

**UNIFORM LAW CONFERENCE OF CANADA
CRIMINAL SECTION RESOLUTIONS
August 2026**

Results of votes are listed as (Votes in Favour) – (Votes Opposed) – (Abstentions)

Alberta

AB2026-01

That Justice Canada, in consultation with the Provinces and Territories, examine the *Canada Evidence Act* to determine whether:

1. Communication accommodations should be afforded to a witness under s 6 of the Act where doing so would facilitate the witness' ability to communicate; and
2. Where a witness is required to testify on an inquiry under s 16 of the Act, that witness should be afforded communication accommodations during that inquiry.

Carried as Amended: 33-0-0

AB2026-02

That Justice Canada, in consultation with the provinces and territories, consider amendments to the *Criminal Code* for sealing orders and exclusion orders in relation to exhibits that contain a visual recording, image or representation of a sexual nature of a complainant or witness, in order to provide greater protection for victims of sexual offences. Considerations should include:

1. The possibility of a mandatory sealing order upon application by a prosecutor, a complainant or a witness for any exhibit that contains a visual recording, image or representation of a sexual nature of a complainant or witness.
2. The possibility of a mandatory order for the exclusion of the public from a court room upon application by a prosecutor, a complainant or a witness, when an exhibit that contains a visual recording, image or representation of a sexual nature of a complainant or witness is presented in court, and there is no other way to restrict the viewing of that exhibit.
3. The scope of the material that would be covered by sealing order and exclusion order provisions related to material of a "sexual nature."

Carried as Amended: 28-2-0

Canada

Canada – Canadian Bar Association

Can-CBA2026-01 / Can-ABC2026-01

It is recommended that a working group be created to study how to address:

1. the overrepresentation of people with mental illness in the criminal justice system;

Carried as Amended: 31-0-2

2. the overrepresentation of people with mental illness in the criminal justice system, including the feasibility of a separate Act to deal with mentally ill people who come into contact with the criminal justice system.

Carried as Amended: 18-10-5

Can-CBA2026-02 / Can-ABC2026-02

That Justice Canada consider, in consultation with the provinces and territories, amending the *Criminal Code* to require that a court that imposes a sentence shall also take into consideration evidence of any particularly punitive presentence incarceration conditions.

Carried as Amended: 28-0-4

Can-CBA2026-03 / Can-ABC2026-03

That Justice Canada, in consultation with the provinces and territories, study the creation of new categories of the offence of robbery reflecting the broad range of conduct with which the existing offence can be committed in order to permit a more proportionate sentencing regime.

Carried as Amended: 23-6-2

Can-CBA2026-04 / Can-ABC2026-04

That Justice Canada, in consultation with Provinces and Territories, examine ways to amend the forfeiture regime in s. 164.2 of the *Criminal Code* to permit forfeiture of lawfully-seized things after conviction that law enforcement has been unable to access, for example through the creation of a rebuttable presumption that if one device contains CSAEM then the other devices do as well.

Withdrawn

Canada – Public Prosecution Service of Canada

Can-PPSC2026-01 / Can-SPPC2026-01

That the Department of Justice Canada, in consultation with the Provinces and Territories, conduct a fulsome review of the *Journalistic Source Protection Act (JSPA)* to ensure that (a) journalistic status, as defined for these purposes, is appropriately and consistently conferred; and (b) the special procedures in sections 488.01 and 488.02 of the *Criminal Code* are triggered only in circumstances that legitimately engage the protection of confidential journalistic sources and are not available to be used as a mechanism to delay or obstruct lawful police investigations.

Carried as Amended: 31-2-1

Can-PPSC2026-02 / Can-SPPC2026-02

That Justice Canada study section 219 of the *Criminal Code* to determine if it should be amended to provide clarity to the fault element and conduct element.

Carried: 33-0-0

Can-PPSC2026-03 / Can-SPPC2026-03

That Justice Canada study, in consultation with the provinces and territories, service and notification requirements in the *Criminal Code* with a view to possible amendments to modernize forms of giving notice or providing service, as well as to clarify when service is deemed effective and providing options that courts may take when service is deemed defective.

