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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Draft Bill

## **An Act respecting the Québec correctional system**

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**Tabled by  
Mr Serge Ménard  
Minister of Public Security**

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## EXPLANATORY NOTES

*The purpose of this draft bill is to establish the general principles that are to guide the correctional services of the Ministère de la Sécurité publique, the Commission québécoise des libérations conditionnelles and their community-based partners as well as all other stakeholders of the correctional system as they each exercise their respective functions. Underlying these general principles is the objective of protecting society, ensuring compliance with the decisions of the courts and reintegrating accused persons and offenders into the community.*

*The draft bill provides that the Minister may determine that an immovable is a detention facility and may make agreements with Native communities for the purpose of establishing community correctional centres.*

*The draft bill defines the role of correctional services officers, parole officers and correctional counsellors, granting them the status of peace officers in the exercise of their functions.*

*The various responsibilities the correctional services have in relation to the persons committed to their care and custody are set out in the draft bill. Accordingly, each such person is to be assessed and an electronic record created. To do so, the correctional services must take all reasonable means to obtain the necessary information concerning the persons committed to custody. The content of the person's record, which must be disclosed to the Commission québécoise des libérations conditionnelles, is also determined. Various reintegration support programs and services for the persons committed to the custody of the correctional services are also provided for, as is supervision of those persons in the community.*

*The draft bill authorizes the director of a correctional facility to grant temporary absences for medical, humanitarian and reintegration purposes and to enable a person to participate in the activities of an inmate work fund. It specifies for each type of temporary absence who may be granted the absence, for what reasons and on what terms and conditions.*

*The Commission québécoise des libérations conditionnelles is authorized to grant temporary absences after one-sixth of the sentence*

*has been served in the case of persons sentenced to six months or more. The substance of several of the current provisions in the Act to promote the parole of inmates, in particular those pertaining to conditional release and to the composition and operation of the Commission québécoise des libérations conditionnelles is retained.*

*The correctional services and the Commission québécoise des libérations conditionnelles will be required to inform certain victims of an offence of the granting of a temporary absence or conditional release to the person who committed the offence.*

*Various community-based organizations meeting specific criteria may be recognized through an agreement as partners of the correctional services. Such organizations will offer activities or services that supplement those of the correctional services and that are designed to meet the needs of offenders.*

*The draft bill defines the responsibilities of inmates, especially towards the personnel of the correctional facility and the other inmates, and creates discipline committees responsible for examining the situation of persons who breach those responsibilities.*

*The current provisions of the Act respecting correctional services are maintained for the essential, in particular the provisions relating to the Fonds au bénéfice des personnes incarcérées, renamed the Fonds du travail des personnes incarcérées.*

*Two new coordinating bodies are created, a committee under the name Comité de concertation des Services correctionnels et de la Commission québécoise des libérations conditionnelles, and a council under the name Conseil des pratiques correctionnelles du Québec.*

*Lastly, the draft bill defines the responsibilities of the Minister of Public Security as concerns sentence management and conditional release.*

**LEGISLATION REPLACED BY THIS DRAFT BILL :**

- Act to promote the parole of inmates (R.S.Q., chapter L-1.1);
- Act respecting correctional services (R.S.Q., chapter S-4.01).

**LEGISLATION AMENDED BY THIS DRAFT BILL :**

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Food Products Act (R.S.Q., chapter P-29);
- Youth Protection Act (R.S.Q., chapter P-34.1);
- Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Tobacco Act (R.S.Q., chapter T-0.01);
- Marine Products Processing Act (R.S.Q., chapter T-11.01).

## **Draft Bill**

### **AN ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### GENERAL PRINCIPLES

**1.** The correctional services of the Ministère de la Sécurité publique, the Commission québécoise des libérations conditionnelles and the community-based organizations which are their partners, as well as all society's stakeholders having an interest in the correctional system shall facilitate the reintegration of accused persons and offenders into the community; they shall contribute to the maintenance of a safe society by helping such persons become law-abiding citizens and by providing reasonable and humane measures of security and control in their regard, while taking into consideration their ability and willingness to engage in a reintegration process.

**2.** The protection of society and compliance with court decisions are the paramount considerations in the pursuit of the reintegration of accused persons and offenders into the community.

#### **CHAPTER II**

##### CORRECTIONAL SERVICES

#### **DIVISION I**

##### MANDATE

**3.** In collaboration with the institutions and bodies sharing the same mission, the correctional services shall endeavour to enlighten the courts on corrections issues, shall be responsible for the care in a correctional facility or in the community of the persons committed to their custody and shall facilitate the reintegration of those persons into the community.

More specifically, the correctional services are responsible for

(1) the care of the persons committed to their custody and, as appropriate, their supervision in the community, until the end of their sentences;

(2) the provision of pre-sentencing reports and any other information

requested by the courts;

(3) the assessment of the persons committed to their custody;

(4) the development and implementation of programs and services that contribute to the reintegration into the community of persons committed to their custody; and

(5) the carrying out of research in the corrections field, in conjunction with the other stakeholders.

## **DIVISION II**

### **CORRECTIONAL FACILITIES AND COMMUNITY CORRECTIONAL CENTRES**

**4.** The Government may establish correctional facilities.

The Minister may determine, on the conditions fixed by the Minister, that any immovable or part of an immovable specified by the Minister may be used for the imprisonment of offenders and is a correctional facility to which this Act applies.

**5.** A correctional facility established under the first paragraph of section 4 shall be managed by a public servant called the “director”.

The director is responsible for the custody of the persons admitted to the facility until their final release or their transfer to another facility.

**6.** The Minister may, in accordance with the applicable legislative provisions, enter into an agreement with a Native community represented by its band council or the Northern Village council or with a group of communities so represented or any other Native group for the establishment of a community correctional centre in any immovable or part of an immovable designated in the agreement.

**7.** An agreement under section 6 shall specify

(1) the provisions of this Act that are to apply, with the necessary modifications, to the community correctional centre;

(2) the location of the community correctional centre;

(3) the nature and extent of the activities or services to be provided by the Minister and by the other signatory;

(4) the number and, as appropriate, the class of persons to be assigned to such activities or services;

(5) the respective roles and responsibilities of the Minister and the other signatory;

(6) the financial compensation to be paid to the other signatory by the Minister;

(7) the nature of the information to be exchanged between the Minister and the other signatory that is necessary to the exercise of their respective functions;

(8) the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) that are to apply to the information so exchanged, and the measures to be taken by the Minister and the other signatory to ensure that the information is used only for the purposes of their mandate and is not retained when the reason for which it was obtained no longer exists;

(9) the periodic evaluation procedure to be used by the Minister;

(10) the dispute resolution mechanism for the settlement of issues concerning the interpretation or implementation of the agreement;

(11) reporting and accountability mechanisms to be used by the Native community or group of communities;

(12) the obligation for the Native community or group of communities to provide reports or other information required by the Minister concerning the rehabilitation of offenders committed to its custody;

(13) the obligation for the Native community or group of communities to cooperate in any investigation requested by the Minister into an incident involving a person committed to its custody; and

(14) the term of the agreement, which shall not exceed five years.

The persons in the service of the Native community, or of the communities forming part of the group, that is party to the agreement are required to take the oath provided for in the Schedule.

An agreement between the Minister and a Native community or group of communities may be terminated by either party on six months' notice. In the absence of such notice, the agreement shall be renewed automatically for the same term.

**8.** A person sentenced to more than one term of imprisonment or sentenced to imprisonment during a term of imprisonment is deemed to serve only one sentence beginning on the first day of the term of imprisonment that begins the earliest and ending on the last day of the term of imprisonment that ends the latest.

**9.** The Minister may order that an inmate be transferred to another correctional facility.

**10.** The Minister of Public Security may, in accordance with the applicable

legislative provisions, enter into an agreement with another government in Canada for the transfer of a person confined in a prison as defined by the Prisons and Reformatories Act (Revised Statutes of Canada, 1985, chapter P-20) or in a penitentiary as defined in the Corrections and Conditional Release Act (Statutes of Canada, 1992, chapter 20) to a correctional facility.

