

Regulation to amend the Immigration Procedure Regulation

Québec Immigration Act
(chapter I-0.2.1, s. 41)

1. The Immigration Procedure Regulation (chapter I-0.2.1, r. 5) is amended in section 1 by replacing “the Regular Skilled Worker Program must be filed using the online form.” in the second paragraph by “one of the following programs must be filed through the website made available for that purpose by the Minister:

- (1) international student program;
- (2) Québec experience program;
- (3) regular skilled worker program;
- (4) any permanent immigration pilot program.”.

2. The following is inserted after section 1:

“**1.1.** Any document provided in support of an application filed pursuant to the international student program, the Québec experience program or a permanent immigration pilot program must be uploaded on the website made available for that purpose by the Minister.

Any document provided in support of an application filed pursuant to the regular skilled worker program must be sent to the Québec immigration office in Montréal.”.

3. The following is inserted after section 4:

“**4.1.** For a foreign national to file an application for selection with the Minister pursuant to the Special program for asylum seekers during COVID-19, made by Order in Council XXXX-2020 dated 2 December 2020, the foreign national must be authorized by the Minister responsible for the Immigration and Refugee Protection Act (S.C. 2001, c. 27) to apply for permanent resident status for humanitarian and compassionate considerations under section 25.2 of that Act.”.

4. Sections 1 and 2 of this Regulation come into force on 26 January 2021, and section 3 comes into force on 14 December 2020.

104745

A.M., 2020

Order 4366 of the Minister of Justice and the Minister of Health and Social Services dated 23 November 2020

Youth Criminal Justice Act
(S.C. 2002, c. 1)

Replacement of the extrajudicial sanctions program for young persons within the meaning of the Youth Criminal Justice Act (S.C. 2002, c.1)

THE MINISTER OF JUSTICE AND THE MINISTER OF HEALTH AND SOCIAL SERVICES,

WHEREAS paragraph *a* of subsection 2 of section 10 of the Youth Criminal Justice Act (S.C. 2002, c. 1) provides that an extrajudicial sanction may be used for young persons who have committed certain offences if the sanction is part of a program of sanctions that may be authorized by the Attorney General or authorized by a person, or a member of a class of persons, designated by the lieutenant governor in council of the province;

WHEREAS, under Décret 480-2003 dated 31 March 2003, the Minister of Justice and the Minister of Health and Social Services were designated to jointly authorize an extrajudicial sanctions program for young persons who have committed certain offences, in accordance with that Act;

WHEREAS the extrajudicial sanctions program for young persons who have committed certain offences was authorized by Arrêté 3739 dated 21 April 2016 (*G.O.* 2, 2570) made in accordance with the Youth Criminal Justice Act;

WHEREAS, under the first paragraph of section 3 of the Act respecting judgments rendered by the Supreme Court of Canada on the language of statutes and other instruments of a legislative nature (chapitre J-1.1), in the case of a regulation or other instrument of a legislative nature which was required to be published in French and in English and was not, the authority empowered to adopt the instrument may replace the instrument with a text which reproduces it, without amendment, this time in French and in English;

WHEREAS, under that provision, once the text is published in the *Gazette officielle du Québec*, each provision of the text may have effect on the same date as that provided for the corresponding provision of the replaced instrument;

WHEREAS it is expedient to replace the extrajudicial sanctions program made by Arrêté 3739 dated 21 April 2016 with a text which reproduces it;

ORDER AS FOLLOWS:

THAT the extrajudicial sanctions program for young persons within the meaning of the Youth Criminal Justice Act (S.C. 2002, c. 1) be replaced by the text attached to this Order to have effect from 21 April 2016.

