

Police Record Checks Reform Act, 2015 Exemptions and Operational Requirements Proposal

This proposal describes the specific types of screening that are being considered for exemption from the *Police Record Checks Reform Act, 2015*. If approved, police record checks conducted for these types of screening would not have to follow certain requirements set out in the legislation. It also includes operational procedures and protocols that providers would be required to follow when conducting police record checks under the *Police Record Checks Reform Act, 2015*.

Comments on this proposal can be submitted through the Regulatory Registry at <http://www.ontariocanada.com/registry/> or by mail to:

Ministry of Community Safety and Correctional Services
Community Safety and Corrections Policy
25 Grosvenor Street, 9th Floor
Toronto, ON M7A 1Y6
Attention: *Police Record Checks Reform Act, 2015* Exemptions and Operational Requirements

Key Terms:

Exemption: is a police record check that will not have to meet one or more requirements under the Act. For example, an exemption that allows for the disclosure of additional information in a police record check that is not otherwise allowed by the Act.

Non-Conviction Record: is a record of an interaction between an individual and police that resulted in a charge being laid, but did not result in the individual being found guilty of a crime (the charge was dismissed, withdrawn, stayed¹ or resulted in a stay of proceedings² or an acquittal).

Non-Criminal Record: is a record of an interaction between an individual and police that did not result in charges being laid.

Police Record Check: is a search of police databases for records pertaining to an individual, and the use of that information to assess the individual's suitability for a specific opportunity (e.g. employment).

Police Record Check Provider: a chief of police, a member of a police force designated by a chief of police, an entity permitted by the Royal Canadian Mounted Police to access the Canadian Police Information Centre databases, an authorized body, or a third party entity.

Type of Screening: is the reason that a person's suitability may need to be assessed. For example, to assess the person's suitability to have a certain job.

Vulnerable Sector Check: is one of the three types of police record checks that can be conducted under the Act. The vulnerable sector check is used to determine an individual's suitability to work or volunteer in a position of trust or authority over vulnerable persons.

¹ A decision by the Crown to discontinue a prosecution

² An order suspending a legal proceeding

Summary of Proposal:

On December 1, 2015, Ontario passed the *Police Record Checks Reform Act, 2015* (PRCRA) to promote public safety while removing unnecessary barriers that individuals may face when inappropriate information is disclosed in police record checks.

The PRCRA sets the province's first-ever clear, consistent and comprehensive set of standards to govern police record checks in Ontario. The legislation, when proclaimed, will ensure that Ontarians can:

- Decide whether they consent to a police record check being conducted on them or not.
- Expect the same standard types of police record checks to be available from police record check providers, regardless of where the person lives in the province or who conducts the check (e.g., police service, private sector provider). The three standard types of police record checks are: Criminal record checks, criminal record and judicial matters checks, and, where permitted, vulnerable sector checks.
- Expect that standard and consistent types of criminal-related information will be disclosed through police record checks, as set out in the legislation.
- Review their police record check before deciding whether they would like to share it with a requesting third party, such as a potential employer or educational institution. This provides the individual with an opportunity to address issues related to inaccurate information being included.

Certain regulations must be in place prior to proclamation of the PRCRA:

1. **An Exemptions Regulation:** to specify situations in which a police record check will not have to comply with one or more requirements under the PRCRA; and
2. **An Operational Requirements Regulation:** to specify operational procedures that police record check providers must follow when conducting police record checks.

The Ministry of Community Safety and Correctional Services has developed a proposal for the regulations.

- ✓ **This summarizes the proposal for the Exemptions Regulation and the Operational Regulation.**
- ✓ **The Background and Overview Presentation provides context related to the PRCRA.**

The government intends to file the regulations prior to the date they come into force such that affected parties have time to comply with the requirements.

Exemptions Regulation

- The standards set out in the PRCRA are intended to apply to the vast majority of police record checks conducted in Ontario (e.g., police record checks required for purposes of employment, procuring services/contractors, volunteer work, educational admission, or licensing).
- The PRCRA exempts police record checks conducted for certain purposes from the requirements of the Act (*see attached background materials for further context*) and provides that further **exceptions may be prescribed**.

The proposed regulatory exemptions are described below for public review and feedback.

