

## CRIMINAL CODE OF CANADA

### Witness giving contradictory evidence

**136** (1) Every one who, being a witness in a judicial proceeding, gives evidence with respect to any matter of fact or knowledge and who subsequently, in a judicial proceeding, gives evidence that is contrary to his previous evidence is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years, whether or not the prior or later evidence or either is true, but no person shall be convicted under this section unless the court, judge or provincial court judge, as the case may be, is satisfied beyond a reasonable doubt that the accused, in giving evidence in either of the judicial proceedings, intended to mislead.

#### Evidence in specific cases

(1.1) Evidence given under section 714.1, 714.2 or 714.3 or under subsection 46(2) of the [Canada Evidence Act](#) or evidence or a statement given under an order made under section 22.2 of the [Mutual Legal Assistance in Criminal Matters Act](#) is deemed to be evidence given by a witness in a judicial proceeding for the purposes of subsection (1).

#### Definition of *evidence*

(2) Notwithstanding the definition *evidence* in section 118, *evidence*, for the purposes of this section, does not include evidence that is not material.

### Fabricating evidence

**137** Every one who, with intent to mislead, fabricates anything with intent that it shall be used as evidence in a judicial proceeding, existing or proposed, by any means other than perjury or incitement to perjury is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

R.S., c. C-34, s. 125

### Obstructing justice

**139** (1) Every one who wilfully attempts in any manner to obstruct, pervert or defeat the course of justice in a judicial proceeding,

- (a) by indemnifying or agreeing to indemnify a surety, in any way and either in whole or in part, or
- (b) where he is a surety, by accepting or agreeing to accept a fee or any form of indemnity whether in whole or in part from or in respect of a person who is released or is to be released from custody,

is guilty of

- (c) an indictable offence and is liable to imprisonment for a term not exceeding two years, or
- (d) an offence punishable on summary conviction.

Idem

(2) Every person who intentionally attempts in any manner other than a manner described in subsection (1) to obstruct, pervert or defeat the course of justice is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than 10 years; or
- (b) an offence punishable on summary conviction.

### **Criminal negligence**

- **219** (1) Every one is criminally negligent who
  - (a) in doing anything, or
  - (b) in omitting to do anything that it is his duty to do,

shows wanton or reckless disregard for the lives or safety of other persons.

- Definition of *duty*

(2) For the purposes of this section, *duty* means a duty imposed by law.

- R.S., c. C-34, s. 202

### **Causing death by criminal negligence**

**220** Every person who by criminal negligence causes death to another person is guilty of an indictable offence and liable

- (a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
- (b) in any other case, to imprisonment for life.
- R.S., 1985, c. C-46, s. 220
- 1995, c. 39, s. 141

### **Causing bodily harm by criminal negligence**

**221** Every person who by criminal negligence causes bodily harm to another person is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than 10 years; or
- (b) an offence punishable on summary conviction.
- R.S., 1985, c. C-46, s. 221
- 2019, c. 25, s. 76