



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 138

(2017, chapter 15)

An Act to amend the Code of Penal Procedure and the Courts of Justice Act to promote access to justice and the reduction of case processing times in criminal and penal matters

Introduced 10 May 2017

Passed in principle 1 June 2017

Passed 14 June 2017

Assented to 16 June 2017

EXPLANATORY NOTES

This Act amends the Code of Penal Procedure to make it possible, in the interests of justice and particularly taking into account every person's right to be tried within a reasonable time, for proceedings to be tried and judgment rendered by a judge of any judicial district other than that in which the proceedings were instituted, where the defendant is deemed to have transmitted a plea of not guilty. That Code is also amended so that, in such a case, the proceedings tried and judgment rendered in another judicial district will be deemed to have been tried and rendered in the judicial district in which the proceedings were instituted.

The Courts of Justice Act is amended to clarify how concurrent jurisdiction is to be exercised, redefine the territory over which concurrent jurisdiction is to be exercised for the judicial districts of Longueuil and Iberville, and add a concurrent jurisdiction for the judicial districts of Terrebonne and Laval.

LEGISLATION AMENDED BY THIS ACT:

- Code of Penal Procedure (chapter C-25.1);
- Courts of Justice Act (chapter T-16).

Bill 138

AN ACT TO AMEND THE CODE OF PENAL PROCEDURE AND THE COURTS OF JUSTICE ACT TO PROMOTE ACCESS TO JUSTICE AND THE REDUCTION OF CASE PROCESSING TIMES IN CRIMINAL AND PENAL MATTERS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CODE OF PENAL PROCEDURE

1. Article 187 of the Code of Penal Procedure (chapter C-25.1) is amended by replacing the second paragraph by the following paragraphs:

“Where the defendant is deemed to have transmitted a plea of not guilty, the proceedings may in addition be tried and judgment rendered

(1) by a judge of the judicial district where the place to which the plea and, as the case may be, the amount of the fine and costs are to be sent is situated; or

(2) by a judge of any other judicial district, if the chief judge, the senior associate chief judge or a coordinating judge is of the opinion that such a measure is in the interests of justice, particularly taking into account every person’s right to be tried within a reasonable time.

In the cases described in the second paragraph, the prosecutor may indicate that the proceedings must be tried by a judge of the judicial district where they were instituted.

The proceedings tried and judgment rendered in another judicial district, in accordance with the second paragraph, are deemed to have been tried and rendered in the judicial district where the proceedings were instituted.”

COURTS OF JUSTICE ACT

2. Section 5.5 of the Courts of Justice Act (chapter T-16) is amended by adding the following paragraph at the end:

“Despite the Territorial Division Act (chapter D-11), the territory over which concurrent jurisdiction is exercised is deemed to be situated in the territory of each judicial district associated with it in accordance with Schedule I.”

3. Schedule I to the Act is amended

(1) by replacing “Over the territory of the cities or towns of Chambly, Carignan, La Prairie and Saint-Rémi” in the column describing the territory over which concurrent jurisdiction is exercised between the districts of Longueuil and Iberville by “Over the territory of the district of Longueuil”;

(2) by adding the following at the end:

“ Terrebonne and Laval	Over the territory of the municipalities of Pointe-Calumet and Saint-Joseph-du-Lac and the cities or towns of Sainte-Marthe-sur-le-Lac, Saint-Eustache, Deux-Montagnes, Boisbriand, Rosemère, Lorraine, Bois-des-Filion, Sainte-Anne-des-Plaines, Sainte-Thérèse and Terrebonne. ”.
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4. The last paragraph of section 5.5 of the Courts of Justice Act, enacted by section 2, is declaratory.

5. This Act comes into force on 16 June 2017.