Summary of Proposed Exemptions:

Exemptions may relate to:

1. Type of Information: Exemption from the restrictions on the types of information that are authorized to be included in a police record check.
2. Disclosure to Individual: Exemption from the requirement to provide the police record check to the individual before it is seen by the agency making the screening decision.
3. Entire PRCRA: Exemption from the entire PRCRA.

The types of screening identified below are being considered for one or more of the three types of exemptions.

Proposed Exemption: Type of Information

The following type of screening is proposed to be exempt from the information disclosure restrictions under the PRCRA.

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| Screening Category | Time limited exemption – one year from the time the PRCRA comes into force Education and Child Care and Early Years Sectors |
| Category Description | <ul style="list-style-type: none"> • Employees, volunteers and service providers who come into direct contact with students in schools • Licensees, staff, students, volunteers, and any other persons: <ul style="list-style-type: none"> ○ Providing child care; ○ Providing other services to a child in a child care setting; ○ Ordinarily a resident of premises where home child care is provided; ○ Regularly at premises where home child care is provided |
| Types of Screening the Exemption Would Cover | <ul style="list-style-type: none"> • Employees, volunteers, and contractors in provincial schools and demonstration schools³ • Employees, volunteers, and contractors in publicly-funded schools • Employees, volunteers, and contractors in private schools • Employees, volunteers, students and contractors in licensed child care settings • Anyone who is ordinarily a resident, or regularly at, a premise where home child care or unlicensed child care is provided • Licensees who own/operate a child care centre or home child care agency |
| Reason for Exemption(s) | <ul style="list-style-type: none"> • A time-limited exemption (one year from the time the PRCRA comes into force) for purposes of transition into compliance with the act |

³ Provincial and demonstration schools in Ontario provide education programs and services for children and students with special education needs who require intensive supports – Deaf or hard of hearing, deafblind, blind or have low vision or have severe learning disabilities.

Proposed Exemption: Disclosure to Individual

The following exemption from the requirement to provide the police record check to the individual before it is seen by the organization making the screening decision is proposed.

| Screening Category | Internal Screening by Police Record Check Providers |
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| Category Description | <ul style="list-style-type: none">• In some instances, the organization conducting a police record check is the same organization that intends to use the check to make a screening decision• This is the case for police services and a limited number of other agencies and branches of government that have direct access to police databases to conduct police record checks in-house |
| Types of Screening the Exemption Would Cover | <ul style="list-style-type: none">• Police record checks conducted by organizations that have direct access to police databases, to inform a screening decision to be made by that same organization• Examples include, but are not limited to:⁴<ul style="list-style-type: none">○ Police services (i.e., for internal hiring purposes);○ Private Security and Investigative Services Branch, Ministry of Community Safety and Correctional Services (e.g., to license private investigators and security guards)○ Alcohol and Gaming Commission of Ontario (e.g., to license a gaming site and/or race track operators)○ Financial Services Commission of Ontario (e.g., to license insurance agents) |
| Reason for Exemption | <ul style="list-style-type: none">• Since the police record check information is reviewed by the organization at the time that the search of police databases is conducted, it is not possible to meet the requirement to have the individual be the first to review the information |

⁴ This is not an exhaustive list of examples, but an indication of the types of positions that could be subject to this exemption.

| Screening Category | TMX Group |
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| Category Description | <ul style="list-style-type: none"> • The TMX Group, including the Toronto Stock Exchange (TSX), TSX Venture Exchange (TSXV) and TSX Private Markets (together “TMX”), is an integrated, multi-asset class exchange group. Its businesses operate cash and derivative markets for multiple asset classes, including equities, fixed income and energy. It also provides clearing facilities, data products and other services to the international financial community |
| Types of Screening the Exemption Would Cover | <ul style="list-style-type: none"> • Individuals applying to act as an officer, director (or in another capacity similar to those positions) or insider of a company (issuer) listed on the TSX or TSXV; and/or • Other individuals required by TMX to consent to a PRC, which include for example, with respect to issuers listed on the TSXV, individuals acting as a promoter or performing certain other specified activities for the issuer and, at the discretion of TSXV, an employee, agent or consultant of the issuer |
| Reason for Exemption | <ul style="list-style-type: none"> • Ensuring that capital markets are efficient, while maintaining appropriate investor protections, is integral to the health of the Canadian economy. The TMX’s PRCs are used to determine whether the screened individuals are suitable to be involved in the companies that are listed and traded in its marketplaces, thereby protecting investors. • Given the high volume of PRCs conducted by TMX, compliance with the requirement for disclosure to the individual would create processing delays that could result in operational and economic harm to issuers by making capital markets less efficient (e.g. disrupt market transactions and financings, and discourage investment) and put investors at unnecessary risk by allowing unsuitable individuals to participate in Canadian capital markets for an extended period. • In situations where criminal records or judicial matters are disclosed to TMX, the applicant has the opportunity to clarify or provide further information. |

