



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 147

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

Introduction

**Introduced by
Mr Claude Ryan
Minister of Public Security**



**Québec Official Publisher
1991**

EXPLANATORY NOTES

The main object of this bill is to amend the Act respecting probation and houses of detention the title of which is changed to that of Act respecting correctional services. The bill establishes new rules concerning the eligibility of inmates for temporary absence and introduces a procedure permitting the Director General to revoke a temporary absence permit.

This bill empowers the Government to make regulations prescribing administrative segregation measures that may be taken in respect of confined persons where there are reasonable grounds to believe that such a person is concealing objects which are prohibited.

Another amendment to the Act to promote the parole of inmates is made to increase the number of full-time members of the Commission québécoise des libérations conditionnelles.

Finally, the bill includes transitional provisions and provisions of concordance.

ACTS AMENDED BY THIS BILL:

- 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).

Bill 147

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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”.

2. Section 18 of the said Act is amended

(1) by inserting the words “Except on a question of jurisdiction, article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) does not apply to the commission and” at the beginning of the first paragraph;

(2) by replacing the words “Code of Civil Procedure may be exercised and no injunction” in the second line of the first paragraph by the words “said Code may be exercised nor may any injunction be”.

3. 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”.

4. 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*.

5. Section 2 of the said Act is amended

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

“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”.

6. 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”.

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

8. Section 11 of the said Act is repealed.

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

10. 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”.

11. 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”.

12. 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”.

13. 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”.

14. Section 22.2 of the said Act is amended by adding, at the end, the following paragraphs:

“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.

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.”

15. Section 22.3 of the said Act is repealed.

16. 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”.

17. Section 22.13 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 fifth line by the words “inmate is not eligible for temporary absence under section 22.2”.

18. Section 22.14 of the said Act is replaced by the following sections:

“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.

“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.”

19. 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 prior to the imposition of an administrative segregation measure, in particular, the right of the confined person to obtain without delay or, in a case of emergency, within a reasonable time, the assistance of an advocate and his right to be heard and to be informed in writing and as soon as possible of the reasons for the decision;

(5) prescribe a mechanism for the review of such decisions before the warden of the house of detention, determine powers thereof, determine the period within which the review must be made and prescribe that the confined person is entitled to be heard by the warden and to be represented or assisted by an advocate on being heard by the warden;"

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

20. 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.

21. 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.

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