

1994 BILL 50

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Second Session, 23rd Legislature, 43 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 50

CORRECTIONS AMENDMENT ACT, 1994

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MR. HAVELOCK

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 50*  
*Mr. Havelock*

## **BILL 50**

1994

### **CORRECTIONS AMENDMENT ACT, 1994**

*(Assented to , 1994)*

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

Amends RSA  
1980 cC-26

*1 The Corrections Act is amended by this Act.*

*2 Section 1 is amended*

*(a) in clause (b)(iii) by adding “or for” after “by”;*

*(b) in clauses (b) and (c) by striking out “correctional institution” wherever it occurs and substituting “correctional centre”;*

*(c) in clause (d)*

*(i) by striking out “correctional institution” and substituting “correctional centre”;*

*(ii) by striking out “a a young person” and substituting “a young person”;*

*(d) in clause (e) by striking out “Solicitor General of Alberta” and substituting “Minister of Justice and Attorney General”.*

## Explanatory Notes

1 Amends chapter C-26 of the Revised Statutes of Alberta 1980.

2 Section 1 presently reads:

*1 In this Act*

(a) *“Chief Executive Officer” means the Chief Executive Officer of the Alberta Correctional Services;*

(b) *“correctional institution” means*

(i) *a holding or lock-up facility operated by the police on a daily fee or a fee for service basis for the purpose of confining persons being held in custody prior to court appearances, on remand or undergoing a sentence or sentences of imprisonment either imposed by a court in Alberta, or imposed elsewhere than in Alberta when those persons are transferred to Alberta pursuant to an Act of Canada or an Act of another province,*

(ii) *a detention or remand facility operated by or for the Government of Alberta to detain arrested, charged or convicted persons pursuant to a law in force in Alberta,*

(iii) *a forestry or similar facility operated by the Government of Alberta,*

(iv) *a jail or institution referred to in section 6(1), or*

(v) *any other facility designated as a correctional institution by the Minister,*

Contracted  
services

*3 The following is added after section 3:*

**3.1(1)** Notwithstanding section 3, the Minister may enter into agreements with any person or agency for the provision of correctional services for the Government of Alberta by that person or agency.

(2) An agreement under subsection (1) may contain provisions that make inapplicable or vary the application of any of the regulations under section 33.

*4 Section 6 is amended*

(a) *in subsection (1) by striking out “continue as correctional institutions” and substituting “continue as correctional centres”;*

(b) *in subsections (2) and (3) by striking out “correctional institution” wherever it occurs and substituting “correctional centre”.*

*5 Section 7 is amended*

(a) *by repealing subsection (1) and substituting the following:*

Appointment  
and functions  
of director

**7(1)** Subject to subsection (1.1), the Chief Executive Officer shall appoint a director for each correctional centre.

(1.1) Unless the agreement provides otherwise, where a correctional centre is operated by a person or agency pursuant to an agreement under section 3.1, that person or agency shall appoint a director for the correctional centre.

*but does not include an institution as defined in the Child Welfare Act;*

- (c) "director" means, with reference to a correctional institution, the executive head of that correctional institution;*
- (d) "inmate" means a person lawfully detained or confined in a correctional institution or otherwise held in lawful custody but does not include a young person, as defined in the Young Offenders Act or the Young Offenders Act (Canada) in respect of whom no order has been made under section 16 of the Young Offenders Act (Canada);*
- (e) "Minister" means the Solicitor General of Alberta;*
- (f) "probation officer" means a person employed or engaged under this Act either on a full-time or part-time basis in the performance of duties related to probation or matters of a like nature.*

**3** Minister may contract out provision of correctional services.

**4** Section 6 presently reads:

*6(1) The institutions heretofore certified or designated as jails or correctional institutions by the Lieutenant Governor in Council continue as correctional institutions.*

*(2) The Minister may by order designate any facility that he considers appropriate as a correctional institution.*

*(3) The Minister may by order change the name of any correctional institution.*

**5** Section 7 presently reads:

*7(1) There may be appointed a director for each correctional institution.*

*(2) The director of a correctional institution shall, subject to the direction of the Chief Executive Officer,*