Proposed Exemption: From the Entire PRCRA

The following types of screening are proposed to be exempt from all the requirements under the PRCRA:

| Screening Category | Residential Care for Children and Youth and Adoption in Ontario |
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| Category Description | <ul style="list-style-type: none"> Caregivers employees, volunteers, and students in licensed residential care settings providing care or services directly to children or youth, prospective adoptive families and Ministry Directors authorized to perform children's aid society functions |
| Types of Screening the Exemption Would Cover | <p><u>Residential Care for Children and Youth</u></p> <ul style="list-style-type: none"> Licensed residential care for children and youth is provided in both group and foster care settings Some licensed residential services offer specialized treatment and therapeutic programs while others provide care, support and safety to children and youth at risk <p><u>Adoption</u></p> <ul style="list-style-type: none"> There are three types of adoption in Ontario: <ol style="list-style-type: none"> Public: adoptions of children in permanent care of a Children's Aid Society Private: placement is by a licensed agency or person subject to Ministry and court approval Intercountry: facilitated by a licensed person or agency subject to Ministry and court approval <p><u>A Director authorized to perform the functions of a Children's Aid Society</u></p> <ul style="list-style-type: none"> An exemption is being sought for a Director authorized to perform the functions of a Children's Aid Society under the <i>Child and Family Services Act, 1990</i>. |
| Reason for Exemption | <ul style="list-style-type: none"> Children and youth who require residential care or who are placed for adoption are uniquely vulnerable due to their residing in a live-in setting where their caregiver is not their parent and/or other specific factors (e.g., previous abuse, neglect or trauma, adverse life experiences, developmental or physical challenges). This exemption is consistent with the intent of the existing exemptions in the PRCRA to allow a higher level of screening when an application for custody is made by a non-parent under the <i>Children's Law Reform Act</i> and for a search requested by a Children's Aid Society for the purpose of performing its functions |

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| Screening Category | Time limited exemption – one year from the time the PRCRA comes into force Justice Sector Administration and Oversight |
| Category Description | <ul style="list-style-type: none"> • The justice sector is primarily responsible for providing policing, inspections, investigations and law enforcement; correctional services, youth justice services; administration of the courts and victim services |
| Types of Screening the Exemption Would Cover | <ul style="list-style-type: none"> • Police record checks completed on individuals whose positions provide them with authority and/or access that could be used to undermine the administration of justice. Examples include but are not limited to⁵: <ul style="list-style-type: none"> ○ Police officers; ○ Crown counsel, including employees who provide direct support to Crown counsel; ○ Correctional officers; ○ Youth justice workers; ○ Forensic technicians; ○ IT workers that provide services to justice-based ministries (e.g., Ministry of Community Safety and Correctional Services, Ministry of the Attorney General); ○ Individuals that investigate offences and enforce the law (e.g., government investigators, inspectors, enforcement officers); and ○ Appointees/employees of oversight agencies (e.g., Special Investigations Unit, Ontario Independent Police Review Director, police services boards, Ontario Parole Board, the Board of Directors for the Alcohol and Gaming Commission of Ontario, and the Board of Directors for the Ontario Lottery and Gaming Corporation) • Police record checks conducted for the Criminal Injuries Compensation Board • Police record checks conducted for the Office of the Provincial Security Advisor |
| Reason for Exemption | <ul style="list-style-type: none"> • Individuals working in, or providing oversight for, this sector should be held to a higher level of scrutiny than those in other sectors because their positions give them the opportunity to interfere with the administration of justice • Searching additional police record information that would not be released in a standard police record check can help identify those who pose a risk to the administration of justice • This is critical to maintaining public confidence and upholding |

⁵ This is not an exhaustive list of examples, but an indication of the types of positions that could be subject to this exemption.

