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Legislative Summary

BILL C-14: AN ACT TO AMEND THE CRIMINAL CODE, THE YOUTH CRIMINAL JUSTICE ACT AND THE NATIONAL DEFENCE ACT (BAIL AND SENTENCING)

45-1-C14-E

11 February 2026

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Legislative Summary of Bill C-14
(Preliminary version)

45-1-C14-E

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LEGISLATIVE SUMMARY OF BILL C-14: AN ACT TO AMEND THE CRIMINAL CODE, THE YOUTH CRIMINAL JUSTICE ACT AND THE NATIONAL DEFENCE ACT (BAIL AND SENTENCING)

1 BACKGROUND

Bill C-14, An Act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing)[1] (short title: Bail and Sentencing Reform Act) was introduced in the House of Commons on 23 October 2025 by the Honourable Sean Fraser, Minister of Justice and Attorney General of Canada.

Bill C-14 was amended by the House of Commons Standing Committee on Justice and Human Rights (the JUST Committee), which reported the bill back to the House on 9 February 2026.[2] The JUST Committee proposed seven amendments to strengthen measures in the bill and add accountability mechanisms to ensure the effectiveness of the legislation once passed. It also passed a series of technical and consequential amendments, notably some relating to the procedure for a court to cancel a release document.[3]

On 13 February 2026, the bill passed report stage and was read a third time.

1.1 PRINCIPAL OBJECTIVES AND KEY REFORMS

Bill C-14 amends many aspects of criminal law and procedure, primarily in the areas of judicial interim release (i.e., bail) and sentencing. Its stated objective is to establish "stricter bail laws to address violent and repeat offending, and organized crime" and "tougher sentencing laws for serious and violent crimes."[4] The bill adopts several measures recently advanced by police organizations and provincial premiers.[5] It is part of a broader community safety strategy, which also involves investments in front line law enforcement and in long-term crime prevention.[6] **Key provisions of the bill, as amended,** with respect to bail include:

- emphasizing the need to protect public safety when applying the principle of restraint;
- requiring the court[7] to consider whether the offence involved random and unprovoked violence, and whether the accused has any outstanding charges;
- adding **seven** new "reverse onus" provisions for which the onus lies on the accused to show why detention is not justified;
- strengthening an existing reverse onus provision regarding prior convictions;

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- requiring an accused to clearly demonstrate that their release plan addresses certain key risks in order to overcome a reverse onus;
- adding new offences for which the court must impose a weapons prohibition and must consider imposing certain other bail conditions;
- **limiting the ability to name certain persons as sureties if they have been found guilty of an indictable offence in the 10 years preceding the day on which the release order is made;**
- expanding the circumstances under which a release order may be cancelled due to recidivism; and
- creating a reverse onus when a prosecutor applies to vacate a release order after the accused is found guilty.

Key provisions of the bill, as amended, with respect to sentencing include:

- requiring consecutive sentences for certain offences (e.g., repeat violent offences, violent vehicle theft and breaking and entering, and extortion and arson);
- adding as an aggravating circumstance the commission of certain offences, such as those targeting essential infrastructure**,** first responders **or public transit employees**;
- requiring courts to give primary consideration to the objectives of denunciation and deterrence in three new situations: violent vehicle theft, breaking and entering, and organized crime; and
- limiting the possibility of imposing conditional sentences for certain sexual offences.

The bill also amends the *Youth Criminal Justice Act*,[8] notably allowing police officers to publish information that identifies a young person in urgent situations where public safety is at risk.

Certain amendments corresponding to those made to the *Criminal Code* (the Code) regarding sentencing are also made to the *National Defence Act*.[9]

1.2 LEGISLATIVE CONTEXT

Bill C-14 was introduced while the JUST Committee was conducting its study entitled "Bail System, Sentencing and the Handling of Repeat Violent Offenders in Canada."[10] At the same time, Bill C- 242, An Act to amend the Criminal Code and Department of Justice Act (short title: Jail Not Bail Act), a private member's bill proposing substantive reforms in this area of law, was undergoing second reading in the House of Commons.[11]

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Bill C-14 follows other recent criminal reforms enacted during the 42nd and 44th parliaments, most notably Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts[12] and Bill C-48, An Act to amend the Criminal Code (bail reform).[13]

Bill C-75 received Royal Assent on 21 June 2019. It introduced a large array of reforms aimed at modernizing the criminal justice system and reducing delays in criminal proceedings. These reforms included changes to the Code's bail provisions to promote the timely release of accused persons under the least onerous conditions required and to better manage administration of justice offences. Bill C-75 also added a new reverse onus provision for repeat intimate partner violence.[14]

Bill C-48, which received Royal Assent on 5 December 2023, introduced more targeted bail reforms, this time in response to concerns about repeat violent offenders.[15] Among other things, the bill created new reverse onus provisions for certain firearm-related offences and for repeat violent offences involving a weapon. In the summer of 2024, ongoing concerns raised by some actors about the release of repeat violent offenders led provincial premiers to call for a review of how the amendments made by Bill C-48 were being implemented.[16]

2 DESCRIPTION AND ANALYSIS

Bill C-14**, as amended,** contains **more than** 84 clauses. Only the main aspects of Bill C-14 are discussed below.

