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Bill 53

**An Act to amend the Correctional Services and Reintegration Act, 2018
and the Ministry of Correctional Services Act
with respect to conditions in correctional institutions**

Mrs. L. Collard

Private Member's Bill

1st Reading June 5, 2025

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Correctional Services and Reintegration Act, 2018* and the *Ministry of Correctional Services Act* with respect to the humane treatment of inmates and ending solitary confinement.

Currently, the *Ministry of Correctional Services Act* governs correctional institutions in Ontario. However, the *Correctional Services and Reintegration Act, 2018* would, if brought into force, enact new provisions governing correctional institutions. Both Acts are amended by the Bill to account for the possibility of either of them being in force.

The Bill requires new and renovated or expanded correctional institutions to have at least 20 percent of inmate beds be in a mental health support unit.

The Bill also prohibits any cruel, inhumane or degrading treatment or punishment. It prohibits holding an inmate under overly rigorous physical constraints or surveillance. It prohibits sensory deprivation or disorientation and punishments that withdraw things necessary for good health. It requires the superintendent to ensure the *Canadian Charter of Rights and Freedoms* is complied with. Violation of these rules is an offence.

Finally, the Bill prohibits the practice of segregation, which is any type of custody where an inmate is highly restricted in movement and association with others for 22 hours or more a day. It requires an Independent Review Panel to review cases of inmates held in restrictive confinement, which is a form of custody where inmates are highly restricted in movement and association but in a manner that is not sufficient to meet the definition of segregation.

**An Act to amend the Correctional Services and Reintegration Act, 2018
and the Ministry of Correctional Services Act
with respect to conditions in correctional institutions**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Correctional Services and Reintegration Act, 2018

1 Section 2 of the *Correctional Services and Reintegration Act, 2018* is amended by adding the following definition:

“mental health support unit” means a unit in a correctional institution that is designated for, and equipped to provide, mental health care to inmates; (“unité de soutien en santé mentale”)

2 Paragraph 1 of subsection 4 (6) of the Act is repealed.

3 (1) Sub-subclause 13 (1) (a) (i) (B) of the Act is amended by striking out “segregation and”.

(2) Subclause 13 (1) (b) (ii) of the Act is repealed.

4 (1) Clause 14 (2) (b) of the Act is repealed.

(2) Clause 14 (4) (b) of the Act is repealed.

5 Section 15 of the Act is amended by adding the following subsections:

Restriction

(2.1) The Lieutenant Governor in Council shall not make an order establishing a correctional institution unless at least 20 per cent, or such larger percentage as may be prescribed, of the inmate beds in the correctional institution will be in a mental health support unit.

Renovation or expansion

(2.2) The Minister shall ensure that any renovation or expansion of an existing correctional institution will move the institution closer to having 20 per cent, or such larger percentage as may be prescribed, of its inmate beds in a mental health support unit.

Regulations

(2.3) The regulations may increase the required percentage of inmate beds that must be in a mental health support unit for specified institutions.

6 (1) Subsection 21 (3) of the Act is repealed and the following substituted:

Duties

(3) The superintendent shall,

- (a) receive into the institution every person delivered under lawful authority for detention in the institution;
- (b) be responsible for the custody and supervision of such person until their term of imprisonment is completed or until the person is transferred or otherwise discharged in due course of law; and
- (c) ensure that such person is treated in compliance with the *Canadian Charter of Rights and Freedoms*.

(2) Section 21 of the Act is amended by adding the following subsection:

Offence

(7) Every person who contravenes clause (3) (c) is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 or imprisonment for a term of not more than two years, or both.

7 Subsection 42 (2) of the Act is repealed.

8 Section 49 of the Act is repealed and the following substituted:

Cruel or inhumane treatment or punishment prohibited

49 (1) No person shall administer, instigate, consent to or acquiesce in any cruel, inhumane or degrading treatment or punishment of an inmate.

