

1978 BILL 37

Fourth Session, 18th Legislature, 27 Elizabeth II ~~May~~

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 37

THE CORRECTIONS AMENDMENT ACT, 1978

THE SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 37

1978

THE CORRECTIONS AMENDMENT ACT, 1978

(Assented to , 1978)

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

1 The Corrections Act is amended by this Act.

2 Section 3 is amended by adding the following after subsection (2):

(3) The Chief Executive Officer may delegate any power or duty conferred upon him by or under this or any other Act, including a power delegated to him under subsection (2), to any other person upon any conditions that the Chief Executive Officer may prescribe.

3 The following is added after section 8:

8.1(1) Where the Chief Executive Officer is satisfied that an inmate requires treatment in a hospital or, pursuant to *The Mental Health Act, 1972*, requires treatment in a facility under that Act, the Chief Executive Officer may so direct by a written order.

(2) Every inmate transferred to a hospital or facility under subsection (1) remains in custody while he is in the hospital or facility.

(3) Where the Chief Executive Officer is advised by the person in charge of the hospital or facility that an inmate no longer requires treatment in the hospital or facility, the Chief Executive Officer shall by written order direct his transfer to a named correctional institution.

(4) A copy of each order under this section shall be delivered to the director of the correctional institution involved and to the person in charge of the hospital or facility

Explanatory Notes

- 1** This Act will amend chapter 62 of the Statutes of Alberta, 1976.
- 2** This amendment will give the Chief Executive Officer the power to delegate powers and duties.
- 3** This amendment will provide for the transfer of inmates to and from a hospital or mental facility.

involved and the copy of the order so delivered is sufficient authority to release or accept the inmate, as the case may be, in accordance with the order.

4 Section 9 is amended by adding “the Government of Alberta employed in” after “Every employee of”.

5 Section 10 is amended

(a) in subsection (1) by adding “work,” after “assign inmates to the appropriate”, and

(b) in subsection (3)

(i) in clause (a) by adding “work,” after “assigning the inmate to a”,

(ii) in clause (b) by repealing subclauses (ii) and (iii) and substituting the following:

(ii) the training, or

(iii) the work assignment,

and

(iii) in clause (c) by striking out “work and”.

6 The following is added after section 21:

21.1(1) Where in the opinion of a person designated by the Minister it is appropriate for medical or humanitarian reasons or to assist in his rehabilitation for an inmate to be temporarily absent from the correctional institution to which he is confined, that person may authorize the temporary absence of that inmate in accordance with the regulations for any period and upon any conditions that the person considers necessary.

(2) Every inmate permitted to be temporarily absent from a correctional institution pursuant to subsection (1) shall be deemed to be retained in custody while he is so absent for the period authorized.

7 The following is added after section 29:

29.1(1) A notice to enforce the attendance of a witness at a hearing of a committee of inquiry established under the regulations may be issued by the chairman of the committee of inquiry and shall state the time and place at which the witness is to attend.

4 This amendment will extend the designation as peace officers to all government employees working at a correctional institution. Section 9 presently reads:

9 Every employee of a correctional institution is hereby constituted a peace officer for the purpose of assisting in the enforcement of law and order while in the performance of his duties.

5 This amendment will permit the classification and selection committees to recommend work programs for inmates as well as training or treatment programs.

6 This amendment will permit temporary absences in appropriate cases.

7 This section will provide for compelling the attendance of witnesses before a committee of inquiry established under section 30, clause 25 of the Act.

(2) A witness may be examined on oath on all matters relevant to the inquiry and shall not be excused from answering any question on the grounds that the answer

(a) might tend to criminate him,

(b) might subject him to punishment under this Act,
or

(c) might tend to establish his liability,

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any statute,

but the answer so given, if it is such as tends to criminate him or to establish his liability to a civil proceeding, shall not be used or received against him in any civil proceedings or in any proceedings under any other Act of Alberta.

(3) A witness

(a) who fails to attend before the committee of inquiry, or

(b) who refuses to be sworn or to answer any question allowed by the chairman of the committee of inquiry,

is liable to attachment upon application to a judge of the Supreme Court of Alberta.

(4) A witness attending any committee of inquiry may be paid a fee therefor at the rate prescribed in the regulations.

8 *Section 30 is amended by adding the following after clause 28:*

29 governing the establishment, operation and management of programs relating to probation and community corrections;

30 relating to the temporary absence of inmates;

31 prescribing forms and providing for their use;

32 prescribing the rates of fees payable to witnesses attending committees of inquiry established under this Act.

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

8 This amendment will add to the regulatory power of the Lieutenant Governor in Council.