

<p style="text-align: center;">Canadian Mandatory Minimum Sentences in the Criminal Code and Controlled Drugs and Substances Act</p>								
Current to November 2017 Not comprehensive						MMS.watch	A project of rangefindr.ca	
Offence	Additional elements	Mandatory minimum sentence	Act	Section	Came into force	Created by	Status	Case citation(s) (for Status)
Sexual interference (previous)	Summary	14d	<i>Criminal Code</i>	151(b)	1-Nov-2005	<i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act</i> , SC 2005, c 32, s 3	Mostly upheld	<p><u>Challenged and not applied</u> (but not explicitly struck down):</p> <ul style="list-style-type: none"> • <i>R v BJT</i>, 2016 ONSC 6616 <p><u>Upheld</u>:</p> <ul style="list-style-type: none"> • <i>R v SA</i>, 2016 ONSC 5355 • <i>R v EMQ</i>, 2015 BCSC 201 • <i>R v Craig</i>, 2013 BCSC 2098 • <i>R v Lonegren</i>, 2009 BCSC 1678 and 2010 BCSC 960
	Indictable	45d	<i>Criminal Code</i>	151(a)	1-Nov-2005	<i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act</i> , SC 2005, c 32, s 3		
Sexual interference (current)	Summary	90d	<i>Criminal Code</i>	151(b)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 11	Held to violate Charter / Upheld by provincial courts	<p><u>Held to violate Charter</u>:</p> <ul style="list-style-type: none"> • <i>R v Brandon Boeyenga</i> (Main J, ONCJ, 2-Nov-2016) <p><u>Upheld</u>:</p> <ul style="list-style-type: none"> • <i>R v CF</i>, 2016 ONCJ 302
	Indictable	1y	<i>Criminal Code</i>	151(a)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 11	Struck down	<ul style="list-style-type: none"> • <i>R v ML</i>, 2016 ONSC 7082 • <i>R v BJT</i>, 2016 ONSC 6616 • <i>R v Sarmales</i>, 2017 ONSC 1869 • <i>R v Ford</i>, 2017 ABQB 322 and 2017 ABQB 527 • <i>R v Hood</i>, 2016 NSPC 78 • <i>R v SJP</i>, 2016 NSPC 353
Inviting sexual touching (previous)	Summary	14d	<i>Criminal Code</i>	152(b)	1-Nov-2005	<i>Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act</i> , SC 2005, c 32, s 3	Upheld (by a provincial court)	• <i>R v SK</i> , 2013 ONCJ 267
	Indictable	45d	<i>Criminal Code</i>	152(a)	1-Nov-2005	<i>Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act</i> , SC 2005, c 32, s 3		
Inviting sexual	Summary	90d	<i>Criminal Code</i>	152(b)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 12	Upheld (by a provincial court)	• <i>R v Gumban</i> , 2017 BCPC 226

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touching (current)	Indictable	1y	<i>Criminal Code</i>	152(a)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 12	Not applied by court (but not explicitly struck down)	• <i>R v Hussein</i> , 2017 ONSC 4202
Sexual exploitation	Summary	90d	<i>Criminal Code</i>	153(1.1)(b)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 13		
	Indictable	1y	<i>Criminal Code</i>	153(1.1)(a)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 13	Struck down	• <i>R v Cristoferi-Paolucci</i> , 2017 ONSC 4246 • <i>R v EJB</i> , 2017 ABQB 726 • <i>R v Hood</i> , 2016 NSPC 78
Incest against child under 16		5y	<i>Criminal Code</i>	155(2)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 14		
Bestiality involving child	Summary	6m	<i>Criminal Code</i>	160(3)(b)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 15		
	Indictable	1y	<i>Criminal Code</i>	160(3)(a)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 15		
Making child pornography	Indictable (offence is straight indictable since 17-Jul-2015)	1y	<i>Criminal Code</i>	163.1(2)	1-Nov-2005	<i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act</i> , SC 2005, c 32, s 7(2); <i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 17; <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 7(1)	Upheld	• <i>R v Cristoferi-Paolucci</i> , 2017 ONSC 4246
Distributing child pornography		1y	<i>Criminal Code</i>	163.1(3)	1-Nov-2005; 17-Jul-2015	<i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act</i> , SC 2005, c 32, s 7(3); <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 7(1)	Upheld	• <i>R v Schultz</i> , 2008 ABQB 679 • <i>R v Watts</i> , 2016 ABPC 57
Possessing child pornography (previous)	Summary	14d	<i>Criminal Code</i>	163.1(4)(b)	1-Nov-2005	<i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act</i> , SC 2005, c 32, s 7(4)		
	Indictable	45d	<i>Criminal Code</i>	163.1(4)(a)	1-Nov-2005	<i>An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act</i> , SC 2005, c 32, s 7(4)	Upheld	• <i>R v LeCourtois</i> , 2016 ONSC 190 • <i>R v Walker</i> , 2017 BCSC 1301
	Summary	90d	<i>Criminal Code</i>	163.1(4)(b)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 17(3)	Struck down	• <i>R v Swaby</i> , 2017 BCSC 2020

