



Look-Up Table for Selected Criminal Code Offences and other Federal Offences

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The *Look-Up Table Of Selected Criminal Code Offences and other Federal Offences* is a product that is targeted at system developers and data providers. It is a lookup table that can be used to capture and validate offences in police, court and correctional computer systems.

Each row on the table carries information which describes “an item” (ie. a section, a subsection, a paragraph, etc. from a federal statute), and will be maintained by the Canadian Centre for Justice Statistics on a regular basis.

Up-to-date versions of the table will be available to system developers and data providers upon request from the Canadian Centre for Justice Statistics at (613) 951-5252 or, if you are outside Ottawa at 1-800-387-2231.

To consult the record layout document, click here



To consult the Look-Up Table, click here



The records

Table 1 describes the records found on the file COMMOFFN.TXT. The records on the database are “fixed format - ASCII text” and each record describes one “item” of information from a federal statute. Records are uniquely identified by a complex key made up of “Statute” + “Section” + “Subsection” + “Paragraph” + “Sub-para” + “StartDate”. Each of the “items” identified by these keys can represent one-or-more of the following: a definition item, an offence item, a procedural item or a penalty item. The meaning of these terms is described below.

Each row in Table 1 describes one of the fixed length columns in the lookup table. The first row, for example defines a field named “Statute” that starts in position 1 (the first column of the table) and has a maximum length of 3.

Table 1: Record Description

Field Name	Start Position	Width
Statute	1	3
Section	4	6
Subsection	10	4
Paragraph	14	4
Sub-para	18	5
Clause	23	6
StartDate	29	10
EndDate	39	10
FullOffn	49	35
MSORank	84	4
CommOff	88	2
Description	90	40
T_def	130	2
T_off	132	2
T_proc	134	2
T_pen	136	2
CrownPr	138	1
L_Modif	139	10

A typical “Statute Item”

Throughout this paper, references will be made to sections, sub-sections, paragraphs and sub-paragraphs. The numbers and text associated with each of these entities will be referred to as statute items. To make it easier to discuss the issues a section from the revised statutes of Canada, 1985 (RSC85) which deals with high treason and treason has been reproduced in Figure 1. This figure contains examples of statute items, sections, subsections and paragraphs. These

High treason — Treason — Canadian citizen — Overt act.

46. (1) Every one commits high treason who, in Canada,

- (a) kills or attempts to kill Her Majesty, or does her any bodily harm tending to death or destruction, maims or wounds her, or imprisons or restrains her;
- (b) levies war against Canada or does any act preparatory thereto; or
- (c) assists an enemy at war with Canada, or any armed forces against whom Canadian Forces are engaged in hostilities, whether or not a state of war exists between Canada and the country whose forces they are.

(2) Every one commits treason who, in Canada

- (a) uses force or violence for the purpose of overthrowing the government of Canada or a province;
- (b) without lawful authority, communicates or makes available to an agent of a state other than Canada, military or scientific character that he knows or ought to know may be used by that state for a purpose prejudicial to the safety or defence of Canada;
- (c) conspires with any person to commit high treason or to do anything mentioned in paragraph (a);
- (d) forms an intention to do anything that is high treason or that is mentioned in paragraph (a) and manifests that intention by an overt act; or
- (e) conspires with any person to do anything mentioned in paragraph (b) and manifests that intention by an overt act.

(3) Notwithstanding subsection (1) or (2), a Canadian citizen or a person who owes allegiance to Her Majesty in right of Canada,

- (a) commits high treason if, while in or out of Canada, he does anything mentioned in subsection (1); or
- (b) commits treason if, while in or out of Canada, he does anything mentioned in subsection (2).

(4) Where it is treason to conspire with any person, the act of conspiring is an overt act of treason.

Punishment for high treason — Punishment for treason — Corroboration — Minimum punishment.

47. (1) Every one who commits high treason is guilty of an indictable offence and shall be sentenced to imprisonment for life.

(2) Every one who commits treason is guilty of an indictable . . .

Figure 1: a typical statute item

items are normally (though not always) part of a hierarchy, where statutes are made up of sections, which are made up of sub-sections, which are composed of paragraphs, which are in turn made up of sub-paragraphs. Each of these “items” is represented by a field on the offence library database. The item for S.47 would be the parent item in a hierarchy which would include two other items: 47(1), and 47(2). These later two items are both at the same level in the hierarchy.

