

# BILL

No. 18 of 2006-07

## An Act respecting Court Security

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(Assented to )

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

#### Short title

1 This Act may be cited as *The Court Security Act*.

#### Interpretation

2 In this Act:

- (a) **“court”** means:
  - (i) the Provincial Court of Saskatchewan;
  - (ii) the Court of Queen’s Bench; or
  - (iii) the Court of Appeal;
- (b) **“court facility”** means any building in which a court sits regularly or is sitting on a temporary basis or, if a court sits or is sitting in a building and only a part of that building is being used by the court for its purposes, that part of the building;
- (c) **“frisk search”** means a search that includes touching the exterior part of an individual’s personal possessions, clothing and body;
- (d) **“police officer”** means:
  - (i) a member of the Royal Canadian Mounted Police; or
  - (ii) a member of a police service, as defined in *The Police Act, 1990*;
- (e) **“prescribed”** means prescribed in the regulations;
- (f) **“restricted zone”** means a part of a court facility designated as a restricted zone pursuant to section 4;

- (g) **“screen”** means a search described in section 6;
- (h) **“sheriff”** means an individual appointed pursuant to section 3 of *The Court Officials Act, 1984* to hold the office and perform the duties of a sheriff or deputy sheriff and includes a police officer who is providing court security;
- (i) **“weapon”** means:
  - (i) a firearm as defined in the *Criminal Code* (Canada); or
  - (ii) anything else that could be used to:
    - (A) cause death or serious bodily harm to an individual; or
    - (B) threaten or intimidate an individual.

**Powers of sheriff**

3(1) A sheriff may do one or more of the following:

- (a) screen an individual before the individual enters a court facility or at any time while the individual is inside the court facility;
  - (b) for the purposes of clause (a), require an individual inside a court facility to move to another place inside the court facility in order to be screened;
  - (c) seize any weapon in the possession of an individual who is in, or is attempting to enter, a court facility if the individual is not authorized pursuant to section 7 to have the weapon;
  - (d) evict an individual from a restricted zone if the individual is not authorized to enter that restricted zone.
- (2) In addition to his or her powers pursuant to subsection (1), a sheriff may refuse an individual entry to, or evict an individual from, a court facility if one or more of the following circumstances exist:
- (a) the individual refuses to be screened;
  - (b) the individual refuses to comply with a direction of a sheriff made pursuant to clause (1)(b);
  - (c) the individual is in possession of a weapon and refuses to comply with the sheriff's request to relinquish the weapon to the sheriff;
  - (d) the sheriff has reasonable grounds to believe that the individual:
    - (i) is a threat to the safety of the court facility or to the safety of any of its occupants;
    - (ii) may disrupt court proceedings; or
    - (iii) may disrupt operations within the court facility.

**Designated restricted zones**

- 4 The following parts of a court facility are designated as restricted zones:
- (a) judges' private chambers, offices, passageways, elevators, registries, libraries, storage areas and any other part used primarily by judges;
  - (b) offices, storage areas and any other part used primarily by:
    - (i) any member of the judicial staff or court registry staff; or
    - (ii) sheriffs;
  - (c) prisoner detention areas;
  - (d) jury rooms;
  - (e) any other prescribed area.

**Individuals authorized to enter restricted zones**

- 5(1) No individual may enter a restricted zone unless that individual is authorized to do so by this section.
- (2) The following individuals are authorized to enter a restricted zone:
- (a) a judge or other judicial officer;
  - (b) a sheriff;
  - (c) any member of the judicial staff or court registry staff;
  - (d) an individual admitted to a restricted zone by an individual described in clause (a), (b) or (c);
  - (e) any other prescribed individual or prescribed class of individuals.

**Screening**

- 6(1) A sheriff may screen an individual by doing one or more of the following:
- (a) holding a metal detector on or near the individual's body;
  - (b) requiring the individual to pass by or through a metal detector or an explosives detector;
  - (c) using a fluoroscope to view the exterior and interior of:
    - (i) clothing worn by the individual; and
    - (ii) anything carried by or accompanying the individual including, but not limited to, a bag or briefcase;
  - (d) subject to subsection (2), conducting a frisk search of the individual in a private area of the court facility;
  - (e) requiring the individual to empty the contents of his or her pockets or to empty the contents of anything carried by or accompanying the individual including, but not limited to, a bag or briefcase, and examining the contents;
  - (f) conducting any other prescribed act.
- (2) A frisk search of an individual pursuant to clause (1)(d) must be conducted by a sheriff of the same sex as the individual being screened.

**Weapons prohibited in court facilities**

- 7 No individual shall possess a weapon in a court facility except:
- (a) a sheriff;
  - (b) a police officer;
  - (c) an employee who is responsible for the examination, inventory, storage, maintenance or transportation of court exhibits and evidence; or
  - (d) a prescribed individual or a prescribed class of individuals.

**Sheriff may use reasonable force**

- 8 A sheriff may use reasonable force:
- (a) in refusing an individual entry to a court facility or a restricted zone;
  - (b) in evicting an individual from a court facility or a restricted zone; or
  - (c) in seizing a weapon from an individual who is in, or is attempting to enter, a court facility.

**Judicial powers unaffected**

- 9 Nothing in this Act limits or replaces the power of a judge or other judicial officer to control court proceedings.

**Judicial access to court facility unaffected**

- 10 Nothing in this Act affects any right of a judge or other judicial officer to have unimpeded access to any part of a court facility.

**Offences and penalties**

- 11(1) No person shall fail to comply with any provision of this Act or the regulations.
- (2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:
- (a) for a first offence, to a fine not exceeding \$5,000, to imprisonment for a term not exceeding six months or to both; or
  - (b) for a second or subsequent offence, to a fine not exceeding \$10,000, to imprisonment for a term not exceeding one year or to both.

**Regulations**

- 12 The Lieutenant Governor in Council may make regulations:
- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
  - (b) for the purposes of clause 4(e), designating part of a court facility as a restricted zone;
  - (c) prescribing individuals or classes of individuals who are authorized to enter a restricted zone and prescribing different restricted zones that different individuals or different classes of individuals may enter;
  - (d) prescribing other ways in which a sheriff may screen an individual;

- (e) prescribing individuals or classes of individuals permitted to possess weapons in court facilities;
- (f) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (g) respecting any other matter or thing the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

**Coming into force**

**13** This Act comes into force on proclamation.





THIRD SESSION  
**Twenty-fifth Legislature**  
SASKATCHEWAN

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**B I L L**

No. 18 of 2006-07

An Act respecting Court Security

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Received and read the

First time

Second time

Third time

And passed

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Honourable Frank Quennell

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