



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 18

**An Act to amend various provisions
relating to public security and
enacting the Act to assist in locating
missing persons**

Introduction

**Introduced by
Madam Geneviève Guilbault
Minister of Public Security**

**Québec Official Publisher
2021**

EXPLANATORY NOTES

This bill contains various amendments relating to public safety.

The Police Act is amended to provide for the payment, by the Government, to the École nationale de police du Québec, of an annual contribution based on the total payroll of the members of specialized police forces.

The bill establishes the principle of the independence of police forces and their members when holding police investigations and conducting police interventions, and specifies their obligation to act in concert and in partnership with the persons and various stakeholders from the communities concerned by their mission.

The bill amends the minimum requirements to be hired as a police officer. It allows the Government to determine, by regulation, the areas in which a person who does not hold a diploma awarded by the École nationale de police du Québec may be hired as a police officer to exercise investigative functions within a police force other than a specialized police force and the selection criteria and minimum qualifications to be hired in that capacity. The Government is also allowed to determine, by regulation, the continuing training requirements for police officers and the training required to exercise certain functions within a police force other than a specialized police force.

The bill makes various amendments relating to police ethics. The Police Ethics Commissioner is entrusted with an educative and preventive role in such matters. A complaint against a police officer for conduct that may constitute a transgression of the Code of ethics of Québec police officers may be lodged only by a person present during an event involving a police intervention or by a person with respect to whom the conduct of a police officer may constitute such a transgression. However, any other person may file with the Commissioner, anonymously or not, a report respecting the conduct of a police officer that may constitute a transgression of the Code, in accordance with the procedure established for that purpose by the Commissioner. The prescription period for lodging a complaint regarding police ethics is extended and that for filing a report is fixed. The Commissioner is given the power to hold an investigation on the Commissioner's own initiative in certain circumstances. Under the

bill, the Commissioner may hold conciliation proceedings at a distance using technological means, as may the Comité de déontologie policière with respect to sittings. The bill updates the penalties that the Comité may impose where the conduct of a police officer is found to be a transgression and allows it to impose additional measures on the police officer, in addition to penalties. An appeal as of right of any final decision rendered by the Comité is replaced by leave to appeal, and the applicable procedure as well as the effects of that appeal are provided by the bill.

In addition, the bill provides that the Government determines, by regulation, the minimum content of an internal discipline by-law for members of a police force.

The bill establishes that the priorities and guidelines prepared with respect to police forces are in writing and made public, and provides for restrictions regarding their content. Moreover, the director or a member of a police force must refuse to communicate or to confirm the existence of information where its disclosure could have an impact on the administration of justice and public security.

The bill provides that the investigation on an allegation concerning a criminal offence committed by a police officer or a special constable is held by the Bureau des enquêtes indépendantes, except under certain circumstances. It makes it possible to send, as applicable, information relating to an allegation to certain bodies so that they may process it, if the allegation does not concern a criminal offence.

The director of the Bureau des enquêtes indépendantes may decide, in certain circumstances, not to hold an investigation if a person, other than an on-duty police officer, dies, sustains a serious injury or is injured by a firearm used by a police officer during a police intervention or while in police custody. In such a case, the director communicates the reasons for the decision to the public. The director also communicates to the public a summary of the investigation if the Director of Criminal and Penal Prosecutions decides not to lay charges following an investigation.

In addition, the bill establishes additional accountability requirements for police forces and extends the power of the Minister of Public Security to establish guidelines on any matter respecting police activity. The guidelines may, in particular, concern absence of discrimination in police activities.

The bill also amends the Act respecting the Ministère de la Sécurité publique to entrust the Minister of Public Security with the power to devise and propose measures and programs to the Government and to see to their implementation.

The bill enacts the Act to assist in locating missing persons, the purpose of which is to facilitate the obtention, by members of a police force, of information concerning a missing person and, if the missing person is a minor or a person in a vulnerable situation, the person accompanying the missing person. For that purpose, the Act provides that a judge of the Court of Québec or a presiding justice of the peace may, on an application from a member of a police force, order the communication of certain information concerning a missing person or the person accompanying them. The judge or presiding justice of the peace may also, on an application of a member of a police force, grant authorization to enter premises, including a dwelling house.

The bill amends the Act respecting the Québec correctional system, in particular to provide that the review of all decisions of discipline committees established in correctional facilities is carried out by a person designated by the Minister and that an offender's temporary absence automatically ends as soon as the offender is the subject of a decision refusing his or her conditional release.

The bill makes various amendments to the Fire Safety Act relating to fire safety cover plans.

The bill amends the validity and revision periods of fire safety cover plans. It specifies when a fire safety cover plan must be amended and the procedure which applies for that purpose. It allows the Minister to order a regional authority to amend or revise its fire safety cover plan in certain cases. In addition, the bill gives the Commission municipale du Québec jurisdiction over certain disputes between local municipalities or intermunicipal boards preventing one of them from complying with the optimum protection objectives. It amends the accountability requirements that regional authorities and local municipalities must meet regarding the implementation of their fire safety cover plans.

Lastly, the bill makes certain technical corrections and contains various consequential and transitional provisions.

LEGISLATION ENACTED BY THIS BILL:

- Act to assist in locating missing persons (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act to assist in locating missing persons*).

