

Types of criminal offences

In Canada there are 3 types of criminal offences you can be charged with: summary offences, hybrid offences, and indictable offences.

Each type of offence has different sentences and choices about your trial. For example, you might be able to choose the court where your trial is held, and whether to have your trial with a judge alone or with a judge and jury.

Type of offence	Summary offence	Indictable offence	Hybrid offence
Description	<p>Summary offences are the least serious type of offence.</p> <p>You must be charged with a summary offence within 12 months of the crime.</p> <p>Examples:</p> <ul style="list-style-type: none"> • causing a disturbance in a public place • trespassing at night 	<p>Indictable offences are the most serious type of offence.</p> <p>There is no time limit to charge you with an indictable offence.</p> <p>Examples:</p> <ul style="list-style-type: none"> • theft over \$5,000 • breaking and entering 	<p>A hybrid offence can be treated as either a summary offence or an indictable offence.</p> <p>The Crown decides how to treat the offence based on how serious it is.</p> <p>Examples:</p> <ul style="list-style-type: none"> • assault • sexual assault
Maximum sentence	2 years less a day in jail, a \$5,000 fine, or both	18 months to life in jail Some indictable offences have mandatory minimum sentences.*	<p>If treated as a summary offence: 6 months to 2 years less a day in jail, a \$5,000 fine, or both.</p> <p>If treated as an indictable offence: 2 to 14 years in jail.</p> <p>Some hybrid offences have mandatory minimum sentences.*</p>

Type of offence	Summary offence	Indictable offence	Hybrid offence
Court	Ontario Court of Justice	<p>You can usually choose:</p> <ul style="list-style-type: none"> • Ontario Court of Justice, or • Superior Court of Justice. <p>Section 469 offences** are indictable offences that must be heard at the Superior Court of Justice by a judge alone. You need special permission if you want a jury.</p>	<p>If treated as a summary offence: Ontario Court of Justice.</p> <p>If treated as an indictable offence: you can choose:</p> <ul style="list-style-type: none"> • Ontario Court of Justice, or • Superior Court of Justice. <p>Absolute jurisdiction offences*** are a type of hybrid offence that must be heard at the Ontario Court of Justice by a judge alone.</p>
Trial by judge alone, or judge and jury	Judge alone	<p>Ontario Court of Justice: judge alone.</p> <p>Superior Court of Justice: you can choose:</p> <ul style="list-style-type: none"> • judge alone, or • judge and jury. 	<p>If treated as a summary offence: judge alone.</p> <p>If treated as an indictable offence and the trial is at the Ontario Court of Justice: judge alone.</p> <p>If treated as an indictable offence and the trial is at the Superior Court of Justice, you can choose:</p> <ul style="list-style-type: none"> • judge alone, or • judge and jury.

* A mandatory minimum sentence means you must be sentenced to a certain number of years in jail. The judge can choose to sentence you to more time but not less.

** Section 469 offences are the most serious indictable offences. Examples include treason and murder.

*** Absolute jurisdiction offences are listed in s. 553 of the Criminal Code. Examples include not following a bail order and theft under \$5,000.

You can find more information about **Criminal Law** at stepstojustice.ca.

This is general legal information for people in Ontario, Canada. It is not intended to be used as legal advice.