

2020 Bill 18

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Second Session, 30th Legislature, 69 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 18**

**CORRECTIONS (ALBERTA PAROLE BOARD)  
AMENDMENT ACT, 2020**

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THE MINISTER OF JUSTICE AND SOLICITOR GENERAL

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 18*

## **BILL 18**

2020

### **CORRECTIONS (ALBERTA PAROLE BOARD) AMENDMENT ACT, 2020**

*(Assented to , 2020)*

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 (e):**

(e.1) “Parole Board” means the Alberta Parole Board;

**3 Sections 24 to 27 are repealed.**

## Explanatory Notes

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

**2** Section 1 presently reads in part:

*1 In this Act,*

*(e) “Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;*

**3** Sections 24 to 27 presently read:

*24 The National Parole Board is hereby authorized to exercise in Alberta the jurisdiction described in section 108 of the Corrections and Conditional Release Act (Canada).*

*25 The Lieutenant Governor in Council may appoint a Provincial Parole Board of not fewer than 3 nor more than 9 members.*

*26(1) The director of a correctional institution may recommend to the Provincial Parole Board inmates in the correctional institution who in the director’s opinion will benefit from parole.*

*(2) On receiving a recommendation from a director, the Provincial Parole Board shall examine the circumstances of the person*

**4 The following is added before section 28:**

**Alberta Parole Board established**

**27.1** The Alberta Parole Board is established as a provincial parole board, as defined in Part II of the *Corrections and Conditional Release Act* (Canada), for Alberta.

**Membership**

**27.2(1)** The Parole Board comprises such members appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council considers necessary.

**(2)** A person appointed to the Parole Board holds office for a term of not more than 5 years as set out in the appointment and, subject to the *Alberta Public Agencies Governance Act* and any applicable regulations under that Act, is eligible for reappointment.

**(3)** Notwithstanding that the term of office of a member of the Parole Board may have expired, the member continues to hold office until

- (a) the member is reappointed,

*recommended with a view to determining whether the person should be released on parole.*

*(3) Notwithstanding anything in this section, the Provincial Parole Board may review the case of any person sentenced to a correctional institution and may place on parole any person who appears to the Provincial Parole Board to be suitable for parole.*

*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.*

*27(1) The Provincial Parole Board may, subject to any Act of Canada and this Act, direct the release on parole of a person sentenced to a correctional institution and the director of that correctional institution shall on receipt of the direction release the person on parole.*

*(2) The Provincial Parole Board shall prescribe the terms and conditions of parole to be observed and carried out by a person released under subsection (1).*

**4** Alberta Parole Board established; membership; chair; quorum; jurisdiction; re-examination or rehearing; granting of parole; revocation of parole before release; earned remission.

- (b) a successor is appointed, or
- (c) a period of 6 months has elapsed, whichever occurs first.

(4) A member of the Parole Board must be paid such

- (a) fees or remuneration, and
- (b) expenses for subsistence and travelling while absent from the member's ordinary place of residence in the course of duty as a member

as are prescribed by the regulations in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

(5) If regulations under the *Alberta Public Agencies Governance Act* apply in respect of fees, remuneration or expenses to be paid to members of the Parole Board, those regulations prevail, to the extent of any conflict or inconsistency, over any regulations prescribing fees, remuneration or expenses made under section 33(y.1).

#### **Chair**

**27.3(1)** The Lieutenant Governor in Council shall designate one of the members of the Parole Board as the chair.

(2) The Minister may by order designate one of the members of the Parole Board to be the acting chair during the absence of the chair.

(3) An acting chair has all the functions, powers and duties of the chair.

#### **Quorum**

**27.4(1)** Subject to subsection (2), 2 members of the Parole Board constitute a quorum.

(2) For the purpose of a re-examination or rehearing under section 27.6, 3 members of the Parole Board constitute a quorum.

#### **Jurisdiction**

**27.5** The Parole Board has exclusive jurisdiction to examine, hear and determine all matters and questions relating to the



release of inmates on parole and any matter or thing in respect of which any power, authority or discretion is conferred on the Parole Board by or under this Act or which is conferred on a provincial parole board by or under the *Corrections and Conditional Release Act* (Canada).

#### **Re-examination or rehearing**

**27.6** Where the Parole Board fails to reach a decision on any matter, question or thing that was examined or heard by only 2 members, the Parole Board shall re-examine or rehear the matter, question or thing.

#### **Granting of parole**

**27.7(1)** Subject to subsection (2), the Parole Board may order the release from provincial custody on parole of any inmate convicted of an offence under any Act of the Legislature, under any Act of the Parliament of Canada or contrary to any municipal bylaw on such conditions as the Parole Board may determine.

