

Amendment in keeping with tough-on-crime agenda



A federal bill amendment that makes payment of victim fine surcharges mandatory will bring further anguish to the lives of the less fortunate, says Toronto criminal lawyer [Jacob Stilman](#).

Bill C-37: Increasing Offenders' Accountability for Victims Act was recently given second reading and referred to the House of Commons Standing Committee on Justice and Human Rights. Along with making the charge mandatory, the intent of the amendment is to also double victim surcharge amounts. [Read Legislative Summary](#)



“Until now judges could grant full or partial relief to offenders from having to pay the victim fine surcharges,” says Stilman, partner with [Lo Greco Stilman LLP](#). “Given that many persons who appear in the criminal courts are impoverished or of reduced means, this makes fundamental sense. The elimination of judicial discretion will result in very large numbers of individuals with government-imposed debts following them for the rest of their lives.”

Stilman says the change will result in a “costly and inefficient collection apparatus,” along with added hardship to the lives of many.

“This amendment is utterly gratuitous and reflective of the ideology of this government, which has repeatedly demonstrated contempt for judicial flexibility and independence,” he says.

Stilman says the changes fit with the Harper government’s tough-on-crime stance.

“This is in keeping with the government’s continual ratcheting up of penal sanctions against all persons encountering the criminal justice system.”

With convicted offenders paying a doubled surcharge, Stilman says more funds will be directed to the provincial bodies that administer victim assistance programs established in individual provinces. While the purpose is to ensure the provincial programs have an adequate funding base to assist victims of crime, the programs have been known to fail in delivering relief to these individuals, says Stilman.

“The establishment of these programs is a ‘feel-good’ effort, which has very little tangible impact on the community, but it allows government to proclaim that they are responding to the needs of victims,” he says. “A better use of these resources would be to focus on crime prevention and rehabilitative programs for convicted offenders, so as to further reduce the already declining level of criminal behaviour in society.”

It’s difficult to say how vital the funding is, says Stilman, because crime rates vary from region to region.

“Some provinces may have more than adequately funded coffers, while others may not,” he says. “An across-the-board increase in the tariff likely will over-compensate provincial programs where there is a declining crime rate.”