2.1 AMENDMENTS TO THE *CRIMINAL CODE*'S BAIL PROVISIONS

2.1.1 Principle of Restraint (Clause 14)

Current section 493.1 of the Code sets out the "principle of restraint," according to which an accused shall be released at the earliest reasonable opportunity and on the least onerous conditions that are appropriate in the circumstances. Introduced into the Code in 2019 via Bill C-75, this provision has been criticized by some actors concerned about the release of violent and repeat offenders.[17] The Department of Justice and other commentators maintain that section 493.1 merely codifies existing case law from the Supreme Court of Canada.[18]

Clause 14 clarifies that the principle of restraint does not require the accused to be released (new section 493.11(1) of the Code) and provides further guidance on the principle's proper application, emphasizing the need to ensure the safety of victims, witnesses and the general public (new section 493.11(2) of the Code).

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2.1.2 New Factor to Consider (Clause 23(2))

Current section 515(3) of the Code sets out two factors that a justice must consider when making a bail order: whether the offence involved violence against an intimate partner; and any prior convictions, including those involving violence. Clause 23(2) adds a new factor, namely, whether the offence involved "random and unprovoked violence."

2.1.3 New Circumstance Relevant to the Tertiary Ground for Detention (Clause 23(11))

Current section 515(10) sets out the grounds upon which the detention of an accused may be justified. These are, in brief:

- to ensure the accused's attendance in court;
- to protect public safety; or
- to maintain confidence in the administration of justice.

Current section 515(10)(c) of the Code sets out the circumstances relevant to determining whether an accused's detention is necessary to maintain confidence in the administration of justice, i.e., the tertiary ground for bail. These include: the apparent strength of the prosecution's case; the gravity of the offence; the circumstances surrounding the offence, including whether a firearm was used; and the severity of the potential punishment. Clause 23(11) adds the number or gravity of any outstanding charges to the list of relevant circumstances that can justify the detention of the accused under section 515(10)(c).

In *R. v. St-Cloud*, the Supreme Court of Canada held that the tertiary ground provides a distinct basis for detention, and that it should not be interpreted too narrowly. The Court noted that the circumstances listed under section 515(10)(c) are not exhaustive but should be paid particular attention.[19]

2.1.4 New Reverse Onus Provisions (Clauses 23(7), 23(9), 23(10), 27(1) and 28(4))

The onus is generally on the Crown to demonstrate why the accused should be detained rather than released on bail. This accords with the right not to be denied reasonable bail without just cause under section 11(e) of the *Canadian Charter of Rights and Freedoms* (the Charter) and with the presumption of innocence, which the Supreme Court of Canada has found to be constitutionally protected at all stages of the criminal process, including bail.[20]

However, there are certain offences for which the onus is placed on the accused person to demonstrate, on a balance of probabilities, that they should not be detained. These "reverse onus" offences are listed in section 515(6) of the Code. Section 515(11) of the Code sets out a separate process for murder and certain other offences, also involving a reverse onus.

The Supreme Court of Canada has reviewed some reverse onus provisions and has upheld them as constitutional despite their impact on the Charter rights of the accused.[21] Key to the constitutionality of these provisions was that they were narrow in scope and "carefully tailored to achieve a properly functioning bail system."[22]

In *R. v. Pearson*, the Supreme Court of Canada reasoned that drug trafficking offences, unlike most other crimes, are committed systemically in a sophisticated commercial context and are highly lucrative, such that "the normal bail system would allow continuing criminal behaviour and an intolerable risk of absconding."[23] The reverse onus for such offences under section 515(6)(d) of the Code was therefore justified. In *R. v. Morales*, the Court reached a similar conclusion regarding the reverse onus for an accused charged with an indictable offence while on bail for another indictable offence (section 515(6)(a) of the Code).[24]

Clause 23(9) adds six new categories of reverse onus offences under section 515(6)(a) of the Code for: (1) assault and sexual assault involving choking, suffocation or strangling; (2) human trafficking; (3) motor vehicle theft involving violence or organized crime; (4) extortion involving violence; (5) breaking and entering a dwelling-house; and (6) human smuggling and human trafficking under the *Immigration and Refugee Protection Act*. **The JUST Committee amended clause 23(9) to add a seventh category of offences for which a reverse onus would apply: "an offence in the commission of which violence was allegedly used and that would constitute the accused's third or subsequent indictable offence in the commission of which violence was used" (new section 515(6)(a)(xii.1) of the Code). In comparison with sections 515(6)(b.1) and 515(6)(b.2), the wording of this new provision could suggest that the alleged commission of a third or subsequent violent indictable offence does not require a conviction for the first two offences.**

Current section 515(6)(b.2) of the Code creates a reverse onus for serious offences involving violence and the use of a weapon, where the accused has a previous conviction for such an offence within the last five years. This provision was added to the Code in 2023 by Bill C-48. Clause 23(10) expands the time frame for previous convictions from five years to 10 years.

