

NDDB DNA DESIGNATED OFFENCES – SECTION 487.04 OF THE CRIMINAL CODE OF CANADA

(REVISED: 2015/09)

Primary - Mandatory Sec. 487.04(a) Form 5.03	Primary – Presumptive Form 5.03	Primary – Historical	Secondary Offences Form 5.04
<p>7(4.1) Offence in relation to sexual offences against children 151 Sexual interference 152 Invitation to sexual touching 153 Sexual exploitation 153.1 Sexual exploitation of person with disability 155 Incest 160(2) Compelling the commission of bestiality 160(3) Bestiality in presence of or by a child 163.1 Child pornography 170 Parent or guardian procuring sexual activity 171.1 Making sexually explicit material available to child 172.1 Luring a child 172.2 Agreement or arrangement – sexual offence against child 173(2) Exposure 235 Murder 236 Manslaughter 239 Attempt to commit murder 244 Discharging firearm with intent 244.1 Causing bodily harm with intent with an air gun or pistol 244.2 Discharging firearm - recklessness 245(a) Administering noxious thing with intent to endanger life or cause bodily harm 246 Overcoming resistance to the commission of an offence 267 Assault with a weapon or assault causing bodily harm 268 Aggravated assault 269 Unlawfully causing bodily harm 270.01 Assaulting peace officer with weapon or causing bodily harm 270.02 Aggravated assault of peace officer 271 Sexual assault 272 Sexual assault with a weapon, threats to a third party or causing bodily harm 273 Aggravated sexual assault 273.3(2) Removal of a child from Canada 279 Kidnapping & forcible confinement 279.011 Trafficking – person under 18 years 279.02(2) Material benefit — trafficking of person under 18 years 279.03(2) Withholding or destroying documents — trafficking of person under 18 years 286.1(2) Obtaining sexual services for consideration from person under 18 years 286.2(2) Material benefit from sexual services provided by person under 18 years 286.3(2) Procuring — person under 18 years 344 Robbery 346 Extortion</p>	<p>Sec 487.04(a.1) 75 Piratical acts 76 Hijacking 77 Endangering safety of aircraft or airport 78.1 Seizing control of ship or fixed platform 81(1) Using explosives 82.3 Possession, etc., of nuclear material, radioactive material or device 82.4 Use or alteration of nuclear material, radioactive material or device 82.5 Commission of indictable offence to obtain nuclear material, etc. 82.6 Threats of 82.3, 82.4, and 82.5 83.18 Participation in activity of terrorist group 83.181 Leaving Canada to participate in activity of terrorist group 83.19 Facilitating terrorist activity 83.191 Leaving Canada to facilitate terrorist activity 83.2 Commission of offence for terrorist group 83.201 Leaving Canada to commit offence for terrorist group 83.202 Leaving Canada to commit offence that is terrorist activity 83.21 Instructing to carry out activity for terrorist group 83.22 Instructing to carry out terrorist activity 83.221 Advocating or promoting commission of terrorism offences 83.23 Harbours or concealing 233 Infanticide 279.01 Trafficking in a person 279.02(1) Material benefit — trafficking 279.03(1) Withholding or destroying documents — trafficking 279.1 Hostage taking 286.2(1) Material benefit from sexual services 286.3(1) Procuring 348(1)(d) Breaking and entering a dwelling-house 423.1 Intimidation of a justice system participant or journalist 431 Attack on premises, residence or transport of internationally protected person 431.1 Attack on premises, accommodation or transport of United Nations or associated personnel 431.2(2) Explosive or other lethal device 467.11 Participation in activities of criminal organization 467.111 Recruitment of members — criminal organization 467.12 Commission of offence for criminal organization 467.13 Instructing commission of offence for criminal organization</p>	<p>Sec 487.04(c.1) The Security of Information Act: 6 Approaching, entering, etc., a prohibited place 20(1) Threats or violence 21(1) Harbours or concealing</p> <p>Sec. 484.04(d) Attempt & Conspiracy of Primary Offences: An attempt or conspiracy to commit an offence referred to in any of paragraphs (a) to (c.03) constitutes a primary presumptive offence (including Primary Mandatory offences).</p> <p align="center">Primary – Historical</p> <p>Mandatory: Sec. 487.04(c.02) Offences prior to December 6, 2014: 212(1)(i), 212(2), 212(2.1), 212(4) Prostitution</p> <p>Presumptive: Sec. 487.04(b) Sexual offences prior to January 4, 1983: 144, 145, 146, 148, 149, 156, 157, 246(1)</p> <p>Sec. 487.04(c) Sexual offences prior to January 1, 1988: 146(1), (2), 153, 157, 166, 167</p> <p>Sec. 487.04(c.01) Sexual offences 1970-1983: 246.1, 246.2, 246.3 Sexual assaults...</p> <p>Sec. 487.04(c.03) Offences prior to December 6, 2014: 212(1)(a) to (h) Procuring prostitution</p> <p>Note: For a full description of the historical offences, please refer to page 3.</p>	<p>Sec. 487.04(c) – Listed Secondary 145(1) to (11) Escape and being at large without excuse, failure to comply, etc. 146 Permitting or assisting escape 147 Rescue or permit escape 148 Assist prisoner of war to escape 173(1) Indecent acts 252 Failure to stop at scene of accident 264 Criminal harassment 264.1 Uttering threats 266 Assault 270 Assaulting a peace officer 286.1(1) Obtaining sexual services for consideration 348(1)(e) Breaking and entering a place other than dwelling-house 349 Being unlawfully in a dwelling-house 423 Intimidation</p> <p>Sec. 487.04(b) - Controlled Drugs and Substances Act section: (only if prosecuted by indictment and maximum punishment is imprisonment for five years or more)</p> <p>5 Trafficking in substance and possession for purpose of trafficking *5(3)(a) *5(3)(b)* *If the subsection is not listed on the DNA Order, <u>the substance and amount</u> must be confirmed (ie: in cases involving Cannabis).</p> <p>6 Importing and exporting **6(3)(a) **6(3)(a.1) **6(3)(b)*</p> <p>7 Production of substance **7(2)(a) **7(2)(a.1) **7(2)(b) **7(2)(c)* **If the subsection is not listed on the DNA Order, <u>the substance</u> must be confirmed.</p> <p>487.04(e)-Attempt & Conspiracy of Secondary offences: (i) to commit a Hybrid or CDSA offence referred to in paragraph (a) or (b) must be prosecuted by indictment to qualify (ii) to commit an offence referred to in paragraph (c).</p>

