



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 497

Inmate Pay-for-Stay Act

Introduction

Introduced by
Mr. André Spénard
Member for Beauce-Nord

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EXPLANATORY NOTES

This bill makes inmates more accountable for their incarceration-related costs and proposes various measures requiring a contribution on their part.

For the duration of their incarceration, inmates will have to pay a percentage of their income to the Minister of Finance as reimbursement for costs incurred for their prison room and board.

In addition, reintegration support funds will have to deduct an amount from remuneration owed to inmates who work under a program of activities and pay it to the Minister of Finance to reimburse the cost of their room and board.

Lastly, a percentage of any income replacement indemnity the Société de l'assurance automobile du Québec or the Commission de la santé et de la sécurité du travail owes to inmates with no dependants will be deducted to reimburse costs incurred for their prison room and board.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Automobile Insurance Act (chapter A-25);
- Act respecting the Québec correctional system (chapter S-40.1).

REGULATION AMENDED BY THIS BILL:

- Regulation under the Act respecting the Québec correctional system (chapter S-40.1, r. 1).

Bill 497

INMATE PAY-FOR-STAY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

1. The Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended by inserting the following section after section 144.1:

“144.2. Where a worker who has suffered an employment injury is incarcerated in a penitentiary, imprisoned in a correctional facility or detained in a facility maintained by an institution operating a rehabilitation centre governed by the Act respecting health services and social services (chapter S-4.2) or in a reception centre governed by the Act respecting health services and social services for Cree Native persons (chapter S-5) for an offence, the Commission shall reduce the income replacement indemnity to which the worker is entitled due to the employment injury by an amount equivalent on a yearly basis to the following percentage:

- (1) 75% in the case of a worker with no dependants;
- (2) 45% in the case of a worker with one dependant;
- (3) 35% in the case of a worker with two dependants;
- (4) 25% in the case of a worker with three dependants;
- (5) 10% in the case of a worker with four or more dependants.

This reduction remains in force until the end of the worker's period of incarceration, imprisonment or detention or, as the case may be, until the date of the judgment finding the worker not guilty of the offence.

The reduction shall be adjusted during the worker's incarceration, imprisonment or detention, in the cases and on the conditions prescribed by regulation, according to the variation in the number of dependants.

For the purposes of this section, the income replacement indemnity to which a worker with one or more dependants on the date of the employment injury

is entitled shall be paid to the dependants in accordance with the terms and conditions prescribed by regulation.

If the worker is found not guilty of the offence, the Commission shall remit the amount subtracted from the income replacement indemnity to the worker with interest, calculated from the start of the reduction. The applicable interest rate is the rate determined under the second paragraph of section 28 of the Tax Administration Act (chapter A-6.002).”

2. Section 454 of the Act is amended by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

“(2.01) prescribing in which cases and on which conditions the income replacement indemnity described in section 144.2 may be adjusted according to the variation in the number of dependants;

“(2.02) prescribing the terms and conditions of payment to dependants of the indemnity described in section 144.2;”.

AUTOMOBILE INSURANCE ACT

3. Section 83.30 of the Automobile Insurance Act (chapter A-25) is amended

(1) by striking out “described in paragraph *a* of subsection 1 or in subsection 3 or 4 of section 249, subsection 1 of section 252, section 253, subsection 5 of section 254 or subsection 2 or 3 of section 255 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or, if the offence is committed with an automobile, in section 220, 221 or 236 of that Code” in the first paragraph;

(2) by striking out “contemplated in the first paragraph” in the second and fifth paragraphs.

ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

4. The Act respecting the Québec correctional system (chapter S-40.1) is amended by inserting the following after section 39:

“DIVISION VI.1

“INMATES’ PAY-FOR-STAY CONTRIBUTION

“39.1. Throughout his or her detention, the inmate must pay a portion of his or her annual income, other than remuneration from a reintegration support fund, to the Minister of Finance, in proportion to the incarceration period and according to the percentage fixed by regulation, as reimbursement for costs incurred for the inmate’s incarceration.

The amount the inmate must pay may not exceed \$18 a day and is calculated based on the inmate's total income, in particular from

- (1) commercial activities;
- (2) pensions paid by private enterprises or public authorities;
- (3) interest on capital and other investment earnings; and
- (4) dividends paid by a company.