Quebec, 23 November 2020

SIMON JOLIN-BARRETTE, CHRISTIAN DUBÉ,
Minister of Justice *Minister of Health and
Social Services*

Extrajudicial sanctions program authorized by the Minister of Justice and the Minister of Health and Social Services

Youth Criminal Justice Act
(S.C. 2002, c. 1)

Preamble and Declaration of Principle

The extrajudicial sanctions program originates from a desire to develop alternatives to the judicial process for certain offences committed by young persons by calling on resources in the community so as to meet the specific needs of those young persons in a more suitable way, ensure that they take responsibility for their delinquent behaviour, and avoid having them appear before a court when social intervention is sufficient to prevent re-offending. Québec has been a pioneer in the application of alternative measures for young offenders in Canada. Beginning in the late 1970s, alternative measures were established for young offenders in Québec, and in 1984 Québec's Minister of Social Affairs and Minister of Justice jointly authorized the first alternative measures program. This sharing of responsibility reflects Québec's objective of promoting cooperation between the judicial and social systems in order to intervene swiftly and effectively while taking the needs of young persons into account.

The intervention philosophy promoted in Québec in the field of juvenile delinquency emphasizes that young persons have diminished moral culpability compared to adults; it also supports the rehabilitation of offenders as a way to provide ongoing protection for the general public, and encourages consideration for the cultural realities of young persons in decisions made in their regard. The decision on whether or not to use extrajudicial sanctions requires a clinical review of the young person's situation, taking the following principles into account:

(a) the use of extrajudicial sanctions must be consistent with the rights and freedoms of young persons and take into perspective their needs, the seriousness of the offence, and the interest of victims and society;

(b) extrajudicial sanctions must be designed to provide an effective and timely response;

(c) most offences committed by young persons can be described as common delinquency¹, which can best be dealt with through extrajudicial sanctions;

(d) extrajudicial sanctions are presumed to be adequate to hold young persons accountable for their offending behaviour if they have committed a non-violent offence and have not previously been found guilty of an offence;

(e) in all other cases, extrajudicial sanctions should be used if they are adequate to hold young persons accountable for their offending behaviour;

(f) victims must be treated with courtesy, compassion and respect for their rights; the use of extrajudicial sanctions must allow them to obtain all legally available information, promote their involvement and seek reparation for the harm they have suffered;

(g) the use of extrajudicial sanctions must promote the involvement of the community and repair of harm done to the community; and

(h) the use of extrajudicial sanctions must allow parents to remain informed and must promote their involvement, given the importance of parental support for young persons.

CHAPTER I INTERPRETATION AND APPLICATION

1. This text constitutes the extrajudicial sanctions program authorized in Québec pursuant to section 10 of the Youth Criminal Justice Act (S.C. 2002, c. 1) (or "YCJA"), and the program must be interpreted in accordance with that Act.

¹ Common delinquency: Common or routine behaviour for almost all young people, characterized by the following elements: it is apparent in almost all boys in their mid-teen years, manifests itself in a limited number of benign or intermediate offences, is connected with developmental variations that are part of the process of assimilating standards, and leads to a genuine understanding of normative prescriptions. It is a transient failing connected with young people's need to test social limits, and this type of delinquency disappears of its own accord (adapted from: M. Fréchette and M. Le Blanc, *Délinquance et délinquants*, Chicoutimi, G. Morin, 1987).

2. In this program,

(a) “provincial director” means a director of youth protection appointed in accordance with the Youth Protection Act (chapter P-34.1), acting as a provincial director within the meaning of the Youth Criminal Justice Act;

(b) “Director of Criminal and Penal Prosecutions” or “DCPP” means the Director of Criminal and Penal Prosecutions within the meaning of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1);

(c) “organization” means any organization established under a law of Québec or Canada and that works, in particular, to administer the YCJA with young persons;

(d) “court” means a youth court within the meaning of section 13 of the Youth Criminal Justice Act.

“Institution” has the meaning given by the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), as the case may be.

“Young person”, “parent”, “extrajudicial sanction” and “victim” have the meaning given by the Youth Criminal Justice Act.

3. The provincial director may authorize a person or organization, in writing, to perform, generally or in a specific case, any of the duties under this program. In such a case, the duties performed by the person or organization so authorized are deemed to have been performed by the provincial director.

