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Bill 39

An Act to amend the Change of Name Act

Miss C. Mitas

Private Member's Bill

1st Reading October 28, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Change of Name Act* to provide that certain offenders are ineligible to change their name. The offenders who are ineligible are those who are required to comply with *Christopher's Law (Sex Offender Registry), 2000*, and other criminal offenders who may be prescribed by regulation.

Consequential amendments are made to *Christopher's Law (Sex Offender Registry), 2000*.

An Act to amend the Change of Name Act

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

1 (1) The *Change of Name Act* is amended by adding the following section:

SEX OFFENDERS, ETC.

Ineligibility

5.1 (1) The following persons are ineligible to have a change of name under any provision of this Act, unless an exception set out in the regulations applies:

1. A person required under section 7 of *Christopher's Law (Sex Offender Registry), 2000* to comply with section 3 of that Act.
2. A person who would be required under section 7 of *Christopher's Law (Sex Offender Registry), 2000* to comply with section 3 of that Act but for the application of subsection 7 (2) or (3) of that Act.
3. A person who has been,
 - i. convicted of a criminal offence prescribed by the Lieutenant Governor in Council, or
 - ii. found not criminally responsible on account of mental disorder of a criminal offence prescribed by the Lieutenant Governor in Council.

Exception

(2) Subsection (1) does not apply in respect of,

- (a) a change of name that has been certified as described in subsection 8 (2) by the Attorney General or a person authorized by the Attorney General; or
- (b) a revocation under section 10 of a change of name that has been obtained by fraud or misrepresentation or for an improper purpose.

Notice

(3) The Registrar General shall inform a person who seeks a change of name but is ineligible under this section of their ineligibility and the reason for their ineligibility or, if the change of name was applied for under subsection 5 (1), the Registrar General shall inform the applicant.

Transition

(4) This Act, as it read immediately before section 1 of the *Change of Name Amendment Act, 2021* came into force, continues to apply with respect to an election or application submitted to the Registrar General before section 1 of the *Change of Name Amendment Act, 2021* came into force.

(2) Subsection 5.1 (4) of the Act, as enacted by subsection (1), is repealed.

2 Subsection 7.1 (1) of the Act is amended by adding “and whether the person is a person described in subsection 5.1 (1)” after “subsection 6 (10)”.

3 Section 13 of the Act is amended by adding the following subsection:

Same

(2) The Lieutenant Governor in Council may make regulations providing for exceptions from this Act or any provision of this Act, and making such exceptions subject to any conditions provided for in the regulations.

Christopher's Law (Sex Offender Registry), 2000

4 (1) Section 10 of *Christopher's Law (Sex Offender Registry), 2000* is amended by adding the following subsections:

Same

(3.1) An employee of or person authorized by the ministry for the purposes of this section shall have access to the sex offender registry at any time and may collect, retain and use information obtained from the sex offender registry for the purposes of section 7.1 of the *Change of Name Act*.

Same

(3.2) An employee of or a person authorized by the ministry for the purposes of this section may disclose information contained in the sex offender registry to the Registrar General, as defined in section 1 of the *Change of Name Act*, for the purposes of section 7.1 of that Act, and the Registrar General may collect, retain and use the information for the purposes of that Act.

(2) Subsection 10 (4) of the Act is amended by striking out “subsection (2) or (3)” and substituting “subsections (2) to (3.2)”.

Commencement

5 (1) Subject to subsection (2), this Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Subsection 1 (2) comes into force six months after the day subsection 1 (1) comes into force.

Short title

6 The short title of this Act is the *Change of Name Amendment Act, 2021*.