

*Bill 6*

## **BILL 6**

2003

### **JUSTICE STATUTES AMENDMENT ACT, 2003**

*(Assented to , 2003)*

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

#### **Judicature Act**

**Amends RSA 2000 cJ-2**

**1(1) The *Judicature Act* is amended by this section.**

**(2) Section 32(a) is amended by striking out “masters, judges and”.**

**(3) Section 49 is amended**

**(a) in clause (a) by striking out “, but does not include any portion of that building not used in connection with the courtroom”;**

**(b) in clause (e) by adding “, or a member of a class of persons,” after “person”.**

**(4) Section 50 is amended**

- (a) in subsection (1) by adding “or a class of persons” after “persons”;**
- (b) in subsection (2) by striking out “appointed under subsection (1)”.**

**Petty Trespass Act**

**Amends RSA 2000 cP-11**

**2(1) The *Petty Trespass Act* is amended by this section.**

**(2) Section 2 is amended by striking out “\$100” and substituting “\$2000”.**

**(3) Section 5 is repealed.**

**(4) This section comes into force on Proclamation.**

**Trespass to Premises Act**

**Amends RSA 2000 cT-7**

**3(1) The *Trespass to Premises Act* is amended by this section.**

**(2) Section 3 is amended by striking out “\$1000” and substituting “\$2000”.**

**(3) Section 6 is repealed.**

**(4) This section comes into force on Proclamation.**

### **Young Offenders Act**

**Amends RSA 2000 cY-1**

**4(1) The *Young Offenders Act* is amended by this section.**

**(2) The title of the Act is repealed and the following is substituted:**

### **YOUTH JUSTICE ACT**

**(3) Section 1 is amended**

**(a) in subsection (1)**

**(i) in clause (b) by striking out** “under the age of 12 years” **and substituting** “less than 12 years old”;

**(ii) in clause (c) by adding** “before April 1, 2003” **after** “under this Act”;

**(iii) in clause (d) by striking out** “*Young Offenders*” **and substituting** “*Youth Criminal Justice*”;

**(iv) by repealing clause (m) and substituting the following:**

(m) “young person” means a person who is or, in the absence of evidence to the contrary, appears to be 12 years old or older, but less than 18 years old and, if the context requires, includes any person who is charged under this Act with having committed an offence while the person was a young person or who is found guilty of an offence under this Act;

**(v) in clause (n) by adding** “justice” **after** “youth” **wherever it occurs;**

**(vi) in clause (o) by adding** “justice” **after** “youth”;

**(vii) by adding the following after clause (o):**

(o.1) “youth sentence” means a sentence imposed under this Act and includes a confirmation or a variation of a youth sentence;

**(b) by adding the following after subsection (2):**

**(3)** On and after April 1, 2003, a disposition is deemed to be a youth sentence.

**(4) Section 3 is amended**

**(a) in subsection (1)**

- (i) by striking out “Alternative measures” and substituting “Extra-judicial sanctions”;**
- (ii) in clause (a) by striking out “the measures” and substituting “the sanctions”;**
- (iii) in clauses (a), (b), (c) and (d) by striking out “alternative measures” wherever it occurs and substituting “extra-judicial sanctions”;**

**(b) in subsection (2)**

- (i) by striking out “Alternative measures” and substituting “Extra-judicial sanctions”;**
- (ii) in clause (b) by striking out “youth court” and substituting “youth justice court”;**

**(c) in subsections (3) and (4) by striking out “alternative measures” wherever it occurs and substituting “extra-judicial sanctions”;**

**(d) in subsection (4)(a) by striking out “youth court” wherever it occurs and substituting “youth justice court”;**

**(e) in subsection (4)(b)**

- (i) by striking out “making a disposition” and substituting “imposing a youth sentence”;**
- (ii) by adding “justice” after “youth” wherever it occurs.**

**(5) Section 9 is amended by striking out** “Subsections 8(2) to (7) of the federal Act apply” **and substituting** “Section 33 of the federal Act applies”.

**(6) Section 14 is amended**

**(a) in subsection (1)**

- (i) by striking out** “youth court” **and substituting** “youth justice court”;
- (ii) by striking out** “making a disposition” **and substituting** “the imposition of a youth sentence”;
- (iii) by striking out** “pre-disposition” **and substituting** “pre-youth-sentence”;

**(b) in subsection (2)**

- (i) by striking out** “pre-disposition” **and substituting** “pre-youth-sentence”;
- (ii) in clause (b)(iii) by adding** “youth sentences,” **before** “sentences or”;

**(c) in subsections (3), (5), (6), (7) and (8) by striking out** “youth court” **wherever it occurs and substituting** “youth justice court”;

**(d) in subsections (3) to (10) by striking out** “pre-disposition” **and substituting** “pre-youth-sentence”.

**(7) Section 15 is amended**

**(a) in subsection (1)**

- (i) by striking out** “youth court” **and substituting** “youth justice court”;
- (ii) by striking out** “make a disposition” **and substituting** “impose a youth sentence”;

**(b) in subsection (4)**

- (i) by striking out** “youth court” **wherever it occurs and substituting** “youth justice court”;
- (ii) in clause (c) by striking out** “\$500” **and substituting** “\$1000”;

**(c) in subsection (5)**

- (i) by striking out** “youth court” **wherever it occurs and substituting** “youth justice court”;
- (ii) by adding** “or in addition to” **after** “instead of”;
- (iii) by striking out** “or” **at the end of clause (a), adding** “or” **at the end of clause (b) and adding the following after clause (b):**
  - (c) both the performance of community service described in clause (a) and probation described in clause (b).

