COMPARATIVE ANTIMATIA LEGISLATION

EXTRA-UE LAWS

CANADA

Criminal Code of Canada with reference to Art. 416 bis ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE The following definitions apply in this Act:

- *Criminal organization* means a group, however organized, that (a) is composed of three or more persons in or outside Canada; and (b) has as one of its main purposes or main activities the facilitation or commission of one or more serious offences that, if committed, would likely result in the direct or indirect receipt of a material benefit, including a financial benefit, by the group or by any of the persons who constitute the group. It does not include a group of persons that forms randomly for the immediate commission of a single offence. *Serious offence* means an indictable offence under this or any other Act of Parliament for which the maximum punishment is imprisonment for five years or more, or another offence that is prescribed by regulation. Facilitation For the purposes of this section, facilitation of an offence does not require knowledge of a particular offence the commission of which is facilitated, or that an offence actually be committed.
- Commission of offence In this section and in sections 467.11 to 467.13, committing an offence means being a party to it or counselling any person to be a party to it.
- Participation in activities of criminal organization 467.11 Every person who, for the purpose of enhancing the ability of a criminal organization to facilitate or commit an indictable offence under this or any other Act of Parliament, knowingly, by act or omission, participates in or contributes to any activity of the criminal organization is guilty of (a) an indictable offence and liable to imprisonment for a term of not more than five years; or (b) an offence punishable on summary conviction.

Criminal Code of Canada with reference to Art. 416 bis ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE

In a prosecution for an offence under subsection (1), it is not necessary for the prosecutor to prove that (a) the criminal organization actually facilitated or committed an indictable offence; (b) the participation or contribution of the accused actually enhanced the ability of the criminal organization to facilitate or commit an indictable offence; (c) the accused knew the specific nature of any indictable offence that may have been facilitated or committed by the criminal organization; or (d) the accused knew the identity of any of the persons who constitute the criminal organization. Factors In determining whether an accused participates in or contributes to any activity of a criminal organization, the Court may consider, among other factors, whether the accused (a) uses a name, word, symbol or other representation that identifies, or is associated with, the criminal organization; (b) frequently associates with any of the persons who constitute the criminal organization; (c) receives any benefit from the criminal organization; or (d) repeatedly engages in activities at the instruction of any of the persons who constitute the criminal organization.

<u>Recruitment of members by a criminal organization 467.11</u> Every person who, for the purpose of enhancing the ability of a criminal organization to facilitate or commit an indictable offence under this Act or any other Act of Parliament, recruits, solicits, encourages, coerces or invites a person to join the criminal organization, is guilty of an indictable offence and liable, (a) in the case where the person recruited, solicited, encouraged or invited is under 18 years of age, to imprisonment for a term not exceeding five years, and to a minimum punishment of imprisonment for a term of six months; and (b) in any other case, to imprisonment for a term not exceeding five years. <u>Commission of offence for criminal organization 467.12</u> Every person who commits an indictable offence under this or any other Act of Parliament for the benefit of, at the direction of, or in association with, a criminal organization is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

Criminal Code of Canada with reference to Art. 416 bis ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE

In a prosecution for an offence under subsection (1), it is not necessary for the prosecutor to prove that the accused knew the identity of any of the persons who constitute the criminal organization.

Instructing commission of offence for criminal organization 467.13 Every person who is one of the persons who constitute a criminal organization and who knowingly instructs, directly or indirectly, any person to commit an offence under this or any other Act of Parliament for the benefit of, at the direction of, or in association with, the criminal organization is guilty of an indictable offence and liable to imprisonment for life. Prosecution In a prosecution for an offence under subsection (1), it is not necessary for the prosecutor to prove that (a) an offence other than the offence under subsection (1) was actually committed; (b) the accused instructed a particular person to commit an offence; or (c) the accused knew the identity of all of the persons who constitute the criminal organization.

Sentences to be served consecutively 467.14 A sentence imposed on a person for an offence under section 467.11, 467.111, 467.12 or 467.13 shall be served consecutively to any other punishment imposed on the person for an offence arising out of the same event or series of events and to any other sentence to which the person is subject at the time the sentence is imposed on the person for an offence under any of those sections.

With reference to ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE Art. 416 ter No relative Canadian legislation.

With reference to Law 175/2010 BAN ON CARRYING OUT ELECTORAL PROPAGANDA FOR PERSONS SUBJECT TO **PREVENTIVE MEASURES** No relative Canadian legislation.

With reference to Law 575/1965 ANTI-MAFIA LEGISLATION PERSONAL PREVENTION MEASURES No relative Canadian legislation.

With reference to Art. 6 of Legisl. Decree 159/2011 SPECIAL PUBLIC SECURITY SURVEILLANCE No relative Canadian legislation.

With reference to Art. 6, par. 2 of Legisl. Decree 159/2011 SPECIAL PS SURVEILLANCE WITH PROHIBITION OF RESIDENCE No relative Canadian legislation.

With reference to Art. 6 par. 3 of Legisl. Decree 159/2011 SPECIAL PS SURVEILLANCE WITH OBLIGATION TO STAY No relative Canadian legislation.

With reference to Art. 16 Legisl. Decree 159/2011 ANTI-MAFIA LEGISLATION ASSET-RELATED PREVENTIVE MEASURES ENTITIES SUBJECT TO THE LAW No relative Canadian legislation.

With reference to Art. 18 Legisl. Decree 159/2011 DECEASED PERSON No relative Canadian legislation.

With reference to Art. 20, Legisl. Decree 159/2011 SEIZURE No relative Canadian legislation. With reference to Legisl. Decree 159/2011 CONFISCATION No relative Canadian legislation.

With reference to Art. 25, Legisl. Decree 159/2011 SEIZURE AND CONFISCATION OF AN EQUIVALENT VALUE No relative Canadian legislation.

With reference to Art. 110, Legisl. Decree 159/2011 AGENCY FOR ASSETS SEIZED AND CONFISCATED ANTIMAFIA LAWS No relative Canadian legislation.

With reference to Decree-Law 8/1991 converted into Law 82/1991 KIDNAPPINGS FOR THE PURPOSE OF EXTORTION AND PROTECTION OF WITNESSES OF JUSTICE

No relative Canadian legislation.

With reference to Art. 143 TUEL Consolidated Law for Local Authorities DISSOLUTION OF MUNICIPAL COUNCILS FOR MAFIA INFILTRATION

No relative Canadian legislation.

With reference to Art. 84, Legisl. Decree 159/2011 COMMUNICATION AND INFORMATION OF THE ANTI-MAFIA DOCUMENTATION

No relative Canadian legislation.

PROVISIONS OF THE CRIMINAL CODE NOT INCLUDED IN THE ITALIAN CRIMINAL CODE No relative Canadian legislation.