

BILL

No. 1 of 2005

An Act to amend *The Safer Communities and Neighbourhoods Act*

(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 Safer Communities and Neighbourhoods Amendment Act, 2005*.

S.S. 2004, c.S-0.1 amended

2 *The Safer Communities and Neighbourhoods Act* is amended in the manner set forth in this Act.

Section 2 amended

3(1) The following clauses are added after clause 2(b):

“(b.1) ‘**criminal organization**’ means a criminal organization as defined in the *Criminal Code*;

“(b.2) ‘**criminal organization offence**’ means a criminal organization offence as defined in the *Criminal Code*”.

(2) The following clause is added after clause 2(c):

“(c.1) ‘**gang**’ means a group of individuals, usually identified by a group name or designation, who associate with each other for criminal or other unlawful purposes”.

(3) The following clauses are added after clause 2(d):

“(d.1) ‘**permit**’ means a permit as defined in *The Alcohol and Gaming Regulation Act, 1997*;

“(d.2) ‘**permitted premises**’ means permitted premises as defined in *The Alcohol and Gaming Regulation Act, 1997*”.

Section 4 amended

4 Clause 4(1)(f) is amended:

(a) in subclause (ii) by striking out “sale” and substituting “use, consumption, sale, transfer or exchange”;

(b) by striking out “or” after subclause (vi); and

(c) **by adding the following after subclause (vi):**

“(vi.1) the commission or promotion of a criminal organization offence;

“(vi.2) the accommodation, aid, assistance or support of any nature of a gang or criminal organization or any of its activities or the facilitation of any of its activities; or”.

New sections 60.1 and 60.2

5 The following sections are added after section 60:

“Gang colours prohibited in permitted premises

60.1(1) In this section, ‘**gang colours**’ means any sign, symbol, logo or other representation identifying, associated with or promoting a gang or a criminal organization.

(2) No individual shall wear gang colours in any permitted premises or in the place described in a permit.

(3) Every individual who contravenes subsection (2) is guilty of an offence and is liable on summary conviction:

(a) in the case of a first offence, to a fine of not more than \$10,000, to imprisonment for a term of not more than one year or to both that fine and imprisonment; and

(b) in the case of a subsequent offence, to a fine of not more than \$25,000, to imprisonment for a term of not more than one year or to both that fine and imprisonment.

“Presumption re offences

60.2 In an application made pursuant to this Act:

(a) there is a rebuttable presumption that a person is a member of a criminal organization if he or she has been found guilty or convicted of a criminal organization offence;

(b) evidence that a person was found guilty, convicted or found not criminally responsible on account of mental disorder with respect to an offence is admissible in evidence as proof that the person committed the offence; and

(c) evidence that a person was charged with and acquitted of an offence, or that a charge respecting an offence was withdrawn or stayed, is not relevant in making a finding of fact”.

Coming into force

6 This Act comes into force on assent.