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Clause 28(4) adds new section 523(2.1) to the Code to create a reverse onus where an accused has been found guilty of an offence and the prosecutor brings an application to vacate their release order.

Clauses 23(7) and 27(1) amend sections 515(6) and 522(2) of the Code respectively to specify that for an accused to overcome a reverse onus on bail, they must clearly demonstrate that their release plan addresses the risks that form the grounds for detention under section 515(10). This requirement is also included in new section 523(2.1).

2.1.5 Bail Conditions for Organized Crime, Extortion, Motor Vehicle Theft and Breaking and Entering a Dwelling-House (Clauses 23(1), 23(3) to 23(6), 27(2), 28(4) and 63)

Current section 515(2) of the Code sets out a series of increasingly stringent financial conditions for release. According to the "ladder principle," affirmed by the Supreme Court of Canada in *R. v. Antic*,[25] the accused must be subject to the least onerous bail conditions shown to be necessary. In 2019, Bill C-75 introduced section 515(2.01) of the Code, which codifies the ladder principle as it relates to the forms of release set out under section 515(2).

Bill C-14 makes section 515(2.01) inapplicable to cases involving a reverse onus (clauses 23(1) and 27(2)) and to cases where an accused is released after being found guilty of an offence but prior to sentencing (clause 28(4)). It does so by adding new sections 515(2.04), 522(3.1) and 523(2.3) to the Code.

In *R. v. Zora*, the Supreme Court of Canada affirmed that the ladder principle applies not only to forms of release under section 515(2), but to bail conditions more broadly. The Court emphasized the need for restraint when imposing bail conditions, given that such conditions are restrictions on liberty and that they could lead to further criminal charges if breached. Accordingly, the Court asserted that bail conditions should be "particularized standards of behavior designed to curtail statutorily identified risks posed by a particular person."[26]

Current section 515(4.1) of the Code requires a court to impose a weapons prohibition when granting bail to individuals charged with certain offences, unless doing so is deemed unnecessary for safety purposes. Section 515(4.2) requires a court to consider imposing certain additional bail conditions – such as limits on communication, geographic restrictions, and electronic monitoring – for the offences listed under section 515(4.3). Clauses 23(3) to 23(5) expand the list of applicable offences under sections 515(4.1) and 515(4.3) to include: (1) offences involving a criminal organization; and (2) extortion.

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Clause 23(6) adds new section 515(4.4), which sets out further bail conditions that must be considered where an accused is charged with motor vehicle theft or breaking and entering a dwelling-house. The conditions include restrictions on geographic location and the possession of break-in instruments. Clause 63 makes a consequential amendment to the *Youth Criminal Justice Act*.

2.1.5.1 Limitation of Judicial Authority to Name Sureties

Current section 515(2.1) of the Code sets out the court's power to name sureties who will have the obligation to supervise the accused and ensure they comply with their release conditions. Under section 515.1 of the Code, a proposed surety must declare certain information about themselves, including their criminal history and any outstanding charges against them.

The JUST Committee added clause 23(1.1) to the bill, adding new section 515(2.11) to the Code. This new section limits the power of the court to name certain persons as sureties in respect of an accused's release order, namely those who have been convicted of an indictable offence in the 10 years prior to the making of the release order.

2.1.6 Procedure upon Breach of Bail Conditions or Recidivism (Clauses 15, 22, 29(1) to 29(3), 47 to 50, 51(2) and 53)

Under current section 495.1 of the Code, introduced by the former Bill C-75, a peace officer may arrest an accused without a warrant for breaching their release conditions or committing an *indictable offence* while bound by those conditions. Section 512.3, also introduced by former Bill C-75, allows a justice to issue an arrest warrant for this purpose. In either case, a hearing is held under section 524 to determine whether the allegations are substantiated; if so, section 524(3) requires that the accused's release order be cancelled.

