

Her Majesty the Queen

Approved:

v.

(Name, DOB and I.D. Number of Offender)

Judge

D/M/Y

PROBATION ORDER
(Section 731 C.C.)

YOU, _____ of _____
(name of accused) (complete address and telephone number)

have been found guilty of the following offence(s):

Case No(s). and Brief Description of Offence(s)	Section	Date of Offence(s)	Place
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THE COURT ORDERS THAT

- (a) You be discharged.
- (b) The passing of sentence be suspended and you be released.
- (c) You pay the fine in accordance with the fine order.
- (d) You serve a term of imprisonment under a Conditional Sentence Order.
- (e) You be imprisoned in a correctional facility for a term of _____ days to be served intermittently as follows:
- (f) You be imprisoned for the term of _____.

AND THAT YOU COMPLY WITH THE FOLLOWING TERMS AND CONDITIONS:

- for the period of _____ from the date of this Order,
- upon the expiration of the sentence of imprisonment imposed on you pursuant to paragraph (d) or (f) above for the period of _____,
- when not in confinement pursuant to an Order under paragraph (e) above,
- when not in confinement pursuant to an Order under paragraph (e) and for the period of _____ months thereafter,

1. keep the peace and be of good behaviour;
2. appear before the Court when required to do so by the Court; and
3. notify the Court or the Probation Officer in advance of any change of name or address, and promptly notify the Court or the Probation Officer of any change of employment or occupation;

AND IN ADDITION YOU SHALL

- (a) report to a Probation Officer at _____, within _____ days from today
(complete address)
or of the date of expiration of your sentence of imprisonment and when required and in the manner directed by the Probation Officer or someone acting in his/her stead;
- (b) remain within the Province of Nova Scotia unless you receive written permission to go outside the Province from the Court or the Probation Officer;
- (c) not take or consume alcohol or other intoxicating substances;
- (d) not take or consume drugs except in accordance with a medical prescription;
- (e) not own, possess or carry a weapon, ammunition or explosive substances;
- (f) provide for the support or care of the following dependants:

- (g) perform _____ hours of Community Service Work under the supervision of your Probation Officer or someone acting in his/her stead. The place and times when work is to be performed is to be arranged with your Probation Officer or alternatively, designated by your Probation Officer. All the work is to be completed to the reasonable satisfaction of your Probation Officer not later than _____;
(maximum 240 hours over a maximum period of 18 months)
- (h) participate in the following treatment program (where the offender agrees and subject to the program director's agreement and subject to the program being approved by the Province):
- (i) not contact or attempt to contact, at any time _____ for any reason, whether directly or indirectly, unless specifically authorized in writing by the Court;
- (j) from Sunday to Thursday evenings of each week be at your place of residence by _____ o'clock and on Friday and Saturday evenings be at your place of residence by _____ o'clock and remain there until _____ o'clock of the following day of each day unless _____;
- (k) make reasonable efforts to locate and maintain employment or training as directed by your Probation Officer;
- (l) attend for mental health assessment and counselling as may be directed by your Probation Officer;
- (m) attend for substance abuse assessment and counselling as may be directed by your Probation Officer;
- (n) attend for assessment and counselling in a (spousal/ partner) violence intervention and prevention program as may be directed by your Probation Officer; (if spousal/partner related)
- (o) attend for gambling addiction assessment and counselling as directed by your Probation Officer;
- (p) not associate with or be in the company of the following persons;
- (q) make restitution to
(NAME and ADDRESS)

in the amount of _____ to be paid to the office of the Clerk of the Court at _____,

the full sum to be paid by _____; to be paid at the rate of _____
(date)
dollars per month beginning _____ *(date)* (and each following month until paid in full);

- (r)

DATED at _____, Nova Scotia, on _____, 20_____.

THE CRIMINAL CODE PROVIDES AS FOLLOWS:

SECTION 732.2(3)

A court that makes a probation order may at any time, on application by the offender, the probation officer or the prosecutor, require the offender to appear before it and, after hearing the offender and one or both of the probation officer and the prosecutor,

- (a) make any changes to the optional conditions that in the opinion of the court are rendered desirable by a change in the circumstances since those conditions were prescribed,
- (b) relieve the offender, either absolutely or on such terms or for such period as the court deems desirable, of compliance with any optional condition, or
- (c) decrease the period for which the probation order is to remain in force,

and the court shall thereupon endorse the probation order accordingly and, if it changes the optional conditions, inform the offender of its action and give the offender a copy of the order so endorsed.

SECTION 732.2(5)

Where an offender who is bound by a probation order is convicted of an offence, including an offender under section 733.1, and

- (a) the time within which an appeal may be taken against that conviction has expired and the offender has not taken an appeal,
- (b) the offender has taken an appeal against that conviction and the appeal has been dismissed, or
- (c) the offender has given written notice to the court that convicted the offender that the offender elects not to appeal the conviction or has abandoned the appeal, as the case may be,

in addition to any punishment that may be imposed for that offence, the court that made the probation order may, on application by the prosecutor, require the offender to appear before it and, after hearing the prosecutor and the offender,

- (d) where the probation order was made under paragraph 731(1)(a), revoke the order and impose any sentence that could have been imposed if the passing of sentence had not been suspended, or
- (e) make such changes to the optional conditions as the court deems desirable, or extend the period for which the order is to remain in force for such period, not exceeding one year, as the court deems desirable,

and the court shall thereupon endorse the probation order accordingly and, if it changes the optional conditions or extends the period for which the order is to remain in force, inform the offender of its action and give the offender a copy of the order so endorsed.

SECTION 733.1

(1) An offender who is bound by a probation order and who, without reasonable excuse, fails or refuses to comply with that order is guilty of

- (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or
- (b) an offence punishable on summary conviction and is liable to imprisonment for a term not exceeding eighteen months, or to a fine not exceeding two thousand dollars, or both.

(2) An accused who is charged with an offence under subsection (1) may be tried and punished by any court having jurisdiction to try that offence in the place where the offence is alleged to have been committed or in the place where the accused is found, is arrested or is in custody, but where the place where the accused is found, is arrested or is in custody is outside the province in which the offence is alleged to have been committed, no proceedings in respect of that offence shall be instituted in that place without the consent of the Attorney General of that province.

ACKNOWLEDGEMENT

I HAVE received a copy of this Order;
it has been read to or by me;

I have read or have had read to me sections 732.2(3), 732.2(5), and 733.1 of the *Criminal Code*;
and I understand the meaning of this Order and sections 732.2(3), 732.2(5), and 733.1 of the *Criminal Code*.

DATED at _____, Nova Scotia, on _____, 20 ____.

Witness:

Order Served by Above Witness

Signature of Offender

Discharge from Probation

Approved:

Judge

Date: _____

D/M/Y

As of this date I discharge you from the terms and conditions of this Probation Order.

Clerk