

Bill C-70 Amendments to the *Security of Information Act*, *Criminal Code* and *Canada Evidence Act*

1 - SECURITY OF INFORMATION ACT

Bill C-70 would amend the *Security of Information Act* by creating **3 new offences related to foreign interference** and by **amending the existing offence for intimidation, threats and violence to make them more responsive to modern-day threats.**

Foreign-influenced or terrorist-influenced intimidation, threats or violence

The Bill would amend the existing Section 20 offence to focus on the intimidation, threat or violence done on behalf (or in association with) a foreign state. It removes the need to prove that the act was for the purpose of harming Canadian interests or increasing foreign capacity to do so. It also creates a new offence (s.20.1) that captures threats or violence on behalf of a foreign entity that take place outside of Canada in limited circumstances.

- › **Ex. (s.20)** an individual in Canada working on behalf of a foreign state threatening to harm relatives of a Canadian citizen who live in the foreign state, if the citizen does not stop criticizing the foreign state.
- › **Ex. (s.20.1)** someone residing in State X, who is not a Canadian citizen and has no other link to Canada, but is working for State X, threatens violence against a CEO of a battery company to discourage them from establishing a production facility in Canada that would result in significant investments into the Canadian economy.

Deceptive or Surreptitious Conduct or Omission for a foreign entity

The Bill would enact a new general foreign interference offence where a person knowingly engages in surreptitious or deceptive conduct or omits to do anything at the direction of, for the benefit of, or in association with a foreign entity.

- › **Ex.** knowingly facilitating the entry into Canada of agents of a foreign entity who are posing as tourists

Commission of an indictable offence for a foreign entity

The Bill would make it a distinct offence to commit an indictable offence at the direction of, for the benefit of, or in association with a foreign entity.

- › **Ex.** an individual who commits bribery, an existing offence under the *Criminal Code*, if they bribe a Canadian official for the benefit of a foreign state that they support.

Political interference for a foreign entity

The Bill would make it an offence to engage in surreptitious or deceptive conduct at the direction of, or in association with, a foreign entity, with the intent to influence a Canadian political or governmental process, or to influence the exercise of a democratic right in Canada.

- › **Ex.** someone, acting at the direction of a foreign entity, creates thousands of fake party memberships in order to influence the result of a party leadership vote.

All of these proposed offences would be punishable by a maximum penalty of imprisonment for life.

The bill would also increase the penalty for preparatory acts – actions taken to prepare to commit the most serious *Security of Information Act* offences – from two years imprisonment to five years.



2 - CRIMINAL CODE

The bill would modernize the existing sabotage offence in the *Criminal Code* and add two new companion offences concerning essential infrastructure and the making, possession or distribution of devices that are designed to be used for sabotage, such as bots and malware. This modernization will ensure the offence is responsive to today's threat environment and includes acts taken in preparation to commit economic espionage.

New offence of interfering with access to an essential infrastructure or causing an essential infrastructure to be lost or inoperable with the intent to cause a serious risk to the health or safety of the public or any segment of the public

"Essential infrastructure" is defined in Bill C-70 and includes public and private infrastructure, services and systems that are essential to the health, safety, security and economic well-being of persons in Canada.



New offence to make, possess, distribute or sell a device for the commission of either of the two sabotage offences

The bill would define a "device" for the purpose of this offence as a mechanism or tool, including a computer program, that is designed to facilitate the commission of a sabotage offence (ex. bots, malware, electronic key scanner).



As is currently the case, work stoppages related to labour disputes or safety concerns would be expressly excluded, as would the conduct of a person who goes near a place only to obtain or communicate information.

The bill would also make it clear that **activities undertaken in the context of advocacy, protest or dissent**, would not constitute sabotage where the person did not intend to commit sabotage.

The Attorney General of Canada must consent before an individual can be charged with sabotage.

3 - CANADA EVIDENCE ACT

To learn more about amendments to the *Canada Evidence Act* proposed in Bill C-70, including the creation of a secure administrative review proceeding in the Federal Court and the Federal Court of Appeal, visit:

<https://www.canada.ca/en/public-safety-canada/news/2024/05/security-of-information-act-criminal-code-and-canada-evidence-act-amendments-bolstering-canadas-counter-foreign-interference-legislation.html>

