

THE HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-298

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An Act to amend the Criminal Code
(reporting names of accused)

Loi modifiant le Code criminel
(indication des noms des accusés)

NOTE EXPLICATIVE

EXPLANATORY NOTE

The purpose of this Bill is to amend the Criminal Code so that it shall be an offence to publish in a newspaper or to broadcast the name, address or occupation of an accused, or identify an accused in any manner whatsoever, in connection with the commission of an offence or judicial proceedings arising out of the commission of an offence.

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Reporting Names of Accused

281.01 (1) Notwithstanding anything in this Act, no one commits an offence who publishes in a newspaper or broadcasts the name, address or occupation of an accused, or identifies an accused in any manner whatsoever, in connection with the commission of an offence or judicial proceedings arising out of the commission of an offence.

(2) In this section, "accused" means a person who has been charged with an offence and who

(a) is awaiting trial,

(b) is undergoing trial,

(c) has been acquitted, or

(d) has received an absolute discharge or pardon

in respect of the offence;

"offence" means an offence under any Act of Parliament.

(3) Every offence under this section is punishable on summary conviction.

Indication des noms des accusés

281.01 (1) Nonobstant toute autre disposition de la présente loi, commet une infraction quiconque imprime ou publie dans un journal ou radiodiffuse le nom, l'adresse ou l'occupation d'un accusé, ou identifie un accusé de quelque façon, en sujet de la commission d'une infraction ou de poursuites judiciaires résultant de fait de la commission d'une infraction.

(2) Dans le présent article, «accusé» désigne une personne inculpée d'une infraction et

a) qui attend son procès,

b) dont le procès est en cours,

c) qui a été acquittée, ou

d) qui a obtenu une libération inconditionnelle ou un pardon

en ce qui concerne l'infraction;

«infraction» désigne toute infraction à une loi du Parlement.

(3) Toute infraction au présent article est punissable sur déclaration sommaire de culpabilité.