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Possessing child pornography (previous)	Indictable	6m	<i>Criminal Code</i>	163.1(4)(a)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 17(3)	Upheld	<ul style="list-style-type: none"> • <i>R v John</i>, 2017 ONSC 810 • <i>R v Cristoferi-Paolucci</i>, 2017 ONSC 4246 • <i>R v Watts</i>, 2016 ABPC 57 • <i>R v Machulec</i> (16 November 2016), Windsor, Ont, 14/3150, per Munroe J
	Summary	6m	<i>Criminal Code</i>	163.1(4)(b)	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 7(2)		
Possessing child pornography (current)	Indictable	1y	<i>Criminal Code</i>	163.1(4)(a)	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 7(2)		
	Summary	90d	<i>Criminal Code</i>	163.1(4.1)(b)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 17(4)		
Accessing child pornography (previous)	Indictable	6m	<i>Criminal Code</i>	163.1(4.1)(a)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 17(4)	Upheld	• <i>R v Cristoferi-Paolucci</i> , 2017 ONSC 4246
	Summary	6m	<i>Criminal Code</i>	163.1(4.1)(b)	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 7(3)		
Accessing child pornography (current)	Indictable	1y	<i>Criminal Code</i>	163.1(4.1)(a)	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 7(3)		
	Summary	90d	<i>Criminal Code</i>	171.1(2)(b)	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 10		
Parent/guardian procuring sexual activity against minor		1y	<i>Criminal Code</i>	170	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 8		
Householder permitting unlawful sexual activity with child		1y	<i>Criminal Code</i>	171	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 9		
Making sexually explicit material available to child	Indictable	6m		171.1(2)(a)	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 10		
	Summary	90d	<i>Criminal Code</i>	172.1(2)(b)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 22(2)	Upheld (by a provincial court)	• <i>R v Stapley</i> , 2014 ONCJ 184
Child luring (previous)	Summary	90d	<i>Criminal Code</i>	172.1(2)(b)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 22(2)		

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Child luring (current)	Summary	6m	<i>Criminal Code</i>	172.1(2)(b)	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 11	Struck down	<ul style="list-style-type: none"> • <i>R v Morrison</i>, 2017 ONCA 582 • <i>R v Hood</i>, 2016 NSPC 78
	Indictable	1y	<i>Criminal Code</i>	172.1(2)(a)	9-Aug-2012; 17-Jul-2015	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 22(2); <i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 11		
Agreeing or arranging sexual offence against child	Summary	6m	<i>Criminal Code</i>	172.2(2)(b)	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 12		
	Indictable	1y	<i>Criminal Code</i>	172.2(2)(a)	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 12		
Exposure to child	Summary	30d	<i>Criminal Code</i>	173(2)(b)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 23		
	Indictable	90d	<i>Criminal Code</i>	173(2)(a)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 23		
Sexual assault against child under 16	Summary	6m	<i>Criminal Code</i>	271(b)	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 14	Struck down	<ul style="list-style-type: none"> • <i>R v Deyoung</i>, 2016 NSPC 67 • <i>R v ERDR</i>, 2016 BCSC 684 and 2016 BCSC 1759
	Indictable	1y	<i>Criminal Code</i>	271(a)	17-Jul-2015	<i>Tougher Penalties for Child Predators Act</i> , SC 2015, c 23, s 14		
Sexual assault with weapon, threats, or bodily harm	With a firearm	4y	<i>Criminal Code</i>	272(2)(a.1)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 145	Struck down	• <i>R v MJ</i> , 2016 ONSC 2769
	Against child under 16	5y	<i>Criminal Code</i>	272(2)(a.2)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 26		
	With restricted/ prohibited firearm, or for crim org with any firearm, 1st offence	5y	<i>Criminal Code</i>	272(2)(a)(i)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 28(1)		
	With restricted/ prohibited firearm, or for crim org with any firearm, 2nd offence	7y	<i>Criminal Code</i>	272(2)(a)(ii)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 28(1)		
	With a firearm	4y	<i>Criminal Code</i>	273(2)(a.1)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 146		
	Against child under 16	5y	<i>Criminal Code</i>	273(2)(a.2)	9-Aug-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1 s 27		

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Aggravated sexual assault	With restricted/prohibited firearm, or for crim org with any firearm, 1st offence	5y	<i>Criminal Code</i>	273(2)(a)(i)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 29(1)		
	With restricted/prohibited firearm, or for crim org with any firearm, 2nd offence	7y	<i>Criminal Code</i>	273(2)(a)(ii)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 29(1)		
Human trafficking		4y	<i>Criminal Code</i>	279.01(1)(b)	6-Dec-2014	<i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 18		
	Involving kidnapping, aggravated assaults, or death	5y	<i>Criminal Code</i>	279.01(1)(a)	6-Dec-2014	<i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 18		
	Of child under 18	5y	<i>Criminal Code</i>	279.011(1)(b)	29-Jun-2010	<i>An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)</i> , SC 2010, c 3 s 2	Held to violate Charter by a provincial court	• <i>R v Finestone</i> , 2017 ONCJ 22
	Of child under 18, involving kidnapping, aggravated assaults, or death	6y	<i>Criminal Code</i>	279.011(1)(a)	29-Jun-2010	<i>An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)</i> , SC 2010, c 3 s 2		
Obtaining material benefit from child trafficking		2y	<i>Criminal Code</i>	279.02(2)	6-Dec-2014	<i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 19		
Withholding/destroying documents, child trafficking		1y	<i>Criminal Code</i>	279.03(2)	6-Dec-2014	<i>Protection of Communities and Exploited Persons Act</i> , SC 2014, c 25, s 19		
Purchasing sex from child under 18 (previous)		6m	<i>Criminal Code</i>	212(4)	Pre-2000		Struck down	• <i>Her Majesty The Queen v Jacques Lalonde</i> , 2017 ONCS 2181 • <i>R v Badali</i> , 2016 ONSC 788

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Purchasing sex (current)		Fines from \$500-\$4,000	<i>Criminal Code</i>	286.1(1)(a)	6-Dec-2014	<i>Protection of Communities and Exploited Persons Act, SC 2014, c 25, s 20</i>	Upheld for \$500 fine (by a provincial court)	• <i>R v Mercer</i> , 2017 NSPC 20
	From child under 18, 1st offence	6m	<i>Criminal Code</i>	286.1(2)(a)	6-Dec-2014	<i>Protection of Communities and Exploited Persons Act, SC 2014, c 25, s 20</i>	Struck down	• <i>R v JLM</i> , 2017 BCCA 258 (2:1)
	From child under 18, 2nd offence	1y	<i>Criminal Code</i>	286.1(2)(b)	6-Dec-2014	<i>Protection of Communities and Exploited Persons Act, SC 2014, c 25, s 20</i>		
Living on the avails of child prostitution (repealed)		2y	<i>Criminal Code</i>	212(2)	Pre-2000		Struck down	• <i>R v Badali</i> , 2016 ONSC 788
Obtaining material benefit from child prostitution		2y	<i>Criminal Code</i>	286.2(2)	6-Dec-2014	<i>Protection of Communities and Exploited Persons Act, SC 2014, c 25, s 20</i>	Held to violate Charter by a provincial court	• <i>R v Robitaille</i> , 2017 ONCJ 768
Procuring child under 18 for prostitution		5y	<i>Criminal Code</i>	286.3(2)	6-Dec-2014	<i>Protection of Communities and Exploited Persons Act, SC 2014, c 25, s 20</i>		

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Use firearm or imitation firearm while committing an offence	1st offence	1y	<i>Criminal Code</i>	85(3)(a)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 139	Upheld	<ul style="list-style-type: none"> • <i>R v Al-Isawi</i>, 2017 BCCA 163 • <i>R v Cogo</i>, 2015 BCPC 453 • <i>R v Meszaros</i>, 2013 ONCA 682 • <i>R v Stewart</i>, 2010 BCCA 153 • <i>R v McMahon</i>, [2003] OJ No 2967 (SCJ) • <i>R v Born With A Tooth</i>, 1994 CanLII 9151 (ABQB)
	2nd offence	3y	<i>Criminal Code</i>	85(3)(b)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 139		
			Sentence must be consecutive	<i>Criminal Code</i>	85(4)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 139	Struck down / Upheld
Possession of a firearm	2nd offence	1y	<i>Criminal Code</i>	92(3)(b)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 138		
	3rd offence	2y less 1d	<i>Criminal Code</i>	92(3)(c)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 138		
Possession of restricted/prohibited firearm with ammo	1st offence	3y	<i>Criminal Code</i>	95(2)(a)(i)	1-May-2008	<i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 8(2)	Struck down	<ul style="list-style-type: none"> • <i>R v Nur</i>, 2015 SCC 15 • <i>R v Holt</i>, 2014 BCSC 2170 and 2015 BCSC 93 • <i>R v MacDonald</i>, 2014 NSCA 102 • <i>R v Adamo</i>, 2013 MBQB 225 • <i>R v Vandyke</i>, 2013 ABPC 347 • <i>R v Sheck</i>, 2013 BCPC 105

