

Bill 32

**An Act mainly to promote the efficiency
of penal justice and to establish the
terms governing the intervention of the
Court of Québec with respect to
applications for appeal**

Section 150

AMENDMENT:

Replace proposed section 4.3.1 by:

“4.3.1. Legal aid shall be granted for legal advice, except with regard to services expressly excluded.”

Adapté JH

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Section 152

AMENDMENT:

Replace by:

152. Section 4.10 of the Act is amended by striking out “harmful” in paragraph 3.

Adapté JT

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Section 158

AMENDMENT:

Replace “if it is necessary for an advocate to assist” by “if an advocate assists”.

Adopté

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Section 60.1

AMENDMENT:

Insert after section 60:

60.1. The Code is amended by inserting the following article after article 368.1:

“368.2. In a state of emergency declared by the Government or in a situation where it is impossible in fact to comply with the rules of this Code or to use a means of communication, the Chief Justice of Québec and the Minister of Justice may jointly suspend or extend a prescription or procedural period for a specified time, or authorize the use of another means of communication in the manner they specify.

Their decision takes effect immediately, and must be published without delay in the *Gazette officielle du Québec*.”

Adopté J

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Section 67.3

AMENDMENT:

Insert after section 67.2:

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

67.3. The Act respecting the Ministère de la Justice (chapter M-19) is amended by inserting the following section after section 5:

“5.1. In a state of emergency declared by the Government or in a situation where it is impossible in fact to comply with the rules of the Code of Civil Procedure (chapter C-25.01) or of the Code of penal procedure (chapter C-25.1), the Minister of Justice may, if necessary for the proper administration of justice, amend any rule of procedure, introduce a new one or provide for any other measure.

Such measures shall be published in the *Gazette officielle du Québec* and may take effect on the date on which the state of emergency is declared or the situation occurs or on any later date specified in the measures. They are applicable for the period determined by the Minister of Justice, which may not exceed three years after the end of the state of emergency or of the situation. If necessary for the proper administration of justice, the Minister may extend the period, before it expires, for a maximum of three years.

Before adopting the measures, the Minister must take into consideration their effects on the rights of individuals and obtain the agreement of the Chief Justice of Québec and the Chief Justice of the Superior Court or the Chief Judge of the Court of Québec, according to their jurisdiction. The Minister must also take into consideration the opinion of the Barreau du Québec and, if applicable, the Chambre des notaires du Québec or the Chambre des huissiers de justice du Québec.”

Adopté tel qu'amendé
J

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Section 67.3

AMENDMENT:

In proposed section 5.1, as amended:

1. Replace “may not exceed three years” in the second paragraph by “may not exceed one year”.
2. Replace “extend the period, before it expires, for a maximum of three years” in the second paragraph by “, each year for five years, extend the period before it expires”.
3. Insert “or extending” after “Before adopting” in the third paragraph.

Adopté

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Chapter IV

AMENDMENT:

Replace by the following heading:

FINAL PROVISIONS

Adopté 

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Section 160.1

AMENDMENT:

Insert before section 161:

160.1. The Minister must, not later than (*insert the date that is five years after the date of assent to this Act*), report to the Government on the deployment of the adaptation programs within the meaning of article 159.1 of the Code of Penal Procedure (chapter C-25.1), enacted by section 37, and the second paragraph of article 333 of that Code, enacted by section 50.

The report must be tabled in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.”

Adopté JF

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Section 161

AMENDMENT:

Replace by:

161. The provisions of this Act come into force on (*insert the date of assent to this Act*), except paragraph 2 of section 15, sections 16, 21 to 25, 26.1, 27 to 31, 33 to 36, 58, 61, 66, 67, 70.3, paragraphs 1 to 5 of section 72 and section 74.1, which come into force on 13 July 2020, and sections 2 to 12, 38, 41 to 43, 62, 64, 65, 70.1 and 71, paragraph 6 of section 72, sections 73, 73.1 to 73.5, 74, 76 to 107, 115 to 119 and 129 to 133, paragraphs 1 and 4 of section 135, paragraphs 1 to 4 and 6 to 8 of section 136, paragraphs 2 and 5 of section 137, and sections 139, 140 and 144 to 148, which come into force on the date or dates to be set by the Government, which dates, except for section 70.1, may not be later than 1 January 2021, or on that latter date for the provisions that are not yet in force on that date.

Adopté JF