

Amendments Respecting Death Sentence

do not have adequate staff and equipment to assess the condition of prisoners and make a useful report to the governor in council.

Mr. Fairweather: I have not taken part in this debate so far, but I have a crucial question to ask and I hope the minister can answer it at this stage. It is this: How many murders have been committed by persons out on parole after serving a sentence for murder? In other words, how many second murders have been committed, say, in the last 50 years?

Mr. Pennell: Perhaps I may deal with the last question first. To the best of my knowledge, since records have been available there have been two. One was committed while a convicted murderer was inside a penitentiary. It involved another inmate. There was another in which a convicted murderer committed a second murder while on parole. I would point out that under the present law a person could commit two non-capital murders and still not attract a death sentence. The verdict likely to follow a murder committed during a fight between two inmates is one of non-capital murder. Those are the facts to the best of my knowledge.

Mr. Pugh: The minister means that two have been caught.

Mr. Pennell: The answer I gave reflected the position to the best of my knowledge.

The hon. member for Simcoe East was kind enough to remind me that we have privately discussed the suggestion that people sentenced to life imprisonment for murder ought to be committed to an institution other than a penitentiary for a complete psychiatric check. I am agreeable to that suggestion and I hope the Parole Act will be before us very shortly. The amendments to the Criminal Code which the Minister of Justice will be introducing will be in the form of an omnibus bill, and they do open up the Parole Act for discussion. I hope the point will be dealt with at that time.

As to the point raised by the hon. member for Greenwood, I agree that the work load on the cabinet would be increased. However, before 1961 it is my understanding that all murder cases had to be dealt with by the cabinet. This was before the division of offences into capital and non-capital murder. They were all brought before cabinet when commutation of sentences was being considered. Since we are now reducing the number of crimes attracting the death penalty, the number of cases will be considerably reduced

and it is felt that as we envisage a trial period of only five years the governor in council should continue to be involved in cases where parole is being granted to convicted murderers. I cast no reflection of course on the members of the parole board. Three cases have been brought to my attention since I have been Solicitor General. One was approved and the others deferred for further consideration. Consideration by cabinet is a further indication of the care which is taken before parole is granted to a convicted murderer.

Mr. Pugh: I have had a number of talks with the Solicitor General on this matter of life imprisonment. What does life imprisonment mean? I think this has been a bother to all hon. members. We are concerned to know exactly what the government has in mind when the bill talks about life imprisonment. The result of our vote means that in capital cases the sentence now is to be life imprisonment. We tried to bring in an amendment to provide for the retention of hanging in the case of sex offences against women and young children in the course of which murder is committed. Have any studies been made by competent medical authorities which would throw light on such crimes? What conclusions have been reached with regard to them by any authoritative body, either here or elsewhere in the world? What are the conclusions?

● (9:40 p.m.)

Perhaps I should now ask the Solicitor General whether these are the conclusions: In cases of sex offenders, regardless of the psychiatric treatment they have had during their incarceration, there is the possibility of the same thing happening again, even murder. Also there is the fact that any body of psychiatrists meeting together can come to only one conclusion; that is, that they cannot guarantee to society what the actions will be of such men if they are released again into society.

Mr. Pennell: Mr. Chairman, every care is taken, of course, by the parole board when preparing a case for presentation regarding parole. We do not claim infallibility either on the part of the parole board or the governor in council. I think, however, that the excellent record which has been maintained by the board in respect of screening these people and recommending their parole reflects, I think beyond any word of mine, that the greatest care is taken.