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	2nd offence	5y	<i>Criminal Code</i>	95(2)(a)(ii)	1-May-2008	<i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 8(2)	Struck down	• <i>R v Nur</i> , 2015 SCC 15
Possession of weapon obtained by crime		1y	<i>Criminal Code</i>	96(2)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39	Upheld	• <i>R v Chislett</i> , 2016 CanLII 85360 (Ont SCJ) • <i>R v Bressette</i> , 2010 ONSC 3831 • <i>R v Carranza</i> , [2004] OJ No 6041 (SCJ)
Weapons trafficking		1y	<i>Criminal Code</i>	99(3)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 139	Struck down	• <i>R v Harriott</i> , 2017 ONSC 3393 • <i>R v Trepanier</i> , 2016 NBPC 2 • <i>R v Friesen</i> , 2015 ABQB 717 • <i>R v Hussain</i> , 2015 ONSC 7115 • <i>R v Shobway</i> , 2015 ONCJ 457 • <i>R v Lewis</i> , 2012 ONCJ 413
	Firearm, 1st offence	3y	<i>Criminal Code</i>	99(2)(a)	1-May-2008	<i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 10		
	Firearm, 2nd offence	5y	<i>Criminal Code</i>	99(2)(b)	1-May-2008	<i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 10		
Possession of weapon for the purpose of trafficking		1y	<i>Criminal Code</i>	100(3)	Pre-2000			
	Firearm, 1st offence	3y	<i>Criminal Code</i>	100(2)(a)	1-May-2008	<i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 11		
	Firearm, 2nd offence	5y	<i>Criminal Code</i>	100(2)(b)	1-May-2008	<i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 11		
Importing weapons		1y	<i>Criminal Code</i>	103(2.1)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 139		
	Firearm, 1st offence	3y	<i>Criminal Code</i>	103(2)(a)	1-May-2008	<i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 12		
	Firearm, 2nd offence	5y	<i>Criminal Code</i>	103(2)(b)	1-May-2008	<i>Tackling Violent Crimes Act</i> , SC 2008, c 6, s 12		
Making automatic firearm		1y	<i>Criminal Code</i>	102(2)(a)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 139	Upheld	• <i>R v Montague</i> , 2010 ONCA 141

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Discharge firearm with intent to wound or endanger life		4y	<i>Criminal Code</i>	244(2)(b)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 144	Upheld	<ul style="list-style-type: none"> • <i>R v Reis</i>, 2017 ONSC 1961 • <i>R v Sheppard</i>, 2011 CanLII 41607 (Nfld PC) • <i>R v MDR</i>, 1998 CanLII 12247 (NBCA)
	With restricted/prohibited firearm, or for crim org with any firearm, 1st offence	5y	<i>Criminal Code</i>	244(2)(a)(i)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 17		
	With restricted/prohibited firearm, or for crim org with any firearm, 2nd offence	7y	<i>Criminal Code</i>	244(2)(a)(ii)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 17		
Recklessly discharge firearm		4y	<i>Criminal Code</i>	244.2(3)(b)	2-Oct-2009	<i>An Act to amend the Criminal Code (organized crime and protection of justice system participants)</i> , SC 2009, c 22, s 8	Struck down / Upheld	<p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R c Vézina</i>, 2017 QCCQ 7785 • <i>R c Gunner</i>, 2017 QCCQ 12563 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v Oud</i>, 2016 BCCA 332 • <i>R v Crockwell</i>, 2013 NLTD(G) 23
	With restricted/prohibited firearm, or for crim org with any firearm, 1st firearm offence	5y	<i>Criminal Code</i>	244.2(3)(a)(i)	2-Oct-2009	<i>An Act to amend the Criminal Code (organized crime and protection of justice system participants)</i> , SC 2009, c 22, s 8	Upheld	<ul style="list-style-type: none"> • <i>R v Mohammad</i>, 2017 ONCJ 297 • <i>R v Abdullahi</i>, 2014 ONSC 272
	With restricted/prohibited firearm, or for crim org with any firearm, 2nd firearm offence	7y	<i>Criminal Code</i>	244.2(3)(a)(ii)	2-Oct-2009	<i>An Act to amend the Criminal Code (organized crime and protection of justice system participants)</i> , SC 2009, c 22, s 8	Upheld (by a provincial court)	<ul style="list-style-type: none"> • <i>R v Mohamed</i>, 2016 ONCJ 492