Clauses 15, 22, 29(1) and 29(2) broaden sections 495.1, 512.3, 524(2)(b) and 524(3)(b) of the Code respectively so that they apply to an accused who commits *any* offence while on bail. Clauses 47 to 50, 51(2) and 53 make coordinating amendments to various forms provided for in the Code for this purpose. **In practice, this change seems to enable the courts to make more frequent use of the procedure for cancelling bail set out in section 524 of the Code.**

Under section 524(4) of the Code, once a release order is cancelled, the accused is subject to a reverse onus on bail. **Clause 29 of the bill, as replaced by the JUST Committee, amends section 524(4), adds new sections 524(5.1), 524(6.1) and 524(6.2) and replaces sections 524(9) and 524(10) of the Code.[27] Taken together, these amendments seem to have the following effects:**

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1. **Preserving the reverse onus in situations already contemplated by the Code (new sections 524(4)(a) and 524(4)(b) of the Code).**
2. **Providing for a reverse onus when the outstanding charges against the accused include an offence to which the reverse onus under section 515(6) or 522(2) applies (new section 524(4)(c) of the Code). In other words, if an accused faces multiple outstanding charges at the time of a hearing held under section 524 and any of the charges would normally be subject to a reverse onus, the reverse onus applies to the entire bail cancellation procedure.**
3. **Providing that, in cases not covered by new section 524(4) of the Code, the onus to justify detention is on the prosecutor (new section 524(6.1) of the Code). This could include, for example, the case of an accused who commits an offence other than an indictable offence and does not face an outstanding charge for an offence subject to the reverse onus under section 515(6) or 522(2).**

2.2 AMENDMENTS TO THE *CRIMINAL CODE*'S SENTENCING PROVISIONS

2.2.1 Consecutive Sentences for Certain Offences (Clauses 9, 11 and 40)

In principle, sentences imposed for more than one offence are served concurrently when they are closely related, arise from the same incident or are part of the same criminal operation.[28]

Exceptionally, the Code provides for sentences to be served consecutively, one after the other, for certain types of offences. These include offences related to the activities of a criminal organization or terrorism (sections 82.1, 83.26 and 467.14), offences involving the use of a firearm in the commission of an offence (section 85(4)), and common assault or aggravated assault against a peace officer (section 270.03).

The court must also consider ordering consecutive sentences in certain situations provided for in section 718.3(4) of the Code.[29] In addition, the court must impose consecutive sentences for various sexual offences against children, under section 718.3(7) of the Code.

Clause 9 adds section 333.11(1) to the Code, which requires the imposition of consecutive sentences for an individual who has committed both (1) a motor vehicle theft involving violence or for a criminal organization (sections 333.1(3) and 333.1(4) respectively); and (2) breaking and entering (section 348), arising out of the same event or series of events.

New section 333.11(2) of the Code also provides for consecutive sentences for an individual who has committed a second or subsequent motor vehicle theft involving

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violence or for a criminal organization and any other offence arising out of the same event or series of events.

Clause 11 adds section 346.1 to the Code, which requires the imposition of consecutive sentences for an individual who has committed an extortion offence (section 346) and a related arson offence (sections 433 to 436) arising out of the same event or series of events.

Clause 40 adds section 718.3(4)(b)(iv) to the Code, setting out a new situation where the court is required to consider directing that the terms of imprisonment that it imposes at the same time for more than one offence be served consecutively. This will apply when one of the offences involved the use of violence against another person by an offender who was convicted of one or more such offences within the previous five years.

2.2.2 New Aggravating Circumstances (Clauses **6.1,** 10, 39 and 79)

In sentencing, the court must consider certain factors deemed aggravating circumstances. These are listed non-exhaustively in section 718.2 of the Code, as well as in other provisions of the Code.

The JUST Committee added new clause 6.1 to the bill. This clause expands the scope of current section 269.01 of the Code, which requires the court to consider as an aggravating circumstance the fact that an assault was committed against a public transit operator engaged in the performance of their duties. The term "public transit operator" is replaced by "public transit employee," to include, notably, employees and contractors, such as individuals who provide cleaning or security services.

Clause 10 adds new section 334.1(1) to the Code, establishing as an aggravating circumstance "the fact that the offence was committed with intent to sell or barter the stolen property or to fraudulently return it to a retail merchant" when imposing a sentence for theft-related offences under section 322, 343, 348, 351 or 354 of the Code. According to the Minister of Justice, this amendment is intended in part to combat organized retail crime.[30]

Similarly, new section 334.1(2) of the Code makes it an aggravating circumstance to interfere with the access to or the functioning of an "essential infrastructure"[31] within the meaning of section 52.1(2) of the Code – such as electricity supply systems or telecommunications networks – or to cause such infrastructure to be unsafe or unfit for use, in relation to the commission of theft and mischief offences under section 322, 343 or 430 of the Code.

