



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 139
(2002, chapter 78)

An Act to amend the Code of Penal Procedure

Introduced 7 November 2002
Passage in principle 26 November 2002
Passage 18 December 2002
Assented to 19 December 2002

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EXPLANATORY NOTES

This bill amends the Code of Penal Procedure in order to provide that a contribution of \$10 is to be added to the amount of the fine and costs in respect of each statement of offence issued under that Code for an offence under the laws of Québec, except statements of offence issued for the contravention of a municipal by-law.

The sums collected as a contribution will be used to provide assistance to victims of crime to the extent determined by the Government.

The bill also provides rules governing the recovery of the contribution.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2);
- Code of Penal Procedure (R.S.Q., chapter C-25.1).

Bill 139

AN ACT TO AMEND THE CODE OF PENAL PROCEDURE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by inserting the following article after article 8 :

“**8.1.** A contribution of \$10 shall be added to the total amount of the fine and costs imposed on the issue of a statement of offence for an offence under the laws of Québec, except in the case of a statement of offence issued for the contravention of a municipal by-law.

The contribution becomes payable as a fine as soon as a defendant enters a plea of guilty or is convicted or deemed convicted of an offence, whether or not the contribution is mentioned in the judgment. Except as regards imprisonment, the rules provided in this Code for the recovery of a fine, including those relating to costs of execution, apply to the recovery of the contribution and the contribution is deemed, for such purposes, to form part of the fine. However, in the case of partial payment of a fine, the contribution is deemed paid last.

The sums collected as a contribution shall be used to provide assistance to victims of crime to the extent determined by the Government.”

2. Article 146 of the said Code is amended by replacing “and costs” in the second line of paragraph 9 by “, the costs and the contribution provided for in article 8.1”.

3. Article 148 of the said Code is amended by replacing subparagraph 2 of the first paragraph by the following subparagraphs :

“(2) where the sentence requested is a fine, the amount of the costs fixed by regulation payable by the defendant if he transmits a plea of guilty ;

“(2.1) where applicable, the amount of the contribution provided for in article 8.1 ;

“(2.2) where the sentence requested is a fine, the total amount of the fine, the costs and, where applicable, the contribution requested ;”.

4. Article 164 of the said Code is amended by inserting “of a fine and costs” after “payment” in the first line.

5. Article 167 of the said Code is amended by replacing “amount” in the third line by “total amount of the fine and costs”.

6. Section 15 of the Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2) is amended by adding the following paragraph at the end :

“The sums required to grant financial assistance shall be taken out of the funds provided for in section 12 or out of the funds provided for in article 8.1 of the Code of Penal Procedure (chapter C-25.1).”

7. The provisions of this Act do not apply in respect of offences committed before the date of its coming into force.

8. The provisions of this Act come into force on the date to be fixed by the Government.