

SOIRA ORDER – WORKSHEET

QUESTION	YES / NO	REMARKS
IS IT A DESIGNATED OFFENCE?		
<p>Was the accused convicted of committing, attempting to commit, or conspiring to commit any of the following offences:</p> <p> <input type="checkbox"/> 7(4.1) <input type="checkbox"/> 170(a) <input type="checkbox"/> 212(1)(i) <input type="checkbox"/> 151 <input type="checkbox"/> 170(b) <input type="checkbox"/> 212(2) <input type="checkbox"/> 152 <input type="checkbox"/> 171.1(a) <input type="checkbox"/> 212(2.1) <input type="checkbox"/> 153 <input type="checkbox"/> 171.1(b) <input type="checkbox"/> 212(4) <input type="checkbox"/> 153.1 <input type="checkbox"/> 171.1(c) <input type="checkbox"/> 271 <input type="checkbox"/> 155 <input type="checkbox"/> 172.1(a) <input type="checkbox"/> 272(2) <input type="checkbox"/> 160(2) <input type="checkbox"/> 172.1(b) <input type="checkbox"/> 272(2)(a.2) <input type="checkbox"/> 160(3) <input type="checkbox"/> 172.1(c) <input type="checkbox"/> 273(2)(a) <input type="checkbox"/> 163.1(2) <input type="checkbox"/> 172.2(a) <input type="checkbox"/> 273(2)(a.1) <input type="checkbox"/> 63.1(3) <input type="checkbox"/> 172.2(b) <input type="checkbox"/> 273(2)(b) <input type="checkbox"/> 163.1(4) <input type="checkbox"/> 172.2(c) <input type="checkbox"/> 273.3(2) <input type="checkbox"/> 163(4.1) <input type="checkbox"/> 173(2) </p>		<p>If "Yes" then it is a designated offence under s.490.011(1)(a) if actually committed or s.490.011(1)(e) if it was an attempt or conspiracy</p>
<p>Was the accused convicted of committing, attempting to commit, or conspiring to commit any of the following offences, R.S.C. 1970 as it read before Jan 4, 1983:</p> <p> <input type="checkbox"/> 144 <input type="checkbox"/> 149 <input type="checkbox"/> 246(1) <input type="checkbox"/> 145 <input type="checkbox"/> 156 </p>		<p>If "Yes" then it is a designated offence under s.490.011(1)(c) if actually committed or s.490.011(1)(e) if it was an attempt or conspiracy</p>
<p>Was the accused convicted of committing, attempting to commit, or conspiring to commit any of the following offences, R.S.C. as amended by ch 125 S.C. 1980-81-82-83:</p> <p> <input type="checkbox"/> 246.1 <input type="checkbox"/> 246.2 <input type="checkbox"/> 246.3 </p>		<p>If "Yes" then it is a designated offence under s.490.011(1)(c.1) if actually committed or s.490.011(1)(e) if it was an attempt or conspiracy</p>
<p>Was the accused convicted of committing, attempting to commit, or conspiring to commit any of the following offences, R.S.C. 1970 as they read before Jan 1, 1988:</p> <p> <input type="checkbox"/> 146(1) <input type="checkbox"/> 153 <input type="checkbox"/> 166 <input type="checkbox"/> 146(2) <input type="checkbox"/> 157 <input type="checkbox"/> 167 </p>		<p>If "Yes" then it is a designated offence under s.490.011(1)(d) if actually committed or s.490.011(1)(e) if it was an attempt or conspiracy</p>
<p>Was the accused convicted of committing, attempting to commit, or conspiring to commit any of the following offences:</p> <p> <input type="checkbox"/> 162(5) <input type="checkbox"/> 234 <input type="checkbox"/> 279.01 <input type="checkbox"/> 173(1) <input type="checkbox"/> 246(b) <input type="checkbox"/> 280 <input type="checkbox"/> 177 <input type="checkbox"/> 264 <input type="checkbox"/> 281 <input type="checkbox"/> 230 <input type="checkbox"/> 279(1.1) <input type="checkbox"/> 348(1)(d) <input type="checkbox"/> 231 <input type="checkbox"/> 279(2) </p> <p>AND the Crown can prove the accused intended to commit an offence designated under s.490.011(1) a), c), c.1), d), e)</p>		<p>If "Yes" then it is a designated offence under s.490.011(1)(b) if actually committed or s.490.011(1)(f) if it was an attempt or conspiracy</p>
WHAT SECTION SHOULD THE SOIRA ORDER BE MADE AND FOR HOW LONG?		
<p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f) for which the maximum penalty is life imprisonment</p>		<p>If "Yes" the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p>OR s.490.012(2) [for offences designated under s.490.011(1) b), f)]</p> <p>The duration should be LIFE [see s.490.013 (2)(c)]</p>

