

1998 BILL 225

Second Session, 24th Legislature, 47 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 225

CORRECTIONS AMENDMENT ACT, 1998

MS. GRAHAM

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 225
Ms. Graham

BILL 225

1998

CORRECTIONS AMENDMENT ACT, 1998

(Assented to _____, 1998)

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) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):**
 - (a) "Board" means the Alberta Parole Board;
 - (b) by adding the following after clause (b):**
 - (b.1) "day parole" means a parole granted on condition that the parolee return to the correctional institution
 - (i) from time to time during the term of parole, or
 - (ii) after a specified period;
 - (c) by adding the following after clause (e):**
 - (e.1) "parole" means authority granted to an inmate to be at large during the inmate's term of imprisonment, subject to any terms and conditions specified by the Board and includes day parole;

Explanatory Notes

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

2 Definitions.

(e.2) "parolee" means an inmate who has been granted parole under this Act;

3 Sections 24 to 30 of the Act are repealed and the following substituted:

Alberta Parole Board

24(1) There is hereby created the Alberta Parole Board.

(2) The Board shall be composed of such full-time and part-time members appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council may consider necessary.

(3) The Lieutenant Governor in Council may designate one of the full-time members appointed to the Board under subsection (2) as Chairman.

(4) Each full-time member of the Board shall hold office for a term of 4 years and may be reappointed for one further term.

(5) Each part-time member of the Board shall hold office for a term as prescribed by the Lieutenant Governor in Council.

(6) Two members of the Board constitute a quorum but if the Board fails to reach a decision on any matter, question or thing that was examined or heard by 2 members, the Board shall re-examine or rehear the matter, question or thing.

Granting of parole

25(1) Subject to the regulations, the Board may order the release from custody on parole of any inmate convicted of an offence under any Act of the Legislature, any Act of the Parliament of Canada, or against a municipal by-law upon such terms and conditions as the Board may determine.

(2) The Board may, in its discretion, change or vary the terms and conditions attached to a parole.

Suspension of parole

26(1) If a member of the Board or such other person designated by the Board for the purpose, has reason to believe that a parolee has violated or is likely to violate a term or condition of the parole, the member or designated person may

3 Sections 24 to 30 presently read:

24 The National Parole Board is hereby authorized to exercise in Alberta the jurisdiction described in section 108 of the Corrections and Conditional Release Act (Canada).

25 The Lieutenant Governor in Council may appoint a Provincial Parole Board of not less than 3 nor more than 9 members.

26(1) The director of a correctional institution may recommend to the Provincial Parole Board inmates in the correctional institution who in his opinion will benefit from parole.

(2) On receiving a recommendation from a director, the Provincial Parole Board shall examine the circumstances of the person recommended with a view to determining whether he should be released on parole.

(3) Notwithstanding anything in this section, the Provincial Parole Board may review the case of any person sentenced to a correctional institution and may place on parole any person who appears to the Provincial Parole Board to be suitable for parole.

27(1) The Provincial Parole Board may, subject to the provisions of any Act of Canada and of this Act, direct the release on parole of a person sentenced to a correctional institution and the director of that correctional institution shall on receipt of the direction release the person on parole.

(2) The Provincial Parole Board shall prescribe the terms and conditions of parole to be observed and carried out by a person released under subsection (1).

28 The sentence of a person on parole continues in force until the expiration thereof according to law.

29(1) The chairman of the Provincial Parole Board or a person designated by the Parole Board may, by a warrant in writing signed by him, suspend any parole and authorize the arrest of a paroled person whenever he is satisfied that the person has committed a breach of any term or condition of the parole.

(2) A warrant issued under subsection (1) constitutes the authority and direction to any and every peace officer in Alberta to forthwith arrest the paroled person named in the warrant and return him to a correctional institution.

suspend the parole and may issue a warrant authorizing a peace officer to detain and return the parolee to a correctional institution.

(2) Where a parolee has been returned to a correctional institution under subsection (1), the Board shall review the parole as soon as possible thereafter, and must

- (a) cancel the suspension of the parole, or
- (b) revoke the parole or, in the case of day parole, terminate the day parole.

(3) Where a parole is revoked under subsection (2)(b), the parolee must serve the portion of the parolee's term of imprisonment that remained unexpired at the time parole was granted, including any earned remission, less

- (a) the period of time spent on parole,
- (b) the period of time during which the parole was suspended and the parolee was in custody, and
- (c) any earned remission applicable to the period during which the parole was suspended and the parolee was in custody.

(4) Notwithstanding subsection (3), the Board may recredit an inmate whose parole is revoked with all or part of the earned remission credited to the inmate at the time the parole was granted.

