



Province of Alberta

CORRECTIONS ACT

Revised Statutes of Alberta 2000
Chapter C-29

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Corrections Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Corrections Act		
Correctional Institution	205/2001	251/2001, 27/2002, 217/2002, 109/2003, 286/2003, 2/2005, 115/2006, 22/2008, 68/2008, 176/2008, 106/2009, 61/2010, 181/2011, 31/2012, 62/2013, 40/2016
Designated Correctional Institutions Order	252/99	302/2002, 26/2006, 91/2008, 208/2009, 44/2012, 57/2016
Fine Option Order	92/99	63/2003, 100/2010, 110/2017, 129/2018

CORRECTIONS ACT

Chapter C-29

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “Chief Executive Officer” means the Chief Executive Officer of the Alberta Correctional Services;
- (a.1) “classification process” means a security classification process and an assessment process respecting inmates;
- (b) “correctional institution” means
 - (i) a holding or lock-up facility operated by the police on a daily fee or a fee for service basis for the purpose of confining persons being held in custody prior to court appearances, on remand or undergoing a sentence or sentences of imprisonment either imposed by a court in Alberta, or imposed elsewhere than in Alberta when

those persons are transferred to Alberta pursuant to an Act of Canada or an Act of another province or territory,

- (ii) a detention or remand facility operated by or for the Government of Alberta to detain arrested, charged or convicted persons pursuant to a law in force in Alberta,
- (iii) a forestry or similar facility operated by the Government of Alberta,
- (iv) a jail or institution referred to in section 6(1), or
- (v) any other facility designated as a correctional institution by the Minister,

but does not include a secure services facility within the meaning of the *Child, Youth and Family Enhancement Act*;

- (c) “director” means, with reference to a correctional institution, the executive head of that correctional institution;
- (c.1) “illicit drug” means
 - (i) alcohol,
 - (i.1) cannabis,
 - (ii) a controlled substance and an analogue, as defined in the *Controlled Drugs and Substances Act* (Canada), and
 - (iii) any other substance designated by the regulations;
- (c.2) “illicit-drug test” means a test, provided for in the regulations, to determine the presence of an illicit drug;
- (d) “inmate” means a person lawfully detained or confined in a correctional institution or otherwise held in lawful custody but does not include a young person, as defined in the *Youth Justice Act* or the *Youth Criminal Justice Act* (Canada) in respect of whom no order has been made under sections 72 and 73(1) of the *Youth Criminal Justice Act* (Canada);
- (d.1) “inmate communication” means communication made by oral, written or electronic means between an inmate and any other person, but does not include a privileged communication as specified in the regulations;

- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) “probation officer” means a person employed or engaged under this Act either on a full-time or part-time basis in the performance of duties related to probation or matters of a like nature.

RSA 2000 cC-29 s1;2003 c16 s117;2003 c17 s2;
2003 c41 s4(26);2009 c41 s2;2011 c10 s2;2018 c7 s4

Responsibility of Minister

2 The Minister is responsible for correctional services under the jurisdiction of the Government of Alberta and in particular for

- (a) the provision to the courts, on request, of background information on convicted persons prior to sentencing;
- (b) the provision of probation and parole supervision and counselling services to offenders against the law;
- (c) the safe custody and detention of inmates;
- (d) the supervision, treatment and training of inmates with a view to their ultimate rehabilitation in society;
- (e) the promotion and assistance of programs designed to prevent and reduce crime within the community;
- (f) the provision of a broad range of options and alternatives to the court at the time of sentencing, such as work instead of a fine, performance of community service, restitution to a victim or similar alternatives.

RSA 1980 cC-26 s2

Personnel

3(1) In accordance with the *Public Service Act*, there may be appointed a Chief Executive Officer of the Alberta Correctional Services and all other employees necessary for the administration of this Act.

(2) The Minister may delegate any of the powers relating to the operation of the Alberta Correctional Services conferred on the Minister by or under this or any other Act to the Chief Executive Officer or to any other person.

(3) The Chief Executive Officer may delegate any power or duty conferred on the Chief Executive Officer by or under this or any other Act, including a power delegated to the Chief Executive

Officer under subsection (2), to any other person on any conditions that the Chief Executive Officer may prescribe.