**(d) in subsection (6) by striking out** “disposition is made” **and substituting** “youth sentence is imposed” **and by striking out** “dispositions” **and substituting** “youth sentences”;

**(e) in subsection (7) by striking out** “disposition made” **and substituting** “youth sentence imposed” **and by striking out** “the disposition” **and substituting** “the youth sentence”;

**(f) in subsection (8) by striking out** “disposition” **and substituting** “youth sentence”.

**(8) Section 16 is amended**

- (a) in subsection (1) by striking out “youth court” and substituting “youth justice court”;**
- (b) in subsection (2)**
  - (i) by striking out “disposition may be made” and substituting “youth sentence may be imposed”;**
  - (ii) by striking out “youth court” and substituting “youth justice court”;**
  - (iii) in clause (a) by striking out “disposition is made” and substituting “youth sentence is imposed” and by striking out “such a disposition” and substituting “such a youth sentence”;**
  - (iv) in clause (b) by striking out “disposition” and substituting “youth sentence”;**
- (c) in subsection (3) by striking out “disposition may be made” and substituting “youth sentence may be imposed” and by striking out “the disposition” and substituting “the youth sentence”;**
- (d) in subsection (4)**
  - (i) by striking out “youth court” and substituting “youth justice court”;**
  - (ii) by striking out “disposition has been made” and substituting “youth sentence has been imposed” and by striking out “the disposition” and substituting “the youth sentence”.**

**(9) Section 17 is amended**

- (a) in subsection (1) by striking out “disposition given” and substituting “youth sentence imposed”;**

- (b) in subsection (2)(h) by striking out** “the good conduct of the young person and for preventing the commission by the young person of other offences” **and substituting** “the young person’s good conduct and for preventing the young person from repeating the offence or committing other offences”;
- (c) in subsection (3)(b) by striking out** “ascertain” **and substituting** “confirm”;
- (d) in subsection (6) by adding** “or of a parent to receive a copy of the order” **before** “does not affect”;
- (e) by repealing subsection (7) and substituting the following:**
  - (7)** A probation order comes into force
    - (a) on the date on which the order is made, or
    - (b) if a young person receives a youth sentence that includes a period of custody, at the end of the period of custody.
- (f) in subsections (1), (2), (3), (4), (8) and (9) by striking out** “youth court” **wherever it occurs and substituting** “youth justice court”.

**(10) Section 18 is amended**

**(a) in subsection (1)**

- (i) by striking out “youth court” wherever it occurs and substituting “youth justice court”;**
- (ii) by striking out “made a disposition” and substituting “imposed a youth sentence” and by striking out “the disposition” wherever it occurs and substituting “the youth sentence”;**

**(b) in subsections (2) and (3)**

- (i) by striking out “youth court” and substituting “youth justice court”;**
- (ii) by striking out “disposition” wherever it occurs and substituting “youth sentence”;**

**(c) by adding the following after subsection (4):**

**(4.1)** A progress report may be submitted to the youth justice court orally or in writing.

- (d) in subsections (5), (6), (11) and (13) by striking out “disposition” wherever it occurs and substituting “youth sentence”;**
- (e) in subsections (6), (9), (10), (11), (12) and (14) by striking out “youth court” wherever it occurs and substituting “youth justice court”;**
- (f) in subsection (14) by striking out “disposition was made” and substituting “youth sentence was imposed”;**
- (g) in subsection (15) by striking out “disposition made” and substituting “youth sentence imposed”.**

**(11) Section 19 is amended**

- (a) in subsection (1) by striking out “disposition” and substituting “youth sentence”;**
- (b) in subsection (2) by striking out “youth court” wherever it occurs and substituting “youth justice court”.**

**(12) Section 20 is amended**

- (a) in subsections (1) and (2) by striking out “disposition” and substituting “youth sentence”;**
- (b) in subsection (3)**
  - (i) by striking out “disposition under section 15 or to be committed into” and substituting “youth sentence under section 15 or to be committed into a place of”;**
  - (ii) by striking out “disposition that was made pursuant to a conviction for a breach of section 13(1)” and substituting “youth sentence that was imposed pursuant to a conviction for a breach”.**

**(13) Section 21(1) is amended**

- (a) by striking out “disposition” and substituting “youth sentence”;**
- (b) in clause (a) by striking out “15 days” and substituting “30 days”.**

**(14) Section 22 is amended**

- (a) in subsection (1)**
  - (i) by striking out “disposition has been made” and substituting “youth sentence has been imposed”;**
  - (ii) by striking out “youth court judge” and substituting “youth justice court judge”;**
  - (iii) by striking out “the disposition” and substituting “the youth sentence”;**
- (b) in subsection (2) by striking out “disposition” wherever it occurs and substituting “youth sentence”;**
- (c) in subsection (3)**
  - (i) by striking out “disposition has been made” and substituting “youth sentence has been imposed” and by striking out “the disposition” wherever it occurs and substituting “the youth sentence”;**
  - (ii) by striking out “youth court” wherever it occurs and substituting “youth justice court”;**
- (d) in subsection (4)**
  - (i) by striking out “disposition” wherever it occurs and substituting “youth sentence”;**
  - (ii) by striking out “youth court” wherever it occurs and substituting “youth justice court”.**

**(15) Section 23 is amended by striking out “disposition made” and substituting “youth sentence imposed” and by striking out “the disposition” and substituting “the youth sentence”.**

**(16) Section 24 is amended**

- (a) in subsection (1)(b) by striking out “disposition” and substituting “youth sentence”;**
- (b) in subsection (3) by striking out “youth court” wherever it occurs and substituting “youth justice court”.**

**(17) Section 25 is amended**

**(a) in subsection (1)**

**(i) by striking out “youth court” wherever it occurs and substituting “youth justice court”;**

**(ii) in clause (b) by striking out “public morals,”;**

**(b) in subsection (2) by striking out “youth court” and substituting “youth justice court”;**

**(c) in subsection (3)**

**(i) by striking out “youth court” wherever it occurs and substituting “youth justice court”;**

**(ii) by striking out “disposition” and substituting “youth sentence”.**

**(18) Section 26 is amended**

- (a) in subsection (1) by adding “justice” after “youth”;**
- (b) in subsection (2) by adding “justice” after “youth” wherever it occurs;**
- (c) in subsection (3)**
  - (i) by adding “justice” after “youth”;**
  - (ii) by striking out “make any one or more of the dispositions” and substituting “impose any one or more of the youth sentences”;**
  - (iii) by striking out “disposition” and substituting “youth sentence”;**
- (d) in subsection (4) by striking out “disposition” and substituting “youth sentence”.**

**(19) Section 32 is amended**

**(a) in subsection (2)(c) by striking out “counsel or a parent” and substituting “counsel and a parent”;**

**(b) by adding the following after subsection (4):**

**(4.1)** When a waiver of rights under subsection (2)(c) or (d) is not made in accordance with subsection (4) because of an irregularity, the youth justice court may determine that the waiver is valid if it is satisfied that the young person was informed of his or her rights and voluntarily waived them.

