



MINUTES OF PROCEEDINGS

OTTAWA, Thursday, December 1, 2022

(35)

[English]

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 11:34 a.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 and Pate (9).

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).

The committee resumed clause-by-clause consideration of Bill S-205.

The chair asked whether clause 2 shall carry.

Resuming debate on the motion in amendment of the Honourable Senator Dalphond:

That Bill S-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After debate and with leave, the amendment was withdrawn.

The Honourable Senator Dalphond moved that Bill S-205 be amended in clause 2, on page 1, by replacing lines 19 to 23 with the following:

“(e.1) wear an electronic monitoring device, if the Attorney General makes the request;”.

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

Resuming debate on the motion in amendment to clause 2 of the Honourable 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, the question being put on the motion in amendment, it was adopted, on division.

It was agreed that clause 2, as amended, carry, on division.

The chair asked whether clause 3 shall carry.

The Honourable Senator Dalphond moved that Bill S-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 clause 3, as amended, carry, on division.

It was agreed that clause 4 carry, on division.

It was agreed that clause 5 carry, on division.

It was agreed that clause 6 carry, on division.

It was agreed that clause 7 carry, on division.

It was agreed that clause 8 carry, on division.

It was agreed that clause 9 carry, on division.

It was agreed that clause 10 carry, on division.

It was agreed that clause 11 carry, on division.

The Honourable Senator Dalphond moved that Bill-205 be amended on page 9, by adding the following after line 31:

“Coordinating Amendment

11.1 (1) Subsections (2) to (4) apply if Bill C-233, introduced in the 1st session of the 44th Parliament and entitled An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner) (in this section referred to as the “other Act”), receives royal assent.

(2) If subsection 1(1) of the other Act comes into force before subsection 2(2) of this Act, then subsection 515(4.2) of the Criminal Code is amended by adding “or” at the end of paragraph (a.1) and by repealing paragraph (a.2).

(3) If subsection 2(2) of this Act comes into force before subsection 1(1) of the other Act, then that subsection 1(1) is repealed.

(4) If subsection 2(2) of this Act comes into force on the same day as subsection 1(1) of the other Act, then that subsection 1(1) is deemed never to have come into force and is repealed.”.

After debate, the question being put on the motion in amendment that new clause 11.1 carry, it was adopted, on division.

It was agreed that clause 12 carry, on division.

It was agreed that the title carry, on division.

It was agreed that the bill, as amended, carry, on the following vote:

YEAS

The Honourable Senators

Batters, Boisvenu, Cotter, Dalphond, Klyne — 5

NAYS

NIL

ABSTENTIONS

The Honourable Senators

Clement, Dupuis, Jaffer, Pate — 4

The chair asked whether observations be appended to the committee's report.

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

YEAS

The Honourable Senators

Clement, Cotter, Dupuis, Pate — 4

NAYS

The Honourable Senators

Batters, Boisvenu — 2

ABSTENTIONS

The Honourable Senators

Dalphond, Klyne — 2

After debate, it was agreed that observations be discussed at the committee's next meeting.

At 12:37 p.m., the committee adjourned to the call of the chair.

ATTEST:

Mark Palmer

Clerk of the Committee