

**Pages 593 to / à 596
are not relevant
sont non pertinentes**

**STANDING JOINT COMMITTEE
FOR
THE SCRUTINY OF REGULATIONS**

60 THE PARLIAMENT, OTTAWA K1A 0A4
TEL. 995-0751
TELETYPE 943-2109

JOINT CHIEFS

SENATOR JOSEPH A. DAY
HAROLD ALBERT (H.C. DEPUTY)

VICE CHAIRS

VANCE BADAWAY, M.P.
PERRI F. CUSSEAU, M.P.



**PARLIAMENT - PARLEMENT
CANADA**

**COMITÉ MIXTE PERMANENT
D'EXAMEN DE LA RÉGLEMENTATION**

60 LE SÉNAT, OTTAWA K1A 0A4
TEL. 995-0751
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VICE-PRÉSIDENTS

VANCE BADAWAY, DÉPUTÉ
PERRI F. CUSSEAU, DÉPUTÉ

June 23, 2017

Ms. Yanike Legault
Senior Director
Ministerial Secretariat
Cabinet and Parliamentary Affairs Unit
Justice Canada
284 Wellington Street, Room 4258
OTTAWA, Ontario K1A 0H8

yanike.legault@justice.gc.ca

Dear Ms. Legault:

Our File: SOR/98-462, Regulations Prescribing Certain Firearms and other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted

The above-mentioned instrument was before the Joint Committee at its meeting of June 15, 2017. With respect to the amendment promised in 2011 in respect of section 5 of the Regulations, members have asked that you provide a clear timeline for the making of that amendment, so that this matter is not further prolonged.

With respect to the use of vague language in the Regulations, members instructed me to bring to your attention the criteria set out in an affidavit from the Manager of the Specialized Firearms Support Services section of the Canadian Firearms Program during court proceedings in British Columbia, which addresses some of the factors that inform whether a firearm will be considered a "variant" of another for the purposes of the Firearms Reference Table:

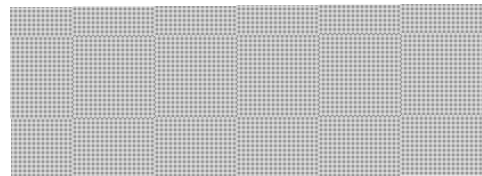
- a) is the design of the proposed variant derived from the original firearm...?

- b) would the proposed variant ever have existed were it not for the prior invention of the original?
- c) is there any commonality in the handling, firing and other operating characteristics with the original?
- d) does the firearm resemble with some precision the original? Would it be mistaken for the original at a modest distance?
- e) is there any commonality of parts or accessories?
- f) is the proposed variant marketed or otherwise represented by the manufacturer, importer or firearms dealer as being their copy of the original?
- g) does the trade literature describe the proposed variant as being a copy of the original?

Given that there are factors that are already being used administratively to guide the application of the law, it remains unclear why the vague terms "variant" and "commonly available" should not be clarified in the law itself. The Joint Committee was particularly concerned that the Department seems to have recognized the existence of the ambiguity in the law, which in some cases has even required recourse to the courts for resolution, and yet appears unwilling to address it.

It was therefore the consensus of members, in the continuing absence of an agreement to proceed with clarifying the meaning of these terms in the Regulations themselves, that officials appear before the Joint Committee when Parliament reconvenes in the fall to discuss this issue in more depth. The Joint Clerk of the Committee for the Senate, Mr. Max Hollins, will be in touch with your office to make the necessary arrangements.

Sincerely,



Cynthia Kirkby
Counsel

/mb

Minister of Justice
and Attorney General of Canada



Ministre de la Justice
et procureur général du Canada

The Honourable / L'honorable Jody Wilson-Raybould, P.C., Q.C., M.P. / c.p., c.r., députée
Ottawa, Canada K1A 0H8

Protected B

DEC 04 2016

Senator Pana Merchant, Joint Chair
Harold Albrecht, M.P., Joint Chair
Standing Joint Committee for
the Scrutiny of Regulations
c/o The Senate
Ottawa ON K1A 0A4

Dear Mr. Albrecht and Senator Merchant:

I am writing in response to your letter of March 22, 2016, in which you seek a response to your letter of October 10, 2012, which sought confirmation that the Department of Justice will amend the *Regulations Prescribing Certain Firearms and other Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted* by adding definitions of the terms "commonly available in Canada" and "variant".

As indicated in the letter of June 20, 2012, from my official Phaedra Glushek, A/Senior Counsel and Director of the Ministerial Secretariat, the Department of Justice has recommended that an amendment to the English version of section 5 of the Regulations be made in order to clarify its meaning and more closely align it with the French version.

However, with regard to the issue of elaborating the phrases "commonly available" and "variant" by adding definitions of these terms to the Regulations, the Government will not be moving forward with these recommendations.

Respectfully,

Original signed by /
Original signé par

The Honourable Jody Wilson-Raybould

Canada ^{B+1}

Pages 600 to / à 614
are not relevant
sont non pertinentes

Guénette, Christine (PS/SP)

From: Gallant, Benjamin (PS/SP)
Sent: Thursday, October 19, 2017 2:26 PM
To: Clarke, Paula; Thibault2, Josée (PS/SP); Murray Smith; Guénette, Christine (PS/SP); 'Alain Paquet'; Linda Sevigny; Syme, Christina (PS/SP)
Subject: RE: SJC Distribution List
Attachments: PolySeSouvient 20 Pager.pdf

Tracked down the 20 pager courtesy of our PS Ministerial Correspondence Unit. See attached.

Cheers,

B

From: Clarke, Paula [mailto:paula.clarke@justice.gc.ca]
Sent: Thursday, October 19, 2017 12:59 PM
To: Thibault2, Josée (PS/SP); Murray Smith; Guénette, Christine (PS/SP); Gallant, Benjamin (PS/SP); 'Alain Paquet'; Linda Sevigny
Subject: RE: SJC Distribution List

Latest version of my note, taking into consideration your comments. You're right, it is an awesome note.

From: Thibault2, Josée (PS/SP) [mailto:josee.thibault2@canada.ca]
Sent: October 16, 2017 4:21 PM
To: Clarke, Paula <paula.clarke@justice.gc.ca>; Murray Smith <Murray.A.Smith@rcmp-grc.gc.ca>; Guénette, Christine (PS/SP) <christine.guenette@canada.ca>; Gallant, Benjamin (PS/SP) <benjamin.gallant@canada.ca>; 'Alain Paquet' <Alain.Paquet@rcmp-grc.gc.ca>; Linda Sevigny <linda.sevigny@rcmp-grc.gc.ca>
Subject: RE: SJC Distribution List

Just received it from PS Coms

I wanted to flag this article below from Radio Canada today, in case you didn't see it. Also, would you happy to have a the document they're referring to from PolySeSouvient?

- Henry

<http://ici.radio-canada.ca/nouvelle/1061048/loi-armes-a-feu-polysesouvient-ottawa-changements>

Loi sur les armes à feu : PolySeSouvient fait pression sur Ottawa

Au moment où le ministre fédéral Ralph Goodale promet de réformer la Loi canadienne sur les armes à feu d'ici la fin de l'année, le groupe PolySeSouvient dévoile ses demandes formulées au gouvernement. Les changements réclamés pourraient transformer en profondeur la réglementation actuelle.

Un texte de **Maxime Corneau**

Dans un document d'une vingtaine de pages acheminé au ministre de la Sécurité publique fédéral en juin, le groupe militant formé en l'honneur des victimes de la tuerie de la Polytechnique propose une dizaine de mesures pour resserrer le contrôle des armes à feu.

« Les conservateurs ont affaibli la loi au niveau de la vérification des permis, des registres de ventes, du transport des armes restreintes, de la mise en marché d'armes d'assaut. Ce que nous on demande, c'est de corriger les affaiblissements faits par le dernier gouvernement », soutient Heidi Rathjen, porte-parole du groupe PolySeSouvient.

Les demandes du groupe favorable au contrôle des armes à feu sont très vastes allant des conditions de délivrance des permis jusqu'aux capacités autorisées des chargeurs, en passant par la classification des armes.

« On permet au Canada que des citoyens ordinaires aient des armes à feu dont la puissance destructrice est supérieure aux équipements policiers et ça, c'est contraire à nos valeurs », affirme Mme Rathjen.

Un projet de loi avant 2018

Le cabinet du ministre de la Sécurité publique n'a pas souhaité accorder d'entrevue sur les propositions de PolySeSouvient.

Dans une note écrite, l'attaché de presse du ministre Ralph Goodale, Scott Bardsley, confirme qu'une réforme sera annoncée sous peu, précisant toutefois qu'il n'est pas question de recréer un registre canadien des armes d'épaules.

« Avant la fin de l'année, nous introduirons un ensemble de mesures législatives cohérentes avec les mesures établies dans le cadre de notre plateforme électorale », explique M. Bardsley.

« C'est de l'acharnement »

Guy Morin, le vice-président du mouvement Tous contre un registre québécois des armes à feu, n'est pas surpris des pressions du groupe PolySeSouvient. « Ce sont des demandes futiles qui ne servent pas à régler des problèmes », lance-t-il.

M. Morin aurait souhaité que le groupe de pression parle davantage de santé mentale plutôt que des armes elles-mêmes. Il croit que la véritable solution passe par la prévention auprès des utilisateurs eux-mêmes.

« Il n'y a pas de problème au Canada qui peut être réglé avec plus de restrictions ou de lois sur les armes. Le seul problème qui existe, c'est au niveau de la santé mentale, c'est là qu'on a un problème majeur », soutient M. Morin.

De son côté, le groupe Tous contre un registre québécois des armes à feu tentera sous peu de rencontrer le ministre Goodale pour lui faire part de ses propres recommandations avant le dépôt du projet de loi.

For the online article [click here](#).

Henry Lau

Communications Advisor, Portfolio Affairs and Communications Branch / Public Safety Canada

Telephone: 613-998-3952 / Mobile: 613-286-5917

Conseiller en communications, Secteur des affaires du portefeuille et des communications / Sécurité publique Canada

Téléphone : 613-998-3952 / Cellulaire : 613-286-5917

From: Clarke, Paula [<mailto:paula.clarke@justice.gc.ca>]

Sent: Monday, October 16, 2017 3:49 PM

To: Murray Smith; Guénette, Christine (PS/SP); Gallant, Benjamin (PS/SP); Thibault2, Josée (PS/SP); 'Alain Paquet'; Linda Seigny

Subject: SJC Distribution List

Here we all are in one email.

Can someone send me a link to the December 6th article on updating the regulations?

Paula Clarke

Counsel / Avocate

Department of Justice / Ministère de la Justice Canada

Criminal Law Policy Section / Section de la politique en matière de droit pénal

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K1A 0H8

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paclarke@justice.gc.ca

Pensez vert avant d'imprimer  Before printing, think green

From: Goodale, Ralph E. - M.P.
To: Public Safety MCU / Sécurité publique UCM (PS/SP)
Subject: FW: Demandes en lien avec le contrôle de armes
Date: Tuesday, June 06, 2017 3:19:39 PM
Attachments: MEMO 17 06 06 Demandes ControleDesArmes Federal.pdf
ATT00001.htm

From: Polysesouvient - Étudiants et diplômés de Polytechnique pour le contrôle des armes
[mailto:polysesouvient@gmail.com]
Sent: June 6, 2017 2:24 PM
To: Goodale, Ralph E. - M.P.
Cc: cfp-pcaf@rcmp-grc.gc.ca; Paulson, Bob :RCMP
Subject: Demandes en lien avec le contrôle de armes

Veuillez trouver notre lettre ci-jointe adressée au ministre fédéral de la Sécurité publique.

(Cc entre autres au commissaire aux armes à feu)

DOC. GDL-011857
OPI/BPR CSCCB
D.D./D.E. 7/7/2017
ACTION Reply
FILE ### DOSSIER 7100-2

PolySeSouvient

Groupe des étudiants et diplômés de Polytechnique pour le contrôle des armes



www.polysesouvient.ca ♦ polysesouvient@gmail.com ♦ @polysesouvient ♦ 514-816-7818 ♦ 4529 rue Clark, no 102, Mt., H2T 2T3

6 juin 2017

L'honorable Ralph Goodale
Ministre de la Sécurité publique et de la Protection civile
Gouvernement du Canada
269, avenue Laurier Ouest
Ottawa ON K1A 0P8
ralph.goodale@parl.gc.ca

Objet : Demandes en lien avec la révision de la Loi sur les armes à feu

Monsieur le Ministre,

Le groupe PolySeSouvient a été constitué à l'automne 2009 au moment du combat politique entourant le projet de loi C-391 visant l'abolition du registre des armes d'épaule. Notre objectif était alors de rassembler de nouveau la communauté polytechnicienne qui s'était battue pendant six ans suite à la tragédie à notre université en 1989 en vue de l'adoption et du renforcement de la Loi sur les armes à feu (1991 et 1995) et, ce, pour défendre nos gains législatifs de concert avec les experts en prévention de la criminalité et en santé publique. Comme vous le savez, nous représentons des témoins, des survivants, des familles de victimes de Polytechnique ainsi que celles d'autres drames et qui appuient le contrôle des armes. Nous vous remercions d'ailleurs d'avoir reconnu la légitimité de notre voix dans le débat sur le contrôle des armes en nommant l'une de nos porte-parole, madame Nathalie Provost, en tant que co-vice-présidente du Comité consultatif canadien sur les armes à feu.

Nous vous écrivons aujourd'hui dans le but de mieux articuler notre position face aux améliorations législatives nécessaires dans le dossier du contrôle des armes sur le plan fédéral.

Mais d'abord, permettez-nous de rappeler quelques engagements et prises de position avancés par votre parti et votre gouvernement.

- La plateforme électorale du Parti libéral¹ inclut les engagements suivants :

- « Nous annulerons les changements apportés par le projet de loi C-42 qui autorisent le transport d'armes prohibées ou à autorisation restreinte sans permis ».
- « Nous remettrons le pouvoir de décision en matière d'armes entre les mains de la police, et non des politiciens. »

¹ Parti libéral du Canada, plateforme électorale, octobre 2015. <http://www.liberal.ca/fr/changerensemble/armes-a-feu/>

- « Nous exigerons une vérification rigoureuse des antécédents pour toute personne cherchant à se procurer une arme de poing ou une arme à feu à autorisation restreinte. »
- « Nous obligerons les acheteurs à présenter leur permis lors de l'achat d'une arme à feu, et les vendeurs à en vérifier la validité avant de conclure la vente. »
- « Nous exigerons des vendeurs qu'ils tiennent un inventaire de leurs armes à feu et un registre de leurs ventes afin d'aider la police dans ses enquêtes sur le trafic et autres crimes impliquant des armes. »
- « Nous appliquerons sans attendre le règlement sur le marquage des armes à feu importées ».