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| | <p>the integrity of the justice system</p> <ul style="list-style-type: none"> • A time-limited exemption (one year from the time the PRCRA comes into force) is required to further review policies and procedures related to justice sector police record checks in consultation with the sector |
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| Screening Category | Security of Electricity Generation Facilities |
|---|--|
| Category Description | <ul style="list-style-type: none"> • Ontario's electricity generation facilities include hydroelectric, thermal and nuclear stations |
| Types of Screening the Exemption Would Cover | <ul style="list-style-type: none"> • Police record checks for individuals working in/for hydroelectric, thermal and nuclear facilities |
| Reason for Exemption | <ul style="list-style-type: none"> • Federal requirements and national and international industry standards require additional information to be searched as part of the police record check in order to identify those who intend to do harm • Disclosing this sensitive information to the individual could jeopardize an active police investigation • The misuse or manipulation of these facilities and/or their operations could result in significant risks to public safety and security • Individuals with authority over/access to critical infrastructure should be held to a higher level of scrutiny based on this risk |

| Screening Category | Ontario Securities Commission (OSC) |
|---|---|
| Category Description | <ul style="list-style-type: none"> • The OSC is organized as a corporation without share capital and is a Crown agent that is responsible for regulating the capital markets in Ontario. Its mandate is to provide protection to investors from unfair, improper or fraudulent practices, to foster fair and efficient capital markets and confidence in capital markets and to contribute to the stability of the financial system and the reduction of systemic risk |
| Types of Screening the Exemption Would Cover | <ul style="list-style-type: none"> • Individuals applying to be registered (i.e. licensed) to sell securities or to provide advice to Ontarians; and • Individuals related to an issuer, or individuals that have prepared or certified a prospectus, prior to the OSC issuing a receipt (i.e. approval) for a prospectus to an issuer seeking to raise capital |
| Reason for Exemption | <ul style="list-style-type: none"> • Compliance with the disclosure to individual requirement would create a conflict of procedures since the OSC is both the requestor and provider of the PRC and cannot avoid seeing the results • Compliance with the PRCRA's requirement to seek consent for a particular type of check would entail Ontario-only amendments to the national forms used by the OSC for its screening purposes. This is a lengthy and complex process involving consideration by other provincial and territorial regulators • This could also impact the province's intention to create a single, harmonized regime through the Cooperative Capital Markets Regulatory System, which aims at streamlining the capital markets regulatory framework and reducing the regulatory burden on the industry, enhancing and harmonizing investor protections and strengthening capital markets enforcement |

Operational Regulation(s)

The Operational Requirements regulation(s) would govern how police record check providers:

- Disclose findings of guilt under the *Youth Criminal Justice Act* (Canada) in a police record check, where the requirements under the PRCRA and any federal acts, regulations, policies and procedures governing youth records are otherwise met;
- Disclose non-conviction records in a police record check (where the requirements under the PRCRA are met); and
- Set processes for reconsidering a decision to include a non-conviction record in a police record check.

Summary of Proposed Operational Requirements:

Disclosure of Youth Records

Context:

The *Youth Criminal Justice Act* (YCJA) governs the keeping and disclosing of records related to findings of guilt under the YCJA. The YCJA limits access to certain persons or classes of persons (e.g. the individual; a government employer) and restricts an individual from sharing these records with anyone else, unless the disclosure is authorized under the YCJA.⁶

For this reason, section 11 of the PRCRA provides that youth records (i.e., youth findings of guilt) must be disclosed in a “separate record.” This ensures that an individual can receive their youth records, review them, and remove this/these separate page(s) when providing the remainder of the police record check to others, including prospective employers.

