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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 398

## **An Act to amend the Act respecting correctional services**

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### **Introduction**

**Introduced by  
Mr Mario Dumont  
Member for Rivière-du-Loup**

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**Québec Official Publisher  
1998**

## **EXPLANATORY NOTES**

*The object of this bill is to amend the Act respecting correctional services in order to enable a judge who directs that a person be released on supervised probation to impose methods of supervision that include electronic monitoring devices.*

*In addition, the bill enables the Government to order that any immovable can be used for the detention of inmates and be converted into a house of detention administered by a private company.*

*Lastly, the bill provides that the grounds for an inmate's temporary absence will, in future, be limited to humanitarian and medical reasons and will be recorded in the inmate's file.*

## **Bill 398**

### **AN ACT TO AMEND THE ACT RESPECTING CORRECTIONAL SERVICES**

#### **THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :**

1. Section 5 of the Act respecting correctional services (R.S.Q., chapter S-4.01) is amended by adding, at the end of the first paragraph, the following sentence: “The judge’s conditions may include the use of an electronic monitoring device or other appropriate means of supervision.”

2. Section 15 of the said Act is amended by replacing the second paragraph by the following :

“The Government may also order, on the conditions it determines, that any immovable or part of an immovable it indicates be used for detention purposes and be converted into a house of detention administered, where applicable, by a private company to which this Act applies.”

3. Section 22 of the said Act is amended by striking out “22.2,” in the fourth line.

4. Section 22.2 of the said Act is repealed.

5. Section 22.4 of the said Act is replaced by the following :

“22.4. The Director General may, for humanitarian reasons, on the conditions determined by the Director General, authorize an inmate to be absent temporarily, whatever the term of the inmate’s imprisonment, even if the inmate does not qualify for parole under the Act to promote the parole of inmates (R.S.Q., chapter L-1.1).”

6. Section 22.5 of the said Act is replaced by the following :

“22.5. No temporary absence authorized under section 22.4 shall exceed three days.”

7. Section 22.6 of the said Act is repealed.

8. Section 22.7 of the said Act is replaced by the following :

“22.7. The Director General shall, in making the decision, consider, in particular, the inmate’s personality, behaviour, ability to meet obligations, plans, family and social relations, former employments, aptitude for work, judicial record and conduct during a period of imprisonment, temporary absence or conditional liberation.”

9. Section 22.8 of the said Act is amended by replacing “committee” by “Director General”.

10. Section 22.9 of the said Act is amended by replacing “committee” in the second line by “Director General”.

11. Section 22.10 of the said Act is repealed.

12. Section 22.11 of the said Act is replaced by the following :

“22.11. The Director General shall render a decision in writing giving the reasons therefor and shall notify the inmate in writing as soon as possible.”

13. Section 22.12 of the said Act is repealed.

14. Section 22.13 of the said Act is amended by replacing “temporary absence under section 22.2” in the fourth line by “parole under the Act to promote the parole of inmates”.

15. The said Act is amended by inserting, after section 22.13, the following :

“22.13.1. The Director General shall enter in the inmate’s file the humanitarian or medical grounds invoked in every case of temporary absence.

On its own initiative or at the request of any person, the Commission québécoise des libérations conditionnelles may examine any temporary absence record.”

16. Section 22.14.1 of the said Act is amended by adding, at the end, the following paragraph :

“The confined person may appeal from the decision rendered by the Director General in accordance with the Act to promote the parole of inmates.”

17. Section 40 of the Act to promote the parole of inmates (R.S.Q., chapter L-1.1) is amended by replacing “sections 22.2 and” in the fourth line by “section”.

18. This Act comes into force on *(insert here the date of assent to this Act)*.