CHAPTER II
PROCEDURE TO DETERMINE IF
EXTRAJUDICIAL SANCTIONS ARE
APPROPRIATE

4. **[Referral to the Director of Criminal and Penal Prosecutions]** Under the authority of the Director of Criminal and Penal Prosecutions, a criminal and penal prosecuting attorney examines the proceedings and documents relating to an offence committed by a young person under an Act of the Parliament of Canada or any regulatory instrument under such an Act and, wherever possible within two weeks after receiving them, makes a decision pursuant to section 5 or 6.

5. **[Criminal and penal prosecuting attorney]** A criminal and penal prosecuting attorney who considers that there is sufficient evidence to proceed with the prosecution of the offence, subject to sections 6 and 7,

(a) must refer the case to the provincial director if the offence or situation is listed in Chapter IV; and

(b) may authorize the prosecution of the young person or refer the case to the provincial director if the offence or situation is not listed in Chapter IV.

When referring a case to the provincial director, the criminal and penal prosecuting attorney must indicate the date on which the offence will become prescribed, and the recall date for the case.

The recall date is the date already set for another case concerning the same young person, or the earlier of

—2 months from the decision of the criminal and penal prosecuting attorney, and

—2 weeks before the date on which the offence becomes prescribed.

6. **[Idem]** When, having regard to the protection of society, it is appropriate to consider not authorizing the prosecution and not referring the case to the provincial director, the criminal and penal prosecuting attorney may close the record.

7. **[Young person aged 12 or 13]** When a young person is aged 12 or 13 at the time of committing an offence not listed in Chapter IV, the criminal and penal prosecuting attorney must consult the provincial director before making a decision under subparagraph *b* of the first paragraph of section 5.

8. **[Provincial director]** The provincial director, on receiving the case of a young person under section 5 of this program, must assess the advisability of using extrajudicial sanctions to deal with the young person; the assessment is conducted in accordance with the Preamble and the Declaration of Principle in this extrajudicial sanctions program and with the terms and conditions set out in Chapter III.

After completing the assessment, the provincial director must decide

(a) to use one or more of the sanctions listed in section 13 with respect to the young person;

(b) to refer the young person’s case to the criminal and penal prosecuting attorney to have prosecution of the offence authorized, if applicable; or

(c) to terminate the intervention.

9. [Notice] The provincial director must send to the criminal and penal prosecuting attorney, within a reasonable time, a notice stating the nature of the decision made under the second paragraph of section 8, and the notice must take into account the recall date referred to in section 5.

If the decision of the provincial director is to use an extrajudicial sanction to deal with the young person, the notice must state the nature of the extrajudicial sanction and its duration.

A notice must also be sent for any subsequent change made to an agreement on extrajudicial sanctions when the change concerns the nature of an extrajudicial sanction or leads to an extension of its application beyond the date on which the right of prosecution is prescribed.

When an extrajudicial sanction has been completed by the young person, the provincial director must inform the criminal and penal prosecuting attorney of that fact to allow the file to be closed.

When a young person fails to complete an extrajudicial sanction, the provincial director must inform the criminal and penal prosecuting attorney of that fact, specifying the nature of the failure, within sufficient time to allow, if applicable, for prosecution of the offence.

10. [Idem] The criminal and penal prosecuting attorney must inform the provincial director and the police force that conducted the investigation, without delay, of the decision made under section 5.

11. [Idem] The provincial director must inform the young person, the parents and the police force that conducted the investigation, without delay, of the nature of the decision made under subparagraph *a* or *c* of the second paragraph of section 8 and, where applicable, of the nature and duration of the extrajudicial sanction.

12. [Following an information] After an information has been laid against a young person, the criminal and penal prosecuting attorney may, if considered appropriate, refer the case to the provincial director for an assessment under section 8 if an assessment could not be completed previously, or when new considerations are such that the assessment by the provincial director could lead to a different conclusion. In such a case, the criminal and penal prosecuting attorney must indicate to the provincial director the date of the next stage in the judicial process.

CHAPTER III TERMS AND CONDITIONS FOR THE USE OF EXTRAJUDICIAL SANCTIONS

13. [Nature of sanction] The provincial director may propose one or more of the following as extrajudicial sanctions for a young person:

(a) reparation of the harm caused to the victim, as decided through mediation, in particular in the form of financial compensation, work performed for the victim, restitution of property, or a verbal or written apology;

(b) reparation to the community, in particular in the form of financial compensation or community service; or

(c) the development of social skills, in particular through training activities, social reintegration activities and support activities.

