

THE HEILTSUK INDIAN BAND

By-Law 22

Being a by-law respecting dangerous persons on reserve and trespass on the reserves of Heiltsuk Nation, also known as the Heiltsuk Indian Band ("Heiltsuk Nation").

- A. WHEREAS the Council of the Heiltsuk Indian Band desires to make a by-law governing dangerous persons on reserve and trespass on reserve, and for the imposition of a penalty for violation thereof;
- B. AND WHEREAS the Council of the Heiltsuk Indian Band is responsible for the orderly management of its services, and the safety and well-being of all people, and particularly vulnerable persons, on reserve land, and has the authority to enact by-laws to ensure the community is orderly and secure;
- C. AND WHEREAS the Council of the Heiltsuk Indian Band knows and understands the unique geographical nature of the reserve land, including its remoteness and the limited ability to access additional supports and services available in larger centres and those connected by road to cities;
- D. AND WHEREAS the Council of the Heiltsuk Indian Band draws upon its powers of self-government and is empowered to make such a by-law pursuant to paragraphs 81(1)(c), (d), (p), (p.1), (q), and (r) of the *Indian Act*, R.S.C. c. I-5;
- E. AND WHEREAS it is considered to be expedient and necessary for the benefit and safety of the inhabitants of the Heiltsuk Indian Band Reserve to provide for protections in relation to dangerous persons on reserve and trespass on reserve;

NOW THEREFORE the Council of the Heiltsuk Indian Band hereby enacts the following by-law:

1. SHORT TITLE

- 1.1 This by-law may be cited as the "Heiltsuk Nation Dangerous Persons and Trespass By-Law."

2. INTERPRETATION

- 2.1 In this by-law:

"**Band Council Resolution**" means a resolution in writing of a Council, passed by the majority of the Councillors present at a meeting at which a quorum is constituted;

"**Council**" means the Chief and Council of the Heiltsuk Indian Band, elected in the accordance with the *Indian Act*;

"**dangerous person**" means a person that has been convicted as an adult, without receiving a pardon or record suspension, of one or more of the offences listed in section 487.04 of the *Criminal Code*, R.S.C. 1985, c. C-46;¹

"**First Nation**" means the Heiltsuk Indian Band, a band within the meaning of the *Indian Act*;

"**officer**" means any peace officer or other person charged with the duty to preserve and maintain the public peace, a by-law enforcement officer, or any other person appointed by the Council for the purpose of maintaining law and order on the Reserve;

"**lawful justification**" includes entitlement to reside on the Reserve pursuant to the Heiltsuk Indian Band Residency By-law;

"**prohibited purpose**" includes any prohibition made under a bylaw made by Heiltsuk Nation or by a court of competent jurisdiction, and specifically includes the prohibition against residing on the Reserve except in accordance with section 3.03 of the Heiltsuk Indian Band Residency By-law, as set out in that section;

"**Reserve**" means all reserves of the First Nation, any land held for the use and benefit of the First Nation pursuant to section 36 of the *Indian Act*, and any future reserve set aside by Her Majesty for the use and benefit of the First Nation; and

"**Reserve Resident**" means any member of the First Nation that ordinarily resides on the Reserve or any person with lawful authority to use, possess, or occupy land on the Reserve.

3. DANGEROUS PERSONS ON RESERVE

3.1 Subject to the limitations imposed by law and to sections 3.2 to 3.5, Council may, by Band Council Resolution, do one or more of the following:

- (a) post the name of a dangerous person in a public place, communicate by

¹ The offences listed in section 487.04 of the *Criminal Code* are reproduced for ease of reference in Schedule 1. Reference to section 487.04 is subject to amendments thereto from time to time in accordance with section 10.2 of this by-law.

digital transmission, or otherwise inform Reserve Residents of the presence of a dangerous person on the Reserve;

- (b) issue a first order (the “First Order”), which will expire after 90 days, to:
 - (i) prohibit or restrict the dangerous person from attending specified locations or events on the Reserve;
 - (ii) prohibit a dangerous person from being within a prescribed distance from a particular person or persons on Reserve land;
 - (iii) limit the duration for which a dangerous person may occupy the Reserve on a given visit;
 - (iv) limit the number of times a dangerous person may frequent the Reserve within a specified period of time; and/or,
 - (v) banish a dangerous person from using, occupying, or possessing land on the Reserve, with or without exceptions;
- (c) within 15 days of the expiry of the First Order (either before or after the expiry of the First Order), issue a second order (the “Second Order”) renewing the First Order, for a duration to be specified by Council, but not more than one year;
- (d) further renew a Second Order for one or more additional one-year periods, by following the same process for the issuance of a Second Order.

