

BAIL PICKLIST

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Disclaimers

1. This picklist is intended to be used as a guide, not as a menu of options to select from in any given case. It sets out suggested standard wording for common types of conditions that arise; however, other than any compulsory conditions, many will not be appropriate in every case. Judges always have discretion in deciding how the law should be applied. They may or may not choose to use the picklist wording.
2. Anyone referring to the picklist is required to read the pick list number, if there is one, and complete wording of the condition on the record.

Introductory Statements

3 DAY REMAND		Pursuant to section 516(1), you are remanded in custody until ____[date/time].
6 DAY REMAND		<p>Pursuant to section 503(3) I am satisfied that you have been arrested without a warrant for an indictable offence alleged to have been committed in the Province of _____.</p> <p>I am also satisfied that you are the person who is alleged to have committed the offence.</p> <p>I remand you to await execution of the warrant for your arrest in accordance with section 528 of the <i>Criminal Code</i>. If the warrant is not executed by ____[date], you must be released (by____am/pm or if no time specified, the deadline for release will default to 11:59 pm on the relevant date).</p>
RELEASE ORDER s. 515(2)(a)-(d)		<p>I order that you be released</p> <ol style="list-style-type: none"> 1. No Security Without any financial obligation; 2. Promise to Pay On your promise to pay \$__if you fail to comply with a condition of this order; 3. Cash Deposit With a deposit by you of \$__; 4. Cash Deposit and Promise to Pay With a total financial obligation of \$_____ with a deposit by you of \$ and your promise to pay an additional \$_____ if you fail to comply with a condition of this order; 5. Surety Promise to Pay or Deposit With a surety(ies) (who promises to pay / will deposit) \$_____;

		<p>6. Named Surety Promise to Pay or Deposit</p> <p>With a surety(ies) in the name of [Name and DOB*], (who promises to pay / will deposit) \$___;</p> <p><i>*if named sureties see “NAMED SURETIES” below</i></p> <p>7. Surety Promise to Pay or Deposit, and Accused Promise to Pay</p> <p>With a total financial obligation of \$_____with a surety(ies) (who promises to pay / will deposit) \$_____and your promise to pay an additional \$___ if you fail to comply with a condition of this order;</p> <p>8. Named Surety Promise to Pay or Deposit, and Accused Promise to Pay</p> <p>With a total financial obligation of \$_____with surety(ies) in the name of [Name and DOB]* (who promises to pay / will deposit) \$___, and your promise to pay an additional \$___ if you fail to comply with a condition of this order.</p> <p><i>*if named sureties see “NAMED SURETIES” below</i></p>
<p>NAMED SURETIES</p>		<p>Pursuant to section 515(2.1) (<i>name: _____</i>) is a named surety: _____. Any further vetting of the surety by the releasing Justice of the Peace is waived.</p>

<p>SURETY DECLARATION WAIVER</p> <p>s. 515.1(2)</p> <p>The Crown can consent to the waiver.</p>		<p>I am waiving the requirement of a surety declaration because:</p> <ol style="list-style-type: none"> 1. The surety [name] cannot reasonably provide a declaration in the circumstances; or 2. I have received sufficient information of the kind that would be set out in a declaration to evaluate whether ____ [name] is suitable to act as a surety for the accused, and; 3. They have acknowledged that they have received sufficient information with respect to the matters referred to in s. 515.1(1)(e) to (g) to accept the role and responsibilities of a surety.
<p>RELEASE ORDER NOT ORDINARILY A RESIDENT</p> <p>s. 515(2)(e)</p> <p>Not Mandatory</p> <p>200 Km radius or non res = Deposit plus Surety</p>		<p>Because you are not ordinarily resident in this province or do not ordinarily reside within 200 kilometres of the place in which you are in custody, you are released on a total financial obligation of \$____ with a deposit by you of \$____;</p> <p>This release order is subject to the following additional financial obligations (<i>can choose from options 4-8 "RELEASE ORDER" above to arrive at total</i>).</p>
<p>DETENTION</p>		<p>You are detained in custody on (<i>primary, secondary and/or tertiary grounds</i>) for the following reasons:</p>
<p>WEAPONS PROHIBITION NOT REQUIRED</p>		<p>I am satisfied that a weapons prohibition pursuant to section 515(4.1) is not necessary for the interest of your safety, or the safety and security of the victim of the offence, or of any other person for the following reasons:</p> <p>_____.</p>
<p>CONSIDERATION OF VICTIMS' SAFETY</p>		<p>Pursuant to section 515(13), I have considered the safety and security of every victim of the offence, and the safety and security of the community when making this order.</p>
<p>RETURN DATE</p>		<p>Your next appearance will be on _____ at _____ am/pm in courtroom _____ (by video).</p>

REMAND IF BAIL REQUIRES PERFECTION		If you are unable to perfect your bail before your next court appearance, you will be required to appear by video at _____ am/pm on your next appearance.
BAIL REVOCATION BREACH OF BAIL		Pursuant to section 524, I am satisfied that you <i>(have/were about to)</i> contravene the <i>(summons, appearance notice, undertaking or release order)</i> on information / indictment _____. I am cancelling that previous process, and I am satisfied your detention is required on the following grounds: _____.
BAIL REVOCATION INDICTABLE OFFENCE WHILE ON BAIL		Pursuant to section 524, I am satisfied there are reasonable grounds to believe that you committed an indictable offence while being subject to <i>(a summons, appearance notice, undertaking or release order)</i> on information / indictment _____. I am cancelling that previous process, and I am satisfied your detention is required on the following grounds: _____.

