

## SOIRA ORDER – WORKSHEET

| QUESTION  | YES / NO    | REMARKS   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
|---|-------------|---|--------------|-----------|---|-----------|--------|---|-------------|--------|-------------|--------------|----------|-------------|--------|--------|---|-----------|-----------|-------------|----------------|-----------|-------------|--------------|-------------|-------------|----------------|------------|-------------|--------------|-------------|-------------|-------------|-------------|-----------|--|--|---|
| <b>IS IT A DESIGNATED OFFENCE?</b>  |             |   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| <p>Was the accused convicted of committing, attempting to commit, or conspiring to commit any of the following offences:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">__ 7(4.1)</td> <td style="width: 33%;">__ 170(a)</td> <td style="width: 33%;">__ 212(1)(i)</td> </tr> <tr> <td>__ 151</td> <td>__ 170(b)</td> <td>__ 212(2)</td> </tr> <tr> <td>__ 152</td> <td>__ 171.1(a)</td> <td>__ 212(2.1)</td> </tr> <tr> <td>__ 153</td> <td>__ 171.1(b)</td> <td>__ 212(4)</td> </tr> <tr> <td>__ 153.1</td> <td>__ 171.1(c)</td> <td>__ 271</td> </tr> <tr> <td>__ 155</td> <td>__ 172.1(a)</td> <td>__ 272(2)</td> </tr> <tr> <td>__ 160(2)</td> <td>__ 172.1(b)</td> <td>__ 272(2)(a.2)</td> </tr> <tr> <td>__ 160(3)</td> <td>__ 172.1(c)</td> <td>__ 273(2)(a)</td> </tr> <tr> <td>__ 163.1(2)</td> <td>__ 172.2(a)</td> <td>__ 273(2)(a.1)</td> </tr> <tr> <td>__ 63.1(3)</td> <td>__ 172.2(b)</td> <td>__ 273(2)(b)</td> </tr> <tr> <td>__ 163.1(4)</td> <td>__ 172.2(c)</td> <td>__ 273.3(2)</td> </tr> <tr> <td>__ 163(4.1)</td> <td>__ 173(2)</td> <td></td> </tr> </table> | __ 7(4.1)   | __ 170(a)   | __ 212(1)(i) | __ 151    | __ 170(b)   | __ 212(2) | __ 152 | __ 171.1(a)   | __ 212(2.1) | __ 153 | __ 171.1(b) | __ 212(4)    | __ 153.1 | __ 171.1(c) | __ 271 | __ 155 | __ 172.1(a)   | __ 272(2) | __ 160(2) | __ 172.1(b) | __ 272(2)(a.2) | __ 160(3) | __ 172.1(c) | __ 273(2)(a) | __ 163.1(2) | __ 172.2(a) | __ 273(2)(a.1) | __ 63.1(3) | __ 172.2(b) | __ 273(2)(b) | __ 163.1(4) | __ 172.2(c) | __ 273.3(2) | __ 163(4.1) | __ 173(2) |  |  | <p>If “Yes” then it is a designated offence under s.490.011(1)(a) if actually committed or s.490.011(1)(e) if it was an attempt or conspiracy</p> |
| __ 7(4.1)   | __ 170(a)   | __ 212(1)(i)  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 151  | __ 170(b)   | __ 212(2)   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 152  | __ 171.1(a) | __ 212(2.1)   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 153  | __ 171.1(b) | __ 212(4)   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 153.1  | __ 171.1(c) | __ 271  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 155  | __ 172.1(a) | __ 272(2)   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 160(2)   | __ 172.1(b) | __ 272(2)(a.2)  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 160(3)   | __ 172.1(c) | __ 273(2)(a)  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 163.1(2)   | __ 172.2(a) | __ 273(2)(a.1)  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 63.1(3)  | __ 172.2(b) | __ 273(2)(b)  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 163.1(4)   | __ 172.2(c) | __ 273.3(2)   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 163(4.1)   | __ 173(2)   |   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| <p>Was the accused convicted of committing, attempting to commit, or conspiring to commit any of the following offences, R.S.C. 1970 as it read before Jan 4, 1983:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">__ 144</td> <td style="width: 33%;">__ 149</td> <td style="width: 33%;">__ 246(1)</td> </tr> <tr> <td>__ 145</td> <td>__ 156</td> <td></td> </tr> </table>  | __ 144      | __ 149  | __ 246(1)    | __ 145    | __ 156  |           |        | <p>If “Yes” then it is a designated offence under s.490.011(1)(c) if actually committed or s.490.011(1)(e) if it was an attempt or conspiracy</p> |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 144  | __ 149      | __ 246(1)   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 145  | __ 156      |   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| <p>Was the accused convicted of committing, attempting to commit, or conspiring to commit any of the following offences, R.S.C. as amended by ch 125 S.C. 1980-81-82-83:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">__ 246.1</td> <td style="width: 33%;">__ 246.2</td> <td style="width: 33%;">__ 246.3</td> </tr> </table>   | __ 246.1    | __ 246.2  | __ 246.3     |           | <p>If “Yes” then it is a designated offence under s.490.011(1)(c.1) if actually committed or s.490.011(1)(e) if it was an attempt or conspiracy</p> |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 246.1  | __ 246.2    | __ 246.3  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| <p>Was the accused convicted of committing, attempting to commit, or conspiring to commit any of the following offences, R.S.C. 1970 as they read before Jan 1, 1988:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">__ 146(1)</td> <td style="width: 33%;">__ 153</td> <td style="width: 33%;">__ 166</td> </tr> <tr> <td>__ 146(2)</td> <td>__ 157</td> <td>__ 167</td> </tr> </table>   | __ 146(1)   | __ 153  | __ 166       | __ 146(2) | __ 157  | __ 167    |        | <p>If “Yes” then it is a designated offence under s.490.011(1)(d) if actually committed or s.490.011(1)(e) if it was an attempt or conspiracy</p> |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 146(1)   | __ 153      | __ 166  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 146(2)   | __ 157      | __ 167  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| <p>Was the accused convicted of committing, attempting to commit, or conspiring to commit any of the following offences:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">__ 162(5)</td> <td style="width: 33%;">__ 234</td> <td style="width: 33%;">__ 279.01</td> </tr> <tr> <td>__ 173(1)</td> <td>__ 246(b)</td> <td>__ 280</td> </tr> <tr> <td>__ 177</td> <td>__ 264</td> <td>__ 281</td> </tr> <tr> <td>__ 230</td> <td>__ 279(1.1)</td> <td>__ 348(1)(d)</td> </tr> <tr> <td>__ 231</td> <td>__ 279(2)</td> <td></td> </tr> </table> <p><b>AND</b> the Crown can prove the accused intended to commit an offence designated under s.490.011(1) a), c), c.1), d), e)</p>  | __ 162(5)   | __ 234  | __ 279.01    | __ 173(1) | __ 246(b)   | __ 280    | __ 177 | __ 264  | __ 281      | __ 230 | __ 279(1.1) | __ 348(1)(d) | __ 231   | __ 279(2)   |        |        | <p>If “Yes” then it is a designated offence under s.490.011(1)(b) if actually committed or s.490.011(1)(f) if it was an attempt or conspiracy</p> |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 162(5)   | __ 234      | __ 279.01   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 173(1)   | __ 246(b)   | __ 280  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 177  | __ 264      | __ 281  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 230  | __ 279(1.1) | __ 348(1)(d)  |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| __ 231  | __ 279(2)   |   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| <b>WHAT SECTION SHOULD THE SOIRA ORDER BE MADE AND FOR HOW LONG?</b>  |             |   |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |
| <p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f) for which the maximum penalty is life imprisonment</p>  |             | <p>If “Yes” the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p><b>OR</b> s.490.012(2) [for offences designated under s.490.011(1) b), f)]</p> <p>The duration should be <b>LIFE</b> [see s.490.013 (2)(c)]</p> |              |           |   |           |        |   |             |        |             |              |          |             |        |        |   |           |           |             |                |           |             |              |             |             |                |            |             |              |             |             |             |             |           |  |  |   |