14. [Conditions] An extrajudicial sanction for a young person must respect the following:

(a) the young person cannot, as an extrajudicial sanction, be lodged in an institution operating a rehabilitation centre;

(b) the extrajudicial sanction cannot include more than 120 hours of community service or services performed for a person, an organization or the community;

(c) the time allowed for the completion of the extrajudicial sanction used with respect to the young person may not exceed 6 months beginning on the date on which the young person consents to be subject to the sanction;

(d) an extrajudicial sanction must take into account the financial resources and the degree of development and maturity of the young person, and the compensation or reparation measures must not exceed the fair value of the harm caused; and

(e) when proposing an extrajudicial sanction, the provincial director must as far as possible involve the young person's parents and the persons and organizations working in the young person's living environment.

15. [The provincial director informs the young person and the young person's parents] If satisfied that an extrajudicial sanction is appropriate, the provincial director must inform the young person of the sanctions that may be considered.

The provincial director must set out in a draft agreement with the young person the most appropriate sanction and, if applicable, the terms and conditions for its use, and give a copy of the agreement to the young person and to the young person's parents.

Before consenting to an extrajudicial sanction, the young person must be informed by the provincial director of his or her right to consult counsel, and be given a reasonable opportunity to do so.

16. [Agreement recording the young person's undertaking] The young person's consent to comply with the terms and conditions of the extrajudicial sanction must be recorded in writing in an agreement signed by the young person and the provincial director. A copy of the agreement must be given to the young person and the young person's parents.

17. [Content of agreement] Any agreement on extrajudicial sanctions must contain, in particular,

(a) an indication of the offences alleged to have been committed by the young person, including their nature and the place and date of commission;

(b) the nature of the extrajudicial sanction and, where applicable, the terms and conditions for its use;

(c) the duration of the agreement, with an indication of the day on which it begins and ends; and

(d) a statement by the young person that he or she

i. accepts responsibility for the act or omission that forms the basis of the offence that he or she is alleged to have committed;

ii. has not expressed a wish to see the charge or charges against him or her dealt with by a court;

iii. has been advised of his or her right to retain and instruct counsel and has been given a reasonable opportunity to consult with counsel; and

iv. has undertaken, after being informed of the extrajudicial sanction proposed, to be subject to the sanction.

18. [Idem] In addition to the requirements of section 17, an agreement must contain a statement to the effect that

(a) a failure by the young person to comply with the terms and conditions of the extrajudicial sanction may lead to prosecution for the alleged offence;

(b) the use of the extrajudicial sanction will not prevent a person from filing a complaint concerning the alleged offence or from starting civil proceedings for the harm caused;

(c) any admission, confession or statement accepting responsibility for a given act or omission that is made by the young person as a condition of being dealt with by extrajudicial sanctions is inadmissible in evidence against any young person in civil or criminal proceedings;

(d) depending on the degree to which the young person has complied with the terms and conditions of the extrajudicial sanction, the court should or may dismiss the charges against the young person if judicial proceedings are started under the Youth Criminal Justice Act (S.C. 2002, c. 1); and

(e) if the young person is found guilty of other offences, the extrajudicial sanction may be taken into consideration by the court when imposing a custodial sentence.

19. [Amendment of the agreement] The terms and conditions and the duration of an extrajudicial sanction may be amended with the consent of the young person and the provincial director.

20. [Administration] The provincial director sees to the administration of any extrajudicial sanction to which the young person consents to be subject.

21. [Prescription] The young person, after being given a reasonable opportunity to consult with counsel on the matter, may consent to an extension of the 6-month limitation on the institution of proceedings after the time when the subject-matter of the proceedings arose (section 786(2) Cr. C., via section 140 YCJA), subject to the consent of the criminal and penal prosecuting attorney.

22. [Idem] An institution must facilitate, by every means at its disposal, the administration of an extrajudicial sanction. The same applies to persons or organizations that agree to administer the sanction.

