

Drug Offences



Drug Offences

The Controlled Drugs and Substances Act is the federal statute that deals with narcotics and other controlled drugs such as heroin, cocaine, and marijuana



Drug Offences

Drugs are known as
Controlled
Substances and are
defined in Schedules
1-5 of the act

CCC Drug Schedules



Drug Offences

There are three charges that we will be looking at relate to controlled substances

Possession

It is illegal to be in possession of any of the drugs listed in Sections I through III, unless prescribed for medical purposes

Penalties vary depending on type of substance and prior offences



Drug Offences

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Possession

Canadian Drug Laws

Legal in Washington

Obama Response



Drug Offences

Possession is the state of having knowledge of and control over something



Drug Offences

Three things to remember when trying to get a possession conviction

- 1) the person in possession must know what the item is and have some measure of control over it



Drug Offences

Three things to remember when trying to get a possession conviction

2) A person may be found in possession even if he or she gave the item to another person

Cosby Show



Drug Offences

Three things to remember when trying to get a possession conviction

- 3) A person can be charged with possession even if the person does not own the controlled substance or have it in his or her possession; as long as the person knows about it and consents to its possession by some one else

Claremont Agenda



Drug Offences

Consent can be either “express” spoken, or “implied” meaning you did nothing to remove yourself from the situation



Drug Offences

Traficking:

to sell, give, administer, transport, send, deliver, or distribute a controlled substance

Traficking applies to Section IV substances as well

Traficking in Victoria



Drug Offences

Possession with intent to traffic and trafficking carry identical penalties

The Crown must prove that the accused had an intent to sell the substance

This can be proved by

- a) that the amount is too much for personal use
- b) evidence is present, scale bags, etc.
- c) the accused has offered to sell to someone



Drug Offences

Money Laundering

is the practice of transferring cash or other property to conceal its origin

Money Laundering explanation



Drug Offences

Money Laundering

Money Laundering is a criminal offence

To convict someone for money laundering the crown must prove

actus reas

Mens Rea, which in this case is the intention to convert or conceal the illegally obtained money or the knowledge that it was obtained illegally

That the money in question exists



Drug Offences

Maximum penalty is ten years

Can be tried as an indictable or a summary offence which is 6mos in jail and a \$2000 fine

Under the CDSA the police can seize anything they believe has been obtained by committing a criminal offence

The police can also set themselves up as a money laundering operation to catch criminals

Casinos

