

Bill 59

**An Act to enact the Act to prevent and
combat hate speech and speech inciting
violence and to amend various
legislative provisions
to better protect individuals**

Section 3

AMENDMENT:

Replace “the judicial decision rendered after the review” by “the judicial decision rendered in review of the decision of the registrar”.

*Adopté
au*

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Section 1

AMENDMENT:

Amendment 2 is withdrawn and renamed Am r.

al

SAM 1
AM 2
s. 1 (1)

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Section 1

AMENDMENT:

Subamendment 1 is withdrawn and renamed Sam aa.



SAM 2
AM 2
s. 1 (1)

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Section 1

AMENDMENT:

Subamendment 2 is withdrawn and renamed Sam ac.

all

SAM 3
AM 2
s. 1 (1)

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Section 1

AMENDMENT:

Subamendment 3 is withdrawn and renamed Sam ad.

al

SAM 4
AM 2
s. 1 (1)

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Section 1

AMENDMENT:

Subamendment 4 is withdrawn and renamed Sam ae.



SAM 5
AM 2
s. 1 (1)

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Section 1

AMENDMENT:

Subamendment 5 is withdrawn and renamed Sam af.



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Section 1

AMENDMENT:

Amendment 3 is withdrawn and renamed Am s.

al

AM 4
s. 1 (2)

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Section 1

AMENDMENT:

Amendment 4 is withdrawn and renamed Am t.

ae

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Section 1

AMENDMENT:

Amendment 5 is withdrawn and renamed Am u.



SAM 1
AM 5
s. 1 (2)

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Section 1

AMENDMENT:

Subamendment 1 is withdrawn and renamed Sam a.



SAM 2
AM 5
s. 1 (2)

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Section 1

AMENDMENT:

Subamendment 2 is withdrawn and renamed Sam b.



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Section 1

AMENDMENT:

Amendment 6 is withdrawn and renamed Am v.



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Part I

AMENDMENT:

Strike out Part I and the following headings:

PART II

AMENDMENTS TO BETTER PROTECT INDIVIDUALS

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Section 3.1

AMENDMENT:

Insert after section 3:

3.1. Article 118 of the Code is replaced by the following article:

“**118.** The declaration of marriage is made to the registrar of civil status by the officiant within 30 days after the solemnization.”

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Section 6

AMENDMENT:

Replace paragraph 2 by:

- (2) by striking out the second paragraph.

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Section 6

AMENDMENT:

Insert "solemnization of the" after "fixed for the" in paragraph 1.

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Section 7

AMENDMENT:

Replace by:

7. Article 369 of the Code is amended

(1) by replacing “and the date and place of birth of each” by “the year and place of their birth, the scheduled solemnization date and the name of the officiant”;

(2) by adding the following sentence at the end: “The other rules governing publication of the marriage are determined by the Minister of Justice.”;

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

“On receipt of the notice of publication, the registrar of civil status shall ensure that the officiant is competent.”

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Section 8

AMENDMENT:

Add the following sentence at the end of the second paragraph of proposed article 370: "In such a case, when sending the declaration of marriage to the registrar of civil status, the officiant shall include the dispensation, which must specify the grounds for granting it."

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Section 8

AMENDMENT:

Replace “before it is possible” in the second paragraph of proposed article 370 by
“without it being possible”.

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Section 9

AMENDMENT:

Replace by:

9. Article 372 of the Code is amended by adding “, in particular if, in the person’s opinion, the consent of one of the intended spouses is likely not to be free or enlightened” at the end of the first paragraph.

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Section 10.1

AMENDMENT:

Insert after section 10:

10.1. Article 375 of the Code is amended by replacing “without delay” by “within 30 days after the solemnization”.

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Section 12.1

AMENDMENT:

Insert after section 12:

12.1. Article 521.4 of the Code is amended by adding “, in particular if, in the person’s opinion, the consent of one of the intended spouses is likely not to be free or enlightened” at the end of the first paragraph.

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Section 12.2

AMENDMENT:

Insert after section 12.1:

12.2. Article 521.10 of the Code is amended by adding “, in particular if the consent of one of the spouses was not free or enlightened” at the end of the second paragraph.

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Sections 14 to 18

AMENDMENT:

Strike out “CODE OF CIVIL PROCEDURE (CHAPTER C-25)” after section 13,
as well as sections 14 to 18.