- La lettre de mandat du Premier ministre pour le ministre de la Sécurité publique inclut² :

- « Agir pour éliminer les armes à feu [la version anglaise parle de « *handguns* »³] et les armes d'assaut de nos rues en travaillant avec la ministre de la Justice à renforcer les contrôles des armes à feu [la version anglaise parle ici aussi de « *handguns* »] et des armes d'assaut, y compris en abrogeant certains éléments du projet de loi C-42. »

Étant donné qu'au Québec, la Loi sur l'immatriculation des armes à feu pourrait entrer en vigueur d'ici la fin de l'année, selon les dires du ministre Martin Coiteux⁴, nous espérons voir réalisés la promesse électorale, votre mandat ainsi que votre engagement auprès de votre homologue du Québec d'ici fin 2017.

Ainsi, partant des engagements politiques mentionnés ci-dessus, veuillez trouver nos demandes⁵ en lien avec une révision de la loi fédérale sur les armes à feu dans le document qui suit.

En attendant une réponse de votre part, au nom du groupe PolySeSouvient, nous vous demandons de bien vouloir agréer, monsieur le Ministre, nos sentiments les plus respectueux.



Heidi Rathjen, B.Ing., Dr.h.c., LLD, C.S.M
Coordonnatrice



Nathalie Provost, B.Ing. MB
Membre et porte-parole

c. c. : Critiques en matière de sécurité publique
Commissaire aux armes à feu, Gendarmerie royale du Canada
Ministre de la Sécurité publique du Québec
Partenaires de PolySeSouvient

² **Premier ministre du Canada Justin Trudeau**, *Lettre de mandat du ministre de la Sécurité publique et de la Protection civile*, 2015. <http://pm.gc.ca/fr/lettre-de-mandat-du-ministre-de-la-securite-publique-et-de-la-protection-civile>

³ "Take action to get handguns and assault weapons off our streets by working with the Minister of Justice to strengthen controls on hand-guns and assault weapons, including by repealing some elements of Bill C-42". **Prime Minister of Canada Justin Trudeau**, *Minister of Public Safety and Emergency Preparedness Mandate Letter*. <http://pm.gc.ca/eng/minister-public-safety-and-emergency-preparedness-mandate-letter>

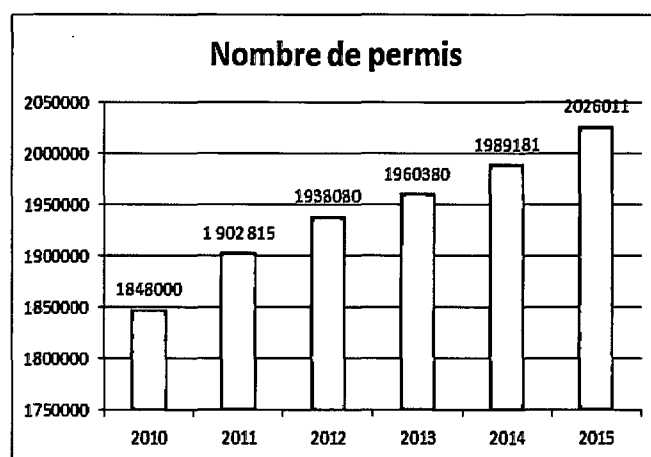
⁴ « en ce qui concerne le délai, là, pour la mise en œuvre, la solution informatique, la mise en place de tout ça, j'ai toujours parlé une année, une année et demie, là, on est dans ce genre de délai là à peu près qu'on envisage », **Martin Coiteux, ministre de la Sécurité publique**, *Journal des débats de la Commission des institutions*, 25 mai 2016. <http://www.assnat.qc.ca/fr/travaux-parlementaires/commissions/ci-41-1/journal-debats/CI-160405.html>. Le projet de loi 64 a été adopté le 9 juin 2016; un an et demi après l'adoption tombe le 9 décembre 2017.

⁵ Il est certain que PolySeSouvient souhaite toujours voir réinstauré l'enregistrement de toutes les armes au niveau fédéral. Or, puisque vous avez répété à maintes reprises qu'il n'en était pas question pour le présent gouvernement, nous avons écarté cette mesure de notre liste de recommandations dans le cadre de cette lettre.

DEMANDES EN LIEN AVEC LA RÉVISION DE LA LOI SUR LES ARMES À FEU

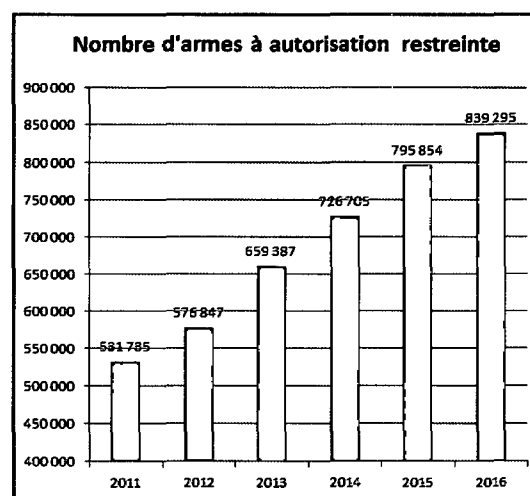
A. PERMIS DE POSSESSION

Depuis 2009, le nombre de permis de possession n'a cessé d'augmenter et a atteint un niveau record en 2015⁶. Nombreux facteurs peuvent expliquer cette tendance, mais il est raisonnable de croire que l'affaiblissement des contrôles effectués par le gouvernement antérieur ainsi que son positionnement généralement favorable à la possession d'armes à feu auraient grandement contribué à celle-ci.



Ce qui est particulièrement inquiétant, c'est la hausse drastique du nombre de permis pour des armes à autorisation restreinte, qui a presque doublé en cinq ans⁷. Plus spécifiquement, le nombre d'armes de poing a augmenté de 46% en cinq ans⁸.

Année	Permis pour armes restreintes	Armes de poing
2011	531,735	
2012	576,847	467,146
2013	659,387	
2014	726,705	
2015	795,854	
2016	839,295	684,152



⁶ GRC, rapports du commissaire aux armes à feu de 2010 à 2015; Rapport du Commissaire aux armes à feu, 2016. <http://www.gazette.gc.ca/rp-pr/p2/2017/2017-05-31/html/sor-dors88-fra.php>

⁷ "The number of restricted firearms — a category made up predominantly of handguns — owned by Canadians has shot up nearly 50 per cent over the last five years, climbing to 795,854 in 2015 from just under 532,000 in 2011." *The Spectator*, "Restricted firearms owned by Canadians rose 50 per cent over the last five years", 20 novembre 2016. <http://www.thespec.com/news-story/6976744-restricted-firearms-owned-by-canadians-rose-50-per-cent-over-the-last-five-years/>

⁸ "More and more Canadians own handguns — restricted handguns owned by individuals increased by 46 per cent in just five years, from 467,146 in 2012 to 684,152 in early 2017." *Global News*, "After the 2015 federal election, Canadian handgun sales broke records", 6 avril 2017. <http://globalnews.ca/news/3356614/after-the-2015-federal-election-canadian-handgun-sales-broke-records/>

Étant donné ces statistiques, il est clair que le système actuel favorise la possession d'armes à feu. En s'adossant sur le consensus scientifique selon lequel un plus grand nombre d'armes à feu se traduit par un plus grand nombre de blessures, de suicides et de meurtres évitables⁹, il importe pour le gouvernement du Canada de renverser cette tendance.

Dépistage des candidats

Il y a un immense travail à faire au niveau de la sensibilisation des proches quant aux signes de risques qu'il faut rapporter à la police, de même qu'un meilleur outillage pour les procureurs, policiers et juges concernant l'évaluation de ces risques et la primauté de l'approche de précaution en vue de protéger le public, surtout dans les cas d'interventions préventives ou non criminelles.

Or, la pierre angulaire du contrôle des armes demeure la Loi sur les armes à feu, et ses dispositions devraient être renforcées de manière à favoriser cette sensibilisation et voir advenir la concrétisation de l'approche précautionnaire.

Recommandation 1: Le gouvernement devrait remédier aux lacunes législatives suivantes en lien avec l'octroi et le maintien du permis de possession:

- 1) La Loi sur les armes à feu utilise des termes très vagues pour définir l'admissibilité (ou non) au permis d'armes à feu: il faut déterminer s'il est « souhaitable » qu'une personne n'ait pas de permis (art.5 (1)), ce qui laisse une trop grande place à la subjectivité.
- 2) La loi précise que l'admissibilité est évaluée seulement en fonction des 5 années précédant la demande. Des enquêteurs pourraient par exemple évaluer la demande d'un homme qui n'a rien commis de grave au cours des cinq dernières années, tout en ignorant le fait qu'il ait tenté de tuer son épouse 10 ans auparavant. (Cette formulation fait aussi en sorte que les enquêteurs n'ont pas accès à ce qui a fait l'objet d'un pardon.)
- 3) La loi souligne certaines infractions dont le Contrôleur doit tenir compte, mais à elles seules, elles ne sont pas suffisantes pour entraîner le refus d'une demande ou la révocation d'un permis. Devant un tribunal, il faut normalement démontrer un historique de comportements problématiques pour qu'un juge soit convaincu du bien-fondé du refus ou de la révocation. La démonstration de risques potentiels par la police devrait être facilitée et les tribunaux devraient accorder une plus grande considération à ceux-ci.
- 4) La loi cherche à empêcher la possession d'armes à une personne ayant souffert d'une maladie mentale caractérisée par la violence... mais cette condition est en fait plutôt rare. Par exemple, la plupart des schizophrènes ne sont pas violents, mais il n'en demeure pas moins qu'ils ne devraient pas posséder d'armes.
- 5) La loi ne requiert pas la présence physique des candidats aux permis, que ce soit pour leur obtention ou leur renouvellement. Rencontrer un candidat en personne permet une évaluation plus juste des informations liées à une candidature.

⁹ Harvard Injury Control Research Center, *Homicide*, <https://www.hsph.harvard.edu/hicrc/firearms-research/guns-and-death/>; *Suicide*, <https://www.hsph.harvard.edu/hicrc/firearms-research/gun-ownership-and-use/>; *Accidents*, <https://www.hsph.harvard.edu/hicrc/firearms-research/gun-threats-and-self-defense-gun-use/>

Formation

Depuis juin 2015, il est obligatoire de suivre la formation sur le maniement sécuritaire des armes à feu en salle de classe. Or en parallèle à cette nouvelle approche, il semble que les organisateurs de ces cours aient adopté plusieurs tactiques qui encouragent non seulement le recrutement de plus de participants par les intéressés, mais également l'obtention d'un permis pour armes restreintes auprès de personnes qui autrement se limiteraient à l'obtention du permis de possession simple. Par exemple :

- 1) les participants se font systématiquement offrir le cours pour possession d'une arme restreinte¹⁰ dans le cadre d'une même session (au cours d'une fin de semaine par exemple);
- 2) les organisateurs offrent des rabais pour ceux qui s'inscrivent aux deux formations; et
- 3) les organisateurs offrent des rabais pour des groupes, incluant un cours gratuit si un individu inscrit un nombre minimum de participants.

Voici quelques extraits de publicités retrouvées sur Internet (Kijiji) :

If you have a group of 10 or more people who would like to get their Possession Acquisition Licence (non-restricted and/or restricted), we will come to you to deliver the course, or you can come to our facility. If you don't have a group of 10 or more, we do offer public courses every second weekend. If you organize a group for a course, you will receive a 50% discount on your registration fee if you sign up 10 people. If you sign up 20 people, you will be registered for free. If you already have your PAL licence and you organize a group, you will receive a monetary bonus.

Gift Certificates available!

Courses offered for both Canadian Firearms Non-restricted and Restricted Fees: \$150 per course. Register for both courses at a discount @ \$250.

We are now taking bookings at Canadian GunHub for the Non-restricted / Restricted Courses. May 13-14, 27-28 at Safety Buzz in Dunmore. 8 hours for Non-restricted on the first day and 4hours on the second day for Restricted. Max of 12 seats. \$150 for Non-restricted, \$100 for Restricted or \$200 for both. Course must be paid for in advance to reserve your spot. Non-restricted is required before taking the restricted course. Minors between the age of 12-17 can take the non-restricted only. Photo ID required at the course. Come see us at the indoor range or call 403-487-5728.

Recommandation 2: La loi devrait interdire toute stratégie de marketing qui favorise ou encourage l'inscription à ces formations. Pourquoi encourager la possession d'armes restreintes (armes de poing ou d'assaut) de cette façon alors que cela ne sert aucunement l'intérêt public?

Critères d'éligibilité

Au Québec, les critères d'éligibilité pour posséder une arme restreinte doivent être respectés de manière continue (ex. être membre en règle d'un club de tir) au lieu de seulement lors de l'obtention du permis. C'est une mesure de gros bon sens introduite sous la loi Anastasia.

¹⁰ "Part of the increase, says Andrew Somerset, author of a 2015 book on Canadian and U.S. gun culture, is related to the safety course would-be gun owners have to take. The first part qualifies someone to own most rifles and shotguns, and an optional second part qualifies them to own handguns and restricted rifles. Many people come in to do the first part and are upsold to do both parts. 'When you have a firearms safety course and a restricted firearms safety course, and there's a possibility to do them as a one-shot deal or over a weekend, a lot of people say 'Hey, why not do it all in one shot?'" "After the 2015 federal election, Canadian handgun sales broke records". *Global News*, "After the 2015 federal election, Canadian handgun sales broke records", 6 avril 2017. <http://globalnews.ca/news/3356614/after-the-2015-federal-election-canadian-handgun-sales-broke-records/>

Recommandation 3: La loi devrait exiger des conditions d'éligibilité continue pour les armes à autorisation restreinte, comme c'est le cas au Québec (ex. membre en règle d'un club d'armes à feu), plutôt qu'uniquement au moment de la demande.

