepanier</i>, 2016 NBPC 2 • <i>R v Friesen</i>, 2015 ABQB 717 • <i>R v Hussain</i>, 2015 ONSC 7115 • <i>R v Shobway</i>, 2015 ONCJ 457 • <i>R v Lewis</i>, 2012 ONCJ 413 |
| | Firearm, 2nd offence | 5y | <i>Criminal Code</i> | 99(2)(b) | 1-May-2008 | <i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 10 | | |
| Possession of weapon for the purpose of trafficking | | 1y | <i>Criminal Code</i> | 100(3) | Pre-2000 | | | |
| | Firearm, 1st offence | 3y | <i>Criminal Code</i> | 100(2)(a) | 1-May-2008 | <i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 11 | | |
| | Firearm, 2nd offence | 5y | <i>Criminal Code</i> | 100(2)(b) | 1-May-2008 | <i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 11 | | |
| Making automatic firearm | | 1y | <i>Criminal Code</i> | 102(2)(a) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 139 | Upheld | • <i>R v Montague</i> , 2010 ONCA 141 |
| Importing weapons | | 1y | <i>Criminal Code</i> | 103(2.1) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 139 | | |
| | Firearm, 1st offence | 3y | <i>Criminal Code</i> | 103(2)(a) | 1-May-2008 | <i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 12 | Struck Down | • <i>R c Lefrançois</i> , 2018 QCCA 1793 |
| | Firearm, 2nd offence | 5y | <i>Criminal Code</i> | 103(2)(b) | 1-May-2008 | <i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 12 | | |

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|---|---|----------------------------|----------------------|----------------|-----------------|---|-----------------|---|
| Discharge firearm with intent to wound or endanger life | | 4y | <i>Criminal Code</i> | 244(2)(b) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 144 | Upheld | <ul style="list-style-type: none"> • <i>R v Reis</i>, 2017 ONSC 1961 • <i>R v Sheppard</i>, 2011 CanLII 41607 (Nfld PC) • <i>R v MDR</i>, 1998 CanLII 12247 (NBCA) |
| | With restricted/prohibited firearm, or for crim org with any firearm, 1st offence | 5y | <i>Criminal Code</i> | 244(2)(a)(i) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 17 | Upheld | <ul style="list-style-type: none"> • <i>R v Dingwall</i>, 2018 BCSC 1041 |
| | With restricted/prohibited firearm, or for crim org with any firearm, 2nd offence | 7y | <i>Criminal Code</i> | 244(2)(a)(ii) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 17 | | |
| Recklessly discharge firearm | | 4y | <i>Criminal Code</i> | 244.2(3)(b) | 2-Oct-2009 | <i>An Act to amend the Criminal Code (organized crime and protection of justice system participants)</i> , SC 2009, c 22, s 8 | Mixed treatment | <p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R v Valade</i>, 2019 ONSC 3033 • <i>R v Nungusuituq</i>, 2019 NUCJ 6 • <i>R v Hills</i>, 2018 ABQB 945 • <i>R v Kakfwi</i>, 2018 NWTSC 13 • <i>R v Itturiligaq</i>, 2018 NUCJ 31 • <i>R c Vézina</i>, 2017 QCCQ 7785 • <i>R c Gunner</i>, 2017 QCCQ 12563 • <i>R v Ookowt</i>, 2017 NUCJ 22 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v Oud</i>, 2016 BCCA 332 • <i>R v Crockwell</i>, 2013 NLTD(G) 23 |
| | With restricted/prohibited firearm, or for crim org with any firearm, 1st firearm offence | 5y | <i>Criminal Code</i> | 244.2(3)(a)(i) | 2-Oct-2009 | <i>An Act to amend the Criminal Code (organized crime and protection of justice system participants)</i> , SC 2009, c 22, s 8 | Mixed treatment | <p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R v Cardinal</i>, 2018 NWTSC 12 • <i>R v Dingwall</i>, 2018 BCSC 1041 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v Mohammad</i>, 2017 ONCJ 297 • <i>R v Abdullahi</i>, 2014 ONSC 272 |