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Section 23

AMENDMENT:

1. Strike out “, or a context of hate speech or speech inciting violence”.
2. Add after the proposed paragraph:

A protection order may also be requested by another person or a body if the threatened person consents to it or, failing that, with the authorization of the court.

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Section 23

AMENDMENT:

Replace the proposed paragraph by:

“Such an injunction may direct a natural person to refrain from or cease doing something or to perform a specified act in order to protect another natural person whose life, health or safety is threatened. Such an injunction, called a protection order, may be obtained, in particular, in a context of violence, such as violence based on a concept of honour, or a context of hate speech or speech inciting violence. A protection order may only be issued for the time and on the conditions determined by the court, without however exceeding three years.”

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Section 22

AMENDMENT:

Strike out.

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Section 23.1

AMENDMENT:

Insert before section 24:

23.1. The General and Vocational Colleges Act (chapter C-29) is amended by inserting the following section after section 6.0.1:

“6.0.2. Any contract that allows the total or partial use of an immovable of a college is deemed to contain a clause allowing the college to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation shall be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party.”

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Section 26.1

AMENDMENT:

Insert after section 26:

26.1. The Act is amended by inserting the following section after section 43:

“**43.1.** Any contract that allows the total or partial use of an immovable of a regional college is deemed to contain a clause allowing the regional college to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation shall be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party.”

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Section 26.2

AMENDMENT:

Insert before section 27:

26.2. The Act respecting private education (chapter E-9.1) is amended by inserting the following section after section 65:

“65.1. Any contract that allows the total or partial use of an immovable of an institution is deemed to contain a clause allowing the institution to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation must be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party.”

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Section 30.1

AMENDMENT:

Insert before section 31:

30.1. The Education Act (chapter I-13.3) is amended by inserting the following section after section 266:

“**266.1.** Any contract that allows the total or partial use of an immovable of a school board is deemed to contain a clause allowing the school board to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation must be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party.”

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Section 24

AMENDMENT:

Replace paragraph 1 by:

- (1) by inserting the following paragraph after the first paragraph:

“The Minister may also designate a person to inquire into any behaviour that could reasonably pose a threat for the students’ physical or psychological safety.”;

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Section 27

AMENDMENT:

Replace by:

27. Section 118 of the Act is amended by inserting the following paragraph after the first paragraph:

“The Minister may also designate a person to inquire into any behaviour that could reasonably pose a threat for the students’ physical or psychological safety.”

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Section 32

AMENDMENT:

Replace paragraph 1 by:

(1) by inserting the following paragraph after the first paragraph:

“The Minister may also designate a person to inquire into any behaviour that could reasonably pose a threat for the students’ physical or psychological safety.”;

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Section 25

AMENDMENT:

Replace by:

25. Section 29.2 is amended by inserting the following paragraph after paragraph *a*:

“(a.1) where the college does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students’ physical or psychological safety;”.

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Section 26

AMENDMENT:

Replace by:

26. Section 29.8 of the Act is amended by adding the following sentence at the end: “The same rule applies if the college does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students’ physical or psychological safety.”

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Section 30

AMENDMENT:

Replace by:

30. Section 125 of the Act is amended by adding the following sentence at the end: “The same applies if the institution does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students’ physical or psychological safety.”

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Section 31

AMENDMENT:

Replace by:

31. Section 477 of the Act is amended by adding the following sentence at the end of the first paragraph: “The same applies if a school board does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students’ physical or psychological safety.”

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Section 28

AMENDMENT:

Replace by:

28. Section 119 of the Act is amended by adding the following paragraph at the end:

“(8) does not use the means at his disposal to put an end to behaviour that could reasonably pose a threat for the students’ physical or psychological safety.”

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Section 33

AMENDMENT:

Replace by:

33. Section 38 of the Youth Protection Act (chapter P-34.1) is amended by inserting “excessive control,” after “emotional rejection,” in subparagraph *c* of the second paragraph.

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Section 33.1

AMENDMENT:

Insert after section 33:

33.1. The Act is amended by inserting the following section after section 38.2:

“**38.3.** No ideological or other consideration, including one based on a concept of honour, can justify any situation described in sections 38 and 38.1.”

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Section 35

AMENDMENT:

Replace the second sentence of the third paragraph of proposed section 45.2 by:
“In addition, where the child is directed to an institution, body or person in
accordance with the first paragraph, the director may, if the child consents to it,
inform one or both of the parents.”