Vérification du permis

Le projet de loi C-19 adopté au printemps 2012 a éliminé l'obligation pour un vendeur de vérifier la validité du permis d'un acheteur potentiel d'arme d'épaule. En effet, la Loi sur les armes à feu stipulait initialement¹¹ que le cédant doit informer le directeur d'une cession d'arme non restreinte, ce dernier émettant alors un certificat d'enregistrement qui autorise ainsi la vente. Le projet de loi C-19 a modifié la loi¹² pour statuer que le cédant peut demander la vérification de la validité du permis; en somme, le vendeur n'a qu'à croire que l'acheteur en possède un. Selon le témoignage d'experts constitutionnels et policiers¹³, de même que celui du Barreau du Québec¹⁴, cette situation dépend de la bonne foi du vendeur, fait appel à la subjectivité et rend le fardeau pour la police de prouver le contraire pratiquement impossible.

La GRC elle-même fait état de cette échappatoire problématique¹⁵ :

« Avant avril 2012, toutes les ventes et les cessions d'armes à feu devaient être traitées et approuvées par le Programme canadien des armes à feu (PCAF) de la GRC. Si le permis de l'acheteur avait été révoqué, la vente ou la cession échouait et n'était pas approuvée. Depuis avril 2012, les ventes et les cessions d'armes d'épaule n'ont plus à être approuvées par le PCAF. Ainsi, une personne dont le permis a été révoqué pourrait réussir à tromper un vendeur en lui présentant une carte de permis non valide. »

Lors de la Commission parlementaire étudiant le projet de loi 64 sur l'immatriculation des armes non restreintes au Québec, le ministre provincial de la Sécurité publique, Martin Coiteux, avait retransmis vos propos à l'effet que vous vous étiez engagé auprès de lui à fermer l'échappatoire dans la loi fédérale concernant la vérification de la validité des permis de possession¹⁶ et, ce, « *pas dans un prochain mandat, dans ce mandat-ci.* »¹⁷

Ainsi, dans le cadre de la réinstauration de la vérification obligatoire, il importe également de rectifier l'ensemble des éléments pertinents pour la sécurité publique.

Par exemple, en plus d'éliminer la vérification obligatoire, le C-19 a également interdit au directeur (du Centre canadien des armes à feu, géré par la GRC) de garder quelque trace que ce soit lorsque quelqu'un choisit de faire une vérification [article 23.1(2)]. Ainsi, la GRC n'a pas le droit de documenter

¹¹ *Loi sur les armes à feu*, version en vigueur entre le 12 décembre 2005 et le 4 avril 2012. <http://www.canlii.org/fr/ca/legis/lois/lc-1995-c-39/32509/lc-1995-c-39.html>

¹² *Loi sur les armes à feu*, version en vigueur depuis le 31 octobre 2016. <http://www.canlii.org/fr/ca/legis/lois/lc-1995-c-39/derniere/lc-1995-c-39.html>

¹³ *Témoignages d'experts liés à l'élimination de la vérification des permis de possession du C-19, 2012.*

http://polysesouvient.ca/Documents/MINU_12_03_29_Temoignage_C19_PermisDePossession.pdf

¹⁴ Communication privée avec Nicole Dufour, avocate et coordonnatrice des travaux du Comité en droit criminel du **Barreau du Québec**, 2012.

http://polysesouvient.ca/Documents/MEMO_12_03_29_Senat_BarreauQuebec_AvisC19_ANNOTE.pdf

¹⁵ **Gendarmerie royale du Canada**, *Saisies des cartes de permis d'arme à feu : Bulletin spécial à l'intention des policiers - no 87 – Modification*, 12 février 2013. <http://goo.gl/GX5HBV>

¹⁶ **PolySeSouvient**, *L'heure juste sur les permis de possession*, 2016.

http://polysesouvient.ca/Documents/DOCU_16_03_09_HeureJuste_PermisDePossession.pdf

¹⁷ **Martin Coiteux, ministre de la Sécurité publique**, Journal des débats de la Commission des institutions, 25 mai 2016.

<http://www.assnat.qc.ca/fr/travaux-parlementaires/commissions/ci-41-1/journal-debats/Ci-160525.html>

le fait qu'une vérification de permis ait été effectuée, incluant toute information concernant l'arme, le vendeur et l'acheteur potentiel.

Cession d'armes à feu sans restriction

23 La cession d'une arme à feu sans restriction est permise si, au moment où elle s'opère :

- a) le cessionnaire est effectivement titulaire d'un permis l'autorisant à acquérir et à posséder une telle arme à feu;
- b) le cédant n'a aucun motif de croire que le cessionnaire n'est pas autorisé à acquérir et à posséder une telle arme à feu.

Demande au directeur

23.1 (1) Le cédant visé à l'article 23 peut demander au directeur qu'il lui indique si, au moment de la cession, le cessionnaire est titulaire du permis mentionné à l'alinéa 23a) et y est toujours admissible; le cas échéant, le directeur, son délégué ou toute autre personne que le ministre fédéral peut désigner lui fournit les renseignements demandés.

(2) Malgré les articles 12 et 13 de la *Loi sur la Bibliothèque et les Archives du Canada* et les paragraphes 6(1) et (3) de la *Loi sur la protection des renseignements personnels*, le directeur, son délégué ou la personne désignée, selon le cas, ne conserve aucun registre ou fichier au sujet d'une telle demande.

Cette interdiction est absurde d'un point de vue de sécurité publique. Si une personne sans permis ou avec un permis révoqué (notamment pour des raisons de sécurité publique) tente d'acquérir des armes, il est d'intérêt public pour la police d'en être informée. Une fois que la vérification devient obligatoire, un système pour répertorier les vérifications effectuées est nécessaire afin de pouvoir vérifier, dans le cas où une arme se retrouve en possession illégale par exemple, si le dernier vendeur a bel et bien rempli son obligation en ce sens.

Recommandation 4: En plus de réinstaurer la vérification obligatoire auprès de la GRC de la validité du permis de possession d'un acheteur potentiel par un vendeur potentiel, la loi devrait stipuler que la GRC maintienne un répertoire des vérifications de permis effectuées qui inclut les données pertinentes, telles que le numéro de permis du vendeur, le numéro de permis de l'acheteur, la date de la vérification, une description générale de l'arme et un numéro de référence de la vérification. La loi devrait également obliger le directeur à alerter les contrôleurs provinciaux des cas où le permis de l'acheteur potentiel est périmé, révoqué ou non-existant.

B. INVENTAIRE ET REGISTRE DES VENTES

Ventes commerciales et privées

De nombreux contrôleurs provinciaux des armes à feu et chefs de police s'étaient plaints de l'élimination de l'obligation de tenir des registres de vente qui faisait également partie du projet de loi C-19, prédisant entre autres que « *l'élimination des registres se traduira par une augmentation des ventes d'armes à feu à des criminels et à des gens qui n'ont pas de permis*¹⁸. »

En effet, une arme retrouvée sur les lieux d'un crime est un point de départ évident pour toute enquête policière subséquente. La capacité de retracer une arme constitue en soi une mesure dissuasive en ce qui a trait à la vente ou au transfert illégal d'armes.

¹⁸ Commissaire Chris Wyatt, contrôleur des armes à feu, Police provinciale de l'Ontario, cité dans PolySeSouvient, *Témoignages pertinents aux registres de vente*, 2012. http://polysesouvient.ca/Documents/MINU_12_06_20_Temoignages_RegistresDeVente.pdf

L'information la plus pertinente à repérer est la transaction la plus récente associée à celle-ci, c'est-à-dire à qui le dernier vendeur a-t-il cédé l'arme, que ce soit un vendeur commercial ou privé. Il importe d'inclure au contrôle des ventes les transferts privés puisque, selon la Sûreté du Québec, environ le tiers des 100 000 cessions d'armes non restreintes par année au Québec sont des ventes privées¹⁹.

Recommandation 5 : La documentation des ventes devrait couvrir les ventes commerciales et les ventes privées.

Permanence

Les armes à feu ne sont pas des biens périssables. Elles peuvent changer de mains tous les dix ans tout en demeurant fonctionnelles. Si on veut que la police puisse retracer la dernière transaction associée à une arme, il faut pouvoir repérer cette information peu importe quand elle est produite. Même les États-Unis obligent les marchands d'armes à conserver toute transaction de manière indéterminée (et lorsqu'ils ferment leurs portes, ils doivent remettre cette documentation au gouvernement)²⁰.

Recommandation 6 : Le gouvernement devrait s'assurer que la documentation sur les transactions soit conservée pour une durée indéterminée

Dépôt central

Les États-Unis n'ont pas de système centralisé, ce qui complique grandement le travail des agents de l'ATF pour retracer les ventes d'armes (« C'est un foutu cauchemar »)²¹.

Obliger la police à faire le tour des marchands d'armes chaque fois qu'ils font enquête sur une arme retrouvée sur le lieu d'un crime, comme ils l'ont fait dans le cas de la tuerie à Polytechnique, est incommodant, excessivement coûteux et irréaliste, en plus d'aller à l'encontre de l'objectif de faciliter le travail policier: il y a environ 2000 entreprises qui vendent des armes à feu au Canada!²²

Recommandation 7 : Il est essentiel d'avoir un mécanisme qui centralise ces informations afin de permettre une consultation rapide et efficace par les policiers. À quoi bon documenter les ventes s'il est trop difficile ou coûteux pour les policiers de les consulter?

Inventaires

Les anciens registres de ventes (instaurés à partir de 1977) servaient également à contrôler les inventaires des marchands d'armes. Selon le contrôleur des armes à feu de la Saskatchewan, « *lorsqu'on inspecte une entreprise, il faut notamment compter à la main toutes les*

¹⁹ Sûreté du Québec, données sur les cessions par type de client, 2016.

http://polysesouvient.ca/Documents/STAT_16_04_07_Cessions_Entreprises_Particuliers_SQ.pdf

²⁰ "Licensed firearms dealers are required to maintain records of the acquisition and sale of firearms indefinitely." <http://smartgunlaws.org/gun-laws/policy-areas/gun-dealer-sales/maintaining-records-on-gun-sales/#federal>

²¹ "This is a fucking nightmare." Records "are kept at the store that sold the gun; only when the retailer goes out of business do the gun records come here to the tracing center". <http://www.gq.com/story/inside-federal-bureau-of-way-too-many-guns>

²² « En date du 31 décembre 2015, le Canada comptait 4 522 entreprises d'armes à feu titulaires de permis délivrés aux termes de la Loi sur les armes à feu, sans compter les transporteurs et les musées. Parmi ces entreprises, 2 117 étaient titulaires d'un permis de vente de munitions seulement. » <http://www.rcmp-grc.gc.ca/fr/rapport-du-commissaire-aux-armes-a-feu-2015>

armes, puis comparer le total avec ce qu'on voit dans le registre des ventes, un outil de travail à consulter sur place puisqu'il appartient à l'entreprise. Si les totaux ne correspondent pas, une enquête de suivi peut s'imposer pour en déterminer la cause et pour savoir où toutes les armes sont passées. »²³

Arrimer les inventaires d'armes au mécanisme de suivi des ventes est non seulement cohérent avec l'intention sous-tendant le suivi des ventes, mais minimiserait les détournements vers le marché illégal, un phénomène bien connu²⁴.

Opposition

Peu importe ses modalités, le lobby des armes va s'opposer à tout système permettant le repérage de la dernière transaction d'une arme non restreinte. En effet, les groupes pro-armes avaient qualifié l'enregistrement des ventes de « back door registry »²⁵, bien qu'il était question des anciens registres instaurés depuis les années 1970 que certains contrôleurs provinciaux souhaitaient raviver suite à l'abolition du registre des armes d'épaule, qui répertoriait l'ensemble des transactions.

Ainsi, tant qu'à se faire accuser dans tous les cas d'instaurer un quasi-registre, pourquoi ne pas instaurer le meilleur système de traçage des ventes possible?

C. CLASSIFICATION DES ARMES

Définition d'armes d'assaut

La loi canadienne définit seulement les armes « restreintes » et celles « prohibées » et, ce, selon une série de critères²⁶. Elle ne définit pas ce que sont les « armes d'assaut ».

Le lobby des armes prétend que les armes d'assaut sont déjà interdites, car il les définit comme des armes à feu pouvant tirer de manière « automatique »²⁷ (qui sont bel et bien interdites par la loi). Or, les autorités gouvernementales partout dans le monde définissent les « armes d'assaut » autrement, selon des critères spécifiques là aussi. Par exemple :

- Selon une définition du Bureau américain de l'Alcool, du tabac et des armes (ATF), l'existence d'une des "configurations militaires" suivantes (autre que la capacité d'accepter un chargeur détachable) fait d'une arme une arme d'assaut et non de « sport » : la capacité d'accepter un chargeur détachable, une crosse pliable, une monture pour baïonnette, une poignée de pistolet sur une arme longue (pour assurer plus de stabilité lors des tirs à

²³ PolySeSouvient, *Témoignages permanents aux registres de vente*, 2012.

http://polysesouvient.ca/Documents/MINU_12_06_20_Temoignages_RegistresDeVente.pdf

²⁴ CBC, "3 men charged with unlawful sale of firearms near Miramichi", 2014. <http://www.cbc.ca/news/canada/new-brunswick/3-men-charged-with-unlawful-sale-of-firearms-near-miramichi-1.2718448>

²⁵ *Toronto Sun*, "Ontario will obey gun law but defy Toews", 2012. <http://www.torontosun.com/2012/05/14/ontario-will-obey-gun-law-but-defy-toews>

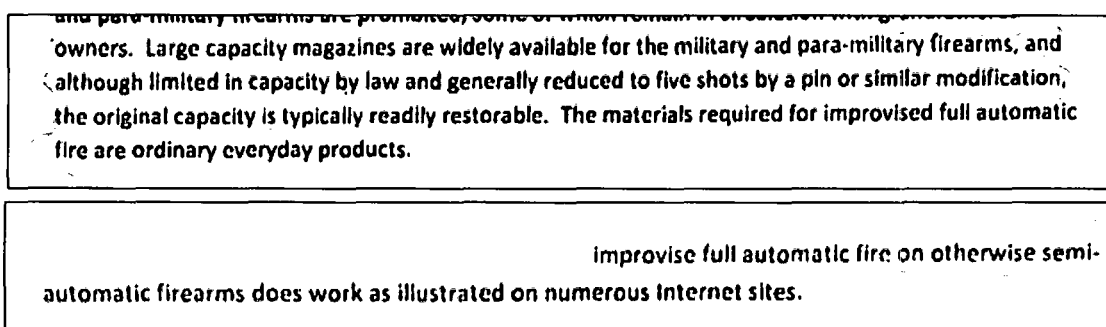
²⁶ Gendarmerie royale du Canada, *Classes d'armes à feu*, 2016. <http://www.rcmp-grc.gc.ca/cfp-pcaf/fs-fd/clas-fra.htm>

²⁷ Skeeter Abell-Smith avec la collaboration de Greg Booth, Taylor Buckner, Eric Cartman, Wayne Chapeskie, Jean Hogue, Ian Jefferson, Gary Mauser, Karen Selick, Carmel Stalteri, Dave Tomlinson, "What about "military-style assault weapons"?" <http://stason.org/TULARC/society/guns-canadian/5-What-about-military-style-assault-weapons.html>

succession « rapid fire »), un cache-flamme, un bipied, un lance-grenades et des lentilles nocturnes²⁸.