LEGISLATION AMENDED BY THIS BILL:

- Tax Administration Act (chapter A-6.002);
- Act respecting the Ministère de la Sécurité publique (chapter M-19.3);
- Police Act (chapter P-13.1);
- Fire Safety Act (chapter S-3.4);
- Act respecting the Québec correctional system (chapter S-40.1);
- Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

REGULATION AMENDED BY THIS BILL:

- By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4).

Bill 18

AN ACT TO AMEND VARIOUS PROVISIONS RELATING TO PUBLIC SECURITY AND ENACTING THE ACT TO ASSIST IN LOCATING MISSING PERSONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PROVISIONS RELATING TO POLICE

POLICE ACT

- 1.** Section 2 of the Police Act (chapter P-13.1) is amended by striking out the second sentence of the second paragraph.
- 2.** Section 43 of the Act is amended by inserting “and the members of specialized police forces, except those on secondment to the Anti-Corruption Commissioner in accordance with the second paragraph of section 14 of the Anti-Corruption Act (chapter L-6.1)” at the end of the first paragraph.
- 3.** Section 48 of the Act is amended
 - (1) by inserting “act in collaboration and in partnership with the persons and various stakeholders from the communities concerned by their mission so as to foster the complementarity and effectiveness of their interventions,” after “freedoms,” in the second paragraph;
 - (2) by adding the following paragraph at the end:

“When conducting police investigations and interventions, they act with full independence, free of any interference.”
- 4.** Section 64 of the Act is amended by replacing “Minister” in the fourth paragraph by “Bureau des enquêtes indépendantes”.
- 5.** Section 70 of the Act is amended by striking out the fifth paragraph.

6. Section 115 of the Act is amended

(1) by inserting “within the meaning of the Citizenship Act (Revised Statutes of Canada, 1985, chapter C-29) or a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27)” at the end of subparagraph 1 of the first paragraph;

(2) by inserting the following paragraph after the fourth paragraph:

“The Government may, by regulation, determine the areas in which a person who does not meet the requirement provided for in subparagraph 4 of the first paragraph may be hired as a police officer to exercise investigative functions, within a police force other than a specialized police force, and the selection criteria and minimum qualifications required to be hired in that capacity.”

7. Section 116 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“The Government may, by regulation, determine the requirements relating to continuing training with which police officers must comply, as well as, in the cases determined in the regulation, the training and the minimum qualifications required to exercise, within a police force other than a specialized police force, investigative or managerial functions or any other function that it determines.

The regulation may provide for the methods for monitoring, supervising or evaluating compliance with the training requirements, penalties for a failure to comply with those requirements and, if applicable, possible exemptions from training.”;

(2) by inserting “training and” after “prescribe” in the second paragraph.

8. The Act is amended by inserting the following before section 126:

“DIVISION 0.1

“INTERPRETATION”.

9. Section 126 of the Act is amended by replacing “to them” in the first paragraph by “to highway controllers”.

10. The Act is amended by inserting the following section after section 126:

“126.1. Where a complaint is lodged against or a report is filed respecting the director of a police force or where the director is the subject of an investigation held by the Police Ethics Commissioner, the functions or powers assigned to the director of a police force under this chapter are exercised

(1) by the Minister, in the case of the Director General of the Sûreté du Québec or the person acting as director of a specialized police force;

(2) by the municipal council, in the case of the director of its police force; or

(3) by the employer, in the case of the director of any other police force or a peace officer within the meaning of section 6 of the Act respecting the conservation and development of wildlife (chapter C-61.1), a special constable, a highway controller or a person having authority over them.”

11. Section 128 of the Act is amended

(1) by replacing “against a police officer by any person” in the first paragraph by “against or report filed respecting a police officer”;

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

“The Police Ethics Commissioner assumes an educative and preventive role in matters of police ethics, in particular through the development and implementation of prevention and information programs in such matters.”

12. Section 129 of the Act is amended by replacing “social benefits” by “employee benefits”.

13. Section 131 of the Act is amended by replacing “employment benefits” by “employee benefits”.

14. Section 134 of the Act is amended by replacing “second” by “fourth”.

15. Section 139 of the Act is amended

(1) by inserting “a report or an investigation held by the Commissioner,” after “complaint,”;

(2) by replacing “cette occasion” in the French text by “ces occasions”.

16. Section 140 of the Act is amended by striking out “general”.

17. Section 141 of the Act is amended

(1) by replacing “received and the action taken in connection therewith” in the second paragraph by “and reports received, the investigations held by the Commissioner and the action taken in connection with them,”;

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

“The report must contain any other information required by the Minister.”

18. The heading of subdivision 2 of Division II of Chapter I of Title IV of the Act is amended by adding “*and reports*” at the end.

19. Section 143 of the Act is replaced by the following section:

“143. Any person present during an event involving a police intervention may lodge a complaint with the Commissioner against a police officer for conduct, in the performance of his duties during that event, that may constitute a transgression of the Code of ethics. The same applies to a person with respect to whom the conduct of a police officer in the performance of his duties may constitute a transgression of that Code.

Any other person may file with the Commissioner a report respecting the conduct of a police officer, in the performance of his duties, that may constitute a transgression of the Code of ethics.

The complaint or report shall be in writing, unless the Commissioner considers, taking the circumstances into account, that they may be made orally. The report may be made anonymously.”