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Clause 39(1) amends section 718.2(a)(iii.2) of the Code, making it an aggravating circumstance that the offence was committed against a person who was providing services as a first responder, in addition to one who was providing health services, including personal care services, as worded in the current provision. According to the Department of Justice, first responders in this context would include firefighters, paramedics and police officers.[32]

Clause 39(2) also adds section 718.2(a)(viii) to the Code, creating a new aggravating circumstance where an offence involved the use of violence against another person by an offender who has been convicted of one or more such offences within the previous five years.

Clause 79 provides for consequential amendments to the *National Defence Act* by adding sections 203.41(a)(iv.1) to 203.41(a)(iv.4) to that Act.

2.2.3 Objectives of Denunciation and Deterrence for Certain Offences (Clause 38)

General sentencing objectives are set out in section 718 of the Code. In recent years, Parliament has gradually added provisions requiring courts to give primary consideration to the objectives of denunciation and deterrence for offences committed against certain persons, such as children or vulnerable individuals,[33] or certain animals, as provided in sections 718.01 to 718.04 of the Code.

Clause 38 adds three new sections to the Code requiring courts to give primary consideration to the objectives of denunciation and deterrence in cases of repeat motor vehicle theft (new section 718.05), repeat breaking and entering (new section 718.06), and any offence committed for the benefit of a criminal organization (new section 718.07).

Clause 80 provides a consequential amendment to the *National Defence Act* by adding section 203.41 to that Act when the offence is committed for the benefit of a criminal organization.

2.2.4 No Conditional Sentence for Certain Sexual Offences (Clause 43)

Section 742.1 of the Code currently allows a court to order that a person sentenced to imprisonment for a term of less than two years serve the sentence in the community under supervision, if satisfied that this will not endanger community safety, that no minimum sentence applies to the offence, and that it is not one of the offences listed in section 742.1(c) or 742.1(d).[34]

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Clause 43(1) adds to section 742.1 of the Code new sections 742.1(c)(ii.1) and 742.1(c)(ii.2), expanding the list of offences for which a conditional sentence will no longer be available to include the offences under sections 272 (sexual assault with a weapon, threats to a third party or causing bodily harm) and 273 (aggravated sexual assault) of the Code.

Clause 43(2) adds new section 742.1(c.1) to the Code to also include offences prosecuted by way of indictment under sections 153.1 (sexual exploitation of a person with a disability) and 271 (sexual assault). Similarly, new section 742.1(c.2) refers to an offence prosecuted by way of indictment that is of a sexual nature, or committed for a sexual purpose, that involves a victim under 18 years of age. In these cases, a conditional sentence will also no longer be available.

2.2.5 Driving Prohibition Orders (Clause 8)

Since 2018, the regime applicable to conveyance offences is found in sections 320.11 to 320.4 (Part VIII.1) of the Code.[35]

Clause 8 amends section 320.24(4) of the Code, adding sections 220 (causing death by criminal negligence), 221 (causing bodily harm by criminal negligence) and 236 (manslaughter) to the offences currently listed in this section, for which a court may issue a driving prohibition order. This is a discretionary order.

2.2.6 Defaulting or Absconding Witness (Clauses 35 to 37 and 81)

Under current section 705 of the Code, where a witness who is subject to a subpoena or recognizance fails to attend court as required, a warrant may be issued for their arrest. Section 706 then allows a court to either detain the witness or release them on recognizance. Clauses 35 and 36 add new sections 705(4) to 705(7) and 705.1(1) to 705.1(7), allowing a peace officer to release the witness on an undertaking with conditions, where pre-authorized by the court via an endorsement on the warrant. This seems to add procedural flexibility that could reduce the number of court hearings related to administration of justice issues.

Section 708(1) of the Code provides that anyone who, being required by law to attend or remain in attendance for the purpose of giving evidence, fails, without lawful excuse, to do so is guilty of contempt of court. Clause 37 amends section 708(2) of the Code by increasing the penalty for contempt of court from a maximum fine of $100 to $5,000 and from a maximum term of imprisonment of 90 days to two years less a day, or both. **During the JUST Committee's consideration of the bill, senior officials from the Department of Justice explained that this technical**

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change is intended to harmonize the penalty for contempt of court with those for other offences punishable on summary conviction, in particular with regard to the general penalty set out in section 787(1) of the Code (a maximum fine of $5,000 or a maximum term of imprisonment of two years less a day, or both).[36]

It should be noted that the court retains its common law jurisdiction regarding contempt of court, which currently allows it to impose a sentence greater than that provided in the Code.[37]

Clause 81 provides a consequential amendment to the *National Defence Act* by increasing the penalty for contempt set out in section 302 of that Act.