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|---------|---|----------------------------|----------------------|-----------------|-----------------|--|---|--------------------------------------|
| | With restricted/ prohibited firearm, or for crim org with any firearm, 2nd firearm offence | 7y | <i>Criminal Code</i> | 244.2(3)(a)(ii) | 2-Oct-2009 | <i>An Act to amend the Criminal Code (organized crime and protection of justice system participants), SC 2009, c.22, s.8</i> | Upheld (by a provincial court) | • <i>R v Mohamed</i> , 2016 ONCJ 492 |

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|---|--|----------------------------|----------------------|------------------|-----------------|---|--------|---|
| High treason | | Life | <i>Criminal Code</i> | 47 | Pre-2000 | | | |
| Selling unstamped tobacco | 10,000 cigarettes / 10 kg, 2nd offence, indictable | 90d | <i>Criminal Code</i> | 121.1(4)(a)(i) | 10-Apr-2015 | <i>Tackling Contraband Tobacco Act</i> , SC 2014, c 23, s 3 | | |
| | 10,000 cigarettes / 10 kg, 3rd offence, indictable | 180d | <i>Criminal Code</i> | 121.1(4)(a)(ii) | 10-Apr-2015 | <i>Tackling Contraband Tobacco Act</i> , SC 2014, c 23, s 3 | | |
| | 10,000 cigarettes / 10 kg, 4th offence, indictable | 2y less 1d | <i>Criminal Code</i> | 121.1(4)(a)(iii) | 10-Apr-2015 | <i>Tackling Contraband Tobacco Act</i> , SC 2014, c 23, s 3 | | |
| Betting/ book-making | 2nd offence | 14d | <i>Criminal Code</i> | 202(2)(b) | Pre-2000 | <i>Criminal Law Amendment, 1975</i> , SC 1974-75-76, c 93, s 11 | | |
| | 3rd and subsequent offence | 3m | <i>Criminal Code</i> | 202(2)(c) | Pre-2000 | <i>Criminal Law Amendment, 1975</i> , SC 1974-75-76, c 93, s 11 | | |
| Placing bets for others | 2nd offence | 14d | <i>Criminal Code</i> | 203(e) | Pre-2000 | <i>Criminal Law Amendment, 1975</i> , SC 1974-75-76, c 93, s 11 | | |
| | 3rd and subsequent offence | 3m | <i>Criminal Code</i> | 203(f) | Pre-2000 | <i>Criminal Law Amendment, 1975</i> , SC 1974-75-76, c 93, s 11 | | |
| Cause death by criminal negligence with firearm | | 4y | <i>Criminal Code</i> | 220(a) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 141 | Upheld | <ul style="list-style-type: none"> • <i>R v Morrissey</i>, 2000 SCC 39 • <i>R v Dockrill</i>, 2016 NSSC 56 |
| | 1st degree | Life, min 25y | <i>Criminal Code</i> | 235, 745(a) | Pre-2000 | | Upheld | <ul style="list-style-type: none"> • <i>R v Luxton</i>, 1990 CanLII 83 (SCC) • <i>R c Lefebvre</i>, 1992 CanLII 3937 (Que CA) • <i>R v Bowen</i>, 1990 ABCA 317 • <i>R v Cairns</i>, 1989 CarswellBC 1264 (CA) • <i>R v Elton</i>, 2014 BCSC 693 |

