



## Criminal Tariff Changes – Bill C-75

Bill C-75, *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, changes the maximum penalty for summary conviction offences effective September 21, 2019. As a result, the Legal Services Society (LSS) has made the following tariff changes:

- Reclassified 3 LSS offences from summary to indictable (Impaired/.08, Fail/Refuse to provide breath sample, Prostitution);
- Changed the criteria for when an LSS summary level offence is paid at the indictable rate from whether the maximum offence is greater than 6 months, to whether the Crown is proceeding by indictment.

These tariff changes will result in little to no change to what you are paid for these cases compared to prior to Bill C-75. The updated Criminal chapter of the LSS Tariffs is now available on the LSS website at [legalaid.bc.ca](http://legalaid.bc.ca) (under Lawyers – LSS Tariffs) and in LSS Online under Resources.

### Transition rule for contracts

Effective September 21, 2019, the above offences will be indictable for all new Informations added to criminal contracts and will be updated by LSS for all Informations on active contracts that have not yet reached their bill by date.

For any other summary offence you may indicate in LSS Online that the Information should be paid at the indictable rate if the Crown is proceeding by indictment.

### Background

Bill C-75 received Royal Assent on June 21, 2019. Among other amendments, Bill C-75 has changed the classification of offences, including:

- Standardizing the maximum sentence for all summary offences to 2 years less a day (with a few exceptions), and
- Hybridizing 136 Indictable offences, which will allow the Crown to choose whether to proceed by indictment or summary conviction.

These amendments change the way that LSS classifies offences for tariff purposes. A six month maximum sentence no longer works as a threshold for when an offence may be billed at the indictable rate. Changing the classification of some offences allows LSS to maintain its overall offence classification structure in the tariff. When the Crown elects to proceed by indictment cases will continue to be treated as indictable.

As always, we welcome your feedback regarding the *LSS Tariffs*. If you have any comments, please email [lawyersresources@lss.bc.ca](mailto:lawyersresources@lss.bc.ca).

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