LAW 201 Week 4 Lecture Notes

September 28th, 2023

Sources of Criminal Law

- Only federal government. Parliament has exclusive legislative jurisdiction for criminal law and procedure
- No judge made offence. Common law offences abolished in 1953. Charge must always allege a breach of a statutory provision 9usually the Criminal Code)
 - Risk of individual subjectivity
 - It ensures the closest thing to a consistent judicial outcome across Canada

Sample Offence the Criminal Code

Assault:

- 265 (1) A person commits an assault when
 - (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly
 - (2) This section applies to all forms of assault, including sexual assault
- Law deals with two main elements. The first is the act element. The second is the mental element
- Application of force without consent
- · What was in the defenders or accused mind
 - For any bad behaviour to be considered assault the prosecution has to prove that intention was present
- · Absence of consent
 - Consent may be vitiated where "serious hurt or non-trivial bodily harm" intended and caused
- Knowledge of absence of consent (possible defence of mistake of fact, must take "reasonable steps" to ascertain consent)
- A mistake of law is no defence. You can, however, argue that you that they were consenting
 - Actions are considered consent in these cases

Are There Any Limits on What Can be Criminalized?

- The difference between assault and a morality offence like drug consumption is that assault infringes on the sovereignty of others
- The Bedford v. Canada case
 - Canada became the first country to legalize sex work
 - This is a case of a judge changing law
 - They did it through legislation but did a partial decriminalization

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Joacim Rocklöv

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The Criminal Law Journal, 1964 Kenya Gazette ,1949-01-18 The Kenya Gazette is an Current Law Index .2001 official publication of the government of the Republic of Kenya It contains notices of new legislation notices required to be published by law or policy as well as other announcements that are published for general public information It is published every week usually on Friday with occasional releases of special or supplementary editions within the week the Proceedings and Printed Papers of the Parliament Australia. Parliament, 1908 The Mysore Gazette Mysore Parliamentary Papers Australia. Parliament, 1908 (India: State).1960 Engineering ,1895 Hansard's Parliamentary Debates Great Britain. Parliament, 1879 Challenges of Policing Democracies Dilip Das, Marenin Otwin, 2012-10-12 In this text the editors analyze the diverse situations that police forces operate under and the challenges that they face in different kinds of democracies This cross cultural comparison of various systems highlights the universal observation that police are a anomaly in a democracy and explores how various influences for example large scale social violence a zeal for crime fighting and vulnerability to temptation often find police incapable of behaving in a democratic manner Challenges of Policing Democracies goes beyond just showing the similarities and differences of the policing challenges democratic societies face it also examines the responses and remedies adopted by police in various countries at different levels of democratic achievement and how every society struggles with the challenges of preserving democratic values without sacrificing the effectiveness of policing The Academy ,1878

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