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Offence	Additional elements	Mandatory minimum sentence	Act	Section	Came into force	Created by	Status	Case citation(s) (for Status)
Trafficking and possession for the purpose of trafficking — Schedule I drug	For criminal organization	1y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(i)(A)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)		
	Use or threaten violence	1y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(i)(B)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)		
	Use, carry, or threaten use of weapons	1y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(i)(C)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)	Held to violate <i>Charter</i> by a provincial court; prosecutors instructed not to seek MMS for "carrying" a weapon	<ul style="list-style-type: none"> • <i>R v Jackson-Bullshields</i>, 2015 BCPC 411 and 2015 BCPC 414 • Public Prosecution Service of Canada, "Supplementary Guideline on Mandatory Minimum Penalties for Certain Drug Offences Under the Controlled Drugs and Substances Act," 24 June 2016
	Accused convicted of a designated drug offence within the previous 10 years	1y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(i)(D)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)	Struck down	• <i>R v Lloyd</i> , 2016 SCC 13
	In or near a school or an area frequented by children	2y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(ii)(A)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)	Struck down	<ul style="list-style-type: none"> • <i>R v Dickey</i>, 2016 BCCA 177 • <i>R v Robinson</i>, 2016 ONSC 2819
	In a prison	2y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(ii)(B)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)	Upheld	• <i>R v Boutcher</i> , 2017 CanLII 38352 (Nfld SC)
	Using or involving child	2y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(ii)(C)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)	Struck down	• <i>R v Dickey</i> , 2016 BCCA 177
	For criminal organization	1y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(i)(A)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)		
	Use or threaten violence	1y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(i)(B)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)		

Canadian Mandatory Minimum Sentences in the Criminal Code and Controlled Drugs and Substances Act								
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Trafficking and possession of more than 3kg for the purpose of trafficking — Schedule II drug (marijuana)	Use, carry, or threaten use of weapons	1y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(i)(C)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)		
	Accused convicted of a designated drug offence within the previous 10 years	1y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(i)(D)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)	Struck down	• <i>R v Lloyd</i> , 2016 SCC 13
	In or near a school or an area frequented by children	2y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(ii)(A)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)		
	In a prison	2y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(ii)(B)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)	Upheld	• <i>R v Boutcher</i> , 2017 CanLII 38352 (Nfld SC)
	Using or involving child	2y	<i>Controlled Drugs and Substances Act</i>	5(3)(a)(ii)(C)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 39(1)		
Importing narcotics (repealed)		7y	<i>Narcotic Control Act</i>	5(2)	Pre-2000		Struck down	• <i>R v Smith</i> , 1987 CanLII 64 (SCC)
Importing and exporting — Schedule I drug	Committed for the purpose of trafficking	1y	<i>Controlled Drugs and Substances Act</i>	6(3)(a)(i)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 40	Struck down	• <i>R v Duffus</i> , 2017 ONSC 231
	Abuse of a position of trust or authority	1y	<i>Controlled Drugs and Substances Act</i>	6(3)(a)(ii)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 40		
	Abuse of access to a restricted area	1y	<i>Controlled Drugs and Substances Act</i>	6(3)(a)(iii)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 40		

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	More than 1kg	2y	<i>Controlled Drugs and Substances Act</i>	6(3)(a.1)	6-Nov-2012	<i>Safe Streets and Communities Act, SC 2012, c 1, s 40</i>		
Importing and exporting — Schedule II drug (marijuana)	Committed for the purpose of trafficking	1y	<i>Controlled Drugs and Substances Act</i>	6(3)(a)(i)	6-Nov-2012	<i>Safe Streets and Communities Act, SC 2012, c 1, s 40</i>		
	Abuse of a position of trust or authority	1y	<i>Controlled Drugs and Substances Act</i>	6(3)(a)(ii)	6-Nov-2012	<i>Safe Streets and Communities Act, SC 2012, c 1, s 40</i>		
	Abuse of access to a restricted area	1y	<i>Controlled Drugs and Substances Act</i>	6(3)(a)(iii)	6-Nov-2012	<i>Safe Streets and Communities Act, SC 2012, c 1, s 40</i>		
Production — Schedule I drug		2y	<i>Controlled Drugs and Substances Act</i>	7(2)(a)	6-Nov-2012	<i>Safe Streets and Communities Act, SC 2012, c 1, s 41(1)</i>		
	Using real property belonging to third party	3y	<i>Controlled Drugs and Substances Act</i>	7(2)(a)	6-Nov-2012	<i>Safe Streets and Communities Act, SC 2012, c 1, s 41(1)</i>		
	Causing potential security, health, or safety hazard to children	3y	<i>Controlled Drugs and Substances Act</i>	7(2)(a)	6-Nov-2012	<i>Safe Streets and Communities Act, SC 2012, c 1, s 41(1)</i>		
	Causing potential public safety hazard in residential area	3y	<i>Controlled Drugs and Substances Act</i>	7(2)(a)	6-Nov-2012	<i>Safe Streets and Communities Act, SC 2012, c 1, s 41(1)</i>		
	Using traps	3y	<i>Controlled Drugs and Substances Act</i>	7(2)(a)	6-Nov-2012	<i>Safe Streets and Communities Act, SC 2012, c 1, s 41(1)</i>		