No Contact or No Go Complainant or Co-Accused

KPBGB	4001	You must keep the peace and be of good behaviour.
NO CONTACT	4002	You must have no contact or communication, directly or indirectly, with _____(name). <u>Except:</u>
	4002-A	a) through (writing; email or text; telephone; online banking; name:____; court documents served by a third party) (for the sole purpose of _____). <u>or</u>
	4002-B	b) for the sole purpose of arranging, and picking up and dropping off your children for parenting or contact time. <u>or</u>
	4002-C	c) as allowed by a family or child protection order made by a judge or associate judge who has been given a copy of this bail order. You must immediately file a copy of this order in any family or child protection proceeding in which you are a party or become a party. <u>or</u>

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	4002-D	d) during one attendance, with a peace officer for the purpose of picking up your belongings. <u>or</u>
	4002-E	e) through or in the immediate presence of _____ (but only after they have been informed by your bail supervisor of this order and any criminal record). <u>or</u>
	4002-F	f) if you are sober and have no alcohol, intoxicating substance or drugs in your body, except in accordance with a medical prescription. <u>or</u>
	4002-G	g) only if (name: _____) is sober. If they become intoxicated in your presence you must leave their presence immediately and not return to their presence until they contact you and satisfy you that they are now sober. <u>or</u>
	4002-H	h) through or in the immediate presence of a lawyer who has been given a copy of this bail order. <u>or</u>
	4002-I	i) through or in the immediate presence of one or more of the following professionals, after they have been given a copy of this bail order: counsellor, family justice counsellor, mediator, or restorative justice counsellor. <u>or</u>
	4002-J	j) in a public place (in the presence of _____ / where other adults are present). <u>or</u>
	4002-K	k) during scheduled court appearances or case conferences but only with a sheriff present unless a judge or associate judge waives this requirement.
NO GO	4005	You must not go to (or be within ____ metres of):
	4005-1	1. any place where (name: _____) lives, works, goes to school, worships, or any place you know them to be. If you see them you must leave their presence immediately without any words or gestures. <u>or</u>
	4005-2	2. (Specific Address: _____) (This condition is to be electronically supervised.) [<i>Electronic supervision can only be imposed after a Technical Suitability Report.</i>] <u>or</u>
		<u>Except:</u> (see over)

	4005-A	a) once with a peace officer to pick up your belongings. <u>or</u>
	4005-B	b) for the sole purpose of picking up and dropping off your children for parenting or contact time. (You must remain inside your vehicle when picking up or dropping off your children.) <u>or</u>
	4005-C	c) as allowed by a family or child protection order made by a judge or associate judge who has been given a copy of this bail order. You must immediately file a copy of this bail order in any family or child protection proceeding in which you are a party or become a party. <u>or</u>
	4005-D	
	4005-E	d) for the purpose of _____ on _____ between the hours of _____. <u>or</u>
	4005-F	e) in the immediate presence of _____, for the purpose of _____ on _____ between the hours of _____. <u>or</u>
	4005-G	f) If you are sober and do not have any alcohol, intoxicating substances or drugs in your body or in your immediate possession, except in accordance with a medical prescription. <u>or</u>
	4005-H	g) only if (name: _____) is sober. If they become intoxicated in your presence you must leave their presence immediately and not return to their presence until they contact you and satisfy you that they are now sober. <u>or</u>
	4005-I	h) while in a moving vehicle (vessel) on your way to some other place (for the sole purpose of ____). <u>or</u>
		i) incidentally passing by on your way to some other place (for the sole purpose of travelling to and from _____.)

Reporting

REPORT	4101	You must report in person to the bail supervisor at _____ by 3:00 PM today (<i>date and time</i>), and after that, you must report as directed by the bail supervisor.
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REPORT BY PHONE	4103	You must report by telephone to a bail supervisor at <i>(Address and Telephone)</i> by 3:00 PM today <i>(date and time)</i> . If the office is closed, you must continue calling daily during regular business hours until you have spoken to a bail supervisor and received further direction to report. After that, you must report as directed by the bail supervisor.
REPORTING IF BAIL REQUIRES PERFECTION	4104	You must report in person to the bail supervisor at _____ <i>(within two business days)</i> after your release from custody, unless you have obtained prior to your release, written permission from your bail supervisor to report elsewhere or within a different time frame. After that, you must report as directed by the bail supervisor.