- Plus récemment, le tribunal d'appel des États-Unis a confirmé l'interdiction d'armes d'assaut du Maryland telles que définies par sa loi : « tous les fusils semi-automatiques qui peuvent tirer des munitions à percussion centrale, qui peuvent accepter des chargeurs détachables et qui disposent de deux ou plusieurs configurations comme un cache-flamme ou une poignée de pistolet »²⁹.

Ainsi, même si certaines caractéristiques ou accessoires sont interdits au Canada, le simple fait qu'une arme à feu ait la capacité de les incorporer constitue en soi une « configuration militaire » qui augmente les risques pour la sécurité publique. En fait, la GRC a constaté que le contournement des interdictions ou des restrictions sur les chargeurs et les mécanismes de tir se fait assez aisément et couramment³⁰.



Lacunes du système actuel – nature arbitraire des critères

Le problème avec le système actuel est que les critères ne reflètent pas de manière systématique ni cohérente les risques pour la sécurité publique des différentes catégories d'armes. En effet, sur ce point nous sommes d'accord avec les groupes pro-armes : en se basant sur certaines caractéristiques physiques, comme la longueur de l'arme ou du canon, la classification s'avère souvent arbitraire.

Critères pour les armes restreintes³¹:

« Selon le Code criminel, une arme à feu à autorisation restreinte est :

- toute arme de poing qui n'est pas une arme à feu prohibée;
- toute arme à feu — qui n'est pas une arme à feu prohibée — pourvue d'un canon de moins de 470 mm de longueur qui peut tirer des munitions à percussion centrale d'une manière semi-automatique;
- toute arme à feu conçue ou adaptée pour tirer lorsqu'elle est réduite à une longueur de moins de 660 mm par repliement, emboîtement ou autrement;
- toute arme à feu désignée comme telle par règlement. »

²⁸ Department of the Treasury, "Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles", 1998, page 1. <https://www.atf.gov/resource-center/docs/guide/departement-treasury-study-sporting-suitability-modified-semiautomatic/download>

²⁹ *The Trace*, "Assault Weapons Are Not Protected By the Second Amendment, Appeals Court Rules", 2017. <https://www.thetrace.org/2017/02/assault-weapons-not-protected-second-amendment-maryland/>

³⁰ Gendarmerie royale du Canada, *Feasibility and Practicality of Improvised Full Automatic Fire*, 2014. http://polysesouvient.ca/Documents/RAPP_14_11_28_RCMP_AutomaticFire.pdf; CBC, *Rifles converted to automatic fire an increasing risk*, RCMP internal report warns, 2016. <http://www.cbc.ca/beta/news/politics/rcmp-rifle-upgrades-semi-automatic-1.3400423>

³¹ Gendarmerie royale du Canada, Armes à feu à autorisation restreinte, 2017. <http://www.rcmp-grc.gc.ca/cfp-pcaf/fs-fd/restr-fra.htm>

Prenons tout simplement l'exemple de la Beretta CX4 Storm, soit l'arme utilisée dans le cadre de la tuerie au Collège Dawson qui, à l'époque, était une arme restreinte. Depuis cette tuerie, le fabricant a mis en marché un nouveau modèle à la fin 2013, soit une version légèrement modifiée de manière à échapper aux critères de la classe restreinte. Étant donné que ce nouveau modèle a un canon légèrement supérieur à 470 mm (18,5 pouces), soit de 19 pouces, et que son mécanisme de tir est à « percussion annulaire » et non à « percussion centrale », celui-ci constitue une arme non restreinte.

Version restreinte³² :



Nouvelle version non restreinte³³ :



Ceci est une parfaite démonstration de classification arbitraire, qui diffère pour deux armes quasi identiques simplement en fonction d'une légère différence dans la longueur du canon.

Lacunes du système actuel – réglementation négligée

Le système devait compter sur une mise à jour du règlement comportant la liste des armes restreintes et prohibées :

The regulations list specific models of firearms (e.g., AK-47 rifle, Beretta, M16) known at the time, as restricted or prohibited, and include "variants and modified versions" of those named models (e.g., any version of the Beretta BM59 is prohibited). The term "variant" was employed as a means to capture future firearms that differed slightly (e.g., barrel length, cartridge size) from those specifically listed in the regulations, but were generally the same make and type.

the use of regulations allows for the classification regime to be regularly updated as the technical description of existing firearms and weapons changes as a result of further developments or as new models and devices appear.

³² **Magnum Gun Outfitters**, *Beretta Cx4 Storm Carbine 9mm Rifle*, consulté le 2 juin 2017. <http://www.magnumguns.ca/product/beretta-cx4-storm-carbine-9mm-rifle/>

³³ **Wolverine Supplies**, *Beretta CX4 Storm, 9mm, 19" Barrel, Black, Non-Restricted*, consulté le 2 juin 2017. https://www.wolverinesupplies.com/ProductDetail/BER361211222111C_Beretta-CX4-Storm--9mm--19--Barrel--Black--Non-Restricted

La mise à jour de la liste des armes restreintes et prohibées est surtout nécessaire compte tenu de la pratique de certains fabricants visant à contourner l'intention du législateur en adaptant légèrement et en donnant un nouveau nom à des armes militaires restreintes ou prohibées, le tout pour qu'elles puissent bénéficier d'une classification moins sévère :

« L'expert en armes à feu et en balistique Alan Voth explique que les fabricants d'armes étudient les lois de chaque pays et créent une version adaptée à la législation de chacun des marchés, ce qui leur donne plus d'occasions de vente. »³⁴

Afin de déjouer l'esprit de la loi, les fabricants peuvent compter sur des critères manifestement arbitraires tels que la longueur exacte du canon, comme le démontre bien l'exemple du modèle plus récent la CX4 Storm Beretta, dont la classification est à autorisation non restreinte.

Le coroner ayant mené l'enquête sur le drame au Collège Dawson avait justement critiqué le gouvernement fédéral pour avoir manqué à sa responsabilité en lien avec la classification de l'arme utilisée, affirmant que si l'esprit de loi aurait été appliqué, le CX4 Storm Beretta aurait été prohibé³⁵.

« Le législateur n'avait pas prévu le développement et l'essor subséquent du design de type 'bullpup' lorsqu'il a adopté le 'Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés ou à autorisation restreinte'. L'esprit de la Loi sur les armes à feu était que les armes à feu, tel le CX4 Storm de Beretta utilisé par M. Gill, soient prohibées plutôt qu'à utilisation restreinte. »

Seul le gouvernement connaît les raisons derrière la triste réalité que la mise à jour de la liste n'a pas (ou presque pas) été faite depuis sa création en 1995, mais il est raisonnable de croire que cette dernière est reliée aux énormes pressions des amateurs d'armes en faveur d'une plus grande disponibilité des armes d'assaut.

Lacunes du système actuel – classification par des tierces parties

Un autre problème avec le système actuel est qu'il dépend de la bonne foi des fabricants ou des importateurs, deux entités qui détiennent des intérêts financiers dans la classification la moins sévère possible des armes qu'elles produisent ou transigent. Malgré ce conflit d'intérêts entre la sécurité publique et leurs profits, ce sont ces entités privées qui, respectivement, conçoivent les armes et proposent une classification au moment de l'importation. Règle générale, la vérification physique de chaque arme par la GRC ne se fait qu'en de rares occasions³⁶.

³⁴ **La Presse**, « Tragédie de Dawson: l'arme du tueur plus accessible qu'il y a dix ans », 2016. <http://www.lapresse.ca/actualites/justice-et-affaires-criminelles/faits-divers/201609/12/01-5019503-tragedie-de-dawson-larme-du-tueur-plus-accessible-qu'il-y-a-dix-ans.php>

³⁵ **Bureau du coroner**, *Fusillade au Collège Dawson : Conclusions et recommandations du Coroner*, 4 septembre 2008. <http://www.newswire.ca/fr/news-releases/fusillade-au-college-dawson--conclusions-et-recommandations-du-corer-536574571.html>

³⁶ **GRC**, "Classification of Firearms", 2012. http://polysouvent.ca/Documents/DOCU_12_00_00_RCMP_BriefingNote_AssaultWeapons.PDF

In practice, the classification of firearms is interpreted by the CFP based upon physical inspections conducted by private sector verifiers.

In limited circumstances, the CFP will physically inspect a firearm at the request of law enforcement, a manufacturer or an importer.

Il en résulte donc des milliers d'armes qui s'avèrent mal catégorisées selon la GRC, qui souligne à cet effet « plusieurs fausses déclarations faites par des importateurs et des vérificateurs ».

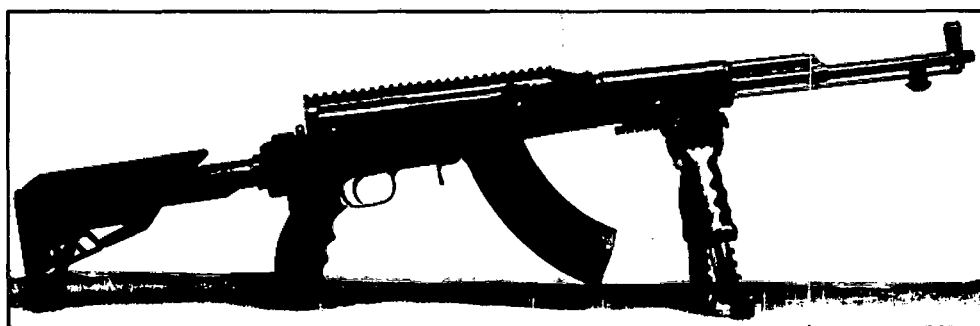
Le cas de la famille des « Swiss Arms » et des CZ-858 n'en sont que deux exemples qui aient attiré l'attention des médias³⁷. Malgré leur classification initiale en tant qu'armes non restreintes, des enquêtes subséquentes ont poussé la GRC en 2014 à réviser celle-ci pour « prohibée » vu leur capacité à « être converti en une arme à feu entièrement automatique. »³⁸ Étant donné les milliers de ces modèles d'armes déjà en circulation de même que l'abolition du registre des armes non restreintes qui empêche la GRC d'en identifier les propriétaires, il en résulte un immense problème de sécurité publique extrêmement difficile, voire impossible à régler.

STRATEGIC CONSIDERATION:

Since it is not possible to determine the total number Swiss Arms Classic Green and other PE90 model rifles currently in circulation, it would prove operationally difficult to identify and communicate with all affected owners should the classification opinion be changed. Consequently, certain owners may inadvertently be in possession of a prohibited firearm and subject to possible criminal liability.

Un autre exemple moins connu est celui de la carabine SKS non restreinte. En 2014, la GRC a émis un bulletin³⁹ à l'intention des entreprises comme quoi :

« une carabine SKS sans restriction de fabrication russe se décharge de façon entièrement automatique, ce qui suscite des préoccupations sur le plan de la sécurité publique. ... L'arme tire uniquement en mode automatique (il n'y a pas de mode semi-automatique); »



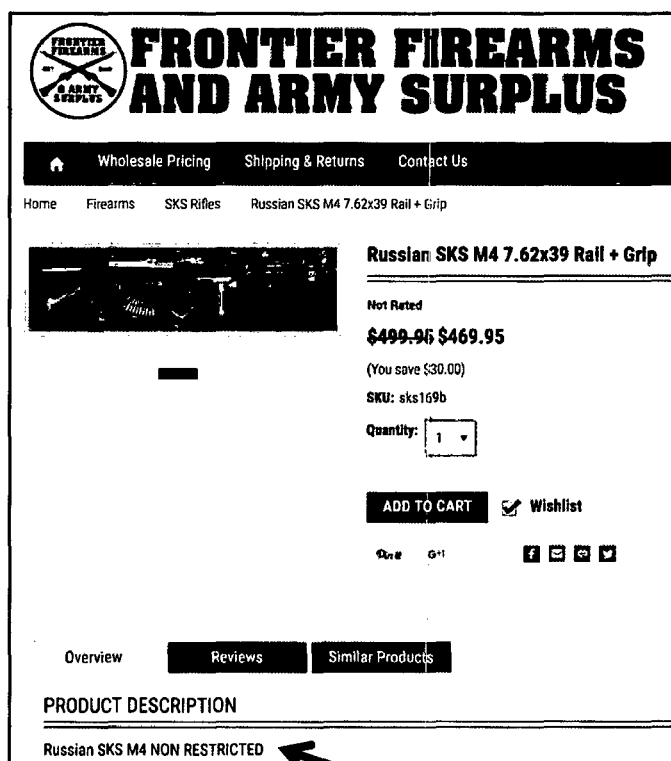
³⁷ CBC, Goodale rescinds Conservative directive that opened door to gun 'misclassification', 2016. <http://www.cbc.ca/news/politics/guns-firearms-rifles-laws-1.3753514>

³⁸ CZ-858 - en même temps que les armes de la Famille « Swiss Arms », et pour les mêmes raisons. Gendarmerie royale du Canada, Note d'information au Ministre de la Sécurité publique et de la Protection civile, 20 février 2014. http://polysesouvient.ca/Documents/DOCU_14_02_20_RCMP_BriefingNote_SwissArms_Prohibited.pdf

³⁹ Gendarmerie royale du Canada, La carabine SKS sans restriction – problème de sécurité, 2014. <http://www.rcmp-grc.gc.ca/cfp-pcaf/bulletins/bus-ent/20141114-89-fra.htm>

Le contrôleur du Québec estime que des « dizaines de milliers » d'entre elles ont été importées au Canada⁴⁰, dont plus de 5 000 au Québec.

Or, à ce jour, aucune action concernant leur classification en tant qu'armes non restreintes ne semble avoir été entreprise (la publicité à droite date du 5 juin 2017).