Canadian Mandatory Minimum Sentences in the <i>Criminal Code and Controlled Drugs and Substances Act</i>								
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Offence	Additional elements	Mandatory minimum sentence	Act	Section	Came into force	Created by	Status	Case citation(s) (for Status)
Production — Schedule II drug (marijuana)	5-200 plants, and purpose is for trafficking	6m	<i>Controlled Drugs and Substances Act</i>	7(2)(b)(i)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1)	Struck down	<ul style="list-style-type: none"> • <i>R v Elliott</i>, 2017 BCCA 214 • <i>R v Boulton</i>, 2016 ONSC 2979 • <i>R v Vu</i>, 2015 ONSC 5834
	5-200 plants + purpose is for trafficking + health & safety factor	9m	<i>Controlled Drugs and Substances Act</i>	7(2)(b)(ii)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1)	Struck down	<ul style="list-style-type: none"> • <i>R v Vu</i>, 2015 ONSC 5834
	201-500 plants	1y	<i>Controlled Drugs and Substances Act</i>	7(2)(b)(iii)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1)	Upheld / Struck down	<p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R v Morrell</i>, 2017 ONSC 5606 <p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v Yu</i>, 2017 BCSC 823 • <i>R v Serov</i>, 2017 BCSC 120 • <i>R v Picard</i>, 2016 BCSC 2052 • <i>R v Li</i>, 2016 ONSC 1757 • <i>R v Nguyen</i>, 2017 BCPC 263
	201-500 plants + health & safety factor	1.5y	<i>Controlled Drugs and Substances Act</i>	7(2)(b)(iv)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1)	Upheld / Held to violate Charter by provincial court	<p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v Serov</i>, 2016 BCSC 636 <p><u>Held to violate Charter:</u></p> <ul style="list-style-type: none"> • <i>R v Nguyen</i>, 2017 BCPC 261
	More than 500 plants	2y	<i>Controlled Drugs and Substances Act</i>	7(2)(b)(v)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1)	Upheld / Struck down	<p><u>Upheld:</u></p> <ul style="list-style-type: none"> • <i>R v Hanna</i>, 2015 BCSC 986 • <i>R v Hofer</i>, 2016 BCSC 1442 <p><u>Struck down:</u></p> <ul style="list-style-type: none"> • <i>R v Tran</i>, 2017 ONSC 651 • <i>R v McGee</i>, 2016 BCSC 2175
	More than 500 plants + health & safety factor	3y	<i>Controlled Drugs and Substances Act</i>	7(2)(b)(vi)	6-Nov-2012	<i>Safe Streets and Communities Act</i> , SC 2012, c 1, s 41(1)	Struck down	<ul style="list-style-type: none"> • <i>R v Pham</i>, 2016 ONSC 5312 • <i>R v McGee</i>, 2016 BCSC 2175

