

Fact Sheet: Changes to Canada's pardon laws

Background

4 million – Number of Canadians estimated to have a criminal record

The Law

Bill C-10 – The bill, called "[The Safe Streets and Communities Act](#)" the previous government passed to amend the Canada pardon rules

Bill C23A – [Limiting Pardons for Serious Crimes Act](#)

Bill C23B – The bill changing the pardon rules to:

- Remove eligibility for some offences
- Change the name to [Record Suspension](#)
- Extend waiting period
- Introduce additional factors to the [Parole Board](#)'s decision making

March 12, 2012 – Date Bill C-10 was passed

Criminal Records Act – The law which governs Record Suspensions (pardons). This is the law that the previous government amended.

Parole Board of Canada – The government body responsible for issuing pardons. The Parole Board launched two public consultations on Canadian pardon laws in 2016, but has not released a report on the findings.

The Canadian Charter of Rights and Freedoms – Part of the Canadian Constitution, [the Charter](#) is interpreted to mean that an offender cannot be punished twice for the same crime.

The Changes

Record Suspension – The government changed the name pardon to Record Suspension, which highlights the fact that the record could come back should the person reoffend. It also removes the concept of “forgiveness” from the system.

Removed eligibility – People convicted of [Schedule 1 offences](#) or having more than three indictable offences with sentences of two years or more each are no longer eligible.

Summary Offence – Wait time increased from three years to five

Indictable Offence – Wait time increased from five years to 10

29,812 – Number of pardon applications before the changes were passed

12,743 – Number of pardon applications in the last year (2015-16)

11% – Percentage of people with a criminal record who apply for a pardon

96% – The number of granted pardons that have not been revoked. A Record Suspension can be revoked if the person reoffends.

Who is involved

Stephen Harper – Then prime minister led the charge to get tough with Canadian offenders by making the pardon rules more restrictive, along with many other criminal justice changes.

Vic Toews – Conservative Public Safety minister at the time of the changes

Prime Minister Justin Trudeau – Has promised a review of the pardon laws

B.C. Supreme Court Justice Heather MacNaughton – In 2017, she ruled that changing the wait times retroactively violated offenders’ rights

Ricky Martin Chu – Citizen who challenged the retroactive changes to waiting times in BC

Eric Gottardi – Chu’s lawyer

Michael Charron – Ontario resident who challenged the constitutionality of the law

Public Safety Minister Ralph Goodale – Plans to overhaul some of the changes the previous government made to the pardon system, including the name change

Other Resources

[John Howard Society](#)

[Canadian Bar Association](#)

Contact

AllCleared has instrumental in raising awareness of the changes to pardon laws and the affect on ordinary Canadians. Contact us for background or opinions on this issue at 1-866-972-7366.

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ABOUT

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