RSA 1980 cC-26 s3

Part 1

Probation and Community Corrections

Probation officers

4 A probation officer

- (a) is a probation officer for the Province of Alberta;
- (b) is an officer of every court in Alberta insofar as that designation is consistent with the provisions of the *Criminal Code* (Canada) and this Act respecting probation or matters of a like nature;
- (c) shall prepare, on the request of a court, factual and objective pre-sentence or post-sentence reports;
- (d) is by virtue of that office a peace officer when appointed a parole supervisor under the *Corrections and Conditional Release Act* (Canada);
- (e) shall supervise those persons on probation placed under the probation officer's supervision by a court;
- (f) shall supervise parolees paroled under this Act and placed under the probation officer's supervision;
- (g) shall comply with the instructions of the director of a correctional institution whenever that probation officer is attached to the correctional institution for the purpose of parole or probation investigations or for pre-release or community release or other program purposes that require the presence of a probation officer in the correctional institution;
- (h) is by virtue of that office a peace officer while carrying out the probation officer's duties under this Act.

RSA 1980 cC-26 s4;1994 c23 s13

Reports

5 A probation officer charged with the supervision of a person on whom the passing of sentence is suspended or who is subject to the conditions of a probation order, shall maintain a record of

- (a) any failure to carry out the terms on which the passing of sentence is suspended, or
- (b) any breach of conditions of the probation order,

and shall report the failure or breach in accordance with the regulations.

RSA 1980 cC-26 s5

Part 2 Institutional Services

Correctional institutions

6(1) The institutions heretofore certified or designated as jails or correctional institutions by the Lieutenant Governor in Council continue as correctional institutions.

(2) The Minister may by order designate any facility that the Minister considers appropriate as a correctional institution.

(3) The Minister may by order change the name of any correctional institution.

RSA 1980 cC-26 s6

Function of director

7(1) There may be appointed a director for each correctional institution.

(2) The director of a correctional institution shall, subject to the direction of the Chief Executive Officer,

- (a) direct and co-ordinate the programs of the correctional institution in accordance with the regulations, and
- (b) direct the operation, management and administration of the correctional institution including matters of security, inmate control, staff discipline and the care, custody, treatment and training of inmates.

RSA 1980 cC-26 s7

Transfer of inmates

8 The Chief Executive Officer is responsible for authorizing the transfer of inmates from one correctional institution to another.

RSA 1980 cC-26 s8

Transfer of inmates

9(1) If the director is satisfied that an inmate requires treatment in a hospital or, pursuant to the *Mental Health Act*, requires treatment in a facility under that Act, the director may so direct by a written order.

(2) Every inmate transferred to a hospital or facility under subsection (1) remains in custody while the inmate is in the hospital or facility.

(3) When the director is advised by the person in charge of the hospital or facility that an inmate no longer requires treatment in the hospital or facility, the director shall direct the transfer of the inmate to a named correctional institution.

(4) Repealed 2011 c10 s3.

RSA 2000 cC-29 s9;2011 c10 s3

Peace officers

10 Every employee of the Government of Alberta employed in a correctional institution is hereby constituted a peace officer for the purpose of assisting in the enforcement of law and order while in the performance of the employee's duties.

RSA 1980 cC-26 s10

Classification process

11 The director of a correctional institution shall, in accordance with the regulations, establish a classification process for that correctional institution

- (a) for the purposes of
 - (i) the intake of inmates,
 - (ii) the placement of inmates, or
 - (iii) programs for inmates, including programs respecting education, treatment or work and any other programs prescribed in the regulations,
- and
- (b) for any other purpose prescribed in the regulations.

RSA 2000 cC-29 s11;2011 c10 s4

Disclosure of health information

11.1 A custodian, as defined in the *Health Information Act*, may disclose individually identifying health information about an inmate, without the consent of the inmate, to a director of a correctional institution, and the director of the correctional institution may collect and use that information

- (a) for the purposes of
 - (i) a classification process, as described in section 11,

- (ii) protecting the health, safety and security of inmates, staff and visitors to the correctional institution and the safety and security of the correctional institution,
 - (iii) addressing or preventing a nuisance, as defined in the Public Health Act, in the correctional institution, or
 - (iv) addressing or preventing a communicable disease outbreak in the correctional institution,
- and
- (b) for any other purpose prescribed in the regulations.