Exclusive
jurisdiction

27(1) The Board has exclusive jurisdiction to

- (a) grant or refuse to grant a parole,
- (b) suspend, revoke or terminate a parole, and
- (c) inquire into, hear and determine all matters arising under this Act.

(2) Any order, action or decision made by the Board under this Part is final and conclusive and no order shall be made or process entered or proceedings taken in any court to question, review, prohibit or restrain the Board or any of its proceedings.

(3) The Provincial Parole Board shall forthwith after the paroled persons return to a correctional institution review the case and shall either cancel the suspension or revoke the parole.

30 The Provincial Parole Board may in its discretion change or vary the terms and conditions attached to a parole.

(3) Notwithstanding subsection (2), the Board may reconsider its order, action or decision concerning an inmate or parolee if it receives an application to do so on behalf of the inmate or parolee within the prescribed period.

Annual Report

28 The Board must submit a report on the operation of the Board at the end of each fiscal year to the Minister who must lay the report before the Legislative Assembly if it is then sitting or, if it is not sitting, within 15 days after the commencement of the next sitting.

Reprieves and pardons

29 Nothing in this Act shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor General of Canada or the Lieutenant Governor of Alberta to grant a reprieve, pardon or commutation of sentence in any case.

4 Section 33 is amended by adding the following after clause (v)

- (v.1) establishing terms for part-time members of the Board;
- (v.2) specifying the minimum portion of the term of imprisonment that an inmate must serve to be eligible to apply for
 - (i) day parole, or
 - (ii) full parole;
- (v.3) for all matters relating to parole not inconsistent with this Act or the *Corrections and Conditional Release Act (Canada)*;

4 Section 33 presently reads:

33 *The Lieutenant Governor in Council may make regulations*

- (a) respecting the qualifications, duties and powers of probation officers;*
- (a.1) governing reports by probation officers;*
- (b) for the good order and internal management, including the direction and co-ordination of programs, of correctional institutions;*
- (b.1) concerning the security of correctional institutions and the discipline of inmates;*
- (c) regarding the searching of visitors and other persons entering a correctional institution;*
- (c.1) prescribing and governing the duties and conduct of persons employed in correctional institutions;*
- (d) establishing standards for the maintenance and operation of correctional institutions and the inspection of them;*
- (d.1) prescribing the privileges that may be earned, suspended or forfeited by inmates in correctional institutions;*
- (e) prescribing penalties for inmates who fail to comply with the regulations or the rules of the correctional institution;*
- (e.1) governing the procedure and conduct of disciplinary hearings under section 15;*
- (f) requiring an inmate on entry to and during his imprisonment in a correctional institution to submit to searches and to medical, dental and mental examinations;*
- (f.1) for the transfer of inmates from one correctional institution to another;*
- (g) for the provision to an inmate on his release of clothing, transport and money;*
- (h) governing the operation, management and selection of classification and selection committees including provision for any matter mentioned in section 11;*
- (i) specifying the matters regarding which a director may make rules for a correctional institution;*

- (j) governing the establishment of employment programs and the organization, operation, management and administration of them;*
- (k) governing the manner in which an inmate may apply for entry to an employment program and the conditions and restrictions attached to entry to the program;*
- (l) establishing the criteria on which the director of a correctional institution must judge the advisability or otherwise of permitting an inmate to enter an employment program;*
- (m) respecting the security of inmates and the duties and responsibilities of an employer of inmates;*
- (n) prescribing a schedule of incentive allowances to be paid to inmates engaged in an employment or training program;*
- (o) respecting the terms and conditions attached to employment or training programs;*
- (p) governing the manner in which an employer pays the earnings of an inmate to the director of a correctional institution;*
- (q) concerning the disbursement by the director of a correctional institution of any earnings of the inmate;*
- (r) respecting the establishment and operation of canteens in correctional institutions and the distribution of profits therefrom;*
- (s) authorizing and governing the establishment of committees to inquire into any matter relating to the operation of a correctional institution;*
- (t) establishing types of parole and the particular terms and conditions attached to each type;*
- (u) concerning the persons or classes of persons eligible to apply for parole and the portions, if any, of the terms of imprisonment that inmates must serve before parole may be granted;*
- (v) respecting the terms and conditions attached to parole;*
- (w) governing the establishment, operation and management of programs relating to probation and community corrections;*

Coming into
force

5 This Act comes into force on Proclamation.

- (x) relating to the temporary absence of inmates;*
- (y) prescribing forms and providing for their use;*
- (z) prescribing the rates of fees payable to witnesses attending committees of inquiry established under this Act.*

5 Coming into force.