The fields

Statute

Format:

compound field in the format “Xnn” where:

X: represents the version number for the revised statutes of Canada, and

nn: is a code value which represents the actual federal statute that the “item” is a part of.

Description

This field defines what federal statute the record is a description of. It is a compound field, where the first digit is either an “X” representing an RSC70 item, or a “0”, representing an RSC85 item. When the statutes of Canada are next revised, another value will be added to the list of valid entries for this first digit.

The second and third digits of the statute code identify which statute is being described. A complete list of these two digit statute codes can be found in Table 2. From this list you can see that the Narcotics Control Act in RSC70 would be coded as “X02” and the Criminal Code from RSC85 would be coded “001”.

Each statute is made up of one to many sections.

**Table 2:
Statute
Lookup
Table**

Statute	Statute Name
01	Criminal Code of Canada
02	Narcotics Control Act
03	Food and Drug Act
04	Young Offenders Act
05	Customs Act
06	Immigration Act
07	Income Tax Act
08	Indian Act
09	Unemployment Insurance Ac
10	Environmental Protection
11	Parking Regulations
12	Fisheries Act
13	Fisheries Protection
14	Fisheries Regulations
99	Other Federal Statutes

Section

Format

Character

Description

The section field is the major identifier for a given “item”. Sections are always numeric and are often referenced with a preceding “S.” as is the case with S.46. The “Section” field on this file will not include the “S.” prefix. Section numbers may contain “decimals”, for example S.193.1. Decimals are used to insert new sections between existing sections to maintain the ordering provisions of the act. Finally each section can stand-alone or can be made up of sub-sections and/or paragraphs.

In the RSC85 version of the Criminal Code of Canada, S.46 refers to High Treason and the “Section” field on the High Treason record in the lookup table would contain the value “46”. Looking at High Treason as it is reproduced above it can be seen that there is no text assigned to this section. All of the text is actually assigned to one of four sub-sections.

SubSection

Format:

Character

Description

In a federal statute, the subsection field is a bracketed numeric value which may also contain “decimals” In the case of “High Treason”, the first sub-section is (1). Section 46, sub-section (1) then, deals with the offence of high treason. The actual text for S.46(1) reads as follows:

“46. (1) Every one commits high treason who, in Canada,”

As you can see, this “item” of information begins to describe an offence, but the description is still not complete — the description is completed by one of the three paragraphs that follow this sub-section.

Paragraph

Format:

Character

Description

Paragraphs are always bracketed alpha-numeric values where the first position is always an alphabetic value. Paragraphs can also include “pseudo decimals” as is the case in S.191(2)(b.1). Further, as is the case with subsections, brackets are not stored with the field, so that the paragraph field for the item noted above would be contain “b.1” rather that “(b.1)”.

While paragraphs normally fall under subsections in the statute item hierarchy, this is not always the case. From time to time you will find paragraphs which fall directly after a section code, with no intervening subsection. In the high treason example however, there is an intervening subsection (1) between the section item (46.) and the paragraph items (a), (b) and (c).

Each of the three paragraphs under 46 (1) complete one description of an event that would constitute high treason. Normally, in order to completely define an incidence of high treason you would have to quote one of: S.46.(1)(a), S.46.(1)(b) or S.46.(1)(c), but because police and court officials often do not have the full details available to them when entries are being made S.(46)(1) is also acceptable as a definition for high treason even though it lacks the precision provided by the paragraph codes.

Sub-para

Format:

Character

Description

The sub-paragraph code further refines a statute item. These items are always roman numerals and are the lowest member of the hierarchy used in federal statutes. The high treason example does not include any sub-paragraphs, but an example of a sub-paragraph would be S.193.1(2)(d)(ii).

Clause

Format:

Character

Description

The clause code is a new addition in 1998. It further refines a statute item. These items are always upper case alphabetic characters.

StartDate

Format:

character date: format(yyyy/mm/dd)

Description

The start date field is stored in the format "yyyy/mm/dd" and it describes the date on which the "item" being described by the record was "proclaimed in force". It was not always possible to determine the precise date when individual items were proclaimed in force so this date was often approximated based upon the statute or revision year. For example, items which were revised in 1992 would show a start date of 1992/01/01 (January 1, 1992) and RSC85 items which have never been revised might show a start date of 1988/12/12 (the date that the entire statute revision was proclaimed). These values should be used cautiously and when you identify a better "in force" date, please update the field and let the CCJS know which item was incorrect.

