



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 31

(2012, chapter 13)

An Act to amend various provisions concerning the organization of police services

**Introduced 1 November 2011
Passed in principle 8 May 2012
Passed 22 May 2012
Assented to 23 May 2012**

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EXPLANATORY NOTES

This Act amends various provisions concerning the organization of police services.

The maximum population a police force offering level 2 police services may serve is increased from 199,999 to 249,999.

A municipality that wishes to replace the police force serving its territory must hold a public consultation on the subject.

In addition, a municipality that is served by the Sûreté du Québec continues to be served by the Sûreté du Québec even though its population reaches 50,000 inhabitants or more, unless it is authorized by the Minister of Public Security to be served by a municipal police force.

Municipalities are authorized to enter into agreements with each other, or with the Minister of Public Security for the Sûreté du Québec, concerning the provision of police dispatching services or the sharing of certain activities relating to the support services or emergency measures determined by the Minister.

Lastly, consequential amendments and transitional provisions are introduced.

LEGISLATION AMENDED BY THIS ACT:

- Police Act (R.S.Q., chapter P-13.1).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting the police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction (R.R.Q., chapter P-13.1, r. 6).

Bill 31

AN ACT TO AMEND VARIOUS PROVISIONS CONCERNING THE ORGANIZATION OF POLICE SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

POLICE ACT

1. Section 70 of the Police Act (R.S.Q., chapter P-13.1) is amended

(1) by replacing “199,999” in subparagraph 2 of the second paragraph by “249,999”;

(2) by replacing “200,000” in subparagraph 3 of the second paragraph by “250,000”;

(3) by replacing the sixth paragraph by the following paragraphs:

“Without prejudice to that obligation, the municipalities may enter into agreements with each other, for a maximum period of ten years, concerning

(1) the joint use of equipment, premises or space;

(2) the provision of detention services, transportation services for accused persons or police dispatching services; or

(3) the sharing of any support services or emergency measures determined by the Minister.

The agreements and their termination before their expiry date must be approved by the Minister.”

2. Section 72 of the Act is amended by replacing the second paragraph by the following paragraph:

“A municipality that is served by the Sûreté du Québec and whose population reaches 50,000 inhabitants or more continues to be served by the Sûreté du Québec, unless it is authorized by the Minister, on the conditions determined by the Minister, to be served by a municipal police force. In order to request the authorization to be served by a municipal police force, the municipality must have held a public consultation in accordance with section 73.1 and have sent a report on the consultation to the Minister.”

3. Section 73 of the Act is replaced by the following sections:

“73. A municipality that wishes to abolish its police force or reduce its size must obtain authorization from the Minister.

In order to request the authorization to abolish its police force, the municipality must have held a public consultation in accordance with section 73.1 and have sent a report on the consultation to the Minister.

Before authorizing the abolition or reduction in size of a police force, the Minister shall consult the organizations representing municipalities and the associations representing police officers, and set the time within which they are to give their opinion.

“73.1. The mayor or another member of the municipal council designated by the mayor shall hold a public consultation, consisting of at least two meetings, on the municipality’s proposal to replace the police force serving its territory. A notice of the consultation must be published in a newspaper distributed in the territory of the municipality at least 30 days before the first meeting is held and must

(1) state the date, time, location and purpose of each public consultation meeting;

(2) contain a summary describing the main effects of the proposal, including the services that will be provided by the new police force and the impact on the municipality’s expenses; and

(3) state that every citizen of the municipality may make comments on the proposal during each meeting or submit the comments in writing within 15 days after the last meeting.

The public consultation must be held in such a way as to foster the participation of every citizen of the municipality and an open discussion on the municipality’s proposal to replace the police force serving its territory.

“73.2. Where the abolition or reduction in size of the police force is authorized, the Minister shall establish, where expedient, a reclassification committee to examine the possibility of integrating the police officers concerned into another police force or of finding them other employment within the municipality. The abolition or reduction in size of the police force has effect from the date determined by the committee in its recommendations, or on the date occurring six months after the date on which the committee is established, whichever is sooner.

If no reclassification committee is established, the abolition or reduction in size of the police force becomes effective on the date determined by the Minister.

The reclassification committee is to consist of six members appointed by the Minister, including two members from the Ministère de la Sécurité publique and the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire respectively, the other members being chosen, in equal numbers, from the organizations representing municipalities and the associations representing police officers. Where the abolition of the police force of a municipality is followed by an agreement under which the Sûreté du Québec is to provide police services in the municipality, two additional members of the committee must represent the administration of the Sûreté du Québec and the association representing its members, respectively.”

4. Section 74 of the Act is amended by adding the following sentence at the end of the first paragraph: “If a municipality gives prior notice of its intention to withdraw, it must hold a public consultation in accordance with section 73.1 and send a report on the consultation to the Minister.”

5. Section 353.3 of the Act is amended by replacing “on 15 May 2001” in the fifth paragraph by “at the time it is abolished”.

6. Section 353.7 of the Act is amended by replacing the first sentence of the first paragraph by the following sentence: “A member of the non-police personnel of a municipality who, at the time the police force is abolished, has a permanent position and exercises functions considered necessary to the activities of the municipal police force abolished because the services provided in the territory it served will be provided by the Sûreté du Québec becomes an employee of the Gouvernement du Québec insofar as the personnel member is referred to in a decision of the Conseil du trésor and subject to the conditions determined in the decision.”

REGULATION RESPECTING THE POLICE SERVICES THAT MUNICIPAL POLICE FORCES AND THE SÛRETÉ DU QUÉBEC MUST PROVIDE ACCORDING TO THEIR LEVEL OF JURISDICTION

7. Section 3 of the Regulation respecting the police services that municipal police forces and the Sûreté du Québec must provide according to their level of jurisdiction (R.R.Q., chapter P-13.1, r. 6) is amended by replacing “199,999” by “249,999”.

8. Section 4 of the Regulation is amended by replacing “200,000” by “250,000”.

TRANSITIONAL AND FINAL PROVISIONS

9. Agreements entered into between municipalities before 1 November 2011 concerning the provision of police dispatching services may not be declared invalid on the ground that the municipalities were not authorized to enter into such agreements.

However, the agreements cease to apply on the earlier of

(1) the date set for their termination; and

(2) 23 May 2013.

10. The second paragraph of section 72 of the Police Act (R.S.Q., chapter P-13.1), replaced by section 2 of this Act, applies to any municipality that is served by the Sûreté du Québec on 23 May 2012 and that has a population of 50,000 inhabitants or over on that date.

11. This Act comes into force on 23 May 2012.