3.2 When considering whether to exercise authority under section 3.1, Council may consider the following:

- 3.2.1 whether the behaviour for which the conviction was imposed, if repeated, poses any threat to the peace or safety of Reserve Residents or to Council's ability to ensure the observance of law and order on Reserve;
- 3.2.2 the circumstances and the particulars of the offence or offences for which the dangerous person has been convicted, including
 - (i) whether the offence or offences occurred on the Reserve;
 - (ii) whether the offence or offences involved a Reserve Resident;
 - (iii) the age of the dangerous person when the offence or offences occurred;
 - (iv) the age of any victim or complainant involved in the offence or

offences;

(v) any extenuating circumstances, including but not limited to:

- (1) whether the person is a first-time offender or has a limited criminal record;
- (2) whether the person is of prior good character;
- (3) whether the person entered a guilty plea to the offence or offences in question;
- (4) whether the person has engaged in post-offence rehabilitation efforts;
- (5) whether the person has made acts of restitution or compensation;
- (6) whether the person committed the offence or offences under circumstances of provocation or duress, reduced mental capacity, or reduced moral blameworthiness; and
- (7) whether the person comes from a disadvantaged background.

(vi) the length of time that has elapsed since the commission of the offence or offences, including:

- (1) what the dangerous person has done during that period of time;
- (2) whether the dangerous person has shown any tendencies to repeat the kind of behaviour for which he or she received the conviction or convictions.

3.3 Prior to exercising authority pursuant to section 3.1 (a) or (b), Council shall give the dangerous person at least 5 days prior notice, invite the dangerous person to provide submissions concerning whether the dangerous person represents a threat to the peace and safety of Reserve Residents or to the observance of law and order on the Reserve, and consider any submissions received in making its decision. Such submissions are to

be made in writing unless permission is expressly granted to the dangerous person to make oral submissions.

- 3.4 Prior to exercising authority pursuant to section 3.1 (c), Council shall give the dangerous person reasonable prior notice, invite the dangerous person to provide submissions concerning whether the dangerous person represents a threat to the peace and safety of Reserve Residents or to the observance of law and order on the Reserve, and consider any submissions received in making its decision.
- 3.5 Prior to exercising authority pursuant to 3.1 (a), (b), or (c), Council may give notice to impacted Reserve Residents and may consider the views of impacted Reserve Residents concerning whether the dangerous person represents a threat to the peace and safety of Reserve Residents or to the observance of law and order on the Reserve.
- 3.6 Council may deem an individual to be an impacted Reserve Resident if they are
 - 3.6.1 a victim of an offence or offences for which the dangerous person has been convicted;
 - 3.6.2 an immediate family member of the dangerous person;
 - 3.6.3 any other Reserve Resident whom Council in its discretion determines has been impacted by the offence or offences for which the dangerous person has been convicted, or who is likely to be impacted by the exercise of Council's authority under section 3.1.
- 3.7 If Council exercises its authority under 3.1 (a) or (b):
 - 3.7.1 The dangerous person who is the subject of the Band Council Resolution may submit a written request to Council, requesting that Council reconsider its exercise of authority and related issuance of its BCR;
 - 3.7.2 the dangerous person has 14 calendar days from the date the Band Council Resolution is issued to make this written request for reconsideration;
 - 3.7.3 if Council receives a written request under 3.7.1 it must, within 5 calendar days, invite the dangerous person to provide written submissions regarding why in the view of the dangerous person the decision should be reconsidered;
 - 3.7.4 the Council must then consider any written submissions received from the dangerous person and render within 14 calendar days a decision either upholding its BCR or revoking its BCR.
- 3.8 For the purposes of sections 3.3 and 3.7, Council may extend or abridge a time period as it considers appropriate.

4. ENFORCEMENT

4.1 Where a person who is the subject of an order made pursuant to section 3.1 fails or refuses to comply with such an order, an officer may take such reasonable and lawful measures as are necessary to enforce that order.

5. OFFENCE AND PENALTY

5.1 A person who fails or refuses to comply with an order made under section 3.1, or who resists or interferes with an officer acting under section 4.1, is guilty of an offence and liable on summary conviction to a fine not exceeding one (1) thousand dollars or to imprisonment for a term not exceeding thirty (30) days or to both.