EndDate

Format:

character date: format(yyyy/mm/dd)

Description

The end date field is also stored in the "yyyy/mm/dd" format and it describes the date after which a particular item was no longer "in force". This date does not refer to the last date on which a charge under this section is valid, rather it refers to the last date on which an offence could be committed under this section. For example a rape that was committed in the late 1960s would use the criminal code section that was in place at the time of the offence, rather than the section

that is in place when the charge is actually laid. This date is never null. It is initialized to "9999/12/31" when a record is created (meaning that the statute item will never expire) to allow for the use of "between" functions — for example is a given date between the start date and the end date.

FullOffn

Format:

statute(section)(sub-section)(paragraph)(sub-paragraph)

Description

The full offence field is a concatenation of the statute, section, subsection, paragraph and sub-paragraph fields with brackets inserted around each element except for statute. Brackets for null values within the hierarchy are preserved, but brackets are omitted for null values at the hierarchies low order. For example where there is no subsection intervening between a section and a paragraph a set of brackets would be added as a place holder — as is the case in 001(184.4)()(a) [revised statutes of Canada 1985 S.184.4 paragraph (a)]. Note that there is not an additional set of brackets as a place holder for the missing sub-paragraph field. The major value of this field is that it can be used easily in look-ups, and comparisons without the need to trim and concatenate fields.

You should be aware that each of the elements that make up this field are treated as if they were alphabetic fields (they are not zero filled) and they will sort alphabetically instead of numerically. This means that, for example, the first 11 sections of the criminal code of Canada (RSC85) will sort as follows: [001(1), 001(10), 001(11), 001(2), 001(3), 001(4), 001(5), 001(6), 001(7), 001(8) and 001(9)].

MSORank

Format:

character (currently only the first two of four possible characters are used)

Description

This field is the current seriousness ranking scheme for offences. The lower the MSO ranking, the more serious is the offence. The word "current" is used intentionally in describing this field, because the mechanism for determining how serious an offence is, is currently under review and is subject to change. Wherever possible the code should be implemented using a table driven approach so that it can be changed as required without impacting the interfaces which make use of it.

This field will have no impact on systems which produce data for our micro-data surveys (the Incident based UCR, the Youth Corrections and Community Services survey, the Adult Criminal Court Survey and the Youth Court Survey) because the ranking of offences in these surveys will be conducted at the Centre, but it will have an impact on interfaces which provide data to our aggregate surveys (aggregate UCR and Adult Corrections). This is because a group of charges in a given occurrence (case or incident) will be "scored" by the interfaces using the most serious offence as defined by the MSORank code.

CommOff

Format:

character

Description

The Centre assigns each federal and provincial offence to a common offence category that was approved by the Liaison Officers Committee of the National Justice Initiative. This two digit numeric code ranges from 1 through 28 and is used to group like-natured offences. In our aggregate surveys, incidents or cases which involve multiple offences would first be scored according to the MSO ranking and the details would then be reported under the associated common offence code. A separate table describing these codes will be provided to system developers on request.

Description

Format:

character

Description

The description field is a short English description of the offence associated with the statute item dealt with in a given record. Wherever possible the description provided in the statute is used, but this is not always the case. This field should be used for reference only and not for inclusion on official documents without verification.

“T_” fields

All four of these logical (true/false) fields are “type” fields. Together they describe the nature of a statute item. A value of one (1) in any type field indicates “True”, while a value of zero (0) indicates false. The fields are not mutually exclusive so a given statute item can be one-or-more of: a definition item (T_def=1); an offence item (T_off=1); a procedural item, (T_proc=1); or a penalty item (T_pen=1).

T_def

Format:

logical (true=definition item; false=not a definition item)

Description

A value of one in this field indicates that the statute item in question has a definitional nature. This would include sections that define terms and sections that indicate what a term would “include”. Examples of definition sections include:

Example 1

Short Title.

1. This act may be cited as ...

or

Example 2

S.100
...
(3) For the purposes of subsections (1) and (2), “release from imprisonment” means release from confinement by reason of expiration of sentence, commencement of mandatory supervision or grant of parole other than day parole.

Or

Example 3

84. (1) In this Part and subsections 491(1), 515(4.1) and (4.11) and 810(3.1) and (3.11), “ammunition” means a cartridge containing a projectile ...”