Carried as Amended: 20-0-13

New Brunswick

NB2026-01

That Justice Canada review the application of prohibition orders under section 320.24 of the *Criminal Code*, with a view to possible amendments, to clarify their application to an offender's global sentence.

Carried as Amended: 33-0-1

NB2026-02

That section 109 of the *Criminal Code* be amended to provide that a court retains jurisdiction to impose a mandatory weapons prohibition order where it failed to consider such an order.

Carried: 30-0-1

Nova Scotia

NS2026-01

Be it resolved that Justice Canada, in consultation with provinces and territories, review the application of Part XVI to peace bonds, including section 810.03 peace bonds, with a view to amendments that ensure peace bond applicants are adequately protected while their application is pending before the courts.

Be it further resolved that Justice Canada, in consultation with provinces and territories study ways to simplify the process of applying for a peace bond and judicial interim conditions to remove barriers to access to justice.

Carried: 31-0-3

NS2026-02

Be it resolved that the Uniform Law Conference of Canada recommend that the federal government amend section 743.2 of the *Criminal Code* to provide explicit statutory protection for victim contact information collected for the purpose of complying with that provision, ensuring that such information:

1. Is shielded from public access;
2. Is not disclosed to the offender; and
3. Is used solely to fulfill the court's obligations to Correctional Service Canada under the *Corrections and Conditional Release Act*.

Withdrawn after debate

NS2026-03

That Justice Canada, in consultation with the provinces and territories, review the penalties for the impaired driving offences to address any inconsistencies in the application of the mandatory minimum penalties.

Carried as amended: 26-0-6

NS2026-04

That s. 753(1)(a) and 753(1)(b) of the *Criminal Code* be amended to permit an application to have a long term offender to be declared a dangerous offender upon conviction for breaching condition(s) of the long term supervision order where:

- The breach of conditions constitutes a serious and material violation, demonstrating an elevated risk to public safety and a reduced capacity for that risk to be effectively managed in the community; and
- The nature and circumstances of the breach establish an increased risk to the life, safety, or physical or mental well-being of the public, or of specific persons or vulnerable groups identified in the operative conditions or in the reasons of the judge or justice who imposed the order.

Withdrawn

Ontario

ON2026-01

That the *Criminal Code* be amended to increase the maximum sentence for “breach of trust by public officer” (s.122), when prosecuted by indictment.

Carried: 28-0-5

ON2026-02

That Justice Canada, in consultation with the provinces and territories, undertake further study on an amendment to s. 486.4 of the *Criminal Code* to include an automatic, but temporary, publication ban from the laying of a charge until the first court appearance for matters where a court-ordered publication ban is mandatory, or mandatory upon request.

Carried as Amended: 31-0-2

ON2026-03

That Justice Canada, in consultation with the provinces and territories, study whether *Criminal Code* provisions relating to indecency and sexual misconduct should be modernized, including to ensure that masturbation in the direct observation of another person, intending to be so observed, without that person's consent is an offence.

Carried as Amended: 25-3-4

ON2026-04

That s. 486.2 of the *Criminal Code* be amended so that when a witness is giving testimony outside of the court room, counsel are presumptively excluded from the room in which the witness is giving testimony, unless the court concludes it is in the interest of the proper administration of justice to order otherwise.

Carried as amended: 24-3-4

ON2026-05

That Justice Canada, in consultation with the provinces and territories, study whether the categories of compensable loss for a restitution order under s. 738 of the *Criminal Code* should be updated.

Carried: 28-0-2

ON-CLA2026-01

That Justice Canada, in consultation with the provinces and territories, study the direct indictment process to enhance transparency, improve court efficiency, and reduce delays, including to determine whether sections 574 and 577 of the *Criminal Code* should be amended to require that, when the accused has requested a preliminary inquiry, and the preliminary inquiry has not yet been held:

1. The Attorney General/Deputy Attorney General should consider providing the accused with notice a certain period prior to the preliminary inquiry before preferring an indictment directly (but that a failure to provide notice does not invalidate the proceedings or prevent the preferring of the indictment directly and is not ordinarily subject to review)
2. The Attorney General/Deputy Attorney General should consider inviting submissions from the accused prior to preferring an indictment directly (but that a failure to invite submissions does not invalidate the proceedings or prevent the preferring of the indictment directly and is not ordinarily subject to review)

