



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 15
(2009, chapter 44)

**An Act to amend the Courts of Justice Act
and the Act respecting municipal courts
with regard to court security**

**Introduced 12 March 2009
Passed in principle 15 September 2009
Passed 12 November 2009
Assented to 19 November 2009**

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EXPLANATORY NOTES

This Act amends the Courts of Justice Act to specify the responsibilities of the Minister of Justice and the Minister of Public Security with regard to security in buildings occupied or used by the Court of Appeal, the Superior Court and the Court of Québec. To this end, it prohibits the possession on such premises, except by lawfully authorized persons, of firearms or other objects that may be used to cause bodily harm to or threaten or intimidate a person. It also makes it obligatory to submit to security screening in order to gain access to and move through such premises.

The new provisions list the screening measures that may be used, establish a framework for their use, and exempt certain persons from being screened.

Finally, municipalities are granted the power to implement security screening measures in their municipal courts.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting municipal courts (R.S.Q., chapter C-72.01);
- Courts of Justice Act (R.S.Q., chapter T-16).

Bill 15

AN ACT TO AMEND THE COURTS OF JUSTICE ACT AND THE ACT RESPECTING MUNICIPAL COURTS WITH REGARD TO COURT SECURITY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting the following after Part VII:

“PART VII.1

“COURT SECURITY

“**282.0.1.** The Minister of Justice and the Minister of Public Security are responsible, in their respective spheres of authority, for security in the buildings or parts of buildings occupied or used by the Court of Appeal, the Superior Court and the Court of Québec.

“**282.0.2.** In a building or part of a building described in section 282.0.1, no person may be in possession of a firearm within the meaning of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or of any other object that could be used to cause bodily harm to or threaten or intimidate a person.

A peace officer engaged in security screening may authorize a person to be in possession of such an object, other than a firearm, if the peace officer has reasonable grounds to believe that it will not be used to cause bodily harm to or threaten or intimidate a person.

The first paragraph does not apply to persons lawfully authorized to carry a weapon.

“**282.0.3.** No person may enter a building or part of a building described in section 282.0.1 without submitting to the security screening measures in effect.

“**282.0.4.** A person who refuses to comply with section 282.0.3 may not be admitted to the building or part of the building where security screening measures are in effect, and, if applicable, must leave the premises immediately. A person who refuses to leave may be ejected.

“282.0.5. The Ministers may establish security screening measures in the buildings or parts of buildings described in section 282.0.1 to determine whether persons entering are in possession of an object prohibited under section 282.0.2.

Such measures are to be established in consultation with the chief justice or chief judge of each of the courts concerned and, if the measures bear upon them, with the Barreau du Québec, the Chambre des notaires du Québec and the Chambre des huissiers de justice du Québec.

“282.0.6. As appropriate in the circumstances, security screening may include one or more of the following measures:

- (1) requiring passage through an upright metal detector;
- (2) submitting briefcases, handbags and personal effects to fluoroscopic or visual inspection;
- (3) conducting a pat-down frisk search or a search with a hand-held metal detector;
- (4) any other screening measure prescribed by joint ministerial regulation.

Once inside the building or part of the building, persons may be re-screened if a peace officer has reasonable grounds to suspect that the safety of users or the public is at risk or that a person is in possession of an object prohibited under section 282.0.2.

A pat-down frisk search may be conducted only if there are reasonable grounds to suspect that the person concerned is in possession of an object prohibited under section 282.0.2. A pat-down frisk search must be conducted by a person of the same sex as the person being searched, except in cases of necessity.

“282.0.7. Security screening measures may vary depending on the building or part of the building where they apply.

“282.0.8. Security screening is conducted by peace officers, who may be assisted by security officers, as determined by the Minister of Public Security.

“282.0.9. Despite section 282.0.3, the following persons may, after having identified themselves and proved their status to security screening officers, enter a building or part of a building where security screening is conducted without being screened:

- (1) persons entered on the roll of one of the following professional orders, and their articulated students: the Barreau du Québec, the Chambre des notaires du Québec and the Chambre des huissiers de justice du Québec;

(2) peace officers;

(3) any other person who shows a special authorization issued by the Minister of Justice or the Minister of Public Security or a delegate of the Minister of Justice or the Minister of Public Security; and

(4) persons included in the categories of persons who may use security devices, determined by joint regulation of the Ministers, to gain access to a building or part of a building.

The Ministers may, by joint order and after consultation with the professional orders concerned, cancel the exemptions provided for in the first paragraph, except with regard to the persons specified in subparagraph 2 of that paragraph, in the building or part of the building designated in the order.

“282.0.10. The Ministers may, by joint regulation, determine the security devices by which a person may gain access to a building or part of a building without being subject to security screening, and prescribe the conditions for their application and use.

The regulation may specify the categories of persons who may use such security devices.

Despite section 282.0.3, persons who use such security devices are not subject to security screening.

“282.0.11. Persons referred to in section 282.0.9 are not exempted from the re-screening measures that may be applied once a person is inside a building, if a peace officer has reasonable grounds to suspect that the safety of users or the public is at risk or that a person is in possession of an object prohibited under section 282.0.2.

“282.0.12. A notice informing users and the public of the prohibitions and security screening measures in effect must be prominently posted in the building or part of the building where the prohibitions and measures apply. The notice must state that persons who do not wish to submit to security screening will not be admitted to the premises or must leave the premises, as the case may be. The notice must also state that refusing to submit to security screening or leaving the premises does not release a person from any obligation to be on the premises, for instance for the purposes of legal proceedings.

“282.0.13. This Part does not affect the right of judges of the courts to uninhibited access to buildings or parts of buildings where security screening is in effect.”

2. The Act respecting municipal courts (R.S.Q., chapter C-72.01) is amended by inserting the following section after section 88:

“88.1. The municipality responsible for the administration of a municipal court may, by a resolution and after consultation with the judge of the court, the judge responsible for the court or the president judge, as the case may be, render Part VII.1 of the Courts of Justice Act (chapter T-16) applicable in any building or part of a building where the court holds its sittings. In such a case, the municipality or its delegate exercises, with the necessary modifications, the powers granted under that Part to the Minister of Justice and the Minister of Public Security.

Security screening costs shall be assumed by the municipality that established the court or by the municipalities that are party to the agreement to establish the court, as the case may be.”

3. The expression “security officer” in section 282.0.8, enacted by section 1, is replaced by “security guard agent” as of the coming into force of paragraph 1 of section 17 of the Private Security Act (R.S.Q., chapter S-3.5).

4. This Act comes into force on 19 November 2009.

