

1985 BILL 208

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 208

PROFIT FROM CRIME ACT

HON. MR. R. SPEAKER

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 208
Hon. Mr. R. Speaker

BILL 208

1985

PROFIT FROM CRIME ACT

(Assented to , 1985)

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

Definitions

1 In this Act

- (a) “associate” in relation to a person means
- (i) his spouse or dependant,
 - (ii) a partnership or corporation in which he has shares or of which he is a director, partner, employee or agent, or
 - (iii) his trustee or agent;
- (b) “profit from crime” means any property or financial gain which accrues directly or indirectly to a person who is convicted of having committed an offence or being an accessory to an offence under the *Criminal Code* (Canada) or the *Narcotic Control Act* (Canada), or to his associate and is, wholly or partly, a result of the offence, and includes
- (i) the profits of a transaction which constituted the offence or an element of it,

(ii) the profits from any interview, book, film or other work that is based wholly or partly on the offence or events relating to it or is an account of or depends substantially upon the experience of the events constituting the offence, relating to it, leading up to it or following upon it, or

(iii) any property acquired by, or manufactured by a process acquired by the commission of the offence or a transaction that constituted or was an element in the offence.

Application to
court

2 (a) The Attorney General, or

(b) any person who has been awarded damages by a court on the basis of any act or omission in respect of which there has been a conviction under the *Criminal Code* (Canada) or the *Narcotic Control Act* (Canada)

may apply to the court for an order that any financial gain or property that has accrued to the person convicted or to his associate, is a profit from crime pursuant to this Act.

Trust: payment

3(1) Where the court has made an order pursuant to section 2, the profit from crime, other than that acquired by a bona fide purchaser for value, shall be transferred to the Attorney General, who shall hold it in trust for the purposes of this section.

(2) Any person who has been awarded damages against the person convicted of committing or being an accessory to an offence in question in respect of the action that constituted the offence may, within 60 days of the award, make a claim to the Attorney General to receive any unpaid part of the amount of the damages awarded to him out of any profit from crime relating to the matter, held in trust by the Attorney General.

(3) The Attorney General shall determine the validity of any claim made to him pursuant to subsection (2) and shall serve the claimant with notice of his decision.

(4) A person who has been served notice from the Attorney General that his claim has been refused may appeal the refund to the Court of Queen's Bench within 60 days of the service of the notice.

(5) If, 2 years after the receipt by the Attorney General of the profit from crime into trust, or at the time when all claims made to him pursuant to subsection (2) have either been paid or settled pursuant to subsections (3) and (4), whichever is the later date and there remains in trust all or part of the profit from crime, the Attorney General shall transfer it to the Crimes Compensation Board for the general purposes of the *Criminal Injuries Compensation Act*.

- Directions from court **4** The Attorney General may apply to the court for directions as to the validity of a claim made on, or as to the disbursement of moneys held by him in trust pursuant to this Act.
- Investment of trust money **5** The Attorney General may make such investments of moneys held by him in trust, as trustees may make pursuant to the *Trustees Act*.
- Coming into force **6** This Act comes into force on Proclamation.