⁶ Section 119(1) of the YCJA lists all persons or classes of persons that may request access to youth records within the period of access. For the purposes of conducting a police record check, the YCJA permits the federal government and provincial and municipal governments to request access to youth records, for purposes of employment or the performance of services, including when these are performed on a voluntary basis, in accordance with the Act. The holder of the record (in this case the police service) may provide the record pursuant to the request. Section 129 of the YCJA states that no person who is given access to a record or to whom information is disclosed under the YCJA shall disclose that information to any other person, unless the disclosure is authorized under the YCJA.

Proposal:

The following requirements are proposed for a regulation under the PRCRA:

- The separate record containing findings of guilt under the YCJA shall include the following notice to the individual:
 - “This record contains information about your findings of guilt under the *Youth Criminal Justice Act* (YCJA). The YCJA restricts you from sharing this information with anyone, and no one may require you to provide it. Remove this record before sharing your police record check with anyone else, including a potential employer or organization with which you seek to volunteer or enter into a contract.”
- The separate record that includes any youth findings of guilt shall not be numbered sequentially to the pages containing adult records.
 - This avoids creating the false impression that a police record check is incomplete when the individual further shares adult records.
- An entity who is entitled to receive youth records can request the records directly from police services, and police services may disclose the records (within the permitted access period).

Disclosure of Non-Conviction Records

Context:

One of the three standard types of checks under the PRCRA is a vulnerable sector check (VSC), which is used to determine an individual’s suitability to work or volunteer in a position of trust or authority over vulnerable persons.⁷

Under the PRCRA, the VSC is the only type of check in which a “non-conviction record” may be considered for potential disclosure.

As required under the PRCRA, in determining whether the record should be released, a police service must ensure that the following criteria are met:

1. The charge that resulted in the non-conviction record is **for an offence specified in regulation(s)**;
2. The alleged victim of the charge was a child or vulnerable person; and
3. A review of police entries relating to the individual, based on specific factors (e.g., the number of incidents, why the incident did not result in a conviction), provides reasonable grounds to believe the individual has been engaged in a pattern of predation and presents a risk of harm to a child or vulnerable person.

⁷ The PRCRA defines a “vulnerable person” as a person who, because of his or her age, a disability or other circumstances, whether temporary or permanent, (a) is in a position of dependency on others, or (b) is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them.

Proposal:

The following is the **proposed list of offences that would be specified in regulation** in relation to the test for disclosing “non-conviction records”:

| Criminal Code Offence | Section | Notes |
|---|----------------|--|
| Offence in relation to sexual offences against children outside of Canada | 7(4.1) | |
| Using explosives | 81(1) | Relates specifically to use with intent and/or effect of causing bodily harm |
| Pointing a firearm | 87(1) | |
| Possession of weapon for dangerous purpose | 88 | |
| Carrying concealed weapon | 90 | |
| Rape | | Formerly s. 136 (repealed), would be included for historical purposes |
| Sexual intercourse with a female under 14 | | Formerly s. 138(1) (repealed), would be included for historical purposes |
| Sexual intercourse with a female between 14 and 16 | | Formerly s. 138(2) (repealed), would be included for historical purposes |
| Sexual interference | | Formerly s. 140 (repealed), would be included for historical purposes |
| Indecent assault on a female | | Formerly s. 141 (repealed), would be included for historical purposes |
| Invitation to sexual touching | | Formerly s. 141 (repealed), would be included for historical purposes |
| Incest | | Formerly s. 142 (repealed), would be included for historical purposes |
| Rape | | Formerly s. 144 (repealed), would be included for historical purposes |
| Attempt to commit rape | | Formerly s. 145 (repealed), would be included for historical purposes |
| Sexual intercourse with Step Daughter | | Formerly s. 145 (repealed), would be included for historical purposes |
| Sexual Intercourse with a female under 14 | | Formerly s. 146(1) (repealed), would be included for historical purposes |
| Sexual Intercourse with a female 14 or more but under 16 | | Formerly s. 146(2) (repealed), would be included for historical purposes |
| Indecent assault on a female | | Formerly s. 149 (repealed), would be included for historical purposes |
| Incest | | Formerly s. 150 (repealed), would be included for historical purposes |
| Sexual Interference with a person under 16 | 151 | Would also include an offence under the previous title "Seduction of a female 16 but under 18" |
| Invitation to sexual touching | 152 | |
| Intercourse with stepdaughter | | Formerly s. 153 (repealed), would be included for historical purposes |

