

Bill No. 31 of 1954

A BILL TO AMEND THE GAOLS AND PRISONS ACT

NOTE

This Bill amends *The Gaols and Prisons Act*, being chapter 127 of the Revised Statutes of Alberta, 1942.

A new section 1a is added and the words "certified institution" and "gaol" are therein defined.

A new section 2a is added. Subsection (1) empowers the Lieutenant Governor in Council to certify industrial schools or other institutions as gaols, reformatories, etc. Subsection (2) applies certain sections of the Act to these certified institutions. This amendment has reference to Part X of the *Prisons and Reformatories Act* (Canada) wherein the term "certified institution" occurs in connection with the Bowden Institute.

Section 9 is amended. This section permits the Attorney General to direct employment outside the limits of the gaol of persons sentenced to imprisonment with hard labour for an offence under a Provincial Act or for a violation of a by-law of a municipality. The reference to hard labour is removed by this amendment.

Section 12 is amended. This section prohibits certain dealings by officers of a gaol with respect to intoxicating liquors. The purpose of the amendments to subsections (1), (2) and (3) is to bring the subsections into conformity with *The Liquor Control Act* and to remove from this Act a prohibition against the sale of intoxicants, which is a punishable offence under *The Liquor Control Act*. The penalties provided for by this section are now made identical in extent with the general penalties provided in *The Liquor Control Act*. Subsection (4) is replaced by a new subsection that provides a forfeiture of office by an officer or employee of a gaol convicted of an offence under this section or under section 137 of *The Liquor Control Act*. Previously the forfeiture of office applied only upon a conviction for a second offence under this section.

Section 15 is amended. Subsection (1) is amended for the purpose of increasing the penalty for trespass on prison property, illegal loitering and entering from ten to fifty dollars and increasing the term of imprisonment for default from one to three months. The reference to hard labour is removed from this subsection as well as from subsection (2) which is amended to increase the penalty for a subsequent offence under this section to two hundred and fifty dollars from fifty dollars, and the term of imprisonment for default from three to six months.

This Bill comes into force upon assent.

J. W. RYAN,
Acting Legislative Counsel.

*(This note does not form any part of the Bill but is offered
in explanation of its provisions.)*

BILL

No. 31 of 1954

An Act to amend The Gaols and Prisons Act

(Assented to _____, 1954)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Gaols and Prisons Act*, being chapter 127 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. The following heading and new section are added immediately after section 1: New section
1a

"Interpretation

Interpreta-
tion

"1a. In this Act, unless the context otherwise requires,

"(a) 'certified institution' means an industrial school or other institution certified a gaol by the Lieutenant Governor in Council, "certified
institution"

"(b) 'gaol' includes common gaol, prison or reformatory." "gaol"

3. The following new section is added immediately after section 2: New section
2a

"2a. (1) The Lieutenant Governor in Council may certify any industrial school or other institution as a gaol, reformatory or other institution. Certified
institutions

"(2) Sections 3 and 4 and sections 11 to 17 of this Act with necessary changes apply in respect of an institution certified under subsection (1)."

4. Section 9, subsection (1) is amended by striking out the words "with hard labour". Section 9
amended

5. Section 12 is amended Section 12
amended

(a) by striking out subsection (1) and by substituting the following:

"12. (1) No gaoler, keeper or other officer of a gaol or lock-up shall lend, use, or give away, or knowingly permit or suffer any intoxicating liquor within the meaning of *The Liquor Control Act* to be used, loaned or given away to a prisoner, or to be brought into a gaol or lock-up other than liquor prescribed by or given by the direction of a legally qualified medical practitioner." Use of
liquor

- (b) by striking out the words "*The Government Liquor Control Act of Alberta*" where they occur in subsection (2) and by substituting the words "*The Liquor Control Act*";
- (c) by striking out subsections (3) and (4) and by substituting the following:

Penalty

"(3) A person who contravenes this section is guilty of an offence and liable on summary conviction

"(a) for a first offence to a fine of not more than two hundred dollars and in default of immediate payment to imprisonment for not more than two months,

"(b) for a second offence to imprisonment for not more than four months or to a fine of not more than five hundred dollars and in default of immediate payment to imprisonment for not more than four months,

"(c) for a third or subsequent offence, to imprisonment for not more than six months without the option of a fine.

"(4) If a gaoler, keeper or other officer is convicted of an offence under this section or of an offence under section 137 of *The Liquor Control Act* he shall forfeit his office."

Section 15 amended**6. Section 15 is amended****(a) as to subsection (1)**

(i) by striking out the word "ten" and by substituting the word "fifty",

(ii) by striking out the words ", with or without hard labour,"

(iii) by striking out the words "one month" and by substituting the words "three months",

(b) as to subsection (2)

(i) by striking out the word "fifty" and by substituting the word "two hundred and fifty",

(ii) by striking out the words ", with or without hard labour,"

(iii) by striking out the word "three" and by substituting the word "six".

Coming into force**7. This Act comes into force on the day upon which it is assented to.**

No. 31

SECOND SESSION
TWELFTH LEGISLATURE
3 ELIZABETH II
1954

BILL

An Act to amend The Gaols and
Prisons Act

Received and read the

First time

Second time

Third time

HON. MR. MAYNARD