Pourquoi cette inaction? Encore une fois, il n'y a que la pression des groupes pro-armes qui peut expliquer cet immobilisme selon nous.

Actions taken by the CFP since 2010 to amend incorrectly interpreted classifications have been met with some resistance from owners and with negative media coverage. In

Lacunes du système actuel – armes d'assaut non restreintes

L'ensemble de ces éléments résulte en des milliers d'armes d'assaut qui demeurent non seulement légales, mais non restreintes.


Prenons un autre exemple, celui du IWI Tavor Tar-21 : cette arme est considérée comme une arme d'assaut par son fabricant israélien et « développé en collaboration avec les Forces de défense d'Israël ». En tant qu'arme non restreinte, elle est non seulement légalement accessible aux citoyens ordinaires, mais elle est également non restreinte — c'est-à-dire non enregistrée, et donc invisible aux autorités.

⁴⁰ Bureau du contrôleur des armes à feu, lettre du 20 novembre 2014. <http://www.sq.gouv.qc.ca/services-en-ligne/armes-a-feu/documents-armes-a-feu-entreprises/lettre-sks-en.pdf>




IWI Tavor Tar-21 – arme non restreinte au Canada


En somme, de nombreuses armes d'assaut non restreintes sont communément affichées sur le Web et dans les catalogues des marchands d'armes⁴¹ :



GUNS & AMMUNITION



OTTAWA, ONTARIO
(613) 924-4415
SALES - OFFER OUTDOORS WILLING




MK22 c.22 SCAR TYPE RIFLE NON RESTRICTED

The gun is manufactured completely with metal parts, it not only exceeds all requirements for durability, but feels like a centerfire weapon even though it is chambered in the economical .22 LR cartridge. The rifle comes standard with front and rear folding sights, along with Picatinny-style rail mounts that will accommodate all lighting, aiming and gripping accessories.

Black or Desert - \$530.00

Spare 22 round magazine - \$55.00



NON RESTRICTED

TNW Firearms Aero Survival Rifle (ASR)

Engineered to breakdown efficiently without the use of tools. This unique configuration allows for easy barrel removal and caliber changes. The ASR's compact design allows it to fit in small storage compartments. This rifle is an essential piece of equipment for back-packing, boating, camping, back country flying, mountain biking, or hunting. Includes: Rails, Manual and Soft Gun case.

9mm 16.75" Barrel, 10 Round Glock Magazine
40 S&W 16.75" Barrel, 10 Round Glock Magazine
45 ACP 16.75" Barrel, 10 Round Glock Magazine



BRS-99 9mm 18.5" Barrel Non-Restricted

The 9 x 19 mm Luger BRS-99 semiautomatic pistol is a civilian-legal semiautomatic-only weapon patterned after the selective fire PM-98 submachine gun. The BRS-99 is fitted with horizontal handguard featuring the central channel, where tactical light or laser sight can be mounted. Retractable Stock

\$1765.00

⁴¹ Orion Outdoor Products (Ontario), catalogue affiché sur son site Web, consulté le 28 mars 2016.
http://www.orionoutdoors.ca/uploads/Firearm_catalogue_tax3.pdf

Approbation de nouveaux modèles

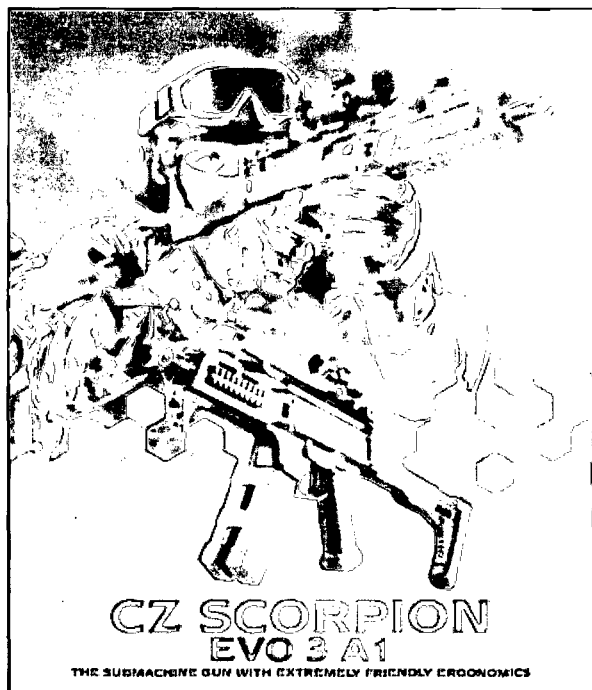
Malgré votre propre mandat d'« agir pour éliminer ... les armes d'assaut de nos rues »⁴², la GRC continue d'approuver la vente de nouveaux modèles d'armes d'assaut⁴³ (dont deux qui sont qualifiés de « submachine guns » par leur fabricant respectif^{44,45} et un qui est catégorisé comme arme non restreinte).

Questionné à ce sujet, votre attaché politique a affirmé que :

*« le gouvernement n'interviendra pas dans la prise de décision des services policiers concernant la classification des armes, puisque ce sont eux les spécialistes de ces décisions techniques »*⁴⁶.

Or, comme l'a souligné la Gendarmerie royale du Canada en réaction à ce propos, les services policiers doivent composer avec les « définitions établies dans le Code criminel » qui sont établies par le gouvernement — définitions qui permettent présentement la possession légale d'armes d'assaut.

La GRC a donc peu de marge de manœuvre en termes de pouvoir décisionnel en ce qui concerne les décisions sur la classification d'un point de vue de sécurité publique. Leur rôle se limite à l'interprétation de la loi et de ses critères manifestement arbitraires en ce sens. Récemment, la GRC a approuvé la mise en marché d'au moins trois armes d'assaut, dont une faisant l'objet d'une publicité présentant clairement son utilité « militaire ».



← Publicité du fabricant d'une arme qui vient d'être approuvée par le GRC pour vente au Canada. Il ne s'agit évidemment pas d'une arme sportive ou de chasse.

⁴² Premier ministre du Canada Justin Trudeau, *Lettre de mandat du ministre de la Sécurité publique et de la Protection civile*, 2015. <http://pm.gc.ca/fra/lettre-de-mandat-du-ministre-de-la-securite-publique-et-de-la-protection-civile>

⁴³ *Le Journal de Québec*, « D'autres fusils d'assaut en vente », 25 mai 2017. <http://www.journaldequebec.com/2017/05/24/dautres-fusils-dassaut-en-vente>

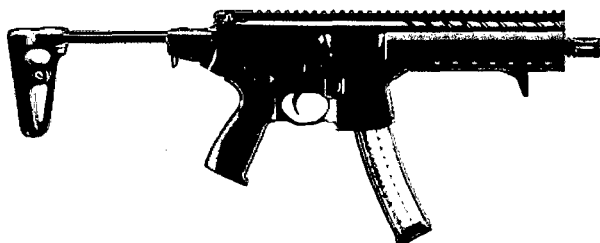
⁴⁴ Czub.cz, *Submachine Gun*, consulté le 5 juin 2017. <http://www.czub.cz/en/produkty/samopaly.html>

⁴⁵ Sig Sauer, *Sig MPX SBR*, consulté le 5 juin 2017. <https://www.sigsauer.com/store/sig-mpx-sbr.html>

⁴⁶ *Le Journal de Québec*, « D'autres fusils d'assaut en vente », 25 mai 2017. <http://www.journaldequebec.com/2017/05/24/dautres-fusils-dassaut-en-vente>

Nouveaux modèles récemment approuvés par la GRC:

SIG SAUER MPX

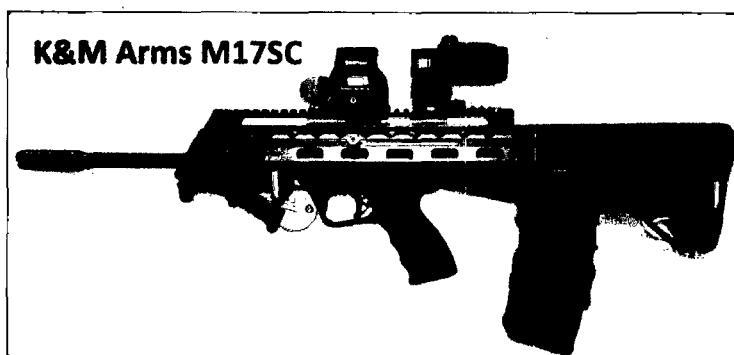


CZ SCORPION EVO 3 S1



↖ Armes à autorisation restreinte ↗

K&M Arms M17SC



↑ Arme à autorisation non restreinte

Risque pour la sécurité publique

Il n'y a aucune raison qui puisse être rationnellement invoquée pour justifier la possession privée d'armes à feu conçues pour tuer des humains.

Cette position est partagée par un membre du cabinet libéral, ayant lui-même constaté qu'il n'y avait aucune raison pour permettre au Canada la possession d'armes semi-automatiques comme celle utilisée pour abattre 20 enfants au Connecticut⁴⁷ (en référence à l'AR-15, un autre modèle d'armes d'assaut qui est légal au Canada) et que l'objectif devrait être « de les mettre hors circulation, et non pas de permettre leur utilisation ».

Il y a de nombreux exemples de tragédies récentes commises à l'aide d'armes d'assaut *légal*es, non seulement aux États-Unis mais au Canada, dont les meurtres de trois agents de la GRC à Moncton⁴⁸, l'attentat lors de la soirée électorale du PQ⁴⁹, la tuerie au Collège Dawson⁵⁰, et la tragédie à la Mosquée de Québec selon certains reportages médiatiques.⁵¹

⁴⁷ CBC, *Liberal Marc Garneau floats assault weapon ban*, 18 décembre 2012. <http://www.cbc.ca/news/politics/liberal-marc-garneau-floats-assault-weapon-ban-1.1228904>

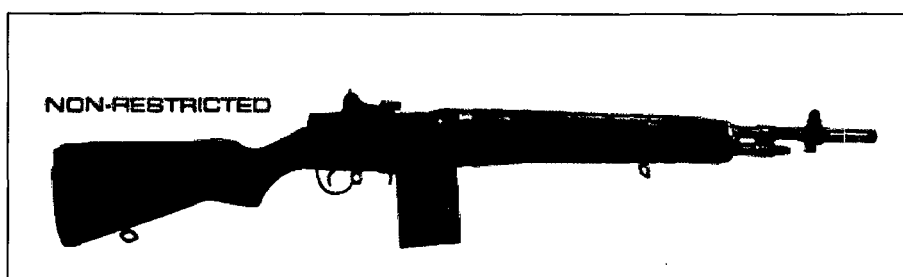
⁴⁸ Gendarmerie royale du Canada, *Independent Review - Moncton Shooting - June 4, 2014*, 2015. <http://www.rcmp-grc.gc.ca/en/independent-review-moncton-shooting-june-4-2014>

⁴⁹ La Presse, « Bain possédait légalement toutes ses armes », 29 juin 2016. <http://www.lapresse.ca/actualites/justice-et-affaires-criminelles/proces/201606/29/01-4996503-bain-possedait-legalement-toutes-ses-armes.php>

D'ailleurs, la GRC a alerté à maintes reprises le ministre fédéral de la Sécurité publique du risque que pose la disponibilité de ces armes pour la sécurité publique⁵²:

The absence of regularly updating the regulations has allowed firearms to enter the Canadian market as non-restricted firearms, but that would have been classified as either restricted or prohibited had they existed in 1995. This poses a risk to public safety by allowing firearms designed for military and para-military purposes to be easily available to the public.

Justin Bourque a utilisé une carabine semi-automatique « 308 Winchester M305 » pour abattre trois agents de la GRC en juin 2014 à Moncton. Cette arme était une version semi-automatique chinoise de l'arme de service militaire américaine, le M14, favorite des collectionneurs d'armes militaires⁵³. Bourque possédait légalement cette arme.



308 Winchester M305

Arme non restreinte utilisée par Justin Bourque (Moncton, 2014)

Richard Bain avait en sa possession une CZ-858 et un chargeur de 30 balles lors de l'attentat contre la première ministre Pauline Marois en septembre 2012. Si l'arme ne s'était pas enrayée lorsqu'il a tenté de tirer sur un policier⁵⁴, le bilan aurait sans doute été très différent (une personne a été abattue : le technicien de scène Denis Blanchette).

⁵⁰ Bureau du coroner, « Fusillade au Collège Dawson : Conclusions et recommandations du Coroner », communiqué, 4 septembre 2008. <http://www.newswire.ca/fr/news-releases/fusillade-au-college-dawson--conclusions-et-recommandations-du-corer-536574571.html>

⁵¹ Le Journal de Québec, « Attentat à Québec : l'arme du présumé meurtrier s'est enrayée », 31 janvier 2017. <http://www.journaldequebec.com/2017/01/31/attentat-a-quebec-larme-du-presume-meurtrier-sest-enrayee>

⁵² GRC, "Classification of Firearms", 2012. http://polysesouvent.ca/Documents/DOCU_12_00_00_RCMP_BriefingNote_AssaultWeapons.PDF

⁵³ GRC, « Examen indépendant - Fusillade de Moncton - 4 juin 2014 », <http://www.rcmp-grc.gc.ca/fr/examen-independant-fusillade-de-moncton-4-juin-2014> ; <http://www.rcmp-grc.gc.ca/pubs/moncton/moncton-macneil-eng.htm> : "Justin Bourque had five non-restricted firearms on June 4 ***** He carried an M305 semi-automatic .308 Winchester (7.62x51mm) rifle with one five round magazine and two prohibited twenty round magazines as well as a 12 gauge pump action shotgun throughout the incident. ... The M305 rifle Bourque used is a Chinese made semi-automatic version of the American M14 service rifle which was originally adopted in 1959. While there are several model names for the civilian market versions, many colloquially refer to them as "M14s." It is a relatively large and heavy rifle that is popular primarily with target shooters and military firearms collectors. Bourque claims to have known a method of converting this rifle to automatic fire and reportedly attempted to do so, without success. ... One of his magazines was specifically manufactured to hold five cartridges and the other two were originally 20 round magazines (the standard size for this rifle) that had been pinned to hold no more than five cartridges, in keeping with Canadian law. It appears that the magazine modifications were removed by Bourque so that the magazines could hold 20 cartridges; turning them into prohibited devices in Canada. Myriad American online sellers of 20 shot magazines offer these for about \$20." ; <http://www.cbc.ca/news/canada/new-brunswick/justin-bourque-latest-revelations-about-man-charged-in-moncton-shooting-1.2665900>

⁵⁴ Radio-Canada : « On a également appris que Richard Bain avait en sa possession, outre un fusil semi-automatique, un chargeur de 30 balles contenant 26 balles. ... Il avait aussi un pistolet qu'il aurait pointé en direction du sergent Stéphane Champagne. Cette arme s'est toutefois enrayée quand il a tenté de tirer sur l'agent, qui a alors pu l'arrêter. Lors d'une perquisition à son domicile dans les Laurentides, la police a saisi une vingtaine d'armes, toutes enregistrées à son nom, mais aussi une perceuse, qui a servi à modifier le chargeur de son fusil. » <http://ici.radio-canada.ca/regions/montreal/2014/11/28/003-richard-bain-attentat-metropolis-requete-remise-liberte.shtml>

L'arme est fabriquée en République tchèque. Selon un expert universitaire, la CZ-858 est similaire à l'AK-47, à quelques différences près : la CZ est plus puissante et elle est reconnue parmi les experts comme n'étant pas aussi fiable⁵⁵.