20. Section 143.1 of the Act is amended by replacing “constitutes” in the first paragraph by “may constitute”.

21. The Act is amended by inserting the following section after section 143.1:

“143.2. A report shall be filed and dealt with in accordance with the procedure established by the Commissioner.

That procedure must, in particular,

(1) specify the applicable procedures for making a report;

(2) specify the support measures available to help a person make a report;

(3) provide the Commissioner’s procedure for dealing with a report and the measures aimed at ensuring, where applicable, the anonymity of the person who filed the report;

(4) determine the follow-up required in response to a report and the time limit for carrying it out; and

(5) specify the time limit to deal with a report.

The Commissioner shall see to the dissemination of the procedure.”

22. Section 144 of the Act is amended

(1) by inserting “and shall see that the evidence collected by the complainant is secured” after “complaint” in the second paragraph;

(2) by replacing the third paragraph by the following paragraph:

“Where the complaint is lodged orally, the members of the staff of the Commissioner shall send to the complainant a writing describing the complaint. Where the complaint is in writing, they may, on request, send the complainant a copy of the complaint. In addition, whether the complaint is in writing or oral, they shall send the complainant a list of the documents and evidence collected by the complainant.”

23. Section 145 of the Act is replaced by the following section:

“145. The members of the staff of the Commissioner must, within five days of receipt of the complaint, send to the director of the police force concerned a copy of the evidence collected and of the complaint or, if it was lodged orally, a writing describing it.”

24. Section 150 of the Act is replaced by the following section:

“150. The right to lodge a complaint regarding police ethics is prescribed three years after the date of the event or knowledge of the event that gave rise to the complaint and the right to file a report is prescribed three years after the date of the event.”

25. Section 153 of the Act is replaced by the following section:

“153. The Commissioner shall keep, in the form and manner he determines, a register of the complaints and reports he receives. The Commissioner shall send a written notice of reception of the complaint or report to the person who lodged or filed it, if that person’s identity is known.”

26. The Act is amended by inserting the following after section 153:

“§2.1.—*Conciliation of complaints*”.

27. Section 157 of the Act is amended

(1) by replacing the second sentence of the second paragraph by the following sentences: “The conciliation proceedings take place in the presence of both parties, except where the Commissioner considers it necessary, taking the circumstances into account, that the proceedings be held at a distance using a means that allows the persons to see and hear one another simultaneously. Where the Commissioner intends to use such means, he shall notify the complainant and the police officer within a reasonable time before the proceedings.”;

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

“The conciliator may meet separately with each party in order to arrive at an agreement.”

28. Section 166 of the Act is repealed.

29. Section 168 of the Act is amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) the complaint or the report is frivolous, vexatious or made in bad faith;”;

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

“If, following a report, the Commissioner refuses to hold an investigation or terminates it, no reference to the report shall be made in the personal record of the police officer concerned.”

30. Section 169 of the Act is amended

(1) in the first paragraph,

(a) by inserting “, where applicable,” after “notify”;

(b) by inserting “or of an investigation held by the Commissioner” after “subject-matter of the complaint”;

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

“The Commissioner shall notify the director of the police force concerned, and the police officer whose conduct is the subject-matter of the report, of the decision he made pursuant to section 168 and the reasons for it. The Commissioner shall also notify the person who filed the report, if that person’s identity is known, of that decision and, if he considers it appropriate, the reasons for that decision.”

31. Section 170 of the Act is replaced by the following section:

170. The Commissioner, taking all circumstances into account, including the nature and the facts alleged in the complaint or report, may decide to hold an investigation.

The Commissioner may also, on his own initiative, decide to hold an investigation if it is brought to his attention or he becomes aware that the conduct of a police officer, in the performance of the police officer’s duties, may constitute a transgression of the Code of ethics.

The Commissioner shall also hold an investigation in respect of the conduct of a police officer, in the performance of the police officer’s duties, that may constitute a transgression of the Code of ethics, where the Minister requests that the Commissioner do so.

If an investigation is held, the Commissioner shall forthwith notify, in writing, where applicable, the complainant, the police officer concerned and the director of the police force of which the police officer is a member. The Commissioner may notify the person who filed the report if he considers it appropriate. In the case of a complaint about the conduct of a Québec police officer in another province or a territory, the Commissioner shall also notify the competent authority with which the complaint has been lodged in that province or territory that an investigation is being held.”

32. Section 171 of the Act is amended by replacing “his decision” in the first paragraph by “the Commissioner’s decision or of the Minister’s request”.

33. Section 174 of the Act is amended by replacing “the complaint under” by “an”.

34. Section 175 of the Act is repealed.

35. Section 176 of the Act is amended by adding the following sentence at the end: “If the investigation report cannot be submitted within that time period, the Commissioner shall notify, in writing, where applicable, the complainant, the police officer concerned and the director of the police force of which the police officer is a member.”

36. Section 178 of the Act is amended

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

“(1.1) not follow up on the investigation held following a report, on his initiative or at the request of the Minister, if he is of the opinion that the evidence is insufficient;”;

(2) by replacing “to subparagraph 1” in the second paragraph by “to subparagraphs 1 and 1.1”.

37. Section 187 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Commissioner may, where he dismisses a complaint or does not follow up on an investigation held following a report, whether it is held on his initiative or at the request of the Minister, transmit observations to the police officer concerned for the purpose of improving the police officer’s professional conduct and preventing any transgression of the Code of ethics.”