**11.** Any person who is in a place other than a correctional facility during a transfer to another correctional facility or a temporary absence or while otherwise under the responsibility of the director of a correctional facility, is deemed to be in detention for the purposes of this Act and the regulations and directives.

### **DIVISION III**

#### **PERSONNEL**

##### *§1. — Correctional officers*

**12.** Correctional officers shall ensure the custody of inmates and the monitoring of offenders in the community, take part in their assessment and facilitate their reintegration into the community.

Correctional officers shall encourage the participation of inmates in activities designed to assist them in acquiring socially acceptable values and attitudes. Relations between correctional officers and inmates shall be established for the purpose of providing assistance and support to such persons while observing their behaviour.

**13.** Correctional officers shall have the status of peace officers

(1) in the correctional facility and on the lands that constitute the facility, with respect to any person in the facility or on the lands;

(2) in conducting the monitoring of an offender in the community; and

(3) in respect of offenders in whose respect a warrant has been issued under this Act.

##### *§2. — Probation officers and correctional counsellors*

**14.** At the request of the courts, probation officers shall prepare pre-sentencing reports on convicted offenders so as to assess the possibility of their reintegration into the community.

Probation officers shall perform various assessment and intervention activities in relation to offenders, support them through their community reintegration process and, where necessary, refer them to the appropriate community-based resources.

**15.** Correctional counsellors shall, in particular, develop and implement reintegration programs and support services, encourage inmates to develop an awareness of their behaviour and assume responsibility for their actions, and act as resource persons with respect to their delinquency problems.

**16.** Probation officers and correctional counsellors have the status of peace officers in the exercise of their functions.

#### **DIVISION IV**

#### **ASSESSMENT, SUPPORT AND MONITORING OF PERSONS COMMITTED TO THE CUSTODY AND CARE OF THE CORRECTIONAL SERVICES**

##### *§1.—Assessment*

**17.** The correctional services shall, upon being entrusted with the custody and care of a person, make an assessment of the person in a manner compatible with the length of the sentence, the person's status and the nature of the offence.

The correctional services must inform the person of the provisions respecting temporary absence and conditional release.

**18.** The purpose of the assessment is to determine a person's risk of reoffending, the person's needs with respect to his or her delinquency problem, and the supervision and support resources required.

**19.** The assessment of an offender shall serve in particular in establishing his or her reintegration plan and the making of decisions regarding temporary absence or conditional release.

**20.** The correctional services may retain the professional services of psychologists, psychiatrists, social workers, sexologists and other specialists if necessary in order to complete the assessment of a person.

##### *§2.—Record and information*

**21.** A single, continuous electronic record shall be established by the correctional services on each person committed to their custody.

**22.** Appropriate and specific indications shall be entered in the record of persons having a history of behaviour targeted by government policies, such as policies regarding domestic violence or sexual assault, or of behaviour related to pedophilia or organized crime, for the purpose of enabling informed sentence management and documenting the rehabilitation process of the persons concerned.

**23.** The correctional services shall take all reasonable steps as soon as is possible to obtain such information concerning the persons committed to their

custody as is necessary for sentence management or the making of decisions in relation to temporary absence or conditional release.

The bodies or persons holding the information are required to disclose the information to the correctional services on request.

**24.** The record maintained by the correctional services, which must in all cases be communicated to the Commission québécoise des libérations conditionnelles to enable it to render informed decisions in relation to temporary absence and conditional release, shall include

- (1) warrants of committal relating to the current sentence;
- (2) court orders under execution or which will take effect at a later date;
- (3) judicial records;
- (4) pre-sentencing reports;
- (5) the information and documents contained in the record maintained by the Court, the victim statement, the summary of events and the police statement;
- (6) the offender's assessment and correctional intervention plan;
- (7) the recommendation of the director or the person designated by the director concerning temporary absence or conditional release;
- (8) the reports relating to the current sentence describing the offender's rehabilitation and conduct while in detention and, where applicable, during a temporary absence;
- (9) the reports filed prior to the current sentence and over the last five years describing the offender's behaviour while in detention or participating in a community measure, at the provincial or federal level;
- (10) any verification of the reintegration plan and any confirmation of admission into a community-based resource or a program;
- (11) the psychological, psychiatric and sexological reports prepared in connection with the offender's assessment made at any stage of the judicial or correctional process and related to the current sentence or an earlier sentence.

**25.** The Minister may, in accordance with the applicable legislative provisions, enter into an agreement with a government in Canada or outside Canada, a department or body of that government, an international organization or a body of that organization enabling the collection or communication of necessary information concerning persons committed to the custody of the correctional services.

§3. — *Reintegration programs and support services*

**26.** The Minister shall establish and offer programs and services which encourage the persons committed to the custody of the correctional services to develop an awareness of the consequences of their behaviour and initiate a self-paced process focused on developing their sense of responsibility.

The programs and services offered shall make special allowance for the specific needs of women and Native persons.

**27.** The Minister shall offer assistance programs and services designed to initiate the process of solving the problems associated with the delinquency of the persons committed to the custody of the correctional services, in particular problems of domestic violence, sexual deviance, pedophilia, alcoholism and substance abuse.

The Minister shall foster access by such persons to specialized programs offered by community-based resources for reintegration purposes, with a view to supporting their reintegration into the community.

**28.** The Minister may enter into an agreement with a government department or body for the development and implementation of services adapted to the needs of the persons committed to the custody of the correctional services, in particular concerning matters relating to treatment, academic training and employment.

§4.— *Monitoring in the community*

**29.** The monitoring of offenders in the community must be consistent with the protection of society and the successful reintegration of such persons into the community.

The monitoring process must include both control measures and reintegration measures.

**30.** The purpose of control measures is to ensure that the conditions imposed on the person are complied with.

Control measures include meetings, home visits and telephone calls.

**31.** Reintegration interventions, which include supervision and support measures, are designed to assist in the person's rehabilitation, consolidate a relationship of trust, gain better knowledge of the person and his or her network, and offer the person adapted services.

Reintegration interventions shall be determined on the basis of the person's needs.

**32.** The probation officers, correctional officers and supervision officers designated by the Minister shall be responsible for the monitoring of persons in the community in accordance with the applicable legislative provisions and

the person's needs for supervision and support.

**33.** The stakeholders from community-based organizations that are partners of the correctional services shall participate in the monitoring of persons in the community to the extent and on the conditions determined by the Minister.

## **DIVISION V**

### **TEMPORARY ABSENCES**

#### *§1. — Absence for medical reasons*

**34.** The absence of an inmate for medical reasons may at all times be authorized by the director, in particular where

- (1) the inmate is terminally ill;
- (2) the inmate's state of health requires immediate hospitalization;
- (3) the inmate must undergo medical examinations in a specialized environment; or
- (4) the inmate requires care or treatment that cannot be provided in the correctional facility.

**35.** The director shall determine the conditions that are to apply to the person and the duration of the absence.

**36.** Where the life or health of an inmate is in danger and urgent medical treatment is required, the director or, if the director is absent, any person in authority may authorize the absence without other formality provided the inmate is escorted by a correctional officer if the director or person in authority considers it expedient.

#### *§2. — Absence to attend fund activities*

**37.** The absence of an offender to attend an inmate work fund activity may at all times be authorized by the director.

**38.** A person whose absence has been authorized to attend a fund activity must return to the correctional facility each night.

