

*Criminal Code*

Many measures to ensure better protection for Canadians are submitted to hon. members' attention. Although the number of escapes has considerably decreased in recent years, and hon. members will hopefully consider the recent developments in this regard, Mr. Speaker, the government is determined to move forward and ensure that inmates convicted by the courts to serve their sentence in a penitentiary be kept in safe custody throughout their sentence. For this purpose, we propose to increase from five to ten years the maximum sentence for escaping or attempting to escape from a penitentiary.

From now on temporary leaves without escort will be authorized by the National Parole Board rather than the Penitentiary Service. Therefore, all leaves without escort in the community will fall under National Parole Board jurisdiction and thus the law will be more consistently enforced throughout the country. There will be delegation of powers from the board to penitentiary authorities for specific classes of inmates and under conditions prescribed by the board. Under that provision, the board will have the power to authorize the Penitentiary Service to grant temporary leaves without escort to inmates considered less dangerous and to concentrate its attention on dangerous offenders, of those having committed serious crimes and who cannot leave unescorted, without the authorization of the Board. The number of National Parole Board members will be increased from 19 to 26 so that the board will be able to study each case more carefully.

This bill also provides for the appointment of regional teams of the National Parole Board. The members of the community will participate in decision making concerning the release of inmates convicted of murder or placed under preventive custody. Those members could be representatives of police forces from any area, representatives of provincial, municipal or local authorities, members of local community labour or professional associations. The bill proposes also the addition of a provision providing for the arrest of inmates and their immediate return accompanied by an armed escort, under a warrant delivered by order of the parole board pending the cancellation of a suspension order or the annulment of the release on parole. It will be proposed to issue a regulation under the parole legislation so as to ensure better control over the release of prisoners. That regulation would forbid the board to release an inmate on parole before he becomes eligible.

Second, offenders convicted of certain violent crimes and who have already committed violent crimes in the past will not be eligible for release of parole until they have served half of their sentence or seven years, whichever is the shorter period. Most inmates are now eligible for release on parole after they have served one third of their sentence or after seven years, whichever is shorter.

Third, no inmate will be eligible for temporary leave without escort if he has not served six months of his sentence or half of the period preceding his date of eligibility, for release on parole, whichever is the longer period.

Under the current legislation, no prisoner can go out unescorted on a temporary leave of absence before completing six

months of his prison term. The bill maintains the exceptions for convicted murderers and prisoners in a number of other categories. Before they become eligible for parole, these must have served a larger share of their sentence.

Mr. Speaker, the new legislation would also repeal statutory remissions. Following the coming into force of the new legislation, no prisoner would have his sentence automatically reduced by one fourth. Instead, he would have to deserve any remission he could get. If he mends his ways, fulfills his work duties and complies with the regulations of the institution, the prisoner who is not entitled to parole may obtain a leave of absence after having served approximately two thirds of his term. The clauses which provide that all sentence remissions must be deserved, that no part of this remission is automatic and may be lost if the prisoner behaves reprehensibly, will hopefully compel prisoners to assume more fully the responsibility for the advancement of their liberation. This should promote a better operation of our institutions, especially through increased participation in penitentiary programs. This last proposal, Mr. Speaker, shows that the two objectives of protection and humanity are closely related, since the concept of the deserved reduction of penalty implies responsibility on the part of the inmate and the notion of responsibility extends to the notion of right.

With your permission, I will now describe some of the other proposals contained in the bill and which are aimed at making the system more human. As far as the Parole Act is concerned, a measure of fairness and equity will be introduced by adding some safeguards to the procedure for individuals appearing before the board. Under the regulations to be implemented, the board will be compelled, when holding hearings on applications for parole from federal inmates to comply with the rules set in the regulations and justify its decisions. The regulations will also provide for the creation of an internal organization to review the decisions of the board. In addition, the board will start to place at the disposal of the inmate, before the hearing, the major part of the information on which its decision will be based, thus giving him some form of representation before the board; it will also hold revocation hearings after parole is suspended. Those regulations, which will be applied gradually over the next few years, will introduce obvious procedural guarantees for those who appear before the board. In this regard, I do intend to examine very closely what recommendations the sub-committee on penal institutions may make in the report it will be submitting soon.

It is also intended, Mr. Speaker, that parole will no longer be automatically forfeited, as is now the case, when a paroled inmate is found guilty of a criminal offence punishable by two years of imprisonment or more. The circumstances that can lead a parolee to commit a new offence are so varied that no automatic punishment should be stipulated by law. The problem of those delinquents will be settled through revocation hearings at which each case will be looked into individually by the board.

On the other hand, it is suggested that in cases of revocation, the inmate will be credited anew that part of his term of