

Publisher's Note

2018 — Release 9

Previous release was 2018-8

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McLeod, Takach, Segal

Criminal Code Driving Offences

This release features updates to the case law and commentary in chapters 1 (The Offence of Criminal Negligence — Sections 219, 220, 221, 255.1, 249.2, 249.3), 2 (The Offence of Dangerous Operation (Driving) — Sections 249, 249.4, 255.1, 259(2), (3.1)-(3.4), 662(5)), 3 (The Offence of Failing to Remain — Section 252), 4 (Criminal Code Prohibition Orders — Sections 259(1), (2); 260(1), (2), (3)), and 5 (Driving While Disqualified — Sections 259(4), (5), 260(4), (5), (6), (7), 261). As well, this release includes selected provisions of proposed Bill C-75.

Case Highlights

- **The Offence of Dangerous Operation (Driving): Sections 249, 249.4, 255.1, 259(2), (3.1)-(3.4), 662(5) — Miscellaneous issues — Speeding and Erratic Driving — Improper Lookout** — The accused was accused of dangerous driving after passing a large tandem tractor trailer at a point in the highway where he acknowledged his inability to see over the roof of the truck, nor past its front driver. Alberta's Provincial Court convicted him: *R. v. Miklic*, 2018 ABPC 16, 2018 CarswellAlta 151 (Alta. Prov. Ct.).
- **Criminal Code Prohibition Orders: Sections 259(1), (2); 260(1), (2), (3) — Mandatory orders of prohibition (s. 259(1))** — “shall make an order prohibiting the offender from operating a motor vehicle or vessel or an aircraft” — Alberta's Provincial Court held that a court could impose a prohibition upon entry of a guilty plea or upon a finding of guilt.

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notwithstanding whether a sentence had been imposed – if the offender were already disqualified or prohibited from driving at the time the prohibition is imposed, then the court should subtract the duration from any restriction then imposed: *R. v. Guir*, 2017 ABPC 192, 2017 CarswellAlta 1624 (Alta. Prov. Ct.).