**(4.2)** When there has been an irregularity in complying with subsection (2)(b) to (d), the youth justice court may admit into evidence a statement referred to in subsection (2) if it is satisfied that the admission of the statement would not bring into disrepute the principle that young persons are entitled to enhanced procedural protection to ensure that they are treated fairly and their rights are protected.

**(4.3)** A youth justice court judge in any proceedings under this Act may rule admissible any statement or waiver by a young person if, at the time of making the statement or waiver,

- (a) the young person held himself or herself out as being 18 years old or over,
- (b) the person to whom the statement or waiver was made conducted reasonable inquiries as to the age of the young person and had reasonable grounds for believing that the young person was 18 years old or older, and
- (c) in all other circumstances the statement or waiver would otherwise be admissible.

**(c) in subsection (5) by striking out “youth court” and substituting “youth justice court”.**

**(20) Section 33 is amended**

- (a) in subsection (1) by adding “justice” after “youth” wherever it occurs;**
- (b) in subsection (3) by striking out “disposition made” and substituting “youth sentence imposed”.**

**(21) Section 34 is amended by striking out “dispositions made” and substituting “youth sentences imposed”.**

**(22) In the following provisions “youth court” is struck out wherever it occurs and “youth justice court” is substituted:**

section 4(1);  
section 6(2), (4) and (5);  
section 7(1), (2)(a) and (b), (3) and (4);  
section 10(6) and (9);  
section 11(1), (3), (4) and (5);  
section 12(1) and (2);  
section 13;  
section 27;  
section 28(1), (2) and (3);  
section 29(2) and (3);  
section 31.

**(23) Section 35(b) is amended by striking out “youth courts” and substituting “youth justice courts”.**

**(24) If, before or after the coming into force of this Act, proceedings are commenced but not completed under the Young Offenders Act in respect of an offence alleged to have been committed before the coming into force of this Act, the proceedings and all related matters must be dealt with as if the offence occurred after the coming into force of this Act.**

**(25) The *Adult Interdependent Relationships Act* is amended in section 82(1) by striking out “*Young Offenders Act*” and substituting “*Youth Justice Act*”.**

**(26) The *Corrections Act* is amended in section 1(d) by striking out “*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)” and substituting “*Youth Justice Act* or the *Youth Criminal Justice Act* (Canada) in respect of whom no order has been made under sections 72 and 73(1) of the *Youth Criminal Justice Act* (Canada)”.**

**(27) The *Election Act* is amended in section 45(c) by striking out “*Young Offenders Act* or the *Young Offenders Act* (Canada)” and substituting “*Youth Justice Act* or the *Youth Criminal Justice Act* (Canada)”.**

**(28) The *Provincial Court Act* is amended**

**(a) in section 10(b) by striking out “*Young Offenders Act* or the *Young Offenders Act* (Canada)” and substituting “*Youth Justice Act* or the *Youth Criminal Justice Act* (Canada)”;**

**(b) in section 11**

**(i) by striking out “*Young Offenders Act* and the *Young Offenders Act* (Canada)” and substituting “*Youth Justice Act* and the *Youth Criminal Justice Act* (Canada)”;**

**(ii) by adding “justice” after “youth” wherever it occurs;**

**(c) in section 12 by striking out “*Young Offenders Act* and the *Young Offenders Act* (Canada)” and substituting “*Youth Justice Act* and the *Youth Criminal Justice Act* (Canada)”.**

**(29) The *School Act* is amended**

- (a) **in section 1(2)(e) by striking out** “*Young Offenders Act* or the *Young Offenders Act (Canada)*” **and substituting** “*Youth Justice Act* or the *Youth Criminal Justice Act (Canada)*”;
- (b) **in section 44(7)(b) by striking out** “*Young Offenders Act (Canada)* or the *Young Offenders Act*” **and substituting** “*Youth Justice Act* or the *Youth Criminal Justice Act (Canada)*”.

**(30) The *Traffic Safety Act* is amended in section 9(1) by striking out “*Young Offenders Act*” and substituting “*Youth Justice Act*”.**

**(31) The *Victims of Crime Act* is amended in section 4(1) by striking out “*Young Offenders Act* and the *Young Offenders Act (Canada)*” and substituting “*Youth Justice Act* and the *Youth Criminal Justice Act (Canada)*”.**

**(32) In the following enactments “*Young Offenders Act* (Canada)” is struck out wherever it occurs and “*Youth Criminal Justice Act* (Canada)” is substituted:**

*Fatality Inquiries Act*, sections 11(a) and 12(a);  
*Mental Health Act*, sections 3 and 13(1) and (2);  
*Teaching Profession Act*, section 16(e);  
*Victims Restitution and Compensation Payment Act*, section 1(1)(b).

## **Explanatory Notes**

### **Judicature Act**

1(1) Amends chapter J-2 of the Revised Statutes of Alberta 2000.

(2) Section 32(a) presently reads:

*32 The Judicial Council may*

(a) *consider proposed appointments of persons as masters, judges and justices of the peace and report its recommendations to the Minister of Justice and Attorney General,*

(3) Section 49 presently reads in part:

*49 In this Part,*

(a) *“courthouse” means a building in which a courtroom is located, but does not include any portion of that building not used in connection with the courtroom;*

(e) “security officer” means a person appointed by the Minister under section 50;

(4) Section 50 presently reads:

*50(1) The Minister may appoint persons as security officers for the purpose of providing security in a courthouse.*

*(2) Every security officer appointed under subsection (1) has, for the purposes of this Part, the powers of a peace officer.*

#### **Petty Trespass Act**

**2(1)** Amends chapter P-11 of the Revised Statutes of Alberta 2000.

(2) Section 2 presently reads:

*2 A person who contravenes section 1, whether or not any damage is occasioned by the contravention, is guilty of an offence and liable to a fine of not more than \$100.*

(3) Section 5 presently reads:

*5 No person shall be prosecuted under this Act except on an information laid by the owner or occupier of land, or the owner’s or occupier’s servant.*

(4) Coming into force.

