

The Correctional Services Act

being

Chapter C-39.1* of the *Statutes of Saskatchewan, 1993* (effective October 1, 1994) as amended by the *Statutes of Saskatchewan, 1996, c.28; 1998, c.19; 2002, c.C-11.1 and 45; 2003, c.Y-2; 2004, c.T-18.1 and 10; and 2005, c.M-36.1.*

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER C-39.1
An Act respecting Correctional Services

PART I
Short Title and Interpretation

Short title

1 This Act may be cited as *The Correctional Services Act*.

Interpretation

2 In this Act:

- (a) **“bylaw”** means a bylaw of:
 - (i) a municipality;
 - (ii) the Meewasin Valley Authority;
 - (iii) the Wakamow Valley Authority; or
 - (iv) the Wascana Centre Authority;
- (b) **“committal order”** means a probation order or an order made by a lawful authority for the committal of a person to a correctional facility;
- (c) **“community correctional facility”** means a facility designated by the minister to house inmates in reduced custody or to provide a correctional service or program authorized pursuant to Part IV;
- (d) **Repealed.** 2002, c.45, s.3.
- (e) **Repealed.** 2002, c.45, s.3.
- (f) **Repealed.** 2002, c.45, s.3.
- (g) **“correctional centre”** means a facility designated by the minister for the secure custody, control and care of inmates;
- (h) **“correctional facility”** means a correctional centre or a community correctional facility;
- (i) **“correctional services”** includes:
 - (i) the assistance provided to the courts in their pre-trial or pre-sentence decision making;
 - (ii) the provision of a range of custody, supervision and treatment services for persons sentenced or remanded by the courts;
 - (iii) the development of crime prevention strategies and the development and provision of other correctional services; and
 - (iv) the establishment and promotion of programs for public education respecting the criminal justice system;

- (j) **“court”** means a court presided over by a judge having the authority to commit adult offenders to a correctional facility;
- (k) **“custody”** means a correctional service authorized by a committal order requiring control or confinement of a person charged or convicted of an offence;
- (l) **“department”** means the department presided over by the minister;
- (m) **“executive director”** means the person appointed pursuant to section 3;
- (n) **“inmate”** means a person, other than a person released on a probation order, who is lawfully admitted to a correctional facility or otherwise confined on a committal order;
- (o) **“judge”** includes a provincial court judge, a justice of the peace or any other person having authority to commit a person to a correctional facility;
- (p) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (q) **“municipality”** includes the City of Lloydminster;
- (r) **“offence”** means an offence against the *Criminal Code*, any other enactment of the Parliament of Canada, any enactment of the Government of Saskatchewan, any enactment of another province or any regulation or bylaw made pursuant to any of those enactments;
- (s) **“offender”** means a person who has been charged with or convicted of an offence and who is bound by a committal order or a supervision order, and includes a person transferred pursuant to an Act of the Parliament of Canada to a court or a correctional facility;
- (t) **“probation”** includes the disposition of a sentencing court requiring an offender to be subject to conditions prescribed in a probation order or supervision order;
- (u) **“probation officer”** means a person whose duty includes supervision of an offender under a probation order or supervision order;
- (v) **“prosecutor”** means:
 - (i) the Attorney General and includes a counsel or agent acting on behalf of the Attorney General; and
 - (ii) with respect to a bylaw, any person authorized by a municipality or body corporate mentioned in subclauses (a)(ii) to (iv) to prosecute bylaws on its behalf.

PART II
Administration

Executive director

3 The minister may appoint a person as executive director for the purposes of this Act.

1993, c.C-39.1, s.3.

Responsibilities of executive director

4 The executive director, under the authority of the minister, shall carry out and develop correctional services for Saskatchewan.

1993, c.C-39.1, s.4.

Funding

5 The expenditures for the purposes of this Act shall be paid out of moneys appropriated by the Legislature for that purpose.

1993, c.C-39.1, s5.

Gifts and donations

6 A correctional facility may receive any gift, donation, grant, bequest or devise that is to be used for the benefit of offenders from any person, agency, organization, association or institution.

1993, c.C-39.1, s.6.

Agreements

7(1) The minister may, on behalf of the Crown in right of Saskatchewan, enter into any agreement with the Crown in right of Canada, any province or territory, or any municipality respecting:

- (a) the rental, sale or other use of services and facilities and the exchange of services;
- (b) the transfer of inmates; or
- (c) the administration of certain services and programs relating to the custody or supervision of offenders.

(2) The minister may, on behalf of the Crown in right of Saskatchewan, enter into any agreement with any person, agency, organization, association or institution for the purpose of providing any correctional service authorized by this Act.

(3) Repealed. 2002, c.45, s.4.

(4) The minister shall obtain the approval of the Lieutenant Governor in Council before entering into any agreement pursuant to subsection (1) or (2) where the Government of Saskatchewan is liable to make expenditures in excess of \$50,000 in any fiscal year.

