



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 133

(2017, chapter 20)

**An Act to make wearing of the uniform by
police officers and special constables
mandatory in the performance of their duties
and respecting the exclusivity of duties of
police officers who hold a managerial position**

Introduced 27 April 2017

Passed in principle 27 September 2017

Passed 19 October 2017

Assented to 19 October 2017

EXPLANATORY NOTES

This Act amends the Police Act to introduce the obligation for police officers and special constables to wear the uniform and wear or carry the equipment issued by their employer in the performance of their duties.

A new obligation is also created for police force directors and competent authorities in respect of special constables as regards enforcing those rules.

Moreover, penal sanctions are provided for offences under the new provisions.

Lastly, the Act contains provisions relating to the exclusivity of duties of police officers who hold a managerial position within a police force.

LEGISLATION AMENDED BY THIS ACT:

- Police Act (chapter P-13.1).

REGULATION REPEALED BY THIS ACT:

- By-law respecting uniforms of municipal police forces (R.R.Q., 1981, chapter P-13, r. 18).

Bill 133

AN ACT TO MAKE WEARING OF THE UNIFORM BY POLICE OFFICERS AND SPECIAL CONSTABLES MANDATORY IN THE PERFORMANCE OF THEIR DUTIES AND RESPECTING THE EXCLUSIVITY OF DUTIES OF POLICE OFFICERS WHO HOLD A MANAGERIAL POSITION

AS police officers and special constables are representatives of the law whose mission is to maintain peace, order and public security;

AS police officers and special constables, according to their respective responsibilities, play an essential role in the administration of justice by maintaining good order in courthouses and proper decorum in courtrooms, thus promoting the serenity of judicial hearings and allowing those who are party to judicial proceedings to fully exercise their rights;

AS the uniform of police officers and special constables, a symbol of their authority and credibility, commands the respect they require to accomplish their mission;

AS wearing of the uniform by police officers and special constables makes them unequivocally identifiable, thus helping them to effectively perform their duties and fostering their own and the public's safety;

AS the nature of the duties of police officers who hold a managerial position requires a high level of availability and as such availability is necessary to ensure the efficiency and proper operation of police forces;

AS it is necessary that police officers and special constables wear the full uniform and that police officers who hold a managerial position attend exclusively to the duties of their function in order to enhance public confidence in them and ensure that the highest standards are met in matters of public security in Québec;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

POLICE ACT

1. Section 69 of the Police Act (chapter P-13.1) is amended by adding the following paragraph:

“It may, in those territories, enforce Chapter IV of Title IV.”

2. The heading of Chapter II of Title III of the Act is amended by adding “EXCLUSIVITY OF DUTIES,” before “INCOMPATIBLE”.

3. The Act is amended by inserting the following section before section 117:

“116.1. A police officer who holds a managerial position must attend exclusively to the duties of his or her function. He or she may not hold any other function, office or employment or engage in activities enabling him or her to receive other income from property or a business unless so authorized by the director of the police force. He or she may however engage in teaching activities for which he or she may be remunerated or in activities for which he or she is not remunerated within non-profit organizations.

Any contravention of the first paragraph shall entail the immediate suspension without pay of the police officer concerned. The police officer’s situation must be regularized within six months, on pain of dismissal.

This provision does not apply to police officers to which section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) applies.”

4. Section 118 of the Act is amended by replacing “other employment or receives other income from the carrying on of a business” in the first paragraph by “any other function, office or employment or receives other income from property or a business”.

5. The Act is amended by inserting the following section after section 120:

“120.1. For the purposes of this chapter, the role assigned to the director of a police force is assigned

(1) to the Minister if the police officer concerned is the Director General of the Sûreté du Québec or the director of the Bureau des enquêtes indépendantes;

(2) to the municipal council if the police officer concerned is the director of a municipal police force; or

(3) to the director’s employer for any other police force.”

6. The Act is amended by inserting the following chapter after section 263:

“CHAPTER IV

“STANDARDS RELATING TO UNIFORMS AND EQUIPMENT

“263.1. Every police officer or special constable must, while performing his or her duties, wear the full uniform and wear or carry all the equipment issued by the employer, without substituting any other element for them. He or she may not alter them, cover them substantially or in a way that hides a significant element or hinder the use for which they are intended.

The first paragraph applies subject to any legislative exemption or any authorization from the director of the police force or from the competent authority in respect of the special constable when the performance of the officer's or constable's duties requires or special circumstances warrant such an exemption or authorization.

“263.2. The competent authority in respect of a special constable is responsible for enforcing this chapter as regards the constable.

“263.3. The director of a police force must send an offence report to the Director of Criminal and Penal Prosecutions without delay if a police officer contravenes this chapter.

The same obligation applies to the competent authority in respect of a special constable.”

7. The Act is amended by inserting the following section after section 313:

“313.1. Every person who contravenes section 263.1 or 263.3 is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine of \$500 to \$3,000.

The amounts prescribed in the first paragraph are doubled for a subsequent offence.”

8. Section 314 of the Act is amended by adding the following paragraph:

“However, if an association representing police officers or special constables or an officer, representative or employee of such an association is found guilty under this section of assisting or inciting another person to commit an offence under section 313.1, that association, officer, representative or employee is liable to double the penalty prescribed in that section.”

MISCELLANEOUS AND FINAL PROVISIONS

9. The By-law respecting uniforms of municipal police forces (R.R.Q., 1981, chapter P-13, r. 18) is repealed.

10. A police officer who holds a managerial position on (*insert the date of coming into force of section 116.1 of the Police Act (chapter P-13.1), enacted by section 3*) must, within three months following that date, comply with the first paragraph of section 116.1 of the Police Act (chapter P-13.1).

In such a case, the second paragraph of that section 116.1 applies only from the expiry of the time limit specified in the first paragraph of this section.

11. This Act comes into force on 19 October 2017, except sections 2 to 5 and 10, which come into force on the date or dates to be set by the Government.