#### **Trespass to Premises Act**

**3(1)** Amends chapter T-7 of the Revised Statutes of Alberta 2000.

(2) Section 3 presently reads:

*3 A trespasser, whether or not any damage is occasioned by the trespass, is guilty of an offence and liable to a fine of not more than \$1000.*

(3) Section 6 presently reads:

6 *A trespasser shall not be prosecuted for committing a trespass except on an information laid by the owner or an authorized representative of the owner of the premises in respect of which the trespass was committed.*

(4) Coming into force.

### **Young Offenders Act**

4(1) Amends chapter Y-1 of the Revised Statutes of Alberta 2000.

(2) The title presently reads:

*Young Offenders Act*

(3) Section 1 presently reads in part:

*1(1) In this Act,*

- (b) *“child” means a person who is or, in the absence of evidence to the contrary, appears to be under the age of 12 years;*
- (c) *“disposition” means a disposition made under this Act and includes a confirmation or a variation of a disposition;*
- (d) *“federal Act” means the Young Offenders Act (Canada);*
- (m) *“young person” means*
  - (i) *on or before March 31, 1985, a person who is or, in the absence of evidence to the contrary, appears to be 12 years of age or more but under 16 years of age, and*
  - (ii) *on or after April 1, 1985, a person who is or, in the absence of evidence to the contrary, appears to be 12 years of age or more but under 18 years of age;*
- (n) *“youth court” means the Provincial Court and includes a youth court judge and a justice;*

- (o) “youth court judge” means a person appointed as a judge of the Provincial Court;

(4) Section 3 presently reads:

*3(1) Alternative measures may be used to deal with a young person alleged to have committed an offence instead of judicial proceedings under this Act only if*

- (a) *the measures are part of a program of alternative measures authorized by the Minister and the alleged offence is an offence designated by the Minister as an offence with respect to which alternative measures may be used,*
- (b) *the person who is considering whether to use alternative measures is satisfied that they would be appropriate, having regard to the needs of the young person and the interests of society,*
- (c) *the young person, having been informed of the alternative measures, fully and freely consents to participate in them,*
- (d) *the young person has, before consenting to participate in the alternative measures, been advised of the young person’s right to be represented by counsel and been given a reasonable opportunity to consult with counsel,*
- (e) *the young person accepts responsibility for the act or omission that forms the basis of the offence that the young person is alleged to have committed,*
- (f) *there is, in the opinion of the Minister or the Minister’s agent, sufficient evidence to proceed with the prosecution of the offence, and*
- (g) *the prosecution of the offence is not in any way barred at law.*

*(2) Alternative measures shall not be used to deal with a young person alleged to have committed an offence if the young person*

- (a) denies the young person's participation or involvement in the commission of the offence, or*
- (b) expresses the young person's wish to have any charge against the young person dealt with by the youth court.*

*(3) No admission, confession or statement accepting responsibility for a given act or omission made by a young person alleged to have committed an offence as a condition of the young person being dealt with by alternative measures shall be admissible in evidence against the young person in any civil proceedings or in a prosecution under an Act of the Legislature.*

*(4) The use of alternative measures in respect of a young person alleged to have committed an offence is not a bar to proceedings against the young person under this Act, but*

- (a) where the youth court is satisfied on a balance of probabilities that the young person has totally complied with the terms and conditions of the alternative measures, the youth court shall dismiss any charge against the young person, and*
- (b) where the youth court is satisfied on a balance of probabilities that the young person has partially complied with the terms and conditions of the alternative measures, the youth court may dismiss any charge against the young person if, in the opinion of the court, the prosecution of the charge would, having regard to the circumstances, be unfair, and the youth court may consider the young person's performance with respect to the alternative measures before making a disposition under this Act.*

*(5) Subject to subsection (4), nothing in this section is to be construed to prevent any person from laying an information, obtaining the issue or confirmation of any process or proceeding with the prosecution of any offence in accordance with law.*

(5) Section 9 presently reads:

*9 Subsections 8(2) to (7) of the federal Act apply to proceedings under this Act.*

(6) Section 14 presently reads:

*14(1) If the youth court considers it necessary for making a disposition under section 15 in respect of a young person who is found guilty of an offence, it may require the provincial director*

*to prepare a pre-disposition report in respect of the young person and to submit the report to the court.*

*(2) Subject to subsection (3), a pre-disposition report shall be in writing and may include only*

*(a) the results of an interview between a youth worker and the young person and, where reasonably possible, the results of an interview between a youth worker and the parents of the young person and, if the young person is married, the young person's spouse, and*

*(b) where applicable, information as to*

*(i) the age, maturity, character and attitude of the young person and the young person's willingness to make amends,*

*(ii) any plans put forward by the young person to change the young person's conduct or to participate in activities or undertake measures to improve the young person,*

*(iii) the history of previous findings of guilt in accordance with the federal Act, this Act or under any other Act, the history of community or other services rendered to the young person with respect to those findings and the response of the young person to previous sentences or dispositions and to services rendered to the young person,*

*(iv) the availability of community services and facilities for young persons and the willingness of the young person to avail himself or herself of those services or facilities,*

*(v) the relationship between the young person and the young person's parents and the degree of control and influence of the parents over the young person, and*

*(vi) the school attendance and performance record and the employment record of the young person.*

*(3) If a pre-disposition report cannot reasonably be committed to writing, it may, with leave of the youth court, be submitted orally in youth court.*

*(4) A pre-disposition report shall form part of the record of the proceedings in respect of which it was requested.*

*(5) If a pre-disposition report is submitted to the youth court in writing, the court*

*(a) shall, subject to subsection (7), cause a copy of the report to be given to*

- (i) *the young person,*
- (ii) *a parent of the young person, if the parent is in attendance at the proceedings against the young person,*
- (iii) *counsel, if any, representing the young person, and*
- (iv) *the Minister or the Minister's agent,*

*and*

- (b) *may cause a copy of the report to be given to a parent of the young person not in attendance at the proceedings against the young person if the parent is, in the opinion of the youth court, taking an active interest in the proceedings.*

