**Attempts**

* **24** **(1)** Every one who, having an intent to commit an offence, does or omits to do anything for the purpose of carrying out the intention is guilty of an attempt to commit the offence whether or not it was possible under the circumstances to commit the offence.
* **Marginal note:Question of law**

**(2)** The question whether an act or omission by a person who has an intent to commit an offence is or is not mere preparation to commit the offence, and too remote to constitute an attempt to commit the offence, is a question of law.

* R.S., c. C-34, s. 24

Protection of Persons Administering and Enforcing the Law

**Marginal note:Protection of persons acting under authority**

* **25** **(1)** Every one who is required or authorized by law to do anything in the administration or enforcement of the law
  + **(a)** as a private person,
  + **(b)** as a peace officer or public officer,
  + **(c)** in aid of a peace officer or public officer, or
  + **(d)** by virtue of his office,

is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

* **Marginal note:Idem**

**(2)** Where a person is required or authorized by law to execute a process or to carry out a sentence, that person or any person who assists him is, if that person acts in good faith, justified in executing the process or in carrying out the sentence notwithstanding that the process or sentence is defective or that it was issued or imposed without jurisdiction or in excess of jurisdiction.

* **Marginal note:When not protected**

**(3)** Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person’s protection from death or grievous bodily harm.

* **Marginal note:When protected**

**(4)** A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if

* + **(a)** the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;
  + **(b)** the offence for which the person is to be arrested is one for which that person may be arrested without warrant;
  + **(c)** the person to be arrested takes flight to avoid arrest;
  + **(d)** the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm; and
  + **(e)** the flight cannot be prevented by reasonable means in a less violent manner.
* **Marginal note:Power in case of escape from penitentiary**

**(5)** A peace officer is justified in using force that is intended or is likely to cause death or grievous bodily harm against an inmate who is escaping from a penitentiary within the meaning of subsection 2(1) of the *Corrections and Conditional Release Act,* if

* + **(a)** the peace officer believes on reasonable grounds that any of the inmates of the penitentiary poses a threat of death or grievous bodily harm to the peace officer or any other person; and
  + **(b)** the escape cannot be prevented by reasonable means in a less violent manner.
* R.S., 1985, c. C-46, s. 25
* 1994, c. 12, s. 1

**Marginal note:Definitions**

* **25.1** **(1)** The following definitions apply in this section and sections 25.2 to 25.4.

***competent authority*** means, with respect to a public officer or a senior official,

* + **(a)** in the case of a member of the Royal Canadian Mounted Police, the Minister of Public Safety and Emergency Preparedness, personally;
  + **(b)** in the case of a member of a police service constituted under the laws of a province, the Minister responsible for policing in the province, personally; and
  + **(c)** in the case of any other public officer or senior official, the Minister who has responsibility for the Act of Parliament that the officer or official has the power to enforce, personally. (*autorité compétente*)

***public officer*** means a peace officer, or a public officer who has the powers of a peace officer under an Act of Parliament. (*fonctionnaire public*)

***senior official*** means a senior official who is responsible for law enforcement and who is designated under subsection (5). (*fonctionnaire supérieur*)

* **Marginal note:Principle**

**(2)** It is in the public interest to ensure that public officers may effectively carry out their law enforcement duties in accordance with the rule of law and, to that end, to expressly recognize in law a justification for public officers and other persons acting at their direction to commit acts or omissions that would otherwise constitute offences.

* **Marginal note:Designation of public officers**

**(3)** A competent authority may designate public officers for the purposes of this section and sections 25.2 to 25.4.

* **Marginal note:Condition — civilian oversight**

**(3.1)** A competent authority referred to in paragraph (a) or (b) of the definition of that term in subsection (1) may not designate any public officer under subsection (3) unless there is a public authority composed of persons who are not peace officers that may review the public officer’s conduct.

* **Marginal note:Declaration as evidence**

**(3.2)** The Governor in Council or the lieutenant governor in council of a province, as the case may be, may designate a person or body as a public authority for the purposes of subsection (3.1), and that designation is conclusive evidence that the person or body is a public authority described in that subsection.

