

Level of Offences



Level of Offences

- Not all offences are treated alike
- Offences are dealt with differently depending on the severity of the crime
- Severity of the crime determines custody issues, bail requirements, trial procedures and sentencing



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There are three levels of Offences

Summary Conviction Offence:

- is a minor offence that carries a maximum fine of \$2000 and 6mos in jail
- Treating a matter in “summary fashion” means dealing with it quickly and simply
- They move quickly through the system
- Tried in provincial court without a jury
- Accused can be represented by a lawyer and appear in person



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Summary Conviction Offence:

Examples: Public
Nudity, speeding,
open alcohol.



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Indictable Offence:

- more serious and carries a heavier penalty
- Penalties range from 2 years in jail for committing a common nuisance up to life imprisonment for aggravated sexual assault
- Method of Trial differs with severity of offence
- Most severe indictable offences are murder and treason and must be tried in a Superior Court.



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Indictable Offence:

- Offences that carry a sentence of less than five years are heard in provincial court or provincial Supreme Court with a judge and no jury
- Anything more than five years is heard in a superior court with either a judge or jury



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See Chart 8.1 on page 221:

- 1) If all offences were treated as indictable what effect would this have on the court system?
- 2) Why should some offences be treated less severely than others?
- 3) Using the Court Jurisdictions on Page 222 in diagram 8.2 come up with examples of cases that each court would handle. Ideally crime incidents that would end up in each court.

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Hybrid Offences: is an offence that the crown may decide to try as either a summary or an indictable offence

Eg. Mischief

Offences are always indictable until the crown decides otherwise and are defined clearly in the CCC

This is where 1st offence comes into play

MR. MISCHIEF

by Roger Hargreaves



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Complete Question 4 Page 224 with a partner.
The Criminal Code can be found in the Law
Resources Section on Mr. Macri's Website.