

Chapter 14

AN ACT TO AMEND THE JUDICATURE ACT

(Assented to June 8, 2012)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **The *Judicature Act* is amended by this Act.**
2. **Section 1 is amended by adding the following definitions in alphabetical order:**

“court facility” means any building in which a court sits regularly or is sitting on a temporary basis, or, if a court 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; (*locaux d’un tribunal*)

“restricted zone” means a part of a court facility designated as a restricted zone pursuant to section 77.2; (*zone d’accès restreint*)

“screen” means to search as described in section 77.4; (*contrôle*)

“weapon” means:

- (a) a firearm as defined in the *Criminal Code* (Canada);
- (b) anything else that could be used to:
 - (i) cause death or serious bodily harm to a person; or
 - (ii) threaten or intimidate a person. (*arme*)

3. **The following is added after section 77:**

COURT SECURITY

Powers of Sheriff

- 77.1.** (1) The Sheriff may do one or more of the following:
- (a) screen a person before the person enters a court facility or at any time while the person is inside the court facility;
 - (b) for the purposes of paragraph (a), require a person 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 a person who is in, or is attempting to enter, a court facility if the person is not authorized pursuant to section 77.5 to have the weapon;
 - (d) evict a person from a restricted zone if the person is not authorized to enter that restricted zone.

Sheriff may refuse entry

(2) The Sheriff may refuse entry to, or evict a person from, a court facility if one or more of the following circumstances exist:

- (a) the person refuses to be screened;
- (b) the person refuses to comply with a direction of the Sheriff made pursuant to paragraph (1)(b);
- (c) the person 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 the person:
 - (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

77.2. The following parts of a court facility are designated as restricted zones:

- (a) judges' private chambers, offices, passageways, storage areas and any other part used primarily by judges;
- (b) offices, storage areas and any other part used primarily by:
 - (i) a member of the judicial staff or court services staff; or
 - (ii) the Sheriff;
- (c) prisoner detention areas;
- (d) jury rooms;
- (e) interview rooms;
- (f) an area being used for the purposes of paragraphs (a) to (e) on a temporary basis;
- (g) a prescribed area.

Persons authorized to enter restricted zones

77.3. (1) No person may enter a restricted zone unless that person is authorized to do so by this section.

Authorized persons

(2) The following persons are authorized to enter a restricted zone:

- (a) a judge or justice of the peace;
- (b) the Sheriff or a deputy sheriff;
- (c) a member of the judicial staff or court services staff;
- (d) a person admitted to a restricted zone by a person described in paragraphs (a), (b) or (c);
- (e) a prescribed person or prescribed class of persons.

Additional persons authorized to enter interview rooms

(3) The following additional persons are authorized to enter interview rooms:

- (a) active members of the Law Society of Nunavut as defined in the *Legal Profession Act*;

- (b) students-at-law of the Law Society of Nunavut as defined in the *Legal Profession Act*;
- (c) persons bearing a restricted appearance certificate issued by the Law Society of Nunavut;
- (d) a person admitted to an interview room by a person described in paragraphs (a), (b) or (c).

Screening

77.4. (1) The Sheriff may screen a person for weapons by doing one or more of the following:

- (a) requiring the person to identify himself or herself;
- (b) holding a metal detector on or near the person's body;
- (c) conducting any other prescribed act.

Additional screening

(2) The Sheriff may require a person to empty the contents of his or her pockets or to empty the contents of anything carried by or accompanying the person and examine the contents where the Sheriff has reasonable grounds to believe the person:

- (a) is a threat to the safety of the court facility or to the safety of any of its occupants;
- (b) may disrupt court proceedings; or
- (c) may disrupt operations within the court facility.

Persons not screened

(3) Subject to subsection (4), the Sheriff may not screen

- (a) elders;
- (b) active members of the Law Society of Nunavut as defined in the *Legal Profession Act*;
- (c) students-at-law of the Law Society of Nunavut as defined in the *Legal Profession Act*;
- (d) persons bearing a restricted appearance certificate issued by the Law Society of Nunavut;
- (e) peace officers;
- (f) jurors;
- (g) members of the judicial staff or court services staff;
- (h) persons or classes of persons designated by the senior judge of the Nunavut Court of Justice; or
- (i) prescribed persons or prescribed class of persons.

Persons may be screened where reasonable belief exists

(4) A person listed in subsection (3) may be screened where the Sheriff has reasonable grounds to believe the person:

- (a) is a threat to the safety of the court facility or to the safety of any of its occupants;
- (b) may disrupt court proceedings; or
- (c) may disrupt operations within the court facility.

Judges not screened

- (5) The Sheriff may not screen judges or justices of the peace.

Weapons prohibited in court facilities

77.5. No person shall possess a weapon in a court facility, except:

- (a) the Sheriff or a deputy sheriff;
- (b) a peace officer;
- (c) an employee who is responsible for the examination, inventory, storage, maintenance or transportation of court exhibits and evidence; or
- (d) a prescribed person or a prescribed class of persons.

Sheriff may use reasonable force

77.6. The Sheriff may use reasonable force:

- (a) in refusing a person entry to a court facility or a restricted zone;
- (b) in evicting a person from a court facility or a restricted zone; or
- (c) in seizing a weapon from a person who is in, or is attempting to enter, a court facility.

Judicial powers unaffected

77.7. (1) Sections 77.1 to 77.6 do not affect any right of a judge or justice of the peace to control court proceedings.

Judicial access unaffected

(2) Sections 77.1 to 77.6 do not affect any right of a judge or justice of the peace to have unimpeded access to any part of a court facility.

Offences and penalties

77.8. (1) No person shall fail to comply with sections 77.1 to 77.6 or regulations made under section 77.9.

(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

77.9. The Commissioner in Executive Council may make regulations:

- (a) designating part of a building or parts of a building as a court facility;
- (b) for the purposes of paragraph 77.2(f), designating part of a court facility as a restricted zone;

- (c) prescribing persons or classes of persons who are authorized to enter a restricted zone and prescribing different restricted zones that different persons or different classes of persons may enter;
- (d) prescribing other ways in which the Sheriff may screen a person;
- (e) prescribing persons or classes of persons permitted to possess weapons in court facilities.