QUESTION	YES / NO	REMARKS
<p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f) and is presently bound or has previously been bound by a SOIRA order under s. 490.012 or s.227.01 of the <i>National Defence Act</i></p>		<p>If "Yes" the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p>OR s. 490.012(2) [for offences designated under s. 490.011(1) b), f)]</p> <p>The duration should be LIFE [see s. 490.013 (4)]</p>
<p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f) and has previously been subject to an Order in Form 53 [Conviction before Dec 15, 2004] or Form 54 [Conviction outside Canada] under s. 227.06 of the <i>National Defence Act</i> or s.26 of the <i>International Transfer of Offenders Act</i></p> <p>Contact the SOIRA officers to ensure compliance 902-720-5338</p>		<p>If "Yes" the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p>OR s.490.012(2) [for offences designated under s.490.011(1) b), f)]</p> <p>The duration should be LIFE [see s.490.013 (3)]</p>
<p>Was the accused convicted of multiple counts designated under s.490.011(1) a), c), c.1), d), e) including multiple counts of the same offence</p> <p>Note: this does NOT apply to offences designated under s.490.011(1) b), f)</p>		<p>If "Yes" the application should be under s.490.012(1) and the duration should be LIFE [see s.490.013 (2.1)]</p>
<p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f)</p> <p>AND no other provision provides for a LIFE term</p> <p>AND the accused has a previous conviction, or NCR verdict, for an offence designated under s.490.011(1) a), c), c.1), d), e) for which they were not served a notice and no order was made [see s.490.012 (3) a), b), c)]</p> <p>**Note there are other conditions to be met here that refer to the <i>National Defence Act</i>.</p> <p>Contact the SOIRA officers to ensure compliance 902-720-5338</p>		<p>If "Yes" to all the application should be under s.490.012(3) and the duration should be LIFE [see s.490.013 (5)]</p>
<p>Was the accused convicted of an offence designated under s. 490.011(1) a), b), c), c.1), d), e), f)</p> <p>AND the Crown proceeded summarily</p> <p>AND no other provision applies to make it LIFE</p>		<p>If "Yes" the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p>OR s.490.012(2) [for offences designated under s.490.011(1) b), f)]</p> <p>The duration should be TEN years [see s. 490.013 (2) (a)]</p>
<p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f)</p> <p>AND the Crown proceeded by Indictment</p> <p>AND the maximum term of imprisonment is two to five years</p> <p>AND no other provision applies to make it a LIFE</p>		<p>If "Yes" the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p>OR s.490.012(2) [for offences designated under s.490.011(1) b), f)]</p> <p>The duration should be TEN years [see s.490.013 (2) (a)]</p>
<p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f)</p> <p>AND the Crown proceeded by Indictment</p> <p>AND the maximum term of imprisonment is ten to fourteen years</p> <p>AND no other provision applies to make it LIFE</p>		<p>If "Yes" the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p>OR s.490.012(2) [for offences designated under s.490.011(1) b), f)]</p> <p>The duration should be TWENTY years [see s.490.013 (2) (b)]</p>

RESULTS OF WORKSHEET

Is It a Designated Offence:

- s. 490.011(1) (a) Substantive Offence
 s. 490.011(1)(b) Substantive offence with intent to commit a designated offence under a), c), c.1), d), e)
 s. 490.011 (1) (c) Historic Sexual Offence (R.S.C. 1970 as it read before Jan 4, 1983)
 s. 490.011 (1) (c.1) Historic Sexual Offence (R.S.C. 1970 as amended ch 125 S.C. 1980-81-82-83)
 s. 490.011 (1) (d) Historic Sexual Offence (R.S.C. 1970 as they read before Jan 1, 1988)
 s. 490.011(1) (e) attempt or conspiracy to commit offence under s. 490.011(1) a), c), c.1), d),
 s. 490.011(1) (f) attempt or conspiracy to commit offence under s. 490.011(1) b),

Under Which Section Should the Application Be Made?

- s. 490.012 (1) – for offences designated under s.490.011(1) a), c), c.1), d), e)
 s. 490.012 (2) – for offences designated under s.490.011(1) b), f)
 s. 490.012 (3) – for any designated offence and a life term cannot be sought in an application under s. 490.012 (1) or (2). The accused must have a prior conviction for which a SOIRA order was available but not made and other conditions are satisfied

Duration of Order

Check all that Apply	Principle	Section	Duration of Order
	Accused convicted of offence for which the maximum penalty is life	490.013 (2)(c)	LIFE
	Accused is presently bound or has previously been bound by a SOIRA order under s.490.012	490.013 (4)	LIFE
	Accused has previously been subject to an Order in Form 53 [Conviction before Dec 15, 2004] or Form 54 [Conviction outside Canada]	490.013 (3)	LIFE
	Accused convicted of multiple counts designated under 490.011(1) a), c), c.1), d), e) Does NOT apply to offences designated under s.490.011(1) b), f)	490.013 (2.1)	LIFE
	Application is under 490.012(3)	490.013 (5)	LIFE
	Crown proceeded summarily, no other principles apply	490.013 (2)(a)	10 years
	Crown proceeded by indictment, no other principles apply, and the maximum term of imprisonment is two to five years	490.013 (2)(a)	10 years
	Crown proceeded by indictment, no other principles apply, and the maximum term of imprisonment is ten to fourteen years	490.013 (2)(b)	20 years