Canadian Mandatory Minimum Sentences in the Criminal Code and Controlled Drugs and Substances Act								
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Offence	Additional elements	Mandatory minimum sentence	Act	Section	Came into force	Created by	Status	Case citation(s) (for Status)
High treason		Life	<i>Criminal Code</i>	47	Pre-2000			
Selling unstamped tobacco	10,000 cigarettes / 10 kg, 2nd offence, indictable	90d	<i>Criminal Code</i>	121.1(4)(a)(i)	10-Apr-2015	<i>Tackling Contraband Tobacco Act</i> , SC 2014, c 23, s 3		
	10,000 cigarettes / 10 kg, 3rd offence, indictable	180d	<i>Criminal Code</i>	121.1(4)(a)(ii)	10-Apr-2015	<i>Tackling Contraband Tobacco Act</i> , SC 2014, c 23, s 3		
	10,000 cigarettes / 10 kg, 4th offence, indictable	2y less 1d	<i>Criminal Code</i>	121.1(4)(a)(iii)	10-Apr-2015	<i>Tackling Contraband Tobacco Act</i> , SC 2014, c 23, s 3		
Betting/ book-making	2nd offence	14d	<i>Criminal Code</i>	202(2)(b)	Pre-2000	<i>Criminal Law Amendment, 1975</i> , SC 1974-75-76, c 93, s 11		
	3rd offence	3m	<i>Criminal Code</i>	202(2)(c)	Pre-2000	<i>Criminal Law Amendment, 1975</i> , SC 1974-75-76, c 93, s 11		
Placing bets for others	2nd offence	14d	<i>Criminal Code</i>	203(e)	Pre-2000	<i>Criminal Law Amendment, 1975</i> , SC 1974-75-76, c 93, s 11		
	3rd offence	3m	<i>Criminal Code</i>	203(f)	Pre-2000	<i>Criminal Law Amendment, 1975</i> , SC 1974-75-76, c 93, s 11		
Cause death by criminal negligence with firearm		4y	<i>Criminal Code</i>	220(a)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 141	Upheld	<ul style="list-style-type: none"> • <i>R v Morrissey</i>, 2000 SCC 39 • <i>R v Dockrill</i>, 2016 NSSC 56
Murder	1st degree	Life, min 25y	<i>Criminal Code</i>	235, 745(a)	Pre-2000		Upheld	<ul style="list-style-type: none"> • <i>R v Luxton</i>, 1990 CanLII 83 (SCC) • <i>R c Lefebvre</i>, 1992 CanLII 3937 (Que CA) • <i>R v Bowen</i>, 1990 ABCA 317 • <i>R v Cairns</i>, 1989 CarswellBC 1264 (CA) • <i>R v Elton</i>, 2014 BCSC 693
	2nd degree	Life, min 10y	<i>Criminal Code</i>	235, 745(c)	Pre-2000		Upheld	<ul style="list-style-type: none"> • <i>R v Latimer</i>, 2001 SCC 1 • <i>R v CAM</i>, 1987 CanLII 128 (NSCA) • <i>R v Laviolette</i>, 1985 CarswellPEI 31 (CA) • <i>R v Atsiqtaq</i>, [1988] NWTR 315 (SC)

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Offence	Additional elements	Mandatory minimum sentence	Act	Section	Came into force	Created by	Status	Case citation(s) (for Status)
	2nd degree, with previous murder conviction	Life, min 25y	<i>Criminal Code</i>	237, 745(b)-(b.1)	Pre-2000		Upheld	• <i>R v Falkner</i> , 2004 BCSC 986
Manslaughter	With firearm	4y	<i>Criminal Code</i>	236(a)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 142	Upheld	<ul style="list-style-type: none"> • <i>R v Ferguson</i>, 2008 SCC 6 • <i>R v Penner</i>, 2017 BCSC 1688 • <i>R v McMath</i>, 2015 BCSC 440 • <i>R v Birchall</i>, 2001 BCCA 356 • <i>R v Hainnu</i>, [1998] NWTJ No 101 (SC)
Attempted murder	With firearm	4y	<i>Criminal Code</i>	239(1)(a.1)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 143	Upheld	• <i>R v Ziegler</i> , 2017 ABQB 411
	With restricted/prohibited firearm, or for crim org with any firearm, 1st offence	5y	<i>Criminal Code</i>	239(1)(a)(i)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 16	Upheld	• <i>R v Forcillo</i> , 2016 ONSC 4896
	With restricted/prohibited firearm, or for crim org with any firearm, 2nd offence	7y	<i>Criminal Code</i>	239(1)(a)(ii)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 16		
Driving impaired/over 80 (also, where accident caused bodily harm or death)	1st offence	\$1,000 fine	<i>Criminal Code</i>	255(1)(a)(i)	2-Jul-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1)	Upheld (by a provincial court)	• <i>R v Dookie</i> , 2012 ONCJ 719
	2nd offence	30d	<i>Criminal Code</i>	255(1)(a)(ii)	2-Jul-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1)	Supported in obiter dicta by provincial court	• <i>R v Jimmy</i> , 2010 BCPC 257
	3rd offence	120d	<i>Criminal Code</i>	255(1)(a)(iii)	2-Jul-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1)	Supported in obiter dicta by provincial court	• <i>R v Jimmy</i> , 2010 BCPC 257
Refuse to provide blood/breath sample (also, where accident caused bodily harm or death)	1st offence	\$1,000 fine	<i>Criminal Code</i>	255(1)(a)(i)	2-Jul-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1)		
	2nd offence	30d	<i>Criminal Code</i>	255(1)(a)(ii)	2-Jul-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1)		
	3rd offence	120d	<i>Criminal Code</i>	255(1)(a)(iii)	2-Jul-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 21(1)		

