Criminal Record Check Bylaw

Sample Template – September 2022

*Disclaimer – This sample template is intended to be used as a guide by municipalities to develop a bylaw. The content must be modified and formatted to suit the needs of the municipality. It is strongly encouraged that municipalities work with their legal counsel to ensure the procedures address the specific needs and capabilities of their council.*

Explanatory Notes

Municipalities can require candidates to provide a criminal record check when seeking nomination to council. Should a municipality wish to exercise this authority, it must be done by bylaw.

The criminal record check conducted for municipal candidates only indicates if there is or is not a criminal record. It does not provide details of the criminal record if one exists. Likewise, should a criminal record be indicated, it does not disqualify a candidate from running or being elected.

If a criminal record check bylaw is enacted, the candidate must take Form B.1 found in
*The Municipalities Regulations* to their local police service to complete the correct type of criminal record check. Once complete, the form and the criminal record check supplied by the police service is to be attached to the nomination paper submitted. The candidate’s nomination papers are incomplete if the forms are not included with the nomination.

Council must pass the bylaw at least 90 days prior to a general election. The bylaw will remain in force for all subsequent by-elections and general elections until the bylaw is repealed.

This sample bylaw has been created for municipalities that operate under *The Municipalities Act* only. The content must be modified and formatted to suit the needs of the municipality. Optional matters and instructional information indicated in blue font must be reviewed, amended and removed as necessary. It is strongly encouraged that municipalities seek their own legal advice when drafting any bylaw.

**A BYLAW TO REQUIRE CRIMINAL RECORD CHECKS**

**WITH NOMINATION FORMS**

**FULL NAME OF MUNICIPALITY**

**BYLAW NO \_\_\_\_**

**A BYLAW TO REQUIRE CRIMINAL RECORD CHECKS WITH NOMINATION FORMS**

The Council of the [full name of municipality] in the Province of Saskatchewan enacts as follows:

1. Every candidate for municipal office shall obtain a criminal record check at their own expense.
2. The criminal record check includes:
	1. Form B.1 prescribed in *The Municipalities Regulations;* and
	2. The document provided by the police service.
3. The criminal record check shall be included with, and form part of the nomination papers submitted by the candidate for municipal office.
4. This bylaw shall come into effect on [specify date which must be at least 90 days before the day of a general election].

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(Reeve/Mayor Signature)

 {Seal}

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Administrator Signature)

Read a third time and adopted

this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_.