



CRIMINAL LAW IN CANADA

Nature of Crime

In this
section
we will
learn
about..

What is a crime

History of criminal law in Canada

The Criminal Code

Elements of a crime

Involvement in a crime

Assessment: create a criminal
scenario, vocabulary quiz

Discussion

How does crime affect people in our community?

Make a list of some of the crimes that are committed in our community (school, neighbourhood, city)





What is a crime?

A **crime** is any act or omission of an act that is prohibited and punishable by federal statute.

Four conditions must exist for an act or omission to be considered a crime

1. the act is considered wrong by society
2. the act causes harm to society in general or those in need of protection
3. the harm is serious
4. the remedy must be handled by the criminal justice system



History of Criminal Law in Canada

Before 1867 Confederation, each province had its own criminal laws. A unified set of criminal laws was created to avoid confusion

- **The Criminal Code of Canada:**
 - Enacted by Parliament in 1892.
 - Partially revised in 1955 and 1986.
- Other federal laws, like the *Controlled Drugs and Substances Act*, also define criminal offenses.



What is the Criminal Code?

- The *Criminal Code* defines most criminal offenses and procedures in Canada, establishing Parliament's sole jurisdiction over criminal law.
- While the *Criminal Code* includes some defenses, most are based on common or civil law.
- Other important criminal laws outside the *Criminal Code* include:
 - *Firearms Act*
 - *Controlled Drugs and Substances Act*
 - *Canada Evidence Act*
 - *Food and Drugs Act*
 - *Youth Criminal Justice Act*
 - *Contraventions Act*
- The code ensures that no one is convicted of a crime unless specified by statute. <http://laws-lois.justice.gc.ca/eng/acts/C-46/>



Provincial and Federal

Parliament has exclusive jurisdiction over criminal law, but administration of justice is shared between federal and provincial governments.

Provincial governments:

- Appoint judges
- Manage and fund their own court systems

Provinces can legislate on areas within their jurisdiction, such as:

- Traffic regulations
- Liquor control

Provinces may delegate certain powers to municipalities, like:

- Creating and enforcing local by-laws

Quasi-criminal laws:

- Apply to less serious provincial and municipal offenses.
- Are usually punishable by fines.

The Elements of a Crime

Actus Reus (guilty act): The physical act of committing an offense as defined by law.

Mens Rea (guilty mind): The intent or knowledge that the act was illegal, showing the person meant to do wrong, was reckless, and understood the potential consequences.

Legally Blonde court scene:



The Elements of a Crime

Intent vs. Motive

- **Intent** and **motive** are not the same.
- **Motive** is *why* someone commits a crime—their reason.
- **Intent** is the person's *state of mind*—their decision and willingness to break the law.

Proving Mens Rea (Guilty Mind)

- Sometimes, simply showing that a person had **knowledge** of certain facts is enough to prove mens rea.
- The Crown can also prove mens rea by showing the accused acted with:
 - **Criminal negligence** (failing to take reasonable care)
 - **Recklessness** (ignoring obvious risks)
 - **Willful blindness** (deliberately avoiding the truth)

The Elements of a Crime

- Some less serious cases do not require proving mens rea (guilty mind) for a conviction.
- These cases usually involve **regulatory laws** aimed at protecting public welfare, like environmental or workplace safety laws.

Offences are classified as:

Strict liability offences: The accused may admit the offense occurred but can argue due diligence, showing they took reasonable steps to prevent it.

Absolute liability offences: No defense is allowed; for example, driving without a license.

Involvement in a Crime

Roles in a Crime

- **Perpetrator:** The person who actually commits the criminal offence.
- **Co-perpetrators:** When two or more people work together to commit the crime.

Other Involvement

- People who do not commit the crime directly can still be partly responsible.
- These individuals are called **parties to an offence** because they help or support the perpetrator.

Types of Assistance

- **Aiding:** Giving physical help to the perpetrator.
- **Abetting:** Encouraging the perpetrator without giving physical assistance.
- **Counseling:** Advising, recommending, or persuading someone to commit a crime.

Involvement in a Crime

Responsibility After a Crime: A person who didn't plan or commit a crime can still be held responsible.

- **Accessory after the fact:** Helping or comforting someone who is escaping the police.
- **Party to common intention:** If two or more people plan a crime and commit additional offences during the process, all participants are responsible for every offence.

Incomplete or Planned Crimes

- Normally, a crime must be completed to exist.
- **Attempt:** If someone tries but fails to commit a crime, they can still be charged.
- **Conspiracy:** If two or more people agree to commit a crime, they are guilty—even if the crime is never carried out.

Important Terms

1. abetting
2. absolute liability offences
3. accessory after the fact
4. actus reus
5. aiding
6. attempt
7. conspiracy
8. counselling
9. crime
10. criminal law
11. criminal negligence
12. due diligence
13. general intent
14. intent
15. jurisdiction
16. knowledge
17. liability
18. mens rea
19. motive
20. parties to an offence
21. party to common intention
22. perpetrator
23. quasi-criminal laws
24. recklessness
25. regulatory laws
26. specific intent

Elements of a Crime

Mens Rea, Actus Reus, and Involvement in a Crime

Independently or in partners create a scenario where a crime has been committed.

Your scenario must include the following:

- A crime (identifiable in the Criminal Code)
- A backstory to the crime (who, what, when, where)
- Clear demonstration of mens rea and actus reus
- At least one perpetrator
- At least one “assistant to the crime” can be in the form of aiding, abetting, counselling
- At least one more element of a crime: accessory after the fact, conspiracy, criminal negligence