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| Sexual exploitation | 153 | |
| Sexual exploitation of person with disability | 153.1 | |
| Incest | 155 | |
| Bestiality | 160 | Formerly s. 155, buggery or bestiality (repealed) |
| Order of Prohibition | 161 | |
| Voyeurism | 162 | |
| Publication of an intimate image without consent | 162.1 | |
| Child Pornography | 163.1(1) | |
| Child pornography – print, publish, possess for publication | 163.1(2) | |
| Child pornography – import, sell, distribute | 163.1(3) | |
| Child pornography – possession | 163.1(4) | |
| Access child pornography | 163.1(4.1) | |
| Parent or guardian procuring defilement | | Formerly s. 166 (repealed), would be included for historical purposes |
| Parent or guardian procuring sexual activity | | Formerly s. 166 (repealed), would be included for historical purposes |
| Householder permitting defilement | | Formerly s. 171 (repealed), would be included for historical purposes |
| Mailing obscene matter | 168 | |
| Parent or guardian procuring sexual activity | 170 | |
| Householder permitting prohibited sexual activity | 171 | |
| Making sexually explicit material available to child | 171.1 | |
| Corrupting children | 172 | |
| Luring a child | 172.1 | |
| Agreement or arrangement — sexual offence against child | 172.2 | |
| Indecent Acts | 173(1) | |
| Exposure | 173(2) | |
| Trespassing at Night | 177 | |
| Procuring a Person for the Purposes of Prostitution | | Formerly s. 212 (repealed), would be included for historical purposes |
| Stupefying or overpowering for the purpose of sexual intercourse | | Formerly s.212(1)(i) (repealed), would be included for historical purposes |
| Living on the avails of prostitution of a person under age of 18 | | Formerly s.212(2) (repealed), would be included for historical purposes |
| Aggravated offence in relation to living on the avails of prostitution of a person under the age of eighteen years | | Formerly s. 212(2.1) (repealed), would be included for historical purposes |
| Obtain, or attempt to obtain, sexual services of a person under 18 | | Formerly s. 212(4) (repealed), would be included for historical purposes |
| Duty of persons to provide necessities | 215 | |
| Abandoning child | 218 | |
| Causing death by criminal negligence | 220 | |

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| Causing bodily harm by criminal negligence | 221 | |
| Homicide | 222 | |
| Killing child | 223(2) | |
| Murder | 229 | |
| Murder in commission of offences | 230 | |
| Infanticide | 233 | |
| Manslaughter | 234 | |
| Killing unborn child in act of birth | 238(1) | |
| Attempt to commit murder | 239 | |
| Accessory after fact to murder | 240 | |
| Counseling or aiding suicide | 241 | |
| Neglect to obtain assistance in child-birth | 242 | |
| Concealing body of child | 243 | |
| Discharging firearm with intent | 244 | |
| Causing bodily harm with intent - air gun or pistol | 244.1 | |
| Discharging firearm — recklessness | 244.2 | |
| Administering noxious thing | 245 | |
| Overcoming resistance to commission of offence | 246 | Assault with intent to enable or assist commission of offence |
| Assault with intent | | Formerly s. 246(1) (repealed), would be included for historical purposes |
| Sexual assault | | Formerly s. 246.1 (repealed), would be included for historical purposes |
| Sexual assault with a weapon, threats to 3 rd party or causing bodily harm | | Formerly s. 246.2 (repealed), would be included for historical purposes |
| Aggravated sexual assault | | Formerly s. 246.3 (repealed), would be included for historical purposes |
| Traps likely to cause bodily harm | 247 | |
| Interfering with transportation facilities | 248 | With intent to endanger the safety of persons, and likely to cause death or bodily harm |
| Operation while impaired | 253 | |
| Criminal harassment | 264 | |
| Uttering threats | 264.1 | |
| Assault | 265 | Would also include an offence under the previous title "Common assault" |
| Assault with a weapon or causing bodily harm | 267 | |
| Aggravated assault | 268 | |
| Unlawfully causing bodily harm | 269 | |
| Torture | 269.1 | |
| Sexual assault | 271 | |
| Sexual assault with a weapon, threats to a third party or causing bodily harm | 272 | |
| Aggravated sexual assault | 273 | |
| Removal of child from Canada | 273.3 | For the purpose of a listed offence |
| Kidnapping | 279 | |