* **Marginal note:Considerations**

**(4)** The competent authority shall make designations under subsection (3) on the advice of a senior official and shall consider the nature of the duties performed by the public officer in relation to law enforcement generally, rather than in relation to any particular investigation or enforcement activity.

* **Marginal note:Designation of senior officials**

**(5)** A competent authority may designate senior officials for the purposes of this section and sections 25.2 to 25.4.

* **Marginal note:Emergency designation**

**(6)** A senior official may designate a public officer for the purposes of this section and sections 25.2 to 25.4 for a period of not more than 48 hours if the senior official is of the opinion that

* + **(a)** by reason of exigent circumstances, it is not feasible for the competent authority to designate a public officer under subsection (3); and
  + **(b)** in the circumstances of the case, the public officer would be justified in committing an act or omission that would otherwise constitute an offence.

The senior official shall without delay notify the competent authority of the designation.

* **Marginal note:Conditions**

**(7)** A designation under subsection (3) or (6) may be made subject to conditions, including conditions limiting

* + **(a)** the duration of the designation;
  + **(b)** the nature of the conduct in the investigation of which a public officer may be justified in committing, or directing another person to commit, acts or omissions that would otherwise constitute an offence; and
  + **(c)** the acts or omissions that would otherwise constitute an offence and that a public officer may be justified in committing or directing another person to commit.
* **Marginal note:Justification for acts or omissions**

**(8)** A public officer is justified in committing an act or omission — or in directing the commission of an act or omission under subsection (10) — that would otherwise constitute an offence if the public officer

* + **(a)** is engaged in the investigation of an offence under, or the enforcement of, an Act of Parliament or in the investigation of criminal activity;
  + **(b)** is designated under subsection (3) or (6); and
  + **(c)** believes on reasonable grounds that the commission of the act or omission, as compared to the nature of the offence or criminal activity being investigated, is reasonable and proportional in the circumstances, having regard to such matters as the nature of the act or omission, the nature of the investigation and the reasonable availability of other means for carrying out the public officer’s law enforcement duties.
* **Marginal note:Requirements for certain acts**

**(9)** No public officer is justified in committing an act or omission that would otherwise constitute an offence and that would be likely to result in loss of or serious damage to property, or in directing the commission of an act or omission under subsection (10), unless, in addition to meeting the conditions set out in paragraphs (8)(a) to (c), he or she

* + **(a)** is personally authorized in writing to commit the act or omission — or direct its commission — by a senior official who believes on reasonable grounds that committing the act or omission, as compared to the nature of the offence or criminal activity being investigated, is reasonable and proportional in the circumstances, having regard to such matters as the nature of the act or omission, the nature of the investigation and the reasonable availability of other means for carrying out the public officer’s law enforcement duties; or
  + **(b)** believes on reasonable grounds that the grounds for obtaining an authorization under paragraph (a) exist but it is not feasible in the circumstances to obtain the authorization and that the act or omission is necessary to
    - **(i)** preserve the life or safety of any person,
    - **(ii)** prevent the compromise of the identity of a public officer acting in an undercover capacity, of a confidential informant or of a person acting covertly under the direction and control of a public officer, or
    - **(iii)** prevent the imminent loss or destruction of evidence of an indictable offence.
* **Marginal note:Person acting at direction of public officer**

**(10)** A person who commits an act or omission that would otherwise constitute an offence is justified in committing it if

* + **(a)** a public officer directs him or her to commit that act or omission and the person believes on reasonable grounds that the public officer has the authority to give that direction; and
  + **(b)** he or she believes on reasonable grounds that the commission of that act or omission is for the purpose of assisting the public officer in the public officer’s law enforcement duties.
* **Marginal note:Limitation**

**(11)** Nothing in this section justifies

* + **(a)** the intentional or criminally negligent causing of death or bodily harm to another person;
  + **(b)** the wilful attempt in any manner to obstruct, pervert or defeat the course of justice; or
  + **(c)** conduct that would violate the sexual integrity of an individual.
* **Marginal note:Protection, defences and immunities unaffected**

**(12)** Nothing in this section affects the protection, defences and immunities of peace officers and other persons recognized under the law of Canada.

