

## BILL 26

2003

### CORRECTIONS AMENDMENT ACT, 2003

(Assented to \_\_\_\_\_, 2003)

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

#### Amends RSA 2000 cC-29

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

**2 Section 1 is amended by adding the following after clause (c):**

(c.1) “illicit drug” means

(i) alcohol,

(ii) a controlled substance and an analogue, as defined in  
the *Controlled Drugs and Substances Act* (Canada),  
and

(iii) any other substance designated by the regulations;

(c.2) “illicit-drug test” means a test, provided for in the  
regulations, to determine the presence of an illicit drug;

**3 Section 14 is amended**

(a) by renumbering it as section 14(1);

(b) in subsection (1) by adding the following after clause (f):

- (f.1) brings an illicit drug, or causes an illicit drug to be brought, into a correctional institution,
- (f.2) possesses an illicit drug while in a correctional institution,

**(c) by adding the following after subsection (1):**

(2) If the director has reasonable and probable grounds to believe that a person other than an inmate has contravened subsection (1)(f.1) or (f.2), the director must notify a police officer.

**4 The following is added after section 14:**

**Illicit-drug testing programs**

**14.1** A person authorized by the Minister for the purpose may demand that an inmate produce evidence of the absence of illicit drugs in the inmate's body by submitting to an illicit-drug test if the demand is part of a random selection under an illicit-drug testing program conducted without individualized grounds on a periodic basis in accordance with the regulations.

**Illicit-drug testing**

**14.2(1)** A person authorized by the director may demand that an inmate produce evidence of the absence of illicit drugs in the inmate's body by submitting to an illicit-drug test if the demand is authorized by the director and if the person authorized by the director has reasonable grounds

- (a) to suspect that the inmate has consumed or used an illicit drug, and
- (b) to require the test to confirm the consumption or use of an illicit drug.

(2) A person authorized by the director may demand that an inmate produce evidence of the absence of illicit drugs in the inmate's body by submitting to an illicit-drug test if an illicit-drug test is a requirement for participation in

- (a) a program or activity involving contact with the community, or

- (b) an alcohol or substance abuse program.

**5 Section 15 is renumbered as section 15(1) and the following is added after subsection (1):**

(2) In determining an appropriate punishment under subsection (1)(b) a panel must consider imposing the loss of earned remission in addition to any other punishment if the contravention of the regulations or of the rules of the correctional institution involves any of the following:

- (a) inappropriate response by an inmate to a lawful request by an employee under the direction of the director;
- (b) trafficking in an illicit drug by an inmate;
- (c) possession or use of an illicit drug by an inmate or the presence of an illicit drug in an inmate's body unless the drug is prescribed for the inmate in writing by a physician and authorized by the director;
- (d) the possession or use of a weapon;
- (e) an assault;
- (f) gang-related activity.

(3) The fact that an inmate is alleged to have committed an act or omission that is an offence under an enactment of Canada or Alberta does not prevent disciplinary action from being taken against the inmate in respect of a contravention of this Act or the regulations or the rules of the correctional institution.

**6 Section 33 is amended**

(a) **in clause (k) by striking out “searches and” and substituting “searches, illicit-drug tests and illicit-drug testing programs and”;**

(b) **by adding the following after clause (ff):**

- (gg) designating substances as illicit drugs;

- (hh) respecting illicit-drug tests and illicit-drug testing programs.

**7 This Act comes into force on Proclamation.**

**Explanatory Notes**

**1** Amends chapter C-29 of the Revised Statutes of Alberta 2000.

**2** Adds definitions.

**3** Section 14 presently reads:

*14 A person who, without the prior consent of the director,*

- (a) gives or in any way conveys to an inmate an article or thing prohibited by the rules of the correctional institution,*
- (b) leaves an article anywhere with intent that an inmate will get it,*
- (c) does any other act with intent that an inmate will receive the article,*
- (d) takes or receives from or carries out for an inmate, for any purpose, an article prohibited by the rules of the correctional institution to be taken, received or carried out,*
- (e) buys any thing from or sells any thing to or for an inmate,*
- (f) takes or receives for the person's own use or for that of any other person a reward from an inmate,*

(g) *employs an inmate, or*

(h) *endeavours to do or knowingly allows to be done any of the acts mentioned in this section,*

*is guilty of an offence.*

**4** Substance testing.

**5** Section 15 presently reads:

*15 The director of a correctional institution shall appoint a panel of 3 members of the staff of the correctional institution to conduct disciplinary hearings in accordance with the regulations for the purpose of*

(a) *reviewing breaches by inmates of the regulations or of the rules of the correctional institution, and*

(b) *determining appropriate punishment for contraventions of the regulations or of the rules of the correctional institution.*

**6** Section 33 presently reads in part:

*33 The Lieutenant Governor in Council may make regulations*

(k) *requiring an inmate on entry to and during the inmate's imprisonment in a correctional institution to submit to searches and to medical, dental and mental examinations;*

**7** Coming into force.