



BILL NO. 12

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
63 Elizabeth II, 2014*

An Act to Amend Chapter 37 of the Acts of 2005, the Correctional Services Act

CHAPTER 46
ACTS OF 2014

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 20, 2014**

The Honourable Lena Metlege Diab
Minister of Justice

*Halifax, Nova Scotia
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**An Act to Amend Chapter 37
of the Acts of 2005,
the Correctional Services Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 37 of the Acts of 2005, the *Correctional Services Act*, is amended by

- (a) striking out clause (a);**
- (b) striking out “or” at the end of subclause (c)(i);**
- (c) adding “or” at the end of subclause (c)(ii);**
- (d) adding immediately after subclause (c)(ii) the following subclause:**
 - (iii) a prescribed order,**
- (e) striking out clause (l) and substituting the following clause:**
 - (l) “electronic supervision” means supervision by an employee, device, system or contracted service using electronic technology that monitors, tracks or records the location, movement, activity, communications, specific behaviour or biometrics of an offender;**

and

(f) striking out “an assistant probation officer,” in the second and third lines of clause (m).

2 Subclause 3(1)(g)(v) of Chapter 37 is amended by striking out “monitoring” in the first line and substituting “supervision”.

3 Section 6 of Chapter 37 is amended by striking out “, assistant probation officers” in the second line.

4 (1) Subsection 10(2) of Chapter 37 is amended by striking out “Any” in the first line and substituting “Subject to subsection (3), any”.

(2) Section 10 of Chapter 37 is further amended by adding immediately after subsection (2) the following subsection:

- (3) The interest earned on any money invested by the Minister under subsection (2) may only be used for the general benefit of offenders.**

5 Subsection 24(2) of Chapter 37 is amended by striking out “believes that he or she” in the first line.

6 Subsection 34(1) is repealed and the following subsection substituted:

(1) Probation officers shall be appointed in accordance with the *Civil Service Act* and provide community corrections.

7 Subsection 54(1) of Chapter 37 is amended by adding “, including visitors appearing by way of video visitation” immediately after “visitors” in the third line.

8 Section 55 of Chapter 37 is repealed and the following Section substituted:

55 Subject to the regulations and except for telephone, video or electronic communications between an offender and the offender’s lawyer or any other prescribed person, the superintendent may restrict, intercept, monitor or record the telephone, video or electronic communications of an offender in a correctional facility.

9 Section 56 of Chapter 37 is repealed and the following Section substituted:

56 Subject to the regulations and except for the privileged correspondence between an offender and the offender’s lawyer or other prescribed person, the superintendent may read and inspect all

- (a) parcels; and
- (b) correspondence produced, recorded or stored by any means,

coming into or going out of a correctional facility.

10 (1) Clause 88(2)(b) of Chapter 37 is amended by

- (a) striking out “or” at the end of subclause (ii);
- (b) striking out the period at the end of subclause (iii) and substituting a comma; and
- (c) adding the following subclauses:
 - (iv) a hospital or medical appointment, or
 - (v) a prescribed location.

(2) Subsection 88(3) is repealed and the following subsection substituted:

(3) Every offender who is being transported under subsection (2) is subject to the rules and regulations applicable to an offender in custody.

11 Section 89 of Chapter 37 is amended by striking out “or assistant probation officer” in the first line.

12 Section 90 of Chapter 37 is amended by

- (a) striking out “, an assistant probation officer” in the second line; and
- (b) striking out “, the assistant probation officer” in the eighth and ninth lines.

13 Clause 91(b) of Chapter 37 is amended by adding “, but not including routine temporary transfers” immediately after “penitentiary” in the last line.

14 Subsection 94(1) of Chapter 37 is amended by

(a) adding immediately after clause (a) the following clause:

(aa) prescribing an order to be included within the definition of “committal orders”;

(b) striking out “, assistant probation officers” in the second line of clause (d);

(c) striking out “, an assistant probation officer” in the second line of clause (v);

(d) adding immediately after clause (aj) the following clause:

(aja) prescribing locations to or from which an offender must be transported by a sheriff, an employee or another class of person designated by the Minister;

(e) adding immediately after clause (ap) the following clause:

(apa) limiting the liability of Her Majesty in right of the Province with respect to the loss or damage of an offender’s property while the offender is in custody;

(f) adding “, video or electronic” immediately after “telephone” in the second line of clause (au);

(g) adding “, video or electronic” immediately after “telephone” in the second line of clause (av); and

(h) striking “monitoring” in clause (bd) and substituting “supervision”.
