

AMENDMENT

Bill 73

AN ACT TO COUNTER NON-CONSENSUAL SHARING OF INTIMATE IMAGES AND TO IMPROVE PROTECTION AND SUPPORT IN CIVIL MATTERS FOR PERSONS WHO ARE VICTIMS OF VIOLENCE

SECTION 1 (section 3 of the Act to counter non-consensual sharing of intimate images)

Add the following paragraph at the end of proposed section 3:

However, the sharing necessary for the purposes of the administration of justice is not subject to this Act.

Adopted
RB

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**SECTION 1 (section 5 of the Act to counter non-consensual sharing of
intimate images)**

Insert "or the contract is a contract of adhesion" at the end of the third paragraph
of proposed section 5.

*Adopted
R*

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SECTION 6 (article 515.3 of the Code of Civil Procedure)

Replace "three" in the second paragraph of proposed article 515.3 by "five".

*Adopted
Pr*

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SECTION 9: (article 279 of the Code of Civil Procedure)

Replace “testify at a distance and be accompanied by someone they consider capable of providing assistance or reassurance. The witness or party may also be accompanied” in the paragraph proposed by paragraph 1 by “, at their choice, testify at a distance or by means of a device allowing them not to see that party or other witness. The witness or party may also be accompanied by someone they consider capable of providing assistance or reassurance. In addition, the witness or party may be accompanied”.

*Adopte
R*

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SECTION 14.1: (article 228 of the Code of Civil Procedure)

Insert after section 14:

CODE OF CIVIL PROCEDURE

14.1 Article 228 of the Code of Civil Procedure (chapter C-25.01) is amended by inserting “, to facts presumed to be irrelevant where a matter contains allegations of sexual or spousal violence” after “fundamental rights” in the second paragraph.

Adopted
Pr

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SECTION 14.2: (section 149.0.1 of the Professional Code)

Insert after section 14.1, introduced by amendment:

PROFESSIONAL CODE

14.2. The Professional Code (chapter C-26) is amended by inserting the following section after section 149:

“149.0.1. Where the complaint concerns a derogatory act referred to in section 59.1 or an act of a similar nature set out in the code of ethics of the members of the professional order, the following facts are presumed to be irrelevant:

- (1) any fact relating to the reputation of the person who is the alleged victim of the derogatory act;
- (2) any fact related to the sexual behaviour of that person, other than a fact pertaining to the proceeding, and that is invoked to attack the person's credibility;
- (3) the fact that the person did not ask that the behaviour cease;
- (4) the fact that the person did not file a complaint or exercise a recourse regarding the derogatory act;
- (5) any fact in connection with the delay in reporting the alleged derogatory act; and
- (6) the fact that the person maintained relations with the alleged perpetrator of the derogatory act.

Any debate relating to the admissibility in evidence of any such fact is an issue of law and is to be held in camera, despite section 23 of the Charter of human rights and freedoms (chapter C-12).

Adopte
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SECTION 14.3: (section 174 of the Professional Code)

Insert after section 14.2, introduced by amendment:

14.3. Section 174 of the Code is amended

- (1) by replacing "in section 149" by "in sections 149 and 149.0.1";
- (2) by inserting ", with the necessary modifications" at the end.

*Adopted
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SECTION 15: (section 100.9.1 of the Labour Code)

In the first paragraph of proposed section 100.9.1:

1. Replace subparagraph 3 by the following subparagraph:

(3) the fact that the person did not ask that the gestures, practices, verbal comments, behaviour or attitudes cease;

2. Replace subparagraph 4 by the following subparagraph:

(4) the fact that the person did not file a complaint or exercise a recourse regarding the violence;

Adopté
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SECTION 16: (section 116.0.1 of the Public Service Act)

In the first paragraph of proposed section 116.0.1:

1. Replace subparagraph 3 by the following subparagraph:

(3) the fact that the person did not ask that the gestures, practices, verbal comments, behaviour or attitudes cease;

2. Replace subparagraph 4 by the following subparagraph:

(4) the fact that the person did not file a complaint or exercise a recourse regarding the violence;

Adopted
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SECTION 18 (section 35.1 of the Act to establish the Administrative Labour Tribunal)

In the first paragraph of proposed section 35.1:

1. Replace subparagraph 3 by the following subparagraph:

(3) the fact that the person did not ask that the gestures, practices, verbal comments, behaviour or attitudes cease;

2. Replace subparagraph 4 by the following subparagraph:

(4) the fact that the person did not file a complaint or exercise a recourse regarding the violence;

Adopté
Rz

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CHAPTER V.1 and SECTION 20.1: (article 191.1 of the Civil Code)

Insert after section 20:

**CHAPTER V.1
REPRESENTATION OF MINORS AND INCAPABLE PERSONS OF FULL AGE**

CIVIL CODE OF QUÉBEC

20.1. The Civil Code is amended by inserting the following article after article 191:

“191.1. The court seized of an application relating to the appointment or replacement of a tutor takes into consideration, in particular and where applicable, the judicial record of any proposed tutor, the judgments rendered in civil matters against him as well as his bankruptcy, whether discharged from it or not.”

*Adopté
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SECTION 20.2: (article 404.1 of the Code of Civil Procedure)

Insert after section 20.1, proposed by amendment:

CODE OF CIVIL PROCEDURE

20.2. The Code of Civil Procedure (chapter C-25.01) is amended by inserting the following article after article 404:

“404.1. In a case relating to the appointment or replacement of a tutor or of a temporary representative of a person of full age, the following documents must be filed in the record:

(1) with regard to any proposed tutor or temporary representative, a certificate of no judicial record, or a judicial record list indicating every finding of guilty for a criminal or penal offence, unless a pardon has been obtained for such an offence, or every pending charge for such an offence, as well as every judicial order subsisting against him; such certificate or list must be issued by a police force; and

(2) a declaration under oath by any proposed tutor or temporary representative affirming that no judgment in a civil matter has been rendered against him or, if applicable, listing any such judgments, and indicating whether he has ever become bankrupt.”

*Adopted
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SECTION 20.3

Insert the following section before section 21:

20.3. Article 191.1 of the Civil Code and article 404.1 of the Code of Civil Procedure (chapter C-25.01), enacted by sections 20.1 and 20.2 of this Act, apply to an application relating to the appointment or replacement of a tutor or of a temporary representative of a person of full age presented from *(insert the date of coming into force of section 20.1 of this Act)*.

*Adopted
9/2*

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SECTION 21

Replace by:

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

(1) those of sections 20.1 and 20.2, which come into force on *(insert the date that is three months after the date of assent to this Act)*; and

(2) those of sections 1 to 9, which come into force on *(insert the date that is six months after the date of assent to this Act)* or any earlier date set by the Government.

*Adopte
Dr*

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HEADING OF TITLE III:

Replace the heading of Title III before section 21 by:

“TRANSITIONAL AND FINAL PROVISIONS”.

*Adopte
9/2*