Any amount the inmate owes to the Minister of Finance under this section is a debt toward the State that is recoverable within the meaning of the Tax Administration Act (chapter A-6.002).

For the purposes of this division, all costs incurred by the correctional facility or community correctional centre with regard to an inmate, including management costs, costs for his or her room and board, and costs incurred by the correctional services, including costs relating to reintegration support programs and services, constitute costs incurred for the inmate's incarceration.

“39.2. In addition to the deductions provided for in section 91, a fund shall deduct an amount, calculated according to the percentage fixed by regulation, from the remuneration owed to an inmate in the correctional facility and pay it to the Minister of Finance as reimbursement for costs incurred for the inmate's incarceration.

“39.3. The Société de l'assurance automobile du Québec shall deduct an amount, calculated according to the percentage fixed by regulation, from the income replacement indemnity owed to a person described in section 83.30 of the Automobile Insurance Act (chapter A-25) with no dependants and pay it to the Minister of Finance as reimbursement for costs incurred for the person's incarceration.

“39.4. The Commission de la santé et de la sécurité du travail shall deduct an amount, calculated according to the percentage fixed by regulation, from the income replacement indemnity owed to a person described in section 144.2 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) with no dependants and pay it to the Minister of Finance as reimbursement for costs incurred for the person's incarceration.”

5. Section 91 of the Act is amended

(1) by inserting “, after the application of the first paragraph and of section 39.2,” after “remuneration” in the second paragraph;

(2) by adding the following paragraph at the end:

“At the end of each fiscal year, one half of the amount paid into the fund from the remuneration owed to an inmate shall be paid to the Minister of Finance as reimbursement for costs incurred for the inmate’s incarceration if, for that fiscal year, the balance of the fund exceeds the sum of all amounts deducted from the remuneration owed to the inmates.”

6. Section 193 of the Act is amended by inserting the following subparagraphs after subparagraph 18 of the first paragraph:

“(18.1) fix the percentage of his or her income that an inmate must pay to the Minister of Finance as reimbursement for costs incurred for the inmate’s incarceration, which may vary according to criteria the Government determines;

“(18.2) fix the percentage of the remuneration owed to an inmate by a fund that is to be paid to the Minister of Finance as reimbursement for costs incurred for the inmate’s incarceration, which may vary according to criteria the Government determines;

“(18.3) fix the percentage of the income replacement indemnity owed to a person described in section 83.30 of the Automobile Insurance Act (chapter A-25) with no dependants that is to be paid to the Minister of Finance by the Société de l’assurance automobile du Québec as reimbursement for costs incurred for the person’s incarceration, which may vary according to criteria the Government determines;

“(18.4) fix the percentage of the income replacement indemnity owed to a person described in section 144.2 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) with no dependants that is to be paid to the Minister of Finance by the Commission de la santé et de la sécurité du travail as reimbursement for costs incurred for the person’s incarceration, which may vary according to criteria the Government determines;”.

REGULATION UNDER THE ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

7. The Regulation under the Act respecting the Québec correctional system (chapter S-40.1, r. 1) is amended by inserting the following after section 2:

“DIVISION II.1

“PAY-FOR-STAY CONTRIBUTION

“**2.1.** The percentage used to calculate the amount that the inmate must pay to the Minister of Finance, for the purposes of section 39.1 of the Act, is set at 30%.

“**2.2.** The percentage used to calculate the amount that a fund must deduct from the remuneration owed to an inmate, for the purposes of section 39.2 of the Act, is set at 20%.

This percentage is applied to the inmate's remuneration after deduction of the amounts provided for in section 91 of the Act.

“2.3. The percentage used to calculate the amount that the Commission de la santé et de la sécurité du travail must deduct from the income replacement indemnity owed to a person described in section 83.30 of the Automobile Insurance Act (chapter A-25) with no dependants, for the purposes of section 39.3 of the Act, is set at 50%.

“2.4. The percentage used to calculate the amount that the Société de l'assurance automobile du Québec must deduct from the income replacement indemnity owed to a person described in section 144.2 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) with no dependants, for the purposes of section 39.4 of the Act, is set at 50%.”

8. This Act comes into force on (*insert the date of assent to this Act*).