2011 c10 s4

Powers of a director

12(1) Subject to the *Ombudsman Act*, the director of a correctional institution or a person authorized by the director may

- (a) open or examine any letter, parcel or other matter received at the correctional institution through the mail or otherwise, addressed to or intended for an inmate and withhold from an inmate, or otherwise deal with, any objectionable contents of the letter, parcel or matter, and
- (b) open or examine any letter, parcel or other matter an inmate desires to have sent out by mail or otherwise and detain or otherwise deal with any objectionable contents of the letter, parcel or matter.

(2) When the director withholds, detains or otherwise deals with the contents of a letter, parcel or other matter under subsection (1), the director shall so advise the inmate concerned.

RSA 1980 cC-26 s12

Agreements

13 The Minister may enter into an agreement or agreements with the Government of Canada or the government of any province or territory respecting the rental, purchase or other use of services and facilities of the Government of Canada or the government of that other province or territory required for the purposes of this Act.

RSA 1980 cC-26 s13

Prohibitions

14(1) A person who, without the prior consent of the director,

- (a) gives or in any way conveys to an inmate an article or thing prohibited by the rules of the correctional institution,

- (b) leaves an article anywhere with intent that an inmate will get it,
- (c) does any other act with intent that an inmate will receive the article,
- (d) takes or receives from or carries out for an inmate, for any purpose, an article prohibited by the rules of the correctional institution to be taken, received or carried out,
- (e) buys any thing from or sells any thing to or for an inmate,
- (f) takes or receives for the person's own use or for that of any other person a reward from an inmate,
- (f.1) brings an illicit drug, or causes an illicit drug to be brought, into a correctional institution,
- (f.2) possesses an illicit drug while in a correctional institution,
- (g) employs an inmate, or
- (h) endeavours to do or knowingly allows to be done any of the acts mentioned in this section,

is guilty of an offence.

(2) If the director has reasonable and probable grounds to believe that a person other than an inmate has contravened subsection (1)(f.1) or (f.2), the director must notify a police officer.

RSA 2000 cC-29 s14;2003 c17 s3

Illicit-drug testing programs

14.1 A person authorized by the Minister for the purpose may demand that an inmate produce evidence of the absence of illicit drugs in the inmate's body by submitting to an illicit-drug test if the demand is part of a random selection under an illicit-drug testing program conducted without individualized grounds on a periodic basis in accordance with the regulations.

2003 c17 s4

Illicit-drug testing

14.2(1) A person authorized by the director may demand that an inmate produce evidence of the absence of illicit drugs in the inmate's body by submitting to an illicit-drug test if the demand is authorized by the director and if the person authorized by the director has reasonable grounds

- (a) to suspect that the inmate has consumed or used an illicit drug, and

- (b) to require the test to confirm the consumption or use of an illicit drug.

(2) A person authorized by the director may demand that an inmate produce evidence of the absence of illicit drugs in the inmate's body by submitting to an illicit-drug test if an illicit-drug test is a requirement for participation in

- (a) a program or activity involving contact with the community, or
- (b) an alcohol or substance abuse program.

2003 c17 s4

Disclosure of information

14.3(1) In this section,

- (a) "community corrections manager" means the employee of the department who is responsible for a probation office to which a court order has been issued in respect of the supervision of an offender in the community;
- (b) "department" means the department administered by the Minister;
- (c) "offender" means a person who has been found guilty of an offence, whether on acceptance of a plea of guilty or on a finding of guilt;
- (d) "probation office" means an office from which probation officers perform their duties;
- (e) "temporary absence" has the same meaning as in the *Prisons and Reformatories Act* (Canada);
- (f) "victim" means
 - (i) the person against whom an offence was committed by the offender, or
 - (ii) if the person referred to in subclause (i) is deceased, the spouse, adult interdependent partner, children, parents or siblings of the person.