38. Section 190 of the Act is amended by replacing “the complaint he is investigating” by “an investigation”.

39. Section 192 of the Act is amended

(1) by replacing “a complaint” in the first paragraph by “an investigation”;

(2) by replacing “in whose respect no complaint has been made and who cooperates with the Commissioner or the investigators during an investigation carried out following a complaint made against” in the second paragraph by “, who cooperates with the Commissioner or the investigators during an investigation concerning”.

40. Section 195 of the Act is amended by replacing “a complaint concerning the conduct of a police officer, the purpose of which is to” by “an investigation concerning the conduct of a police officer, and its purpose is to”.

41. Section 196 of the Act is amended by replacing the second paragraph by the following paragraph:

“The ethics committee may hold a sitting anywhere in Québec or at a distance using a means that allows the persons to see and hear one another simultaneously.”

42. Section 201 of the Act is amended by replacing “and social benefits of the full-time members and shall determine the other conditions attached to their office” by “, employee benefits and other conditions of employment of the full-time members”.

43. Section 216 of the Act is amended by replacing “constituting” by “that may constitute”.

44. Section 217 of the Act is replaced by the following section:

“**217.** The clerk shall notify the citation to the police officer concerned by registered mail or by any other means that provides proof of the date of notification of the citation.

The clerk shall send a copy of the citation to the person who lodged the complaint.”

45. Section 220 of the Act is replaced by the following section:

“**220.** Upon receipt of the declaration, the chairman shall fix the date and place of the sitting or, if it is held at a distance, the means to be used to hold the sitting. The clerk shall notify the parties not less than 30 days before the date fixed for the sitting by registered mail or by any other means that provides proof of the date of transmission of the notice.”

46. Section 234 of the Act is amended

(1) in the first paragraph,

(a) by striking out subparagraphs 1 and 3;

(b) by striking out “for a period not exceeding 60 working days” in subparagraph 4;

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

“The ethics committee may, in addition to the penalties provided for in the first paragraph, impose on the police officer one or more of the following measures:

(1) successfully complete training or a period of refresher training;

(2) undergo a medical evaluation;

(3) participate in an assistance or support program or therapy in relation to the police officer’s needs;

(4) participate in a community involvement program or a social and community immersion program;

(5) submit to a supervision plan;

(6) participate in an administrative follow-up program.”

47. Section 236 of the Act is amended by inserting “or by any other means that provides proof of the date of notification” after “registered mail” in the first paragraph.

48. Section 238 of the Act is replaced by the following section:

“238. An appeal may be brought before the Court of Québec from a final decision of the ethics committee, with leave of a judge, where the matter at issue is one which ought to be submitted to the Court of Québec. However, where a penalty is to be imposed, the decision may be the subject of an application for leave to appeal only once the penalty has been imposed.”

49. Section 239 of the Act is amended by replacing “decided” in the third paragraph by “and, if applicable, the measures decided”.

50. Section 241 of the Act is replaced by the following section:

“241. Any person who is a party to proceedings before the ethics committee may file, with the Court of Québec, an application for leave to appeal any final decision of the ethics committee.”

51. Section 243 of the Act is replaced by the following section:

“243. The application for leave to appeal must be made at the office of the Court of Québec of the place where the final decision was rendered by the ethics committee and be accompanied by a copy of the decision and of the documents relating to the contestation, if they are not reproduced in the decision.

The application, together with a notice of presentation, must be served on the other party, the director of the police force of which the police officer concerned is a member, the ethics committee and the person who lodged the complaint, and filed in the office of the Court. The application must state the conclusions sought and contain a brief statement by the applicant of the grounds he intends to rely on.

The application must be made within 30 days of the decision. The time limit is strict; it may be extended only if a party establishes that it was unable to act.

The respondent may bring an incidental appeal in the same manner and within 30 days of the service of the application.”

52. Section 244 of the Act is repealed.

53. The Act is amended by inserting the following section after section 244:

“244.1. An application for leave to appeal does not suspend the execution of the ethics committee’s decision. However, a judge of the Court of Québec may, on an application, suspend execution of the decision if the applicant shows that execution would cause him serious prejudice and that he has filed an application for leave to appeal.”

54. Section 245 of the Act is replaced by the following section:

“245. If an application for leave to appeal is granted, the judgment authorizing the appeal shall stand for the inscription in appeal.

The clerk of the Court of Québec shall, without delay, send a copy of that judgment to the ethics committee, to the parties and their attorneys, to the director of the police force of which the police officer concerned is a member and to the person who lodged the complaint.

Upon receipt of the judgment, the clerk of the ethics committee shall transmit to the clerk of the Court of Québec the record of the case and all documents relating to it.”

55. Section 246 of the Act is amended by replacing “The appeal” by “Unless provisional execution has been ordered, the appeal”.

56. Section 247 of the Act is repealed.

57. Section 253 of the Act is amended by replacing “decided” in the second paragraph by “and, if applicable, the measures decided”.

58. Section 255.2 of the Act is amended by replacing “a warning, reprimand or rebuke” in the first paragraph by “a reprimand”.

59. Section 255.4 of the Act is amended

(1) by replacing “imposed” by “and, if applicable, the measure imposed”;

(2) by replacing “imposed the penalty” by “imposed the penalty or measure”.

