



NATIONAL ASSEMBLY OF QUÉBEC

THIRD SESSION

FORTY-THIRD LEGISLATURE

Bill 4

**An Act respecting the communication
of information for the purpose
of protecting against intimate partner
violence, and amending various
legislative provisions**

Introduction

**Introduced by
Mr. Ian Lafrenière
Minister of Domestic Security**

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EXPLANATORY NOTES

The main purpose of this bill is to allow the communication of information concerning an intimate partner who could pose a risk to the safety of a person or the person's child.

The bill provides that a person at risk, namely a person who has concerns about the risk that an intimate partner may pose, may make an application for information or consent to another person making the application on their behalf. It provides that a minor 14 years of age or over may make an application alone. It also allows the Government to determine, by regulation, the persons or categories of persons who may make an application for information concerning the intimate partner of a person at risk.

The bill allows a member of a police force or a person working within a body that offers prevention, assistance and support services who has reasonable grounds to suspect that a person at risk could benefit from the communication of information to provide the person at risk with information on the process for making an application for information that concerns an intimate partner. It also allows a member of a police force, in the same circumstances, to disclose to the person at risk information on the identity of the intimate partner in respect of whom the application could be made.

The bill provides that the application for information must be sent to the Sûreté du Québec, which searches for the information that concerns the intimate partner. The Sûreté du Québec then communicates to a body designated by the minister responsible for the status of women, on the recommendation of the Minister of Domestic Security, the information necessary to enable the person at risk to make an informed decision regarding their relationship, to take the measures they consider appropriate to ensure their safety or that of their child or to establish protection scenarios.

The bill provides that a person who is designated by the body and who meets the conditions determined by government regulation is to meet with the person at risk to communicate that information orally or to inform them that no necessary information was identified. The bill provides, in particular, that the designated person may provide the person at risk with various information to assist them and may refer the person at risk to resources specializing in interventions adapted to their needs.

The bill also sets out restrictions with respect to the communication to the intimate partner of the existence of an application or of certain personal information concerning them as well as to the communication and use of the information received. It grants immunity to certain persons for an act performed or omitted in good faith in the exercise of their functions and it prohibits them from being compelled to make a deposition in judicial proceedings.

The bill amends the Act respecting the Québec correctional system in order to review certain provisions relating to the communication, to persons who are victims, of information that concerns persons entrusted to the correctional services.

Lastly, the bill contains penal and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Ministère de la Sécurité publique (chapter M-19.3);
- Act respecting the Québec correctional system (chapter S-40.1).

Bill 4

AN ACT RESPECTING THE COMMUNICATION OF INFORMATION FOR THE PURPOSE OF PROTECTING AGAINST INTIMATE PARTNER VIOLENCE, AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

PURPOSE AND INTERPRETATION

1. The purpose of this Act is to allow the communication of information concerning an intimate partner who could pose a risk to the safety of a person or the person's child so as to enable that person to make an informed decision regarding the relationship, to take the measures the person considers appropriate to ensure their own safety or that of their child or to establish protection scenarios.

This Act is not to be interpreted as requiring a person to take any means whatsoever for the purposes set out in the first paragraph, unless doing so is required by law.

2. For the purposes of this Act,

(1) “intimate partner” means a person who has or had an intimate relationship, such as a conjugal, sentimental or sexual relationship, with a person at risk, regardless of their cohabiting or of the serious or stable nature of their relationship;

(2) “person at risk” means a person who has concerns about the risk that an intimate partner may pose to the safety of the person or the person's child.

DIVISION II

COMMUNICATION OF INFORMATION

3. A person at risk may make an application for information concerning an intimate partner or consent to another person making the application on their behalf.

The Government may, by regulation, determine the persons or categories of persons who may make an application for information concerning an intimate partner of a person at risk as well as the criteria and conditions for making such an application.

A minor 14 years of age or over may make an application for information alone or consent alone to a person making the application on their behalf.

4. A member of a police force or a person working within a body that offers prevention, assistance and support services, including temporary lodging services, who has reasonable grounds to suspect that a person at risk could benefit from the communication of information under this Act may provide the person at risk with the information on the process for making an application under section 3. The member of the police force may disclose to that person the necessary information on the identity of the intimate partner in respect of whom the application could be made.