**(2)** The Parole Board may only grant parole to an inmate if, in its opinion,

- (a) the inmate will not, by reoffending, present an undue risk to society before the expiration according to law of the sentence the inmate is serving, and
- (b) the release of the inmate will contribute to the protection of society by facilitating the reintegration of the inmate into society as a law-abiding citizen.

**(3)** Where the Parole Board grants parole to an inmate in provincial custody at a correctional institution, the director of the correctional institution shall release the inmate on parole on receiving notice of the order granting parole from the Parole Board.

#### **Revocation of parole before release**

**27.8** Where parole has been granted but the inmate has not yet been released from custody on parole, the Parole Board may

- (a) revoke its grant of parole if the Parole Board obtains new information that is relevant to its decision to grant parole, or
- (b) cancel its grant of parole if the inmate requests in writing that the grant of parole be cancelled.





**Earned remission**

**27.9(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.

**(2)** Where parole is granted, the term of parole includes any portion of remission standing to the credit of the parolee when released from custody and ends on the expiration of the sentence as set out in the warrant of committal.

**5 Section 28 is amended by striking out “person on parole” and substituting “parolee”.**

**6 Section 29 is repealed and the following is substituted:**

**Suspension of parole**

**29(1)** Subject to subsection (2), the chair of the Parole Board or a person designated for the purpose by the chair may, by warrant,

- (a) suspend a parolee’s parole,
- (b) authorize the apprehension of the parolee, and
- (c) authorize the recommittal of the parolee to custody until the suspension is cancelled, the parole is revoked or the sentence expires according to law.

**(2)** A warrant may be issued under subsection (1) only if

- (a) the parolee breaches a condition of the parole, or
- (b) the chair of the Parole Board or designated person referred to in subsection (1)
  - (i) obtains new information that, had it been received earlier, would have resulted in the parolee not being granted parole, or
  - (ii) is satisfied that it is necessary and reasonable to suspend the parole in order to

**5** Section 28 presently reads:

*28 The sentence of a person on parole continues in force until its expiration according to law.*

**6** Section 29 presently reads:

*29(1) The chair of the Provincial Parole Board or a person designated by the Parole Board may, by a warrant in writing signed by the chair or designated person, suspend any parole and authorize the arrest of a paroled person whenever the chair or designated person is satisfied that the person has committed a breach of any term or condition of the parole.*

*(2) A warrant issued under subsection (1) constitutes the authority and direction to any and every peace officer in Alberta to forthwith arrest the paroled person named in the warrant and return that person to a correctional institution.*

*(3) The Provincial Parole Board shall forthwith after the paroled person's return to a correctional institution review the case and shall either cancel the suspension or revoke the parole.*

- (A) prevent a breach of a condition of parole,  
or
- (B) protect any person from danger or any  
property from damage.

**Review hearing**

**29.1(1)** The Parole Board shall hold a hearing to review the suspension of the inmate's parole as soon as possible after a parolee has been recommitted to custody under section 29(1).

**(2)** The Parole Board shall consider the reasons for suspending the parole and the submissions, if any, of the inmate and shall, after a hearing under subsection (1),

- (a) lift the suspension of the parole and allow the inmate to be released and continue the parole on the conditions that the Parole Board considers appropriate, or
- (b) revoke the parole.

**Calculation of term if parole revoked**

**29.2** Where parole is revoked by the Parole Board after a hearing under section 29.1(1), the inmate shall serve the remaining portion of the inmate's term of imprisonment, including any remission that was to the inmate's credit at the time parole was granted, less

- (a) the period of time spent on parole,
- (b) the period of time during which parole was suspended and the inmate was in custody, and
- (c) any remission credited to the inmate applicable to the period during which the inmate is in custody after the parole was suspended.

**7 Section 30 is amended by striking out "Provincial".**

**8 The following is added after section 30:**

**7** Section 30 presently reads:

*30 The Provincial Parole Board may in its discretion change or vary the terms and conditions attached to a parole.*

**8** Decisions final; annual report.

**Decisions final**

**30.1** Any action or decision of the Parole Board on a matter, question or thing for which the Parole Board has exclusive jurisdiction is final and cannot be challenged in any court or tribunal.

**Annual report**

**30.2** After the end of each fiscal year, the Parole Board shall prepare and submit to the Minister a report setting out

- (a) the number of parole applications received for the fiscal year,
- (b) a summary of the Parole Board decisions for the fiscal year, and
- (c) any other information that the Minister may require.

**9 Section 33 is amended by adding the following after clause (y):**

- (y.1) prescribing the rates of fees, remuneration and subsistence and travel expenses payable to a member of the Parole Board;

**Coming into force**

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

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

*33 The Lieutenant Governor in Council may make regulations*

*(y) authorizing and governing the establishment of committees to inquire into any matter relating to the operation of a correctional institution;*

**10** Coming into force.

**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>