

THE CRIMINAL CODE OF CANADA 2007

21. **(1) Parties to offence** – every one is a party to an offence who
(a) actually commits it;
(b) does or omits to do anything for the purpose of aiding any person to commit it;
or
(c) abets any person in committing it.

22. **(1) Person counselling offence** – Where a person counsels another person to be a party to an offence and that other person is afterwards a party to that offence, the person who counselled is a party to that offence, notwithstanding that the offence was committed in a way different from that which was counselled.

22.2 **Other offences – organizations** – In respect of an offence that requires the prosecution to prove fault – other than negligence – an organization is a party to the offence if, with the intent at least in part to benefit the organization, one of its senior officers

- (a) acting within the scope of their authority, is a party to the offence;
- (b) having the mental state required to be a party to the offence and acting within the scope of their authority, directs the work of other representatives of the organization so that they do the act or make the omission specified in the offence;
- or
- (c) knowing that a representative of the organization is or is about to be a party to the offence, does not take all reasonable measures to stop them from being a party to the offence.

23. **(1) Accessory after the fact** – An accessory after the fact to an offence is one who, knowing that a person has been a party to the offence, receives, comforts or assists that person for the purpose of enabling that person to escape.

Corruption and Disobedience

119. **(1) Bribery of judicial officers, etc.** – Everyone who
(a) being the holder of a judicial office, or being a member of Parliament or of the legislature of a province, corruptly
(i) accepts or obtains.
(ii) agrees to accept, or
(iii) attempts to obtain,
any money, valuable consideration, office, place or employment for himself or another person in respect of anything done or omitted or to be done or omitted by him in his official capacity, or

(b) gives or offers, corruptly, to a person mentioned in paragraph (a) any money, valuable consideration, office, place or employment in respect of anything done or omitted or to be done or omitted by him in his official capacity for himself or another person,
is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

120. Bribery of officers – Every one who

(a) being a justice, police commissioner, peace officer, public officer or officer of a juvenile court, or being employed in the administration of criminal law, corruptly

- (i) accepts or obtains,
- (ii) agrees to accept, or
- (iii) attempts to obtain,

for himself or any other person any money, valuable consideration, office, place or employment with intent

- (iv) to interfere with the administration of justice,
- (v) to procure or facilitate the commission of an offence, or
- (vi) to protect from detection or punishment a person who has committed or who intends to commit an offence, or

(b) gives or offers, corruptly, to a person mentioned in paragraph (a) any money, valuable consideration, office, place or employment with intent that the person should do anything mentioned in subparagraph (a)(iv), (v) or (vi), is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

121.(1) Frauds on the government – Every one commits an offence who

(a) directly or indirectly

- (i) gives, offers, or agrees to give or offer to an official or to any member of his family, or to any one for the benefit of an official, or
- (ii) being an official, demands, accepts or offers or agrees to accept from any person for himself or another person.

a loan, reward, advantage or benefit of any kind as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with

- (iii) the transaction of business with or any matter of business relating to the government, or
- (iv) a claim against Her Majesty or any benefit that Her Majesty is authorized or is entitled to bestow,

whether or not, in fact, the official is able to cooperate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;

(e) gives, offers, or agrees to give or offer to a minister of the government or an official a reward, advantage or benefit of any kind as consideration

for cooperation, assistance, exercise of influence or an act or omission in connection with

- (i) anything mentioned in subparagraph (a)(iii) or (iv), or
 - (ii) the appointment of any person, including himself, to an office; or
- (f) having made a tender to obtain a contract with the government
- (i) gives, offers or agrees to give or offer to another person who has made a tender or to a member of his family, or to another person for the benefit of that person, a reward, advantage or benefit of any kind as consideration for the withdrawal of the tender of that person, or
 - (ii) demands, accepts or offers or agrees to accept from another person who has made a tender a reward, advantage or benefit of any kind as consideration for the withdrawal of his tender.

122. Breach of trust by public officer – Every official who, in connection with the duties of his office, commits fraud or a breach of trust is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years, whether or not the fraud or breach of trust would be an offence if it were committed in relation to a private person.

