

Bill No.

Thirty-second Legislative Assembly

First Session

ACUTELY INTOXICATED PERSONS (CARE AND PROTECTION) ACT

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

Definitions

1 In this Act

“**detoxication centre**” means premises, or those parts of the premises of an institution that have been designated by the Minister as a detoxication centre for the purposes of this Act;

“**Minister**” means the member of the Executive Council charged by order of the Commissioner in Executive Council with the exercise of powers under this Act.

Taking intoxicated persons into custody

2(1) Where a peace officer, or any person otherwise designated by regulation, finds in a place to which the public has access a person who is intoxicated, he or she may take that person into custody.

Custody in detoxication centre

2(2) Where a peace officer, or any person otherwise designated by regulation, takes a person into custody under subsection (1), if there is a detoxication centre in the community, the peace officer may take the person to a detoxication centre and deliver him into the custody of the person in charge of the detoxication centre.

Release

3(1) Where a person is taken into custody under section 2, the person having custody of him shall release him

- (a) on his recovering sufficient capacity to remove himself without danger to himself or others and without causing a nuisance; or

- (b) if an application is made sooner by a member of the person's family or by a person who appears to be suitable and capable of taking charge of the person, into the charge of that applicant;

but in any case before the expiry of 24 hours after the person was taken into custody.

Remaining after 24 hours

3(2) Where a person taken into custody under section 2 is in the custody of the person in charge of a detoxication centre, the person in custody may be allowed to remain in, and, with his consent, be cared for in the detoxication centre after the expiry of 24 hours after he was taken into custody.

Application of other territorial laws

4 Any provision of an Act of the Legislature, or of a regulation made thereunder, or of a bylaw of a municipality or local government, creating an offence of, or prohibiting a person from, being drunk or intoxicated in a public place is no longer applicable.

Exemption from liability

5 No action lies against a peace officer or a person employed in a detoxication centre or other person for anything done in good faith in respect to the taking into custody of any person, the detention in custody of any person or the release of a person under this Act.

Regulations

6 The Commissioner in Executive Council may make any regulations considered necessary for carrying out the provisions of this Act.

Coming into Force

7 This Act comes into force on a day to be fixed by proclamation.