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'Carley's Law' gets rough reception in Parliament

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OTTAWA -- A Conservative bid to jack up prison terms for hit-and-run offenders, dubbed "Carley's Law" in recognition of an Aldergrove teen run over and left to die in 2003 by a repeat drunk driver, is being shot down in Parliament.

Liberal, Bloc Quebecois and New Democratic Party MPs, while saying they sympathize with victims like the B.C. gas station attendant run over and dragged to his death this week, say the Tory bill is too harsh and would likely violate the Charter of Rights.

"What it says to me is that this place called Ottawa is not responsive to what is really happening on the streets in other areas of the country," Randy White (Abbotsford) said Wednesday.

"Politicians here are so far away from reality."

White, despite overwhelming odds, said he's still hoping he can convince MPs from other parties to change their minds when the bill comes to a vote May 5.

The private bill, co-sponsored by White and Conservative MP Dick Harris (Cariboo-Prince George), is named after Carley Regan, who was killed when Paul Wettlaufer, driving while under suspension and with several driving prohibitions against him, struck her and then left the scene.

He eventually received a 14-month sentence under a plea bargain and ended up serving just 10 months.

The Tory bill would eliminate plea bargaining and set a minimum sentence of four years in jail for those convicted of hit and run causing bodily harm, and a minimum seven years for hit and run causing death.

"These provisions apply whether or not the person knew that another person had suffered bodily harm or had died as a result of the accident, and whether or not the person had the intent to escape civil or criminal liability," the bill states.

The Criminal Code now sets a maximum five-year jail term for failure to stop at the scene of an accident. If the accused fails to stop while knowing the victim suffered bodily harm, the maximum penalty doubles to 10 years. A driver who knows a person has died can go to jail for life.

There are no minimum jail terms.

"To date, perpetrators of hit and run offences causing bodily harm or death have almost never received more than two years for this violent crime," said bill sponsor Harris.

Liberal Justice Minister Irwin Cotler, and the two other opposition parties, oppose the proposed Criminal Code amendments.

The bill, because it sets a maximum life penalty for both bodily harm and death incidents, defies the principle that "there should be proportionality in the criminal penalties with respect to the harm," said Paul Macklin, Cotler's parliamentary secretary, during debate Tuesday.

Another "alarming" feature is that the bill removes the issue of whether the hit-and-run driver had intent -- or a "guilty mind" -- during the offence.

"It is highly likely that if such legislation were enacted by Parliament in the face of all logic, that courts would find that

the combination of the disproportionate minimum penalties and the elimination of the mental element would violate the Canadian Charter of Rights and Freedoms," Macklin said.

"It would be cynical to pass Bill C-275 knowing that it will most likely run afoul of the Charter."

The Bloc's Richard Marceau called the bill "exaggerated and out of proportion," while the NDP's Joe Cromartin said it violates fundamental rights.

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- Colour Photo: Carley Regan, for whom 'Carley's Law' is named.

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