Specific types of treatment or punishment

(2) No person shall administer or instigate any of the following treatments or punishments of an inmate, regardless of whether the treatment or punishment would constitute cruel, inhumane or degrading treatment or punishment:

1. Holding the inmate in physical circumstances that are more rigorous than is reasonably necessary to protect their safety or the safety of others.
2. Subjecting the inmate to surveillance that is more rigorous than is reasonably necessary to protect their safety or the safety of others.
3. Subjecting an inmate to sensory deprivation or disorientation.
4. Punishing the inmate by depriving them of food, exercise, periodic human contact or access to medical observation and treatment.

Offence

(3) Every person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 or imprisonment for a term of not more than two years, or both.

9 Section 65 of the Act is repealed and the following substituted:

Conditions of segregation and restrictive confinement

Prohibition on segregation

65 (1) The superintendent shall ensure that no inmate is held in conditions that constitute segregation.

Restrictive confinement

(2) Inmates held in conditions that constitute restrictive confinement retain all rights and privileges of inmates in general population housing except those that can only be enjoyed in association with other inmates and those that cannot be enjoyed due to security requirements or the imposition of disciplinary measures under this Act.

Programs and services

(3) Inmates held in conditions that constitute restrictive confinement shall be given access to all programs and services individually or as a group, adapted to the circumstances to the least restrictive extent reasonable and necessary for the security of the correctional institution and the safety of persons.

10 Sections 66 to 71 of the Act are repealed.

11 Subclause 72 (a) (i) of the Act is repealed.

12 Sections 73 to 75 of the Act are repealed.

13 Section 76 of the Act is repealed and the following substituted:

Conditions of confinement review and recommendations

76 An Independent Review Panel shall,

- (a) review, in accordance with the regulations, the cases of inmates who are held in conditions that constitute restrictive confinement; and
- (b) make recommendations concerning those inmates to the superintendent, including recommendations in relation to an inmate's conditions of confinement.

14 Paragraph 3 of subsection 79 (1) of the Act is repealed and the following substituted:

3. No person shall impose conditions that constitute segregation on an inmate.

15 (1) Paragraph 1 of subsection 84 (2) of the Act is repealed.

(2) Subsection 84 (3) of the Act is repealed.

16 Subsection 104 (9) of the Act is repealed and the following substituted:

Plan

(9) Every superintendent of a correctional institution shall develop and implement a plan to ensure that lockdowns instituted in accordance with this section do not require the imposition of conditions that constitute segregation.

17 Clause 122 (2) (e) of the Act is amended by striking out "segregation".

18 (1) Paragraphs 22, 23, 24, 25, 27, 30, 31 and 35 of subsection 156 (1) of the Act are repealed.

(2) Paragraph 72 of subsection 156 (1) of the Act is amended by adding “or the *Dignity and Mental Health in Jails Act, 2025*” at the end.

19 Section 157 of the Act is amended by striking out “segregation or”.

Ministry of Correctional Services Act

20 Section 1 of the *Ministry of Correctional Services Act* is amended by adding the following definitions:

“mental health support unit” means a unit in a correctional institution that is designated for, and equipped to provide, mental health care to inmates; (“unité de soutien en santé mentale”)

“restrictive confinement” means, subject to the regulations, any type of custody where an inmate is highly restricted in movement and association with others for a period of time that is longer than the standard in general population housing in the correctional institution, but that is not sufficient to meet the definition of segregation; (“détention restrictive”)

“segregation” means any type of custody where an inmate is highly restricted in movement and association with others for 22 hours or more a day. (“isolement”)

21 Part II of the Act is amended by adding the following section:

Prohibited treatment or punishment

Cruel, inhumane, degrading

13.1 (1) No person shall administer or instigate any cruel, inhumane or degrading treatment or punishment of an inmate.