A police force or one of its members may, at any time, communicate personal information concerning an intimate partner to a person at risk in accordance with sections 59.1 and 60.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

5. An application for information concerning an intimate partner must be made using the form prescribed by the Minister and be sent to the Sûreté du Québec. The application must meet the criteria and conditions that the Government determines by regulation and it is processed according to the terms set out in the regulation.

Where the application does not meet those criteria and conditions, the Sûreté du Québec so informs the person who made the application.

The person making the application may be assisted to complete the form.

6. The Sûreté du Québec searches in the databases available to police forces for the information that concerns the intimate partner who is the subject of the application. To that end, a police force must provide the Sûreté du Québec, at its request and as soon as possible, with any information relating to the intimate partner, subject to section 263.5 of the Police Act (chapter P-13.1). The same applies to the correctional services of the Ministère de la Sécurité publique.

7. The Sûreté du Québec communicates to a body designated by the minister responsible for the status of women, on the recommendation of the Minister, the information necessary to enable the person at risk to make an informed decision regarding their relationship, to take the measures the person considers appropriate to ensure their safety or that of their child or to establish protection scenarios. If the Sûreté du Québec does not identify any necessary information, it so informs the body.

8. The person designated by the body to which the Sûreté du Québec has communicated the information under section 7 meets with the person at risk to communicate that information orally or to inform the person of the fact that no necessary information was identified for the purposes of this Act. The designated person may also provide the person at risk with information enabling the latter to make an informed decision regarding their relationship, to take the measures the person considers appropriate to ensure their safety or that of their child or to establish protection scenarios, and may refer the person at risk to resources specializing in interventions adapted to that person's needs and facilitate access to those resources.

During the meeting, the person at risk may be accompanied.

The body and the person designated by the body may not reproduce the information communicated to them under section 7 and the body must destroy the information within 60 days of it being sent by the Sûreté du Québec.

The Government determines, by regulation, the conditions that a person must meet to be designated by a body.

9. Despite sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and despite the first paragraph of section 27 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), the intimate partner does not have the right to be informed of the existence of an application made under this Act or to receive communication of information concerning them that was collected and communicated under this Act.

DIVISION III

RESTRICTIONS ON THE COMMUNICATION AND USE OF INFORMATION

10. No person to whom confidential information is communicated under this Act may communicate that information to a third person, unless the information is necessary to enable the person at risk or their child to obtain assistance or protection, or unless doing so is required by law.

11. No confidential information communicated under this Act may be used for purposes other than those provided for by this Act.

Likewise, no such information may be admitted as evidence, including in judicial proceedings.

12. The following may not be invoked, in any way:

(1) the fact that a person made or did not make an application for information concerning an intimate partner;

(2) that information was communicated to the person under this Act and that, if applicable, the person remained in a relationship with their intimate partner; or

(3) that the person did not establish measures to ensure their safety or did not establish protection scenarios.

DIVISION IV

IMMUNITY AND NON-COMPELLABILITY TO COMMUNICATE INFORMATION

13. A police force and its employees as well as a designated body and the persons designated by the body incur no civil liability for injury resulting from an act performed or omitted in good faith in the exercise of their functions under this Act.

14. No police force or its employees as well as no designated body or the persons designated by the body may be compelled to make a deposition in a judicial proceeding relating to an application for information concerning an intimate partner, to the communication of such information or to the information that was brought to their knowledge under this Act, nor may they be compelled to produce any related file, information, report, correspondence or other document.

No person who made an application or to whom information was communicated may be compelled to make a deposition in a judicial proceeding relating to an application for information concerning an intimate partner or to the information that was brought to their knowledge under this Act, nor may they be compelled to produce any related file, information, report, correspondence or other document.

DIVISION V

PENAL PROVISIONS

15. Anyone who makes a false statement in an application made under section 3 is liable to a fine of \$500 to \$5,000 in the case of a natural person and \$1,500 to \$15,000 in any other case.

16. Anyone who contravenes the provisions of the third paragraph of section 8, section 10 or the first paragraph of section 11 is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and \$3,000 to \$30,000 in any other case.

17. Anyone who, by an act or omission, helps or, by encouragement, advice or consent, or by an authorization or an order, induces another person to commit an offence under this Act commits the same offence.

18. In any penal proceedings relating to an offence under this Act, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence, taking all necessary precautions to prevent the commission of the offence.