Generic /Hybrid Secondary Offences Sec. 487.04(a)			
Form 5.04 (Criminal Code offences that are prosecuted by indictment for which the maximum punishment is imprisonment for five years or more.)			
47 High treason and treason	121.1* Selling, etc., of tobacco products and raw leaf tobacco	269.1 Torture	382.1(1) Insider trading
49 Acts intended to alarm Her Majesty or break the public peace	122 Breach of trust by public officer	270.1* Disarming a peace officer	382.1(2)* Stock tipping
50 Assisting alien enemy to leave Canada or omitting to prevent treason	123 Municipal corruption	280 Abduction of person under 16	383 Gaming in stocks or merchandise
51 Intimidating Parliament or legislature	124 Selling or purchasing office	281 Abduction of person under 14	384 Broker reducing stock by selling for his own account
52 Sabotage	125 Influencing or negotiating appointments or dealing in offices	282* Abduction in contravention of custody order	386 Fraudulent registration of title
53 Inciting mutiny	130* Personating peace officer	283* Abduction	394 Fraud in relation to valuable mineral
56.1* Identity Documents	132 Perjury	286.4* Advertising sexual services	394.1 Possession of stolen or fraudulently obtained valuable minerals
57(1) Forge or use forged passport	136 Witness giving contradictory evidence	287(1) Procuring miscarriage	396 Offence in relation to mines
57(3) Possession of forged passport, etc	137 Fabricating evidence	291 Bigamy	397 Falsification of books & documents
61 Punishment of seditious offences	139(2) Obstructing justice	292 Procuring feigned marriage	399 False return by public officer
62 Offences in relation to military offences	140* Public mischief	293 Polygamy	400 False prospectus, etc
65(2) Riot while wearing a mask	142 Corruptly taking reward for recovery of goods	293.1 Forced marriage	402.2* Identity Theft
66(2)* Unlawful assemblies while wearing a mask	144 Prison breach	293.2 Marriage under the age of 16 years	403* Personation with intent
68 Proclamation offences	159(1)* Anal Intercourse	300 Libel known to be false	405 Acknowledging instrument in false name
70 Unlawful drilling – Orders by Governor in Council	160(1)* Bestiality	302 Extortion by libel	418 Selling defective stores to Her Majesty
74 Piracy	162* Voyeurism	318 Advocating genocide	420* Military stores
78 Take weapon or explosive on board	162.1* Publication, etc., of intimate image without consent	333.1(1)* Theft of motor vehicle	422* Criminal breach of contract
80 Breach duty of care re explosive substances	171(a) Householder permitting sexual activity	334(a) Theft over \$5000 (See Sec 322-333)	424 Threat against internationally protected person
82 Possession of explosives w/o lawful excuse	182 Dead body	336 Criminal breach of trust	424.1 Threats against United Nations or associated personnel
83.02 Providing or collection property for terrorist purposes	184 Interception of communications	337 Public servant refusing to deliver property	425.1* Threats and retaliation against employees
83.03 Providing, making available, etc., property or services for terrorist purposes	184.5 Interception of radio-based telephone communications	338 Theft of/Fraudulently taking cattle or defacing brand	426 Secret commissions (Kickbacks)
83.04 Using or possessing property for terrorist purposes	215* Duty of persons to provide necessities	339(1) Taking possession, etc of drift timber	430(2), (3)*, (4.1)*, (4.2)*, (4.11)*, (5)*, (5.1)* Mischief
83.12* Offences - freezing of property, disclosure, or audit	218* Abandoning child	340 Destroying documents of title	432(2)* Unauthorized recording for the purpose of sale, etc
83.231* Hoax terrorist activity	220 Causing death by criminal negligence	342* Theft, forgery, etc or unauthorized use of credit card	433 Arson – disregard for human life
83.27 Punishment for terrorist activity	221 Causing bodily harm by criminal negligence	342.01* Making, having or dealing in instruments for forgery or falsifying credit cards	434 Setting fire to other substance
85 Use of firearm or imitation in commission of offence	238 Killing unborn child in act of birth	342.1* Unauthorized use of computer	434.1 Arson – own property
