

automatically forfeits the parole, but issuing the warrant is not made mandatory or automatic in the case of the offender who is not detained following conviction for the offence committed while on parole. But the effect of forfeiture, as provided in Section 21 (1) (a) to (e) of the *Parole Act*, is to require the serving of the two terms.

It appears that the original intent was to make the commission of an indictable offence during parole a serious breach which left no discretion to the parole authority or the courts. However, the statute, as it is now written, leaves the issuing of a warrant of apprehension upon forfeiture of parole to the discretion of the parole authority. In our opinion, discretion is inappropriate because the commission of serious offences during parole and violation of a trust are grave matters. The offender should return to detention to serve both terms consecutively if a sentence is imposed for the second offence, and re-establish his suitability as a parole applicant as if he were imprisoned for the first time. We do not consider that such an offender should have to serve more than one-third of the total new term before becoming eligible for discretionary parole. The regulation which requires serving of one-half before this eligibility does not appear to be justified.

Recommendations

65. Parole legislation should provide:

- a) for forfeiture of parole upon conviction of an indictable offence punishable by a term of two years or more.
- b) for issuance of warrants of apprehension and/or committal upon forfeiture of parole.
- c) that the new sentence be consecutive to the remainder of the original sentence.

66. The parole regulation which requires the serving of one-half of the term imposed or seven years, whichever is the lesser, should be repealed in the case of those who have forfeited parole.

TERMINATION OF MINIMUM PAROLE. The procedures for parole termination outlined in this chapter can apply to all cases of discretionary and minimum parole except those of minimum parole of less than two months.

The category of short sentences, i.e., less than six months, would be treated somewhat differently. These cases are not examined for parole automatically but only upon application. There is no automatic procedure for setting an eligibility date for discretionary parole but special provisions are proposed to establish the minimum parole entitlement date. Inmates in this category released on minimum parole would not be supervised nor subjected to standard or special parole conditions. In fact, there is only one condition that should be set out in the minimum parole certificate: if the parolee commits any indictable offence during his minimum parole, it would be automatically forfeited. The effect of forfeiture would be that any offender whose minimum parole has been forfeited by conviction for an indictable offence would have to serve the remainder of his parole in confinement plus any new term that may be imposed. The forfeiture should be deemed to have taken place on the day on which the offence was committed. Because of the short time involved, it would be incumbent upon the courts and police to determine whether the person had completed his parole when he committed the