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| Offence | Additional elements | Mandatory minimum sentence | Act | Section | Came into force | Created by | Status | Case citation(s) (for Status) |
|---|---|----------------------------|----------------------|-------------------|-----------------|---|--|---|
| Murder | 2nd degree | Life, min 10y | <i>Criminal Code</i> | 235, 745(c) | Pre-2000 | | Upheld | <ul style="list-style-type: none"> • <i>R v Latimer</i>, 2001 SCC 1 • <i>R v CAM</i>, 1987 CanLII 128 (NSCA) • <i>R v Laviolette</i>, 1985 CarswellPEI 31 (CA) • <i>R v Atsiqtaq</i>, [1988] NWTR 315 (SC) • <i>R v Newborn</i>, 2018 ABQB 47 |
| | 2nd degree, with previous murder conviction | Life, min 25y | <i>Criminal Code</i> | 237, 745(b)-(b.1) | Pre-2000 | | | Upheld |
| Manslaughter | With firearm | 4y | <i>Criminal Code</i> | 236(a) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 142 | Upheld | <ul style="list-style-type: none"> • <i>R v Ferguson</i>, 2008 SCC 6 • <i>R v Penner</i>, 2017 BCSC 1688 • <i>R v McMath</i>, 2015 BCSC 440 • <i>R v Birchall</i>, 2001 BCCA 356 • <i>R c Lacroix</i>, 2016 QCCQ 12410 • <i>R v Hainnu</i>, [1998] NWTJ No 101 (SC) |
| | With restricted/prohibited firearm, or for crim org with any firearm, 1st offence | 5y | <i>Criminal Code</i> | 239(1)(a)(i) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 16 | | Upheld |
| Attempted murder | With restricted/prohibited firearm, or for crim org with any firearm, 2nd offence | 7y | <i>Criminal Code</i> | 239(1)(a)(ii) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 16 | | |
| | 1st offence | \$1,000 fine | <i>Criminal Code</i> | 255(1)(a)(i) | 2-Jul-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1) | Upheld (by a provincial court) | <ul style="list-style-type: none"> • <i>R v Dookie</i>, 2012 ONCJ 719 |
| Driving impaired/over 80 (also, where accident caused ...) | 2nd offence | 30d | <i>Criminal Code</i> | 255(1)(a)(ii) | 2-Jul-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1) | Supported in obiter dicta by provincial court | <ul style="list-style-type: none"> • <i>R v Jimmy</i>, 2010 BCPC 257 |

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| Offence | Additional elements | Mandatory minimum sentence | Act | Section | Came into force | Created by | Status | Case citation(s) (for Status) |
|---|--|----------------------------|----------------------|-----------------|-----------------|---|--|------------------------------------|
| bodily harm or death) | 3rd and subsequent offence | 120d | <i>Criminal Code</i> | 255(1)(a)(iii) | 2-Jul-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1) | Supported in obiter dicta by provincial court | • <i>R v Jimmy</i> , 2010 BCPC 257 |
| Refuse to provide blood/breath sample (also, where accident caused bodily harm or death) | 1st offence | \$1,000 fine | <i>Criminal Code</i> | 255(1)(a)(i) | 2-Jul-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1) | | |
| | 2nd offence | 30d | <i>Criminal Code</i> | 255(1)(a)(ii) | 2-Jul-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1) | | |
| | 3rd and subsequent offence | 120d | <i>Criminal Code</i> | 255(1)(a)(iii) | 2-Jul-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1) | | |
| Kidnapping | With any firearm | 4y | <i>Criminal Code</i> | 279(1.1)(a.1) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 147 | | |
| | Against child under 16, non-parent | 5y | <i>Criminal Code</i> | 279(1.1)(a.2) | 26-Jun-2013 | <i>An Act to amend the Criminal Code (kidnapping of young people)</i> , SC 2013, c 32, s 1(1) | | |
| | With restricted/prohibited firearm, or any firearm for crim org, 1st offence | 5y | <i>Criminal Code</i> | 279(1.1)(a)(i) | 2-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 30(1) | | |
| | With restricted/prohibited firearm, or any firearm for crim org, 2nd offence | 7y | <i>Criminal Code</i> | 279(1.1)(a)(ii) | 2-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 30(1) | | |
| Hostage taking | With firearm | 4y | <i>Criminal Code</i> | 279.1(2)(a.1) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 148 | | |
| | With restricted/prohibited firearm, or any firearm for crim org, 1st offence | 5y | <i>Criminal Code</i> | 279.1(2)(a)(i) | 2-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 31(1) | | |
| | With restricted/prohibited firearm, or any firearm for crim org, 2nd offence | 7y | <i>Criminal Code</i> | 279.1(2)(a)(ii) | 2-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 31(1) | | |