60. Section 255.6 of the Act is amended by replacing “if the penalty was a warning, reprimand or rebuke, and the Commissioner raises no objection. If the penalty was a suspension or demotion, or the Commissioner” in the first paragraph by “if the penalty imposed is a reprimand, and the Commissioner raises no objection. If a measure was imposed under the second paragraph of section 234, if the penalty imposed is a suspension or demotion or if the Commissioner”.

61. Section 258 of the Act is amended by replacing the second, third and fourth paragraphs by the following paragraph:

“The Government shall determine, by regulation, the minimum content of a discipline by-law. The by-law shall establish the duties and standards of conduct for which failure to comply constitutes a breach of discipline, the related minimum sanctions, the essential elements of the disciplinary procedure and the powers of the authorities with regard to discipline.”

62. The Act is amended by inserting the following chapter after section 263.3:

“CHAPTER V

“COMMUNICATION WITH A POLICE FORCE

“**263.4.** The priorities and guidelines prepared by the Minister, the municipality, the intermunicipal board or the band council with respect to a police force acting under their authority are brought, in writing, to the attention of the police force concerned and are made public.

The priorities and guidelines may not concern a police investigation or intervention in particular.

“**263.5.** The director or a member of a police force must refuse to communicate or to confirm the existence of information if its disclosure could have an impact on the administration of justice and public security, in particular where it could adversely affect a police investigation or intervention, reveal an investigation procedure or result in danger to human life or safety.”

63. Section 264 of the Act is amended by inserting “the number of police officers who participated in a training activity referred to in section 116 or an activity to maintain skills, specifying the training activity or activity to maintain skills participated in and the number of hours spent on the activity,” after “in particular,”.

64. Section 267 of the Act is amended

(1) by replacing “and within the time prescribed by the Minister” in the introductory clause by “, within the time and in the form and manner determined by the Minister”;

(2) by adding the following paragraphs after paragraph 2:

“(3) the statements, statistical data and other information necessary to assess the crime situation and the effectiveness of police action; and

“(4) the information and documents necessary for the exercise of the Minister’s functions.”

65. Section 286 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The director of a police force must, without delay, notify the director of the Bureau des enquêtes indépendantes of any allegation concerning a criminal offence committed by a police officer or notify the Minister in the case of an allegation concerning a criminal offence committed by a member of the Bureau des enquêtes indépendantes.”;

(2) by striking out the third paragraph.

66. The Act is amended by inserting the following sections after section 286:

“286.1. An investigation shall be held by the Bureau des enquêtes indépendantes if it is notified of an allegation concerning a criminal offence committed by a police officer or a special constable, unless the director of the Bureau considers the allegation to be frivolous or unfounded, after consulting, if in the director’s opinion it is necessary, the Director of Criminal and Penal Prosecutions.

The director of the Bureau may entrust the investigation to another police force that the director designates if the director considers that it is in the public interest to do so.

“286.2. If the Minister is notified of an allegation concerning a criminal offence committed by a member of the Bureau des enquêtes indépendantes, the Minister entrusts the investigation to the police force designated by the Minister. That police force holds the investigation unless its director considers, after consulting the Director of Criminal and Penal Prosecutions, that the allegation is frivolous or unfounded.

“286.3. If the Bureau des enquêtes indépendantes or the police force designated by the Minister under section 286.2 considers that an allegation does not concern a criminal offence committed by a police officer or a special constable, it shall send the information concerning that allegation, as applicable, to the Police Ethics Commissioner, to the internal affairs of the police force of which the police officer referred to in the allegation is a member or to the Public Protector so that they may process the allegation.”

67. Section 287 of the Act is replaced by the following section:

“287. Not later than 45 days after the date on which the director of the Bureau or the Minister entrusts an investigation to a police force and every three months after that, the director of that police force shall notify, in writing, the director of the Bureau or the Minister, as applicable, of the progress of the file that the director of the police force is processing.”

68. Section 288 of the Act is replaced by the following section:

“288. Once the investigation has been completed, the director of the police force that held it must submit the file to the Director of Criminal and Penal Prosecutions.

The director of the police force to which the investigation was entrusted under the second paragraph of section 286.1 or section 286.2 shall inform, as applicable, the director of the Bureau or the Minister of the submission of the file to the Director of Criminal and Penal Prosecutions.”

69. Section 289 of the Act is repealed.

70. The heading of Division I of Chapter III.1 of Title V is replaced by “INVESTIGATION OF A POLICE INTERVENTION OR OF POLICE CUSTODY” and that division becomes Division III of Chapter III of Title V of the Act.

71. Section 289.1 of the Act is amended

(1) by replacing “An independent investigation must be conducted” in the first paragraph by “An investigation shall be held by the Bureau des enquêtes indépendantes”;

(2) by striking out the second paragraph.

72. The Act is amended by inserting the following section after section 289.1:

“289.1.1. Despite the obligation provided for in the first paragraph of section 289.1, the director of the Bureau may decide, unless public confidence in police officers would be severely undermined, not to hold an investigation if the director is convinced, after consulting, if in the director’s opinion it is necessary, the Director of Criminal and Penal Prosecutions, that the police intervention did not contribute to the death or to the serious injury.

However, the Bureau must hold an investigation if it is informed of a new fact which, if it had been known in time, might have justified an investigation being held.”