**39.** The director shall determine the conditions that are to apply to the person.

#### *§3. — Absence for humanitarian purposes*

**40.** The absence of an offender for humanitarian purposes may at all times be authorized by the director where requested in writing by the offender, for one of the following reasons:

(1) the birth, baptism or marriage of his or her child;

(2) the serious illness, death or funeral of his or her spouse, child, father or mother, brother or sister or of a person who stood in lieu of his or her father or mother;

(3) the offender's obligation to care for a sick spouse, child, father or mother, brother or sister or a person who stood in lieu of his or her father or mother, where no other relative can do so;

(4) the necessity to provide support or assistance to his or her spouse, child, father or mother or a person who stood in lieu of his or her father or mother where, failing such support or assistance, serious prejudice would be caused to any of those persons;

(5) a personal obligation within a judicial or administrative process where the very nature of the obligation precludes a mandatary duly designated for that purpose from acting, or where failure to perform or undertake the acts or proceedings could cause serious prejudice to a third person.

**41.** The director shall determine the conditions that are to apply to the person and, depending on the reason for the leave, the duration of the absence, which shall not exceed twenty days.

**42.** The director may authorize the absence of an accused person for humanitarian purposes on the death or funeral of the accused person's spouse, child, brother or sister, or father or mother or a person who stood in lieu of the accused person's father or mother, or to visit any of those persons who is seriously ill.

Where an absence is authorized for such purposes, the person must be under the constant custody and supervision of a correctional officer.

§4.—*Absence for reintegration purposes*

**43.** Absence for reintegration purposes is one of the steps in the rehabilitation process of an offender, forms part of the offender's preparation for release and takes place within the framework of a reintegration plan.

Absence for reintegration purposes, for any of the following reasons, may be authorized by the director if the offender applies therefor in writing and has served one-sixth of a sentence of less than six months imposed by the court:

(1) to hold remunerated employment;

(2) to actively seek remunerated employment;

(3) to perform volunteer work in a community-based resource;

- (4) to undertake or continue secondary, college or university studies;
- (5) to undergo an academic assessment for the purpose of returning to school;
- (6) to undergo an eligibility assessment for future accommodation in a community-based residential facility;
- (7) to participate in an assistance or support program or therapy in the community that is consistent with his or her needs; or
- (8) to maintain or re-establish contacts with the offender's family or social network.

**44.** The director shall determine the conditions that are to apply to the person and the duration of the absence, which may not exceed sixty days.

The director of the facility or the director responsible for community monitoring may authorize the renewal of a temporary absence after examining the case if the person has complied with the conditions established, his or her behaviour has been satisfactory and no new fact precludes the continuation of the absence or justifies a refusal to renew it.

**45.** The criteria for granting a request for the authorization of an absence for reintegration purposes include

- (1) the protection of society in relation to the offender's needs as regards his or her delinquency problem, and the person's risk of reoffending;
- (2) the nature, seriousness and consequences of the offence committed by the offender;
- (3) the degree to which the offender understands and assumes responsibility for his or her criminal behaviour and the consequences of the offence for the victim and for society;
- (4) the offender's judicial record and corrections history;
- (5) the offender's personality and behaviour, his or her rehabilitation progress since the sentence was imposed, his or her willingness to become involved in a process of change and his or her capacity to fulfil his or her obligations;
- (6) the offender's behaviour during incarceration under an earlier sentence or during an earlier participation in a community measure, at the provincial or federal level;
- (7) the offender's previous employment and his or her working skills;
- (8) the family and social resources available; and

(9) the relevance of the offender's plan for reintegration into the community as regards the prevention of reoffending and capacity to successfully adhere to the plan with the appropriate support.

§5.—*Temporary absence examining board*

**46.** A temporary absence examining board shall be established in each correctional facility.

**47.** Each board shall consist of three persons designated by the director from among the correctional officers, probation officers, correctional counsellors and correctional facility managers.

However, in the case of requests by persons serving a sentence of thirty days or less and requests for a temporary absence to participate in fund activities, the board shall consist of two persons.

**48.** Every temporary absence except an absence granted for medical purposes or in preparation for conditional release must be preceded by a recommendation of the temporary absence examining board.

However, in the case of a person serving an intermittent sentence, the director may grant a temporary absence on the sole recommendation of the correctional officer or parole officer, as the case may be, responsible for the person.

**49.** As soon as possible after the receipt of a request for a temporary absence, the board shall examine the request and transmit its recommendation to the director.

The board shall give reasons for its recommendation, suggest conditions to be imposed on the inmate and mention any observations presented by the inmate and, where applicable, the representations made by the victim.

**50.** The board's recommendation is not binding on the director.

However, the director may seek the opinion of a second board composed of different persons if he or she considers it necessary for the making of a decision.

**51.** An inmate who so requests is entitled to present observations and, where expedient, to produce documents to complete his or her record. An inmate is also entitled to be represented or assisted before the board by any person of his or her choice other than an inmate from another correctional facility.

§6.—*Decision*

**52.** The decision of the director must be rendered in writing, with reasons, as soon as possible following receipt of the board's recommendation, if any, and the inmate must be informed thereof as quickly as possible.

**53.** The director must inform the police forces whenever the temporary absence of an offender has been authorized.

**54.** A person who has been granted a temporary absence must be informed that the police forces have been advised of the authorization and of the attached conditions.

**55.** Temporary absence shall not be granted, except for medical purposes, to a young person within the meaning of the Young Offenders Act (Revised Statutes of Canada, 1985, chapter Y-1) who has been committed to custody under that Act or to a person serving a sentence for contempt of court in a civil or penal matter where the person is required to return before the court pursuant to a condition of his or her sentence.

**56.** The director of the facility or the director responsible for monitoring the offender in the community may suspend an offender's temporary absence, notify the offender that he or she must return to the correctional facility within the specified time and, if the offender does not so return, cause a warrant to be issued authorizing his or her apprehension and recommitment to custody,

(1) where either director has reasonable grounds to believe that the offender has breached a condition attached to the temporary absence or that action must be taken to prevent such a breach, or

(2) for any valid reason invoked by the offender.

The offender must, as soon as is possible, be given written reasons for the suspension.

**57.** Following a decision to suspend an offender's temporary absence, the director of the facility or the director responsible for monitoring the offender in the community must re-examine the facts as soon as possible and may cancel the suspension or revoke or terminate the temporary absence.

Before the decision is rendered, a person who so requests is entitled to present observations and, where expedient, to produce documents to complete his or her record. The person is also entitled, on request, to be assisted or represented before the board by any person of his or her choice other than an inmate from another correctional facility.

**58.** An offender may not reapply for a temporary absence for reintegration purposes before thirty days have elapsed since the date of a refusal or revocation.

§7. — *Review*

**59.** Within seven days of notification of a decision of the director of the facility or the director responsible for monitoring the offender in the community refusing, revoking or terminating an absence for reintegration purposes, an inmate

may apply to the person designated by the Minister for a review of the decision.

The application must be made in writing and establish that

(1) the applicable legislative prescriptions were not complied with; or

(2) the decision was based on incomplete or erroneous information and should be varied.

**60.** After giving the person an opportunity to present observations, the person designated by the Minister shall decide on the record and may confirm or quash the initial decision and, in the latter case, render the decision that should have been rendered.

**61.** The decision must be rendered within seven days of the application and be transmitted to the inmate.

## **DIVISION VI**

### **RESPONSIBILITIES OF INMATES**

**62.** Every inmate must behave respectfully towards the personnel and other inmates and show consideration for their property and the property of the correctional facility; an inmate must also assume the other responsibilities prescribed by regulation.

**63.** An offender whose conduct is respectful towards the personnel and the other inmates may earn remission time.

Remission is also conditional on the person complying with the regulations and directives of the correctional facility, observing the conditions of a temporary absence and participating in programs and activities designed to facilitate reintegration into the community.

Remission is calculated on the basis of one day of remission for two days of imprisonment during which the offender complies with the conditions provided for in this section.

**64.** If an offender does not comply with the conditions set out in section 63, a discipline committee established in the manner provided for in section 65 may refuse to grant or grant only part of the remission.

In addition, the committee may cancel any remission standing to a person's credit. In that case, if the remission so cancelled exceeds fifteen days, the committee must obtain the prior approval of the director.

