

# Legislative Costing Note

Publication date:	2020-10-08	
Short title:	Bill S-208 (43 <sup>rd</sup> Parliament, 2 <sup>nd</sup> Sessions) An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation (expiry of criminal records without application or fee)	
Description:	Establishing a process for the expiry of criminal records without requiring an application or the payment of an application fee. The waiting period for the expiry of a sentence would also be shorter than that currently applicable to record suspensions. The criteria for a record expiry are simplified so that eligibility depends on the automated criminal conviction records retrieval system maintained by the Royal Canadian Mounted Police instead of depending on criminal record checks obtained and submitted by applicants.	
Data sources:	Record Suspension Fee Revenue	Parole Board of Canada, Fees Report 2018-2019
	Cases per year	Statistics Canada, Table: 35-10-0027-01 Adult criminal courts, number of cases and charges by type of decision
Estimation and projection method:	<p>The lost record suspension fee revenue was assumed to be equal to the record suspension fees collected in 2018-19.</p> <p>Historical record suspensions and pardon volumes have been variable, but not particularly higher or lower since 2012, when the fee was increased from \$150 to \$631. This suggest that the impact of eliminating the fee on case volumes would be small.</p> <p>The impact of moving to automatic processing on case volumes is potentially more significant. There are approximately 225,000 people convicted in criminal court each year. This suggests that there would be approximately 225,000 criminal records reaching the point at which they would be considered for expiry each year. There are some exceptions where a conviction would not result in an expiry being considered, such as for serious offences which do not expire. Regardless, only around 10,000 people are granted a record suspension or pardon each year. This suggests that if expiry were considered automatically, approximately 200,000 additional convictions would have to be considered for expiry each year.</p> <p>The bill also greatly simplifies some aspects of processing cases. Specifically, the Parole Board of Canada will be readily able to ascertain from automated record systems whether a person is ineligible for a record expiry on the basis of a subsequent conviction, an outstanding charge, or an ongoing investigation. Those not eligible for an automatic expiry may still apply. In 2018-19, the Parole Board of</p>	

Canada spent \$5,762,301 to screen 13,826 applications and process 10,660 applications. This estimate assumes that the additional costs arising from increasing the number of applications will be offset by cost-savings from simplifying the review of applications. As a result, it is assumed there is no net administrative cost implications from the proposal.

Aggregate Results:

This bill is expected to decrease user fee revenues by \$5 million per year.

Source of Uncertainty:

Expected operating costs implications are highly uncertain because it is unclear how expiries will be processed and their administrative costs. Lost fee revenues are highly certain because they are based on operational data regarding current revenues.

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## Cost of proposed measure

\$ millions	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
Total cost	5	5	5	5	5

### Notes:

Estimates are presented on an accruals basis as would appear in the budget and public accounts.

Positive numbers subtract from the budgetary balance, negative numbers contribute to the budget balance.

"-" = PBO does not expect a financial cost