Specific types of treatment or punishment

(2) No person shall administer or instigate any of the following treatments or punishments of an inmate, regardless of whether the treatment or punishment would constitute cruel, inhumane or degrading treatment or punishment:

1. Holding the inmate in physical circumstances that are more rigorous than is reasonably necessary to protect their safety or the safety of others.
2. Subjecting the inmate to surveillance that is more rigorous than is reasonably necessary to protect their safety or the safety of others.
3. Subjecting an inmate to sensory deprivation or disorientation.
4. Punishing the inmate by depriving them of food, exercise, periodic human contact or access to medical observation and treatment.

Offence

(3) Every person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 or imprisonment for a term of not more than two years, or both.

22 Section 14 of the Act is amended by adding the following subsections:

Restriction

(2.1) The Lieutenant Governor in Council shall not make an order establishing a correctional institution unless at least 20 per cent, or such larger percentage as may be prescribed, of the inmate beds in the correctional institution will be in a mental health support unit.

Renovation or expansion

(2.2) The Minister shall ensure that any renovation or expansion of an existing correctional institution will move the institution closer to having 20 per cent, or such larger percentage as may be prescribed, of its inmate beds in a mental health support unit.

Regulations

(2.3) The regulations may increase the required percentage of inmate beds that must be in a mental health support unit for specified institutions.

23 (1) Subsection 20 (2) of the Act is repealed and the following substituted:

Duties

- (2) The superintendent shall,
- (a) receive into the institution every person delivered under lawful authority for detention in the institution;
 - (b) be responsible for the custody and supervision of such person until their term of imprisonment is completed or until the person is transferred or otherwise discharged in due course of law; and
 - (c) ensure that such person is treated in compliance with the *Canadian Charter of Rights and Freedoms*.

(2) Section 20 of the Act is amended by adding the following subsection:

Offence

(6) Every person who contravenes clause (2) (c) is guilty of an offence and on conviction is liable to a fine of not more than \$100,000 or imprisonment for a term of not more than two years, or both.

24 The Act is amended by adding the following Part:

**PART II.1
SEGREGATION AND RESTRICTIVE CONFINEMENT**

Segregation and restrictive confinement

Prohibition on segregation

30.1 (1) The superintendent shall ensure that no inmate is held in conditions that constitute segregation.

Restrictive confinement

(2) Inmates held in conditions that constitute restrictive confinement retain all rights and privileges of inmates in general population housing except those that can only be enjoyed in association with other inmates and those that cannot be enjoyed due to security requirements or the imposition of disciplinary measures under this Act.

Programs and services

(3) Inmates held in conditions that constitute restrictive confinement shall be given access to all programs and services individually or as a group, adapted to the circumstances to the least restrictive extent reasonable and necessary for the security of the correctional institution and the safety of persons.

Conditions of confinement review and recommendations

30.2 An Independent Review Panel shall,

- (a) review, in accordance with the regulations, the cases of inmates who are held in conditions that constitute restrictive confinement; and
- (b) make recommendations concerning those inmates to the superintendent, including recommendations in relation to an inmate's conditions of confinement.

25 Subsection 60 (1) of the Act is amended by adding the following clauses:

- (a.1) clarifying the definition of restrictive confinement for the purposes of this Act;
- (a.2) prescribing the required percentage of inmate beds that must be in a mental health support unit for the purposes of subsections 14 (2.1) and (2.2);
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- (m) governing the quorum and composition of Independent Review Panels;
- (n) governing the review process referred to in section 30.2;
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- (w) prescribing any other matter that this Act requires to be prescribed or refers to as being prescribed;
- (x) providing for any transitional matter that the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments made by the *Dignity and Mental Health in Jails Act, 2025*.

Commencement

26 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) Sections 1 to 19 come into force on the later of the day section 1 of Schedule 2 to the *Correctional Services Transformation Act, 2018* comes into force and the day this Act receives Royal Assent.

(3) Sections 20 to 25 come into force on the day that is six months after the day this Act receives Royal Assent.

Short title

27 The short title of this Act is the *Dignity and Mental Health in Jails Act, 2025*.