123. (1) Municipal corruption – Every one who

- (a) gives, offers or agrees to give or offer to a municipal official, or
- (b) being a municipal official, demands, accepts or offers or agrees to accept from any person,

a loan, reward, advantage or benefit of any kind as consideration for the official is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

(2) Influencing municipal official – Every one who

- (a) by suppression of the truth, in the case of a person who is under a duty to disclose the truth,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

125. Influencing or negotiating appointments or dealing in offices –

Every one who

- (a) receives, agrees to receive, gives or procures to be given, directly or indirectly, a reward, advantage or benefit of any kind as consideration for cooperation, assistance or exercise of influence to secure the appointment of any person to an office,
- (b) solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from an office, in expectation of a direct or indirect reward, advantage or benefit, or
- (c) keeps without lawful authority, the proof of which lies on him, a place for transacting or negotiating any business relating to
 - (i) the filling of vacancies in offices,
 - (ii) the sale or purchase of offices, or

(iii) appointments to or resignations from offices,
is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

126. (1) Disobeying a statute – Every one who, without lawful excuse, contravenes an Act of Parliament by willfully doing anything that it forbids or by willfully omitting to do anything that it requires to be done is, unless a punishment is expressly provided by law, guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Misleading Justice

131. (1) Perjury – Subject to subsection (3), every one commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to be made before him, a false statement under oath or solemn affirmation, by affidavit, solemn declaration or deposition or orally, knowing that the statement is false.

132. Punishment – Every one who commits perjury is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

136. (1) Witness giving contradictory evidence – Every one who, being a witness in a judicial proceeding, gives evidence with respect to any matter of fact or knowledge and who subsequently, in a judicial proceeding, gives evidence that is contrary to his previous evidence is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years, whether or not the prior or later evidence or either is true, but no person shall be convicted under this section unless the court, judge or provincial court judge, as the case may be, is satisfied beyond a reasonable doubt that the accused, in giving evidence in either of the judicial proceedings, intended to mislead.

137. Fabricating evidence – Every one who, with intent to mislead, fabricates anything with intent that it shall be used as evidence in a judicial proceeding, existing or proposed, by any means other than perjury or incitement to perjury is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

467.1 (1) Definitions – The following definitions apply to this Act.

“criminal organization” means a group, however organized, that
(a) is composed of three or more persons in or outside Canada; and
(b) has as one of its main purposes or main activities the facilitation or commission of one or more serious offences that, if committed, would likely result in the direct or indirect receipt of a material benefit, including a financial benefit, by the group or by any of the persons who constitute the group.

It does not include a group of persons that forms randomly for the immediate commission of a single offence. (*“organisation criminelle”*)

“serious offence” means an indictable offence under this or any other Act of Parliament for which the maximum punishment is imprisonment for five years or more, or another offence that is prescribed by regulation. (*“infraction grave”*)

(2) Facilitation – For the purposes of this section and section 467.11, facilitation of an offence does not require knowledge of a particular offence the commission of which is facilitated, or that an offence actually be committed.

(3) Commission of offence – In this section and in sections 467.11 to 467.13, committing an offence means being a party to it or counselling any person to be a party to it.

(4) Regulations – The Governor in Council may make regulations prescribing offences that are included in the definition “serious offence” in subsection (1).

467.11 (1) Participation in activities of criminal organization – Every person who, for the purpose of enhancing the ability of a criminal organization to facilitate or commit an indictable offence under this or any other Act of Parliament, knowingly, by act or omission, participates in or contributes to any activity of the criminal organization is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

(2) Prosecution – In a prosecution for an offence under subsection (1), it is not necessary for the prosecutor to prove that

- (a) the criminal organization actually facilitated or committed an indictable offence;
- (b) the participation or contribution of the accused actually enhanced the ability of the criminal organization to facilitate or commit an indictable offence;
- (c) the accused knew the specific nature of any indictable offence that may have been facilitated or committed by the criminal organization; or
- (d) the accused knew the identity of any of the persons who constitute the criminal organization.

(3) Factors – In determining whether an accused participates in or contributes to any activity of a criminal organization, the Court may consider, among other factors, whether the accused

- (a) uses a name, word, symbol or other representation that identifies, or is associated with, the criminal organization;
- (b) frequently associates with any of the persons who constitute the criminal organization;
- (c) receives any benefit from the criminal organization; or

(d) repeatedly engages in activities at the instruction of any of the person who constitute the criminal organization.

467.12 (1) Commission of offence for criminal organization – Every person who commits an indictable offence under this or any other Act of Parliament for the benefit of, at the direction of, or in association with, a criminal organization is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

(2) Prosecution – In a prosecution for an offence under subsection (1), it is not necessary for the prosecutor to prove that the accused knew the identity of any of the persons who constitute the criminal organization.

467.13 (1) Instructing commission of offence for criminal organization – Every person who is one of the persons who constitute a criminal organization and who knowingly instructs, directly or indirectly, any person to commit an offence under this or any other Act of Parliament for the benefit of, at the direction of, or in association with, the criminal organization is guilty of an indictable offence and liable to imprisonment for life.

(2) Prosecution – In a prosecution for an offence under subsection (1), it is not necessary for the prosecutor to prove that

- (a) an offence other than the offence under subsection (1) was actually committed;
- (b) the accused instructed a particular person to commit an offence; or
- (c) the accused knew the identity of all of the persons who constitute the criminal organization.