CZ-858 – arme non restreinte utilisée par Richard Bain (Montréal, 2012)
et présumément par Alexandre Bissonnette (Québec, 2017)

En 2014, l'entière famille de ce modèle d'armes a été jugée prohibée par la GRC à cause de sa capacité à « être converti en une arme à feu entièrement automatique »⁵⁶, mais leur classification originale « non restreinte » ou « restreinte » (selon la longueur du canon) a été rétablie par le gouvernement Harper grâce au pouvoir qu'il s'est donné par le biais du projet de loi C-42, à peine quelques semaines avant les élections fédérales d'octobre 2015⁵⁷. En 2014, la majorité de ces armes (7 061) étaient « non restreintes », alors que 412 étaient « restreintes ».

C'est sans doute la raison pour laquelle, si on se fie à certains reportages médiatiques, Alexandre Bissonnette a pu être en possession légale d'une CZ-858⁵⁸ dans le cadre de la tragédie à la Mosquée de Québec en janvier 2017. Comme dans le cas de l'attentat contre Marois, l'arme se serait enrayée, ce qui voudrait dire que c'est la deuxième fois que le bilan de morts serait passé proche d'être beaucoup plus important.

La disponibilité légale de ce type d'armes constitue un sérieux risque pour la sécurité publique.

⁵⁵ John Hipwell, propriétaire de Wolverine Supplies au Manitoba et Rémi Landry, professeur associé de l'Université de Sherbrooke, cité dans *The Gazette*, « Gun used in rampage is popular alternative to prohibited AK-47 », 7 septembre 2012.

⁵⁶ (En même temps que les armes de la famille « Swiss Arms », et pour les mêmes raisons) GRC, 20 février 2014, http://polysesouvient.ca/Documents/DOCU_14_02_20_RCMP_BriefingNote_SwissArms_Prohibited.pdf

⁵⁷ "Today, the Honourable Steven Blaney, Canada's Minister of Public Safety and Emergency Preparedness Canada, announced the Harper Government has amended the firearms classification regulations to prescribe Ceska Zbrojovka (CZ) 858 rifles and certain Swiss Arms family of firearms as "restricted" or "non-restricted" as they were treated prior to February 26, 2014", **Gouvernement du Canada**, règlement annoncé le 31 juillet 2015, <http://news.gc.ca/web/article-en.do?nid=1014559>.

http://polysesouvient.ca/Documents/LOI_15_07_31_Reglement_CZ858_SwissArms_NonProhibees_ANNOTE.pdf ; "Ottawa autorise des armes semi-automatiques prohibées par la GRC », **Radio-Canada**, 7 août 2015. <http://ici.radio-canada.ca/nouvelles/politique/2015/08/07/001-armes-prohibees-ottawa-grc-semi-automatiques-cz858.shtml>

⁵⁸ **Le Journal de Québec**, « Attentat à Québec : l'arme du présumé meurtrier s'est enrayée », 31 janvier 2017. <http://www.journaldequebec.com/2017/01/31/attentat-a-quebec-larme-du-presume-meurtrier-sest-enrayee>

Recommandation 8 : Le gouvernement devrait instaurer un nouveau système de classification qui interdira une fois pour toutes les armes d'assaut, soit celles conçues pour tuer des humains. Un tel système doit se baser sur une toute nouvelle gamme de critères, notamment sur la capacité de l'arme à accepter des accessoires militaires (même si ces derniers sont prohibés), sa puissance, sa portée et l'efficacité ou la vitesse de tir, entre autres. Le système devrait également incorporer la vérification physique par la GRC de chaque nouveau modèle, incluant les armes identifiées par les fabricants comme non restreintes et, ce, AVANT toute classification et introduction sur le marché. Enfin, l'approche précautionnaire devrait prédominer pour toute décision menant à une classification à autorisation non restreinte ou restreinte, c'est-à-dire qui permettra sa possession légale par des citoyens ordinaires.

Lacunes du système actuel – chargeurs à grande capacité

Enfin, la loi de 1991 (C-17) a imposé une limite de 5 cartouches et de 10 cartouches pour les armes longues et pour les armes de poing respectivement. Cette mesure a été généralement acceptée et réitérée par de nombreuses sources officielles, incluant le manuel du cours de maniement sécuritaire des armes à feu.

Or, sous l'ancien gouvernement conservateur, la GRC a avancé une nouvelle interprétation de la loi au sujet de ces restrictions, interprétation allant à l'encontre de l'intention du législateur de la loi de 1991 tel que le témoigne le conseiller politique principal de la ministre de la Justice de l'époque, madame Kim Campbell, qui avait lui-même travaillé sur la rédaction du projet de loi en question⁵⁹.

En effet, en mars 2011, la GRC a publié un bulletin spécial affirmant que la loi sur les chargeurs se préoccupe uniquement du modèle d'arme à feu pour lequel le chargeur a été conçu, et non de l'arme à feu qui pourrait accepter le chargeur :

*« La capacité maximale autorisée d'un chargeur est déterminée par le type d'arme à feu pour laquelle il a été conçu ou fabriqué et non par le type d'arme à feu dans laquelle il peut être utilisé. Exemple : la carabine Marlin modèle 45 (Camp Carbine) calibrée en 45 Auto accepte des chargeurs conçus et fabriqués pour l'arme de poing Colt 1911. Par conséquent, les chargeurs à sept balles et à huit balles sont autorisés. »*⁶⁰

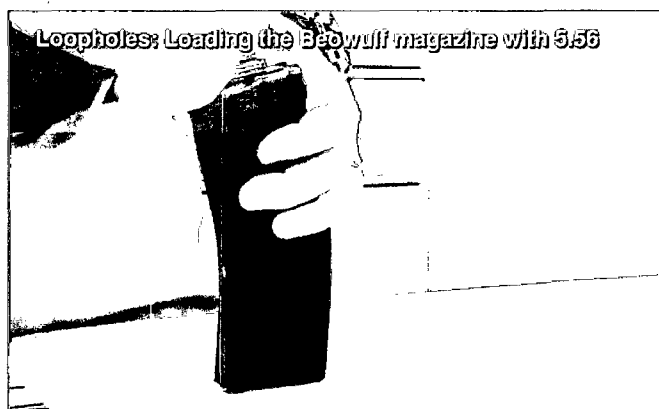
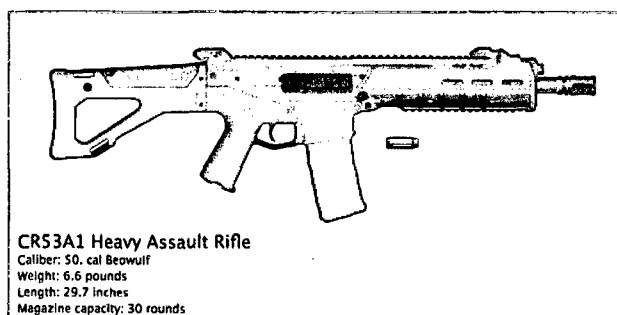
En d'autres mots, une arme longue semi-automatique « X » peut être équipée d'un chargeur de plus de cinq cartouches, pourvu que le chargeur n'ait pas été conçu pour cette arme spécifique, par exemple si elle a été conçue pour un pistolet « Y » et, ce, même si le pistolet est prohibé au Canada, et même si le chargeur contient 10 cartouches ou plus!

⁵⁹ John Dixon, conseiller politique principal de Kim Campbell, "I think it's nuts, and I'm shocked to hear it," said Dixon, who helped craft these laws 20-plus years ago. "What the hell is Parliament doing?", "Packing heat: How gun law loopholes tripled Canada's rifle magazine limits", *Global News*, 11 juin 2013. <http://globalnews.ca/news/619165/packing-heat-how-gun-law-loopholes-tripled-canadas-rifle-magazine-limits/>; "That's news to John Dixon, senior policy adviser on gun control in then-Justice Minister Kim Campbell's office when the laws were being designed. 'None of us dreamt of such a loophole. Period,' he says. 'Nobody was thinking about anything like this.'" "RCMP says magazine loophole was intended; law's author disagrees", *Global News*, 28 janvier 2014. <http://globalnews.ca/news/1043355/rcmp-wrong-on-rifle-magazine-loopholes-back-story-campbell-advisor-argues/>

⁶⁰ Gendarmerie royale du Canada, *Capacité maximale autorisée des chargeurs: Bulletin spécial à l'intention des entreprises - No 72*, 2011. <http://www.rcmp-grc.gc.ca/cfp-pcaf/bulletins/bus-ent/20110323-72-fra.htm>

Ainsi, il serait légal d'utiliser un chargeur rempli de 15 cartouches (calibre 5.56) conçues pour une carabine « Beowulf » (calibre 50), une arme prohibée au Canada, dans une carabine semi-automatique en autant que cette dernière ne soit pas un Beowulf, tel que l'a confirmé la GRC en réponse à la question d'un journaliste⁶¹. Une telle configuration est illégale dans au moins six États américains.

Cette interprétation est incroyablement absurde et extrêmement irresponsable.



Your question:

For greater clarity: a five-round magazine designed for Beowulf .50 cartridges will also hold 15 rounds of 5.56. Bearing in mind the language of Special Bulletin for Businesses No. 72:

"The maximum permitted capacity of a magazine is determined by the kind of firearm it is designed or manufactured for use in and not the kind of firearm it might actually be used in. As a consequence, the maximum permitted capacity remains the same regardless of which firearm it might be used in."

Is it legal to use a Beowulf magazine in a rifle chambered in 5.56 as a 15-round magazine?

Response:

Yes. The maximum permitted capacity for a magazine is determined by the kind cartridge that the magazine was designed to contain. Using a magazine cartridge for a semi-automatic rifle as an example, if a magazine is designed to contain 5 rounds of a larger cartridge, but will unintentionally also hold more than the maximum permitted capacity of a smaller cartridge, the magazine would not fall within the definition of a "prohibited device" set out in Part 4 of the *Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted*. If, however, a magazine is originally designed to contain more than the maximum permitted capacity of a smaller calibre cartridge, but will also hold 5 rounds or fewer of a larger calibre cartridge, the magazine would be a prohibited device.

Recommandation 8: Clarifier la réglementation afin d'éliminer l'échappatoire créée par une interprétation abusive des restrictions sur les chargeurs à grande capacité et d'imposer une réelle limite de 5 cartouches pour les armes non restreintes et de 10 pour les armes restreintes.

⁶¹ John Dixon, conseiller politique principal de Kim Campbell, "I think it's nuts, and I'm shocked to hear it," said Dixon, who helped craft these laws 20-plus years ago. "What the hell is Parliament doing?", "Packing heat: How gun law loopholes tripled Canada's rifle magazine limits", *Global News*, 11 juin 2013. <http://globalnews.ca/news/619165/packing-heat-how-gun-law-loopholes-tripled-canadas-rifle-magazine-limits/>; "That's news to John Dixon, senior policy adviser on gun control in then-Justice Minister Kim Campbell's office when the laws were being designed. 'None of us dreamt of such a loophole. Period,' he says. 'Nobody was thinking about anything like this.'" "RCMP says magazine loophole was intended; law's author disagrees", *Global News*, 28 janvier 2014. <http://globalnews.ca/news/1043355/rcmp-wrong-on-rifle-magazine-loopholes-back-story-campbell-advisor-argues/>



NOV 02 2017

The Honourable Ralph Goodale
Minister of Public Safety and Emergency Preparedness
House of Commons
Ottawa ON K1A 0A6

Dear Minister Goodale:

British Columbia continues to experience troubling and highly dangerous incidents of firearms violence that have resulted in numerous deaths and injuries. Highly public and brazen acts often linked to organized crime and gangs, place innocent members of the public at risk, create fear, hardship and tragedy for the individuals and communities affected, and impose substantial burdens on public resources.

In 2015, there were over 2,000 incidents involving the criminal use of firearms in British Columbia. These incidents included such offences as homicide, attempted homicide, robbery, assault, uttering threats, break and enters and careless use. During the investigation of these incidents over 3,000 illegal firearms were seized by law enforcement personnel.

To help address this, in 2016 the Government of British Columbia announced a number of enhancements to our existing Guns and Gangs strategy. One component of that enhanced plan was the creation of an Illegal Firearms Task Force to examine the acquisition, possession and use of illegal firearms in British Columbia and the significant public safety concerns brought about by their existence on our streets and in our communities.

The specific mandate of the Task Force was to:

1. Examine current provincial and federal firearms legislation; interdictions; enforcement strategies; as well as educational and resource strategies related to illegal firearms;
2. Engage in meaningful dialogue with key stakeholders and subject matter experts;
3. Identify gaps and needs to combat illegal possession and use of firearms within British Columbia; and
4. Develop options and recommendations for further strategies to complement existing legislation and educational, interdiction and enforcement strategies.

Subject matter experts from the RCMP, Vancouver Police Department, Combined Forces Special Enforcement Unit of BC (CFSEU-BC), Canada Border-Services Agency, National Weapons Enforcement Support Team, Chief Firearms Office, Ministry of Education, Surrey Safe School Program, BC Association of Chiefs of Municipal Police, University of the Fraser Valley School of Criminology and Municipal Public Safety Directors participated as members of the Task Force.