(2) Subject to the regulations, on the request of a victim of an offence of which an offender has been found guilty, the director of the correctional institution in which the offender is incarcerated

- (a) shall disclose to the victim the following information about the offender:

- (i) the offender's name;
- (ii) the offence of which the offender was found guilty and the court that found the offender guilty;
- (iii) the date of commencement and length of the sentence that the court imposed;
- (iv) any conditions contained in the offender's sentence that relate to the victim,

and

- (b) may disclose to the victim any of the following information about the offender where, in the director's opinion, the interest of the victim in the disclosure clearly outweighs any invasion of the offender's privacy that could result from the disclosure:
 - (i) the location of the correctional institution in which the offender's sentence is being served;
 - (ii) the date on which the offender is to be released from custody, including the date or dates of a temporary absence;
 - (iii) any conditions attached to the offender's release, including conditions attached to a temporary absence that relate to the victim;
 - (iv) the municipality or area where the offender proposes to reside on temporary absence or while under court-ordered community supervision and whether the offender will be in the vicinity of the victim while travelling to that municipality or area, if known.

(3) Subject to the regulations, if the offender is under the supervision of a probation officer who is under the authority of a community corrections manager, the community corrections manager, on the request of a victim of the offence of which the offender has been found guilty,

- (a) shall disclose to the victim the following information about the offender:
 - (i) the offender's name;
 - (ii) the offence of which the offender was found guilty and the court that found the offender guilty;

- (iii) the date of commencement and length of the sentence that the court imposed;
 - (iv) any conditions contained in the offender's sentence that relate to the victim,
- and
- (b) may disclose to the victim any of the following information about the offender where, in the community corrections manager's opinion, the interest of the victim in the disclosure clearly outweighs any invasion of the offender's privacy that could result from the disclosure:
 - (i) any conditions attached to the offender's release, including conditions attached to a temporary absence or to court-ordered community supervision that relate to the victim;
 - (ii) the municipality or area where the offender is residing while on temporary absence or while under community supervision and whether the offender will be in the vicinity of the victim while travelling to or through the municipality or area where the victim resides, if applicable.

2007 c29 s2

Monitoring and recording inmate communication

14.4(1) Subject to the regulations, the director of a correctional institution may direct that inmate communication initiated by or received by an inmate may be recorded by electronic or other means.

(2) The director of a correctional institution may restrict or monitor inmate communication where the director believes on reasonable grounds

- (a) that the inmate communication contains or will contain evidence of
 - (i) an act that would jeopardize the security of the institution or the safety of any persons, or
 - (ii) a criminal offence or a plan to commit a criminal offence,
- (b) that the inmate communication is or will be made to a victim as defined in section 14.3(1) or to another person who would be likely to consider the inmate communication intimidating or threatening, or

- (c) that the monitoring of the inmate communication is otherwise necessary for the security of the institution or for the safety of inmates, staff or the public.

2007 c29 s2;2009 c41 s3

Hearing adjudicators and disciplinary hearings

15(1) The Minister may appoint persons, including employees of the Government of Alberta who are not employees of the correctional institution at which the disciplinary hearings will be conducted, as hearing adjudicators to conduct disciplinary hearings in accordance with the regulations for the purpose of

- (a) reviewing breaches by inmates of the regulations or of the rules of a correctional institution, and
- (b) determining appropriate punishment for breaches of the regulations or of the rules of a correctional institution.

(1.1) The Minister may in writing delegate any of the Minister's powers, duties or functions under this section to any person under the authority of the Minister.

(1.2) A hearing adjudicator may be appointed for a term of not more than 5 years and may be reappointed.

(1.3) A person appointed as a hearing adjudicator continues to hold office after the expiry of the term of the appointment until the person is reappointed, the person's successor is appointed or a period of 3 months has elapsed, whichever occurs first.

(1.4) The Minister may authorize and provide for the payment of the remuneration and expenses of hearing adjudicators who are not employees of the Government of Alberta.