86(a)(ii)* Careless use, storage of firearm (2 nd / subsequent offence)	240 Accessory after fact to murder	345 Stopping mail with intent	435 Arson for fraudulent purpose
87* Pointing a firearm	241 Counselling or aiding suicide	347* Criminal interest rate	436 Arson by negligence
88* Possession of weapon for dangerous purpose	242 Neglect to obtain assistance in child birth	351(1)* Possess break-in instrument	436.1 Possession of incendiary material
90* Carry a concealed weapon	247 Set traps likely to cause bodily harm	351(2) Disguise with intent	438(1) Interfering with saving of wrecked vessel
91* Unauthorized possession firearm, etc.	248 Interfering with transportation facilities	353.1* Tampering with vehicle identification number	439(2) Interfering with marine signal
92 Possession of firearm, etc. knowing unauthorized	249(2)* Dangerous driving	355(a) Possess property over \$5000	441 Occupant injuring building
93* Possession at unauthorized place	249(3) Dangerous driving causing bodily harm	355.5* Trafficking or Possession in property obtained by crime (See Sec 355.2 and 355.4)	443 Interfering with international boundary marks
94* Unauthorized possession in motor vehicle	249(4) Dangerous driving causing death	356* Theft from mail	444* Injuring or endangering cattle
95* Possessing of prohibited or restricted firearm with ammunition	249.1(2)* Flight	357 Bringing into Canada property obtained by crime	445* Injuring or endangering other animals
96* Possession of weapon obtained by offence	249.1(4) Flight causing bodily harm or death	362(2)(a) False pretense or false statement over \$5000	445.01* Killing or injuring certain animals
98(1) Break & Entering to steal firearm	249.2 Causing death by criminal negligence - street racing	362(3) False pretense or false statement	447* Keeping cockpit
98.1 Robbery to steal firearm	249.3 Causing bodily harm by criminal negligence – street racing	363 Obtaining execution of security by fraud	449 Counterfeit money, making
99 Weapons trafficking	249.4(1)/(2)* Dangerous operation of MV while street racing	367* Forgery	450 Possession, etc of counterfeit money
100 Possession for purpose of weapon trafficking	249.4(3) Dangerous operation causing bodily harm – street racing	368* Uttering forged document	451 Having unauthorized clippings, etc
101* Transfer without authority	249.4(4) Dangerous operation causing death – street racing	368.1 Forgery instruments	452 Uttering counterfeit money, etc
102* Making automatic firearm	251 Unseaworthy vessel and unsafe aircraft	369 Exchequer bill paper, seals, etc	455 Clipping & uttering clipped coin
103 Importing/exporting knowing unauthorized	254(5)* Failure/refusal to provide sample	370 Counterfeit proclamation	458 Making, having or dealing in instrument for counterfeiting
104* Unauthorized importing/exporting	255(1)* Impaired driving	371 Telegram in false name	459 Conveying instruments for coining out of Mint, etc
105* Losing or finding weapons	255(2) Impaired driving causing bodily harm	374 Drawing document w/o authority	460 Advertising & dealing in counterfeit money, etc
106* Destroying weapons	255(2.1) Impaired driving over 80 mg causing bodily harm	375 Obtaining, etc based on forged documents	462.31* Laundering proceeds of crime
107* False statements	255(2.2) Refusing to provide breath or blood sample knowing accident resulted in bodily harm	376 Using counterfeit stamp, etc	753.3(1) Breach of order of long term supervision
108* Tampering with serial number	255(3) Impaired driving causing death	377 Damaging documents	
117.01* Possession of weapon contrary to order, etc	255(3.1) Impaired driving over 80 mg causing death	378 Offence in relation to registers	
119 Bribery of judicial officers	255(3.2) Refusing to provide breath or blood sample knowing accident resulted in death	380(1)(a) Fraud over \$5000	
120 Bribery of officers, etc	259(4)* Operation while disqualified	380(2) Fraud affecting public market	
121 Frauds on the government	262 Impeding attempt to save life	382 Fraudulent manipulation of stock transactions	