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|----------------------------|--|----------------------------|----------------------|---------------|-----------------|--|--|---|
| Motor vehicle theft | 3rd and subsequent offence | 6m | <i>Criminal Code</i> | 333.1(1)(a) | 29-Apr-2011 | <i>Tackling Auto Theft and Property Crime Act</i> , SC 2010, c 14, s 3 | | |
| Robbery | | | | | | | Mostly upheld | Struck down: • <i>R v Zwozdesky</i> , 2019 ABQB 322 Upheld: • <i>HMTQ v Bernarde</i> , 2018 NWTCA 7 • <i>R v McDonald</i> , 1998 CanLII 13327 (Ont CA) • <i>R v Wust</i> , 1998 CanLII 5492 (BCCA) • <i>R c Lapierre</i> , 1998 CanLII 13203 (Que CA) • <i>R v Hailemolokot</i> , 2013 MBQB 285 • <i>R c Perron</i> , 2016 QCCQ 13089 • <i>Caron c R</i> , 2014 QCCQ 10603 • <i>R c Lavoie</i> , 2007 QCCQ 6411 |
| | With firearm | 4y | <i>Criminal Code</i> | 344(1)(a.1) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 149 | | |
| | With restricted/prohibited firearm, or any firearm for crim org, 1st offence | 5y | <i>Criminal Code</i> | 344(1)(a)(i) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 32 | Mostly upheld | Struck down: • <i>R v Hilbach</i> , 2018 ABQB 526 Upheld: • <i>R v McIntyre</i> , 2019 ONCA 161 • <i>R v Mclvor</i> , 2018 MBCA 29 • <i>R v Stocker</i> , 2017 BCSC 542 |
| | With restricted/prohibited firearm, or any firearm for crim org, 2nd offence | 7y | <i>Criminal Code</i> | 344(1)(a)(ii) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 32 | | |
| | With firearm | 4y | <i>Criminal Code</i> | 346(1.1)(a.1) | Pre-2000 | <i>Firearms Act</i> , SC 1995, c 39, s 150 | Upheld (by a provincial court) | • <i>R c Villeneuve</i> , 2007 QCCQ 3748 |

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| Offence | Additional elements | Mandatory minimum sentence | Act | Section | Came into force | Created by | Status | Case citation(s) (for Status) |
|---|---|----------------------------|----------------------|-----------------------|-----------------|--|--------------------|--------------------------------------|
| Extortion | With restricted/ prohibited firearm, or any firearm for crim org, 1st offence | 5y | <i>Criminal Code</i> | 346(1.1)(a)(i) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 33(1) | | |
| | With restricted/ prohibited firearm, or any firearm for crim org, 2nd offence | 7y | <i>Criminal Code</i> | 346(1.1)(a)(ii) | 1-May-2008 | <i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 33(1) | | |
| Fraud | Over \$1 million | 2y | <i>Criminal Code</i> | 380(1.1) | 1-Nov-2011 | <i>Standing up for Victims of White Collar Crime Act</i> , 2011, c 6, s 2 | Struck down | • <i>R v Plange</i> , 2018 ONSC 1657 |
| Mischief to war memorial | 1st offence | \$1,000 | <i>Criminal Code</i> | 430(4.11)(a)(i) | 19-Jun-2014 | <i>An Act to amend the Criminal Code (mischief relating to war memorials)</i> , SC 2014, c 9, s 1 | | |
| | 2nd offence | 14d | <i>Criminal Code</i> | 430(4.11)(a) (ii) | 19-Jun-2014 | <i>An Act to amend the Criminal Code (mischief relating to war memorials)</i> , SC 2014, c 9, s 1 | | |
| | 3rd and subsequent offence | 30d | <i>Criminal Code</i> | 430(4.11)(a) (iii) | 19-Jun-2014 | <i>An Act to amend the Criminal Code (mischief relating to war memorials)</i> , SC 2014, c 9, s 1 | | |
| Killing law enforcement animal | Indictable | 6m | <i>Criminal Code</i> | 445.01(2)(a) | 23-Jun-2015 | <i>Justice for Animals in Service Act (Quanto's Law)</i> , SC 2015, c 34, s 3 | | |
| Recruiting young person to criminal organization | | 6m | <i>Criminal Code</i> | 467.111(a) | 19-Jun-2014 | <i>An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment)</i> , 2014, c 17, s 9 | | |