

2020 Bill 28

Second Session, 30th Legislature, 69 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 28

**VITAL STATISTICS (PROTECTING ALBERTANS
FROM CONVICTED SEX OFFENDERS)
AMENDMENT ACT, 2020**

THE MINISTER OF SERVICE ALBERTA

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 28

2020

VITAL STATISTICS (PROTECTING ALBERTANS FROM CONVICTED SEX OFFENDERS) 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 SA 2007 cV-4.1

1 The *Vital Statistics Act* is amended by this Act.

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

(g.1) “designated offence” means an offence prescribed in the
regulations as a designated offence;

**3 Section 22(2)(a) is amended by adding “and has not been
convicted of a designated offence” after “age”.**

4 Section 24(2) is amended

**(a) in clause (j) by striking out “law enforcement agency” and
substituting “fingerprinting agency”;**

Explanatory Notes

1 Amends chapter V-4.1 of the Statutes of Alberta, 2007.

2 Section 1(1) presently reads in part:

1(1) In this Act,

(g) “deliver” means to deliver information or documents to the Registrar or another recipient in a manner authorized by the regulations and in a form required by the Registrar;

3 Section 22(2)(a) presently reads:

(2) An application under this Part to change a name may be made only by a person who is a resident of Alberta and who

(a) is at least 18 years of age, or

4 Section 24(2) presently reads in part:

(2) The applicant shall file the following documents with the application:

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

- (j.1) if the person whose name is being changed is 18 years of age or older, the information required by the regulations to confirm that the person has not been convicted of a designated offence;

5 Section 50(1) is amended

(a) by striking out “and 18” and substituting “, 18 and 25”;

(b) by striking out “and” at the end of clause (c), by adding “and” at the end of clause (d) and by adding the following after clause (d):

- (e) in the case of a change of name record, 75 years has elapsed since the registration of the name change

6 Section 51.3 is amended by adding the following after subsection (1):

(1.1) The Registrar shall refuse to register a name proposed under Part 3 if the person for whom the applicant is requesting the change of name is 18 years of age or older and has been convicted of a designated offence.

- (j) *unless the Registrar considers it to be unnecessary, where the person whose name is being changed is 12 years of age or older, the person's fingerprints as taken by a law enforcement agency acceptable to the Registrar;*

5 Section 50(1) presently reads:

50(1) Despite sections 14, 17 and 18, a record may be transferred to the Provincial Archives for management, including release on request, in accordance with the Provincial Archives Program, if

- (a) *in the case of a birth record, including where an adoption or surrogacy has occurred, 120 years has elapsed since the date of the birth or 50 years has elapsed since the date of the death,*
- (b) *in the case of a stillbirth record, 75 years has elapsed since the date of the stillbirth,*
- (c) *in the case of a marriage record, 75 years has elapsed since the date of the marriage, and*
- (d) *in the case of a death record, 50 years has elapsed since the date of the death*

of the person to whom the request relates.

6 Section 51.3(1) presently reads:

51.3(1) Despite section 8, the Registrar may, in the Registrar's discretion, refuse to register a name proposed under Part 1 or Part 3 if

- (a) *the proposed name does not include a first and last name,*
- (b) *in the Registrar's opinion the proposed name might*
 - (i) *reasonably be expected to cause confusion,*
 - (ii) *be a cause of embarrassment to any person,*
 - (iii) *be used in a manner that could defraud or mislead the public, or*

7 Section 76(1) is amended

(a) by adding the following after clause (b.1):

- (b.11) respecting the information that is required to confirm that a person has not been convicted of a designated offence;

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

- (i) prescribing offences as designated offences.

(iv) be objectionable on any other grounds,

or

(c) in the Registrar's opinion the application for change of name in question is made in respect of a person who has made frequent changes of registered name.

7 Section 76(1) presently reads in part:

76(1) The Lieutenant Governor in Council may make regulations

(b.1) respecting information that may or must be provided and any other matter relating to an application for amendment of the sex on a birth record and the requirements for completing documents for registration;

(h) respecting the evidence referred to in section 33(6).