*(6) If a pre-disposition report is submitted to the youth court, the young person, subject to subsection (7), or the young person's counsel, if any, and the Minister or the Minister's agent shall on application to the youth court be given the opportunity to cross-examine the youth worker who made the report.*

*(7) If a pre-disposition report is submitted to the youth court, the court may, if disclosure of part of the report to the young person would, in the opinion of the court, be seriously injurious to the young person,*

- (a) *withhold that part of the report from the young person, and*
- (b) *exclude the young person from court during the consideration of that part of the report.*

*(8) If a pre-disposition report is submitted to the youth court, the court, subject to subsection (7),*

- (a) *shall, on receipt of an application, cause a copy or a transcript of the report to be supplied to*
  - (i) *any person referred to in subsection (5),*
  - (ii) *any court that is dealing with matters relating to the young person, and*
  - (iii) *any youth worker to whom the young person's case has been assigned,*

*and*

- (b) *may, on receipt of an application, cause a copy or a transcript of the report, or a part of it, to be supplied to any person not otherwise authorized under this section*

*to receive a copy if, in the opinion of the court, the person has a valid interest in the proceedings.*

*(9) The provincial director may make a copy or a transcript of the pre-disposition report, or any part of it, available to any person in whose custody or under whose supervision the young person is placed or to any other person who is assisting in any way in the care or treatment of the young person.*

*(10) No statement made by a young person in the course of the preparation of a pre-disposition report in respect of the young person is admissible in evidence against the young person in any civil proceedings or in a prosecution under an Act of the Legislature, except in proceedings under section 15, 18 or 22.*

(7) Section 15 presently reads:

*15(1) If the youth court finds a young person guilty of an offence, it shall consider*

*(a) any representations made by the Minister or the Minister's agent, the young person or the young person's counsel, if any, and the parents of the young person or, if the young person is married, the young person's spouse, and*

*(b) any other relevant information before the court,*

*and the court shall then, subject to subsections (2) to (6), make a disposition that is a sentence that an ordinary court would impose.*

*(2) Subject to section 20, a young person who was under 16 years of age when the young person committed an offence is not liable to be committed into custody in respect of that offence.*

*(3) If a young person is committed into custody it must be served in a place of custody, continuously or intermittently, for a period not exceeding 6 months.*

*(4) If the youth court imposes a fine on a young person, the fine shall not exceed the least of*

*(a) the maximum fine that may be imposed on an adult in ordinary court with respect to the same offence as that of which the young person has been found guilty,*

*(b) notwithstanding section 2(1) and (2), in the case of an offence for which a voluntary payment may be made under the Provincial Offences Procedure Act, an amount equal to the specified penalty payable in respect of the offence, and*

*(c) \$500,*

*to be paid at the times and on the terms that the youth court fixes.*

*(5) If the youth court considers it appropriate, the youth court may, instead of imposing a fine under subsection (4), order*

- (a) the young person to perform community service in accordance with section 16, and at the time and places the youth court fixes, and in determining the amount of community service to be performed, the youth court shall have regard to the fine it would have imposed and to the minimum wage in effect, or*
- (b) that the young person be placed on probation in accordance with section 17 for a period not exceeding 6 months.*

*(6) If more than one disposition is made under this section in respect of the same offence, the combined duration of the dispositions shall not exceed 6 months.*

*(7) A disposition made under this section continues in effect, in accordance with the terms of the disposition, after the young person against whom it is made becomes an adult.*

*(8) If a young person is found guilty of an offence, nothing in this section precludes, in addition to any disposition imposed under this section, any rights, benefits, licences, permits or privileges held by the young person being cancelled, revoked, suspended or otherwise dealt with in accordance with the enactment under which the offence was committed.*

**(8) Section 16 presently reads:**

*16(1) The youth court may, in imposing a fine on a young person under section 15, have regard to the present and future means of the young person to pay.*

*(2) No disposition may be made under section 15 to perform community service unless the youth court is satisfied*

- (a) that the young person against whom the disposition is made is a suitable candidate for such a disposition,*
- (b) that the disposition will not interfere with the normal hours of work, education or training of the young person, and*
- (c) that the person or organization for whom the community service is to be performed
  - (i) is part of a program approved by the provincial director, or*
  - (ii) has agreed to its performance.**

*(3) No disposition may be made under section 15 to perform community service unless the service can be completed in 100 hours or less and within 6 months of the date of the disposition.*

*(4) A youth court may, on application by or on behalf of the young person in respect of whom a disposition has been made under section 15(4) or (5), allow further time for the completion of the disposition.*

(9) Section 17 presently reads:

*17(1) Where the disposition given under section 15 is a probation order, the following conditions shall be included in the order:*

- (a) that the young person bound by the probation order shall keep the peace and be of good behaviour, and*
- (b) that the young person shall appear before the youth court when required by the youth court to do so.*

*(2) A probation order made under section 15 may include any one or more of the following conditions that the youth court considers appropriate:*

- (a) that the young person bound by the probation order report to and be under the supervision of the provincial director or a person designated by the provincial director or by the youth court;*
- (b) that the young person remain in Alberta;*
- (c) that the young person shall notify the clerk of the youth court, the provincial director or the youth worker assigned to the young person's case of any change in the young person's place of employment, education or training;*

- (d) *that the young person make reasonable efforts to obtain and maintain suitable employment;*
  - (e) *that the young person attend school or any other place of education, training or recreation that is appropriate;*
  - (f) *that the young person reside with a parent, or any other adult whom the court considers appropriate, who is willing to provide for the care and maintenance of the young person;*
  - (g) *that the young person reside in a place that the provincial director specifies;*
  - (h) *that the young person comply with any other conditions set out in the order that the court considers desirable, including conditions for securing the good conduct of the young person and for preventing the commission by the young person of other offences.*
- (3) *Where the youth court makes a probation order, it shall*
- (a) *cause the order to be read by or to the young person,*
  - (b) *explain or cause to be explained to the young person the purpose and effect of the order and ascertain that the young person understands it, and*
  - (c) *cause a copy of the order to be given to the young person and to a parent of the young person, if the parent is in attendance at the proceedings against the young person.*
- (4) *If the youth court makes a probation order, it may give a copy of the order to a parent of the young person not in attendance at the proceedings against the young person if the parent is, in the opinion of the court, taking an active interest in the proceedings.*
- (5) *After a probation order has been read by or to a young person and explained to the young person pursuant to subsection (3), the young person shall endorse the order acknowledging that the young person has received a copy of the order and acknowledging the fact that it has been explained to the young person.*
- (6) *The failure of a young person to endorse a probation order pursuant to subsection (5) does not affect the validity of the order.*
- (7) *A probation order comes into force on the date on which the order is made.*