## **DIVISION VII**

### **DISCIPLINE COMMITTEE**

**65.** The director shall designate, from among the correctional officers, probation officers, correctional counsellors and correctional facility managers, two persons who shall act as members of a discipline committee.

**66.** A discipline committee shall examine the situation of an inmate who has failed to fulfil his or her responsibilities and shall, where expedient, determine the sanction to be imposed.

The discipline committee shall also determine the offender's entitlement as regards remission of sentence.

## **DIVISION VIII**

### **PROGRAM OF ACTIVITIES FOR INMATES**

#### **§1. — *Inmate work fund***

**67.** An inmate work fund shall be established in every correctional facility.

The name of the fund must include the expression "Fonds du travail des personnes incarcérées" and the name of the correctional facility.

**68.** The functions of a fund shall be to establish each year, on the date fixed by the Fonds central du travail des personnes incarcérées and within the framework determined by regulation, a program of activities for inmates, and to see to its implementation. The program and any modification to the program must be approved by the central fund.

The program of activities for inmates must propose personal, vocational and academic training activities, work activities, whether remunerated or not, and sports, socio-cultural and recreational activities.

A further function of the fund is to assist inmates financially, on the conditions prescribed by regulation.

For those purposes, the fund shall be made up of

(1) the sums deducted from the remuneration owed to an inmate, according to the percentage fixed by regulation;

(2) the gifts made for the benefit of inmates, subject to the conditions attached thereto;

(3) any revenues generated within the scope of a program of activities;

(4) other sums of money from sources that may be determined by regulation;  
and

(5) the interest earned on the sums of money making up the fund.

**69.** The Minister or the person designated by the Minister may, within the framework of a program of activities for inmates,

(1) entrust a fund with the organization and management of services within the correctional facility;

(2) authorize an inmate's involvement in activities; and

(3) take any reasonable measures to place the necessary services, personnel, premises and facilities of the correctional facility at the disposal of the fund, on the conditions prescribed by regulation.

In the cases determined by regulation, authorization under subparagraph 2 of the first paragraph may not be given without considering the opinion of the person designated in the regulation.

**70.** A fund is a legal person.

**71.** A fund shall have its head office at the correctional facility.

**72.** A fund shall be administered by a board of directors composed of the director of the correctional facility, four persons appointed by the Minister and two inmates chosen by the director.

Two of the members shall be appointed by the Minister from among the public servants of the Ministère de la Sécurité publique and two members shall be chosen from among persons who are resident in the territory of the correctional facility and show an interest in the reintegration of inmates into the community; one of these members must be a representative of the business community.

**73.** The term of office of a member of the board of directors, other than that of the director, shall not exceed two years and may be renewed.

Each member shall remain in office despite the expiry of his or her term until he or she is replaced or reappointed.

**74.** The members of the board of directors shall designate a chair, a vice-chair, a secretary and a treasurer from among their number. The vice-chair shall replace the chair when the chair is absent or unable to act.

**75.** A majority of the members of the board of directors, including the director or a public servant, constitutes a quorum.

In the event of a tie, the chair has a casting vote.

**76.** A decision signed by all the members of the board of directors has the same force as if it had been taken at a regular board meeting.

**77.** The board of directors of a fund shall administer the affairs and exercise all the powers of the fund.

**78.** A fund may, in particular,

(1) enter into any contract to enable an inmate to participate in activities inside or outside the correctional facility, subject to the rules prescribed by regulation;

(2) contract loans to finance a program of activities, according to the rules prescribed by regulation;

(3) authorize expenses to be paid out of the fund; and

(4) hire any person necessary to the pursuit of its functions.

**79.** A fund may make a gift or grant a loan, with or without interest, to another fund established under section 67.

**80.** The Government may, on the conditions it determines, guarantee, out of the consolidated revenue fund or otherwise, the payment in principal and interest of any loan or assume the cost of any other obligation contracted by a fund.

**81.** The revenues from a contract entered into under paragraph 1 of section 78 shall be paid into the fund established in the correctional facility.

**82.** A fund shall deduct from the remuneration owed to an inmate in the correctional facility an amount, calculated according to the percentage fixed by regulation, that shall be paid into the fund as well as any amount that must be deducted pursuant to an Act in force in Québec or pursuant to a court decision.

The balance of the remuneration shall be paid to the director, who shall give the inmate the allowance determined by regulation out of the balance.

**83.** Subject to any contrary agreement in writing authorized by the Minister, the balance of the remuneration shall be deposited by the director in a financial institution and credited to the savings account held in trust for that purpose by the director. The amount and interest owed to an inmate being released shall be paid to the inmate by the director.

**84.** The director shall give the inmate an account of the remuneration received on the inmate's behalf and of the deductions and deposits made under section 82 or 83 when the inmate is released and, at the inmate's request, not more often than once a month.

**85.** The fund shall pay a contribution to the Fonds central du travail des personnes incarcérées at the time fixed by the latter fund.

The contribution shall be fixed by the central fund within the limits prescribed

by regulation, and may differ from one fund to the other depending on the financial capacity and the program of activities of the fund.

**86.** The fiscal year of a fund ends on 31 December.

**87.** No deed, document or writing binds the fund unless it is signed by the chair or any other duly authorized officer.

**88.** Not later than 30 June each year, the fund shall submit its financial statements and a report on its activities for the preceding fiscal year to the Minister. The financial statements and the activities report must contain all the information required by the Minister.

A copy of the financial statements, activities report and attached auditor's report must also be transmitted to the Fonds central du travail des personnes incarcérées.

**89.** The fund shall furnish to the Minister any additional information the Minister requires on its activities.

**90.** The books and accounts of the fund shall be audited each year.

The Minister may, at any time, order that the books and accounts of the fund be also audited by an auditor designated by the Minister.

**91.** If the correctional facility is closed, the fund shall be liquidated according to the rules and on the terms and conditions prescribed by regulation.

**92.** The Minister must take every reasonable measure to facilitate the carrying out of the programs of activities of the funds established in correctional facilities.

§2.— *Fonds central du travail des personnes incarcérées*

**93.** A central fund called the “Fonds central du travail des personnes incarcérées” is hereby established.

**94.** The functions of the central fund are

(1) to support a fund established in a correctional facility that is in need of financial assistance and, for that purpose, make a gift or grant a loan to the fund with or without interest;

(2) to develop policies concerning programs of activities and advise the Government on the regulations to be made;

(3) to advise a fund established in a correctional facility concerning the

organization and development of programs of activities;

(4) to approve the programs of activities of the funds established in correctional facilities.

**95.** The central fund shall, for the purposes of paragraph 1 of section 94, manage, in accordance with the regulations, a fund made up of

(1) the contributions paid pursuant to section 85 by the funds established in correctional facilities;

(2) other sums of money from sources that may be determined by regulation;

(3) the interest earned on the sums of money making up the fund.

**96.** The central fund is a legal person.

**97.** The central fund shall have its head office at the Ministère de la Sécurité publique.

**98.** The central fund shall be administered by a board of directors composed of seven members appointed by the Minister; three members shall be chosen from among the directors of the correctional facilities, two from among the public servants of the correctional services, and two from among other persons who show an interest in the reintegration of inmates into the community, including a representative of the business community.

The members of the board of directors shall be appointed for a renewable term of two years.

Each member shall remain in office despite the expiry of his or her term until he or she is replaced or reappointed.

**99.** The Minister may issue guidelines for the central fund regarding the development of programs of activities.

**100.** Sections 74 to 77 and 86 to 90 apply to the central fund, with the necessary modifications.

## **DIVISION IX**

### **RELATIONS WITH THE VICTIMS**

**101.** The victim of an offence may forward written representations to the Minister at any time before an application for temporary absence submitted by the person who committed the offence is examined.

**102.** The director must take all reasonable measures to communicate to the victim, in accordance with government policies, such as policies on domestic

violence and sexual assault the date of and conditions attached to a temporary absence and the date of the release of the person who committed the offence. The same obligation exists in relation to any other person where there is reasonable cause to believe that an inmate's temporary absence is a threat to that person.

