

Government Orders

The problem with section 85 is that only a third of the charges made under this section result in convictions. Lawyers on a case will use this section most of the time for plea bargaining. The Crown is satisfied with the few convictions, because, in return, it obtains a guilty plea for the principal offence, such as robbery or sexual assault.

• (1250)

The bill does not resolve this de facto situation. Minimum sentences are increased, but there is no mechanism to force lawyers to stop bargaining for guilty pleas. In addition, judges, generally, tend to follow a principle of combining the number of years a defendant has to serve. Nothing in the bill will change this practice.

I would even bet that they will continue to do it and in this way reduce the length of the sentence for major offences. In real terms, there may be no significant increase in the actual number of years that the person will have to serve. However, if judges stop giving concurrent jail sentences, the increase in the jail population could become another problem area. I will come back to this later.

Finally, section 85 is modified by the addition of a list of 10 violent offences which will be covered by the provision. We wonder whether the government really was serious when it drew up this list. Manslaughter, an unpremeditated crime, is on the list. However, armed assault is not. Does that mean that the punishment will be the same, whether or not the victim survives the assault? Forcible confinement is not on the list, but kidnaping and hostage are.

I also really have doubts about whether the increase in the minimum sentence provided for in section 85 will be a deterrent. I would like to point out that a working paper on section 85, in particular, and on minimum sentences, in general, prepared by the department of justice concluded that for the most part, the public does not know which offences have a mandatory minimum sentence.

In addition, the same document, which the Minister of Justice should have analyzed more thoroughly, also concludes that mandatory minimum sentences are very weak deterrents and have little impact on the incidence of major crimes. Robbery is an excellent example. Even worse, apparently juries are less inclined to render a guilty verdict if they know that the accused will have to serve a mandatory sentence for the offence.

Assuming that judges will not apply the principle of adding up the total number of years for multiple offences, prison populations will increase substantially as a result. Indeed, the minimum sentence of four years would be served after any other sentence imposed by the judge.

The Minister of Justice seems to believe, naively, that detention centres could accommodate this increase in the number of

prisoners. He claims that the deterrence effect of his bill would lower the number of firearms offences. There is no way of knowing the impact of his reform bill on the number of future convictions.

We must bear in mind that a chain is only as strong as its weakest link. If the minister wishes to increase minimum sentences stipulated under section 85 of the Criminal Code, he must realize that prison populations will increase thereby and that we do not have the necessary infrastructure to accommodate these new prisoners.

Let us turn our attention to the warning issued by Professor Pierre Landreville of the Université de Montréal. In an article published in *Le Devoir* of December 23, Mr. Landreville explains the danger of such legislation, and I quote: "Some 1,500 persons are convicted each year in Quebec and could possibly be given a minimum sentence of four years in addition to the sentence for the major offence. The population of Quebec penitentiaries, currently about 4,000 prisoners, would nearly double in the first four years after implementation of this measure".

If prison populations increase, so too will the related costs.

• (1255)

Will the minister honestly tell taxpayers how much his reform will cost us, knowing that, just to keep a prisoner in jail, it cost on average, in 1992-93, \$56,000 in a maximum security facility and \$36,000 in a medium security one? Can the pro-gun lobby still say it is satisfied with the increase in the minimum sentence stipulated in section 85?

Moreover, for those of us in favour of gun control, can we claim this as a victory? Certainly not. The bill establishes a separate piece of legislation providing for a licensing system regarding the possession and use of firearms, and a national system for the registration of all firearms. Non-compliance with the provisions dealing with licensing and registration will be an offence under the Criminal Code. Going against the wishes of several of his Liberal colleagues, the justice minister decided to maintain sanctions in the bill.

Moreover, Bill C-68 provides for new offences and hefty penalties for the illegal importing of firearms and gun trafficking. In addition to the compulsory minimum sentence, individuals convicted of one of the ten designated violent offences will be prohibited for life from possessing a restricted or prohibited weapon. Up to now, everything is fine and these provisions are the direct result of our representations.

Also, under bill C-68, from now on, importing or selling .25 and .32 calibre handguns and handguns that have a barrel 105 mm in length or less will be prohibited. This ban affects roughly 58 per cent of all handguns in Canada.