(1.5) A hearing adjudicator may accept any evidence that the hearing adjudicator considers to be relevant to the determination of the issues and is not bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) In determining an appropriate punishment under subsection (1)(b) the hearing adjudicators appointed under subsection (1) must consider imposing the loss of earned remission in addition to any other punishment if the contravention of the regulations or of the rules of the correctional institution involves any of the following:

- (a) inappropriate response by an inmate to a lawful request by an employee under the direction of the director;
- (b) trafficking in an illicit drug by an inmate;

- (c) possession or use of an illicit drug by an inmate or the presence of an illicit drug in an inmate's body unless the drug is prescribed for the inmate in writing by a physician and authorized by the director;
- (d) the possession or use of a weapon;
- (e) an assault;
- (f) gang-related activity.

(3) The fact that an inmate is alleged to have committed an act or omission that is an offence under an enactment of Canada or Alberta does not prevent disciplinary action from being taken against the inmate in respect of a contravention of this Act or the regulations or the rules of a correctional institution.

RSA 2000 cC-29 s15;2003 c17 s5;2007 c29 s3

Appeal adjudicators

15.1(1) The Minister may appoint persons as appeal adjudicators to conduct, subject to the regulations, appeals of decisions of hearing adjudicators in respect of disciplinary hearings.

(2) An appeal adjudicator may be appointed for a term of not more than 5 years and may be reappointed.

(3) A person appointed as an appeal adjudicator continues to hold office after the expiry of the term of the appointment until the person is reappointed, the person's successor is appointed or a period of 3 months has elapsed, whichever occurs first.

(4) An appeal adjudicator may be paid remuneration and expenses while engaged in conducting an appeal or writing a decision in respect of an appeal at a rate determined by the Minister.

(5) The Minister may in writing delegate any of the Minister's powers, duties or functions under this section to any person under the authority of the Minister.

2007 c29 s4

Appeal of decision of hearing adjudicator

15.2(1) For the purposes of subsections (2) and (4) and section 15.3, "director of the correctional institution" means the director of the correctional institution where the inmate was charged with the breach of the regulations or of the rules of the correctional institution that resulted in the disciplinary hearing.

(2) An inmate to whom the decision relates or the director of the correctional institution may appeal the decision of a hearing adjudicator to an appeal adjudicator.

- (3) A request for an appeal by an inmate must be filed in writing with the director of the correctional institution in which the inmate is incarcerated within 7 calendar days of the decision being appealed from.
- (4) A request for an appeal by the director of the correctional institution must be filed with the Chief Executive Officer within 7 calendar days of the decision being appealed from.
- (5) The request for an appeal must set out
- (a) the circumstances and any other relevant particulars of the matter being appealed,
 - (b) the grounds for the appeal, and
 - (c) the relief being requested.
- (6) An appeal must be based solely on the record of the disciplinary hearing and the decision of the hearing adjudicator.
- (7) The record of the disciplinary hearing may be in the form of a written document or an audio or video recording of the disciplinary hearing, or any combination of them.
- (8) If the information provided on a request for an appeal discloses that new evidence may have become available since the disciplinary hearing, the appeal adjudicator shall refer the matter, including any of the new evidence that may have been submitted to the appeal adjudicator, to the original hearing adjudicator or another hearing adjudicator to be dealt with in accordance with subsection (9).
- (9) Where a matter is referred to a hearing adjudicator under subsection (8), the hearing adjudicator may
- (a) rehear the matter in accordance with section 15 if, in the opinion of the hearing adjudicator,
 - (i) the new evidence was not available at the original disciplinary hearing, and
 - (ii) the new evidence is relevant to and probative of the issues before the hearing adjudicator,
- or
- (b) refuse to rehear the matter if, in the opinion of the hearing adjudicator,

- (i) the evidence was available at the original disciplinary hearing but was not presented, or
 - (ii) the evidence is not relevant to or probative of the issues before the hearing adjudicator.
- (10)** At the conclusion of an appeal, the appeal adjudicator may
- (a) confirm, revoke or vary the decision of the hearing adjudicator, or
 - (b) order that a new disciplinary hearing be held.

2007 c29 s4

Judicial review

15.3(1) An inmate to whom the decision relates or the director of the correctional institution may apply for judicial review of a decision of an appeal adjudicator in accordance with the *Alberta Rules of Court*.

(2) Where an inmate applies for judicial review under subsection (1), the director of the correctional institution is a party to the judicial review and may make full submissions on all issues on the application.

