

Federal government tackles gun crime through bail reform

On November 23rd, 2006, the federal government introduced legislation in the House of Commons that seeks to amend the bail process for those involved in firearms and gun crimes. Similar to the [government's bill on repeat dangerous offenders](#) proposed earlier in the fall, the bail legislation seeks to amend the Criminal Code of Canada, creating a [reverse onus](#) where the accused is responsible for proving why they should be granted bail and not reprimanded to custody. Under the present law, the burden falls on the Crown to prove the accused should not be granted bail.

The bill is being denounced by some as an infringement on the Canadian Charter of Rights and Freedoms, which enshrines guarantees to freedom such as section 7 and the right to life, liberty, and security of the person, section 11 and the presumption of innocence, and section 12's prohibition of cruel and unusual treatment or punishment.

Despite strong criticism from legal and constitutional experts, both Prime Minister Stephen Harper and Justice Minister Vic Toews have stated that the reverse onus principle is already allowed in Canada in circumstances involving organized crime and drug trafficking. Further, they imply that this new law would succeed in a Constitutional challenge before the courts.

Sources

- CBC News, "Ontario, Toronto back Harper's crackdown on gun crimes" CBC.ca (23 November 2006)
- Gregory Bonnell, "Harper appeals to Ontario voters with bail reform" Cnews Online (23 November 2006)

Further Reading

- Office of the Prime Minister, "Tackling crime through bail reform" Government of Canada (23 November 2006)