**Types of Sentences**

A judge must always keep in mind “what are the true goals of sentencing?” With this in mind, they have a variety of punishments they can give.

[**Absolute Discharge**](http://lawfacts.ca/node/60)

An absolute discharge is the lowest-level adult sentence that an [offender](http://lawfacts.ca/glossary#Offender) can get. If an offender gets an absolute discharge, a finding of guilt is made but no conviction is registered, and they are not given any conditions to follow (i.e. a probation [order](http://lawfacts.ca/glossary#Order)). The offender is finished with their case that day. They don’t have to come to court again or check in with a probation officer.

[**Conditional Discharge**](http://lawfacts.ca/node/82)

A conditional discharge is similar to an absolute discharge because a finding of guilt is made, but no conviction is registered. What makes it different from an absolute discharge is that there are conditions that the [offender](http://lawfacts.ca/glossary#Offender) must follow. The conditions always come in a probation [order](http://lawfacts.ca/glossary#Order) that can be in effect from one to three years. A conditional discharge stays on an offender’s criminal record for three years after the completion of the probation [order](http://lawfacts.ca/glossary#Order). Like an absolute discharge, the offender doesn’t have to apply for a pardon for the discharge to be removed from his/her record.

[**Suspended Sentence**](http://lawfacts.ca/node/34)

Like a conditional discharge, a suspended sentence involves following conditions in a probation [order](http://lawfacts.ca/glossary#Order) for a period of one to three years.

The main difference between a conditional discharge and a suspended sentence is that an [offender](http://lawfacts.ca/glossary#Offender) who gets a suspended sentence has a conviction registered against them. This means that the offender who gets a suspended sentence will have a criminal record and will have to apply for a pardon to have the conviction removed from their record.

[**Probation**](http://lawfacts.ca/node/80)

Probation is a court [order](http://lawfacts.ca/glossary#Order) to do (or not do) certain things for a period of time. It is usually called a probation [order](http://lawfacts.ca/glossary#Order).

An [offender](http://lawfacts.ca/glossary#Offender) who gets a conditional discharge or a suspended sentence will always have a probation order that they must follow. A probation order can also be combined with a fine, a conditional sentence, intermittent imprisonment, or imprisonment. The maximum length of a probation order is three years. In many cases they are one or two years long.

**Conditions of Probation**

*The following conditions are mandatory*

* keep the peace and be of good behavior;
* appear in court when ordered by the court;
* tell the court or probation officer about any change of name, address or job.

*The following conditions can be included into the probation order*

* report to a probation officer (sometimes every week or month);
* not buy, carry, or drink alcohol or use any drugs not prescribed by a doctor
* community service, counselling or rehabilitation

[**Fine**](http://lawfacts.ca/node/78)

A fine is an amount of money that an [offender](http://lawfacts.ca/glossary#Offender) must pay to the court. It is different from restitution or a [charitable donation](http://lawfacts.ca/node/185). If an offender is given a fine, they will have a conviction registered against them and will have to apply for a pardon to have the fine removed from their record. A fine can be given instead of, or in addition to, imprisonment, a conditional sentence, or an intermittent sentence. This is true unless the criminal [offence](http://lawfacts.ca/glossary#Offence) requires minimum jail time. If this is the case, a fine can’t be given instead of jail, but can still be given in addition to the minimum jail time.

A fine cannot be given on top of an absolute discharge, a conditional discharge, or a suspended sentence.

**Imprisonment**

Imprisonment is a jail sentence. After a judge gives a jail sentence, the [offender](http://lawfacts.ca/glossary#Offender) is taken to jail and a conviction is registered against them. An offender has to apply for a pardon in [order](http://lawfacts.ca/glossary#Order) to have a jail sentence removed from their record. If the sentence is for two years (or less) they will go to jail. If it exceeds two years, they will likely go to a penitentiary.

[**Intermittent Sentence (“weekends”)**](http://lawfacts.ca/node/66)

An intermittent sentence is a jail sentence that the [offender](http://lawfacts.ca/glossary#Offender) serves in ”chunks” of time, instead of all at once. For example, if an offender gets an intermittent sentence, they may go jail on the weekends, (i.e., Friday night until Monday morning) but be out of jail during the week.

This continues until the sentence is finished. For this reason, intermittent sentences are sometimes called “weekends,” but they don’t necessarily have to be served on weekends. For example, a judge may let an offender [serve](http://lawfacts.ca/glossary#Serve) an intermittent sentence by being in jail from Monday until Friday and being out of jail on weekends.

When an offender serving an intermittent sentence is not in jail, they are on a probation [order](http://lawfacts.ca/glossary#Order). An intermittent sentence can only happen if the judge imposes a sentence of 90 days or less. To get an intermittent sentence, the offender will usually have to show the judge that they have a job or other significant responsibilities (e.g., child care) which would make it very hard to serve a regular jail sentence. Judges are also unlikely to give an intermittent sentence to an offender that has a criminal record that includes charges such as breach of probation or fail to comply with [recognizance](http://lawfacts.ca/glossary#Recognizance).

[**Conditional Sentence ("house arrest")**](http://lawfacts.ca/node/68)

A conditional sentence is an imprisonment (jail) sentence, except that the [offender](http://lawfacts.ca/glossary#Offender) serves the sentence outside of jail, under strict, jail-like conditions.

Conditional sentences are sometimes called “house [arrest](http://lawfacts.ca/glossary#Arrest),” because they often require an offender to spend all or part of the sentence in their house. Just like imprisonment, a conditional sentence will result in a conviction being registered against the offender. To give an offender a conditional sentence, the judge first imposes a sentence of imprisonment and then considers whether to let the offender [serve](http://lawfacts.ca/glossary#Serve) the sentence outside of jail.

**Conditional Sentence Guidelines**

A judge can only impose a conditional sentence if:

* the sentence of imprisonment is less than two years;
* the offender has not been convicted of a criminal [offence](http://lawfacts.ca/glossary#Offence) that requires a minimum amount of jail time;
* the offender has not been convicted of a serious personal injury offence, a terrorism offence, or a criminal organization offence prosecuted by way of indictment for which the maximum term of imprisonment is ten years or more;
* the judge is satisfied that letting the offender serve the sentence in the community would not threaten the safety of the community;
* the judge is satisfied that having the offender serve the sentence in the community is consistent with the sentencing principles of the [*Criminal Code*](http://lawfacts.ca/glossary#Criminal_Code).