**The Criminal Code of Canada**

Certain acts are identified and standardized by rules or codes so that everybody understands what is considered to be unacceptable behaviour. Breaking these codes results in committing criminal acts. In Canada, these acts can be found in a document entitled the *Criminal Code of Canada*, available in multiple places online, including the Department of Justice Website and the Canadian Legal Information Institute (CanLII). You will consult the Criminal Code regularly in this module.

***Criminal Code of Canada:*** <https://laws-lois.justice.gc.ca/eng/acts/c-46/>

The *Criminal Code of Canada* is one of several **federal statutes** voted on by Members of Parliament. It outlines behaviours that have been accepted as crimes, forming a comprehensive list of what citizens can or can't do. If you violate any of these statutes, you risk receiving a criminal record. You may find some examples of federal and other statutes, including the *Canada Elections Act*, the *Copyright Act*, and the *Privacy Act*, at the **Justice Laws Website** (<https://laws.justice.gc.ca/eng/>)



The *Criminal Code of Canada* is a written list of criminal offences. Indicated in this document are not only offences but also suggested penalties or punishments. The *Criminal Code* also includes the procedure for a criminal case, from the laying of the charge to the appeal. Criminal laws are also found in the *Controlled Drug and Substances Act*, the *Customs Act* and the *Income Tax Act*.

There are a great many offences listed in *the Criminal Code of Canada*. These offences are classified into several categories. Treason, sedition and rioting are considered offences against public order. Offences against the administration of justice include contempt of court, the only common law offence left in Canadian law. There is also a category for offences against property.

**Legal Reading**

Take some time now to explore the *Criminal Code of Canada* using the link above. Get an idea of the variety of criminal offences it covers. It is important that you not get bogged down by details listed in the *Criminal Code*; the purpose of this activity is to familiarize you with the search process. Feel free to explore. Research the various sections of the *Criminal Code of Canada*. Once you have gained an understanding of how the sections are categorized, you'll be better prepared for upcoming assignments.

# What is a Crime?

People don't get a criminal record for speeding; however, they may get a **fine**. What about smoking in a public place, stealing, or littering? Are these all crimes? Which ones will give us a criminal record? We are certainly aware that some acts are definitely crimes: theft, rape, murder, etc.

The Criminal Code of Canada has undergone changes since its adoption in 1893. It was revised in 1955 and again in 1992 due to social needs and changes. As stated in the Constitution Act, section 91(27), criminal laws are under the jurisdiction of the federal government. As a result, the Criminal Code is applied in the same way everywhere in Canada. Only the federal government can amend the Criminal Code to reflect the values of our changing society.

Each province, however, has the authority to appoint its own judges and oversee the administration of its provincial courts. Laws passed by provinces or municipalities are called **quasi-criminal laws,** as they usually cover less serious offences. The punishment for these types of laws is also less severe.

In order for an act to be established as a criminal act, the following criteria should be considered:

* A crime is defined by societal beliefs.
* A crime is an act that causes harm to other people or to those who need protection.
* In order for an act to be considered a crime, harm must be serious in both nature and degree.
* Violations involving harm must be dealt with through the mechanism of criminal law.

For more information on what constitutes a crime, open the document “Try Judging” that is attached to the (April 27th) Law 120 Home Learning post on. **It is very important to read section 3a: Criminal Cases as it deals with the important terms of actus reus and mens rea** (you’ll learn what these are in the resource).

Once you have a clear idea of what constitutes a criminal act, you are ready to complete the assignment on the next screen.

# Assignment: What is a Crime?

## Instructions

In this assignment, you will explore how and why we have criminalized certain behaviours in the Canadian Criminal Code. Use the resources you have explored so far to back up your responses.

