

TABLE OF CONTENTS

	<u>PAGE NUMBER</u>
I. INTRODUCTION	1
II. MAJOR THEMES	4
A. General Limitations	4
B. The Need for Review	7
C. Definitions	8
D. Elements of the Draft Act	11
1. Negligence in the Criminal Law	11
2. Subjective Criminal Law	12
III. THE DRAFT ACT: THE ELEMENTS	14
Preamble	14
Section 2: Definitions	14
Section 3: Principle of Legality	17
Section 6: Omissions	17
Section 7: Causation	17
Section 8: Purpose	18
Section 9: Recklessness	20
Section 10: Negligence	21
Section 11: Definitions	22
Section 13: Immaturity	22
Section 14: Mental Disorder	23
Section 15: Lack of Control	24
Section 17: Intoxication	25
Section 18: Mistake of Law	27
Section 20: Necessity	30

TABLE OF CONTENTS

Page 2

	<u>PAGE NUMBER</u>
Section 21: Defence of Persons	32
Section 22: Defence of Property	36
Section 23: Protection of Persons Acting Under Statute	37
Section 25: Mistaken Belief as to Defence	40
Section 26: Principals	41
Section 27: Corporate Liability	41
Section 28: Furtherance	42
Section 29: Attempts	43
Section 30: Attempting Furtherance	44
Section 31: Conspiracy	45
Section 32: Different Crime Committed	46
Section 35: Territorial Jurisdiction	48
Section 38: Manslaughter	49
Section 40: Murder	50
Section 41: Helping to Commit Suicide	55
Section 42: Palliative Care	55
Section 43: Assault	56
Section 44: Infliction of Harm	57
Section 45: Harassment	58
Section 46: Threatening	59
Section 47: Threats of Immediate Harm	59
Section 48: Extortion	60
Section 51: Child Abduction	61

TABLE OF CONTENTS

Page 3

	<u>PAGE NUMBER</u>
Section 53: Endangerment	63
Section 54: Failure to Rescue	63
Section 55: Impeding Rescue	65
Section 57: Dangerous Operation of Vehicle	65
Section 58: Operation of Vehicle While Impaired	67
Section 59: Failure or Refusal to Provide Breath Sample	68
Section 60: Failure to Stop at Scene of Accident	69
Section 61: Operation of Vehicle While Disqualified	69
Section 62: Unsafe Vehicle	69
Section 63: Interference With Transportation Facilities	70
Section 64: Aggravating Circumstances	71
Section 65: Definitions	71
Section 67: Entry to Install Instrument	72
Section 68: Disclosure of Private Communications	75
Section 69: Criminal Intrusion	75
Section 70: Theft	77
Section 71: Dishonest Obtention of Benefit	78
Section 72: Fraud	78
Section 73: Fraudulent Misrepresentation	80
Section 74: Forgery of Public Documents	80
Section 77: Fraud on Creditors	82
Section 78: Fraud on Creditors	82

TABLE OF CONTENTS

Page 4

	<u>PAGE NUMBER</u>
Section 80: Robbery	82
Section 81: Vandalism	83
Section 82: Arson	84
Section 84: Possession of Prohibited Things	85
Section 87: Possession of Things Obtained by Crime	85
IV. CONCLUSION	86
APPENDIX I: Definitions in the Criminal Code Omitted in the Draft Act to Revise and Codify the Criminal Law	87
APPENDIX II: Definitions Added or Amended as Between the Report and Appendix A to the Report of the Law Reform Commission of Canada	97
APPENDIX III: Words and Phrases in the Draft Act to Revise and Codify the Criminal Law Which are Not Defined or Explained	100
APPENDIX IV: Sections in the Criminal Code Omitted From the Draft Act to Revise and Codify the Criminal Law	104