6. TRESPASSING

6.1 A person commits an offence of trespass and may be ordered to leave the Reserve by an officer if the person does any of the following:

- 6.1.1 enters or attends at the Reserve without lawful justification;
- 6.1.2 enters or attends at the Reserve for a prohibited purpose;
- 6.1.3 enters or attends premises without the occupier's permission; or
- 6.1.4 engages in an activity on or in a premise after the person has had notice from the occupier of the premises that the activity is prohibited.

7. TRESPASSING - ENFORCEMENT

7.1 Where a person who has been ordered to leave the Reserve in accordance with section 6.1 and fails or refuses to comply with such an order, an officer may take such reasonable and lawful measures as are necessary remove that person from the Reserve.

8. TRESPASSING - OFFENCE AND PENALTY

8.1 A person who fails or refuses to comply with an order made under section 6.1, or who resists or interferes with an officer acting under section 7.1, is guilty of an offence and liable on summary conviction to a fine not exceeding one (1) thousand dollars or to imprisonment for a term not exceeding thirty (30) days or to both.

9. BY-LAW ENFORCEMENT OFFICER

9.1 Council may, by Band Council Resolution, provide for the appointment and the reasonable remuneration of one or more by-law enforcement officers.

10. GENERAL

10.1 If a court determines that a provision of this by-law is invalid for any reason, then the provision shall be severed from the by-law and the validity of the rest of the by-law shall not be affected.

10.2 All references to legislative provisions and other by-laws of the First Nation in this by-law include amendments made thereto from time to time.

Schedule 1 - Offences under s. 487.04 of the *Criminal Code*

Definitions

487.04 In this section and in sections 487.05 to 487.0911,

[...]

primary designated offence means

(a) an offence under any of the following provisions, namely,

(i) subsection 7(4.1) (offence in relation to sexual offences against children),

(i.1) section 151 (sexual interference),

(i.2) section 152 (invitation to sexual touching),

(i.3) section 153 (sexual exploitation),

(i.4) section 153.1 (sexual exploitation of person with disability),

(i.5) section 155 (incest),

- (i.6) subsection 160(2) (compelling the commission of bestiality),
- (i.7) subsection 160(3) (bestiality in presence of or by a child),
- (i.8) section 163.1 (child pornography),
- (i.9) section 170 (parent or guardian procuring sexual activity),
- (i.901) section 171.1 (making sexually explicit material available to child),
- (i.91) section 172.1 (luring a child),
- (i.911) section 172.2 (agreement or arrangement — sexual offence against child),
- (i.92) subsection 173(2) (exposure),
- (i.93) to (i.96) [Repealed, 2014, c. 25, s. 23]
- (ii) section 235 (murder),
- (iii) section 236 (manslaughter),
- (iv) section 239 (attempt to commit murder),
- (v) section 244 (discharging firearm with intent),
- (vi) section 244.1 (causing bodily harm with intent — air gun or pistol),
- (vi.1) section 244.2 (discharging firearm — recklessness),
- (vii) paragraph 245(a) (administering noxious thing with intent to endanger life or cause bodily harm),
- (viii) section 246 (overcoming resistance to commission of offence),
- (ix) section 267 (assault with a weapon or causing bodily harm),
- (x) section 268 (aggravated assault),
- (xi) section 269 (unlawfully causing bodily harm),
- (xi.1) section 270.01 (assaulting peace officer with weapon or causing bodily harm),
- (xi.2) section 270.02 (aggravated assault of peace officer),

- (xi.3) section 271 (sexual assault),
 - (xii) section 272 (sexual assault with a weapon, threats to a third party or causing bodily harm),
 - (xiii) section 273 (aggravated sexual assault),
 - (xiii.1) subsection 273.3(2) (removal of a child from Canada),
 - (xiv) section 279 (kidnapping),
 - (xiv.1) section 279.011 (trafficking — person under 18 years),
 - (xiv.2) subsection 279.02(2) (material benefit — trafficking of person under 18 years),
 - (xiv.3) subsection 279.03(2) (withholding or destroying documents — trafficking of person under 18 years),
 - (xiv.4) subsection 286.1(2) (obtaining sexual services for consideration from person under 18 years),
 - (xiv.5) subsection 286.2(2) (material benefit from sexual services provided by person under 18 years),
 - (xiv.6) subsection 286.3(2) (procuring — person under 18 years),
 - (xv) section 344 (robbery), and
 - (xvi) section 346 (extortion),
- (a.1) an offence under any of the following provisions, namely,
- (i) section 75 (piratical acts),
 - (i.01) section 76 (hijacking),
 - (i.02) section 77 (endangering safety of aircraft or airport),
 - (i.03) section 78.1 (seizing control of ship or fixed platform),
 - (i.04) subsection 81(1) (using explosives),
 - (i.041) section 82.3 (possession, etc., of nuclear material, radioactive material or device),