2.3 OTHER AMENDMENTS TO THE *CRIMINAL CODE* (CLAUSES 18 TO 21 AND 34)

Clauses 18 to 20 amend sections 507(1), 507.1(3)(a) and 508(1) of the Code to ensure that, when an information is laid in a public or private prosecution, the allegations are heard in camera.

Clause 21 adds new section 511(2.1) to the Code, allowing a court to cancel an arrest warrant made under Part XVI of the Code (Compelling Appearance of Accused Before a Justice and Interim Release) on application by the prosecutor, where it is in the interests of justice to do so.

Current section 672.5 of the Code sets out the procedure for disposition hearings where an accused is found not criminally responsible by reason of mental disorder or unfit to stand trial. Under current section 672.5(13), a court or Review Board conducting a disposition hearing may permit the accused to appear by videoconference only if the accused agrees.[38] Clause 34 introduces new sections 672.5(13.01) to 672.5(13.04), allowing a court or Review Board to order the accused to appear by audioconference or videoconference in compelling circumstances. These provisions require consideration of specific factors to safeguard the accused's rights and ensure a proper hearing, along with written reasons for the order.

2.4 AMENDMENTS TO THE *YOUTH CRIMINAL JUSTICE ACT* (CLAUSES 59 TO 78)

When they commit criminal offences, young persons aged 12 to 17 are subject to a separate system of criminal responsibility under the *Youth Criminal Justice Act* (YCJA),[39] which provides for fair and proportionate accountability consistent with their level of maturity.[40] Specific rules apply to them regarding detention and release (see sections 28 and 29) and sentencing (see sections 38, 39 and 50). In certain circumstances, they may be sentenced as an adult (section 64).

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Clause 59 amends paragraph (a) of the definition of "violent offence"[41] in section 2(1) of the YCJA, which is currently worded as "an offence committed by a young person that includes as an element the causing of bodily harm." The new definition reads: "an offence in the commission of which a young person causes bodily harm." Paragraphs (b) and (c) of the definition remain unchanged. **The JUST Committee expanded the scope of the definition of a "violent offence" by adding "an offence committed by a young person involving the use or trafficking of a firearm" (new section 2(1)(d) of the YCJA).** It is worth noting that a youth justice court may order custody for a young person who has committed a violent offence under section 39(1)(a) of the YCJA.

Clause 70 adds sections 110(4.1) and 110(4.2) to the YCJA to authorize law enforcement to publish information identifying a young person who has committed or is likely to commit an indictable offence without a court order referred to in section 110(4), in an urgent situation. **The need to publish this information will be assessed using the criteria set out in section 110(4.1)(b) of the YCJA, namely, whether (i) the young person is an imminent danger to the public and the publication could help prevent serious bodily harm or death; (ii) the publication is necessary to help apprehend the young person; and (iii) a court order could not, with reasonable diligence, be obtained. The JUST Committee amended section 110(4.1)(b) to clarify that these criteria are additive by inserting "all of" before the listed reasons, in light of the exceptional nature of this kind of publication.** Under new section 110(4.2), a court order must be obtained if the publication is required for more than 24 hours. These new sections create an additional exception to the publication ban on information about the young person in section 110 of the YCJA.

The bill also contains other clarifications or amendments to the YCJA, including not counting the time spent by a young person unlawfully at large as part of the term of a custody and supervision order (clause 69) and provisions regarding access to records, including police investigation records (clauses 71 to 73). It also includes technical amendments to sentencing provisions (clauses 63 to 67).

2.5 AMENDMENTS TO THE *DEPARTMENT OF JUSTICE ACT* (CLAUSE 58.1)

The JUST Committee added clause 58.1 to the bill to provide for a new obligation that the Minister of Justice prepare an annual report on the state of the bail system, under new section 4.3 of the *Department of Justice Act*.[42] This report must be tabled in each house of Parliament within the first 15 sitting days of that house after 1 January and include the following:

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- **data on bail outcomes, including on compliance with release conditions, recidivism by accused at large on release orders and incidents requiring public attention;**
- **an analysis of the effectiveness of release conditions; and**
- **data on the accessibility of bail and on disparities between groups.**

2.6 PARLIAMENTARY REVIEW (CLAUSE 81.1)

The JUST Committee added clause 81.1 to the bill to require the enacted measures to be reviewed by a committee of the Senate, of the House of Commons or of both houses that may be designated or established for that purpose as soon as possible after the fifth anniversary of its receiving Royal Assent.[43]

Clause 81.1(2) requires the preparation of a report on the review that sets out any proposed changes.

