

1971 Bill 130

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 130

The Forensic Clinic Act

MR. WERRY

First Reading

Second Reading

Third Reading

BILL 130

1971

THE FORENSIC CLINIC ACT

(Assented to _____, 1971)

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

1. Subject to the appropriation of moneys by the Legislature, the Department of Health shall establish a clinic at one general hospital in Calgary and in Edmonton to be known as the Forensic Clinic of the said general hospital.

2. The Minister of Health shall appoint a director for each clinic referred to in section 1.

3. Before hearing a charge or before plea or before giving sentence, a judge or magistrate may order any person who is before him charged with or convicted of any offence to attend the clinic for physical or mental examination, diagnosis or treatment.

4. An order under section 3 shall not be made until the judge or magistrate has ascertained from the director of the clinic that the services of the clinic are available to the person named in the order.

5. The director of the clinic may in his discretion report all or any part of the information compiled by the clinic to

- (a) the judge or magistrate who made the order,
- (b) the person examined, or
- (c) any person who, in the opinion of the director, has a bona fide interest in the person examined.

Explanatory Notes

Under the provisions of this Act judges and magistrates may refer a person who is charged or convicted of any offence to attend at a Forensic Clinic for examination, diagnosis or treatment.

Often a crime is, in addition to a breach of the criminal law, a symptom of gross disturbance, portending aberrant behaviour in the future; at this point in time a judge or magistrate has no alternative but to sentence a person according to the crime committed and has to completely ignore deviant behaviour. A diagnosis from a Forensic Clinic would make such potential known to the Court prior to sentencing. The courts are becoming increasingly concerned with all aspects of sentencing and they need a more comprehensive range of diagnostic facts to assist in the task of sentencing. The court may well require, as a consequence of forensic evaluation, that a sentence include treatment as well as punishment. The use of forensic services at the criminal court level has its greatest potential for prevention of future criminal offences by detecting early the deviant behaviour of an offender. It would also draw to the Court's attention, behaviour which cannot be corrected, thus supporting a sentence to long-term custody to protect society. It would further assist in providing for uniformity of sentencing and has great potential for allowing the court to suspend sentence and place on probation those persons who could be treated on an out-patient basis from the Forensic Clinic.