2007 c29 s4;2009 c53 s42

Limited application

16 The Minister may by order exempt any correctional institution from the application in whole or in part of all or any of sections 11, 12 and 15.

RSA 1980 cC-26 s16

Employment requirements

17 The director of a correctional institution shall cause every sentenced inmate in the correctional institution to be engaged or employed in an employment program to the extent that the institution can accommodate the program, if the inmate is medically fit to engage in the program.

RSA 1980 cC-26 s17

Employment programs inside correctional institutions

18(1) If an employment program is established inside a correctional institution, an inmate who wishes to enter a program may do so if the director of the correctional institution approves the participation of that person in the program.

(2) The products of the employment program inside the correctional institution are the property of the Government of Alberta and

- (a) may be used for the purposes and benefit of the correctional institution where the product was produced or manufactured,
 - (b) may, with the prior consent of the Chief Executive Officer, be used to benefit any department or agency of the Government of Alberta, or
 - (c) may be sold in any manner that the Minister specifies.
- (3)** When services are provided under an employment program inside a correctional institution,
- (a) the services are available only to those persons or organizations approved in writing by the Chief Executive Officer, and
 - (b) the cost of the services to be provided under the program must be approved by the Chief Executive Officer.
- (4)** When a sentenced inmate is engaged in an employment program within a correctional institution the inmate may be paid an incentive allowance in accordance with the regulations.
- (5)** Handiwork manufactured by an inmate from materials purchased by the inmate or on the inmate's behalf may be sold on behalf of the inmate in any manner that the Chief Executive Officer determines.

RSA 1980 cC-26 s18

Employment programs outside correctional institutions

19 If an employment program is established outside a correctional institution,

- (a) every sentenced inmate of the correctional institution is eligible to apply to the director for permission to enter an employment program outside the correctional institution, and
- (b) a sentenced inmate who enters an employment or training program outside the correctional institution is subject to the rules and regulations of the correctional institution to the extent that they can be applied, unless the rule or regulation is altered or waived by the Chief Executive Officer for the purpose of the employment program.

RSA 1980 cC-26 s19

Earnings of inmates

20(1) The earnings of a sentenced inmate engaged in an employment or training program shall be paid, less deductions

required by law or by the regulations, to the director of the correctional institution to which the inmate is sentenced, who shall

- (a) deposit the earnings in trust on behalf of the inmate in
 - (i) a bank,
 - (ii) a treasury branch,
 - (iii) a loan corporation or trust corporation, or
 - (iv) a credit union,
- (b) inform the inmate as to
 - (i) any money received on behalf of the inmate, or
 - (ii) any money paid out on behalf of the inmate,and
- (c) pay any balance of money remaining to the inmate on the inmate's release from the correctional institution.

(2) The interest earned from the trust accounts shall be paid by the directors into an Institutional Benefit Fund and may be expended by the Chief Executive Officer for the benefit of all inmates of correctional institutions in Alberta.

(3) The earnings of an inmate are owned by the inmate but the director may disburse on the inmate's behalf and without the inmate's consent any earnings of the inmate in accordance with the regulations.

RSA 2000 cC-29 s20;2001 c28 s7

Responsibility of employer

21 A person employing an inmate under an employment program pursuant to this Part is responsible for the safe custody of the inmate.

RSA 1980 cC-26 s21

Places deemed part of correctional institution

22 Every street, highway or public thoroughfare of any kind along which or across which inmates who are not on parole pass in going to or returning from their work and every place, including a place under an employment program, where they are engaged in work is, for the purposes of this Act, a part of the correctional institution to which the inmates are confined.

RSA 1980 cC-26 s22

Authorization of temporary absence

23(1) If in the opinion of a person designated by the Minister it is appropriate for medical or humanitarian reasons or to assist in the inmate's rehabilitation for the inmate to be temporarily absent from the correctional institution to which the inmate is confined, that person may authorize the temporary absence of that inmate in accordance with the regulations for any period and on any conditions that the person considers necessary.

(2) Every inmate permitted to be temporarily absent from a correctional institution pursuant to subsection (1) is deemed to be retained in custody while the inmate is so absent for the period authorized.