The director may also communicate to a victim who so requests, the date of and conditions attached to a temporary absence and the date of the release of the person who committed the offence.

### **CHAPTER III**

#### **COMMUNITY-BASED ORGANIZATIONS**

**103.** The Minister may recognize a community-based organization as a partner of the correctional services if the organization

(1) offers activities or services that supplement the activities or services offered by the correctional services and are designed to meet the needs of offenders;

(2) is a non-profit corrections organization, whose board of directors is composed in the majority of persons from the community served by the organization; and

(3) has the human, material and organizational resources appropriate to its activities and services having regard to the standards established by the Minister.

The Minister shall establish the standards after obtaining the advice of the parole board, the correctional services and the associations representing the non-profit community-based corrections organizations.

**104.** The activities or services offered by a community-based organization to supplement the activities or services offered by the correctional services and meet the needs of offenders are the following:

(1) monitoring of offenders in the community;

(2) psychosocial support programs and basic social skills development;

(3) residence with supervised and support activities;

(4) other activities or services considered to be relevant in relation to the needs of offenders or the policies of the correctional services.

**105.** A community-based organization shall be recognized by the Minister as a partner of the correctional services by means of a partnership agreement.

**106.** The partnership agreement shall determine, in particular,

(1) the nature and scope of the activities or services provided by the

community-based organization;

(2) the contact and communication mechanisms between the community-based organization and the Minister;

(3) the general criteria to be used in the validation of the activities or services offered by the community-based organization, in particular as regards the human, material, financial and organizational resources allocated to the services;

(4) the Minister's responsibilities as regards the planning of the work load entrusted to the community-based organization;

(5) the financial compensation to be paid by the Minister to the community-based organization;

(6) the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information that apply to the information to be disclosed to the organization and the measures the organization must take to ensure that the information is used only for the purposes of its mandate and is not retained when the reason for which it was obtained no longer exists;

(7) a dispute resolution mechanism for the settlement of disputes concerning the interpretation or implementation of the agreement;

(8) the term of the agreement, which shall not exceed five years;

(9) the organization's reporting and accountability mechanisms;

(10) the organization's obligation to provide reports or other information required by the Minister concerning the progress accomplished by an offender participating in any of its programs of activities or services;

(11) the organization's obligation to cooperate in any investigation requested by the Minister into an incident involving an offender to whom activities or services are provided; and

(12) the periodic assessment to be made by the Minister.

An agreement between the Minister and a community-based organization may be terminated by either party on six months' notice. In the absence of such notice, the agreement shall be renewed automatically for the same term.

**107.** A community-based organization recognized as a partner of the correctional services shall have access to any information at the disposal of the Minister concerning offenders to whom activities or services are provided, and that is necessary to the carrying out of its work.

**108.** Every person in the service of the community-based organization party to the agreement is required to take the oath provided for in the Schedule.

**CHAPTER IV**  
**COMMISSION QUÉBÉCOISE DES LIBÉRATIONS**  
**CONDITIONNELLES**

**DIVISION I**  
**ESTABLISHMENT**

**109.** A parole board is hereby established under the name “Commission québécoise des libérations conditionnelles”.

**DIVISION II**  
**MANDATE**

**110.** The parole board shall make the decisions concerning temporary absences in preparation for conditional release and concerning the conditional release of inmates serving a sentence of six months or more in a correctional facility.

In particular, the parole board shall

(1) facilitate the reintegration of offenders into the community, ensuring that court decisions are respected, and contribute to the protection of society;

(2) consider all necessary and available information that pertains to the offenders before making a decision; and

(3) establish its policies within the scope of the policies established by the Minister, transmit such policies to the Minister and disseminate such policies.

**DIVISION III**  
**COMPOSITION AND OPERATION**

**111.** The parole board shall be composed of not more than 12 full-time members including a chair and vice-chair, of part-time members in a number determined by the Government and of at least one community member per region determined by regulation.

**112.** The members of the parole board shall be appointed by the Government.

**113.** The full-time members and part-time members shall be appointed for terms not exceeding five years and the community members for terms not exceeding three years.

**114.** The members of the parole board shall remain in office at the expiry of their term until they are reappointed or replaced.

**115.** The members of the parole board and any person designated by the

parole board may not be prosecuted by reason of official acts done in good faith in the exercise of their functions.

**116.** The Government shall fix the salary and the conditions of employment of the full-time members and part-time members and the fees and allowances of the community members of the parole board.

**117.** The secretary and the other members of the personnel of the parole board are appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

**118.** The chair of the parole board shall administer and have the general direction of the parole board.

The functions of the chair shall include coordinating and assigning the work of the members of the parole board, defining the policies of the parole board and ensuring that a high standard of quality and coherence is maintained in its decisions.

**119.** The vice-chair shall exercise the functions and powers of the chair when the chair is absent or unable to act, or if the office is vacant.

**120.** If a full-time or part-time member is absent or unable to act, the chair may designate a community member to replace that member. A person so designated is deemed to be a full-time or part-time member, depending on the member replaced, for the purposes of section 141.

**121.** The parole board shall have its head office at the place determined by the Government. Notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

**122.** The parole board shall hold its sittings at the places it determines.

The parole board may hold sittings in several places simultaneously.

**123.** The parole board may adopt internal management by-laws.

**124.** Originals and copies of documents emanating from the parole board are authentic if signed or certified true by the chair, the secretary or a member designated by the chair.

**125.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the parole board or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, on a motion, annul by summary proceeding any proceeding brought or decision rendered contrary to the first

paragraph.

**126.** Not later than 30 June each year, the parole board shall submit an annual management report to the Minister.

The Minister shall table the report of the parole board in the National Assembly in accordance with section 26 of the Public Administration Act (2000, chapter 8).

#### **DIVISION IV**

##### **TEMPORARY ABSENCE IN PREPARATION FOR CONDITIONAL RELEASE**

**127.** Temporary absence in preparation for conditional release constitutes a stage in the rehabilitation process of the offender, is designed to contribute to his or her preparation for conditional release and takes place within the framework of a plan for his or her reintegration into the community.

A person must apply for temporary absence in writing and is eligible after one-sixth of a sentence of six months or more imposed by the court has been served; an offender ceases to be eligible for temporary absence on becoming eligible for conditional release.

**128.** The parole board may authorize a temporary absence in preparation for conditional release to allow the offender, in particular,

- (1) to hold remunerated employment;
- (2) to actively seek remunerated employment;
- (3) to perform volunteer work in a community-based resource;
- (4) to undertake or pursue studies at secondary, college or university levels;
- (5) to undergo an academic assessment for the purpose of returning to school;
- (6) to undergo an assessment to determine the offender's eligibility for future accommodation in a community-based residential facility;
- (7) to participate in an assistance or support program or therapy in the community that is consistent with the offender's needs; or
- (8) to maintain or re-establish contacts with the offender's family or social network.

**129.** The parole board shall determine the conditions that are to apply to the person and the duration of the absence, which may not exceed sixty days.

**130.** A member of the parole board may, after examining an offender's record, renew a temporary absence if the person has complied with the attached conditions and has behaved satisfactorily, and if no new fact prevents a renewal or warrants a refusal.

## **DIVISION V**

### **CONDITIONAL RELEASE**

#### *§1. — Eligibility*

**131.** An offender who has served six months or more in a correctional facility following a conviction under an Act in force in Québec is eligible for conditional release unless the offender waives the right to the release in writing.

The parole board may, on the conditions it determines, grant a conditional release to facilitate the offender's reintegration into the community unless there is a serious risk that the offender will not comply with the attached conditions or that serious prejudice to society will result therefrom.

**132.** The length of conditional release is the time remaining to be served by the offender at the time conditional release is granted, to which the remission time then standing to the credit of the offender must be added.