1993, c.C-39.1, s.7; 1996, c.28, s.5; 2002, c.45, s.4.

c. C-39.1**CORRECTIONAL SERVICES****Acquisition, etc., of correctional facilities**

8(1) The minister may, subject to any agreement entered into pursuant to subsection 7(2):

(a) plan, develop, furnish, equip, administer, manage, operate, maintain and repair any correctional facility and all lands, buildings and personal property used for correctional services; and

(b) purchase, lease or otherwise acquire any real property and sell, lease, sublease, exchange, assign, distribute or otherwise deal with real property acquired.

(2) Notwithstanding clause (1)(b), the minister shall obtain the approval of the Lieutenant Governor in Council:

(a) to purchase, lease or otherwise acquire any real property; or

(b) to sell, lease, sublease, exchange, assign, distribute or otherwise deal with real property acquired where the value of the property exceeds \$10,000 or, in the case of a lease or sublease of property, the term of the lease or sublease exceeds 10 years or the annual rent pursuant to the lease or sublease exceeds \$10,000.

1993, c.C-39.1, s.8.

Grants and settlement of claims

9(1) The minister may:

(a) where the amount involved does not exceed \$5,000, settle legal and equitable claims against the Crown in right of Saskatchewan;

(b) make grants, subject to any terms and conditions the minister considers appropriate, to any person, agency, organization, association or institution:

(i) for the benefit of offenders;

(ii) to assist in the research, development, expansion or maintenance of correctional services;

(c) authorize the purchase of goods and services required for the efficient administration of programs and facilities established by or pursuant to this Act.

(2) The minister shall obtain the approval of the Lieutenant Governor in Council before making any grant pursuant to clause (1)(b) that is in excess of \$50,000 in any fiscal year.

1993, c.C-39.1, s.9; 1996, c.28, s.5.

Staff

10(1) Where, pursuant to this Act, a power or responsibility is conferred on the minister, that power or responsibility may be delegated by the minister on any conditions to any person who provides a correctional service.

(2) Every person who has the power and responsibility to provide a correctional service pursuant to this Act has custodial authority over any offender to whom that correctional service relates.

1993, c.C-39.1, s.10.

Volunteers

11(1) The executive director or anyone designated by the executive director for the purpose may appoint any person, with that person's consent, as a volunteer to act in connection with correctional services for offenders, with those powers and duties specified by the terms of the appointment.

(2) Every volunteer who provides correctional services shall be under the direction of an employee of the department.

1993, c.C-39.1, s.11.

Powers of persons who are peace officers

12(1) Every peace officer may arrest without warrant any person who has committed an offence in any correctional facility or who the peace officer believes, on reasonable grounds, has committed or is about to commit an offence in any correctional facility.

(2) For the purposes of subsection (1), "**peace officer**" includes a person providing a correctional service relating to enforcing the law and preserving good order in the performance of that person's duties.

1993, c.C-39.1, s.12.

Confidentiality

13 Every person working pursuant to the authority of this Act, including any employee of the department, contractor, employee of a contractor, volunteer or any person making an inspection, investigation or inquiry pursuant to this Act, shall preserve in confidence all matters that come to that person's knowledge in the course of that person's duties, employment, inspection, investigation or inquiry and shall not communicate any of those matters to any other person except:

- (a) as required in connection with the administration of this Act or any other Act or any Act of the Parliament of Canada or any regulation made pursuant to those enactments;
- (b) in statistical form if the information does not reveal the identity of the person who is the subject of the information; or
- (c) with the approval of the executive director.

1993, c.C-39.1, s.13.

Prohibitions on contracting with correctional facilities and offenders

14(1) No person providing a correctional service pursuant to the authority of this Act, including any employee of the department, contractor, employee of a contractor or volunteer, shall, on his or her own behalf or on behalf of any other person, without the approval of the executive director:

- (a) provide, furnish or supply any materials, goods or provisions for the use of a correctional facility; or
- (b) have an interest, directly or indirectly, in providing, furnishing, supplying or transporting any materials, goods or provisions for the use of a correctional facility.

c. C-39.1

CORRECTIONAL SERVICES

(2) No person providing a correctional service pursuant to the authority of this Act, including any employee of the department, contractor, employee of a contractor or volunteer, shall, without the approval of the executive director:

- (a) buy anything from or sell anything to an offender;
- (b) employ an offender to provide services for the personal gain of the person; or
- (c) take or receive for personal use or for the personal use of another person any fee or gratuity from an offender, a visitor to a correctional facility or any other person with respect to an offender.

1993, c.C-39.1, s.14.

No action for damages

15(1) No action lies or shall be instituted against an employee of the department or a volunteer appointed pursuant to section 11 for:

- (a) an act done in the execution in good faith of that employee's or volunteer's duty;
- (b) neglect or default in the execution in good faith of that employee's or volunteer's duty; or
- (c) an act of an offender while under that employee's or volunteer's custody or supervision.

(2) Subsection (1) does not, by reason of subsection 5(2) of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an employee of the department to which it would otherwise be subject.

(3) In this subsection and in subsection (4):

- (a) **“alternative measures program”** means a program of alternative measures authorized pursuant to subsection 717(1) of the *Criminal Code*; and
- (b) **“community justice committee”** means an individual, group of individuals, organization, corporation or any other entity with which the minister contracts for the delivery or administration of an alternative measures program, and includes the members of any of those groups, organizations, corporations or entities.

(4) No action lies or shall be instituted against the minister, the minister's delegate or a community justice committee for:

- (a) an act done in the execution in good faith of the obligations or functions of the community justice committee in delivering or administering an alternative measures program;
- (b) neglect or default in the execution in good faith of the obligations or functions of the community justice committee in delivering or administering an alternative measures program; or
- (c) an act or default of a person who is alleged to have committed an offence or who is an offender where the act or default occurs while that person is being dealt with in an alternative measures program.

1993, c.C-39.1, s.15; 1998, c.19, s.3.

Offenders subject to enactments

16 Every offender at a correctional facility is subject to all the Acts, regulations and rules relating to that correctional facility, including any enactment of the Parliament of Canada.

1993, c.C-39.1, s.16.

Rules and regulations not to be contravened

17 No person shall contravene any rules or regulations established:

- (a) to promote the security and good order of a correctional facility; or
- (b) to enforce the effectiveness of correctional services programs.

1993, c.C-39.1, s.17.

PART III Correctional Facility Services

Designation of correctional facilities

18 The minister may designate any place as a correctional centre, a community correctional centre or a community correctional facility, and may, by order, exempt any correctional facility designated pursuant to this section from the application of any provision of this Act.

1993, c.C-39.1, s.18; 2002, c.45, s.5.

Boundaries of correctional facility

19 Where an inmate is participating in a correctional services program according to the terms and conditions of participation, the following are deemed, for the purposes of this Act, to be part of the correctional facility in which the inmate is admitted:

- (a) every street, highway or public thoroughfare that the inmate uses while participating in the correctional services program;
- (b) every place of employment, educational institution or public place of any kind that the inmate attends while participating in the correctional services program.

1998, c.19, s.4.

Chief executive officer

20(1) The executive director shall designate a director for each correctional centre.

(2) The director is responsible for the day-to-day operation of the correctional centre, and shall:

- (a) direct and co-ordinate the programs of the centre; and
- (b) control the internal management and administration of the centre.

1993, c.C-39.1, s.20; 2002, c.45, s.6.

Administrator

21(1) The executive director shall designate an administrator for each correctional facility other than a correctional centre.

(2) The executive director may delegate to an administrator appointed pursuant to subsection (1) those powers and duties that the executive director considers desirable or necessary.

1993, c.C-39.1, s.21.

Minister to designate institution

22 The minister or any person designated by the minister for the purposes of this section may designate the correctional facility to which an offender or a category of offenders may be admitted.

1993, c.C-39.1, s.22.

Transfer of inmates

23(1) The executive director or any person designated by the executive director may authorize, in writing, the transfer of a person detained in a correctional facility to any correctional facility or penitentiary that the executive director or person designated by the executive director considers desirable or necessary.

(2) The executive director may authorize any person to convey an offender in custody at a correctional facility to another correctional facility or penitentiary to which the offender is transferred pursuant to subsection (1).

(3) Any offender who is transferred pursuant to this section shall, during his or her conveyance, be subject to the rules and regulations applicable to the discipline of the correctional facility to which the offender is being transferred.

(4) A copy of an authorization made pursuant to subsection (1) is sufficient authority for a director, peace officer or any other person carrying out the intent of this Act to comply with the authorization and to deliver over, convey or receive the offender named in it.

1993, c.C-39.1, s.23; 1998, c.19, s.5; 2002, c.45, s.7.

PART IV

Community-Training Program and Programs of Reduced Custody**Community-training program continued**

24(1) The community-training program in existence the day before this Act comes into force is continued.

(2) The purpose of the program is to allow an offender to participate in rehabilitative opportunities and community re-integration program activities approved by the executive director, including the following:

- (a) the offender's profession, business or vocational calling;
- (b) work, education or training;

- (c) specialized treatment;
 - (d) the development of living skills.
- (3) The minister may authorize the establishment of other programs of reduced custody to permit offenders to participate in rehabilitative opportunities and community re-integration program activities, including community service work and correctional camp programs.

1993, c.C-39.1, s.24; 2002, c.45, s.8.

Participation in programs

25(1) Unless otherwise provided in the regulations or the rules made pursuant to subsection (2), every offender may participate in a program authorized pursuant to this Part.

(2) Subject to the regulations, the executive director or a person designated by the executive director shall establish rules and procedures for each program authorized pursuant to this Part, which are to include:

- (a) the manner in which and the conditions and criteria on which an offender may be admitted;
- (b) the manner in which control, discipline and supervision are to be exercised with respect to offenders;
- (c) the manner in which an offender's participation in a program may be discontinued;
- (d) the management and disposition of personal property held or acquired by the offender while in the program; and
- (e) any schedule of fees, board and room, retained earnings or other charges that an offender in a program may be required to pay.

1993, c.C-39.1, s.25; 2002, c.45, s.9.

Offenders in programs to abide by rules

26(1) No offender who participates in a program authorized pursuant to this Part shall contravene any regulations or rules of the facility or rules or procedures of the program to which the offender is admitted.

(2) If an offender fails to return to the facility mentioned in subsection (1) as required under the program, he or she is absent without authorization and may be apprehended without a warrant by a peace officer.

1993, c.C-39.1, s.26.

Earnings of inmates

27(1) The administrator of the correctional facility having control over the offender may direct the employer of an offender who is participating in a program pursuant to this Part to forward the total earnings of the offender, less any deductions required by law, to the correctional facility.

(2) The correctional facility shall:

(a) disburse the earnings in a manner and for purposes consistent with the rules and procedures established pursuant to section 25 and the regulations established pursuant to section 57; and

(b) keep proper records of receipts and disbursements and render an accounting to the offender on request and on the discharge or transfer of the offender from the correctional facility.

1993, c.C-39.1, s.27.

**PART V
Release Options**

Authorized absence

28(1) Where a person designated by the minister for the purpose of this section considers that it is desirable or necessary that an inmate be absent from a correctional facility for medical or humanitarian reasons or to assist in the rehabilitation of the inmate, the person designated may authorize the absence of the inmate on terms and conditions that the person designated may specify.

(2) No inmate who is granted an authorized absence shall contravene any terms or conditions specified.

(3) A person designated pursuant to subsection (1) may suspend or revoke an authorized absence.

(4) During an inmate's absence authorized pursuant to this section, the inmate's sentence continues until its expiration according to law.

(5) A person designated pursuant to subsection (1) must:

(a) consult with the victim of the offence for which an inmate is being detained where the inmate is being considered for an authorized absence for humanitarian or rehabilitative reasons; and

(b) if an authorized absence mentioned in clause (a) is granted, advise the victim accordingly.

(6) For the purposes of subsection (5), "**victim**" includes a person who:

(a) has filed with the court a statement pursuant to section 722 of the *Criminal Code*;

(b) has applied for compensation pursuant to *The Victims of Crime Act, 1995*; or

(c) has been identified to a person providing a correctional service as a victim by a member of a police service as defined in *The Police Act, 1990* or a member of the Royal Canadian Mounted Police.

1993, c.C-39.1, s.28; 2002, c.45, s.10.

Electronic monitoring

29(1) A person designated pursuant to section 28 may authorize the use of an electronic monitoring system as a condition of an offender's participation in any correctional services program.

(2) The person mentioned in subsection (1) shall not authorize electronic monitoring as a term or condition of an authorized absence of an offender unless:

(a) that person considers more extensive control or confinement as unnecessary for the protection of the public;

(b) the offender consents to the use of electronic monitoring as an alternative to other legal restrictions or conditions of sentence; and

(c) the electronic monitoring is confined to restricting freedom of movement or to controlling behaviour that is directly linked to the offence for which the offender has been charged or convicted.

(3) The minister may provide financial or other assistance to any person to facilitate electronic monitoring of an offender.

1993, c.C-39.1, s.29.

Remission of sentence

30(1) An inmate may obtain remission of the inmate's sentence as provided in the *Prison and Reformatories Act (Canada)*:

(a) by obeying the rules of the correctional facility and the terms and conditions governing any authorized absence granted to the inmate; and

(b) where the inmate has been admitted to any programs, other than full parole, that are designed to promote the rehabilitation and reintegration of inmates, by actively participating in those programs.

(2) Every inmate is subject to the forfeiture of any part of or the whole of that inmate's remission, and any part of or the whole of the forfeiture may be remitted according to terms and conditions prescribed in the regulations.

1993, c.C-39.1, s.30; 2002, c.45, s.11.

Release of an offender

31 Where the date of an offender's release from a correctional centre falls on a Sunday, New Year's Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day or any other day established by the chairperson of the Public Service Commission as a holiday for employees in the public service, the director may release the offender on the preceding day that is not a day mentioned in this section.

1993, c.C-39.1, s.31; 2002, c.45, s.12.

Assistance to offenders

32 The minister may provide an allowance, payment or wage to an offender in a correctional facility and provide transportation for the offender to that offender's home or to any other appropriate destination.

1993, c.C-39.1, s.32.

PART VI
Community Correctional Services

Probation staff

33(1) The executive director may designate a director of community operations and probation officers for the proper administration of this Act.

(2) The director of community operations designated pursuant to subsection (1) is responsible to the executive director, and the other probation officers designated pursuant to that subsection are responsible to the director of community operations.

(3) The director of community operations is the chief probation officer for Saskatchewan.

1993, c.C-39.1, s.33.

Responsibilities of director of community operations

34 The director of community operations is responsible for:

(a) obtaining and reporting information to a judge as required by a judge for the purpose of assisting in matters involving sentencing and judicial interim release; and

(b) providing the supervision, guidance and direction a person may require to satisfy the conditions of an order prescribed by a court, a conditional sentence of imprisonment ordered pursuant to the *Criminal Code* or an absence authorized pursuant to section 28, where a condition of the order, the conditional sentence or the authorized absence requires the person to report to and be under the supervision of a probation officer.

1993, c.C-39.1, s.34; 2002, c.45, s.13.

Establishment of services and programs

35(1) The executive director may develop programs and services including programs and services offered in the community that provide a judge with options for the supervision of persons who are charged with or convicted of an offence.

(2) The services and programs provided pursuant to this Part may be provided by persons providing a correctional service or by:

(a) any person, agency, organization, association, or institution under contract with the minister;

(b) any volunteer; or

(c) the Crown in right of Canada or a province, territory or municipality of Canada.

1993, c.C-39.1, s.35; 2002, c.45, s.14.

Definitions

36 For the purposes of sections 37 to 46:

- (a) **Repealed.** 2002, c.45, s.15.
- (b) **“probation officer”** includes:
 - (i) probation officers appointed pursuant to section 38;
 - (ii) the provincial director with respect to young persons;
 - (iii) the director of community operations; and
 - (iv) the supervisor with respect to persons given a conditional sentence of imprisonment;
- (c) **“provincial director”** means the provincial director as defined in *The Youth Justice Administration Act*;
- (d) **“young person”**:
 - (i) means a person who is or, in the absence of evidence to the contrary, appears to be 12 years of age or older but less than 16 years of age; and
 - (ii) if the context requires it, includes a person who, while he or she was a young person, is charged with having committed an offence or is found guilty of an offence.

1993, c.C-39.1, s.36; 2002, c.45, s.15; 2003, c.Y-2, s.18.

Probation officer

37(1) Subject to subsection (2), the director of community operations or any other probation officer designated by the director of community operations for this purpose shall exercise supervision over and provide guidance and other help to a person, where:

- (a) a judge orders that person to be placed on probation or imposes a conditional sentence of imprisonment; and
 - (b) one of the conditions of the order specifically requires that person to report to and be under the supervision of a probation officer.
- (2) A probation officer shall, whenever requested by a judge to do so, supervise, guide and counsel a person placed on probation and assigned to the probation officer.
- (3) Where the person placed on probation pursuant to an order is a young person, the provincial director shall act as the probation officer.

1993, c.C-39.1, s.37; 2002, c.45, s.16.

Volunteer probation officer

38 The director of community operations may:

- (a) appoint, in writing, a person with that person's consent to be the volunteer probation officer for a specified person on probation; and
- (b) in an appointment pursuant to clause (a), specify the powers that may be exercised and responsibilities that shall be fulfilled by the volunteer probation officer.

1993, c.C-39.1, s.38.

Order of probation in lieu of fine, etc.

39 Notwithstanding any provision of *The Alcohol Control Act* or *The Traffic Safety Act* requiring the imposition of a minimum fine or a minimum period of imprisonment in default of payment of the fine, a judge may suspend the passing of sentence and make an order pursuant to section 45.

1993, c.C-39.1, s.39; 2004, c.T-18.1, s.297.

Powers of probation officer

40 Every probation officer has the powers of a peace officer in the performance of the duties required to be discharged by the probation officer pursuant to this Act, including the power to arrest pursuant to subsection 12(1).

1993, c.C-39.1, s.40; 2002, c.45, s.17.

Judicial interim release and pre-sentence reports

41(1) Before releasing a person on judicial interim release and before passing sentence on a person who has been determined by a court to be guilty of an offence, the judge may request in writing that an investigation be conducted respecting the person and that a written judicial interim release or pre-sentence report be filed with the judge for the purpose of assisting the judge in determining whether to order a judicial interim release or in imposing sentence:

- (a) in the case of a young person, by the provincial director;
- (b) in the case of any other person, by a probation officer.

(2) A judge shall enter as an exhibit a judicial interim release or pre-sentence report prepared pursuant to this section by a probation officer or the provincial director.

1993, c.C-39.1, s.41; 2002, c.45, s.18.

Role of probation officer

42(1) Where a probation officer is required by a judge to conduct an investigation and file a judicial interim release report or a pre-sentence report with respect to a person, the probation officer shall:

- (a) procure the information required by section 721 of the *Criminal Code* and any other information with respect to the person that the executive director may specify; and
- (b) report, in writing, under the direction of and in the manner prescribed by the director of community operations;

(2) Where a judge orders probation or, in the case of judicial interim release, where a report has been prepared pursuant to subsection 41(1) and a judge orders judicial interim release, a probation officer shall:

- (a) when required by a judge, supervise, under the direction of the director of community operations, the employment, conduct and general conditions under which a person may be placed during the period of probation or judicial interim release ordered by the judge;
- (b) report to a prosecutor if the person is not carrying out the conditions imposed by the judge; and
- (c) do all other things that the director of community operations may, from time to time, consider advisable to assist the judge.

(3) No investigation pursuant to this section shall be conducted or carried out by a probation officer for the sole purpose of determining the guilt or innocence of any person.

1993, c.C-39.1, s.42; 2002, c.45, s.19.

43 Repealed. 2002, c.45, s.20.

Remand on recognizance, etc.

44(1) Where a judge requests that a pre-sentence report be prepared pursuant to subsection 41(1), the judge may make any order provided for in Part XVI of the *Criminal Code* for the release of the person until the person is sentenced.

(2) The provisions of Part XVI apply with those modifications that the circumstances require with respect to an order made pursuant to subsection (1).

1993, c.C-39.1, s.44.

Probation orders

45(1) Where, having regard to a person's age, character, history and rehabilitative prospects, a judge considers it appropriate to place the person on probation, the judge may do so and the person placed on probation is subject to the conditions the judge places in the probation order and the conditions prescribed in this section.

(2) Subject to subsection (3), sections 732.1 and 732.2 of the *Criminal Code* apply, with any necessary modification, to probation ordered pursuant to subsection (1).

(3) Where a young person is placed on probation pursuant to subsection (1):

- (a) subject to clause (b), section 23 of the *Young Offenders Act* (Canada) applies, with any necessary modification; and
- (b) on and from the coming into force of sections 55 and 56 of the *Youth Criminal Justice Act* (Canada), those sections apply, with any necessary modification, and section 23 of the *Young Offenders Act* (Canada) ceases to apply.

1993, c.C-39.1, s.45; 2002, c.45, s.21.

Offence for contravention of probation

46(1) A person who is bound by a probation order and who wilfully fails or refuses to comply with the conditions of that order is guilty of an offence and is liable on summary conviction to the penalty prescribed in subsection (2).

(2) Where a judge is satisfied by evidence given under oath that a person described in subsection (1) has wilfully failed or refused to comply with the conditions of that probation order, the judge may:

- (a) revoke the order and sentence the person for the offence of which he or she was convicted and the passing of sentence suspended; and
- (b) impose a fine of not more than \$500.

1993, c.C-39.1, s.46.

PART VII Standards and Inspections

System of standards

47 The minister may establish a system of standards and inspections for correctional facilities and correctional services in Saskatchewan and may, by order, designate those correctional facilities and correctional services that are subject to those standards, in whole or in part.

1993, c.C-39.1, s.47.

Standards for facilities, etc.

48 The minister may:

- (a) develop and establish standards for the construction, leasing, maintenance, operation and remodelling of correctional facilities;
- (b) develop and establish standards for the custody and management of inmates and the management of correctional services operating pursuant to the authority of this Act.

1993, c.C-39.1, s.48.

Inspections and investigations

49(1) The minister may appoint any person to:

- (a) review, audit and make recommendations with respect to correctional services and correctional facilities to ensure compliance with any standards established pursuant to section 48 and to submit a written report of the review, audit and recommendations to the persons in charge of those services or facilities;
- (b) make an inquiry into any matter to which this Act applies as may be specified by the minister.

(2) A person has the powers of a commissioner pursuant to *The Public Inquiries Act* for the purpose of an inquiry pursuant to clause (1)(b).

(3) Following an inquiry, the person appointed pursuant to subsection (1) shall report the results of the inquiry to the minister.

1993, c.C-39.1, s.49.

Power to inspect

50(1) The executive director and any person appointed by the executive director for this purpose have the authority to:

- (a) enter and inspect or investigate any correctional facility;
- (b) inspect or investigate any correctional services program;
- (c) investigate any inmate; and
- (d) investigate any incident or matter to which this Act applies.

(2) For the purposes of any inspection or investigation carried out pursuant to subsection (1), the executive director or the person appointed by the executive director shall have access to all records, papers, documents and other file material under the possession and control of the facility, program or inmate being investigated.

1993, c.C-39.1, s.50; 2002, c.45, s.22.

Reports to be forwarded to executive director

51 Any written reports of any audit, review, inspection or investigation conducted pursuant to section 49 or 50 shall be submitted to the executive director or other person as the minister may direct.

1993, c.C-39.1, s.51.

PART VIII General

Accounts

52(1) Any moneys received from any source by the minister on behalf of, for the benefit of or in trust for any offender in a correctional facility may be administered and invested by the minister for the general benefit of the person.

(2) Any moneys received from any source by the minister on behalf of or in trust for offenders generally or for the collective benefit of offenders may be administered and invested by the minister for the general benefit of offenders.

(3) Without limiting subsections (1) and (2), the minister may:

- (a) hold, administer and invest any moneys received by the minister on behalf of any offender in a correctional facility;
- (b) administer and invest moneys held at the time of an offender's death until the moneys can be turned over to the person who is responsible for the deceased offender's estate;
- (c) establish and administer trust accounts in accordance with the regulations.

c. C-39.1

CORRECTIONAL SERVICES

(4) The minister shall invest moneys authorized to be invested pursuant to this section that are not immediately required for the use for which the moneys were received in any security or class of securities authorized for the investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*.

(5) Notwithstanding subsection (4), the minister may provide for the payment of interest on the accounts of individual offenders to be made to an account for the collective benefit of offenders.

1993, c.C-39.1, s.52; 2004, c.10, s.17 and 18.

Revolving fund

53(1) The revolving fund called the Correctional Facilities Industries Revolving Fund is continued, and the minister shall administer the revolving fund.

(2) The minister may use the revolving fund:

(a) to operate work programs intended to reduce the costs of operating, maintaining and repairing correctional facilities;

(b) to operate industries that are:

(i) wholly owned and operated by the Crown;

(ii) jointly owned and operated by the Crown and another person; or

(iii) owned and operated in whole or in part by a person other than the Crown.

(3) Subject to subsection (10), the Minister of Finance shall pay out of the general revenue fund on behalf of the revolving fund any moneys the minister may require:

(a) to purchase, maintain, repair or trade any equipment or materials that the minister considers necessary for the operation of an industry in a correctional facility;

(b) to purchase or lease any equipment required for the production of goods or services through an industry in a correctional facility;

(c) to purchase any material or supplies necessary for the operation, maintenance or repair of the materials and equipment mentioned in clause (a) or (b);

(d) to fulfil any agreements the minister has made respecting:

(i) consulting fees respecting an industry in a correctional facility; or

(ii) freight, shipping and transportation costs respecting an industry in a correctional facility;

- (e) to purchase, rent or lease any motor vehicles that the minister considers necessary for an industry in a correctional facility and to pay for:
 - (i) any supplies that are necessary for the operation of those motor vehicles; and
 - (ii) the cost of necessary repairs to those motor vehicles;
 - (f) to pay for costs associated with:
 - (i) the provision of services by and the operation of an industry in a correctional facility;
 - (ii) work allowances, wages and benefits for offenders who are employed in an industry;
 - (iii) the contributions to the correctional facility's offender benefit accounts for the good of the offenders;
 - (iv) income tax, unemployment insurance and other employee remittances;
 - (g) to pay for supervisory and administrative costs associated with:
 - (i) the production of goods and services through an industry in a correctional facility;
 - (ii) the administration of the revolving fund;
 - (h) to pay for overhead costs of an industry in a correctional facility, including rent charges, utility costs, office supplies and equipment.
- (4) The minister shall pay to the general revenue fund all or any part of any surplus in the revolving fund that Treasury Board may direct.
- (5) Where the minister provides goods or services through the revolving fund, the minister may charge a fee to recover amounts incurred by the revolving fund to provide those goods or services.
- (6) Where the minister charges a fee pursuant to subsection (5), the minister shall include any additional amounts that Treasury Board may direct.
- (7) Subject to any terms and conditions that Treasury Board may impose, the minister may sell, rent, lease or otherwise dispose of property and assets acquired by the minister through the revolving fund.
- (8) Subject to subsection (9), all amounts received pursuant to this section are to be paid to the Minister of Finance and credited to the revolving fund.
- (9) Any amounts received pursuant to subsection (6) are to be paid to the Minister of Finance and credited to the general revenue fund.

c. C-39.1

CORRECTIONAL SERVICES

- (10) The sum of:
- (a) all liabilities due to the Minister of Finance from the revolving fund on the day this section comes into force; and
 - (b) any payments made by the Minister of Finance on behalf of the revolving fund;

less any amounts credited to the revolving fund is not to exceed an amount that may be set by order of the Lieutenant Governor in Council.

- (11) Notwithstanding any other Act or law:
- (a) all moneys deposited in the general revenue fund to the credit of the revolving fund before the coming into force of this section are deemed to have been credited pursuant to the authority of this section;
 - (b) all moneys paid out of the general revenue fund for the purposes of the revolving fund or advanced from the general revenue fund to the revolving fund before the coming into force of this section are deemed to have been paid out or advanced pursuant to the authority of this section;
 - (c) all fees charged to provide goods and services through the revolving fund before the coming into force of this section are deemed to have been charged pursuant to the authority of this section.

(12) In each fiscal year, the department, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister a financial statement showing the business of the revolving fund for the preceding fiscal year.

(13) The financial statement mentioned in subsection (12) is to be in the form required by Treasury Board.

(14) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Assembly each financial statement received by the minister pursuant to subsection (12).

(15) The fiscal year of the revolving fund is the period commencing on April 1 and ending on March 31 in the following year.

1993, c.C-39.1, s.53; 2002, c.45, s.23; 2004, c.10, s.17.

Offences and penalties

54 Any person who contravenes a provision of this Act, other than section 46, or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000, to imprisonment for not more than six months or to both.

1993, c.C-39.1, s.54.

Definitions

55 In sections 56 and 57:

- (a) **“body cavity search”** means the internal probing of the rectum or vagina in the manner prescribed;
- (b) **“contraband”** means unauthorized property in the possession of any person in a correctional facility;
- (c) **“frisk search”** means a search by hand in the manner prescribed;
- (d) **“non-intrusive search”** means a search by technical or other means in the manner prescribed;
- (e) **“prescribed”** means prescribed in the regulations;
- (f) **“strip search”** means a visual search in the manner prescribed;
- (g) **“unauthorized property”** means any item or substance:
 - (i) not issued by the correctional facility to the inmate;
 - (ii) issued by the correctional facility where the inmate is in custody but used for a purpose other than the purpose for which it was issued;
 - (iii) possessed in a quantity in excess of the quantity that was issued by the correctional facility where the inmate is in custody; or
 - (iv) that is in the possession of a person at a location where the possession of that item or substance is not authorized.

1993, c.C-39.1, s.55.

Search and seizure

56(1) Where reasonably required for the safety of any person or the security of a correctional facility, a person designated by the director or administrator may do any of the following:

- (a) conduct a body cavity search, frisk search, non-intrusive search or strip search for contraband of any:
 - (i) inmate;
 - (ii) visitor; or
 - (iii) employee, where authorized by the director or administrator;
- (b) require, for urinalysis, the provision of a sample of urine by the normal excretory process by any:
 - (i) inmate;
 - (ii) visitor; or
 - (iii) employee, where authorized by the director or administrator;
- (c) conduct a search for contraband of any correctional facility or any part of a correctional facility;
- (d) conduct a search for contraband of any vehicle entering the grounds of a correctional facility.

c. C-39.1

CORRECTIONAL SERVICES

(1.1) Where reasonably required for the purpose of monitoring the participation of an inmate in a program, a person designated by the director or administrator may require the inmate to provide, by the normal excretory process, a sample of urine for urinalysis.

(2) Any contraband or evidence of a criminal offence or disciplinary offence found during a search or as the result of a urinalysis may be seized by the person conducting the search.

(3) Any person who seizes any contraband or evidence during a search or as the result of a urinalysis shall, as soon as is practicable, submit a report in the prescribed form and manner to the director or administrator.

(4) **Repealed.** 2002, c.45, s.24.

1993, c.C-39.1, s.56; 2002, c.45, s.24.

Regulations

57 The Lieutenant Governor in Council may make regulations:

- (a) respecting the operation, management, security, inspection, selection criteria and classification of any correctional service program or correctional facility;
- (b) respecting the care, custody, supervision, control, transfer, employment, discipline, privileges and the handling of grievances of offenders;
- (c) respecting the maintenance of records and providing for their destruction;
- (d) respecting the retention, distribution and disposal of offender property;
- (e) respecting the establishment and administration of trust accounts for offenders;
- (f) establishing criteria and procedures for the authorization, supervision and revocation of offender participation in authorized absence, reduced custody and electronic monitoring programs;
- (g) respecting the duties and powers of any employee or group of employees;
- (h) prescribing fees and charges to recover costs incurred for the administration of this Act;
- (i) prescribing rates or respecting the setting of rates for the provision of food services at correctional facilities to employees of the department;
- (j) governing reports prepared by an employee of the department for a court;
- (k) prescribing procedures for the discipline of offenders;
- (l) respecting standards for the custody and management of sentences of offenders and for the administration and management of correctional services operating pursuant to the authority of this Act;
- (m) respecting corrections industry programs to improve the productivity and effectiveness of inmate work and employment training activities;

- (n) respecting the use and operation of the Correctional Facilities Industries Revolving Fund;
- (o) prescribing the manner in which a frisk search, a body cavity search, a non-intrusive search, a strip search and a urinalysis is to be carried out;
- (p) prescribing offences to which the probation provisions are not applicable;
- (q) prescribing the form and manner of the report to be prepared pursuant to subsection 56(3);
- (r) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (s) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1993, c.C-39.1, s.57.

Act governs in case of conflict

58 Where a provision of any other Act is inconsistent with any provision of this Act, the provisions of this Act prevail.

1993, c.C-39.1, s.58.

Application of the *Criminal Code*

59 The provisions of Part XXIII of the *Criminal Code* respecting punishments, fines, imprisonment, probation and management of sentences apply, with any necessary modification, to this Act, but nothing in those provisions is to limit the ability pursuant to this Act to establish correctional services.

1993, c.C-39.1, s.59.

PART IX Transitional, Consequential Amendments, Repeal and Coming Into Force

Facilities continued as places of lawful confinement

60 The buildings and premises in use as correctional facilities at or after the coming into force of this section are lawful places for the confinement or treatment of persons undergoing sentence and, where designated by the minister, for the confinement of persons detained for trial.

1993, c.C-39.1, s.60.

61 to 66 **Dispensed.** These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

**Editorial Appendix
(Amendments)**

The following table contains amendments to be proclaimed and/or effective at a future date, as follows: (Please refer to the Tables of Saskatchewan Statutes and Regulations for complete historical/archival information on this publication)

Amending Year	Chapter	Section	Effective
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