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Kidnapping	With any firearm	4y	<i>Criminal Code</i>	279(1.1)(a.1)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 147		
	Against child under 16 (non-parent)	5y	<i>Criminal Code</i>	279(1.1)(a.2)	26-Jun-2013	<i>An Act to amend the Criminal Code (kidnapping of young people)</i> , SC 2013, c 32, s 1(1)		
	With restricted/prohibited firearm, or any firearm for crim org, 1st offence	5y	<i>Criminal Code</i>	279(1.1)(a)(i)	2-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 30(1)		
	With restricted/prohibited firearm, or any firearm for crim org, 2nd offence	7y	<i>Criminal Code</i>	279(1.1)(a)(ii)	2-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 30(1)		
Hostage taking	With firearm	4y	<i>Criminal Code</i>	279.1(2)(a.1)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 148		
	With restricted/prohibited firearm, or any firearm for crim org, 1st offence	5y	<i>Criminal Code</i>	279.1(2)(a)(i)	2-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 31(1)		
	With restricted/prohibited firearm, or any firearm for crim org, 2nd offence	7y	<i>Criminal Code</i>	279.1(2)(a)(ii)	2-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 31(1)		
Motor vehicle theft	3rd offence	6m	<i>Criminal Code</i>	333.1(1)(a)	29-Apr-2011	<i>Tackling Auto Theft and Property Crime Act</i> , SC 2010, c 14, s 3		
Robbery	With firearm	4y	<i>Criminal Code</i>	344(1)(a.1)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 149	Upheld	<ul style="list-style-type: none"> • <i>R v McDonald</i>, 1998 CanLII 13327 (Ont CA) • <i>R v Wust</i>, 1998 CanLII 5492 (BCCA) • <i>R c Lapierre</i>, 1998 CanLII 13203 (Que CA) • <i>R v Hailemolekot</i>, 2013 MBQB 285

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Robbery	With restricted/prohibited firearm, or any firearm for crim org, 1st offence	5y	<i>Criminal Code</i>	344(1)(a)(i)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 32	Upheld	<ul style="list-style-type: none"> • <i>R v McIntyre</i>, 2017 ONSC 360 • <i>R v Stocker</i>, 2017 BCSC 542 • <i>R v Mclvor</i>, 2017 MBPC 11
	With restricted/prohibited firearm, or any firearm for crim org, 2nd offence	7y	<i>Criminal Code</i>	344(1)(a)(ii)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 32		
Extortion	With firearm	4y	<i>Criminal Code</i>	346(1.1)(a.1)	Pre-2000	<i>Firearms Act</i> , SC 1995, c 39, s 150		
	With restricted/prohibited firearm, or any firearm for crim org, 1st offence	5y	<i>Criminal Code</i>	346(1.1)(a)(i)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 33(1)		
	With restricted/prohibited firearm, or any firearm for crim org, 2nd offence	7y	<i>Criminal Code</i>	346(1.1)(a)(ii)	1-May-2008	<i>Tackling Violent Crime Act</i> , SC 2008, c 6, s 33(1)		
Fraud	Over \$1 million	2y	<i>Criminal Code</i>	380(1.1)	1-Nov-2011	<i>Standing up for Victims of White Collar Crime Act</i> , 2011, c 6, s 2		
Mischief to war memorial	1st offence	\$1,000	<i>Criminal Code</i>	430(4.11)(a)(i)	19-Jun-2014	<i>An Act to amend the Criminal Code (mischief relating to war memorials)</i> , SC 2014, c 9, s 1		
	2nd offence	14d	<i>Criminal Code</i>	430(4.11)(a)(ii)	19-Jun-2014	<i>An Act to amend the Criminal Code (mischief relating to war memorials)</i> , SC 2014, c 9, s 1		
	3rd offence	30d	<i>Criminal Code</i>	430(4.11)(a)(iii)	19-Jun-2014	<i>An Act to amend the Criminal Code (mischief relating to war memorials)</i> , SC 2014, c 9, s 1		
Recruiting young person to criminal organization		6m	<i>Criminal Code</i>	467.111(a)	19-Jun-2014	<i>An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment)</i> , 2014, c 17, s 9		
Killing law enforcement animal	Indictable	6m	<i>Criminal Code</i>	445.01(2)(a)	23-Jun-2015	<i>Justice for Animals in Service Act (Quanto's Law)</i> , SC 2015, c 34, s 3		