NOTES

1. Bill C-14, An Act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing), 45th Parliament, 1st Session. **The Charter Statement for this bill was tabled in the House of Commons on 3 December 2025. Government of Canada, *Bill C-14: An Act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing) – Charter Statement*, 3 December 2025.**
2. **House of Commons, Standing Committee on Justice and Human Rights (JUST), *Bill C-14, An Act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing)*, Second report, 9 February 2026.**
3. **These amendments also include changes to the transitional provisions set out in clauses 58(1) and 58(2) and to clause 82 of the bill, which deals with the retroactive effect of certain provisions of the *National Defence Act* that mirror the *Criminal Code*.**
4. Government of Canada, *Bail and Sentencing Reform Act: Proposed legislation to make bail laws stricter and toughen sentencing laws*, Backgrounder. The federal government is also required to develop a Federal Framework to Reduce Recidivism pursuant to the *Reduction of Recidivism Framework Act*, which received Royal Assent on 29 June 2021.
5. See, for example, Canadian Association of Chiefs of Police, *Canada's police leaders endorse the introduction of Bill C-14: the Bail and Sentencing Reform Act*, 23 October 2025; Police Association of Ontario, *Police Association of Ontario Calls for Urgent Federal Bail Reform to Enhance Community Safety*, News release, 4 September 2025; and Michael Kerzner (@TeamKerzner), "Canada's broken federal bail system continues …," X (formerly Twitter), 22 September 2025, 8:23 a.m.
6. House of Commons, *Debates*, 29 October 2025 (Hon. Sean Fraser); and Department of Justice Canada, *Canada introduces sweeping reforms to make bail laws stricter and toughen sentencing laws*, News release, 23 October 2025.
7. The term "court" is used as a shorthand for "court, judge or justice" throughout this legislative summary.
8. *Youth Criminal Justice Act*, S.C. 2002, c. 1.
9. *National Defence Act*, R.S.C. 1985, c. N-5.

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10. JUST, *Bail System, Sentencing and the Handling of Repeat Violent Offenders in Canada*. Bill C-14 was introduced prior to the completion of the study and tabling of a report. **The JUST Committee devoted six meetings to this study, which took place from 25 September 2025 to 6 November 2025.**

11. Bill C-242, An Act to amend the Criminal Code and the Department of Justice Act, 45th Parliament, 1st Session.

12. Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts, 42nd Parliament, 1st Session (S.C. 2019, c. 25).

13. Bill C-48, An Act to amend the Criminal Code (bail reform), 44th Parliament, 1st Session (S.C. 2023, c. 30).

14. Laura Barnett et al., *Legislative Summary of Bill C-75: An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, Publication no. 42-1-C75-E, Library of Parliament, 25 July 2019.

15. Julian Walker, *Legislative Summary of Bill C-48: An Act to amend the Criminal Code (bail reform)*, Publication no. 44-1-C48-E, Library of Parliament, 15 February 2024; and Government of Canada, "6. Letter to Prime Minister from Premiers," *Canada's Bail System*, 13 January 2023.

16. Akshay Kulkarni, "Premiers send letter to feds demanding bail reform after homicide," *CBC News*, 22 July 2024.

17. John Paul Tasker, "Carney government targets violent, repeat offenders with proposed bail regime changes," *CBC News*, 24 October 2025. See, for example, House of Commons, *Debates*, 7 November 2025 (Arpan Khanna, Member of Parliament); JUST, *Evidence*, 25 September 2025 (Clayton Campbell, President, Toronto Police Association); and JUST, *Evidence*, 20 March 2023 (Hon. Bronwyn Eyre, Minister of Justice and Attorney General, Government of Saskatchewan). Bill C-242 proposes to replace the principle of restraint with a principle that prioritizes the protection and safety of the public.

18. House of Commons, *Debates*, 29 October 2025 (Hon. Sean Fraser); Government of Canada, "Why not amend the principle of restraint?," *3. Questions & Answers: Qs & As – Bill C-48,* An Act to amend the Criminal Code (Bail Reform); JUST, *Evidence*, 6 March 2023 (Hon. David Lametti, Minister of Justice and Attorney General of Canada); and Nicole M. Myers, *The crisis in Canada's bail system is not one of an overly lax or lenient system*, brief submitted to JUST Committee, 2 March 2023, pp. 4–5. In *R. v. Zora*, 2020 SCC 14, para. 26, the Supreme Court of Canada noted that the principle of restraint

> has always been at the core of the law governing the setting of bail conditions. Restraint has a constitutional dimension, a legislative footing, and is not only recognized in case law, but was also recently expressly reinforced by the amendments that came into force on December 18, 2019 [Bill C-75].

19. *R. v. St-Cloud*, 2015 SCC 27, para. 87.

20. In *R. v. Pearson*, [1992] 3 S.C.R. 665, the Supreme Court of Canada held that the presumption of innocence is a principle of fundamental justice protected under section 7 of the *Canadian Charter of Rights and Freedoms* (the Charter), and that the right not to be denied reasonable bail without just cause under section 11(e) of the Charter "entrenches the effect of the presumption of innocence at the bail stage of the criminal process."

