



1st Session, 39th Parliament,
55 Elizabeth II, 2006

house of commons of canada

BILL C-9

An Act to amend the Criminal Code
(conditional sentence of imprisonment)

R.S., c. C-46 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1995, c. 22, s. 6;
1997, c. 18, s. 107.1

1. Section 742.1 of the *Criminal Code* is replaced by the following:

742.1 If a person is convicted of an offence, other than a serious personal injury offence as defined in section 752, a terrorism offence or a criminal organization offence prosecuted by way of indictment for which the maximum term of imprisonment is ten years or more or an offence punishable by a minimum term of imprisonment, and the court imposes a sentence of imprisonment of less than two years and is satisfied that the service of the sentence in the community would not endanger the safety of the community and would be consistent with the fundamental purpose and principles of sentencing set out in sections 718 to 718.2, the court may, for the purpose of supervising the offender's behaviour in the community, order that the offender serve the sentence in the community, subject to the offender's compliance with the conditions imposed under section 742.3.

Coming into force **2. This Act comes into force six months after the day on which it receives royal assent.**

Published under authority of the Speaker of the House of Commons

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1^{re} session, 39^e législature,
55 Elizabeth II, 2006

chambre des communes du canada

PROJET DE LOI C-9

Loi modifiant le Code criminel
(emprisonnement avec sursis)

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

1. L'article 742.1 du *Code criminel* est remplacé par ce qui suit :

742.1 S'il est convaincu que la mesure ne met pas en danger la sécurité de la collectivité et est conforme à l'objectif et aux principes énoncés aux articles 718 à 718.2, le tribunal peut ordonner à toute personne qui, d'une part, a été déclarée coupable d'une infraction autre qu'une infraction constituant des sévices graves à la personne au sens de l'article 752, qu'une infraction de terrorisme ou qu'une infraction d'organisation criminelle, chacune d'entre elles étant poursuivie par mise en accusation et passible d'une peine maximale d'emprisonnement de dix ans ou plus, ou qu'une infraction pour laquelle une peine minimale d'emprisonnement est prévue et, d'autre part, a été condamnée à un emprisonnement de moins de deux ans de purger sa peine dans la collectivité, sous réserve de l'observation des conditions qui lui sont imposées en application de l'article 742.3, afin que sa conduite puisse être surveillée.

2. La présente loi entre en vigueur six mois après la date de sa sanction.

Publié avec l'autorisation du président de la Chambre des communes

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Ottawa (Ontario) K1A 0S5
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L.R., ch. C-46

1995, ch. 22, art. 6;
1997, ch. 18, art.
107.1

Octroi du sursis

Entrée en vigueur

"serious personal injury offence"
«*sérvices graves à la personne*»

"serious personal injury offence" means

(a) an indictable offence, other than high treason, treason, first degree murder or second degree murder, involving

(i) the use or attempted use of violence against another person, or

(ii) conduct endangering or likely to endanger the life or safety of another person or inflicting or likely to inflict severe psychological damage on another person,

and for which the offender may be sentenced to imprisonment for ten years or more, or

(b) an offence or attempt to commit an offence mentioned in section 271 (sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm) or 273 (aggravated sexual assault).

R.S., c. C-34, s. 687; 1976-77, c. 53, s. 14; 1980-81-82-83, c. 125, s. 26.

Dangerous Offenders and Long-Term Offenders

Application for remand for assessment

752.1 (1) Where an offender is convicted of a serious personal injury offence or an offence referred to in paragraph 753.1(2)(a) and, before sentence is imposed on the offender, on application by the prosecution, the court is of the opinion that there are reasonable grounds to believe that the offender might be found to be a dangerous offender under section 753 or a long-term offender under section 753.1, the court may, by order in writing, remand the offender, for a period not exceeding sixty days, to the custody of the person that the court directs and who can perform an assessment, or can have an assessment performed by experts. The assessment is to be used as evidence in an application under section 753 or 753.1.

Report

(2) The person to whom the offender is remanded shall file a report of the assessment with the court not later than fifteen days after the end of the assessment period and make copies of it available to the prosecutor and counsel for the offender.

1997, c. 17, s. 4.