



MINUTES OF PROCEEDINGS

OTTAWA, Wednesday, October 18, 2023

(73)

[English]

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 4:15 p.m., in room B30, Senate of Canada Building, the chair, the Honourable Brent Cotter, presiding.

Members of the committee present: The Honourable Senators Batters, Boisvenu, Clement, Cotter, Dalphond, Dupuis, Gold, P.C., Jaffer, Klyne, Pate, Patterson (*Nunavut*), Simons and Tannas (13).

Participating in the meeting: Aoife Mc Donald, Administrative Assistant, Committees Directorate; Michaela Keenan-Pelletier and Iryna Zazulya, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on September 21, 2023, the committee continued its consideration of Bill C-48, An Act to amend the Criminal Code (bail reform).

WITNESSES:

Department of Justice Canada:

Matthew Taylor, General Counsel and Director, Criminal Law Policy Section;

Chelsea Moore, Legal Counsel, Criminal Law Policy Section;

Shannon Davis-Ermuth, Senior Counsel and Manager, Criminal Law Policy Section.

It was agreed that the committee proceed to clause-by-clause consideration of Bill C-48.

It was agreed that the title stand postponed.

It was agreed that the preamble stand postponed.

The chair asked whether clause 1 shall carry.

The Honourable Senator Clement moved that Bill C-48 be amended, in clause 1,

(a) on page 2, by replacing lines 28 and 29 with the following:

“(4) Subsection 515(6) is amended by adding the following after paragraph (b.1):”;

(b) on page 3, by deleting lines 1 to 7.

Matthew Taylor, Chelsea Moore and Shannon Davis-Ermuth answered questions from time to time.

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

YEAS

The Honourable Senators

Clement, Cotter, Dupuis, Jaffer, Klyne, Pate, Patterson (*Nunavut*), Simons — 8

NAYS

The Honourable Senators

Batters, Boisvenu, Dalphond, Gold, Tannas — 5

ABSTENTIONS

NIL

The Honourable Senator Boisvenu moved that Bill C-48 be amended, in clause 1, on page 3, by replacing line 11 with the following:

“cused has been previously convicted, within 10 years”.

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

YEAS

The Honourable Senators

Batters, Boisvenu, Patterson (*Nunavut*), Tannas — 4

NAYS

The Honourable Senators

Clement, Cotter, Dalphond, Dupuis, Gold, Jaffer, Klyne, Pate, Simons — 9

ABSTENTIONS

NIL

The Honourable Senator Clement moved that Bill C-48 be amended in clause 1, on page 3, by adding the following after line 24:

“(13.1) A justice who makes an order under this section shall include in the record of proceedings a statement that sets out both how they determined whether the accused is an accused referred to in section 493.2 and their determination. If the justice determines that the accused is an accused referred to in section 493.2, they shall also include a statement indicating how they considered their particular circumstances, as required under that section.”.

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

It was agreed that clause 1, as amended, carry, on division.

The chair asked whether clause 2 shall carry.

The Honourable Senator Dalphond moved that Bill C-48 be amended in clause 2, on page 3, by replacing lines 29 and 30 with the following:

“standing committee of the Senate and the standing committee of the House of Commons that normally consider matters relating to jus-”.

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

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

It was agreed that clause 3 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 the preamble carry.

It was agreed that the title carry.

It was agreed that the bill carry, as amended, on division.

It was agreed that the Law Clerk and Parliamentary Counsel be authorized to make necessary technical, grammatical, or other required non-substantive changes as a result of the amendments adopted by the committee, including updating cross-references and renumbering of provisions.

The committee discussed observations.

After debate, it was agreed that observations be appended to the committee’s report, on division.

It was agreed that the Subcommittee on Agenda and Procedure be empowered to approve the final version of the observations being appended to the report, taking into consideration the changes discussed in committee, and with any necessary editorial, grammatical or translation changes as required.

It was agreed that the chair report Bill C-48, with amendments and with observations, to the Senate, on division.

At 6:15 p.m., the committee adjourned to the call of the chair.

ATTEST:

Vincent Labrosse

Clerk of the Committee