

2011 Bill 7

Fourth Session, 27th Legislature, 60 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 7

CORRECTIONS AMENDMENT ACT, 2011

SOLICITOR GENERAL AND
MINISTER OF PUBLIC SECURITY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 7

2011

CORRECTIONS AMENDMENT ACT, 2011

(Assented to _____, 2011)

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
(a):**

(a.1) “classification process” means a security classification
process and an assessment process respecting inmates;

3 Section 9 is amended

(a) **in subsection (1) by striking out “Chief Executive
Officer” wherever it occurs and substituting “director”;**

(b) **in subsection (3)**

(i) **by striking out “Chief Executive Officer” wherever it
occurs and substituting “director”;**

(ii) **by striking out “by written order”;**

(c) **by repealing subsection (4).**

Explanatory Notes

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

2 Adds new definition of “classification process”.

3 Section 9 presently reads in part:

9(1) If the Chief Executive Officer is satisfied that an inmate requires treatment in a hospital or, pursuant to the Mental Health Act, requires treatment in a facility under that Act, the Chief Executive Officer may so direct by a written order.

(3) When the Chief Executive Officer is advised by the person in charge of the hospital or facility that an inmate no longer requires treatment in the hospital or facility, the Chief Executive Officer shall by written order direct the transfer of the inmate to a named correctional institution.

(4) A copy of each order under this section shall be delivered to the director of the correctional institution involved and to the person in charge of the hospital or facility involved and the copy of the order

4 Section 11 is repealed and the following is substituted:

Classification process

11 The director of a correctional institution shall, in accordance with the regulations, establish a classification process for that correctional institution

- (a) for the purposes of
 - (i) the intake of inmates,
 - (ii) the placement of inmates, or
 - (iii) programs for inmates, including programs respecting education, treatment or work and any other programs prescribed in the regulations,
- and
- (b) for any other purpose prescribed in the regulations.

Disclosure of health information

11.1 A custodian, as defined in the *Health Information Act*, may disclose individually identifying health information about an inmate, without the consent of the inmate, to a director of a correctional institution, and the director of the correctional institution may collect and use that information

- (a) for the purposes of
 - (i) a classification process, as described in section 11,
 - (ii) protecting the health, safety and security of inmates, staff and visitors to the correctional institution and the safety and security of the correctional institution,
 - (iii) addressing or preventing a nuisance, as defined in the *Public Health Act*, in the correctional institution, or
 - (iv) addressing or preventing a communicable disease outbreak in the correctional institution,

so delivered is sufficient authority to release or accept the inmate, as the case may be, in accordance with the order.

4 Section 11 presently reads:

11(1) The director of each correctional institution shall establish a classification and selection committee that shall assess inmates admitted to the institution and assign inmates to the appropriate work training or treatment programs within the institution after taking into account the needs of the inmate, the good order, internal management and security of the institution and the safety of the community.

(2) The classification and selection committee must be composed of at least 3 persons in accordance with the regulations.

(3) Subject to the regulations, if any, the classification and selection committee shall

(a) obtain, compile and consider information on every inmate sentenced to a term of 30 days or more in such a manner that the inmate's present state and program needs can be adequately identified and assessed prior to assigning the inmate to a work training or treatment program,

(b) recommend to the director

(i) the mode of treatment,

(ii) the training, or

(iii) the work assignment,

in the institution of each inmate in respect of whom an assessment has been made in accordance with clause (a),

(c) recommend to the director appropriate accommodation assignments and security classifications for all inmates committed to the correctional institution, and

(d) review all requests for transfers of inmates to other provincial, territorial or federal institutions and recommend to the director the most appropriate course of action after taking into account the needs of the inmate, the good order,

and

- (b) for any other purpose prescribed in the regulations.

5 Section 32 is amended

- (a) in subsection (1) by striking out “committee of inquiry” wherever it occurs and substituting “Board of Inquiry”;**
- (b) in subsection (3)(a) and (b) by striking out “committee of inquiry” and substituting “Board of Inquiry”;**
- (c) in subsection (4) by striking out “attending any committee of inquiry” and substituting “attending before a Board of Inquiry”;**
- (d) by adding the following after subsection (4):**
 - (5) The chair of a Board of Inquiry may compel witnesses to produce documents, records and things for the purposes of the inquiry.**

internal management and security of the institution and the safety of the community.

5 Section 32 presently reads:

32(1) A notice to enforce the attendance of a witness at a hearing of a committee of inquiry established under the regulations may be issued by the chair of the committee of inquiry and shall state the time and place at which the witness is to attend.

(2) A witness may be examined on oath on all matters relevant to the inquiry and shall not be excused from answering any question on the grounds that the answer

(a) might tend to incriminate the witness,

(b) might subject the witness to punishment under this Act, or

(c) might tend to establish the witness's liability

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any statute,

but the answer so given, if it tends to incriminate the witness or to establish the witness's liability to a civil proceeding, shall not be used or received against the witness in any civil proceedings, in a prosecution under this Act or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

(3) A witness

(a) who fails to attend before the committee of inquiry, or

(b) who refuses to be sworn or to answer any question allowed by the chair of the committee of inquiry,

is liable to attachment on application to a judge of the Court of Queen's Bench.

(4) A witness attending any committee of inquiry may be paid a fee for attendance at the rate prescribed in the regulations.

6 Section 33(n) is repealed and the following is substituted:

- (n) respecting the establishment and purposes of a classification process for correctional institutions;
- (n.1) prescribing programs for inmates for the purposes of section 11(a)(iii);
- (n.2) prescribing purposes for which individually identifying health information may be disclosed or used pursuant to section 11.1(b);

7 This Act comes into force on Proclamation.

6 Section 33(n) presently reads:

33 The Lieutenant Governor in Council may make regulations

(n) governing the operation, management and selection of classification and selection committees including provision for any matter mentioned in section 11;

7 Coming into force.

