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Publisher's Note

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Trotter

The Law of Bail in Canada

This unique work provides comprehensive coverage of the *Criminal Code* bail provisions and the substantial body of case law interpreting those provisions with respect to police bail, bail hearings, bail review and forfeiture proceedings.

Release Highlights

- **The Law of Bail in Context — A Historical Sketch — More Recent Legislative Developments** — In 2019, Parliament enacted *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, S.C. 2019, c. 25. As was said upon enactment: “This bill is intended to make the criminal justice system more modern and efficient and to reduce delays in criminal proceedings”. Key features of the Act include measures intended to modernize bail practices that emphasize that “any bail decision must give primary consideration to releasing the accused at the earliest possible opportunity and on the least onerous conditions

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possible.” There is also an obligation to give special consideration to indigenous persons and other members of “vulnerable populations”. These important goals are legislated under the heading “Principles and Considerations” in ss. 493.1 and 493.2 at the very beginning of Part XVI of the *Code*.

- **Release Orders and Conditions — The Types of Release Orders Provided by the Criminal Code — Introduction** — While lawyers, justices and judges had become well acquainted with the terms “undertaking” and “recognizance” over the years, they were surely confusing to those with no legal training. In its 2019 amendments to the *Criminal Code*, Parliament collapsed the two former forms of release into the more sensibly named document called the “release order”. As discussed below, sureties and cash deposits may still be ordered as part of a release order, but with restraint.