

2017 Bill 201

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Third Session, 29th Legislature, 66 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 201**

## **JUSTICE SYSTEM ACCOUNTABILITY ACT**

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MR. JEAN

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 201*  
*Mr. Jean*

## **BILL 201**

2017

### **JUSTICE SYSTEM ACCOUNTABILITY ACT**

*(Assented to \_\_\_\_\_, 2017)*

WHEREAS the administration of justice is a matter of provincial jurisdiction;

WHEREAS an effective criminal justice system is important not only to the safety of Albertans but to their sense of fairness;

WHEREAS victims deserve a timely resolution from the justice system; and

WHEREAS accurate statistics are an important tool in gauging and improving the effectiveness of the justice system;

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

#### **Definitions**

**1** In this Act, “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

#### **Contents of report**

**2(1)** At the end of each calendar year following the coming into force of this Act, the Minister must prepare a statistical report on the criminal justice system.

**(2)** The report prepared under subsection (1) must contain statistics on

- (a) the length of time from
  - (i) an initial complaint to the police to the laying of a charge, and
  - (ii) the laying of a charge until the final judicial determination of the matter;
- (b) the number of days scheduled in court from the laying of a charge until the final judicial determination of the matter, including interim or interlocutory hearings;
- (c) the total number of adjournments requested, including the number requested
  - (i) by the Crown,
  - (ii) by the defence,
  - (iii) by the court,
  - (iv) due to a disclosure issue,
  - (v) due to a witness issue,
  - (vi) due to a change in counsel, and
  - (vii) due to the absence of the accused;
- (d) the number of trials that
  - (i) began on the first date scheduled for commencing the trial,
  - (ii) had the close of cases for the prosecution and the defence completed by the final date scheduled for trial,
  - (iii) resulted in a verdict being entered by the final date scheduled for trial, and
  - (iv) began on the first date scheduled for trial but were adjourned because the court ran out of scheduled time;
- (e) the number of mistrials, including
  - (i) the number where a new trial was set,

- (ii) the number where the court directed a judicial stay, and
- (iii) the number where the Crown either withdrew the charge or entered a stay;
- (f) the number of charges laid by an information or by direct indictment, including
  - (i) the number withdrawn or stayed by the Crown,
  - (ii) the number resulting in a guilty plea to
    - (A) the charge,
    - (B) a lesser and included offence, or
    - (C) a substituted charge,
  - (iii) the number that proceeded to trial,
  - (iv) the number resulting in a verdict of guilty, and
  - (v) the number resulting in a conditional or absolute discharge.

**(3)** Where applicable, the report shall summarize the information under subsection (2) for

- (a) each location of the sittings of the Provincial Court designated under the *Provincial Court Act*,
- (b) each judicial district established by the Lieutenant Governor in Council under the *Court of Queen's Bench Act*, and
- (c) each location of the sittings of the Court of Appeal designated under the *Court of Appeal Act*.

### **Collection of statistics**

**3(1)** The statistics collected under section 2(2) will be from prosecutions undertaken by the Department of Justice and Solicitor General or its agents.

**(2)** The report prepared under section 2 shall not contain any particulars that serve to identify any individual.

(3) Personal information reviewed pursuant to this Act shall be for the sole purpose of compiling statistics.

### **Completion of report**

4(1) The report prepared by the Minister under section 2(1) must be completed as soon as possible after the end of the calendar year and not later than the following June 30.

(2) The report prepared by the Minister under section 2(1) shall be made available to the public immediately after completion and shall be tabled in the Legislative Assembly if it is then sitting or, if it is not sitting, within 15 days of the commencement of the next sitting.

(3) In making the report publicly available under subsection (2), the Minister must post the report on the public website of the Minister's department.

### **Referral to a committee**

5(1) Not later than 30 days after the Minister tables the report in the Assembly under section 4(2), a motion must be introduced in the Assembly by a member of the Executive Council to refer the report to a committee of the Assembly for review.

(2) The committee to which the report is referred must report back to the Assembly no later than 6 months after it commences its review.

(3) The Minister must respond publicly to the committee's report not later than 3 months after it reports to the Assembly.