*(8) A young person may be given notice to appear before the youth court pursuant to subsection (1)(b) orally or in writing.*

*(9) If a young person to whom a notice to appear before the youth court pursuant to subsection (1)(b) is given in writing does not appear at the time and place named in the notice and it is proved that a copy of the notice was given to the young person, a youth court may issue a warrant to compel the appearance of the young person.*

(10) Section 18 presently reads:

*18(1) If the youth court has made a disposition under section 15, the youth court shall, on the application of the young person, the young person's parent, the young person's spouse, if the young person is married, the Minister or the Minister's agent or the provincial director, made at any time prior to the expiration of the disposition, review the disposition if the court is satisfied that there are grounds for a review under subsection (2).*

*(2) A review of a disposition may be made under this section*

- (a) on the ground that the circumstances that led to the disposition have changed materially,*
- (b) on the ground that the young person in respect of whom the review is to be made is unable to comply with or is experiencing serious difficulty in complying with the terms of the disposition,*
- (c) on the ground that the terms of the disposition are adversely affecting the opportunities available to the young person to obtain services, education, employment or training, or*
- (d) on any other grounds that the youth court considers appropriate.*

*(3) The youth court may require the provincial director to prepare a progress report on the performance of the young person since the disposition took effect.*

*(4) A progress report may include information relating to the personal and family history and present environment of the young person as the provincial director considers advisable, and section 14(4) to (9) apply to a progress report.*

*(5) No review of a disposition may be commenced until the time for an appeal against the disposition or the finding on which the disposition was based has expired and until all proceedings in respect of the appeal, if taken, have been completed or the appeal has been abandoned.*

*(6) Where a review of a disposition is applied for under subsection (1), the person who applies for the review shall cause*

*a written notice, as directed by rules of court applicable to the youth court, or, in the absence of rules on notice, at least 5 days' written notice of the review, to be given to the young person, the young person's parents, the young person's spouse, if the young person is married, the provincial director and the Minister or the Minister's agent.*

*(7) A notice under subsection (6) may be served personally or may be sent by double registered mail.*

*(8) A person entitled to notice under subsection (6) may waive the right to the notice.*

*(9) If notice under subsection (6) is not given in accordance with this section, the youth court may*

*(a) adjourn the proceedings and order that the notice be given in the manner and to any persons that it directs, or*

*(b) dispense with the notice where, in the opinion of the court, having regard to the circumstances, notice may be dispensed with.*

*(10) The youth court may, by summons or warrant, compel a young person in respect of whom a review is to be made under this section to appear before the youth court for the purposes of the review.*

*(11) Subject to subsection (12), if a youth court reviews a disposition under this section, it may, after granting the young person, the young person's counsel, if any, the young person's parents, the young person's spouse, if the young person is married, the Minister or the Minister's agent and the provincial director an opportunity to be heard,*

*(a) confirm the disposition,*

*(b) terminate the disposition and discharge the young person from any further obligation of the disposition, or*

*(c) vary the disposition or make a new disposition set out in section 15, for a period of time not exceeding the remainder of the period of the earlier disposition, that the court considers appropriate in the circumstances.*

*(12) If, when the young person was found guilty of an offence in respect of which the review is being made, the young person was not liable to be committed into custody, the youth court may not, on review, commit the young person into custody.*

*(13) Subject to subsection (14), no disposition made under subsection (11) may be more onerous than the remaining portion of the disposition reviewed.*

*(14) If the court is satisfied that the young person requires more time to comply with an order to perform community service, the youth court may under this section extend the time within which the order to perform community service is to be complied with by a young person, but in no case shall the extension be for a period of time that expires more than 6 months after the date that the disposition was made under section 15.*

*(15) Subject to this section, sections 15(2) and (3), 16 and 17 apply in respect of a disposition made under this section.*

(11) Section 19 presently reads:

*19(1) If proceedings have been commenced against a young person under Part 2 of the Provincial Offences Procedure Act and the young person makes a voluntary payment by cheque and the cheque is dishonoured on the grounds that no funds or insufficient funds were on deposit to the credit of the account in the institution on which the cheque was drawn, the conviction under section 26(2) of the Provincial Offences Procedure Act continues and is deemed to be a finding of guilt and the fine remains outstanding and is deemed to be a disposition under this Act.*

*(2) The clerk shall give notice to the young person by ordinary mail at the young person's address for service that the cheque has been dishonoured, the conviction continues and the fine remains outstanding, and if the fine remains outstanding 15 days after the notice has been sent, the youth court may, by summons or warrant, compel the young person to appear before the youth court to show cause why a review of the fine pursuant to section 18 of this Act should not be made.*

(12) Section 20 presently reads:

*20(1) A person who wilfully fails or refuses to comply with a disposition or any term or condition of it is guilty of an offence.*

*(2) Subject to subsection (3), a young person who is convicted of an offence under subsection (1) is liable to a disposition under section 15 or to be committed into custody for a period not exceeding 6 months or both.*

*(3) A young person who was under 16 years of age when the young person committed an offence under subsection (1) is liable to a disposition under section 15 or to be committed into custody for a period not exceeding 14 days, or both, in respect of that offence, but if the offence arises from the failure or refusal to comply with a disposition that was made pursuant to a conviction for a breach of section 13(1) of the School Act, the young person is not liable to be committed into custody.*

(13) Section 21(1) presently reads:

*21(1) The provincial director may, subject to any terms or conditions that the provincial director considers appropriate, authorize a young person committed into custody pursuant to a disposition made under this Act*