**133.** An offender becomes eligible for conditional release in the following cases:

(1) after serving seven years of imprisonment, in the case of an offender sentenced to life imprisonment as a maximum sentence;

(2) after serving one-half of the sentence of imprisonment imposed by the court or ten years, whichever is shorter, in the case of a sentence of imprisonment of two years or more, where the circumstances set out in section 743.6 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) apply; or

(3) after serving one-third of the sentence of imprisonment imposed by the court or seven years, whichever is shorter, in other cases.

Any time spent in custody between the day of arrest and the day on which the sentence was imposed shall be included in calculating the period referred to in subparagraph 1.

**134.** An offender who receives an additional sentence is eligible for conditional release in the following cases:

(1) after serving both the remaining period of ineligibility under the initial sentence and one-third of the additional sentence, commencing on the day on which the additional sentence is imposed, if it is to be served consecutively and is imposed under the Criminal Code or another federal statute; or

(2) after serving one-third of a single sentence determined pursuant to section 8, in other cases.

**135.** The conditional release of a person on whom an additional sentence is imposed is suspended and may be resumed only

(1) after the offender has served one-third of the additional sentence, commencing on the day on which the additional sentence is imposed, if it is to be served consecutively and is imposed under the Criminal Code or another federal statute; or

(2) after the offender has served one-third of a single sentence determined pursuant to section 8, in other cases.

However, conditional release cannot resume if the parole board or a person designated in writing by the parole board has ordered a suspension pursuant to section 147.

**136.** Notwithstanding sections 133 to 135, conditional release may be granted to an offender

(1) who is terminally ill;

(2) whose physical or mental health is likely to suffer serious damage if the offender continues to be held in confinement;

(3) for whom continued confinement would constitute an excessive hardship that was not reasonably foreseeable at the time the offender was sentenced; or

(4) who is the subject of an order to be surrendered under the Extradition Act (Statutes of Canada, 1999, chapter 18) and to be detained until surrendered.

**137.** A young person within the meaning of the Young Offenders Act who has been committed to custody under that Act and a person convicted for civil or criminal contempt of court where the sentence includes a requirement that the offender return before the court are not eligible for temporary absence or conditional release.

The parole board is not required to examine the case of an offender who, at the time fixed for an examination, is unlawfully at large, stands accused or is the subject of an immigration inquiry. If the person is unlawfully at large, however, the parole board shall forthwith examine the case after being informed of the offender's recommitment.

§2. — *Re-examination*

**138.** A person whose conditional release has been refused, terminated or revoked may, after the expiry of the time provided for an application for re-examination, submit another application for re-examination by the parole board.

**139.** The application submitted within six months after a decision to refuse, terminate or revoke a conditional release by a person whose sentence of imprisonment is less than two years must establish that new and significant facts have occurred since the decision or that measures proposed by the parole board on rendering a previous hearing have been implemented.

The same applies to an application submitted within two years after such a decision by a person whose sentence is two years or more.

A member of the parole board examining the application shall reject it if it does not meet the conditions set out in the first paragraph or shall refer it to the parole board for re-examination.

**140.** Where an application for conditional release is submitted more than six months after a decision to refuse, terminate or revoke a conditional release by a person whose sentence of imprisonment is less than two years, the parole board shall perform a re-examination.

The same applies to an application submitted more than two years after such a decision by a person whose sentence is two years or more.

## **DIVISION VI**

### **PROCEDURE**

**141.** The quorum of the parole board is two members, one of whom must be a full-time or part-time member. The decision must be unanimous.

In the case of disagreement, the matter shall be referred to two other members.

**142.** On examining the case of a person eligible for temporary absence in preparation for conditional release or eligible for conditional release, the parole board shall consider the following criteria:

(1) the protection of society in relation to the offender's needs as regards his or her delinquency problem and the person's risk of reoffending;

(2) the nature, seriousness and consequences of the offence committed by the offender;

(3) the degree to which the offender understands and assumes responsibility for his or her criminal behaviour and the consequences of the offence for the victim and for society;

(4) the offender's judicial record and corrections history;

(5) the offender's personality and behaviour, his or her progression since the sentence was imposed, his or her willingness to become involved in a process of change and his or her capacity to fulfil his or her obligations;

(6) the offender's behaviour during incarceration under a previous sentence or an earlier participation in a community measure, at the provincial or federal level;

(7) the offender's previous employments and work skills;

(8) the family and social resources available; and

(9) the relevance of the offender's plan for reintegration into the community as regards the prevention of reoffending and the offender's capacity to successfully adhere to the plan with the appropriate support.

**143.** During the examination of his or her record, the offender is entitled to be present and submit observations and, where expedient, to produce documents to complete his or her record, unless that right is waived in writing by the offender.

The offender is also entitled to be represented or assisted before the parole board by any person of his or her choice other than an inmate from another correctional facility.

**144.** The parole board shall, with diligence, render a written decision with reasons.

A copy of the decision must be given to the offender without delay.

**145.** The parole board is required to inform the police forces whenever the temporary absence of an offender has been authorized or conditional release has been granted to an offender.

**146.** A person who has been granted a temporary absence or conditional release must be informed that the police forces have been advised thereof and of the attached conditions.

## **DIVISION VII**

### **SUSPENSION, TERMINATION AND REVOCATION**

**147.** A member of the parole board or a person designated by the parole board in writing may suspend an offender's temporary absence or conditional release, notify the offender that he or she must return to the correctional facility within the specified time and, if the offender does not so return, cause a warrant to be issued authorizing the apprehension and recommitment to custody of the offender,

(1) where the member or designated person has reasonable grounds to believe that the offender has breached a condition attached to the temporary absence or conditional release or that action must be taken to prevent such a breach, or

(2) for any valid reason invoked by the offender.

The decision must be rendered in writing and include reasons.

**148.** The member of the parole board who ordered the suspension under section 147 or, after consulting the parole board, the person designated by the parole board in writing may, within five days after the recommitment of the offender in the case of a temporary absence, and within ten days after the recommitment of the offender in the case of a conditional release, cancel the suspension or refer the case to the parole board.

The director must, without delay, give a copy of the decision to the person recommitted.

**149.** Where an offender's case is referred to the parole board under section 148, the parole board must examine the case within ten days after the recommitment of the offender in the case of a suspension for a valid reason invoked by the offender or in the case of a suspension of temporary absence. The parole board must examine the case within 21 days after the recommitment of the offender in the case of a conditional release.

The parole board may

(1) revoke the offender's temporary absence or conditional release and order that the offender be committed to custody;

(2) order the termination of the temporary absence or conditional release if the suspension was for a valid reason invoked by the offender and order that the offender be committed to custody; or

(3) cancel the suspension and release the offender on the conditions it determines.

**150.** A person whose conditional release is revoked must complete the portion of his or her term of imprisonment that remained to be served at the time conditional release was granted, to which any remission time then standing to the person's credit is to be added, less

(1) any time spent under conditional release;

(2) any time spent in custody by reason of the suspension of a conditional release; and

(3) any remission time for the period spent in custody by reason of the suspension.

**151.** A conditional release may not take effect if the person's temporary absence has been suspended and the suspension has not been cancelled pursuant to section 148 or 149.

In addition, a conditional release may not take effect if the parole board has ordered the revocation or termination of the temporary absence under section 149 and the parole board has not examined the offender's case as regards conditional release.

**152.** Notwithstanding section 150, the parole board may recredit an offender whose conditional release is revoked with all or part of the remission time standing to the person's credit at the time conditional release was granted.

**153.** A person whose conditional release has been terminated must complete the portion of the term of imprisonment that remained to be served at the time conditional release was granted, less

(1) any remission time standing to his or her credit at the time conditional release was granted;

(2) any time spent under conditional release;

(3) any time spent in custody by reason of the suspension of a conditional release; and

(4) any remission time for the period spent in custody by reason of the suspension.

**154.** Where the suspension of conditional release is cancelled, the person is deemed to have continued serving his or her sentence during the period beginning on the date of the suspension and ending on the date on which the suspension is cancelled.