73. The Act is amended by inserting the following section after section 289.3:

“289.3.1. Once the investigation referred to in section 289.1 or section 289.3 has been completed, the director of the Bureau shall send the record to the Director of Criminal and Penal Prosecutions and, as applicable, to the coroner, to the Police Ethics Commissioner, to the internal affairs of the police force of which the police officer involved is a member or to the Public Protector.”

74. Division II of Chapter III.1 of Title V of the Act becomes Chapter III.1 of Title V.

75. Section 289.6 of the Act is replaced by the following section:

“289.6. The mission of the Bureau is to hold the independent investigations referred to in the first paragraph of section 286.1 and the first paragraph of section 289.1 or any investigation the Minister has charged it with under section 289.3.”

76. Section 289.21 of the Act is repealed.

77. The Act is amended by inserting the following sections before section 289.22:

“289.21.1. The director of the Bureau shall communicate to the public the reasons for the director’s decision not to hold an investigation under the first paragraph of section 289.1.1.

“289.21.2. If the Director of Criminal and Penal Prosecutions decides not to lay charges following an investigation referred to in the first paragraph of section 289.1, the director of the Bureau shall communicate to the public a summary of the investigation, which must include, in particular, a detailed description of the events that led to the investigation and a summary of the investigation procedure.

The restrictions to the right of access provided for in sections 28, 28.1 and 29 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) apply to the summary of the investigation provided for in the first paragraph.”

78. Section 289.27 of the Act is amended, in the second paragraph,

(1) by inserting the following subparagraph before subparagraph 1:

“(0.1) the average processing time between the receipt of an allegation concerning a criminal offence committed by a police officer or a special constable and the moment that the Bureau considers the allegation to be frivolous or unfounded or is of the opinion that it does not concern a criminal offence;”;

(2) by adding the following subparagraphs after subparagraph 5:

“(6) the number of investigations for which support services were requested of the police force of which the police officer involved is a member; and

“(7) the support services furnished by the Bureau.”

79. Section 304 of the Act is amended by adding the following sentence at the end of the first paragraph: “It is brought, in writing, to the attention of the police forces concerned and is made public.”

80. Section 307 of the Act is replaced by the following section:

“307. The Minister shall advise and supervise the police forces and the authorities that the police forces report to as regards the implementation of the measures provided for in this Act and shall verify the effectiveness of the police services they provide.

To that end, the Minister shall establish and make public guidelines on any matter coming under this Act or the regulations and on any matter relating to police activity. The guidelines may concern, among other things, absence of discrimination in police activities as well as cooperation and collaboration between police forces and between police forces and the various stakeholders concerned.

The authorities to which the police forces report shall communicate to the Minister all relevant information concerning their priorities, projects and achievements.”

81. Section 353.3 of the Act is amended by replacing “employment benefits” in the third paragraph by “employee benefits”.

ACT RESPECTING THE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

82. Section 8 of the Act respecting the Ministère de la Sécurité publique (chapter M-19.3) is amended by replacing the first paragraph by the following paragraph:

“The Minister shall devise and propose to the Government policies, measures and programs relating, in particular, to the maintenance of public safety, to crime prevention, to the implementation and improvement of methods of crime detection and repression and to the imprisonment and rehabilitation of inmates, and shall see, where applicable, to their implementation.”

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

“**9.1.** The Minister may, for the purposes of the performance of the Minister’s duties, provide a grant or any other form of financial assistance in accordance with the Public Administration Act (chapter A-6.01), in particular for carrying out programs, projects, research, studies or analyses.”

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

84. Section 372 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) is amended by replacing “third” by “fourth”.

BY-LAW TO ESTABLISH THE TRAINING PLAN REGULATION OF THE ÉCOLE NATIONALE DE POLICE DU QUÉBEC

85. Section 4 of the By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4) is amended by inserting “within the meaning of the Citizenship Act (Revised Statutes of Canada, 1985, chapter C-29) or a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27)” at the end of subparagraph 1 of the first paragraph.

86. Sections 8 and 10 of the By-law are revoked.

TRANSITIONAL PROVISIONS

87. Section 234 of the Police Act (chapter P-13.1), as amended by section 46 of this Act, applies to the conduct of a police officer that constitutes a transgression of the Code of ethics of Québec police officers (chapter P-13.1, r. 1) prior to (*insert the date of coming into force of section 46 of this Act*).

88. The Minister of Public Security may, until the coming into force of section 286.1 of the Police Act, enacted by section 66 of this Act, entrust the Bureau des enquêtes indépendantes with investigations on the types, determined by the Minister, of allegations concerning a criminal offence committed by a police officer or special constable.

CHAPTER II

ENACTMENT OF THE ACT TO ASSIST IN LOCATING MISSING PERSONS

89. The Act to assist in locating missing persons, the text of which appears in this chapter, is enacted.

“ACT TO ASSIST IN LOCATING MISSING PERSONS

“CHAPTER I

“INTERPRETATIVE PROVISIONS

“1. For the purposes of this Act, a missing person means a person

(1) who has not been in contact with the persons they would normally be in contact with or for whom it is reasonable to fear for the health or safety in the circumstances; and

(2) whose whereabouts are unknown, despite reasonable efforts made by a police force to locate them.

