

## SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY

SAULT STE. MARIE, ON

COURSE OUTLINECOURSE TITLE: INTRODUCTION TO LAW

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CODE NO.: LAS 100 SEMESTER: ONE

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PROGRAM: LAW AND SECURITY ADMINISTRATION

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AUTHOR: UGO CAPY

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DATE: SEPTEMBER 1994 PREVIOUS OUTLINE: SEPTEMBER 1993

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NEW:

REVISED:

APPROVED: ^'/Ismi-titi i co  
 Kitty DeRosario, Dean  
 School of Human Sciences &  
 Teacher Education

Date /?/<#./?//?  
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**\*\*NOTE:** Do not discard this outline. It will be required by other educational institutions if you are attempting to obtain credit for this course.

Course Name: Introduction to Law  
Course Number: LAS 100  
Hours: 45  
instructor: Ugo Capy/Scott Dickinson

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## **COURSE PHILOSOPHY/GOALS**

This course will provide the student with an opportunity to appreciate and understand the nature of law as a mechanism for organized social control. It will introduce the structures, components, institutions and individuals involved with the administration of justice in Canada. The course will also examine the process of law in the Canadian Criminal Justice system.

This introductory level course is designed to be presented in eight modules. Each module has been designed as a stand alone unit of learning. Some modules, however, require that the student have the knowledge and skills associated with pre-requisite modules. The course modules are listed in the order in which they should be completed by the student. Further details of each module can be found in the following pages of the modules.

<b>Module #</b>	<b>Module Title</b>	<b>Prerequisites</b>	<b>Hours</b>
	Intro and Orientation		1
1	Sources of Law		4
2	Law Making Process		4
3	Finding Criminal Law		6
4	Classification of Criminal Offences		6
5	Crime and Its Components: Actus Reus	Module #4	6
6	Crime and Its Components: Mens Rea	Module #5	6
7	Criminal Liability	Module #6	8
8	Defences to Criminal Offences	Module #7	4
	Total		45

## **REQUIRED STUDENT RESOURCES**

Carswell, Pocket Criminal Code, 1993 edition

Criminal Law and the Canadian Criminal Code, 2nd Ed.  
Barnhorst, Barnhorst & Clark  
McGraw-Hill 1992

Canadian Law Dictionary

Handouts provided by course instructor

## **METHOD OF EVALUATION**

Students will be evaluated through assignments and tests. Each four hour module shall have a value of 9 percent of the final grade, six hour modules shall have a value of 13 or 14 percent of the final grade, and eight hour modules shall have a value of 18 percent of the final grade.

The overall grade for the course will be calculated as a percentage based on the aggregate marks for all of the modules.

## **COLLEGE GRADING POLICY**

**90 - 100% = A+**

**80 - 89% = A**

**70 - 79% = B**

**60 - 69% = C**

**BELOW 60% = R (repeat course)**

## **SPECIAL NOTE**

Students with special needs (eg. physical limitations, visual impairments, hearing impairments, learning disabilities) are encouraged to discuss required accommodations confidentially with the instructor.

Your instructor reserves the right to modify the course as he/she deems necessary to meet the needs of students.

## **1.0 SOURCES OF LAW**

Upon successful completion of this module, the student will have demonstrated an ability to:

- a) define law and state the function of law in Canadian society
- b) list and describe the various sources of Canadian Law
- c) define the various types of laws that influence the Justice system
- d) from given scenarios, locate, in the Canadian Criminal Cases, pertinent Case law and describe the impact of this law on law enforcement in Canada
- e) from various media sources, identify current issues involving the passage of new laws and discuss the need for such laws

### **Topics to be Covered**

#### **1 1 LAW**

definition  
as a legal concept  
as a legal system  
as a set of rules  
jurisprudence

#### **12 FUNCTION OF LAW**

need for law  
as opposed to rules

#### **13 PRIMARY SOURCES OF LAW**

religion (church law)  
customs and conventions (Common Law)  
social and political philosophy  
(Marxism, Communism & philosophers)

#### **14 SECONDARY SOURCES OF LAW**

Constitution (BNA & Charter)  
Statutes  
Court decisions (Case Law)  
how to locate Case law

## 2.0 THE LAW MAKING PROCESS

Upon successful completion of this module, the student will have demonstrated an ability to:

- a) state the authority that allows each level of government to create laws
- b) list five areas that are the exclusive jurisdiction of the federal government for the creation of laws
- c) list five areas that are the exclusive jurisdiction of the provincial government for the creation of laws
- d) chart the law making process at the federal, provincial and municipal levels
- e) name the leading players at the three levels of government
- f) from a given scenario, create a law and take it through the process
- g) list eight of the most common Federal Statutes
- h) list seven of the most common Provincial Statutes
- i) list three municipal by-laws

### Topics to be Covered

#### 2.1 FEDERAL LAW

authority to create  
jurisdiction  
make up of Parliament  
creation of a bill  
process  
role of the senate  
enactment  
key members of Parliament  
common Federal laws

#### 2.2 PROVINCIAL LAW

authority to create  
jurisdiction  
make up of the Ontario Legislature  
creation of a bill  
process  
enactment  
key members of the Legislature  
common Provincial laws

#### 2.3 MUNICIPAL LAW

authority to create  
jurisdiction  
make up of municipal council  
process  
enactment  
members of council  
common municipal by-laws

### 3.0 FINDING CRIMINAL LAW

Upon successful completion of this module, the student will have demonstrated an ability to:

- a) differentiate between criminal law and quasi criminal law
- b) state the purpose of the Criminal Code
- c) from given scenarios, locate and identify appropriate sections of the Criminal Code or other Federal Statutes

