

## **Backgrounder** Victim Surcharge

A victim surcharge is an additional penalty imposed on convicted offenders at the time of sentencing. It is collected and retained by the provincial and territorial governments, and subsequently used to help fund programs and services for victims of crime in the province or territory where the crime occurred. The surcharge revenue is used to provide services to victims of crime such as information on the criminal justice system and court processes; referrals for counselling; court support for vulnerable persons; assistance in preparing victim impact statements; and compensation programs. It is up to each province and territory to determine how best to administer and manage the collection and use of victim surcharge revenue.

The proposed amendment to the victim surcharge would clarify how much time a convicted offender could be allowed to pay a victim surcharge that was imposed by a judge at sentencing. The offender would need to pay the victim surcharge within a period set by the province or territory in which the surcharge was imposed. In cases where there is no period set by the province or territory, the offender would need to pay the victim surcharge within a “reasonable time.”

The interpretation of “reasonable time” by courts depends on the circumstances of the case. “Reasonable time” must allow the person on whom the surcharge is being imposed enough time to meet the demand. The criteria of “reasonable” preserves a certain level of judicial discretion in prescribing the timing of the payment of the surcharge, as the judge is allowed to take into account the offender’s financial situation and other relevant circumstances in establishing a reasonable timeline for payment.

This amendment would build on changes made through the *Increasing Offenders' Accountability for Victims Act* that came into effect in October, 2013. The *Increasing Offenders' Accountability for Victims Act* doubled the amount of the victim surcharge, and made it mandatory in all cases. The surcharge is now 30 per cent of any fine imposed on the offender. Where no fine is imposed, the surcharge is \$100 for offences punishable by summary conviction and \$200 for offences punishable by indictment. In addition, the judge retained the discretion to impose an increased surcharge where the circumstances warrant and the offender has the ability to pay.

In cases where offenders are unable to pay the surcharge, they may be able to participate in a provincial or territorial fine option program, where such programs exist. This would allow an offender to satisfy a financial penalty ordered as part of a sentence by earning credits for work performed in the province or territory where the crime was committed.