

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Changes to the Ontario Sex Offender Registry following
the Supreme Court of Canada Decision in *Ontario
(Attorney General) v. G***

DATE OF ISSUE:	May 14, 2021
CLASSIFICATION:	General Information
RETENTION:	Indefinite
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PRIORITY:	High

I am writing to inform you that as of May 20, 2021, [*Christopher's Law \(Sex Offender Registry\), 2000*](#) will no longer apply to individuals found Not Criminally Responsible on Account of a Mental Disorder (NCRMD) of a sex offence, and who have been granted an Absolute Discharge.

On November 20, 2020, the Supreme Court of Canada rendered its decision in [*Ontario \(Attorney General\) v. G*](#) and declared that certain provisions in *Christopher's Law* are invalid because they discriminate against individuals with mental disabilities. The declaration of invalidity takes effect on May 20, 2021, six months after the decision was announced.

This will result in the following changes:

1. Individuals found NCRMD who have been granted an Absolute Discharge will no longer be subject to the reporting requirements set out in *Christopher's Law*, and
2. Individuals found NCRMD who have been granted an Absolute Discharge will be deleted from the Ontario Sex Offender Registry (OSOR) where that is their only record. Individuals with more than one record would have the record relating to their NCRMD with an Absolute Discharge finding deleted.

No changes are being made to *Christopher's Law* or Ontario Regulation 69/01: General to reflect the decision at this time. The Supreme Court of Canada decision overrides any contradictory provisions in *Christopher's Law*.

Implementation

The Ontario Provincial Police (OPP) will notify local OSOR registrars of these changes.

The OPP will also inform impacted individuals through registered mail that they are no longer subject to *Christopher's Law* for these specific offences.

Updates to training materials, ministry and OPP websites are underway. Minor updates will also be made to two forms to reflect these changes:

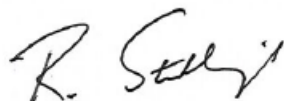
- Form 5: Notification of Duty to Register (008-0105E) – available through the Ontario Central Forms Repository Website, and
- OPP Form: Ontario Sex Offender Registration Receipt – available through the OPP.

For clarity, no changes are currently being made to:

- Form 1: Information in Support of Warrant under subsections 11(3) of the Act (008-0101),
- Form 2: Information in Support of Warrant (Telewarrant) under subsections 11(3) and (5) of the Act (008-0102),
- Form 3: Warrant for Arrest under subsections 11(3) of the Act (008-0103), or
- Form 4: Warrant for Arrest (Telewarrant) under subsections 11(3) and (5) of the Act (008-0104).

If you have questions, please contact Tanya Sampson, Manager, High Risk Offender Unit, Ontario Provincial Police at Tanya.Sampson@opp.ca or 705-329-6275. Alternatively, contact Kathryn Watson, Manager, Community Safety and Corrections Policy at Kathryn.Watson@ontario.ca or 416-986-4127.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety