



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 22
(2013, chapter 8)

**An Act to amend the Crime Victims
Compensation Act, the Act to promote
good citizenship and certain provisions
of the Civil Code concerning
prescription**

**Introduced 21 February 2013
Passed in principle 16 April 2013
Passed 22 May 2013
Assented to 23 May 2013**

**Québec Official Publisher
2013**

EXPLANATORY NOTES

This Act amends the Crime Victims Compensation Act to provide that the costs for cleaning a crime scene may be paid back in accordance with the conditions prescribed. It also provides for the payment of certain expenses incurred for the resiliation of a residential lease, in the case of a victim of spousal violence or sexual aggression, or for the reimbursement of certain expenses incurred by the victim of crime in vacating a dwelling if the victim must pay rent for another dwelling as well, and the victim's relocation is required to facilitate rehabilitation.

It also extends the time in which to file an application for compensation from one year to two years and specifies that the occurrence of the injury, which serves as the starting point of the two-year period, is the moment the victim becomes aware of the damage suffered and of its probable connection with the criminal offence.

It also raises the amount of the lump sum indemnity to which the parents of a dependent child are entitled, if the child dies, as well as the amount that may be reimbursed to the person who paid for a victim's funeral expenses.

It also amends the Act to promote good citizenship to increase the time limit for applying for a benefit from one to two years and to raise the amount granted to cover a rescuer's funeral expenses.

In addition, this Act amends the Civil Code by extending the prescriptive period from three years to ten years in cases of civil liability where the act causing bodily injury could constitute a criminal offence. The prescriptive period is of 30 years when the injury results from a sexual aggression, violent behaviour suffered during childhood, or the violent behaviour of a spouse or former spouse. If the victim or the author of the act dies, the prescriptive period is reduced to three years and runs from the date of death.

This Act states the time from which the prescriptive period in such cases runs by setting it clearly, not from the time of the criminal act, but from the time the victim becomes aware that the injury suffered is attributable to that act. The prescriptive period applicable to these same actions does not run against a minor or a person of full age under curatorship or tutorship.

Lastly, this Act contains transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec;
- Act to promote good citizenship (chapter C-20);
- Crime Victims Compensation Act (chapter I-6).

Bill 22

AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT, THE ACT TO PROMOTE GOOD CITIZENSHIP AND CERTAIN PROVISIONS OF THE CIVIL CODE CONCERNING PRESCRIPTION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CRIME VICTIMS COMPENSATION ACT

1. Section 1 of the Crime Victims Compensation Act (chapter I-6) is amended by replacing “the person referred to in section 6” in paragraph *c* by “the persons referred to in sections 6 and 6.1”.

2. Section 6 of the Act is amended

(1) by replacing “Notwithstanding section 2, the person who” at the beginning of the first paragraph by “Despite section 2, a natural person who”;

(2) by replacing “\$3,000” in the first paragraph by “\$5,000”;

(3) by adding the following sentence at the end of the second paragraph: “The Minister publishes the indemnity amount so revalorized in the *Gazette officielle du Québec*.”

3. The Act is amended by inserting the following sections after section 6:

“6.1. Despite section 2, the costs for cleaning the crime scene in a private residence are paid back by the Commission to the natural person who assumed them, if the victim died following the crime and the services of a specialized cleaning firm were required.

The cleaning costs are paid up to an amount of \$3,200, revalorized on 1 January of each year in accordance with sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). The Minister publishes the indemnity amount so revalorized in the *Gazette officielle du Québec*.

“6.2. The costs incurred under article 1974.1 of the Civil Code for the resiliation of a residential lease are paid by the Commission up to the equivalent of two months’ rent, without exceeding \$1,000 per month.

The maximum amount referred to in the first paragraph is revalorized on 1 January of each year in accordance with sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). The Minister publishes the indemnity amount so revalorized in the *Gazette officielle du Québec*.

“6.3. The rental costs incurred by the victim of a criminal offence listed in the schedule to this Act in vacating a dwelling otherwise than pursuant to article 1974.1 of the Civil Code may be paid by the Commission up to the equivalent of three months’ rent if the victim must pay rent for another dwelling as well, and the victim’s relocation is required to facilitate rehabilitation.”

4. Section 7 of the Act is replaced by the following section:

“7. Despite section 2, the father and mother of a dependent person may invoke this Act to obtain an indemnity of \$6,000 each if the person died in circumstances to which this Act applies.

However, only one of the parents is entitled to an indemnity of \$12,000 in the following cases:

- (1) that parent is the only parent who may claim benefits under this Act;
- (2) the other parent is deprived of parental authority or has abandoned the dependent person.

If one of the parents entitled to the indemnity fails to submit a claim within the time prescribed in section 11, the Commission pays an additional indemnity of \$6,000 to the other parent provided that person submitted a claim within the required time.

The indemnity amounts referred to in this section are revalorized on 1 January of each year in accordance with sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). The Minister publishes the indemnity amounts so revalorized in the *Gazette officielle du Québec*.”

5. Section 11 of the Act is amended

- (1) by replacing “one year” in the first paragraph by “two years”;
- (2) by inserting the following paragraph after the first paragraph:

“For the purposes of the first paragraph, the occurrence of an injury is the moment the victim becomes aware of the damage suffered and of its probable connection with the criminal offence.”;

(3) by adding the following sentence at the end of the second paragraph: “This presumption may be rebutted if, among other things, it is shown that it was impossible for the victim to act.”

CIVIL CODE OF QUÉBEC

6. Article 2905 of the Civil Code of Québec is amended by replacing the second paragraph by the following paragraph:

“Nor does it run against a minor or a person of full age under curatorship or tutorship with respect to remedies they may have against their representative or against the person entrusted with their custody, or with respect to remedies they may have against any person for bodily injury resulting from an act which could constitute a criminal offence.”

7. The Code is amended by inserting the following article after article 2926:

“2926.1. An action in damages for bodily injury resulting from an act which could constitute a criminal offence is prescribed by 10 years from the date the victim becomes aware that the injury suffered is attributable to that act. However, the prescriptive period is 30 years if the injury results from a sexual aggression, violent behaviour suffered during childhood, or the violent behaviour of a spouse or former spouse.

If the victim or the author of the act dies, the prescriptive period, if not already expired, is reduced to three years and runs from the date of death.”

8. Article 2930 of the Code is replaced by the following article:

“2930. Notwithstanding any provision to the contrary, where an action is based on the obligation to make reparation for bodily injury caused to another, the requirement that notice be given prior to bringing the action or that the action be instituted within a period of less than 3 years, 10 years or 30 years, as the case may be, cannot affect a prescriptive period provided for in this Book.”

ACT TO PROMOTE GOOD CITIZENSHIP

9. Section 2 of the Act to promote good citizenship (chapter C-20) is amended

(1) by replacing “The person” at the beginning of the second paragraph by “A natural person”;

(2) by replacing “\$600” in the second paragraph by “\$5,000”;

(3) by adding the following paragraph at the end:

“The amount set out in the second paragraph for the reimbursement of funeral expenses is revalorized on 1 January of each year in accordance with

sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). The Minister publishes the amount of the revalorized indemnity in the *Gazette officielle du Québec*.”

10. Section 3 of the Act is amended by replacing “one year” wherever it appears in the first paragraph by “two years”.

TRANSITIONAL AND FINAL PROVISIONS

11. Section 5 of this Act applies in respect of a person who, on or after 23 May 2013, becomes a crime victim within the meaning of section 3 of the Crime Victims Compensation Act (chapter I-6).

12. Suspension of prescription provided for in article 2905 of the Civil Code of Québec, enacted by section 6, applies to existing juridical situations only as of the coming into force of section 6.

13. The prescriptive periods provided for in article 2926.1 of the Civil Code, enacted by section 7, apply to existing juridical situations taking into account the time already elapsed.

The provisions of article 2926.1 of the Civil Code concerning the starting point of prescriptive periods are declaratory.

14. This Act comes into force on 23 May 2013.