

APPENDIX B – SUMMARY OF INCREASES IN PENALTY FOR DRUG OFFENCES

DRUG OFFENCE	PREVIOUS PUNISHMENT	AMENDED PUNISHMENT
<p>S. 5 – Trafficking</p>	<p>5. (1) No person shall traffic in a substance included in Schedule I, II, III or IV or in any substance represented or held out by that person to be such a substance.</p> <p>(2) No person shall, for the purpose of trafficking, possess a substance included in Schedule I, II, III or IV.</p> <p>(3) Every person who contravenes subsection (1) or (2)</p> <p>(a) subject to subsection</p> <p>(4), where the subject-matter of the offence is a substance included in Schedule I or II, is guilty of an indictable offence and liable to imprisonment for life;</p>	<p>(a) subject to paragraph (a.1), if the subject matter of the offence is a substance included in Schedule I or II, is guilty of an indictable offence and liable to imprisonment for life, and</p> <p>(i) to a minimum punishment of imprisonment for a term of one year if</p> <p>(a) the person committed the offence for the benefit of, at the direction of or in association with a criminal organization, as defined in subsection 467.1(1) of the Criminal Code,</p> <p>(b) the person used or threatened to use violence in committing the offence,</p> <p>(c) the person carried, used or threatened to use a weapon in committing the offence, or</p> <p>(d) the person was convicted of a designated substance offence, or had served a term of imprisonment for a designated substance offence, within the previous 10 years, or</p> <p>(ii) to a minimum punishment of imprisonment for a term of two years if</p> <p>(a) the person committed the offence in or near a school, on or near school grounds or in or near any other public place usually frequented by persons under the age of 18 years,</p> <p>(b) the person committed the offence in a prison, as defined in section 2 of the Criminal Code, or on its grounds, or</p> <p>(c) the person used the services of a person under the age of 18 years, or involved such a person, in committing the offence;</p> <p>(a.1) if the subject matter of the offence is a substance included in Schedule II in an amount that is not more than the amount set out for that substance in Schedule VII, is guilty of an indictable offence and liable to imprisonment for a term of not more than five years less a day;</p>

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<p>S. 6 – Importing and Exporting</p>	<p>(3) Every person who contravenes subsection (1) or (2)</p> <p>(a) where the subject-matter of the offence is a substance included in Schedule I or II, is guilty of an indictable offence and liable to imprisonment for life;</p>	<p>(a) if the subject matter of the offence is a substance included in Schedule I in an amount that is not more than one kilogram, or in Schedule II, is guilty of an indictable offence and liable to imprisonment for life, and to a minimum punishment of imprisonment for a term of one year if</p> <p>(i) the offence is committed for the purposes of trafficking,</p> <p>(ii) the person, while committing the offence, abused a position of trust or authority, or</p> <p>(iii) the person had access to an area that is restricted to authorized persons and used that access to commit the offence;</p> <p>(a.1) if the subject matter of the offence is a substance included in Schedule I in an amount that is more than one kilogram, is guilty of an indictable offence and liable to imprisonment for life and to a minimum punishment of imprisonment for a term of two years;</p>
<p>S. 7 – Production</p>	<p>(2) Every person who contravenes subsection (1)</p> <p>(a) where the subject-matter of the offence is a substance included in Schedule I or II, other than cannabis (marihuana), is guilty of an indictable offence and liable to imprisonment for life;</p> <p>(b) where the subject-matter of the offence is cannabis (marihuana), is guilty of an indictable offence and liable to imprisonment for a term not exceeding seven years;</p>	<p>(a) if the subject matter of the offence is a substance included in Schedule I, is guilty of an indictable offence and liable to imprisonment for life and to a minimum punishment of imprisonment for a term of three years if any of the factors set out in subsection (3) apply and for a term of two years in any other case;</p> <p>(a.1) if the subject matter of the offence is a substance included in Schedule II, other than cannabis (marijuana), is guilty of an indictable offence and liable to imprisonment for life, and to a minimum punishment of imprisonment</p> <p>(i) for a term of one year if the production is for the purpose of trafficking, or</p> <p>(ii) for a term of 18 months if the production is for the purpose of trafficking and any of the factors set out in subsection (3) apply;</p> <p>(b) if the subject matter of the offence is cannabis (marijuana), is guilty of an indictable offence and liable to imprisonment for a term of not more</p>

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		<p>than 14 years, and to a minimum punishment of</p> <ul style="list-style-type: none">(i) imprisonment for a term of six months if the number of plants produced is less than 201 and more than five, and the production is for the purpose of trafficking,(ii) imprisonment for a term of nine months if the number of plants produced is less than 201 and more than five, the production is for the purpose of trafficking and any of the factors set out in subsection (3) apply,(iii) imprisonment for a term of one year if the number of plants produced is more than 200 and less than 501,(iv) imprisonment for a term of 18 months if the number of plants produced is more than 200 and less than 501 and any of the factors set out in subsection (3) apply,(v) imprisonment for a term of two years if the number of plants produced is more than 500, or(vi) imprisonment for a term of three years if the number of plants produced is more than 500 and any of the factors set out in subsection (3) apply; <p>(3) The following factors must be taken into account in applying paragraphs (2)(a) to (b):</p> <ul style="list-style-type: none">(a) the person used real property that belongs to a third party in committing the offence;(b) the production constituted a potential security, health or safety hazard to persons under the age of 18 years who were in the location where the offence was committed or in the immediate area;(c) the production constituted a potential public safety hazard in a residential area; or(d) the person set or placed a trap, device or other thing that is likely to cause death or bodily harm to another person in the location where the offence was committed or in the immediate area, or permitted such a trap, device or other thing to remain or be placed in that location or area.
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<p>S. 10 (2) Purpose of Sentencing</p>	<p>(2) If a person is convicted of a designated substance offence, the court imposing sentence on the person shall consider any relevant aggravating factors including that the person...</p>	<p>(2) If a person is convicted of a designated substance offence for which the court is not required to impose a minimum punishment, the court imposing sentence on the person shall consider any relevant aggravating factors including that the person...</p> <p>(a) In relation to the commission of the offence,</p> <p>(i) carried, used or threatened to use a weapon,</p> <p>(ii) used or threatened to use violence,</p> <p>(iii) trafficking the substance included in the Schedule I,II,III, or IV or possess such as substance for the purpose of trafficking, in or near a school, on or near school grounds or in or near any other public place usually frequented by persons under the age of 18 years, or</p> <p>(iv) traffic in a substance included in Schedule I,II,III, or IV, or possess such a substance for the purpose of trafficking to a person under the age of 18 years;</p> <p>(b) was previously convicted of a designated substance offence; or</p> <p>(c) used the services of a person under the age of 18 years to commit, or involve such a person in the commission of a designated substance offence.</p> <p>(4) A court sentencing a person who is convicted of an offence under this Part may delay sentencing to enable the offender</p> <p>(a) to participate in a drug treatment court program approved by the Attorney General; or</p> <p>(b) to attend a treatment program under subsection 720(2) of the Criminal Code.</p> <p>(5) If the offender successfully completes a program under subsection (4), the court is not required to impose the minimum punishment for the offence for which the person was convicted.</p>
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