T_off

Format:

logical (true=offence item; false=not an offence item)

Description

A value of one in this field indicates that the associated statute item defines or partly defines an offence. From the high treason example of an offence item would include all parts of section 46. While the scoring of this section is rather straightforward, other more difficult to score offences occur where a penalty item also has information about the offence. For example:

Example 4

Robbery.
344. Every person who commits robbery is guilty of an indictable offence and liable
(a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
(b) in any other case, to imprisonment for life.

In this example S.344 is the punishment section for the offence of robbery (which is defined in S.343). However, section 344 would also be scored as an offence because it identifies what offence “robbery” the person is guilty of. A person could just as well be charged under S.343, but the charge will often be laid under this section. Furthermore, both sub-sections (a) and (b) would also be scored as offence sections as they go further in the definition of the offence that was committed. In the case of (a), it indicates that not only was a robbery committed, but that a firearm was used in the process, while (b) indicates that no firearm was used. As well as being coded as an offence, S.344 would also be scored as a procedural item because it defines the way in which a crown must proceed with the prosecution (by indictment). Sub-sections (a) and (b) would not be coded as procedural, but aside from being offence sections, they would both be coded as penalty sections as well.

Finally, because staff entering data into operational systems often do not have sufficient information to say precisely what offence a person is being tried for (or has been convicted of),

this table will often code higher parts of a hierarchy as offence sections even when they do not actually define an offence. Take, for example the following scenario:

Example 5

347. (1) Notwithstanding any Act of Parliament, every one who

- (a) enters into an agreement or arrangement to receive interest at a criminal rate, or
- (b) receives a payment or partial payment of interest at a criminal rate,

is guilty of

- (c) an indictable offence and is liable to imprisonment for a term not exceeding five years, or
- (d) an offence punishable on summary conviction and is liable to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding six months or both.

In this example, the actual offence items are 347(1)(a) and 347(1)(b), but because the detailed information is often not available, operational systems will simply record 347(1) or simply 347 as the offence item. Rather than reject a huge number of records, this table has been set up to allow any of these entries, but wherever possible the correct offence items should be quoted.

T_proc

Format:

logical (true=procedural item; false=not a procedural item)

Description

This “type” field indicates that an item defines how some officer of the court must proceed in a given instance. This includes, but is not limited to, the way that a crown must proceed (by indictment or by summary conviction) for a given offence. It also includes items which tell a court or police officer to act in a given circumstance.

As far as crown proceedings are concerned, each offence item must also be a procedural item, or must be associated with a procedural item which identify the options that a crown has with regard to the identified offence.

In the example above, S.344 is both an offence and a procedural item, while S.343 would only be scored as an offence item. The procedure item which is associated with S.343 is S.344.

T_pen

Format:

logical (true=penalty item; false=not a penalty item)

Description

A one in the T_pen field identifies items which define the range of penalties or punishments that can be handed out for a given charge. Offence items often carry with them their own penalties, but penalty items also often stand-alone. For example, there could be many ways of committing an offence, where each way is described by a section or item of its own. Once all of the ways of committing an offence have been outlined, a single penalty item will often be used to define the punishment that a court should hand down upon a finding of guilt for all of the various ways of committing the offence.

CrownPr

Format:

character

Description

The crown procedure code identifies for each offence, procedure and penalty item how the crown must proceed in a given instance. Offences may be indictable by definition, summary by definition, or they may be hybrid (where the crown must decide whether to proceed by indictment or summarily). The way that this field has been scored on the lookup table is slightly different than the norm. The values that we include for each record or item in the table include:

- | |
|--|
| <ol style="list-style-type: none">1. the offence is summary by definition2. the offence is indictable by definition3. the offence is hybrid (can be proceeded with either summarily or by indictment)4. the offence is hybrid by definition, but the crown has chosen to proceed summarily5. the offence is hybrid by definition, but the crown has chosen to proceed by indictment. |
|--|

Table 3: Crown Proceeding Values

Values 4 and 5 would not be typically included in a table such as this. Operational systems would normally keep track of the item which describes the offence that a person is charged with rather than the item which defines how they chose to proceed with the offence. However as the crown proceeding code is often not available in operational systems, in order for our surveys to determine how a crown proceeded with a given charge we allow for the inclusion of penalty or procedure sections in the offence field. Where possible however, the crown proceedings indicator should be used and the offence item quoted.

L_Modif

Format:

character date: format(yyyy/mm/dd)

Description

1. This is the date that a given record was last modified. It can be used to selectively update your own offence library, or it can be ignored and the entire offence library can be replaced at once.