



MINUTES OF PROCEEDINGS

OTTAWA, Wednesday, November 30, 2022

(34)

[English]

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 4:17 p.m., in room B30, Senate of Canada Building, the chair, the Honourable Mobina S. B. Jaffer, presiding.

Members of the committee present: The Honourable Senators Batters, Boisvenu, Clement, Cotter, Dalphond, Dupuis, Jaffer, Klyne, Pate and Tannas (10).

Participating in the meeting: Annie Trudel, Administrative Assistant, Committees Directorate; Julian Walker and Michaela Keenan-Pelletier, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Tuesday, April 26, 2022, the committee continued its consideration of Bill S-205, An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders).

It was agreed that the committee proceed to clause-by-clause consideration of Bill S-205.

It was agreed that the title stand postponed.

The chair asked whether clause 1 shall carry.

After debate, the question being put on the motion, it was negatived on the following vote:

YEAS

The Honourable Senators

Boisvenu, Batters— 2

NAYS

The Honourable Senators

Clement, Cotter, Dalphond, Dupuis, Jaffer, Klyne, Pate— 7

ABSTENTIONS

The Honourable Senator

Tannas — 1

The chair asked whether clause 2 shall carry.

The Honourable Senator Dalphond moved that Bill-205 be amended in clause 2, on page 1,

(a) by replacing lines 8 to 11 with the following:

“2 (1) Subsection 515(4.2) of the Act is amended by striking out “or” at the end of paragraph (a.1) and by adding the following after that paragraph:

(a.2) that the accused wear an electronic monitoring device, if the Attorney General makes the request; or

(2) Section 515 of the Act is amended by adding the following after subsection (4.3):

(4.4) Before including any condition under subsection (4.2) in respect of an accused who is charged with an offence in the”;

(b) by deleting lines 17 to 23.

After debate, the question being put on the motion in amendment, it was negatived, on division.

The Honourable Senator Dalphond moved that Bill-205 be amended in clause 2, on page 2,

(a) by replacing lines 8 to 14 with the following:

“(4) The Act is amended by adding the following after subsection 515(14):”;

(b) by replacing lines 16 and 17 with the following:

“justice must ask the prosecutor whether victims of the offence have been”.

After debate, it was agreed that the motion in amendment stand postponed.

Senator Dalphond that Bill S-205 be amended in clause 2, on page 2,

(a) by replacing lines 8 to 14 with the following:

“(4) The Act is amended by adding the following after subsection 515(14):”;

(b) by replacing lines 16 and 17 with the following:

“justice must ask the prosecutor whether victims of the offence have been”.

After debate it was agreed that the amendment stand postponed.

After debate, it was agreed that clause 2 stand postponed.

The chair asked whether clause 3 shall carry.

The Honourable Senator Dalphond moved that Bill-205 be amended in clause 3, on page, by deleting lines 18 to 21.

After debate and with leave, the motion in amendment was withdrawn.

The Honourable Senator Dalphond moved that Bill-205 be amended in clause 3, on page 3, by replacing line 28 with the following:

“(d) to wear an electronic monitoring device, with the consent of the Attorney General;”.

After debate, the question being put on the motion in amendment, it was adopted, on division.

It was agreed that clauses 3 to 12 stand postponed.

At 5:47 p.m., the committee adjourned to the call of the chair.

ATTEST:

Mark Palmer

Clerk of the Committee