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Section 35

AMENDMENT:

In proposed section 45.2:

1. Replace “area” in the first and third paragraphs by “community”.
2. Insert “them” after “advise” in the first paragraph.

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Section 42.1

AMENDMENT:

Insert after section 42:

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

42.1. Section 21 of the Act respecting health services and social services (chapter S-4.2) is amended by replacing the second paragraph by the following paragraphs:

“However, an institution shall refuse to give the holder of parental authority access to the record of a user under 14 years of age where the user has been the subject of an intervention within the meaning of section 2.3 of the Youth Protection Act (chapter P-34.1) or where a decision concerning him has been made under that Act, and the institution, after consulting the director of youth protection, determines that communication of the user’s record to the holder of parental authority will or could be prejudicial to the user’s health;

An institution shall also refuse to give the holder of parental authority access to the record of a user who is 14 years of age or over where, after being consulted by the institution, the user refuses to allow his record to be communicated to the holder of parental authority and the institution determines that communication of the user’s record to the holder of parental authority will or could be prejudicial to the user’s health. Where the user has been the subject of an intervention within the meaning of section 2.3 of the Youth Protection Act or where a decision concerning him has been made under that Act, the institution must first consult the director of youth protection. However, where the refusal of the user who is 14 years of age or over concerns information referred to in section 45.2, 50.1 or 57.2.1 or the second paragraph of section 70.2 of the Youth Protection Act, the holder of parental authority to whom the user has refused to allow information to be communicated may not receive the information concerned.”

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Section 21

AMENDMENT:

Add at the end:

(3) by adding the following sentence at the end of the third paragraph:
“The court may also, on an application by the opposer, order that damages be paid
by anyone who takes or threatens to take reprisals against the opposer because of
the opposer’s opposition.”

Adopted

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Section 11.1

AMENDMENT:

Insert after section 11:

11.1. The Code is amended by adding the following article after article 376.1:

“**376.2.** The measures that may be taken in the event of an officiant’s non-compliance with the rules governing the solemnization of marriages are determined by regulation of the Minister of Justice.”

Adopté

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Section 30.0.1

AMENDMENT:

Insert after section 30:

ACT RESPECTING MUNICIPAL TAXATION

30.0.1. The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 204.0.1:

“204.0.2. On the application of the Minister of Justice or a person he designates, a judge of the Superior Court may, where an officer or director of an entity, other than a legal person established in the public interest, who owns an immovable described in section 204 is found guilty of an offence under Part II.1 or section 59 or 319 of the Criminal Code (R.S.C. 1985, c. C-46) and there are reasonable grounds to believe that resources, including human resources, of that entity were used directly or indirectly to commit the offence, order, for the period the judge determines, the loss of the benefit of the exemption provided for in section 204, for all or some of the immovables included in a unit of assessment entered on the roll in the name of the entity. A copy of the judgment shall be sent to the clerk or the secretary-treasurer of the municipality concerned.”

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Part III

AMENDMENT:

Replace “Part III” and “FINAL PROVISION” by:

TRANSITIONAL AND FINAL PROVISIONS

42.2. The rules governing publication of a marriage or civil union or, as applicable, dispensation from publication in force on *(insert the date of coming into force of paragraph 1 of section 6)* continue to apply to marriages and civil unions solemnized within six months after that date.

The marriage of a minor to which the holder of parental authority or the tutor, as applicable, consented before *(insert the date of assent to this Act)* continues to be governed by article 373 of the Civil Code as it read before that date provided the marriage is solemnized within six months after that date.

42.3. A notice regarding an application for a change of name or a tardy declaration of filiation published before *(insert the date of coming into force of section 2)* need not be published again if the application or declaration is sent to the registrar of civil status within six months after that date.

Adoptée

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Section 43

AMENDMENT:

Replace by:

43. This Act comes into force on *(insert the date of assent to this Act)* except sections 2, 3, 3.1, paragraph 1 of section 6, and sections 8 and 10.1, which come into force on the date or dates to be set by the Government.

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Title

AMENDMENT:

The title of the bill is replaced by “AN ACT TO AMEND VARIOUS
LEGISLATIVE PROVISIONS TO BETTER PROTECT PERSONS”.

Adopted