.../2

The Honourable Ralph Goodale
Page 2

For the purposes of the Task Force, illegal firearms, also known as a crime guns, were defined in the same manner as is utilized by the RCMP and CFSEU-BC, namely:

1. Firearms that are illegally acquired or illegally possessed;
2. Firearms that have been used in a crime or suspected of being used in a crime; and
3. Firearms that have been illegally modified or have an obliterated serial number.

The Task Force also included imitation firearms in their scope of work.

The Task Force was led by Mr. Wayne Rideout, a recently retired RCMP member who held the rank of Assistant Commissioner and for several years had been in charge of Investigative Services and Organized Crime in British Columbia.

Regular meetings were held with Task Force members between September of 2016 and February 2017. Also during that time, Community Roundtables on the topic of illegal firearms were held in several communities throughout British Columbia.

Additionally, a literature review was completed by the Centre for Public Safety and Criminal Justice research at the University of the Fraser Valley. This literature review included an examination of existing national and international research on legislative measures, police-led and community-led programs, and tactics or interdictions designed to address the issue of illegal firearms acquisition, possession and use.

The Task Force completed their work and has now produced a final report, with 37 recommendations that intend to alleviate the heightened violence associated with illegal firearms in our province. (The Final Report is enclosed).

The 37 recommendations fall under four overall themes:

1. Strategic Approaches – Coordinating and focussing the efforts of the diverse agencies.
2. Legislative initiatives – Enhancing federal legislation and creating provincial legislation.
3. Education and Prevention – Creating awareness, building resilience and reducing acquisition, availability and use.
4. Data Collection and Information Sharing – Purposefully collecting intelligence that will inform prevention, enforcement and disruption efforts.

.../3

The Honourable Ralph Goodale
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Certain recommendations within the report call for the consideration of enhancements to federal legislation and federal programs. They are:

Firearms Act (Canada)

1. Consider restricting the access and possession of imitation firearms, particularly by persons under 18, and regulate their sale and possession in public places. (recommendation #16)
2. Consider requiring businesses, dealers and individuals selling non-restricted firearms to keep point-of-sale records, which could be made available to law enforcement pursuant to judicial authorization. (recommendation #18)
3. Consider restricting the import, export and sale of all receiver blanks. (recommendation #21)
4. Consider enhancing the Canadian Firearms Program through development of compliance and deterrence strategies. (recommendation #28)

Criminal Code (Canada)

1. Consider amending the definition of a "firearm" to include gun frames and receivers not yet capable of holding various firing components. (recommendation #20)

Canadian Firearms Program

1. Consider increasing current firearms forensic capacities in RCMP laboratories to improve analysis response times and assure performance consistent with a firearms-focused approach. (recommendation #10)
2. Consider clarifying information sharing between the Canadian Firearms Program and law enforcement agencies to remove barriers. (recommendation #30)
3. Consider implementing a public awareness campaign concerning the licensing requirements for possessing firearms and the legal requirement to register restricted and prohibited firearms. (recommendation #31)

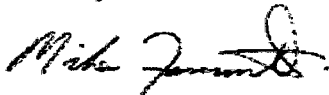
Based on the intelligence led work of the Task Force, it is our hope and belief that the implementation of these recommendations will assist in improving public safety in our province.

.../4

The Honourable Ralph Goodale
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I look forward to discussing these points further with you and working together to make these suggested measures a reality.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Farnworth". The signature is fluid and cursive, with a large initial "M" and a stylized "F".

Mike Farnworth
Minister of Public Safety
and Solicitor General

Enclosure

Illegal Firearms Task Force Final Report



A report to the
Minister of Public Safety and
Solicitor General of British Columbia
September 30, 2017

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LETTER OF TRANSMITTAL

September 30, 2017

The Honourable Mike Farnworth
Minister of Public Safety & Solicitor General
Parliament Buildings
P.O. Box 9044, Stn Prov Govt
Victoria, BC V8W 9E2

Dear Minister:

I am pleased to provide you with the final report of the Task Force on Illegal Firearms.

The Task Force was appointed to investigate and report findings and recommendations that would help the Government of B.C. respond to the public threats posed by the use of illegal firearms in the province. This report outlines our findings and presents for your consideration the actions that we believe would be effective and actionable within the context of the law enforcement, educational and social conditions prevailing in B.C. today.

Among its key recommendations, the Task Force proposes that B.C. adopt a firearms-focussed approach that would align the priorities of the intelligence, enforcement and regulatory agencies dealing with illegal firearms to focus on those who acquire, possess, traffic and use illegal firearms. The infrastructure for this approach already exists within B.C.'s law enforcement agencies.

The Task Force also proposes an innovative approach that would tackle the threat to the public posed by the use of firearms in motor vehicles. This approach would develop initiatives based on promoting road safety by imposing sanctions up to the seizure of a driver's licence and vehicle when they are used in conjunction with illegal firearms.

The Task Force received information relating to a wide variety of specific circumstances and makes several recommendations to deal with issues relating to policing, legislative and policy changes, education and prevention.

The Task Force also heard and supports a variety of strategies for preventing firearms violence through better sharing of information and community intervention in cases involving domestic violence, mental health, suicide and related social issues.

I would like to express my sincere thanks to the members of the Illegal Firearms Task Force, who provided time from their very busy schedules to contribute to our meetings and to research the material for this report. Additionally, I would like to thank the many persons

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who have given their valuable time through countless personal and telephone meetings and through the sharing of material and best practices from across Canada.

The submissions and recommendations of the many contributors were greatly enhanced and corroborated by the literature review conducted by Dr. Irwin Cohen and his team from the University of the Fraser Valley in 2016. I would like to thank Dr. Cohen and the University of the Fraser Valley for their work, and also for Dr. Cohen's continued participation in the Task Force for the duration of its work.

The project was led by Tom Steenvoorden, Director, Policing and Security Branch, Ministry of Public Safety & Solicitor General. It was managed by Loretta Smith, A/Director, Policing and Security Branch, Ministry of Public Safety & Solicitor General. Their leadership and participation were instrumental in the completion of this report.

The project also benefited greatly from the many contributions of Richard Banner from Polestar Communications Inc.

It is my sincere hope that this report, its recommendations and continued engagement with the many dedicated experts who participated in it will provide an outline for systemic action. These recommendations support new and innovative approaches, as well as ongoing activities, to combat illegal firearms and the violence that results from their use in B.C.

It has been a privilege to work with the many dedicated professionals who act so tirelessly to prevent illegal firearm violence and defend public safety in B.C. and Canada.

Sincerely,



Wayne Rideout, M.O.M

(RCMP Assistant Commissioner) Retired

Illegal Firearms Task Force

EXECUTIVE SUMMARY

British Columbia continues to experience troubling and highly dangerous incidents of firearms violence that have resulted in numerous deaths and injuries. Highly public and brazen acts, often linked to organized crime and gangs, place innocent members of the public at risk, create fear, hardship and tragedy for the individuals and communities affected, and impose substantial burdens on public resources.

The Government of B.C., in an enhanced provincial strategy to combat guns and gangs, convened an Illegal Firearms Task Force to make recommendations for action to the B.C. Minister of Public Safety & Solicitor General.

The Task Force, consisting of provincial experts with a wide range of experience in managing illegal firearms and organized crime, reviewed and analyzed the existing published research, interviewed numerous individuals and organizations, and conducted community consultations around B.C. It reviewed the information presented and developed recommendations addressing both specific issues that had been identified and broad strategic approaches.

Four themes

The recommendations fall into four themes:

Theme #1: Strategic Approaches

Coordinating and focussing the efforts of the diverse agencies that work to reduce crime and enhance public safety will ensure the most effective use of resources and the greatest impact in limiting the availability and use of illegal firearms. Action categories include:

- **An illegal firearms-focussed approach** – Alignment of existing and enhanced resources in order to improve outcomes relative to illegal firearms trafficking, their availability to criminals and the manner in which they are used by organized crime
- **Road safety and illegal firearms** – Road safety initiatives to reduce the incidence of illegal firearms possession in motor vehicles and the concurrent use of illegal firearms and motor vehicles to carry out organized crime violence
- **Provincial Tactical Enforcement Priority** – Leveraging the innovative and unique capabilities of the Provincial Tactical Enforcement Priority model to maximize intelligence, disruption and enforcement of illegal firearms traffickers and the targeting of those who use firearms to support violent organized crime activity
- **Firearms tracing hub and labs** – The enhanced and timely analysis of all recovered firearms and the determination of their potential association with crime to provide investigative information and strategic intelligence
- **Alignment of law enforcement policy** – The alignment and modernization of law enforcement policy with the education of law enforcement officers and Crown

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prosecutors to realize strategic objectives related to illegal firearms trafficking and the use of illegal firearms in violent crimes

- **"Bar Watch" programs** – Expansion of a successful Vancouver program to deter and mitigate gang and firearms violence within licenced liquor establishments throughout the province

Theme #2: Legislative Initiatives

Firearms possession and the criminal use of firearms are primarily governed by federal legislation. The Task Force has made several recommendations related to the enhancement of federal legislation and the creation of provincial legislation in order to reduce the risks of illegal firearms use. Action categories include:

- **Quebec's mass shooting and firearms violence mitigation: A model for provincial actions** – Legislation that enhances the ability of law enforcement and partner agencies to identify and prevent firearms violence through the timely sharing of information
- **Imitation firearms** – Legislation to control the access and use of readily available imitation firearms; to limit their risk to communities, first responders and those who possess them; and to disrupt early patterns of illegal firearms use by youth
- **Straw purchasers and point-of-sale recordkeeping** – Legislation requiring sellers to keep records of firearms sales (not a central registry), enhancing the ability of judicially authorized law enforcement to trace crime guns, collect firearms trafficking intelligence and deter firearms traffickers
- **Manufacture of untraceable firearms** – Legislation to prohibit access to unmarked firearms parts and parts that can be assembled into illegal firearms

Theme #3: Education and Prevention

Focussed efforts by a wide range of stakeholders and agencies working with the public, industry and communities will create awareness, build resilience and reduce the acquisition, availability and use of illegal firearms in B.C. communities. Action categories include:

- **Safe schools, student and parent education** – Leveraging existing school-based programs to disrupt potentially violent antisocial behaviour, including the use of firearms, and to ensure the understanding of educators and parents on the factors and indicators related to violence prevention
- **Community-based programs – Rural and First Nations communities** – Tailored community-based strategies designed to recognize the specific risks associated with communities in which firearms are readily available and which experience violence and organized crime involving firearms
- **Canadian Firearms Program compliance strategies** – Enhancing compliance efforts pursuant to the firearms regulations designed to prevent and deter illegal firearms trafficking

- **Registration issues from the former Restricted Weapons Registration System –**
Initiatives to reduce the large number of restricted and prohibited firearms that are not in compliance with current registration requirements and no longer under the oversight of the Canadian Firearms Program

Theme #4: Data Collection and Information Sharing

The purposeful collection of intelligence from a variety of sources will inform prevention, enforcement and disruption efforts by all stakeholders against the trafficking, possession and use of illegal firearms. The Task Force has made recommendations in two action categories, including:

- **Intelligence and data quality** – Assigning a lead intelligence agency and data warehouse to coordinate all intelligence collection, assure data quality and facilitate analysis related to the trafficking, possession and use of illegal firearms
- **PRIME-BC access by all key stakeholders** – Providing necessary access to B.C.'s own Police Record Information Management System (PRIME-BC) to key agencies engaged in illegal firearms prevention, enforcement and disruption

The findings of the Task Force are summarized below in this executive summary, and described in greater depth in the full report and appendices that follow.

* * *

This report is organized into six parts including:

- Background
- Literature Review
- Gangs and Organized Crime in B.C.
- Findings and Recommendations
- Complementary Broad-based Prevention and Awareness Strategies
- Conclusion

There are also five appendices:

- Appendix 1: Recommendations of the Illegal Firearms Task Force
- Appendix 2: Members of the Task Force
- Appendix 3: Individual Consultations
- Appendix 4: Literature Review
- Appendix 5: Acronyms

INTRODUCTION

Purpose of the Task Force

The number of firearms offenses has continued to decline in B.C. since the early part of this century. Nonetheless, recent spikes in firearms-related homicides and attempted homicides related to gang violence and the drug trade have led B.C. residents to grow increasingly concerned with gun violence in their communities.

In response, the Government of B.C. in April 2016 announced several initiatives as part of an enhancement to B.C.'s Guns and Gangs Strategy. Funding and other initiatives were provided to bolster public safety in communities that have experienced spikes in violent gang activity. These initiatives took a three-pillar approach focussed on:

- Supporting effective enforcement and prosecution
- Furthering community safety and public engagement
- Expanding laws and sanctions targeting illegal guns and gang violence, profits and property

The announcement built on the existing Guns and Gangs Strategy through integrated police teams, anti-gang initiatives and police- and community-led programs that engage and educate at-risk youth. In announcing the strategy, the Ministry of Public Safety & Solicitor General pointed out that:

- In 2015, there were over 2,000 incidents involving the criminal use of firearms in B.C.
- These incidents included such offences as homicide, attempted homicide, robbery, assault, uttering threats, break and enters and careless use
- During the investigation of these incidents, over 3,000 illegal firearms were seized by law enforcement personnel

One initiative under the approach was the creation of an Illegal Firearms Task Force to study and strengthen provincial and federal programs related to illegal firearms. The key objectives of the Task Force were to:

- Examine current provincial and federal legislation, interdiction and enforcement policies
- Identify gaps and needs to combat illegal possession and illegal use of firearms within B.C.
- Develop a report with key findings and recommendations to be presented to the Minister of Public Safety & Solicitor General

For the purposes of this Task Force, illegal firearms are:

- Firearms that were illegally acquired or possessed
- Firearms that were used in the commission of a crime or suspected of being used in a crime
- Firearms that were illegally modified or have an obliterated serial number

The focus of the Task Force was on the possession, use and trafficking of illegal firearms and the use of legal firearms in illegal and harmful ways.

The Task Force did not examine lawful possession or use of firearms.

Methodology

The Task Force was made up of senior subject matter experts from a wide variety of agencies and organizations responsible for the enforcement and administration of firearms legislation. Many also were responsible for the prevention, enforcement and investigation of violent crimes resulting at least in part from the use of illegal firearms. The Task Force also benefitted from the participation of municipal community safety managers, schools and provincial health and education agencies. (See Appendix 2 for a list of Task Force members.)