(i.042) section 82.4 (use or alteration of nuclear material, radioactive material or device),

(i.043) section 82.5 (commission of indictable offence to obtain nuclear material, etc.),

(i.044) section 82.6 (threats),

(i.05) section 83.18 (participation in activity of terrorist group),

(i.051) section 83.181 (leaving Canada to participate in activity of terrorist group),

(i.06) section 83.19 (facilitating terrorist activity),

(i.061) section 83.191 (leaving Canada to facilitate terrorist activity),

(i.07) section 83.2 (commission of offence for terrorist group),

(i.071) section 83.201 (leaving Canada to commit offence for terrorist group),

(i.072) section 83.202 (leaving Canada to commit offence that is terrorist activity),

(i.08) section 83.21 (instructing to carry out activity for terrorist group),

(i.09) section 83.22 (instructing to carry out terrorist activity),

(i.091) section 83.221 (counselling commission of terrorism offence),

(i.1) section 83.23 (harbouring or concealing),

(i.11) to (iii.1) [Repealed, 2010, c. 17, s. 3]

(iv) [Repealed, 2014, c. 25, s. 23]

(iv.1) to (iv.5) [Repealed, 2010, c. 17, s. 3]

(v) [Repealed, 2014, c. 25, s. 23]

(v.1) and (v.2) [Repealed, 2010, c. 17, s. 3]

(vi) section 233 (infanticide),

(vii) [Repealed, 2010, c. 17, s. 3]

- (vii.1) section 279.01 (trafficking in persons),
- (vii.11) subsection 279.02(1) (material benefit — trafficking),
- (vii.12) subsection 279.03(1) (withholding or destroying documents — trafficking),
- (viii) section 279.1 (hostage taking),
- (viii.1) subsection 286.2(1) (material benefit from sexual services),
- (viii.2) subsection 286.3(1) (procuring),
- (ix) paragraph 348(1)(d) (breaking and entering a dwelling-house),
- (x) section 423.1 (intimidation of a justice system participant or journalist),
- (xi) section 431 (attack on premises, residence or transport of internationally protected person),
- (xii) section 431.1 (attack on premises, accommodation or transport of United Nations or associated personnel),
- (xiii) subsection 431.2(2) (explosive or other lethal device),
- (xiv) section 467.11 (participation in activities of criminal organization),
- (xiv.1) section 467.111 (recruitment of members — criminal organization),
- (xv) section 467.12 (commission of offence for criminal organization),
and
- (xvi) section 467.13 (instructing commission of offence for criminal organization),
- (xvi.1) to (xx) [Repealed, 2005, c. 25, s. 1]

(b) an offence under any of the following provisions of the Criminal Code, chapter C-34 of the Revised Statutes of Canada, 1970, as they read from time to time before January 4, 1983, namely,

- (i) section 144 (rape),
- (i.1) section 145 (attempt to commit rape),

(ii) section 146 (sexual intercourse with female under fourteen and between fourteen and sixteen),

(iii) section 148 (sexual intercourse with feeble-minded, etc.),

(iv) section 149 (indecent assault on female),

(v) section 156 (indecent assault on male),

(vi) section 157 (acts of gross indecency), and

(vii) subsection 246(1) (assault with intent) if the intent is to commit an offence referred to in subparagraphs (i) to (vi),

(c) an offence under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as they read from time to time before January 1, 1988:

(i) subsection 146(1) (sexual intercourse with a female under age of 14),

(ii) subsection 146(2) (sexual intercourse with a female between ages of 14 and 16),

(iii) section 153 (sexual intercourse with step-daughter),

(iv) section 157 (gross indecency),

(v) section 166 (parent or guardian procuring defilement), and

(vi) section 167 (householder permitting defilement),

(c.01) an offence under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as enacted by section 19 of *An Act to amend the Criminal Code in relation to sexual offences and other offences against the person and to amend certain other Acts in relation thereto or in consequence thereof*, chapter 125 of the Statutes of Canada, 1980-81-82-83:

(i) section 246.1 (sexual assault),

(ii) section 246.2 (sexual assault with a weapon, threats to a third party or causing bodily harm), and

(iii) section 246.3 (aggravated sexual assault),

(c.02) an offence under any of the following provisions of this Act, as they read from time to time before the day on which this paragraph comes into force:

(i) paragraph 212(1)(i) (stupefying or overpowering for the purpose of sexual intercourse),

(ii) subsection 212(2) (living on the avails of prostitution of person under 18 years),

(iii) subsection 212(2.1) (aggravated offence in relation to living on the avails of prostitution of person under 18 years), and

(iv) subsection 212(4) (prostitution of person under 18 years),

(c.03) an offence under any of paragraphs 212(1)(a) to (h) (procuring) of this Act, as they read from time to time before the day on which this paragraph comes into force,

(c.1) an offence under any of the following provisions of the *Security of Information Act*, namely,

- (i) section 6 (approaching, entering, etc., a prohibited place),
- (ii) subsection 20(1) (threats or violence), and
- (iii) subsection 21(1) (harbouring or concealing), and

(d) an attempt to commit or, other than for the purposes of subsection 487.05(1), a conspiracy to commit an offence referred to in any of paragraphs (a) to (c.03); (infraction primaire)

secondary designated offence means an offence, other than a primary designated offence, that is

(a) an offence under this Act that may be prosecuted by indictment — or, for section 487.051 to apply, is prosecuted by indictment — for which the maximum punishment is imprisonment for five years or more,

(a.1) an offence under any of the following provisions of the *Cannabis Act* that may be prosecuted by indictment — or, for section 487.051 to apply, is prosecuted by indictment — for which the maximum punishment is imprisonment for five years or more:

(i) section 9 (distribution and possession for purpose of distributing),

(ii) section 10 (selling and possession for purpose of selling),

(iii) section 11 (importing and exporting and possession for purpose of exporting),

(iv) section 12 (production),

(v) section 13 (possession, etc., for use in production or distribution of illicit cannabis), and

(vi) section 14 (use of young person),

(b) an offence under any of the following provisions of the *Controlled Drugs and Substances Act* that may be prosecuted by indictment — or, for section 487.051 to apply, is prosecuted by indictment — for which the maximum punishment is imprisonment for five years or more:

(i) section 5 (trafficking in substance and possession for purpose of trafficking),

(ii) section 6 (importing and exporting), and

(iii) section 7 (production of substance),

(c) an offence under any of the following provisions of this Act:

(i) subsection 52(1) (sabotage),

(i.001) subsection 57(3) (possession of a forged passport),

(i.002) section 62 (offences in relation to military forces),

(i.003) subsection 65(2) (riot — concealing identity),

(i.004) subsection 70(3) (contravening order made by governor in council),

(i.005) subsection 82(1) (explosives, possession without lawful excuse),

(i.006) subsection 121(1) (frauds on the government),

(i.007) subsection 121(2) (contractor subscribing to election fund),

(i.008) section 122 (breach of trust by public officer),

(i.009) subsection 123(1) (municipal corruption),

(i.01) subsection 123(2) (influencing municipal official),

(i.011) section 124 (selling or purchasing office),

- (i.012) section 125 (influencing or negotiating appointments or dealings in offices),
- (i.013) subsection 139(2) (obstructing justice),
- (i.014) section 142 (corruptly taking reward for recovery of goods),
- (i.015) section 144 (prison breach),
- (i.016) section 145 (escape and being at large without excuse),
- (i.1) section 146 (permitting or assisting escape),
- (i.2) section 147 (rescue or permitting escape),
- (i.3) section 148 (assisting prisoner of war to escape),
- (i.4) and (ii) [Repealed, 2010, c. 17, s. 3]
- (iii) subsection 173(1) (indecent acts),
- (iv) section 182 (dead body — neglect to perform duty, improper or indecent interference with),
- (iv.1) section 184 (interception of private communication),
- (iv.2) section 184.5 (interception of radio-based telephone communications),
- (iv.3) section 221 (cause bodily harm by criminal negligence),
- (iv.4) section 237 (infanticide),
- (iv.5) section 242 (neglect to obtain assistance in child-birth),
- (iv.6) subsection 247(1) (traps likely to cause bodily harm),
- (iv.7) subsection 247(2) (traps — causing bodily harm),
- (iv.8) subsection 247(3) (traps — in a place kept or used for committing other indictable offence),
- (iv.9) section 262 (impeding attempt to save life),
- (v) section 264 (criminal harassment),