19. The amounts of the fines prescribed by this Act are doubled for a second or subsequent offence.

20. Any penal proceedings instituted under this Act are prescribed one year after the date on which the prosecutor becomes aware of the commission of the offence.

However, no proceedings may be instituted if more than five years have elapsed from the date of the commission of the offence.

DIVISION VI

AMENDING PROVISIONS

ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

21. Section 17 of the Act respecting the Québec correctional system (chapter S-40.1) is amended by replacing “sexual assault, or of behaviour related to pedophilia,” by “sexual violence, or of behaviour related to”.

22. Section 22 of the Act is amended by replacing “sexual deviance, pedophilia” by “sexual violence”.

23. Section 25 of the Act is amended by replacing “suspended sentence” in the first paragraph by “conditional sentence order”.

24. Section 27 of the Act is amended by replacing “suspended sentence” by “conditional sentence order”.

25. Section 154 of the Act is amended by replacing “of a sexual nature or related to domestic violence” in subparagraph 1 of the second paragraph by “related to domestic violence or sexual violence”.

26. Section 174 of the Act is amended by replacing “a minor” in the second paragraph by “under 14 years of age”.

27. Section 175 of the Act is replaced by the following section:

“175. The persons referred to in subparagraphs 1 and 2 must take the measures at their disposal to communicate to a person who is a victim referred to in government policies on domestic violence and on sexual violence the information provided for in those subparagraphs that is necessary to ensure

their safety, unless there is reasonable cause to believe that the communication of such information would compromise the safety of the person entrusted to the correctional services:

(1) a member of the personnel of the correctional services:

(a) the conditions attached to an interim release order, a probation order or a conditional sentence order imposing community supervision on the person as well as the person's destination during the supervision,

(b) the date of the person's eligibility for a temporary absence for reintegration purposes,

(c) the date of a temporary absence for reintegration purposes as well as the attached conditions and the person's destination during the temporary absence,

(d) the date of the person's release at the end of their term of imprisonment, and

(e) the fact that the person has escaped or is unlawfully at large; and

(2) a member of the personnel of the parole board:

(a) the date of the person's eligibility for a temporary absence in preparation for conditional release or of the person's eligibility for conditional release,

(b) the date of a temporary absence in preparation for conditional release, of a temporary absence for a family visit or of a conditional release as well as the attached conditions and the person's destination during the temporary absence or conditional release, and

(c) the decisions made under sections 136, 138, 140, 143, 160, 163, 167 and 171.

The information may also be communicated to any other person if there is reasonable cause to believe that the safety of that person may be compromised by the presence in the community of the person entrusted to the correctional services.

Likewise, the information may be communicated to any other person who is a victim who requests it in writing, except the information provided for in subparagraph *a* of subparagraph 1 of the first paragraph."

28. Section 175.1 of the Act is amended by replacing "between the facility director or the chair of the parole board and a person who is a victim under section 175 are confidential and the offender" by "under section 175 are confidential and the person entrusted to the correctional services".

29. Section 176 of the Act, amended by section 61 of chapter 7 of the statutes of 2026, is again amended

(1) by replacing “to the facility director or to the chair of the” and “The chair of the” in the first paragraph by “to the correctional services or to the” and “The”, respectively;

(2) by replacing “the director of a correctional facility or the chair of the parole board” and “the chair of the parole board shall also communicate the representations to the director of the correctional facility where the offender they concern is confined” in the second paragraph by “the correctional services or the parole board, as the case may be,” and “the parole board shall also communicate the representations it receives to the correctional services”, respectively.

30. Section 201 of the Act is amended by replacing “or suspension” in subparagraph 2 of the first paragraph by “order or a conditional sentence”.

31. Section 202 of the Act is amended by replacing “or suspension” in paragraph 3 by “order or a conditional sentence”.

ACT RESPECTING THE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

32. Section 9 of the Act respecting the Ministère de la Sécurité publique (chapter M-19.3) is amended by replacing “suspension” in paragraph 5.1 by “conditional sentence”.

DIVISION VII

FINAL PROVISIONS

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

34. The provisions of this Act come into force on the date or dates fixed by the Government, which may vary according to the regions the Government determines, except those of sections 21 to 32, which come into force on 15 October 2026.

