

17. Each fund must pay annually to the central fund the assessment determined by the Minister, which may not be less than 5% or more than 25% of the net revenues of the fund established by subtracting the sums used for financing its program of activities from the sums used to make up the fund.

18. This Regulation replaces the Regulation respecting programs of activities for confined persons made by Order in Council 1471-88 dated 28 September 1988 and the Community Work Regulation made by Order in Council 148-86 dated 19 February 1986.

19. This Regulation comes into force on 5 February 2007.

7972

Gouvernement du Québec

O.C. 7-2007, 16 January 2007

An Act respecting the Québec correctional system (2002, c. 24)

Conditional release

Regulation respecting conditional release

WHEREAS section 160 and subparagraphs 27 to 29 of the first paragraph of section 193 of the Act respecting the Québec correctional system (2002, c. 24) provide among other things that the Government may, by regulation, determine the nature of the information the Commission québécoise des libérations conditionnelles is required to transmit to a person eligible for conditional release, determine the regions necessary for the appointment of the members and establish rules of procedure;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting conditional release was published in Part 2 of the *Gazette officielle du Québec* of 15 November 2006 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation respecting conditional release, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting conditional release

An Act respecting the Québec correctional system (2002, c. 24, ss. 160 and 193, 1st par., subpars. 27 to 29)

CHAPTER I APPLICATION

DIVISION I REGIONS

1. For the purposes of section 120 of the Act respecting the Québec correctional system (2002, c. 24), Québec is divided into 11 regions. The territory of the regions is the territory of the administrative regions in Schedule I of Order in Council 2000-87 dated 22 December 1987 concerning the revision of the boundaries of the administrative regions of Québec as they read at the time they apply, as follows:

- (1) Region 1: administrative regions 01 (Bas-Saint-Laurent) and 11 (Gaspésie-Îles-de-la-Madeleine);
- (2) Region 2: administrative region 02 (Saguenay-Lac-Saint-Jean);
- (3) Region 3: administrative regions 03 (Capitale-Nationale) and 12 (Chaudière-Appalaches);
- (4) Region 4: administrative regions 04 (Mauricie) and 17 (Centre-du-Québec);
- (5) Region 5: administrative region 05 (Estrie);
- (6) Region 6: administrative regions 06 (Montréal) and 13 (Laval);
- (7) Region 7: administrative regions 15 (Laurentides) and 14 (Lanaudière);
- (8) Region 8: administrative region 16 (Montérégie);
- (9) Region 9: administrative region 07 (Outaouais);
- (10) Region 10: administrative regions 08 (Abitibi-Témiscamingue) and 10 (Nord-du-Québec); and
- (11) Region 11: administrative region 09 (Côte-Nord).

DIVISION II INFORMATION PROVIDED TO INMATES

2. The Commission québécoise des libérations conditionnelles must provide the following information to a person eligible for conditional release:

- (1) the general principles of the Act;
- (2) the parole board:
 - i. its mandate;
 - ii. its powers;
 - iii. its duties;
- (3) conditional release:
 - i. eligibility;
 - ii. criteria considered to render a decision;
- (4) sittings:
 - i. types of sitting;
 - ii. timing of sittings;
 - iii. right to representation;
 - iv. steps;
 - v. number of votes required to make a decision;
- (5) review:
 - i. definition;
 - ii. procedure;
- (6) new examination:
 - i. definition;
 - ii. procedure;
- (7) conditions of release;
- (8) temporary absence in preparation for conditional release:
 - i. eligibility;
 - ii. criteria considered to render a decision;
 - iii. duration;
 - iv. new application;
 - v. renewal;
- (9) temporary absence for a family visit:
 - i. eligibility;
 - ii. criteria considered to render a decision;
 - iii. duration and frequency;
 - iv. new application.

