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CRIMINAL CODE

Bill to Amend—Second Reading
of Bill C-14

Speech by:

The Honourable Larry W. Campbell

Wednesday, May 27, 2009

THE SENATE

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CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator Angus, for the second reading of Bill C-14, An Act to amend the Criminal Code (organized crime and protection of justice system participants).

Hon. Larry W. Campbell: Honourable senators, I will not belabour the facts surrounding this bill because I believe that Senator Wallace did an able job when he presented the bill. This bill seeks to amend the Criminal Code to make any murder committed in connection with a gang a first degree murder; to create mandatory minimum sentences for drive-by shootings; to create new offences related to assault of peace officers; and to extend the duration of recognizance for people suspected of gang-related crime.

There are four primary elements in this legislation. First, it changes sentencing provisions so that every murder committed in connection with a criminal organization is considered first degree murder, regardless of whether there was premeditation. Second, it creates a drive-by shooting offence with a four-year mandatory minimum sentence. Third, it creates mandatory minimum

sentences for the offences of assault with a weapon and aggravated assault of a peace officer. Honourable senators should know there is already an existing offence of assault of a peace officer. Fourth, Bill C-14 extends the duration of recognizance for up to two years for a person who has previously been convicted of a gang-related or terrorism offence and is suspected to be planning to commit another such offence.

The Liberal Party supports the bill but does not believe it goes far enough to fix the problem. Tougher sentencing is good, but it does not address the issue of catching the gang members in the first place. There is no point in having laws to prosecute criminals if we cannot catch the criminals. Also, the Liberal Party does not generally support a bill that would implement sentences for “all” crimes. In addition to the changes in Bill C-14, we suggest that two other vital components must be added to the bill at some later point. The first is that we require lawful access laws that allow law enforcement to intercept lawfully a wider range of communications between suspected gang members. Second, we believe there should be a Canada-wide protocol that involves all disclosure at the time of the trial. The British Columbia government and other provincial governments want to see these provisions implemented to crack down on organized crime and gangs.

We welcome this bill to committee so it can be studied and come back to the Senate before the summer recess.
