

Geoffrey Stevens, "Bill Overhauls Criminal Code," *The Globe and Mail*, 22 December 1967. Retrieved from *The Globe and Mail: Canada's Heritage from 1844*.

In 1967, then Liberal Minister of Justice, Pierre Elliot Trudeau, proposed amendments to the Criminal Code of Canada. His omnibus bill dealt with a range of issues, including homosexuality, abortion, weapons, and divorce, and for many represented a withdrawal of the government from the "private" realm. The bill would be passed by the House of Commons in 1969.

## **BILL OVERHAULS CRIMINAL CODE**

BY GEOFFREY STEVENS

Globe and Mail Reporter

OTTAWA — The Government yesterday proposed a social revolution by introducing in the Commons a massive and unprecedented overhaul of Canadian criminal law.

The omnibus bill gives new recognition to individual rights in such areas as privacy, sexual behavior and abortion; takes a more liberal approach to gambling, and decrees that the interests of society must take precedence over the individual in such fields as impaired driving and possession of weapons.

The result of several years' work, the 72-page, 104-clause bill was given first reading a few hours before the Commons adjourned for the Christmas holiday. It will be called for second reading—approval in principle—after Parliament reconvenes on Jan. 22.

Justice Minister Pierre Trudeau told reporters he sees no reason to allow a free vote, meaning party whips will be applied on the entire bill.

### ***Bill follows U.K. legislation***

Among its highlights:

- Homosexual acts between consenting adults in private are legalized. At present, the Criminal Code sets a maximum sentence of 14 years' imprisonment for anyone committing buggery or bestiality and five years for anyone committing an act of gross indecency with another person. The amendments exempt acts committed in private between husband and wife or between any two persons, each of whom is at least 21, as long as both consent to the act.

As Mr. Trudeau put it to newsmen yesterday: "The state has no business in the bedrooms of the nation."

The Government bill follows the lines of legislation passed in Britain that was based on a three-year study of homosexual offences by a committee headed by Sir John Wolfenden.

- Abortion is permitted when pregnancy endangers the life or health of the expectant mother. It must be performed by a qualified medical practitioner and the therapeutic abortion committee of the hospital involved must certify the need for abortion.

At present, abortion is permitted only to save the mother's life. The inclusion of health was recommended this week in an interim report of the Commons Health and Welfare Committee. The committee is continuing its study in the New Year and abortion restrictions could be lifted further if the committee adds additional grounds in its final report. The chances are, however, that the Government will leave it as life and health for the time being.

- Breathalyzer tests are made compulsory for drivers suspected of being impaired. Refusal to undergo a test will be an offense and carry the same penalty as for impaired driving. For the first time, an impairment level is set—0.1 per cent of alcohol in blood.

### *Police must have grounds*

Mr. Trudeau stressed that police officers must have reasonable and probable grounds to believe that a driver is impaired before they order breath tests.

The blood-alcohol level is higher than that sought by the Commons Justice and Legal Affairs Committee, which recommended that drivers be considered impaired at .08 per cent.

- Lotteries are legalized, if conducted by the federal or provincial governments or under a license granted by a province to religious or charitable organizations, agricultural fairs or exhibitions or to other persons operating in a public place of amusement.

This will enable Ottawa or the provinces to conduct sweepstake lotteries if they choose. Limits are established on the value of prizes by non-governmental groups. The lottery scheme will include bingo and similar games played for small stakes.

At the same time, a complementary amendment makes it illegal for social clubs to charge a daily or hourly fee or take a percentage of winnings on gambling. They will still be able to recoup their overhead by charging membership dues.

This change, officials explained, is to assist police surveillance. At present, it is sometimes difficult to tell whether a club is simply recovering such costs as heat and light, or whether it is running a commercial gambling establishment.

Another clause in the bill authorized the Cabinet to boost the federal take on pari-mutuel racetrack betting to 1 per cent from .5 per cent.

- Courts are empowered to bar publication or broadcast by the news media of evidence given at a preliminary hearing until the accused has been discharged or, if he is committed to trial, until his trial ends.

### *Deter invasion of privacy*

- Harassing telephone calls are outlawed. At present, obscene telephone calls are an offense.

Mr. Trudeau said the new clause on harassing calls is designed to deter invasion of privacy. It will apply to such incidents as telephone calls in the middle of night in which the caller breathes heavily or simply hangs up when the phone is answered. It might, Mr. Trudeau said, also take in repeated calls by sales organizations or dance studios and the like that solicit business by telephone.

- New provisions are set down for more effective control over the possession and use of firearms and other weapons.

- For security reasons, tough new controls are placed on Canadian passports.

- Persons twice convicted of cruelty to animals may be barred from keeping any domestic animal or bird for two years. This will be in addition to any fine or sentence of imprisonment imposed.

- It becomes illegal to sell, offer for sale, advertise, purchase or possess an automobile master key, except under license issued by a provincial attorney-general.

- Courts are empowered to defer the issue of sanity in a trial until after the prosecution has established its case against the accused.

- Probation laws are eased to allow courts greater flexibility.

- Prisoners may be released, with or without escort, for 15 days during their imprisonment for humanitarian reasons or to assist in rehabilitation.

- In line with the legalization of homosexual activity between consenting adults, laws providing for preventive detention of dangerous offenders are revamped.