CHAPTER II PROCEDURE

DIVISION I APPLICATIONS FOR TEMPORARY ABSENCE

3. An application for a temporary absence in preparation for conditional release must contain

- (1) the inmate's name;
- (2) the inmate's date of birth;
- (3) the inmate's record number;
- (4) the reason supporting the temporary absence in preparation for conditional release;
- (5) a description of the proposed temporary absence;
- (6) any relevant document attesting to the measures taken or confirmations obtained from an organization; and
- (7) an attestation from the correctional services that the inmate's proposal is consistent with the inmate's correctional intervention plan.

4. An inmate must make an application between the tenth day preceding the eligibility date for temporary absence in preparation for conditional release and the twenty-first day preceding the eligibility date for conditional release.

5. An application for temporary absence for a family visit must contain

- (1) the inmate's name;
- (2) the inmate's date of birth;
- (3) the inmate's record number;
- (4) the reason supporting the temporary absence for a family visit;
- (5) a description of the proposed temporary absence including conditions such as the dates on which the inmate is to leave and return to the facility, duration of the absence, destination and transportation used;
- (6) the name and address of the person to be visited; and

(7) an attestation from the correctional services that the person to be visited has been reached and has agreed to accommodate the inmate for the duration of the absence for a family visit, at the address and on the conditions stated in the application for temporary absence.

DIVISION II SITTING OR EXAMINATION ON THE RECORD

6. The parole board is to inform the director of the correctional facility where the person is detained of the date and time of the sitting, within 14 days before the date set in the case of conditional release, and within five days in the case of a temporary absence in preparation for conditional release.

The director is to so inform the inmate as soon as possible.

7. If, in accordance with section 160 of the Act, the parole board or one of its members reexamines the inmate's record, the parole board or the member has 21 days in the case of conditional release, and 10 days in the case of a temporary absence in preparation for conditional release or for a family visit, to maintain the decision to grant the temporary absence or conditional release and, if necessary, modify the conditions thereof or cancel the decision to grant the temporary absence or conditional release.

The time period begins on the date on which a notice to that effect issued by a member or a person designated by the parole board is given to the inmate.

8. The parole board is to inform the director of the correctional facility where the person is detained of the date and place of the sitting held in accordance with section 160 of the Act within seven days before the date set in the case of conditional release, and within five days in the case of a temporary absence in preparation for release.

The director is to so inform the inmate as soon as possible.

In the case of a temporary absence for a family visit, the examination is on the record.

9. The warrant referred to in section 161 of the Act must state the name of the person to whom release is granted, the length of the release and the reason for which the warrant is issued. The warrant includes an order to arrest and take the person into custody and return the person to the correctional facility. The warrant is signed by the member of the parole board or the person designated by the parole board issuing the warrant.

10. The parole board is to inform the director of the correctional facility where the person concerned is detained of the date and place of the sitting held in accordance with section 163 of the Act within seven days before the date set in the case of conditional release, and within five days in the case of a temporary absence in preparation for conditional release.

The director is to so inform the inmate as soon as possible.

In the case of a temporary absence for a family visit, the examination is on the record by a member of the parole board.

11. An inmate may waive in writing the time period provided for in sections 6, 8 and 10 if the parole board so consents.

12. The director of the correctional facility where a person is detained must ensure that that person and the personnel members concerned are present on the date of the sitting and that the person's record is given to the parole board.

13. The parole board may sit even though the inmate refuses to appear.

DIVISION III REVIEW

14. An application for review must contain the inmate's name, date of birth and record number, the decision to be reviewed and the reasons supporting review of the decision.

DIVISION IV CERTIFICATE

15. A certificate of conditional release, of temporary absence in preparation for conditional release or for a family visit, duly completed, is given to the inmate when the inmate is released from the correctional facility.

The certificate includes the name of the person released, the conditions of release and the signature of a member or the secretary of the parole board. The same applies to a new certificate produced following a change in the conditions of the release or the place of residence of the person released.

16. This Regulation replaces the Regulation respecting the parole of inmates (R.R.Q., 1981, c. L-1.1, r.2).

17. This Regulation comes into force on 5 February 2007.