

Bill C-23 A – Minister of Public Safety

An Act to amend the Criminal Records Act (Pardons)

C-23 was introduced on May 11, 2010. In June 2010, the Bill was split, and C-23A came into force on June 29, 2010. C-23B is currently before the Public Safety and National Security Committee for study.

Bill Narrative / Descriptor:

The *Criminal Records Act* is amended to:

- increase the ineligibility period for a pardon for certain offences;
- provide the Parole Board of Canada with the authority to make inquiries with regard to pardon applications for all types of offences;
- provide the Board with the discretion to consider additional factors in the decision-making process for pardons;
- establish factors the Board may consider in determining whether the grant of the pardon would bring the administration of justice into disrepute; and,
- implement the assessment of good conduct in all cases.

Under the amended legislation, the eligibility of applicants is subject to the following time frames:

- For a conviction as a result of a summary offence, other than those listed in schedule 1 of the *CRA*, an individual must wait 3 years before applying (no change from previously);
- For a conviction of a sexual offence listed in schedule 1 tried summarily, the waiting period is 5 years;
- For a conviction as a result of an indictable offence, other than those listed in schedule 1 of the *CRA*, an individual must wait 5 years (no change from previously);
- For a conviction as a result of an indictable sexual offence listed in schedule 1, the waiting period is 10 years; and,
- For a conviction for a serious personal injury offence (s 752 of *Criminal Code*), including manslaughter (sentenced to two or more years), the waiting period is 10 years.

Applicants subject to the 5 and 10 year waiting periods must also demonstrate to the Board's satisfaction that a pardon would be of measurable benefit to them and that it would sustain their rehabilitation as a law abiding citizen. In addition, the Board must be satisfied that the granting of a pardon would not bring the administration of justice into disrepute.

In determining whether the granting of a pardon would bring the administration of justice into disrepute, the Board may consider the following factors:

- The nature, gravity and duration of the offence;
- The circumstances surrounding the commission of the offence;
- Criminal history of the applicant; and,
- Any other factor that is prescribed by regulation.

What are the incremental cost estimates broken down by Capital, Operations & Maintenance and Other categories?

Cost neutral (cost recovery by User Fee at full cost). Public consultations on User Fee are ongoing.

What is the baseline departmental funding requirement excluding the impacts of the bills and Acts, broken down by Capital, Operations and Maintenance and Other categories?

Not applicable within the context referred to in the overview document.

What are the total departmental Annual Reference Level (ARL), including all quasi-statutory and non-quasi-statutory items, including Capital, Operations and Maintenance and Other categories, including the incremental cost estimates?

Not applicable. Reference is to be made to the overview document in relation to Annual Reference Levels.

What are the detailed cost accounting, analysis and projections, including assumptions, for each of the bills and Acts, conducted in accordance with the Treasury Board Guide to Costing?

See attached. After reviewing the four volume assumptions (see page 4 of the deck), option 1 was chosen at a full cost recovery fee of \$725 and a recoverable cost of \$631.00. Public consultations are being undertaken on a figure of \$631.

Listing of Supporting Information / Documentation to Question 4:

- Pardons & Clemency Program: Calculation of full costs – Bill C-23A Deck
- Pardons Process Full Costing Chart