In addition, a person accompanying a missing person means a person for whom there are reasonable grounds to suspect that they are accompanying a missing person who is a minor or a person in a vulnerable situation within the meaning of paragraph 4 of section 2 of the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3).

“2. This Act does not prevent a person, partnership or other group of persons from communicating information to a member of a police force to assist the member in locating a missing person in the absence of a communication order issued to third parties if the law does not otherwise prohibit them from doing so.

“CHAPTER II

“COMMUNICATION ORDER ISSUED TO THIRD PARTIES AND AUTHORIZATION TO ENTER PREMISES

“3. A judge of the Court of Québec or a presiding justice of the peace may, on an application made on the basis of an affidavit by a member of a police force, order a person, partnership or other group of persons to communicate information referred to in section 4 concerning the missing person or the person

accompanying the missing person that is in the possession or control of the person, partnership or other group of persons when they receive the order. The judge or presiding justice of the peace may also order the preparation of a document based on that information and order that the document be communicated.

The judge or presiding justice of the peace may make the order if satisfied that there are reasonable grounds to believe that the information will assist the police force in locating the missing person and that the person, partnership or group of persons has possession or control of the information.

The order specifies the information that must be communicated, the place and form of communication, the name of the member of the police force to whom it must be communicated and the time limit for communicating it. The order may contain any terms and conditions the judge or presiding justice of the peace considers appropriate.

Where the judge or presiding justice of the peace who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an application made on the basis of an affidavit by a member of a police force, that public interest warrants it, the judge or justice may vary or revoke the order or set a new time limit.

“4. The order made under section 3 may concern, among other things,

- (1) information related to identity;
- (2) telephone communications, electronic communications and information related to a communication device, including
 - (a) signals and other data from a device that may indicate the location of that device;
 - (b) inbound and outbound text messages and calls;
 - (c) Internet browsing history; and
 - (d) the brand and model of the device;
- (3) positioning signals and location data, including those provided by a global positioning system (GPS);
- (4) photos and videos, including closed circuit television footage;
- (5) health and social services information, including information related to registration, enrolment, admission, transfer, discharge or absence kept by a facility maintained by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5);

- (6) information related to a child receiving childcare;
- (7) information related to a student or homeschooled child;
- (8) information related to employment, position or office;
- (9) information related to means of transportation, travel and accommodation;
- (10) financial information, including the place, date and time of the most recent transactions; and
- (11) any other information specified in the order that the judge or presiding justice of the peace considers appropriate.

“5. A judge of the Court of Québec or a presiding justice of the peace may, on an application made on the basis of an affidavit by a member of a police force, grant authorization to enter premises, including a dwelling house, subject to the conditions specified, if the judge or presiding justice of the peace is satisfied that there are reasonable grounds to believe that the missing person is located in the premises and that it is necessary to enter them in order to ensure the missing person’s health or safety.

“6. The applications made under sections 3 and 5 are made in the sole presence of the member of the police force who makes the application and may be made at a distance using technological means.

“CHAPTER III

“COMMUNICATION TO THE PUBLIC

“7. The director of a police force or the person designated by the director may, if they consider it necessary in order to assist in locating the missing person, communicate, among other things, the following information to the public:

- (1) the name of the missing person and, if applicable, of the person accompanying them;
- (2) the age and the physical description of the missing person and, if applicable, of the person accompanying them;
- (3) a photo or other visual representation of the missing person and, if applicable, of the person accompanying them;
- (4) the condition of the missing person where it represents a risk for their safety or health;
- (5) information related to a means of transportation or mode of travel used by the missing person and, if applicable, of the person accompanying them; and

(6) the location where the missing person was last seen and the circumstances surrounding their disappearance.

“8. When the missing person is located, the director of the police force or the person designated by the director may communicate to the public that the missing person has been located or is deceased.

“CHAPTER IV

“AMENDING AND FINAL PROVISIONS

“TAX ADMINISTRATION ACT

“9. Section 69.0.0.13 of the Tax Administration Act (chapter A-6.002) is amended by replacing “69.0.0.12 or 69.0.2” in the first paragraph by “69.0.0.12, 69.0.2 or 69.0.4.1”.

“10. The Act is amended by inserting the following section after section 69.0.4:

“69.0.4.1. An employee of the Agency may, without the consent of the person concerned, communicate to the member of a police force named in an order made under section 3 of the Act to assist in locating missing persons (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act to assist in locating missing persons*) information contained in a tax record and referred to by that order.”

“11. The Minister of Public Security is responsible for the administration of this Act.”

CHAPTER III

PROVISIONS WITH RESPECT TO CORRECTIONS

ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

90. The Act respecting the Québec correctional system (chapter S-40.1) is amended by replacing “convicted” in the first and second paragraphs of section 10 and in section 11 by “found guilty”.

91. Section 41 of the Act is amended by replacing the second paragraph by the following paragraph:

“An inmate may apply for a review of a decision of the discipline committee. The review is carried out by a person designated by the Minister.”

92. Section 134 of the Act is amended by replacing “30 June” in the first paragraph by “31 July”.

93. Section 139 of the Act is amended by replacing “terminating or cancelling” by “or cancelling such an absence or following the automatic end of”.

94. Section 160 of the Act is amended by replacing “The decision to grant temporary absence or conditional release shall not take effect” in the first paragraph by “The parole board or a person designated in writing by the parole board may suspend the taking of effect of a temporary absence or conditional release”.

