

2009 Bill 58

Second Session, 27th Legislature, 58 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 58

CORRECTIONS AMENDMENT ACT, 2009

MR. GRIFFITHS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 58
Mr. Griffiths

BILL 58

2009

CORRECTIONS AMENDMENT ACT, 2009

(Assented to , 2009)

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 (d):

(d.1) “inmate communication” means communication made by oral, written or electronic means between an inmate and any other person, but does not include a privileged communication as specified in the regulations;

3 Section 14.4 is repealed and the following is substituted:

Monitoring and recording inmate communication

14.4(1) Subject to the regulations, the director of a correctional institution may direct that inmate communication initiated by or received by an inmate may be recorded by electronic or other means.

(2) The director of a correctional institution may restrict or monitor inmate communication where the director believes on reasonable grounds

(a) that the inmate communication contains or will contain evidence of

Explanatory Notes

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

2 Adds definition.

3 Section 14.4 presently reads:

14.4(1) Subject to the regulations, the director of a correctional institution may direct that telephone calls made by or received by an inmate be electronically monitored or recorded where the director believes on reasonable grounds

(a) that the telephone calls contain or will contain evidence of

(i) an act that would jeopardize the security of the institution or the safety of any person, or

(ii) a criminal offence or a plan to commit a criminal offence,

- (i) an act that would jeopardize the security of the institution or the safety of any persons, or
 - (ii) a criminal offence or a plan to commit a criminal offence,
- (b) that the inmate communication is or will be made to a victim as defined in section 14.3(1) or to another person who would be likely to consider the inmate communication intimidating or threatening, or
 - (c) that the monitoring of the inmate communication is otherwise necessary for the security of the institution or for the safety of inmates, staff or the public.

4 The heading to Part 3 is amended by adding “and Earned Remission” after “Parole”.

5 The following is added after section 26:

Earned remission

26.1 An inmate who is serving a sentence for an offence under a provincial enactment or a municipal bylaw may be credited with earned remission in accordance with the regulations.

6 Section 33 is amended

(a) by repealing clause (k.2) and substituting the following:

- (k.2) governing the monitoring and recording of inmate communication and prescribing the procedures to be followed in implementing monitoring and recording of inmate communication;
- (k.3) specifying communications between an inmate and another person that are privileged communications;
- (k.4) respecting criteria that must be applied in determining whether an inmate communication is a privileged communication;

(b) *that the telephone calls are or will be made to a victim as defined in section 14.3(1) or to another person who would be likely to consider the telephone calls intimidating or threatening, or*

(c) *that the monitoring or recording of the telephone calls is otherwise necessary for the security of the institution and for the safety of inmates or the public.*

(2) *Telephone calls that are or will be the subject of a privilege shall not be monitored or recorded.*

4 Heading presently reads:

*Part 3
Parole*

5 Earned remission.

6 Section 33 presently reads in part:

33 The Lieutenant Governor in Council may make regulations

(k.2) governing electronic monitoring and recording of inmate telephone calls and prescribing the procedures to be followed in implementing monitoring and recording;

(aa) 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;

(bb) respecting the terms and conditions attached to parole;

(b) by adding the following after clause (aa):

(aa.1) respecting criteria for crediting earned remission;

7 This Act comes into force on Proclamation.

7 Coming into force.