Topics to be Covered

#### 3.1 CRIMINAL LAW

- scope of Criminal Law
- criminal record

#### 3.2 QUASI CRIMINAL LAW

- scope of Quasi Criminal Law

#### 3.3 CRIMINAL CODE

- purpose
- contents
- locating sections
- definitions

### 0 CLASSIFICATION OF CRIMINAL OFFENCES

Upon successful completion of this module, the student will have demonstrated an ability to:

- a) define the terms; indictable offence, dual procedure offence and summary conviction offence
- b) identify the significant factors in the classification of criminal offences
- c) from a given list, identify offences as either indictable, dual or summary conviction

Topics to be Covered

#### 4.1 INDICTABLE OFFENCES

- definition
- arrest
- release
- level of court
- sentence
- appeals
- statute of limitations

## CLASSIFICATION OF CRIMINAL OFFENCES (cont'd)

### 4.2 DUAL PROCEDURE OFFENCES

- definition
- arrest
- release
- level of court
- sentence
- appeals
- statute of limitations
- common Dual Procedure offences

### 4.3 SUMMARY CONVICTION OFFENCES

- definition
- arrest
- release
- level of court
- sentence
- appeals
- statute of limitations
- common Summary Conviction offences

## 5.0 CRIME AND ITS COMPONENTS: ACTUS REUS

Upon successful completion of this module, the student will have demonstrated an ability to:

- a) list and describe the components of a crime
- b) describe the required elements of actus reus
- c) from a given scenario, identify the crime and state what constitutes the actus reus of that crime
- d) identify situation where individuals would not be held criminally liable for unlawful acts

### Topics to be Covered

#### 5.1 CRIME

- definition
- essential elements
- duty of Crown

#### 5.2 ACTUS REUS

- conduct
- exceptions to general rule regarding conduct
- circumstances
- consequences
- failure to act
- voluntariness

CRIME AND ITS COMPONENTS: ACTUS REUS (cont'd)

5.2.1 AUTOMATISM

- definition
- sleepwalking
- external blow
- self induced
- disease of mind
- distinction between insanity
- psychological blow

5.2.2 CAUSATION

- definition
- examples
- refusal of treatment

**6.0 CRIME AND ITS COMPONENTS: MENS REA**

Upon successful completion of this module, the student will have demonstrated an ability to:

- a) describe the required elements for mens rea
- b) differentiate between:
  - planned and deliberate
  - intention and motive
  - recklessness and carelessness
  - strict and absolute liability
  - direct, indirect, specific and transferred intent
- c) from a given scenario, identify the crime, select and describe the appropriate mental elements

Topics to be Covered

6.1 ELEMENTS OF MENS REA

- philosophical premise of Canadian Criminal Law
- choice
- freely made
- knowledge
- excuses that may absolve individual from criminal responsibility

6.2 KNOWLEDGE AND INTENTION

- willfully
- fraudulently
- planned and deliberate
- direct intention
- indirect intention
- motive
- proving intention
- transferred intent
- specific intent
- examples



CRIME AND ITS COMPONENTS: MENS RAE (cont'd)

6.3 RECKLESSNESS AND CARELESSNESS

recklessness  
carelessness  
criminal negligence  
willful blindness  
strict and absolute liability  
examples

7.0 MODES OF PARTICIPATION IN A CRIME

Upon successful completion of this module, the student will have demonstrated an ability to:

- a) identify and describe the role of the various participants of a crime
- b) describe the role of an accessory after the fact to a criminal offence
- c) identify a completed offence and what constitutes an attempt to commit a criminal offence
- d) list the central elements of conspiracy to commit a criminal offence
- e) state the penalties for the different forms of participation in a crime
- f) from a given scenario, identify the offence and describe the role of each of the participants

**Topics to be Covered**

7.1 COMMITTER

completing the criminal act  
actus reus requirement  
mens rea requirement  
omitting to do something that is required by law  
penalties

7.2 AIDER

definition  
actus reus requirement  
mens rea requirement  
examples  
penalties

7.3 ABETTOR

definition  
Actus Reus requirement  
Mens Rea requirement  
examples penalties

7.4 COUNSELLING: OFFENCE COMPLETED

definition  
actus reus requirement  
mens rea requirement  
examples  
penalties

## MODES OF PARTICIPATION IN A CRIME (cont'd)

### 7.5 COUNSELLING: OFFENCE NOT COMPLETED

- actus reus requirement
- mens rea requirement
- examples
- penalties

### 7.6 CONSPIRACY

- definition
- elements of the offence
- common purpose
- actus reus requirement
- mens rea requirement
- examples
- penalties

### 7.7 ACCESSORY AFTER THE FACT

- definition
- elements of offence
- actus reus requirement
- mens rea requirement
- exemption for spouse
- examples
- penalties

### 7.8 CRIMINAL ATTEMPTS

- basic principles
- actus reus relating to attempts
- mens rea relating to attempts
- examples
- penalties

## 8.0 CRIMINAL DEFENCES

Upon successful completion of this module, the student will have demonstrated an ability to:

- list and discuss selected defences to criminal charges
- from a given scenario, identify the offence and determine if one of the defences that has been discussed is applicable

## Topics to be Covered

### 8.1 MISTAKE OF FACT

- mens reae requirement
- facts in issue
- examples

## CRIMINAL DEFENCES (cont'd)

### 8.2 NECESSITY

- meaning
- facts in issue
- examples

### 8.3 INTOXICATION

- voluntary intoxication
- facts in issue
- examples
- involuntary intoxication
- facts in issue
- examples

### 8.4 DURESS

- meaning
- applicability to serious offences
- facts in issue
- examples

### 8.5 INSANITY

- meaning
- facts in issue
- rules of law
- examples

#### SELF DEFENCE

- meaning
- scope
- facts in issue
- rules of law
- examples

### 8.7 OTHER DEFENCES

- defence of property
- consent