RSA 1980 cC-26 s23

Part 3

Parole and Earned Remission

Jurisdiction of National Parole Board

24 The National Parole Board is hereby authorized to exercise in Alberta the jurisdiction described in section 108 of the *Corrections and Conditional Release Act* (Canada).

RSA 1980 cC-26 s24;1994 c23 s13

Provincial Parole Board

25 The Lieutenant Governor in Council may appoint a Provincial Parole Board of not fewer than 3 nor more than 9 members.

RSA 1980 cC-26 s25

Recommendation for parole

26(1) The director of a correctional institution may recommend to the Provincial Parole Board inmates in the correctional institution who in the director's opinion will benefit from parole.

(2) On receiving a recommendation from a director, the Provincial Parole Board shall examine the circumstances of the person recommended with a view to determining whether the person should be released on parole.

(3) Notwithstanding anything in this section, the Provincial Parole Board may review the case of any person sentenced to a correctional institution and may place on parole any person who appears to the Provincial Parole Board to be suitable for parole.

RSA 1980 cC-26 s26

Earned remission

26.1 An inmate who is serving a sentence for an offence under a provincial enactment or a municipal bylaw may be credited with earned remission in accordance with the regulations.

Release on parole

27(1) The Provincial Parole Board may, subject to any Act of Canada and this Act, direct the release on parole of a person sentenced to a correctional institution and the director of that correctional institution shall on receipt of the direction release the person on parole.

(2) The Provincial Parole Board shall prescribe the terms and conditions of parole to be observed and carried out by a person released under subsection (1).

RSA 1980 cC-26 s27

Continuity of sentence

28 The sentence of a person on parole continues in force until its expiration according to law.

RSA 1980 cC-26 s28

Suspension of parole

29(1) The chair of the Provincial Parole Board or a person designated by the Parole Board may, by a warrant in writing signed by the chair or designated person, suspend any parole and authorize the arrest of a paroled person whenever the chair or designated person is satisfied that the person has committed a breach of any term or condition of the parole.

(2) A warrant issued under subsection (1) constitutes the authority and direction to any and every peace officer in Alberta to forthwith arrest the paroled person named in the warrant and return that person to a correctional institution.

(3) The Provincial Parole Board shall forthwith after the paroled person's return to a correctional institution review the case and shall either cancel the suspension or revoke the parole.

RSA 1980 cC-26 s29

Variation of parole

30 The Provincial Parole Board may in its discretion change or vary the terms and conditions attached to a parole.

RSA 1980 cC-26 s30

Part 4 General

General offence

31 A person who contravenes this Act or the regulations is guilty of an offence and liable to

- (a) a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding 3 months,
- (b) imprisonment for a term not exceeding 3 months, or
- (c) both fine and imprisonment.

RSA 1980 cC-26 s31

Notice to enforce attendance

32(1) A notice to enforce the attendance of a witness at a hearing of a Board of Inquiry established under the regulations may be issued by the chair of the Board of Inquiry and shall state the time and place at which the witness is to attend.

(2) A witness may be examined on oath on all matters relevant to the inquiry and shall not be excused from answering any question on the grounds that the answer

- (a) might tend to incriminate the witness,
- (b) might subject the witness to punishment under this Act, or
- (c) might tend to establish the witness's liability
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or
 - (ii) to prosecution under any statute,

but the answer so given, if it tends to incriminate the witness or to establish the witness's liability to a civil proceeding, shall not be used or received against the witness in any civil proceedings, in a prosecution under this Act or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

(3) A witness

- (a) who fails to attend before the Board of Inquiry, or
- (b) who refuses to be sworn or to answer any question allowed by the chair of the Board of Inquiry,

is liable to attachment on application to a judge of the Court of Queen's Bench.

(4) A witness attending before a Board of Inquiry may be paid a fee for attendance at the rate prescribed in the regulations.

(5) The chair of a Board of Inquiry may compel witnesses to produce documents, records and things for the purposes of the inquiry.