Residence, Curfew, Electronic Supervision, and Carry Permission

ADDRESS No change without notice	4201	When first reporting to the bail supervisor, you must provide them with the location of where you are living and your phone number. You must not change either without notifying your bail supervisor at least (___ days) in advance of any change.
ADDRESS No change without consent	4202	When first reporting to the bail supervisor, you must provide them with the location of where you are living and your phone number. You must not change either without written permission from your bail supervisor (or approval of the Court).
SURRENDER TRAVEL DOCUMENTS	4207	Before you can be released from custody you must arrange to surrender all of your travel documents, including any passport, Nexus card, travel visa or enhanced driver’s licence to a peace officer at <i>(police station)</i> by <i>(time and date)</i> , and thereafter you must not obtain any further travel documents.
CURFEW OR HOUSE ARREST	4209	1. You must obey a <i>(curfew / house arrest)</i> by being inside your residence at _____ (address), <i>(or on the lot of your residence)</i> , (between the hours of ___ PM and ___ AM) <i>(24 hours a day)</i> , every day (or specific days:_____).

	4209-1	<p>2. You must present yourself immediately at the door to your residence or answer the phone when any peace officer or bail supervisor attends or calls to check on you during the (curfew / house arrest).</p> <p>3. You may be away from your residence during the (<i>curfew / house arrest</i>) with the written permission of your bail supervisor. Such permission is to be given only for employment or other compelling reasons. When permission is given, you must comply with any conditions set for being away from your residence as set by your bail supervisor.</p> <p>4. You may also be away from your residence during the (curfew / house arrest) hours:</p> <p>a. while at, or going directly to or returning directly from a healthcare facility due to a medical emergency. If asked, you must provide your bail supervisor with proof of your attendance at the facility. <u>or</u></p> <p>b. in the immediate presence of _____.</p> <p>5. This condition is to be electronically supervised. [<i>Technical Suitability Report required.</i>]</p>
CARRY COPY	4214	<p>If you are given written permission from your bail supervisor, you must carry it with you in paper or electronic format at all times when you are outside your residence. If a peace officer stops you for any reason, you must immediately show the permission and a copy of this order upon the request of the peace officer.</p>

Drugs and Alcohol

NO ALCOHOL OR DRUGS	4401	<p>You must not possess or consume alcohol, or controlled substances as defined in the <i>Controlled Drugs and Substances Act</i>, or any other intoxicating substance, except with a medical prescription.</p>
NO ALCOHOL	4401-1	<p>You must not possess or consume alcohol.</p>

NO DRUGS	4401-2	You must not possess or consume alcohol, or controlled substances as defined in the <i>Controlled Drugs and Substances Act</i> , or any other intoxicating substance, except with a medical prescription.
NO ALCOHOL Outside Residence Exception	4402	You must not possess or consume alcohol, except while inside your residence, or while transporting it sealed directly to your residence. You must not be intoxicated in any public place.
NO GO LIQUOR OUTLETS	4403	You must not enter any liquor store, beer and wine store, bar, pub, lounge, nightclub, beer garden or any other business from which minors are prohibited at any time by the terms of a liquor license.

Firearms and Weapons

<p>FIREARMS AND WEAPONS PROHIBITION</p> <p>Presumptive for certain offences</p>	4610	<p>You must not possess, directly or indirectly any weapon as defined by the <i>Criminal Code</i> including:</p> <ul style="list-style-type: none"> a. Firearms and ammunition; b. cross-bows, prohibited or restricted weapons, prohibited devices, or explosive substances; c. anything used, designed to be used or intended for use in causing death or injury to any person, or to threaten or intimidate any person; d. any imitation firearms or weapons, including any compressed air guns or bb/pellet guns; and e. any related authorizations, licences and registration certificates, and you must not apply for any of the above items.
<p><i>And Exception</i></p>	4610-A	<p><u>Except:</u></p> <p>You may possess a firearm or ammunition for (sustenance or employment) purposes in accordance on the following terms and conditions:</p> <ul style="list-style-type: none"> 1. You are properly licensed; <u>and</u> 2. You are sober; <u>and</u>

		<p>3. You possess the firearm and ammunition only while at, or going directly to or returning directly from (a legal hunt / your employment); <u>and</u></p> <p>4. You are in the presence of _____.</p>
KNIVES	<p>4616</p> <p>4616-A</p> <p>4616-B</p> <p>4616-C</p>	<p>You must not possess any knife outside your residence, except for the immediate preparation or eating of food.</p> <p>Except:</p> <p>a. While on your property;</p> <p>b. While at work, or going directly to and from work. If asked, you must provide your bail supervisor with the details of your location and hours of employment;</p> <p>c. With the prior written permission of your bail supervisor. You must carry the permission in paper or electronic format, when you possess knives outside your residence.</p>

Non-Communication on Detention

<p>NON-COMMUNICATION IN CUSTODY</p> <p>REMAND</p>		<p>Pursuant to section 516(2), you must have no contact or communication directly or indirectly with _____ except through a lawyer.</p> <p>This order remains valid for all successive section 516(2) remands.</p>
<p>NON-COMMUNICATION IN CUSTODY</p> <p>DETENTION</p>		<p>Pursuant to section 515(12), you must have no contact or communication directly or indirectly with _____ except through a lawyer.</p>