



MINUTES OF PROCEEDINGS

OTTAWA, Thursday, December 7, 2023
(86)

[English]

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 11:48 a.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, Dupuis, Jaffer, Klyne, Pate, Patterson (*Nunavut*), Prosper and Simons (11).

Other senators present: The Honourable Senators Carignan, P.C. and McNair (2).

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

Pursuant to the order of reference adopted by the Senate on Thursday, November 3, 2022, the committee continued its consideration of Bill S-231, An Act to amend the Criminal Code, the Criminal Records Act, the National Defence Act and the DNA Identification Act.

It was agreed that the committee proceed to clause-by-clause consideration of Bill S-231.

It was agreed that the title stand postponed.

It was agreed that the preamble stand postponed.

It was agreed that clause 1, which contains the short title, stand postponed.

It was agreed that clause 2 carry.

The chair asked whether clause 3 shall carry.

The Honourable Senator Boisvenu moved that Bill S-231 be amended, in clause 3, on page 3,

(a) by replacing line 1 with the following:

“3 Section 487.051 of the Act is re-”;

(b) by adding the following after line 26:

“(4) When the court makes an order authorizing the taking of samples of bodily substances, it may make an order in Form 5.041 to require the person to report at the place, day and time set out in the order and submit to the taking of the samples. These orders remain in force until they are executed.”.

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

The chair asked whether clause 3, as amended, shall carry.

After debate, the question being put on the motion as amended, it was negated on the following vote:

YEAS

The Honourable Senators

Batters, Boisvenu — 2

NAYS

The Honourable Senators

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

ABSTENTIONS

The Honourable Senator

Dupuis — 1

The chair asked whether clause 4 shall carry.

The Honourable Senator Simons moved that Bill S-231 be amended, in clause 4,

(a) on page 3,

(i) by replacing lines 31 to 33 with the following:

“substances when it finds the person guilty.”,

(ii) by replacing line 36 with the following:

“substances when it imposes a sentence on a person, directs that they be discharged or directs”;

(b) on page 4,

(i) by deleting lines 1 and 2,

(ii) by replacing lines 6 and 7 with the following:

“imposes a sentence on a person, di-”.

After debate and with leave, the amendment was withdrawn.

Clause 4 was negatived.

It was agreed that clause 5 carry.

It was agreed that clause 6 carry.

It was agreed that clause 7 carry.

The chair asked whether clause 8 shall carry.

After debate, it was agreed to reconsider clauses 6 and 7.

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.

It was agreed that clause 12 carry, on division.

It was agreed that clause 13 carry, on division.

It was agreed that clause 14 carry, on division.

It was agreed that clause 15 carry, on division.

The chair asked whether clause 16 shall carry.

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

YEAS

The Honourable Senators

Batters, Boisvenu — 2

NAYS

The Honourable Senators

Clement, Cotter, Jaffer, Pate, Patterson (*Nunavut*), Prosper, Simons — 7

ABSTENTIONS

The Honourable Senators

Dupuis, Klyne — 2

It was agreed that clause 17 carry, on division.

The chair asked whether clause 18 shall carry.

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

YEAS

The Honourable Senators

Batters, Boisvenu, Patterson (*Nunavut*) — 3

NAYS

The Honourable Senators

Clement, Cotter, Dupuis, Jaffer, Klyne, Pate, Prosper, Simons — 8

ABSTENTIONS

NIL

It was agreed that clause 19 carry.

The chair asked whether clause 20 shall carry.

The Honourable Senator Simons moved that Bill S-231 be amended, in clause 20, on page 8, by replacing lines 39 to 41 with the following:

“(b) the person has no other findings of guilt or discharges for a designated offence or”.

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

It was agreed that clause 20, as amended, carry.

It was agreed that clause 21 carry.

It was agreed that clause 22 carry.

It was agreed that clause 23 carry.

The chair asked whether clause 24 shall carry.

The Honourable Senator Clement moved that Bill S-231 be amended, in clause 24, on page 9, by replacing line 19 with the following:

“Act, with specific analysis of the inculpatory and exculpatory effects that DNA sampling have had on Indigenous, Black and racialized populations.”.

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

It was agreed that clause 24, as amended, carry.

It was agreed that clause 25 carry.

It was agreed that clause 26 carry.

It was agreed that clause 1, which contains the short title, carry.

It was agreed that the preamble carry.

It was agreed that the title carry.

It was agreed that the bill carry, as amended.

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.

It was agreed that the chair report Bill S-231, with amendments, to the Senate.

At 1:08 p.m., the committee adjourned to the call of the chair.

ATTEST:

Sara Gajic

Acting Clerk of the Committee