

1991, chapter 43

**AN ACT TO AMEND THE ACT TO PROMOTE THE PAROLE
OF INMATES AND THE ACT RESPECTING PROBATION
AND HOUSES OF DETENTION**

Bill 147

Introduced by Mr Claude Ryan, Minister of Public Security

Introduced 15 May 1991

Passage in principle 17 October 1991

Passage 31 October 1991

Assented to 31 October 1991

Coming into force: on the date or dates fixed by the Government

Acts amended:

Act to promote the parole of inmates (R.S.Q., chapter L-1.1)

Act respecting probation and houses of detention (R.S.Q., chapter P-26)



CHAPTER 43

An Act to amend the Act to promote the parole of inmates and the Act respecting probation and houses of detention

[Assented to 31 October 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. L-1.1,
s. 3, am. **1.** Section 3 of the Act to promote the parole of inmates (R.S.Q., chapter L-1.1) is amended by replacing the word “seven” in the first line by the words “not more than twelve”.

c. L-1.1,
s. 18, am. **2.** Section 18 of the said Act is amended
(1) by replacing the first paragraph by the following paragraph:

Prohibited
recourses **“18.** Except on a question of jurisdiction, no extraordinary recourse provided by articles 33 and 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised and no injunction may be granted against the commission or any of its members acting in its or his official capacity.”;

(2) by replacing the second line of the second paragraph by the words “annul any decision, order or injunction rendered or issued contrary to”.

c. L-1.1,
s. 40, am. **3.** Section 40 of the said Act is amended by replacing the word and figure “section 22.2” in the fourth line by the words and figures “sections 22.2 and 22.14.1”.

c. P-26,
title,
replaced **4.** The title of the Act respecting probation and houses of detention (R.S.Q., chapter P-26) is replaced by the following title:

“Act respecting correctional services”.

c. P-26,
s. 1, am. **5.** Section 1 of the said Act is amended

(1) by replacing the words “the Service de la probation et des établissements de détention” in the first and second lines of paragraph *b* by the words “correctional services”;

(2) by striking out paragraph *g*.

c. P-26,
s. 2, am.

6. Section 2 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Correctional
services
division

“2. A correctional services division is hereby established at the Ministère de la Sécurité publique.”;

(2) by replacing the words “Such Service shall consist of a Director General of Probation and Houses of Detention” in the first and second lines of the second paragraph by the words “The correctional services division shall consist of a Director General”.

c. P-26,
s. 3, am.

7. Section 3 of the said Act is amended by replacing the words “his Service” in the first and second lines by the words “the correctional services division”.

c. P-26,
s. 9, am.

8. Section 9 of the said Act is amended by striking out the words “of the Service” in the second and third lines.

c. P-26,
s. 11,
repealed

9. Section 11 of the said Act is repealed.

c. P-26,
s. 16, am.

10. Section 16 of the said Act is amended by striking out the words “of the Service” in the second line of the first paragraph.

c. P-26,
s. 22.0.6,
am.

11. Section 22.0.6 of the said Act is amended by replacing the words “upon the proposal of” in the second line of the second paragraph by the words “after consultation with”.

c. P-26,
s. 22.0.30,
am.

12. Section 22.0.30 of the said Act is amended by replacing the word “Service” in the first line by the words “correctional services division”.

c. P-26,
s. 22.0.31,
am.

13. Section 22.0.31 of the said Act is amended by replacing the word “Service” in the fifth line of the first paragraph by the words “correctional services division”.

c. P-26,
s. 22.1, am.

14. Section 22.1 of the said Act is amended by replacing the words “sentence of imprisonment of less than six months” in the second and third lines by the words “term of imprisonment”.

c. P-26,
s. 22.2, am. **15.** Section 22.2 of the said Act is amended by adding, at the end, the following paragraphs:

Eligibility “An inmate is eligible for temporary absence upon having served one-sixth of the term of imprisonment of less than two years imposed by the court.

Restriction However, an inmate serving a term of imprisonment of six months or more shall cease to be eligible for temporary absence upon having served one-third of such term.”

c. P-26,
s. 22.3,
repealed **16.** Section 22.3 of the said Act is repealed.

c. P-26,
s. 22.4, am. **17.** Section 22.4 of the said Act is amended

(1) by replacing the words “Notwithstanding section 22.1, the” in the first line by the word “The”;

(2) by replacing the words “condition of section 22.3 is not complied with” in the fourth and fifth lines by the words “inmate is not eligible for temporary absence under section 22.2”.

c. P-26,
s. 22.12,
am. **18.** Section 22.12 of the said Act is amended by replacing the words and figure “case contemplated in section 22.2” in the first line by the words and figures “cases provided for in sections 22.2 and 22.14.1”.

c. P-26,
s. 22.13,
replaced **19.** Section 22.13 of the said Act is replaced by the following section:

Medical reasons **“22.13** The Director General may, for medical reasons, authorize, on the conditions he determines, a confined person to be absent temporarily from the house of detention, whatever the term of his imprisonment and even if he is not eligible for temporary absence under section 22.2.”

c. P-26,
s. 22.14,
replaced **20.** Section 22.14 of the said Act is replaced by the following sections:

Revocation **“22.14** The Director General may, where he has reasonable grounds to believe that the confined person has violated a condition of his temporary absence or that action must be taken to prevent such a violation, revoke the temporary absence and notify the person that he must return to the house of detention within such time as is determined by the Director General.

Information in writing The person confined shall be informed in writing, as soon as possible, of the grounds of such revocation.

Power of
the Director
General

“22.14.1 As soon as possible after his decision to revoke a temporary absence under section 22.14, the Director General must re-examine the facts and he may maintain his decision to revoke the temporary absence of the confined person or revise his decision and cancel the revocation.

Hearing

The person confined, if he so requests, is entitled to be heard before a decision is made by the Director General.”

c. P-26,
s. 23, am.

21. Section 23 of the said Act is amended

(1) by inserting, after paragraph *d*, the following paragraph:

“(d.1) prescribe administrative segregation measures which may be taken against confined persons where there are reasonable grounds to believe that such persons are concealing objects which are prohibited by law and, to that end,

(1) determine the classes of confined persons who may be subject to an administrative segregation measure;

(2) designate the officers or classes of officers authorized to impose such a measure and determine their powers;

(3) determine the cases where an administrative segregation measure may be imposed, its duration, and the conditions related to application of such a measure;

(4) specify the rules of procedure related to the imposition of an administrative segregation measure, in particular, the right of the person confined to be heard and informed in writing of the grounds of the decision as soon as possible;

(5) prescribe a mechanism for the review of such decisions before the warden of the house of detention, determine his powers, fix the time within which the review must be made and prescribe that the person confined is entitled to be heard by the warden;”;

(2) by striking out the words “form and” in the first line of paragraph *s*.

Words
changed

22. In every Act, statutory instrument, contract or other document, references to the Act respecting probation and houses of detention and to the Service de la probation et des établissements de détention are, respectively, references to the Act respecting correctional services or to the correctional services division, adapted as required.

Proceedings

23. The Director General of correctional services becomes a party to every proceeding to which the Director General of the Service de la probation et des établissements de détention was a party on *(insert here the date of coming into force of this section)*, without continuance of suit.

Coming into
force

24. The provisions of this Act will come into force on the date or dates to be fixed by the Government.