| QUESTION   | YES / NO | REMARKS  |
|--|----------|--|
| <p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f) and is presently bound or has previously been bound by a SOIRA order under s. 490.012 or s.227.01 of the <i>National Defence Act</i></p>   |          | <p>If "Yes" the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p><b>OR</b> s. 490.012(2) [for offences designated under s. 490.011(1) b), f)]</p> <p>The duration should be <b>LIFE</b> [see s. 490.013 (4)]</p>          |
| <p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f) and has previously been subject to an Order in Form 53 [Conviction before Dec 15, 2004] or Form 54 [Conviction outside Canada] under s. 227.06 of the <i>National Defence Act</i> or s.26 of the <i>International Transfer of Offenders Act</i></p> <p>Contact the SOIRA officers to ensure compliance 902-720-5338</p>  |          | <p>If "Yes" the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p><b>OR</b> s.490.012(2) [for offences designated under s.490.011(1) b), f)]</p> <p>The duration should be <b>LIFE</b> [see s.490.013 (3)]</p>             |
| <p>Was the accused convicted of multiple counts designated under s.490.011(1) a), c), c.1), d), e) including multiple counts of the same offence</p> <p>Note: this does <b>NOT</b> apply to offences designated under s.490.011(1) b), f)</p>  |          | <p>If "Yes" the application should be under s.490.012(1) and the duration should be <b>LIFE</b> [see s.490.013 (2.1)]</p>  |
| <p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f)</p> <p><b>AND</b> no other provision provides for a <b>LIFE</b> term</p> <p><b>AND</b> the accused has a previous conviction, or NCR verdict, for an offence designated under s.490.011(1) a), c), c.1), d), e) for which they were not served a notice and no order was made [see s.490.012 (3) a), b), c)]</p> <p><b>**Note</b> there are other conditions to be met here that refer to the <i>National Defence Act</i>.</p> <p>Contact the SOIRA officers to ensure compliance 902-720-5338</p> |          | <p>If "Yes" to all the application should be under s.490.012(3) and the duration should be <b>LIFE</b> [see s.490.013 (5)]</p>   |
| <p>Was the accused convicted of an offence designated under s. 490.011(1) a), b), c), c.1), d), e), f)</p> <p><b>AND</b> the Crown proceeded summarily</p> <p><b>AND</b> no other provision applies to make it <b>LIFE</b></p>   |          | <p>If "Yes" the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p><b>OR</b> s.490.012(2) [for offences designated under s.490.011(1) b), f)]</p> <p>The duration should be <b>TEN</b> years [see s. 490.013 (2) (a)]</p>   |
| <p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f)</p> <p><b>AND</b> the Crown proceeded by Indictment</p> <p><b>AND</b> the maximum term of imprisonment is two to five years</p> <p><b>AND</b> no other provision applies to make it a <b>LIFE</b></p>  |          | <p>If "Yes" the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p><b>OR</b> s.490.012(2) [for offences designated under s.490.011(1) b), f)]</p> <p>The duration should be <b>TEN</b> years [see s.490.013 (2) (a)]</p>    |
| <p>Was the accused convicted of an offence designated under s.490.011(1) a), b), c), c.1), d), e), f)</p> <p><b>AND</b> the Crown proceeded by Indictment</p> <p><b>AND</b> the maximum term of imprisonment is ten to fourteen years</p> <p><b>AND</b> no other provision applies to make it <b>LIFE</b></p>  |          | <p>If "Yes" the application should be under s.490.012(1) [for offences designated under s.490.011(1) a), c), c.1), d), e)]</p> <p><b>OR</b> s.490.012(2) [for offences designated under s.490.011(1) b), f)]</p> <p>The duration should be <b>TWENTY</b> years [see s.490.013 (2) (b)]</p> |