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| Trafficking in persons | 279.01 | |
| Trafficking of a person under the age of eighteen years | 279.011 | |
| Material benefit – trafficking | 279.02(1) | |
| Material Benefit – trafficking of person under 18 years | 279.02(2) | |
| Withholding or destroying documents – trafficking | 279.03(1) | |
| Withholding or destroying documents – trafficking of person under 18 years | 279.03(2) | |
| Hostage-taking | 279.1 | |
| Abduction of person under 16 | 280 | |
| Abduction of person under 14 | 281 | |
| Abduction in contravention of custody order | 282 | |
| Abduction | 283 | |
| Obtaining sexual services for consideration | 286.1(1) | |
| Obtaining sexual services for consideration from person under 18 years | 286.1(2) | |
| Material benefit from sexual services provided by person under 18 years | 286.2(2) | |
| Material benefit from sexual services | 286.2(1) | |
| Procuring | 286.3(1) | |
| Procuring person under 18 years | 286.3(2) | |
| Advocating genocide | 318 | |
| Public incitement of hatred | 319 | |
| Theft | 322 | |
| Theft by person holding Power of Attorney | 331 | |
| Criminal breach of trust | 336 | |
| Theft, forgery, etc. of credit card | 342 | |
| Robbery | 343 | |
| Extortion | 346 | |
| Breaking and Entering | 348 | |
| Being unlawfully in dwelling-house | 349 | With intent to commit an indictable offence |
| Possession of break-in Instrument | 351 | |
| Possession of property obtained by crime | 354 | |
| False pretence or false statement | 362 | |
| Obtaining execution of valuable security by fraud | 363 | With intent to defraud or injure another person |
| Forgery | 366 | |
| Use, trafficking or possession of forged document | 368 | Would also include an offence under the previous title "Uttering forged documents" |
| False information, indecent communications, harassing communications | 372 | |
| Fraud | 380 | |
| Identity theft | 402.2 | |

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| Identity fraud | 403 | |
| Intimidation | 423 | |
| Mischief | 430 | |
| Arson - disregard for human life | 433 | |
| Injuring or endangering cattle | 444 | |
| Injuring or endangering other animals | 445 | |
| Killing or injuring animals | 445.01 | |
| Causing unnecessary suffering | 445.1 | Specifically to animals or birds |
| Causing damage or injury | 446 | Specifically to animals or birds |
| Keeping cockpit | 447 | |

Controlled Drugs and Substances Act Offences

| Offence | Section | Notes |
|-------------------------------------|----------------|--------------|
| Trafficking in substance | 5 | |
| Importing and exporting a substance | 6 | |
| Production of a substance | 7 | |

Process for Reconsidering Disclosure of Non-Conviction Records

Context:

When an individual's "non-conviction record" is included in a police record check, the PRCRA provides that an individual can submit a request for reconsideration. A reconsideration decision could result in either:

- The original decision being overturned and the non-conviction being removed from the police record check result; or
- The original decision being upheld and the non-conviction record remaining in the police record check result.

The PRCRA requires the police service to conduct a reconsideration within 30 days of receiving a request.

Proposal:

The following additional requirements are proposed for the regulation under the PRCRA:

- If a non-conviction record is included in a police record check, the police service must provide the individual with information about how the reconsideration process works and applicable timelines.
- An individual that requests a reconsideration must submit the request in writing (i.e., electronic or hard copy) within 45 days of the date that the police service issued the police record check result, unless exceptional circumstances exist (as determined at the discretion of the police service).
- When conducting a reconsideration, the police service must ensure that:
 - The determination is made by a panel of at least three members of a police service;
 - The panel does not include the original decision-maker (i.e., the person who conducted the original police record check);
 - The panel includes at least one member who is senior to the original decision-maker;
 - The panel bases its reconsideration decision on the criteria used to make the initial determination to include the non-conviction record (e.g. past police entries related to the individual);
 - Any additional information submitted by the individual is taken into consideration by the panel; and
 - The panel informs the individual of their decision.