The reason for not removing the court's discretion to determine the sentence length is both sound and straightforward. The court should have the ability to consider both aggravating and mitigating factors that will help the criminal justice process impose the punishment that fits the crime.

The sentencing commission report sets out a long list of such aggravating factors at page 320, including the use of violence in the crime, existence of previous convictions, a manifestation of excessive cruelty toward the victim and other factors. Bill C–41 similarly acknowledges the importance of aggravating and mitigating factors in sentencing.

It is apparent with respect to the offences listed in the bill the court already has the authority to consider past offences as aggravating factors and to impose a life sentence for any of the offences listed in this bill.

The hon. member has tried to confine his three strikes model to a limited number of indictable offences and thereby avoid some of the excesses of the American statutes. He has succeeded only in narrowing the focus of Criminal Code offences that already carry a maximum life sentence.

Supporters of the bill will argue it is the pattern of offending that makes the difference, that requires this drastic change in our approach to sentencing. Let us examine the objectives of sentencing. One of the purposes of criminal law is denunciation through punishment. Nothing is achieved from the point of view of punishment by making a life sentence mandatory for three offences as opposed to allowing the court to consider all relevant factors in imposing sentence which can be life for any of the 15 listed offences. It seems likely such a pattern of repeat offending would lead the court to consider a very long sentence for any of these serious crimes.

The other purposes of sentencing include deterrence and the long term protection of society against criminals likely to reoffend. From this perspective, Bill C–301 casts too wide a net in its indiscriminate approach to patterns of offending. Would it not be better to tailor a law to the actual conduct that shows a likelihood of reoffending violently? Can we not focus on the circumstances of the offence, on the offender's mental state, on the brutality of his actions, all factors that evidence a continuing threat to the community?

We have such a law found in part 24 of the Criminal Code, dangers offender sections. This part specifically allows the court to impose an indeterminate sentence for a pattern of serious personal injury offences as defined in section 752 as follows:

> An indictable offence, other than high treason, treason, first degree murder or second degree murder, involving, (i) the use or attempted use of violence against another person, or
>
> (ii) conduct endangering or likely to endanger the life or safety of another person or inflicting or likely to inflict psychological damage upon another person, and for which the offender may be sentenced to imprisonment for ten years or more.

A number of particular sexual offences are also included in the definition. This approach to patterns of offending allows the court to link past offences and violent conduct to a prediction that the offender constitutes a threat to the life, safety or physical or mental well–being of other persons.

The court is also required to hear psychiatric evidence and dangerous offender hearings allow both the prosecution and the defence to introduce evidence about the potential threat posed by the offender to the community. Those are good opportunities to hear what threat there is and the reasons for a long sentence. This structured approach contrasts with the automatic life sentence this bill would impose.

I recommend we let the courts do their job. The Criminal Code already provides for life sentences for these 15 crimes and additionally sets out a dangerous offender procedure which targets patterns of violence and links such patterns to predictions of violent reoffending.

• (1805)

[*Translation*]

**Mrs. Pierrette Venne (Saint–Hubert, BQ):** Mr. Speaker, we are back in the jurassic era. The Reform Party, particularly the hon. member for Esquimalt—Juan de Fuca, has outdone itself. Did his riding's proximity to California have such a major impact on the hon. member? Bill C–301 is nothing but a substitute for California's "three strikes and you are out" law.

I understand that the professional baseball strike lasted a long time and that fans missed the action. But to introduce professional sports rules into criminal law is something else. This is the figment of a wild, even dangerous imagination.

I asked myself what could possibly have inspired the hon. member for Esquimalt—Juan de Fuca. Certainly not inmate rehabilitation, crime prevention or community integration programs. What then? The answer is simple. There was no need for me to rack my brains. It is repression. One of the inquisition party's favourite phrases is, "Let us lock up criminals and throw away the key".

If they are to be believed, we have been in a full–blown crisis for a long time. The true crisis is the disinformation crisis which has been in effect since the Reform Party was elected. Its members make questionable comments on crime in this country, manipulate statistics, and engage in scaremongering. Their