## **DIVISION VIII**

### **MODIFICATION OF CONDITIONS**

**155.** A member of the parole board or a person designated in writing by the parole board may reduce or remove the conditions during a temporary absence or a conditional release.

A member of the parole board or, after consulting the parole board, a person designated in writing by the parole board may add to the conditions or render them more stringent.

A decision under the second paragraph may not be made without giving the offender an opportunity to present observations.

**156.** A copy of the decision in writing and including reasons shall be transmitted as soon as possible to the offender, to the secretary of the parole board and to the correctional services.

## **DIVISION IX**

### **REVIEW**

**157.** A person may, if the parole board renders a decision refusing or revoking his or her temporary absence or conditional release or ordering its termination, apply for a review of the decision by a committee composed of three full-time or part-time members of the parole board who did not take part in the initial decision.

**158.** The application must be made in writing within the time prescribed by regulation and be based on one or more of the following reasons:

(1) the members of the parole board did not comply with the applicable legislative prescriptions; or

(2) the decision was based on incomplete or erroneous information and should be varied.

**159.** The committee may, after giving the person an opportunity to present observations, make a determination on the record and render either of the following decisions:

(1) affirm, cancel or vary the decision;

(2) order a new review of the case and maintain the decision pending review.

**160.** The committee must render a majority decision within the time prescribed by regulation and transmit the decision to the offender.

## **DIVISION X**

### **RELATIONS WITH VICTIMS**

**161.** The victim of an offence may forward written representations to the parole board at any time before the examination of an application for temporary absence or conditional release submitted by the person who committed the offence.

**162.** The parole board must take all reasonable measures to communicate to the victim, in accordance with government policies, such as policies on domestic violence and sexual assault, the date of and conditions attached to a temporary absence or conditional release of the person who committed the offence. The same obligation exists in relation to any other person where there is reasonable cause to believe that an inmate's temporary absence is a threat to that person.

The parole board may also communicate to a victim who so requests, the date of and conditions attached to a temporary absence or the conditional release of the person who committed the offence.

**CHAPTER V**  
**COORDINATION BODIES**

**DIVISION I**

**COMITÉ DE CONCERTATION DES SERVICES CORRECTIONNELS  
ET DE LA COMMISSION QUÉBÉCOISE DES LIBÉRATIONS  
CONDITIONNELLES**

§1.— *Establishment*

**163.** A coordinating committee called the “Comité de concertation des Services correctionnels et de la Commission québécoise des libérations conditionnelles” is hereby established.

§2.— *Mandate*

**164.** The mandate of the committee is

(1) to facilitate the harmonization of the respective conceptions and practices of the correctional services and the parole board in accordance with the orientations and general policies established by the Minister;

(2) to establish a joint research program;

(3) to harmonize the continuing education programs of the correctional services and the parole board;

(4) to foster coordinated implementation by the correctional services and the parole board of changes rendered necessary by changes in legislation, social trends, information and communication technologies, professional practices, government policies and orientations and other transformations in the correctional environment that may affect existing practices; and

(5) to carry out any mandate conferred on it by the Minister.

§3.— *Composition and operation*

**165.** The committee shall be composed of the Deputy Minister of Public Security, the Associate Deputy Minister for Correctional Services and the chair of the parole board.

The committee may also retain the services of any person to act as an advisor.

**166.** The committee shall be chaired by the Deputy Minister, who shall direct its activities and coordinate its work.

The committee shall meet as often as is necessary in the carrying out of its mandate and shall not later than 30 June each year transmit to the Minister a report on its activities.

## DIVISION II

### CONSEIL DES PRATIQUES CORRECTIONNELLES DU QUÉBEC

#### §1. — *Establishment*

**167.** A corrections council called the “Conseil des pratiques correctionnelles du Québec” is hereby established.

**168.** The corrections council shall have its head office in the territory of Ville de Québec.

#### §2. — *Mandate*

**169.** The mandate of the corrections council is to facilitate collaboration and coordinated action among the various stakeholders of society involved in the reintegration of offenders into the community and to seek continued improvement of the correctional system.

Within the scope of its mandate, the corrections council shall

(1) promote public awareness of the issues involved in the reintegration of offenders into the community and participate in social debate in that respect;

(2) encourage communication between the various stakeholders having an interest in the reintegration of offenders into the community;

(3) encourage collaboration between the correctional services, the parole board and their corrections partners;

(4) encourage and promote scientific research in the field of corrections; and

(5) give advice on any other subject, at the request of the Minister.

#### §3. — *Composition and operation*

**170.** The corrections council shall be composed of eighteen members including:

(1) a chair appointed by the Minister;

(2) twelve persons recognized for their expertise or interest in the field of corrections, appointed by the Minister after consultation with the groups concerned;

(3) the Associate Deputy Minister for Correctional Services or his or her representative;

(4) three members of the managerial personnel of the correctional services, appointed by the Minister; and

(5) the chair of the Commission québécoise des libérations conditionnelles or his or her representative.

The chair of the corrections council shall be appointed for a term not exceeding five years.

The persons referred to in subparagraphs 2 and 4 of the first paragraph shall be appointed for a term not exceeding three years. However, five members of the first council shall be appointed for one year, five members for two years and six members for three years.

The mandate of a member may not be renewed more than once. At the end of their terms, the members shall remain in office until they are replaced or reappointed.

**171.** The chair shall direct the activities of the corrections council and coordinate its work. The chair shall also act as liaison between the corrections council and the Minister.

If the chair is unable to act, the Minister shall designate one of the members to replace the chair.

**172.** The members of the corrections council shall receive no remuneration, except in the cases, on the conditions and to the extent that may be determined by the Government.

The members are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

**173.** The corrections council shall meet as often as necessary, at the request of the chair, of a majority of the members or of the Minister.

The corrections council may hold its sittings at any place in Québec.

Ten members, including the chair, shall constitute a quorum.

In the case of a tie-vote, the chair has a casting vote.

**174.** The corrections council shall transmit to the Minister, not later than 30 June each year, a report on its activities; the report must also contain all the information that the Minister may require.

**175.** The secretarial services of the corrections council shall be furnished by the Ministère de la Sécurité publique.

## **CHAPTER VI**

### **SPECIAL RESPONSIBILITIES OF THE MINISTER OF PUBLIC SECURITY**

**176.** The Minister shall be responsible for determining the general policies concerning sentence management and conditional release. More particularly, the Minister shall be responsible for developing and proposing strategies and policies in such matters.

**177.** The Minister shall see that the legal standards relevant to the correctional system are applied. The Minister shall encourage coordinated action on the part of the various stakeholders of the system.

**178.** The Minister shall promote and encourage, as regards the reintegration of offenders into the community, initiatives from the various components of society, including the creation of associations devoted to offender reintegration, in particular through financial or technical support, on the conditions the Minister determines. The Minister shall disseminate information so that citizens may become involved in the pursuit of the objectives of this Act.

