



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 92

**An Act to create a court specialized in
sexual violence and domestic violence
and respecting training of judges in
these matters**

Introduction

**Introduced by
Mr. Simon Jolin-Barrette
Minister of Justice**

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EXPLANATORY NOTES

This bill creates a division called “Court Specialized in Sexual Violence and Domestic Violence” within the Criminal and Penal Division of the Court of Québec. For that purpose, it empowers the government to determine the types of proceedings to be heard by that Court as well as empowering the Minister of Justice to determine the judicial districts in which that Court sits.

The bill entrusts the Conseil de la magistrature with establishing a professional development program on the realities relating to sexual violence and domestic violence, after consultation with the persons and bodies it considers appropriate.

Candidates for the office of judge are required to undertake to complete the professional development program if appointed. Retired judges from the Court of Québec and retired presiding justices of the peace must also have completed the program to be authorized to exercise judicial functions.

The bill provides for the Conseil de la magistrature to submit a report annually to the Minister on the implementation of the program and for the report to be then tabled in the National Assembly.

The bill also empowers the Minister to implement a pilot project to establish a division within the Criminal and Penal Division of the Court of Québec called “Court Specialized in Sexual Violence and Domestic Violence” and to determine the types of proceedings the Court hears as well as the judicial districts in which it sits.

Lastly, the bill makes transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting municipal courts (chapter C-72.01);
- Courts of Justice Act (chapter T-16).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace (chapter T-16, r. 4.1).

Bill 92

AN ACT TO CREATE A COURT SPECIALIZED IN SEXUAL VIOLENCE AND DOMESTIC VIOLENCE AND RESPECTING TRAINING OF JUDGES IN THESE MATTERS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING MUNICIPAL COURTS

1. The Act respecting municipal courts (chapter C-72.01) is amended by inserting the following section after section 33:

“33.1. Any person who is a candidate for the office of judge shall undertake to complete, if appointed, the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

COURTS OF JUSTICE ACT

2. Section 80 of the Courts of Justice Act (chapter T-16) is amended by adding the following paragraph at the end:

“The Criminal and Penal Division shall include a division called “Court Specialized in Sexual Violence and Domestic Violence”.”

3. The Act is amended by inserting the following section after section 83:

“83.0.1. The Government shall determine, by regulation, which types of proceedings are heard before the Court Specialized in Sexual Violence and Domestic Violence. The types of proceedings may vary on the basis of any distinction considered useful.

The Minister of Justice may, by order, determine the judicial districts in which that Court may sit.”

4. The Act is amended by inserting the following section after section 87:

“87.1. Any person who is a candidate for the office of judge shall undertake to complete, if appointed, the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

5. Section 93 of the Act is amended by adding the following paragraph at the end:

“To be authorized to exercise such functions, a retired judge must have completed the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

6. The Act is amended by inserting the following section after section 162:

“162.1. Any person who is a candidate for the office of presiding justice of the peace shall undertake to complete, if appointed, the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

7. Section 165.1 of the Act is amended by adding the following paragraph at the end:

“To be authorized to exercise such functions, a retired presiding justice of the peace must have completed the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

8. Section 257 of the Act is amended by adding the following paragraph at the end:

“In particular, the council shall establish a professional development program on the realities relating to sexual violence and domestic violence. For that purpose, the council shall consult the persons and bodies it considers appropriate on the basis of their experience, expertise, sensitivity or interest in connection with such matters.”

9. The Act is amended by inserting the following section after section 259:

“259.1. Not later than 31 March each year, the council shall submit a report to the Minister of Justice on the implementation, in the preceding year, of the professional development program on the realities relating to sexual violence and domestic violence.

For each professional development activity, the report shall include, in particular,

(1) its title, a description of its content, its duration and the dates on which it was held; and

(2) the number of judges and presiding justices of the peace who attended it.

The Minister shall table the report in the National Assembly within 15 days of receiving it if the Assembly is sitting or, if it is not sitting, within 15 days of resumption.”

REGULATION RESPECTING THE SELECTION PROCEDURE OF CANDIDATES FOR THE OFFICE OF JUDGE OF THE COURT OF QUÉBEC, MUNICIPAL COURT JUDGE AND PRESIDING JUSTICE OF THE PEACE

10. Schedule A to the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace (chapter T-16, r. 4.1) is amended by inserting the following paragraph before the last paragraph:

“I undertake to complete, if appointed, the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

TRANSITIONAL AND FINAL PROVISIONS

11. The Minister of Justice may, by regulation, implement a pilot project to establish a division called “Court Specialized in Sexual Violence and Domestic Violence” within the Criminal and Penal Division of the Court of Québec.

The regulation shall determine which types of proceedings are heard before that Court. The types of proceedings may vary on the basis of any distinction considered useful.

The Minister may, by order, determine the judicial districts in which the Court may sit.

12. Section 11 of this Act is repealed on the date of coming into force of section 2.

13. The second paragraph of sections 93 and 165.1 of the Courts of Justice Act (chapter T-16), enacted by sections 5 and 7, respectively, do not apply to judges of the Court of Québec or to presiding justices of the peace who retired before (*insert the date that is six months after the date of assent to this Act*).

14. This Act comes into force on (*insert the date of assent to this Act*), except sections 2 and 3, which come into force on the date or dates to be set by the Government.