- (a) direct and co-ordinate the programs of the correctional institution in accordance with the regulations, and*

*(b) in subsection (2)*

*(i) by striking out “, subject to the direction of the Chief Executive Officer,”;*

*(ii) by striking out “correctional institution” wherever it occurs and substituting “correctional centre”;*

*(iii) in clause (a) by adding “and any applicable agreement under section 3.1” after “regulations”.*

**6** *Section 10 is amended*

*(a) by striking out “employee of the Government of Alberta” and substituting “person”;*

*(b) by striking out “correctional institution” and substituting “correctional centre”.*

**7** *Section 13 is repealed and the following is substituted:*

Agreements

**13** The Minister may enter into agreements with the Government of Canada or the government of another province respecting the rental, purchase or exchange of correctional programs, services and facilities between the jurisdictions.

**8** *Section 15 is amended*

*(a) by striking out “institute” and substituting “centre”;*

*(b) by striking out “correctional institution” wherever it occurs and substituting “correctional centre”.*

**9** *Section 18 is amended*

*(a) in subsection (1) by striking out “correctional institution” wherever it occurs and substituting “correctional centre”;*

*(b) by repealing subsection (2) and substituting the following:*

**(2)** The products of an employment program inside a correctional centre, other than one that is operated pursuant to an agreement under section 3.1, are the property of the Government of Alberta and

- (b) *direct the operation, management and administration of the correctional institution including matters of security, inmate control, staff discipline and the care, custody, treatment and training of inmates.*

**6** Section 10 presently reads:

*10 Every employee of the Government of Alberta employed in 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.*

**7** Section 13 presently reads:

*13 The Minister may enter into an agreement or agreements with the Government of Canada or the government of any province respecting the rental, purchase or other use of services and facilities of the Government of Canada or the government of that other province required for the purposes of this Act.*

**8** Change in terminology.

**9** Section 18 presently reads in part:

*18(1) If an employment program is established inside a correctional institution, an inmate who wishes to enter a program may do so if the director of the correctional institution approves the participation of that person in the program.*

*(2) The products of the employment program inside the correctional institution are the property of the Government of Alberta and*

- (a) may be used for the purposes and benefit of the correctional institution where the product was produced or manufactured,*

- (a) may be used for the purposes and benefit of the correctional centre where the products were produced or manufactured,
- (b) may, with the prior consent of the Chief Executive Officer, be used to benefit any department or agency of the Government of Alberta, or
- (c) may be sold in any manner that the Minister specifies.

(2.1) Unless the agreement provides otherwise, the products of an employment program inside a correctional centre that is operated pursuant to an agreement under section 3.1 are the property of the person or agency that operates the correctional centre and

- (a) may be used for the purposes and benefit of the correctional centre where the products were produced or manufactured, or
- (b) may be sold in any manner that the Minister specifies.
- (c) *in subsections (3) and (4) by striking out "correctional institution" and substituting "correctional centre".*

10 Section 20 is repealed and the following is substituted:

Earnings of inmates

**20(1)** The director of a correctional centre shall ensure that the earnings that are paid to a sentenced inmate who is engaged in an employment or training program, less any deductions required by law or by the regulations, are deposited in trust on behalf of the inmate in

- (a) a bank,
  - (b) a treasury branch,
  - (c) a loan or trust corporation, or
  - (d) a corporation designated as an approved corporation under the *Trustee Act* if it is empowered to accept money for deposit.
- (2) The director shall
- (a) inform the inmate as to money deposited or paid out on behalf of the inmate, and



- (b) *may, with the prior consent of the Chief Executive Officer, be used to benefit any department or agency of the Government of Alberta, or*
  - (c) *may be sold in any manner that the Minister specifies.*
- (3) *When services are provided under an employment program inside a correctional institution*
- (a) *the services are available only to those persons or organizations approved in writing by the Chief Executive Officer, and*
  - (b) *the cost of the services to be provided under the program must be approved by the Chief Executive Officer.*
- (4) *When a sentenced inmate is engaged in an employment program within a correctional institution he may be paid an incentive allowance in accordance with the regulations.*