- (a) to be temporarily released for a period not exceeding 15 days where, in the provincial director's opinion, it is necessary or desirable that the young person be absent, with or without escort,*
  - (i) for medical, compassionate or humanitarian reasons, or*
  - (ii) for the purpose of rehabilitation or re-integration into the community, or*
- (b) to be released from custody on the days and during the hours the provincial director specifies in order that the young person may*
  - (i) attend school or any other educational or training institution,*
  - (ii) obtain or continue employment or perform domestic or other duties required by the young person's family, or*
  - (iii) participate in a program specified by the provincial director that, in the provincial director's opinion, will enable the young person to better carry out the young person's employment or improve the young person's education or training.*

(14) Section 22 presently reads:

*22(1) If a disposition has been made in respect of a young person and the young person or a parent with whom the young person resides is or becomes a resident of a reciprocating province or territory, a youth court judge in Alberta may, on the application of the Minister or the Minister's agent or on the application of the young person or the young person's parent or, if the young person is married, the young person's spouse, with the consent of the Minister or the Minister's agent, transfer the*

*disposition and the appropriate portion of the record to the appropriate Minister in the reciprocating province or territory.*

*(2) No disposition may be transferred from Alberta to a reciprocating province or territory under this section until the time for an appeal against the disposition or the finding on which the disposition was based has expired or until all proceedings in respect of an appeal, if taken, have been completed or the appeal has been abandoned.*

*(3) When a disposition has been made against a young person by a youth court in a reciprocating province or territory and a certified copy of the disposition has been transmitted by the proper officer of the reciprocating province or territory to the Minister, the Minister shall send the certified copy of the disposition for registration to the proper officer of the youth court in Alberta and on its receipt the order shall be registered.*

*(4) A disposition registered under subsection (3) has, from the date of its registration, the same force and effect as, and, subject to this Act, all proceedings may be taken on it as if it had been, a disposition originally obtained in the youth court in which it is so registered, and the youth court has power to enforce, review and vary the order accordingly.*

(15) Section 23 presently reads:

*23 An appeal lies under this Act from a finding of guilt, an order dismissing an information or a disposition made under section 15 or 18 in the same manner as if the finding of guilt were a conviction, the order dismissing the information were an order dismissing the information or the disposition were a sentence, in proceedings in ordinary court pursuant to the Provincial Offences Procedure Act.*

(16) Section 24 presently reads:

*24(1) Subject to section 33, no person shall publish by any means any report*

- (a) of an offence committed or alleged to have been committed by a young person, or*
- (b) of a hearing, adjudication, disposition or appeal concerning a young person who committed or is alleged to have committed an offence*

*in which the name of the young person, a child or a young person who is a victim of the offence or a child or a young person who appeared as a witness in connection with the offence, or in which any information serving to identify the young person or child, is disclosed.*

*(2) Subsection (1) does not apply in respect of the disclosure of information in the course of the administration of justice where it is not the purpose of the disclosure to make the information known in the community.*

*(3) A youth court judge may, on the application of any young person or child referred to in subsection (1), make an order permitting any person to publish a report in which the name of that young person or child, or information serving to identify that young person or child, would be disclosed, if the youth court judge is satisfied that the publication of the report would not be contrary to the best interests of that young person or child.*

*(4) A person who contravenes subsection (1) is guilty of an offence.*

(17) Section 25 presently reads:

*25(1) Subject to subsection (2), if the youth court is of the opinion that*

*(a) evidence or information presented to the youth court may be seriously injurious or seriously prejudicial to*

*(i) the young person who is being dealt with in the proceedings,*

*(ii) a child or young person who is a witness in the proceedings, or*

*(iii) a child or young person who is aggrieved by or the victim of the offence charged in the proceedings,*

*or*

*(b) it is in the interest of public morals, the maintenance of order or the proper administration of justice to exclude any or all members of the public from the courtroom,*

*the youth court may exclude any person from all or part of the proceedings if the youth court considers that person's presence to be unnecessary to the conduct of the proceedings.*

*(2) The youth court may not, pursuant to subsection (1), exclude from proceedings under this Act*

*(a) the Minister or the Minister's agent,*

- (b) *subject to section 14(7), the young person who is being dealt with in the proceedings, the young person's parent, the young person's spouse, if any, or the young person's counsel, if any,*
- (c) *the provincial director, or*
- (d) *the youth worker to whom the young person's case has been assigned.*

*(3) The youth court, after it has found a young person guilty of an offence or during a review of a disposition under section 18 may, in its discretion, exclude from the youth court any person other than*

- (a) *subject to section 650 of the Criminal Code (Canada) and section 14(7) of this Act, the young person,*
- (b) *the young person's counsel, if any,*
- (c) *the provincial director,*
- (d) *the youth worker to whom the young person's case is assigned, or*
- (e) *the Minister or the Minister's agent,*

*when any information is being presented to the youth court the knowledge of which may, in the opinion of the youth court, be seriously injurious or seriously prejudicial to the young person.*

(18) Section 26 presently reads:

*26(1) The youth court has the same power, jurisdiction and authority to deal with and impose punishment for contempt against the court as may be exercised by the Provincial Court.*

*(2) The youth court has jurisdiction in respect of every contempt of court committed by an adult against the youth court in the face of the youth court including proceedings under section 708 of the Criminal Code (Canada).*

*(3) Where the youth court or any other court finds a young person guilty of contempt of court, it may make any one or more of the dispositions set out in section 15, but no other disposition or sentence.*

*(4) A finding of guilt under this section for contempt of court or a disposition made in respect of it may be appealed in accordance with section 23.*

(19) Section 32 presently reads:

*32(1) Subject to this section, the law relating to the admissibility of statements made by persons accused of committing offences applies in respect of young persons.*

*(2) No oral or written statement given by a young person to a peace officer or other person who is, in law, a person in authority is admissible against the young person unless*

