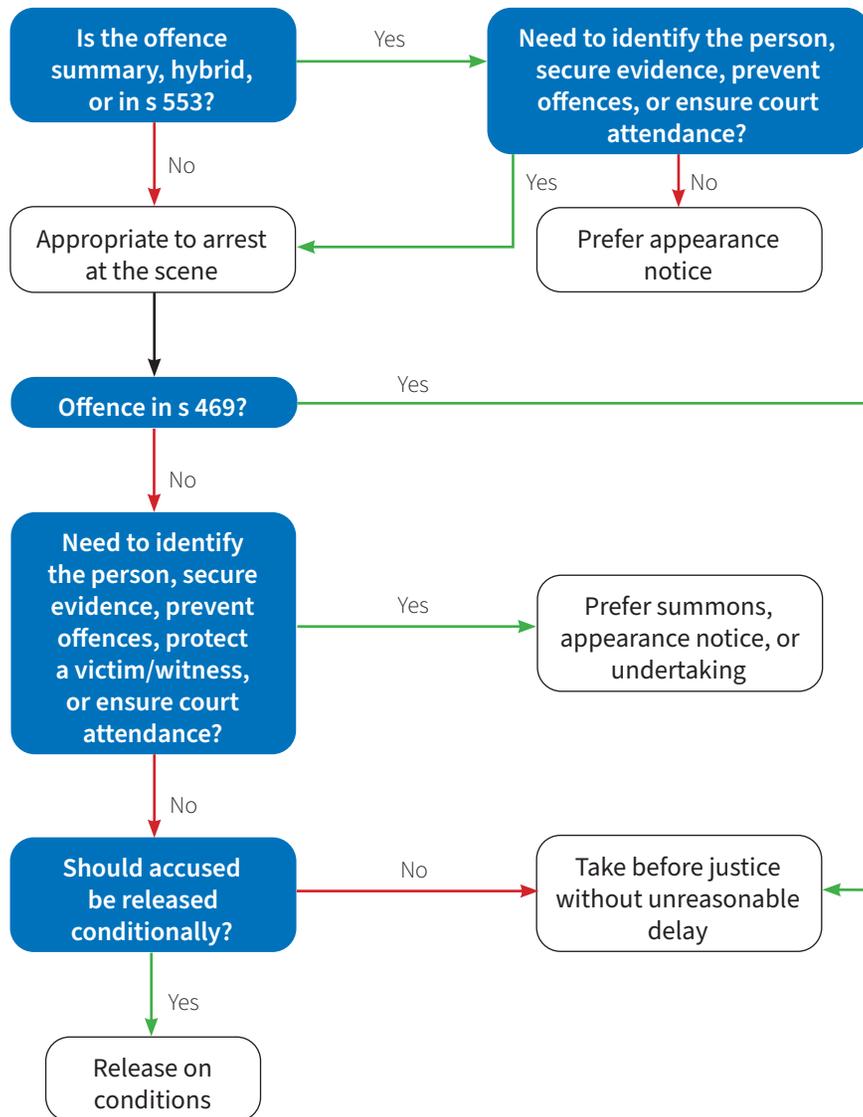


1.3(f) Release of Persons Arrested Without a Warrant (Revised)



A number of changes to the *Criminal Code* were made by 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*, which was passed after this book was printed. The changes with the greatest impact on any of these charts are shown here. They came into force on 19 December 2019.

The amendments do not affect the underlying approach to the release of a person arrested without a warrant; they merely simplify the rules. Previously, the *Code* set out provisions that envisioned three different groups of offences, and different rules at different times for different actors. The scheme envisioned that for relatively minor offences, the arresting officer could release without ever taking the accused to the station; for a broader range of offences, the officer in charge could release; and for section 469 offences, no peace officer could release the accused.

The current scheme creates one rule for section 469 offences and another rule for all other offences. In the case of section 469 offences, it remains the case that the only option for a peace officer is to take the accused to a justice of the peace. In all other cases, a peace officer (without any differentiation as to which one) can release the accused at any time prior to that; section 498(1) creates that obligation, and section 503(1.1) makes clear that it is an ongoing one. The methods of release have also been simplified, with the “promise to appear” and “recognizance” having been removed — the former is gone completely, while the latter has been renamed, but is only available from a justice.