

**MUSQUEAM INDIAN BAND**  
**DANGEROUS PERSONS BYLAW**

**Feb. 22, 2016**

Whereas section 81, paragraphs, (c), (d), (p),(p.1) (q) and (r) of the *Indian Act* empower the Council of an Indian Band to pass bylaws to provide for the observance of law and order, the prevention of disorderly conduct and nuisances, the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes the residence of band members and other persons on the reserve in addition to matters arising out of or ancillary to the exercise of powers under this section and the imposition of a penalty for the violation of any such bylaw;

And whereas the Council of the Musqueam Indian Band is of the opinion that it is in the best interest of the Band to exercise such powers.

THEREFORE, the Council of the Musqueam Indian Band enacts as follows:

**1. Name**

1.1 This By-law may be cited as the "Dangerous Persons By-law".

**2. Interpretation**

2.1 In this By-law, unless the context otherwise requires

- (a) "Band" means the Musqueam Indian Band,
- (b) "Band Manager" means the person appointed by the Band Council as the Band Manager or senior administrative officer or similar position,
- (c) "Police Officer" means a peace officer or constable as provided under the *Police Act* employed by the Vancouver Police Board or a member of the R.C.M.P.,
- (d) "Reserve" means any reserve of the Band.

**3. Designation of Dangerous Person**

The Council may designate a person residing or visiting the Reserve to be a dangerous person if it is satisfied:

- (a) that an offence for which the person has been convicted within the last ten years is a serious personal injury offence described in paragraph (a) of the definition of that expression in section 752 of the *Criminal Code* and the person constitutes a threat to the life, safety or physical or mental well-being of other persons resident on the Reserve on the basis of evidence establishing:
- (i) a pattern of repetitive behaviour by the person, of which the offence for which he or she has been convicted forms a part, showing a failure to restrain his or her behaviour and a likelihood of causing death or injury to other persons, or inflicting severe psychological damage on other persons, through failure in the future to restrain his or her behaviour,
  - (ii) a pattern of persistent aggressive behaviour by the person, of which the offence for which he or she has been convicted forms a part, showing a substantial degree of indifference on the part of the person respecting the reasonably foreseeable consequences to other persons of his or her behaviour, or
  - (iii) any behaviour by the person, associated with the offence for which he or she has been convicted, that is of such a brutal nature as to compel the conclusion that the person's behaviour in the future is unlikely to be inhibited by normal standards of behavioural restraint; or
- (b) that the offence for which the person has been convicted within the last ten years is a serious personal injury offence described in paragraph (b) of the definition of that expression in section 752 of the *Criminal Code* and the person, by his or her conduct in any sexual matter including that involved in the commission of the offence for which he or she has been convicted, has shown a failure to control his or her sexual impulses and a likelihood of causing injury, pain or other evil to other persons through failure in the future to control his or her sexual impulses.

#### **4. Notice of Dangerous Person Designation**

If the Council finds a person to be a dangerous person, it will direct the Band Manager to deliver a Notice to a Police Officer which advises the person that he or she has been found to be a dangerous person by the Council and orders him or her to remove himself or herself from the Reserve and to immediately cease to reside on the Reserve and which authorizes the Police Officer to take all steps that may be reasonably required in his or her opinion to cause the person designated as a dangerous person to remove himself or herself from the Reserve and to immediately cease to reside on the Reserve including

taking proceedings under any applicable statute to obtain a court order to enforce the Notice.

Upon receipt by the person of the Notice, any entitlement of that person to reside on a Reserve shall immediately cease including any entitlement under the provisions of the *Indian Act*

## **5. Authority of Police Officer**

A notice received under section 4 will constitute authority to any Police Officer to take all steps that may be reasonably required in his or her opinion to cause the person designated as a dangerous person to remove himself or herself from the Reserve and to immediately cease to reside on the Reserve including taking proceedings under any applicable statute to obtain a court order to enforce the Notice.

## **6. Offences and Penalties**

- 6.1 No person shall disobey a Notice under section 4 of which he or she has knowledge.
- 6.2 No person shall interfere with, resist or otherwise obstruct a Police officer who is enforcing this By-law.
- 6.3 Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or who does any act which violates any of the provisions of this By-law, shall be deemed to be guilty of an offence against this By-law and liable to the penalties hereby imposed.
- 6.4 Every person who commits an offence against this By-law is liable on summary conviction to a fine of not more than \$1,000.00 or imprisonment for a term not exceeding thirty days, or both.
- 6.5 Any person who has been designated under this By-law as a dangerous person who fails to obey a Notice under section 4 of which he or she has knowledge is trespassing on the Reserve and subject to proceedings under sections 30 to 31 of the *Indian Act*.

**7. General**

- 7.1 It is the intention of Band Council that each separate provision of this By-law shall be deemed independent of all other provisions, and if any provision of this By-law is declared invalid all other provisions shall remain valid and enforceable.
- 7.2 This Bylaw shall apply to all Reserves.
- 7.3 This Bylaw shall come into force when it a copy of it is first published on the Band's Internet site, in the First Nations Gazette or in a newspaper that has general circulation in the Reserve whichever the Council considers appropriate in the circumstances pursuant to section 86 of the *Indian Act* and the Council hereby confirms that any of these forms of publication are appropriate in the circumstance.
- 7.4 Without limiting other means of knowledge, a person shall be deemed to have knowledge of a Notice under section 4 after the Notice is posted at the Band Office for at least one week.

**THIS BYLAW IS HEREBY** made at a duly convened meeting of the Council of the Musqueam Indian Band this 22<sup>nd</sup> day of February 2016.

Voting in favour of the bylaw are the following members of the Council:

  
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(Member of the Council)

\_\_\_\_\_  
(Member of the Council)

  
\_\_\_\_\_  
(Member of the Council)

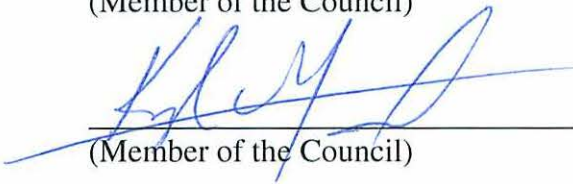
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(Member of the Council)

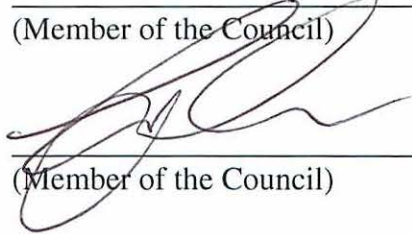
  
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(Member of the Council)

  
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(Member of the Council)

being the majority of those members of the Council of the Musqueam Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 6.