3. The preferring of direct indictments should be completed within a specified period before the commencement of a preliminary inquiry (but that a failure to prefer the direct indictment within that time period does not invalidate the proceedings or prevent the preferring of the indictment directly and is not ordinarily subject to review)

Defeated as Amended: 11-12-10

Quebec

QC2026-01

That Justice Canada, in consultation with the provinces and territories, consider amending the *Criminal Code* to allow police officers, at the outset of the proceedings, to impose an order to abstain from communicating with the victim without the need for an arrest for the alleged offence.

Carried as Amended: 26-2-4

QC2026-02

That Justice Canada study the sentence provided for in s. 402.2 (5) (a) of the *Criminal Code* including whether to harmonize it with either the penalty for theft over \$5000 (s. 334(a)) or the penalty for trafficking in property obtained by crime or possession of property obtained by crime for the purpose of trafficking in property with a value exceeding \$5000 (355.54).

Carried as Amended: 25-4-2

QC2026-03

That subsections 51(1) and (3) of the *Youth Criminal Justice Act* be amended to include a prohibition on the possession of a “firearm part”, in a manner consistent with sections 109 and 110 of the *Criminal Code*.

Carried as Amended: 32-1-1

QC2026-04

That the definition of the term “offence” in section 183 of the *Criminal Code* be amended by adding section 218 of the *Criminal Code* (child abandonment).

Carried: 30-0-0

QC2026-05

That subsection 490.1(2) of the *Criminal Code*, subsection 91(2) of the *Cannabis Act* and subsection 16(2) of the *Controlled Drugs and Substances Act* be amended to reclassify “offence-related property” so as to include property that constitutes offence-related property under any federal statute.

Withdrawn

QC-AQAAD2026-01

That the *Criminal Code* be amended to provide courts with the discretion to authorize an offender to drive a necessary motorized mobility aid during a prohibition ordered under section 320.24.

Carried as Amended: 30-1-0

Saskatchewan

SK2026-01

That Justice Canada, in consultation with the provinces and territories, consider an amendment to the appeal provisions applicable to a determination under paragraph 72(1)(a) of the *Youth Criminal Justice Act* to permit appellate review on the ground that the determination is unreasonable.

Carried as Amended: 7-6-18

SK2026-02

It is recommended that s. 85(1)(a) of the *Criminal Code* be amended by replacing s. 344 (robbery) with s. 344(1)(a) (robbery with a restricted or prohibited firearm).

Carried: 25-3-5¹

REPORTS

Criminal Section Working Group Reports

Working group on section 672.26 and related sections of the Criminal Code (juries and fitness hearings)

Be it resolved that:

1. the Status Report of the Working Group on section 672.26 and related sections of the *Criminal Code* be accepted; and
2. the Working Group provide its next report to the Criminal Section at the 2027 annual meeting.

Carried: 32-0-0

Working Group on the Treatment of Animals in Canadian Law (Joint WG)

it is proposed to the delegates:

THAT the Policy report of the Working Group on the Treatment of Animals in Canadian Law be accepted;

THAT the Working Group continue working in accordance with the direction of the ULCC; and

THAT the Working Group present a Final report at the 2027 annual meeting.

Carried: *Unanimous with one abstention*²

¹ Resolution passed by jurisdictional vote

² Joint vote with the civil section

Working Group on Statutory Exemptions to Mandatory Minimum Penalties of Imprisonment

Be it resolved that:

1. The Final Report of the Working Group on Statutory Exemptions to Mandatory Minimum Penalties of Imprisonment be accepted; and
2. The recommendations in the Final Report of the Working Group on Statutory Exemptions to Mandatory Minimum Penalties of Imprisonment be approved.

Carried: 31-0-0

Working group on the restriction of the publication of the name and other identifying information of an accused person

Be it resolved that:

1. the Status Report of the Working Group on the restriction of the publication of the name and other identifying information of an accused person be accepted; and
2. the Working Group provide its next report to the Criminal Section at the 2027 annual meeting.

Carried: 29-0-0