CHAPTER IV

OFFENCES OR SITUATIONS TO BE REFERRED BY THE CRIMINAL AND PENAL PROSECUTING ATTORNEY TO THE PROVINCIAL DIRECTOR

22. For the purposes of this program, the criminal and penal prosecuting attorney must refer a case to the provincial director when the charge against the young person is a conspiracy or attempt to commit or the commission of any of the following offences:

CRIMINAL CODE
(R.S.C., 1985, c. C-46)

Section	Offence	Section	Offence
		184.5(1)	Interception of radio-based telephone communications
54	Assisting deserter	191(1)	Possession of device useful for interception of private communications communications
56	Offences in relation to members of R.C.M.P.	193(1)	Disclosure of information
56.1	Identity documents	193.1(1)	Disclosure of information received from interception of radio-based telephone communications
57(2)	False statement in relation to passport	201(1)	Keeping gaming or betting house
58(1)	Fraudulent use of certificate of citizenship	201(2)	Person found in or owner permitting use
66(1)	Member of an unlawful assembly	202(2)a)	Betting, pool-selling, book-making, etc.
66(2)	Concealment of identity	203d)	Placing bets on behalf of others
69	Neglect by peace officer	204(10)	Regulations regarding gaming and betting
71	Duelling	206(1)	Offence in relation to lotteries and games of chance
73	Forcible entry or forcible detainer	206(4)	Offence in relation to lotteries and games of chance
83(1)	Engaging in prize fight	207(3)a)	Authorized lotteries
126(1)	Disobeying a statute	207.1(3)a)	Things not authorized for lottery scheme on international cruise ships
129	Offences relating to public or peace officer	209	Cheating at play
134(1)	Give oath without authorization	250(1)	Failure to keep watch on person towed
143	Advertising reward and immunity	258.1(5)	Unauthorized use of bodily substance or results
146	Permitting or assisting escape	264.1(3)	Uttering threats to harm property or animals
169	Corrupting morals, tied sale, immoral theatrical performance	266 a) b)	Assault (without gravity or consequence for the victim)
171b)	Householder permitting prohibited sexual activity - between 16 and 18 years old	287(2)	Woman procuring her own miscarriage
173(1)	Indecent acts	288	Supplying noxious things
173(2)	Exposure	294	Pretending to solemnize marriage
174(1)	Nudity	295	Marriage contrary to law
175(1)	Causing disturbance, indecent exhibition, loitering, etc.	296(1)	Blasphemous libel
176(1)	Obstructing or violence to or arrest of officiating clergyman	301	Libel
176(2)	Disturbing religious worship or certain meetings	319(1)	Public incitement of hatred
176(3)	Disturbing religious worship or certain meetings	319(2)	Wilful promotion of hatred
177	Trespassing at night	327(1)	Possession of device to obtain use of telecommunication facility or service
178	Offensive volatile substance	333.1(1)	Motor vehicle theft
179(2)	Vagrancy	334	Theft
180(1)	Common nuisance		
181	Spreading false news		
184(1)	Interception of communications		