- (vi) section 264.1 (uttering threats),
- (vii) section 266 (assault),
- (viii) section 270 (assaulting a peace officer),
- (viii.01) section 280 (abduction of person under 16),
- (viii.02) section 281 (abduction of person under 14),
- (viii.1) subsection 286.1(1) (obtaining sexual services for consideration),
- (viii.11) section 291 (bigamy),
- (viii.12) section 292 (procuring feigned marriage),
- (viii.13) section 293 (polygamy),
- (viii.14) section 293.1 (forced marriage),
- (viii.15) section 293.2 (marriage under age of 16 years),
- (viii.16) section 300 (publishing defamatory libel known to be false),
- (viii.17) section 302 (extortion by libel),
- (viii.2) subsection 320.16(1) (failure to stop after accident),
- (viii.21) paragraph 334(a) (theft over \$5,000 or testamentary instrument),
- (viii.22) section 338 (fraudulently taking cattle or defacing brand),
- (viii.23) subsection 339(1) (take possession of drift timber, etc.),
- (viii.24) section 340 (destroying documents of title),
- (ix) paragraph 348(1)(e) (breaking and entering a place other than a dwelling-house),
- (x) section 349 (being unlawfully in dwelling-house),
- (x.1) subsection 351(2) (disguise with intent),
- (x.11) paragraph 355(a) (possession of property over \$5,000 or testamentary instrument),

- (x.12) section 357 (bring into Canada property obtained by crime),
- (x.13) paragraph 362(2)(a) (false pretence, property over \$5,000 or testamentary instrument),
- (x.14) subsection 362(3) (obtain credit, etc. by false pretence),
- (x.15) section 363 (obtain execution of valuable security by fraud),
- (x.16) subsection 377(1) (damaging documents),
- (x.17) section 378 (offences in relation to registers),
- (x.18) section 382 (manipulation of stock exchange),
- (x.19) subsection 382.1(1) (prohibited insider trading),
- (x.2) section 383 (gaming in stocks or merchandise),
- (x.21) section 384 (broker reducing stock by selling his own account),
- (x.22) section 386 (fraudulent registration of title),
- (x.23) section 394 (fraud in relation to minerals),
- (x.24) section 394.1 (possession of stolen minerals),
- (x.25) section 396 (offences in relation to mines),
- (x.26) section 397 (falsification of books and documents),
- (x.27) section 399 (false return by public officer),
- (x.28) section 400 (false prospectus),
- (x.29) section 405 (acknowledging instrument in false name),
- (xi) section 423 (intimidation),
- (xi.01) subsection 423.2(1) (intimidation — health services),
- (xi.1) section 424 (threat against an internationally protected person),
- (xi.11) section 424.1 (threat against United Nations or associated personnel),

- (xi.12) section 426 (secret commissions),
- (xi.13) section 435 (arson for fraudulent purpose),
- (xi.14) section 436 (arson by negligence),
- (xi.15) section 436.1 (possession incendiary material),
- (xi.16) subsection 438(1) (interfering with saving of a wrecked vessel),
- (xi.17) subsection 439(2) (interfering with a marine signal),
- (xi.18) section 441 (occupant injuring building),
- (xi.19) section 443 (interfering with international boundary marks, etc.),
- (xi.2) section 451 (having clippings, etc.),
- (xi.21) section 460 (advertising and dealing in counterfeit money),
- (xi.22) subparagraphs 465(1)(b)(i) and (ii) (conspiracy to prosecute),
- (xi.23) section 753.3 (breach of long-term supervision),

(d) an offence under any of the following provisions of the *Criminal Code*, as they read from time to time before July 1, 1990:

- (i) section 433 (arson), and
- (ii) section 434 (setting fire to other substance),

(d.1) an offence under section 252, as it read from time to time before the day on which section 14 of *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts* comes into force,

(d.2) an offence under any of sections 249, 249.1, 249.2, 249.3, 249.4, 253, 254 and 255, as they read from time to time before the day on which section 14 of *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts* comes into force, that may be prosecuted by indictment or, for section 487.051 to apply, is prosecuted by indictment, and

(e) an attempt to commit or, other than for the purposes of subsection 487.05(1), a conspiracy to commit

(i) an offence referred to in paragraph (a) or (b) — which, for section 487.051 to apply, is prosecuted by indictment, or

(ii) an offence referred to in any of paragraphs (c) to (d.2); (infraction secondaire)