95. Section 161 of the Act is amended by adding the following paragraph at the end:

“Despite the first paragraph, an offender’s temporary absence automatically ends as soon as the offender is the subject of a decision refusing his or her conditional release. In such a case, the parole board or a person designated in writing by the parole board may, if appropriate, issue a warrant of apprehension and order the offender’s commitment.”

CHAPTER IV

FIRE SAFETY PROVISIONS

FIRE SAFETY ACT

96. Section 24 of the Fire Safety Act (chapter S-3.4) is amended

(1) by adding the following sentence at the end of the first paragraph: “It remains in force for a maximum period of 10 years.”;

(2) by replacing “published in a newspaper in the territory of the regional authority” in the second paragraph by “disseminated by any means that ensures that the population concerned is informed”.

97. Section 28 of the Act is amended

(1) by replacing “may” in the first paragraph by “must”;

(2) by replacing “The fire” in the second paragraph by “Furthermore, the fire”.

98. Section 29 of the Act is replaced by the following section:

“29. The regional authority must begin the revision of the fire safety cover plan at the latest at the beginning of the eighth year following the date of the plan’s coming into force or the date of its last certificate of compliance, and the regional authority must have completed the revision before the first day of the tenth year following that date.

The Minister or a person designated by the Minister notifies the regional authority that it must begin the revision and specifies the steps to be completed in order to complete the revision.”

99. Section 30 of the Act is replaced by the following sections:

“30. Any amendment to the fire safety cover plan, except an amendment provided for in the first paragraph of section 28, which can be made without any special formality, or the amendment provided for in section 30.1, which can be made according to the procedure set out in that section, and the revision of the fire safety cover plan must be done following the same procedure as for its drawing up.

“30.0.1. The Minister may order a regional authority to proceed with the amendment or revision of its fire safety cover plan within the time the Minister determines if the Minister finds that the fire safety cover plan must be amended or revised under this Act.”

100. The Act is amended by inserting the following section after section 31:

“31.1. If a municipality or an intermunicipal board ascertains a disagreement with another municipality or another intermunicipal board that prevents it from complying with the optimum protection objectives proposed or determined by the regional authority, it may submit the dispute to the Commission municipale du Québec. If the disagreement concerns the implementation of a signed intermunicipal agreement, the municipality or the intermunicipal board may not apply for the conciliation provided for in section 622 of the Municipal Code of Québec (chapter C-27.1) or in section 468.53 of the Cities and Towns Act (chapter C-19).

The Commission may, after hearing the regional authority concerned, the interested municipalities and, as applicable, the intermunicipal boards, render any decision it considers equitable so that the municipalities or intermunicipal boards referred to in the first paragraph comply with the proposed or determined optimum protection objectives.

Without limiting the scope of the preceding, such a decision may provide that the concerned municipality or intermunicipal board exercises its jurisdiction with respect to fire safety outside of its territory, to the extent set out in the decision. In such a case, the municipality or intermunicipal board has all the powers required to comply with the decision.”

101. Section 35 of the Act is replaced by the following section:

“35. Every local authority and every intermunicipal board in charge of the implementation of measures provided for in a fire safety cover plan must adopt, by resolution, and transmit a report of their fire safety activities for the preceding fiscal year and their fire safety projects for the next year to the regional authority within three months of the end of their fiscal year.

The regional authority must also adopt by resolution and transmit to the Minister such a report within three months of the end of the second fiscal year that follows the date of coming into force of the fire safety cover plan or of its last certificate of compliance, and, subsequently, every two years. The report must include a status report on the achievement of the determined optimum protection objectives and the expected actions provided for in the fire safety cover plan.

The regional authority may request from the local authority or the intermunicipal board concerned any information it considers necessary for the application of this section. The local authority or the intermunicipal board must provide the regional authority with the requested information within the time determined by the regional authority.”

102. Section 47 of the Act is amended by adding the following paragraph at the end:

“The authority referred to in the second paragraph is not entitled to this exemption if the fire safety cover plan of the regional authority has not been amended or revised as required under this Act.”

TRANSITIONAL PROVISION

103. Despite sections 24 and 29 of the Fire Safety Act (chapter S-3.4), as amended by sections 96 and 98 of this Act, if on (*insert the date that precedes the date of coming into force of this section*), the fire safety cover plan of a regional authority has reached the end of the fifth year following the date of its coming into force or the date of its last certificate of compliance, the authority must begin or continue the revision of the fire safety cover plan in accordance with section 29 of the Fire Safety Act, as it read prior to being amended by this Act. However, the regional authority is entitled, in such a case, to an additional year in order to complete the revision of the fire safety cover plan.

CHAPTER V

FINAL PROVISIONS

104. The provisions of this Act come into force on (*insert the date of assent to this Act*), except

(1) the provisions of sections 1, 4, 5, of paragraph 2 of section 6, of sections 7, 63, 65 to 71, 74 and 75, of section 77, insofar as it enacts section 289.21.2 of the Police Act (chapter P-13.1), of subparagraph 2 of section 78 and of sections 84 and 86, which come into force on the date or dates to be set by the Government;

(2) the provisions of section 61, which come into force on the date of coming into force of the first regulation made under section 258 of the Police Act, amended by section 61 of this Act.