Section	Offence	Section	Offence
335(1)	Taking motor vehicle or vessel or found therein without consent	369	Exchequer bill paper, public seals, etc.
337	Public servant refusing to deliver property	370	Counterfeit proclamation, etc.
338(1)	Fraudulently taking cattle or defacing brand	371	Message in false name
338(2)	Theft of cattle	372(1)	False information
339(1)	Taking possession, etc., of drift timber	372(2)	Indecent communications
339(2)	Dealer in second-hand goods	374	Drawing document without authority, etc.
340	Destroying documents of title	375	Obtaining, etc., by instrument based on forged document
341	Fraudulent concealment	376	Counterfeiting stamp, etc.
342.2(1)	Possession of device to obtain unauthorized use of computer system or to commit mischief	377(1)	Damaging documents
347(1)	Criminal interest rate	378	Offences in relation to registers
348(1)e)	Breaking and entering with intent, place other than a dwelling-house	380(1)	Fraud
351(1)	Possession of break-in instrument	380(1)b)	Fraud less than \$5000
352	Possession of instruments for breaking into coin-operated or currency exchange devices	380(2)	Affecting public market
353(1)	Selling, etc., automobile master key	381	Using mails to defraud
353.1(4)	Tampering with vehicle identification number	382	Fraudulent manipulation of stock exchange transactions
355	Possession of property obtained by crime	382.1(1)	Prohibited insider trading
355b)	Possession of property obtained by crime (less than \$5000)	382.1(2)	Tipping
355.5a)	Possession or trafficking of property obtained by crime (more than \$5000)	383(1)	Gaming in stocks or merchandise
355.5b)	Possession or trafficking of property obtained by crime (less than \$5000)	384	Broker reducing stock by selling for their own account
356(3)	Theft from mail	385(1)	Fraudulent concealment of title documents
357	Bringing into Canada property obtained by crime	386	Fraudulent registration of title
362	False pretence or false statement	387	Fraudulent sale of real property
363	Obtaining execution of valuable security by fraud	388	Misleading receipt
364(1)	Fraudulently obtaining food, beverage or accommodation	389(1)	Fraudulent disposal of goods on which money advanced
365	Pretending to practise witchcraft, etc.	390	Fraudulent receipts under <i>Bank Act</i>
367	Forgery	392	Disposal of property to defraud creditors
368(1.1)	Use, trafficking or possession of forged document	393(1)	Fraud in relation to fares, etc.
368.1	Forgery instruments	393(2)	Fraud in relation to fares, etc.
		393(3)	Fraudulently obtaining transportation
		394(5)	Fraud in relation to valuable minerals
		394.1(3)	Possession of stolen or fraudulently obtained valuable minerals
		396(1)	Offences in relation to mines
		397	Falsification of books and documents

Section	Offence
398	Falsifying employment record
399	False return by public officer
400	False prospectus, etc.
401(1)	Obtaining carriage by false billing
402(1)	Trader failing to keep accounts
404	Personation at examination
412(1)	Forgery of trade-marks and trade descriptions (407, 408, 409, 410 or 411)
413	Falsely claiming royal warrant
415	Offences in relation to wreck
417(1)	Applying or removing marks without authority
417(2)	Unlawful transactions in public stores
418(1)	Selling defective stores to Her Majesty
418(2)	Offences by representatives
419	Unlawful use of military uniforms or certificates
420(1)	Military stores
422(1)	Criminal breach of contract
425	Offences by employers
427(1)	Issuing trading stamps
427(2)	Giving to purchaser of goods
430	Mischief except 430 (2)
432	Unauthorized recording of a movie
432(2)	Unauthorized recording for purpose of sale, etc.
437	False alarm of fire
438(2)	Interfering with saving of wreck
439(1)	Interfering with marine signal, etc.
440	Removing natural bar without permission
442	Interfering with boundary lines
446(2)	Causing damage or injury to animals or birds
453	Uttering coin
454	Slugs and tokens
456	Defacing current coins
457(3)	Likeness of bank-notes
462.2	Manufactures, sells, imports, exports instruments or literature for illicit drug use

CONTROLLED DRUGS AND SUBSTANCES ACT

(S.C. 1996, c.19)

Section Offence

4(1) (5) Possession of substance

CHAPTER V

SITUATIONS THAT MAY BE REFERRED BY THE CRIMINAL AND PENAL PROSECUTING ATTORNEY TO THE PROVINCIAL DIRECTOR

24. When two extrajudicial sanctions have already been used to deal with a young person, the criminal and penal prosecuting attorney may refer the case to the provincial director or authorize proceedings against the young person.

When an extrajudicial sanction and one or more extrajudicial measures have already been used to deal with the young person, the criminal and penal prosecuting attorney may refer the case to the provincial director or authorize proceedings against the young person.

25. When, as part of the same incident, a young person is involved in several offences, one of which is listed in section 23, the Director of Criminal and Penal Prosecutions may refer the case to the provincial director or authorize prosecution of all the offences.