**10** Section 20 presently reads:

*20 The earnings of a sentenced inmate engaged in an employment or training program shall be paid, less deductions required by law or by the regulations, to the director of the correctional institution to which the inmate is sentenced, who shall*

- (a) *deposit the earnings in trust on behalf of the inmate in*
  - (i) *a bank,*
  - (ii) *a treasury branch,*
  - (iii) *a loan corporation or trust corporation, or*
  - (iv) *a corporation designated as an approved corporation under the Trustee Act if it is empowered to accept money for deposit,*
- (b) *inform the inmate as to*
  - (i) *any money received on behalf of the inmate, or*
  - (ii) *any money paid out on behalf of the inmate,*

- (b) ensure that, on the inmate's release from the correctional centre, the inmate receives any balance to his credit in the trust account.
- (3) Interest earned from trust accounts in respect of inmates in a correctional centre other than one that is operated pursuant to an agreement under section 3.1 shall be paid into an Inmate Welfare Trust Fund and may be expended by the Chief Executive Officer for the benefit of inmates of correctional centres in Alberta.
- (4) Interest earned from trust accounts in respect of inmates in a correctional centre that is operated pursuant to an agreement pursuant to section 3.1 shall be credited to each inmate.
- (5) The earnings of an inmate are owned by the inmate but the director may, in accordance with the regulations, disburse the earnings on the inmate's behalf and without the inmate's consent.

*11 Section 33 is amended*

- (a) in clauses (b), (b.1), (c.1), (d), (d.1) and (r) by striking out "correctional institutions" wherever it occurs and substituting "correctional centres";
- (b) by repealing clause (p) and substituting the following:
  - (p) governing the manner in which an inmate's earnings are paid, deposited and paid out;

*12(1) In the following provisions "correctional institution" is struck out wherever it occurs and "correctional centre" is substituted:*

section 4(g);  
 section 8;  
 section 9(3) and (4);  
 section 11(1) and (3)(c);  
 section 12(1);  
 section 14(a) and (d);  
 section 16;  
 section 17;  
 section 19;  
 section 22;  
 section 23(1) and (2);  
 section 26(1) and (3);  
 section 27(1);  
 section 29(2) and (3);

*and*

*(c) pay any balance of money remaining to the inmate on his release from the correctional institution.*

*(2) The interest earned from the trust accounts shall be paid by the directors into an Institutional Benefit Fund and may be expended by the Chief Executive Officer for the benefit of all inmates of correctional institutions in Alberta.*

*(3) The earnings of an inmate are owned by him but the director may disburse on the inmate's behalf and without his consent any earnings of the inmate in accordance with the regulations.*

**11** Section 33(p) presently reads:

*33 The Lieutenant Governor in Council may make regulations*

*(p) governing the manner in which an employer pays the earnings of an inmate to the director of a correctional institution;*

**12** Change in terminology from “correctional institution” to “correctional centre”.

section 33(c), (e), (f), (f.1), (i), (l), (q) and (s).

*(2) In the following provisions “institution” is struck out wherever it occurs and “centre” is substituted:*

section 11(1), (3)(b) and (d);  
section 17.

*13 In the following provisions “correctional institution” is struck out wherever it occurs and “correctional centre” is substituted:*

Act	Section
Dependent Adults Act	1(h.1)(vii)
Election Act	4 1 ( d ) ( i ) , ( ii ) , 113(1)(c)
Fatality Inquiries Act	11(a), 12(a)
Legislative Assembly Act	11(2)
Pharmaceutical Profession Act	1(1)(z.1), 2(5)(a), 23(2)(a), (b), (c)
Public Health Act	1(k.1)
Residential Tenancies Act	2(2)(i)
Social Care Facilities Review Committee Act	1(b)
Universities Act	56
Workers' Compensation Act	66

*14 This Act comes into force on Proclamation.*

**13** Change in terminology from “correctional institution” to “correctional centre”.

**14** Coming into force.