21. *R. v. Pearson*, [1992] 3 S.C.R. 665; and *R. v. Morales*, [1992] 3 S.C.R. 711.

22. *R. v. Pearson*, [1992] 3 S.C.R. 665, paras. 60 and 69; and *R. v. Morales*, [1992] 3 S.C.R. 711, para. 64.

23. *R. v. Pearson*, [1992] 3 S.C.R. 665, para. 67.

24. *R. v. Morales*, [1992] 3 S.C.R. 711.

25. *R. v. Antic*, 2017 SCC 27.

26. *R. v. Zora*, 2020 SCC 14, para. 25.

27. **For more information, see, for example, JUST, *Evidence*, 4 February 2026 (Peter Grbac, Counsel, Criminal Law Policy Section, Department of Justice).**

28. *R. c. Pichette*, 2003 CanLII 25220 (QC CA) [IN FRENCH].

29. This power will be exercised in accordance with the totality principle under section 718.2(c) of the *Criminal Code*, which requires the court, in sentencing, to avoid imposing consecutive sentences that are unduly harsh or long; accordingly, the court may adjust sentences by ordering some to be served concurrently or by reducing their length. *R. v. Bertrand Marchand*, 2023 SCC 26, para. 99.

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30. House of Commons, *Debates*, 29 October 2025 (Hon. Sean Fraser).

31. Under section 52.1(2) of the *Criminal Code*, "essential infrastructure means a facility or system, whether public or private, completed or under construction, that provides or distributes – or is intended to provide or distribute – services that are essential to health and safety" and includes, among other things, transportation, information and communications technology, water and wastewater management, energy and utilities, health services, food supply and food services, government operations infrastructure, financial infrastructure and any other infrastructure prescribed by regulations.

32. Department of Justice Canada, *Protecting Those Who Protect Us: Strengthening Justice for Canada's First Responders*, News release, 28 October 2025.

33. This was added in 2019 with the enactment of Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts, 42nd Parliament, 1st Session (S.C. 2019, c. 25, s. 292.1).

34. See *R. v. Proulx*, 2000 SCC 5, a leading case on the interpretation of the conditional sentence regime added to the *Criminal Code*. For the latest amendments to this regime, see also Julia Nicol, Tu-Quynh Trinh and Robin Whitehead, *Legislative Summary of Bill C-5: An Act to amend the Criminal Code and the Controlled Drugs and Substances Act*, Publication no. 44-1-C5-E, Library of Parliament, 31 May 2022.

35. For more information on the changes introduced, see Maxime Charron-Tousignant and Dominique Valiquet, *Legislative Summary of Bill C-46: An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*, Publication no. 42-1-C46-E, Library of Parliament, 24 July 2018.

36. **For more information, see JUST, *Evidence*, 4 February 2026 (Matthew Taylor, Senior General Counsel, Criminal Law Policy Section, Department of Justice).**

37. *Criminal Code*, R.S.C. 1985, c. C-46, s. 9; and *R. v. Asselin*, 2019 MBCA 94 (CanLII), para. 43.

38. This provision was modernized, but not substantively changed, by Bill C-75.

39. *Youth Criminal Justice Act* (YCJA), S.C. 2002, c. 1. The YCJA replaced the *Young Offenders Act*, R.S.C. 1985, c. Y-1, as well as its predecessor, the *Juvenile Delinquents Act* (in force from 1908 to 1984), whose objectives and principles of youth criminal responsibility have evolved over time. For more information, see Department of Justice Canada, *The Youth Criminal Justice Act: Summary and Background*, 2013. For more recent amendments to the YCJA, see Laura Barnett et al., *Legislative Summary of Bill C-75: An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, Publication no. 42-1-C75-E, Library of Parliament, 25 July 2019.

40. In *R. v. D.B.*, 2008 SCC 25, at paras. 41 and 45, the Supreme Court of Canada held that young persons who commit crime are entitled to a presumption of diminished moral culpability compared to adults, because their age makes them more vulnerable, less mature and less capable of exercising moral judgment.

41. This definition is based on the Supreme Court of Canada's reasoning in *R. v. C.D.; R. v. C.D.K.*, 2005 SCC 78.

42. *Department of Justice Act*, R.S.C. 1985, c. J-2.

43. Note that a similar provision was included in Bill C-48, An Act to amend the Criminal Code (bail reform), 44th Parliament, 1st Session (S.C. 2023, c. 30), which received Royal Assent in 2023. See also Julian Walker, *Legislative Summary of Bill C-48: An Act to amend the Criminal Code (bail reform)*, Publication no. 44-1-C48-E, Library of Parliament, 15 February 2024.