RSA 2000 cC-29 s32;2011 c10 s5

Regulations

33 The Lieutenant Governor in Council may make regulations

- (a) respecting the qualifications, duties and powers of probation officers;
- (b) governing reports by probation officers;
- (c) for the good order and internal management, including the direction and co-ordination of programs, of correctional institutions;
- (d) concerning the security of correctional institutions and the discipline of inmates;
- (e) regarding the searching of visitors and other persons entering a correctional institution;
- (f) prescribing and governing the duties and conduct of persons employed in correctional institutions;
- (g) establishing standards for the maintenance and operation of correctional institutions and the inspection of them;
- (h) prescribing the privileges that may be earned, suspended or forfeited by inmates in correctional institutions;
- (i) prescribing penalties for inmates who fail to comply with the regulations or the rules of the correctional institution;
- (j) governing the procedure and conduct of disciplinary hearings under section 15 and appeals under section 15.2;
- (k) requiring an inmate on entry to and during the inmate's imprisonment in a correctional institution to submit to searches, illicit-drug tests and illicit-drug testing programs and to medical, dental and mental examinations;
- (k.1) respecting the manner and form of making requests for disclosure of information under section 14.3 and respecting procedures to be followed in dealing with those requests;
- (k.2) governing the monitoring and recording of inmate communication and prescribing the procedures to be

- followed in implementing monitoring and recording of inmate communication;
- (k.3) specifying communications between an inmate and another person that are privileged communications;
 - (k.4) respecting criteria that must be applied in determining whether an inmate communication is a privileged communication;
 - (l) for the transfer of inmates from one correctional institution to another;
 - (m) for the provision to an inmate on the inmate's release of clothing, transport and money;
 - (n) respecting the establishment and purposes of a classification process for correctional institutions;
 - (n.1) prescribing programs for inmates for the purposes of section 11(a)(iii);
 - (n.2) prescribing purposes for which individually identifying health information may be disclosed or used pursuant to section 11.1(b);
 - (o) specifying the matters regarding which a director may make rules for a correctional institution;
 - (p) governing the establishment of employment programs and the organization, operation, management and administration of them;
 - (q) governing the manner in which an inmate may apply for entry to an employment program and the conditions and restrictions attached to entry to the program;
 - (r) establishing the criteria on which the director of a correctional institution must judge the advisability or otherwise of permitting an inmate to enter an employment program;
 - (s) respecting the security of inmates and the duties and responsibilities of an employer of inmates;
 - (t) prescribing a schedule of incentive allowances to be paid to inmates engaged in an employment or training program;
 - (u) respecting the terms and conditions attached to employment or training programs;

- (v) governing the manner in which an employer pays the earnings of an inmate to the director of a correctional institution;
- (w) concerning the disbursement by the director of a correctional institution of any earnings of the inmate;
- (x) respecting the establishment and operation of canteens and other sources of revenue in correctional institutions and the distribution of profits from them;
- (y) authorizing and governing the establishment of committees to inquire into any matter relating to the operation of a correctional institution;
- (z) establishing types of parole and the particular terms and conditions attached to each type;
- (aa) concerning the persons or classes of persons eligible to apply for parole and the portions, if any, of the terms of imprisonment that inmates must serve before parole may be granted;
- (aa.1) respecting criteria for crediting earned remission;
- (bb) respecting the terms and conditions attached to parole;
- (cc) governing the establishment, operation and management of programs relating to probation and community corrections;
- (dd) relating to the temporary absence of inmates;
- (ee) prescribing forms and providing for their use;
- (ff) prescribing the rates of fees payable to witnesses attending committees of inquiry established under this Act;
- (gg) designating substances as illicit drugs;
- (hh) respecting illicit-drug tests and illicit-drug testing programs.

RSA 2000 cC-29 s33;2003 c17 s6;2007 c29 s5;
2009 c41 s6;2011 c10 s6

Fine option program regulations

34(1) In this section, “fine option program” means a program in which an individual against whom a fine is imposed in respect of an offence against an enactment of Alberta or an offence referred to in section 736 of the *Criminal Code* (Canada) may discharge the fine in whole or in part by earning credits for work performed.

(2) The Lieutenant Governor in Council may make regulations establishing and governing a fine option program.

(3) The regulations under this section may authorize the official responsible for the fine option program to delegate any of the official's powers and duties.

RSA 2000 cC-29 s34;2018 c20 s5



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