* **Marginal note:Compliance with requirements**

**(13)** Nothing in this section relieves a public officer of criminal liability for failing to comply with any other requirements that govern the collection of evidence.

Assaults

**Marginal note:Uttering threats**

* **264.1** **(1)** Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat
  + **(a)** to cause death or bodily harm to any person;
  + **(b)** to burn, destroy or damage real or personal property; or
  + **(c)** to kill, poison or injure an animal or bird that is the property of any person.
* **Marginal note:Punishment**

**(2)** Every one who commits an offence under paragraph (1)(a) is guilty of

* + **(a)** an indictable offence and liable to imprisonment for a term not exceeding five years; or
  + **(b)** an offence punishable on summary conviction.
* **Marginal note:Idem**

**(3)** Every one who commits an offence under paragraph (1)(b) or (c)

* + **(a)** is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
  + **(b)** is guilty of an offence punishable on summary conviction.
* R.S., 1985, c. 27 (1st Supp.), s. 38
* 1994, c. 44, s. 16
* [2019, c. 25, s. 92](https://laws-lois.justice.gc.ca/eng/acts/c-46/page-57.html#1146679-1202055)

Hate Propaganda

**Marginal note:Advocating genocide**

* **318** **(1)** Every person who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term of not more than five years.
* **Marginal note:Definition of *genocide***

**(2)** In this section, ***genocide*** means any of the following acts committed with intent to destroy in whole or in part any identifiable group, namely,

* + **(a)** killing members of the group; or
  + **(b)** deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.
* **Marginal note:Consent**

**(3)** No proceeding for an offence under this section shall be instituted without the consent of the Attorney General.

* **Marginal note:Definition of *identifiable group***

**(4)** In this section, ***identifiable group*** means any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.

* R.S., 1985, c. C-46, s. 318
* 2004, c. 14, s. 1
* 2014, c. 31, s. 12
* 2017, c. 13, s. 3
* [2019, c. 25, s. 120](https://laws-lois.justice.gc.ca/eng/acts/c-46/page-68.html#1146777-1202152)

**Extortion**

* **346** **(1)** Every one commits extortion who, without reasonable justification or excuse and with intent to obtain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the person threatened, accused or menaced or to whom violence is shown, to do anything or cause anything to be done.
* **Marginal note:Extortion**

**(1.1)** Every person who commits extortion is guilty of an indictable offence and liable

* + **(a)** if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of
    - **(i)** in the case of a first offence, five years, and
    - **(ii)** in the case of a second or subsequent offence, seven years;
  + **(a.1)** in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
  + **(b)** in any other case, to imprisonment for life.
* **Marginal note:Subsequent offences**

**(1.2)** In determining, for the purpose of paragraph (1.1)(a), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

* + **(a)** an offence under this section;
  + **(b)** an offence under subsection 85(1) or (2) or section 244 or 244.2; or
  + **(c)** an offence under section 220, 236, 239, 272 or 273, subsection 279(1) or section 279.1 or 344 if a firearm was used in the commission of the offence.

However, an earlier offence shall not be taken into account if 10 years have elapsed between the day on which the person was convicted of the earlier offence and the day on which the person was convicted of the offence for which sentence is being imposed, not taking into account any time in custody.

* **Marginal note:Sequence of convictions only**

**(1.3)** For the purposes of subsection (1.2), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction.

* **Marginal note:Saving**

**(2)** A threat to institute civil proceedings is not a threat for the purposes of this section.

* R.S., 1985, c. C-46, s. 346
* R.S., 1985, c. 27 (1st Supp.), s. 46
* 1995, c. 39, s. 150
* 2008, c. 6, s. 33
* 2009, c. 22, s. 15