* = Represent a hybrid offence that becomes a secondary offence only if prosecuted by indictment - for which the maximum punishment is imprisonment of 5 years or more

NDDB DNA DESIGNATED HISTORICAL OFFENCES – SECTION 487.04 (b to c.03)

Primary - Mandatory Historical	Primary - Presumptive Historical	
<p><u>Sec. 487.04(c.02)</u> <u>Offences prior to December 6th, 2014:</u> 212(1)(i) Stupefying or overpowering for the purpose of sexual intercourse 212(2) Living on the avails of prostitution of a person under the age of 18 212(2.1) Aggravated offence in relation to living on the avails of prostitution of a person under the age of 18 212(4) Obtaining prostitution of person under age of 18</p>	<p><u>Sec. 487.04(b)</u> <u>Sexual offences prior to January 4, 1983:</u> 144 Rape 145 Attempt to commit rape 146 Sexual intercourse with female under 14 & between 14 and 16 148 Sexual intercourse with feeble-minded, etc. 149 Indecent assault on female 156 Indecent assault on male 157 Acts of gross indecency 246(1) Assault with intent (if intent is to commit an offence listed above)</p> <p><u>Sec. 487.04(c)</u> <u>Sexual offences prior to January 1, 1988:</u> 146(1) Sexual intercourse with a female under age of 14 146(2) Sexual intercourse with a female between ages of 14 and 16 153 Sexual intercourse with step-daughter 157 Gross indecency 166 Parent or guardian procuring defilement 167 Householder permitting defilement,</p>	<p><u>Sec. 487.04(c.01)</u> <u>Sexual offences 1970-1983:</u> 246.1 Sexual assault 246.2 Sexual assault with a weapon, threats to a third party or causing bodily harm 246.3 Aggravated sexual assault</p> <p><u>Sec. 487.04(c.03)</u> <u>Offences prior to December 6th, 2014:</u> 212(1)(a) to (h) Procuring prostitution</p>