- (a) the statement was voluntary,*
- (b) the person to whom the statement was given has, before the statement was made, clearly explained to the young person, in language appropriate to the young person's age and understanding, that*
  - (i) the young person is under no obligation to give a statement,*
  - (ii) any statement given by the young person may be used as evidence in proceedings against the young person,*
  - (iii) the young person has the right to consult another person in accordance with clause (c), and*
  - (iv) any statement made by the young person is required to be made in the presence of the person consulted, unless the young person desires otherwise,*
- (c) the young person has, before the statement was made, been given a reasonable opportunity to consult with counsel or a parent, or in the absence of a parent, an adult relative, or in the absence of a parent and an adult relative, any other appropriate adult chosen by the young person, and*
- (d) where the young person consults any person pursuant to clause (c), the young person has been given a reasonable opportunity to make the statement in the presence of that person.*

*(3) The requirements set out in subsection (2)(b), (c) and (d) do not apply in respect of oral statements if they are made spontaneously by the young person to a peace officer or other*

*person in authority before that peace officer or other person has had a reasonable opportunity to comply with those requirements.*

*(4) A young person may waive the young person's rights under subsection (2)(c) or (d) but the waiver shall be made in writing and shall contain a statement signed by the young person that the young person has been apprised of the right that the young person is waiving.*

*(5) A youth court judge may rule inadmissible in any proceedings under this Act a statement given by the young person in respect of whom the proceedings are taken if the young person satisfies the judge that the statement was given under duress imposed by any person who is not, in law, a person in authority.*

*(6) For the purposes of this section, an adult consulted pursuant to subsection (2)(c) is, in the absence of evidence to the contrary, deemed not to be a person in authority.*

(20) Section 33 presently reads in part:

*33(1) Every clerk of the youth court may keep records of every proceeding arising under this Act that comes before the youth court.*

*(3) A record kept pursuant to subsection (1) shall, during the course of proceedings and during the term of any disposition made, be made available on request for inspection to*

- (a) counsel, if any, for, or a parent of, the young person to whom it relates;*
- (b) the provincial director;*
- (c) a judge who hears an appeal on the proceeding;*
- (d) the Minister or the Minister's agent, or any person authorized in writing by the Minister.*

(21) Section 34 presently reads:

*34 When the Lieutenant Governor in Council is satisfied that reciprocal provisions are made or will be made by a province or territory for the enforcement of dispositions made in Alberta, the Lieutenant Governor in Council may by order declare it to be a reciprocating province or territory for the purposes of this Act.*

(22) Change in youth court references.

(23) Change in youth court reference.

(24) Transitional.

(25) Amends chapter A-4.5 of the Statutes of Alberta, 2002.

Section 82(1) presently reads:

*82(1) The Young Offenders Act is amended by this section.*

(26) Amends chapter C-29 of the Revised Statutes of Alberta 2000. Section 1 presently reads in part:

*1 In this Act,*

*(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);*

(27) Amends chapter E-1 of the Revised Statutes of Alberta 2000.

Section 45(c) presently reads:

45 *The following persons are not eligible to vote at an election:*

- (c) *persons who have been convicted of offences and on polling day are serving their sentences in a correctional institution under the Corrections Act, in a penitentiary under the Corrections and Conditional Release Act (Canada), in a place of custody under the Young Offenders Act or the Young Offenders Act (Canada) or in any other similar institution outside Alberta, excluding persons sentenced to terms of imprisonment of 10 days or less or for the non-payment of fines.*

(28) Amends chapter P-31 of the Revised Statutes of Alberta 2000. Sections 10, 11 and 12 presently read:

10 *In this Part,*

- (a) *“child in need of protective services” means a child in need of protective services under the Child Welfare Act;*
- (b) *“young person” has the same meaning as in the Young Offenders Act or the Young Offenders Act (Canada), as the case may be.*

11 *The Court is a youth court within the meaning of and for the purposes of the Young Offenders Act and the Young Offenders Act (Canada), and has all the powers vested in a youth court under those Acts.*

12 *Each judge of the Court of Queen’s Bench is by virtue of the judge’s office a judge of The Provincial Court of Alberta for the purpose of hearing matters that come under the Young Offenders Act and the Young Offenders Act (Canada).*

(29) Amends chapter S-3 of the Revised Statutes of Alberta 2000. Sections 1(2)(e) and 44(7)(b) presently read:

1(2) *For the purposes of subsection (1)(q), the parent is*

- (e) *notwithstanding clauses (a) to (d), the Minister of Justice and Attorney General if the student is in custody under the Corrections Act, the Corrections and Conditional Release Act (Canada), the Young Offenders Act or the Young Offenders Act (Canada).*

44(7) *The following students are resident students of the Government:*

- (b) *a student in custody under the Corrections Act, the Corrections and Conditional Release Act (Canada), the Young Offenders Act (Canada) or the Young Offenders Act who resides in an institution or a group home*

*prescribed by the Minister as an institution or a group home to which this clause applies;*

(30) Amends chapter T-6 of the Revised Statutes of Alberta 2000. Section 9(1) presently reads:

*9(1) Notwithstanding anything in the Young Offenders Act, when a court*

- (a) finds a young person guilty of an offence under this Act,*
- (b) finds a young person guilty of an offence to which section 83, 84, 86, 87, 89 or 173 applies,*
- (c) makes a judgment for damages arising out of a motor vehicle accident, or*
- (d) makes any other order under this Act,*

*the clerk or registrar of the court shall, on the request of the Registrar, immediately forward to the Registrar a certified copy of the order, judgment, conviction, absolute discharge or conditional discharge or a transcript or certificate of it in a form prescribed by the Registrar.*

(31) Amends chapter V-3 of the Revised Statutes of Alberta 2000. Section 4(1) presently reads:

*4(1) Subject to the limits imposed by the availability of resources, enactments, including the Young Offenders Act and the Young Offenders Act (Canada), and other limits that are reasonable in the circumstances of each case, a victim, on request and at the earliest opportunity, is to be provided with information by the person or agency that has the information with respect to the case, on*

- (a) the status of the police investigation and any prosecution that results from that investigation, if the information does not harm a law enforcement matter nor harm investigative techniques and procedures currently used, or likely to be used, in law enforcement;*
- (b) the role of the victim and of the other persons involved in the prosecution of the offence;*
- (c) court procedures;*

*(d) any opportunity for the victim to make representations to the court on the impact of the offence on the victim.*

(32) Consequential.