## RESULTS OF WORKSHEET

### Is It a Designated Offence:

- s. 490.011(1) (a) Substantive Offence  
 s. 490.011(1)(b) Substantive offence with intent to commit a designated offence under a), c), c.1), d), e)  
 s. 490.011 (1) (c) Historic Sexual Offence (R.S.C. 1970 as it read before Jan 4, 1983)  
 s. 490.011 (1) (c.1) Historic Sexual Offence (R.S.C. 1970 as amended ch 125 S.C. 1980-81-82-83)  
 s. 490.011 (1) (d) Historic Sexual Offence (R.S.C. 1970 as they read before Jan 1, 1988)  
 s. 490.011(1) (e) attempt or conspiracy to commit offence under s. 490.011(1) a), c), c.1), d),  
 s. 490.011(1) (f) attempt or conspiracy to commit offence under s. 490.011(1) b),

### Under Which Section Should the Application Be Made?

- s. 490.012 (1) – for offences designated under s.490.011(1) a), c), c.1), d), e)  
 s. 490.012 (2) – for offences designated under s.490.011(1) b), f)  
 s. 490.012 (3) – for any designated offence and a life term cannot be sought in an application under s. 490.012 (1) or (2). The accused must have a prior conviction for which a SOIRA order was available but not made and other conditions are satisfied

### Duration of Order

| Check all that Apply | Principle  | Section        | Duration of Order |
|----------------------|--|----------------|-------------------|
|                      | Accused convicted of offence for which the maximum penalty is life   | 490.013 (2)(c) | LIFE              |
|                      | Accused is presently bound or has previously been bound by a SOIRA order under s.490.012   | 490.013 (4)    | LIFE              |
|                      | Accused has previously been subject to an Order in Form 53 [Conviction before Dec 15, 2004] or Form 54 [Conviction outside Canada]                           | 490.013 (3)    | LIFE              |
|                      | Accused convicted of multiple counts designated under 490.011(1) a), c), c.1), d), e)<br><br>Does NOT apply to offences designated under s.490.011(1) b), f) | 490.013 (2.1)  | LIFE              |
|                      | Application is under 490.012(3)  | 490.013 (5)    | LIFE              |
|                      | Crown proceeded summarily, no other principles apply   | 490.013 (2)(a) | 10 years          |
|                      | Crown proceeded by indictment, no other principles apply, and the maximum term of imprisonment is two to five years  | 490.013 (2)(a) | 10 years          |
|                      | Crown proceeded by indictment, no other principles apply, and the maximum term of imprisonment is ten to fourteen years                                      | 490.013 (2)(b) | 20 years          |