26. When a young person is involved in a series of offences connected with several incidents on different dates, one of the offences of which is listed in section 23, the Director of Criminal and Penal Prosecutions may authorize prosecution of all the offences if

(a) the young person's behaviour was not an isolated occurrence; and

(b) the public interest requires prosecution of the offences before the court.

27. The criminal and penal prosecuting attorney may refer a case to the provincial director or authorize prosecution of any offence committed while the young person has a case pending before the court or is serving or has already served a youth sentence as defined in section 2 of the Youth Criminal Justice Act (S.C. 2002, c. 1), in relation to an offence under the Criminal Code (R.S.C., 1985, c. C-46) or the Controlled Drugs and Substances Act (S.C. 1996, c. 19).

28. The criminal and penal prosecuting attorney may refer a case to the provincial director or start judicial proceedings in respect of any offence listed in section 23

for which the provincial director has authorized detention of the young person under subsection 30(8) of the Youth Criminal Justice Act following an arrest without a warrant.

29. When a young person is charged with an offence listed in section 23 and the aggravating circumstances of the offence are such that the use of an extrajudicial sanction would be inconsistent with the principles and objectives of this program, the criminal and penal prosecuting attorney may, exceptionally and with the agreement of the provincial director, start judicial proceedings in respect of the offence.

30. If an offence listed in section 23 is replaced or amended by the Parliament of Canada, the criminal and penal prosecuting attorney may, until the date of coming into force of a new agreement concerning this program, refer a case to the provincial director or start judicial proceedings in respect of any new offence created or amended that concerns the same subject-matter as the offence initially listed in that section.

31. When a young person not permanently resident in Québec is alleged to have committed an offence, the criminal and penal prosecuting attorney may start judicial proceedings in respect of any offence if he or she is of the opinion that it would not be feasible to have an assessment conducted by the provincial director or an agreement made concerning an extrajudicial sanction.

32. When a young person resident in Canada but not permanently resident in Québec is alleged to have committed an offence, the provincial director may, after assessing the situation and reaching an agreement with the young person's province of residence, transfer the assessment or administration of the extrajudicial sanction to that province.

33. After the case of a young person has been referred to the provincial director, the criminal and penal prosecuting attorney may, after consulting the provincial director, authorize proceedings in respect of any offence allegedly committed after the recall date referred to in section 5.

CHAPTER VI OTHER PROVISION

34. A subcommittee, under the responsibility of the YCJA intersectoral committee made up of representatives from the Ministère de la Justice, the Ministère de la Santé et des Services sociaux, the provincial director, the Director of Criminal and Penal Prosecutions and certain organizations sitting on the intersectoral committee on the

application of the YCJA, will monitor the application of this extrajudicial sanctions program and propose amendments to it as required.

CHAPTER VII COMING INTO FORCE

35. This program comes into force on the day of its authorization.

Pursuant to Décret 480-2003 made by the Gouvernement du Québec, the Minister of Justice and the Minister of Health and Social Services jointly authorize this extrajudicial sanctions program for young persons who have committed certain offences; it replaces the alternative measures program authorized on 7 January 1994.

104735

M.O., 2020

Order 4367 of the Minister of Justice and the Minister of Health and Social Services dated 23 November 2020

Youth Criminal Justice Act
(S.C. 2002, c. 1)

Amendment to the extrajudicial sanctions program for young persons authorized under the Youth Criminal Justice Act (S.C. 2002, c. 1)

THE MINISTER OF JUSTICE AND THE MINISTER OF HEALTH AND SOCIAL SERVICES,

WHEREAS paragraph *a* of subsection 2 of section 10 of the Youth Criminal Justice Act (S.C. 2002, c. 1) provides that an extrajudicial sanction may be used for young persons who have committed certain offences if the sanction is part of a program of sanctions that may be authorized by the Attorney General or authorized by a person, or a member of a class of persons, designated by the lieutenant governor in council of the province;

WHEREAS, under Décret 480-2003 dated 31 March 2003, the Minister of Justice and the Minister of Health and Social Services were designated to jointly authorize an extrajudicial sanctions program for young persons who have committed certain offences, in accordance with that Act;