## **CHAPTER VII**

### **REGULATORY POWERS AND DIRECTIVES**

**179.** The Government may, by regulation,

(1) determine, in addition to the powers already provided for in this Act, the powers that the director of a correctional facility may exercise;

(2) establish standards respecting the administration and internal management of correctional facilities and the surveillance and security measures that must be taken in correctional facilities;

(3) establish a procedure to process complaints from inmates;

(4) prescribe administrative segregation measures that may be taken against an inmate where there are reasonable grounds to believe that the inmate is in possession of contraband and, for that purpose,

(a) determine the categories of inmates who may be the subject of administrative segregation measures;

(b) designate the employees or classes of employees who are authorized to impose administrative segregation measures and determine their powers;

(c) determine the cases in which administrative segregation measures may be imposed, their duration and the conditions applicable to their implementation;

(d) specify the rules of procedure for the imposition of administrative segregation measures, in particular as regards the rights of inmates;

(e) prescribe a mechanism for the review of such a decision by the director of the correctional facility, determine its powers, establish the time frame for the review and provide for the inmate's right to present observations to the director;

(5) determine, in addition to the responsibilities already provided for in this Act, the responsibilities of inmates;

(6) determine the measures that a member of the personnel of a correctional facility must take on becoming aware of a breach of discipline, establish the rules of procedure and decision criteria to be used by discipline committees as well as the punishment they may impose, and determine the conditions applicable to the decision review mechanism;

(7) establish standards respecting hygiene, health care, physical exercise, food, clothing and other articles that must be provided to inmates;

(8) determine the classes of persons who may visit inmates or who are authorized to visit correctional facilities, and the rules applicable in such circumstances;

(9) regulate the application of the provisions of this Act that relate to remission;

(10) determine the measures that must be taken upon the release of inmates to meet their basic needs;

(11) determine the content of an application for temporary absence;

(12) determine the content of the record transmitted to the director by a temporary absence examining board or, in the case of a review, the record transmitted by a director to the person designated by the Minister;

(13) specify the terms and conditions applicable to the preparation and execution of an order imposing hours of community service;

(14) fix criteria for the establishment of a program of activities and establish standards for its implementation;

(15) establish standards respecting the remuneration and other conditions of employment of persons exercising functions under a program of activities;

(16) establish the conditions subject to which a fund may financially assist an inmate;

(17) fix the percentage of remuneration owed to an inmate to be paid into a fund, which may vary according to criteria the Government determines;

(18) determine the rules applicable to the signing of a contract by a fund concerning the carrying out of activities inside or outside a correctional facility;

(19) determine the rules applicable to loans contracted by a fund to finance a program of activities;

(20) determine the standards applicable to the management of the sums that

make up a fund referred to in sections 68 and 95 and determine the source of other sums that may make up such a fund;

(21) establish the conditions subject to which the services, the personnel, the premises and the equipment of a correctional facility may be put at the disposal of a fund;

(22) determine the rules applicable to the liquidation of a fund established in a correctional facility;

(23) set the limits within which the central fund shall determine the contribution to be paid by each fund, which may vary according to criteria the Government determines;

(24) determine the allowance an inmate in a correctional facility may receive out of the remuneration owed and the purchases and reimbursements the inmate may make;

(25) determine, for the purposes of subparagraph 2 of the first paragraph of section 69, the cases where an authorization may not be granted without taking into account the opinion of the person designated for that purpose;

(26) determine the nature of the information the parole board is required to transmit to a person eligible for conditional release;

(27) determine the regions for the purposes of section 111; and

(28) establish rules of procedure for the application of Chapter IV of this Act.

**180.** The Minister or the person designated by the Minister and the director, for the facility under the director's management, may issue directives respecting any matter referred to in the first paragraph of section 68, subparagraphs 2 and 3 of the first paragraph of section 69, the second paragraph of section 69, paragraphs 1 and 2 of section 78, sections 82, 85 and 91 and paragraphs 2, 4 to 8, 10 and 14 to 25 of section 179.

A directive issued by a director must be submitted to the approval of the Minister or the person designated by the Minister.

## **CHAPTER VIII**

### **PENAL PROVISIONS**

**181.** Any person who deceives others into believing that the person is a member of the personnel of the correctional services having the status of peace officer, in particular by wearing a uniform or a badge, is guilty of an offence and is liable to a fine of \$500 to \$3,000.

**182.** Any officer of the correctional services who wears the uniform, badge

or service weapon or uses other items belonging to the employer when not on duty or authorized by his or her superior is guilty of an offence and is liable to a fine of \$500 to \$3,000.

## CHAPTER IX

### MISCELLANEOUS PROVISIONS

**183.** The Commission québécoise des libérations conditionnelles must, not later than (*insert here the date occurring three years after the coming into force of section 128*), report to the Minister on the application of section 128 and on the advisability of maintaining it in force or of amending it.

The form and tenor of the report shall be determined by the Minister.

**184.** Only sections 12 to 48 and paragraph 11 of section 51 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) apply to

(1) remunerated work done by an offender within the scope of a program of activities; the Fonds du travail des personnes incarcérées of the correctional facility where the offender is in custody, established pursuant to section 67, is presumed to be the offender's employer; and

(2) hours of community service performed under a probation or suspension order; the Government in such case is presumed to be the offender's employer.

The contribution of the employer is established according to the standards applicable pursuant to the said Act by the Commission de la santé et de la sécurité du travail.

**185.** Chapter IV of the Building Act (R.S.Q., chapter B-1.1), the Labour Code (R.S.Q., chapter C-27), the Act respecting collective agreement decrees (R.S.Q., chapter D-2), the Public Service Act (R.S.Q., chapter F-3.1.1), the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5), the Master Electricians Act (R.S.Q., chapter M-3), the Master Pipe-Mechanics Act (R.S.Q., chapter M-4), the Act respecting labour standards (R.S.Q., chapter N-1.1), the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) and Chapter III of the Public Administration Act (2000, chapter 8) do not apply to inmates in a correctional facility who carry out

(1) work inside such a facility;

(2) work outside such a facility in an enterprise operated by the Fonds du travail des personnes incarcérées of the facility; or

(3) hours of community service performed under a probation or suspension order.

**186.** The Minister of Public Security is responsible for the administration of this Act.

## **CHAPTER X**

### **AMENDING PROVISIONS**

#### **DIVISION I**

##### **GENERAL AMENDMENT**

**187.** The words “Act respecting correctional services (chapter S-4.01)” are replaced by the words “Act respecting the Québec correctional system (*insert here the year of assent and the chapter number of this Act*)” in the following provisions:

- (1) paragraph *k* of section 1 of the Food Products Act (R.S.Q., chapter P-29);
- (2) section 11 of the Youth Protection Act (R.S.Q., chapter P-34.1);
- (3) paragraph 1 of section 38 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- (4) paragraph 8 of section 1 of Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- (5) paragraph 11 of section 2 and the first paragraph of section 9 of the Tobacco Act (R.S.Q., chapter T-0.01);
- (6) the first paragraph of section 3 of the Marine Products Processing Act (R.S.Q., chapter T-11.01).

#### **DIVISION II**

##### **SPECIFIC AMENDMENTS**

**188.** Section 12.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended

- (1) by replacing “fund for the benefit of confined persons established in a house of detention under section 22.0.1 of the Act respecting correctional services (chapter S-4.01) if he” by “inmate work fund established in a correctional facility under section 67 of the Act respecting the Québec correctional system (*insert here the year of assent and the chapter number of this Act*) if the person”;
- (2) by replacing “22.0.16 to 22.0.18” in the second paragraph by “82 to 84”.

**189.** Sections 294 and 296 of the said Act are amended by replacing “to a fund for the benefit of confined persons contemplated”, wherever those words appear, by “to an inmate work fund referred to”.

**190.** Section 9 of the Tobacco Act (R.S.Q., chapter T-0.01) is amended by replacing “warden of a house of detention”, wherever those words appear by “director of a correctional facility”, and “warden may permit” by “director may permit”.

## **CHAPTER XI**

### TRANSITIONAL PROVISIONS

**191.** Every correctional facility established under section 15 of the Act respecting correctional services is deemed to have been established under section 4 of this Act.

**192.** Unless the context indicates otherwise, in every text or document, whatever the nature or the medium, a reference to the Act to promote the parole of inmates or the Act respecting correctional services, or any of their provisions, is a reference to this Act or to the corresponding provision of this Act.

**193.** This Act replaces the Act to promote the parole of inmates (R.S.Q., chapter L-1.1) and the Act respecting correctional services (R.S.Q., chapter S-4.01).

## **CHAPTER XII**

### FINAL PROVISION

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

## **SCHEDULE**

### OATH OF DISCRETION

*(Sections 7 and 108)*

I swear that I will not reveal or make known, without being duly authorized, anything that may come to my knowledge in the exercise of my functions.

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