The Task Force conducted initial research by contacting a wide range of individuals from law enforcement and community backgrounds to explore the nature of the issue. It also commissioned a review of published literature from members of the University of the Fraser Valley on the strategies and processes that have been used in Canada and internationally to reduce or remove illegal firearms from circulation. (See Appendix 4.) Research, discussion and analysis were based on data up to March 31, 2017.

Members of the Task Force met frequently to review existing programs and practices and the results of ongoing research and consultations. The Task Force also convened community consultation meetings around B.C., in Victoria, Surrey, Kelowna, Williams Lake and Prince George, to gather additional information and advice. In addition, the Task Force interviewed experts from organizations across Canada and representatives of U.S. law enforcement agencies to learn about practices and experiences from other jurisdictions.

Members of the Task Force drafted recommendations based on the experience and practices of their organizations, their own expert knowledge and the research and advice received during consultations. The Task Force reviewed proposed recommendations at its meetings. The final recommendations represent the best, considered advice to the Government of B.C. on practical actionable strategies to control and reduce the use of illegal firearms within the conditions that currently exist in the province of B.C.

Focus

The Task Force worked to identify the risks associated with illegal firearms and to develop pragmatic solutions that build on existing programs and strategies. It also identified the need for legislative changes, ranging from existing legislation that has not yet been put into effect to amendments to the *Criminal Code* and the *Firearms Act* (Canada). The Task Force also identified areas in which provincial legislation could reduce the risks of illegal firearms use.

The Task Force sought to understand the successes and strategies employed elsewhere in Canada and in the world. Many of the recommendations are based on an understanding of the way in which illegal firearms are central to organized crime groups, gangs and criminals. The unique circumstances of organized crime in B.C. confirmed the need to rely on strategies specific to B.C.'s problem.

In addition to the firearms violence carried out by organized crime and gangs, the Task Force focussed on many specific issues relating to illegal firearms and strategies, including:

1. Illegal firearms trafficking
2. Theft of firearms and their use in crime
3. The possession and use of firearm parts that have no identifying marks
4. The increased presence and antisocial use of imitation firearms
5. Mandatory tracing of crime guns
6. Road safety issues related to gangs, illegal firearms and vehicles
7. Enhanced regulatory compliance
8. Formerly legal firearms that have not been registered and are now illegal
9. Alignment of intelligence and access to meaningful data and performance metrics
10. Sustained cross-border activities
11. A firearm-focussed approach and priority
12. Strategic policy development
13. Education of law enforcement officers and Crown prosecutors
14. Innovative technology
15. Mass shooting prevention
16. Safe schools
17. Prevention and education strategies
18. Community engagement programs
19. Links to health, suicide and domestic/family violence

Many of the recommendations of the Task Force relate to more than one risk area.

Contents of the report

The report is organized into six sections:

- A background section, including:
 - An snapshot of the current firearms regulatory regime
 - A discussion of the structure of policing in B.C. and Canada, with a particular focus on law enforcement agencies that play key roles in restricting illegal firearms
 - A brief review of the governance mechanisms for policing in B.C.
 - Examples of related law enforcement activities beyond B.C.
- A brief summary of the University of Fraser Valley literature review (See Appendix 4)
- Review of recent trends relating to gangs and organized crime in B.C., including:
 - A discussion of the unique features of gangs and organized crime in the province
 - A summary of the development of B.C.'s enforcement strategies
 - The evolution and current state of organized crime in B.C. and policing responses to it
- Findings and recommendations
 - A review of the issues related to 16 topic areas under four themes
 - Recommendations to respond to each of the topic areas
- Complementary broad-based prevention and awareness strategies
 - Previous reviews or legislative initiatives into illegal firearms
 - Working groups that could be formed to assist the implementation in specific topic areas
 - Initiatives to improve public awareness of issues relating to illegal firearms
 - Discussion of questions relating to the enforcement and prosecution of offenses relating to illegal firearms in B.C.
 - Discussion of broad initiatives to prevent firearms violence through cross-ministry coordination and prevention activities
 - Review of technological advances that could be of interest in future strategies to control illegal firearms
- Conclusions

There are also five Appendices including:

- Appendix 1: Recommendations of the Illegal Firearms Task Force
- Appendix 2: Members of the Task Force
- Appendix 3: Individual Consultations
- Appendix 4: Literature Review
- Appendix 5: Acronyms

BACKGROUND

The B.C. Coroners Service reports that in 2015 B.C. had 132 deaths involving firearms, the highest number since 2008 (See table below). These are almost entirely homicides and suicides. Few of these fatalities tend to be from accidental or other causes.

Total Firearms-related Deaths in B.C.

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016 [*]
Accidental	2	3	6	0	1	3	3	2	2	2	2
Homicide	30	35	48	56	34	21	20	21	29	25	24
Suicide	78	67	79	70	80	67	79	86	81	103	85
Undetermined	0	0	1	1	0	0	1	0	1	2	0
Total	110	105	134	127	115	91	103	109	113	132	111

SOURCE: B.C. Coroners Service, Fire Arms Related Deaths in BC, 2006-2016 (YTD). September 2017.

* 2016 data is incomplete and may change subject to on-going investigation.

Firearms regulation

The lawful importation, ownership, use and sale of firearms in Canada are governed by a variety of federal legislation including the *Firearms Act* (Canada) and regulations, the *Criminal Code* and a variety of other federal and provincial legislation.

A number of law enforcement and regulatory agencies oversee and enforce laws related to firearms. The Canadian Firearms Program (CFP), managed by the RCMP, administers the *Firearms Act* (Canada) and regulations. Chief Firearms Officers (CFOs) have the authority under the *Firearms Act* (Canada) to approve, refuse or revoke individual and business firearms licences, authorizations to transport and carry, and approvals of shooting clubs and ranges.

The CFP administers and manages restricted and prohibited firearms through its licensing and registration requirements. Persons lawfully possessing prohibited and restricted firearms must be qualified to possess them. The continued possession, location, sale or transfer of the firearm is tracked through the CFP.

Restricted firearms include:

1. Handguns that are not prohibited
2. Semi-automatic, centre-fire rifles and shotguns with a barrel shorter than 470 mm
3. Rifles and shotguns that can be fired when their overall length has been reduced by folding, telescoping or other means to less than 660 mm
4. Firearms restricted by *Criminal Code* regulations

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Prohibited firearms include:

1. Handguns with a barrel length of 105 mm or less and handguns that discharge .25 or .32 calibre ammunition
2. Rifles and shotguns that have been altered by sawing
3. Fully automatic firearms
4. Converted automatic firearms
5. Firearms prohibited by *Criminal Code* regulations

Non-restricted firearms or ordinary rifles and shotguns are not subject to registration. Often known as "long guns," they are commonly used for hunting, sporting or other lawful purposes. Any individual who has obtained a Possession and Acquisition Licence (PAL) can acquire a long gun. Many sporting goods and firearm retailers routinely advertise them for sale. When a long gun is sold in Canada, retailers are not required to record the buyer's identification or PAL, or the make, model and serial number of the firearm. Long guns cannot be traced by law enforcement and are not subject to regulatory oversight.

The CFP reports the following numbers of possession and acquisition licences and restricted and prohibited firearms registered in B.C. as of May, 2016 (See tables below).

Valid licences by class of firearms

Licences	Non-restricted	Restricted	Prohibited	Total
Possession and Acquisition Licence	151,755	110,142	8,930	270,827
Minor Licence	808	0	0	808
Total	152,563	110,142	8,930	271,635

Source: Canadian Firearms Program, Firearms Profile for British Columbia, May 2016.

Valid registered, restricted and prohibited firearms by class and type

Firearm Type	Restricted	Prohibited	Total
Handgun	136,056	22,875	158,931
Rifle	11,747	1,810	13,557
Commercial Version	484	74	558
Submachine Gun	3	444	447
Other	50	204	254
Total	148,340	25,407	173,747

Source: Canadian Firearms Program, Firearms Profile for British Columbia, May 2016.

Law enforcement and regulation

Many government departments, community, health, education and social service agencies, as well as policing and intelligence bodies, play key roles in restricting illegal firearms and protecting public safety in B.C.

Public Safety Canada

Public Safety Canada coordinates federal departments and agencies responsible for national security and the safety of Canadians. It also works with other levels of government, first responders, community groups, the private sector and other nations to promote safety and security initiatives.

Public Safety Canada oversees several agencies reporting to the Minister of Public Safety and Emergency Preparedness, including the Canada Border Services Agency (CBSA) and the RCMP.

B.C. Ministry of Public Safety & Solicitor General

B.C.'s Ministry of Public Safety & Solicitor General has responsibility for public safety, policing and crime prevention in the province, including a wide variety of additional initiatives such as the Civil Forfeiture Office, anti-violence programs, the B.C. Coroners Service and RoadSafetyBC.

National Police Services

The National Police Services (NPS), administered by the RCMP, provides supporting services for all police agencies. These include the Criminal Intelligence Service Canada (CISC) and its provincial bureaus. In B.C., the bureau is Criminal Intelligence Service B.C. (CISBC), which collects intelligence and reports on organized crime provincially.

While Canada has a national strategy to combat terrorism, which aligns various agencies and activities, Canada does not have a similar national strategy to combat organized crime. Law enforcement agencies and Public Safety Canada prioritize strategies created through committees consisting of senior leadership in the province and representatives of all major agencies, including the RCMP.

RCMP federal force

The RCMP is Canada's federal police force, responsible for enforcing federal statutes across the province. This responsibility includes border integrity, national security, drug enforcement, serious and organized crime, financial crime, diplomatic and VIP protection, air carrier security and international policing. CBSA shares responsibility for federal law enforcement and border integrity.

Federal policing, through international organized crime strategies, plays a key role in combatting organized crime and illegal firearms violence.

B.C. TASK FORCE ON ILLEGAL FIREARMS

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Federal policing resources located in B.C. report to the commanding officer of the B.C. RCMP, but have accountability to the RCMP national headquarters for delivery of nationally prioritized investigations.

Over the past six years, a series of federal budget reductions, starting with the federal Deficit Reduction Action Plan, resulted in year-over-year reduction of human resources and the dispersal of federal enforcement officers into other responsibilities. These reductions and the priority placed on terrorism prevention and investigation have influenced federal policing in B.C.

Given the high percentage of illegal firearms sourced from the U.S., sustainable cross-border partnerships are critical. This often involves working with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which traces U.S. manufactures from the serial number on a firearm, and often leads to American distributors, retailers and gun shows or to Canadian distributors or retailers.

Federal policing resources to support CBSA and U.S. policing agencies that interdict illegal firearms and respond to organized crime is critical.

National Weapons Enforcement Support Team

The RCMP's National Weapons Enforcement Support Team (NWEST), a branch of the Canadian Firearms Program, provides investigative assistance to law enforcement agencies investigating firearms offenses, under the direction of the national headquarters. It also provides guidance to officers on investigations and education to frontline officers in RCMP and municipal detachments. Working with the Canadian Firearms Program Chief Firearms Officer and the police of jurisdiction in a Safe City initiative, NWEST identifies holders of lapsed licences for restricted firearms and seeks voluntary compliance with existing regulations.

In 2015, NWEST found 2,468 substantive firearm incidents in B.C. law enforcement records management systems. It found a total of 3,195 firearms seized by law enforcement agencies, as detailed in the table.

Firearms seized by law enforcement in B.C. in 2015

	Rifles	Shotguns	Pistols	Other	Pellet, etc.
Lower Mainland District	520	256	199	97	86
North and South District	924	257	145	26	65
Island	385	118	65	24	28
Total	1829	631	409	147	179

Source: Canadian Firearms Program, Criminal Use and Seizures of Firearms in British Columbia, 2015.

Combined Forces Special Enforcement Unit – B.C.

Several integrated police units and structures operate throughout the province to provide specialized police services through multi-agency collaboration. This allows more effective work across jurisdictions, efficiency of operations, enhanced information-sharing and consolidation of efforts.

The Combined Forces Special Enforcement Unit–B.C. (CFSEU-BC) has a mandate to target, investigate, prosecute, disrupt and dismantle the organized crime groups and individuals that pose the highest risk to public safety due to their involvement in gang violence. It is made up of police officers and civilian specialists from several municipal, RCMP and other law enforcement agencies.

The Organized Crime Agency of B.C. (OCABC) is responsible for providing designated policing and law enforcement to reduce and eliminate organized crime and other significant criminal activity in B.C. Operating under the command structure of the CFSEU-BC, it is a designated police agency with its own contingent of sworn law enforcement officers and civilian personnel. With dedicated permanent positions, its staff are not subject to returning to other law enforcement agencies, and can maintain a high level of expertise within the agency.

Real Time Intelligence Centre

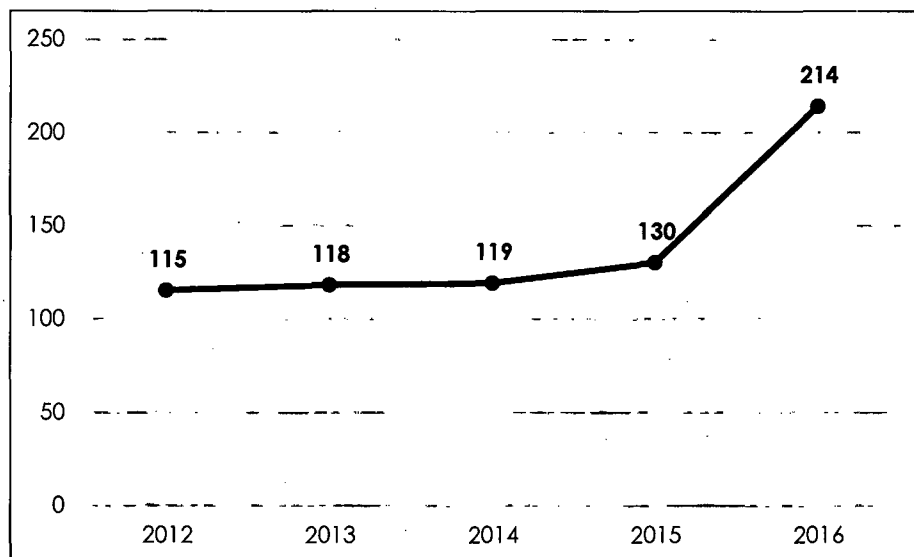
B.C.'s Real Time Intelligence Centre (RTIC) is an integrated unit that includes resources from the RCMP, municipal police and other key federal and provincial agencies. Its mandate is to enhance public safety by providing real-time operational support to frontline police officers and investigators, particularly during incidents that pose a substantial risk to public safety, such as firearms incidents, gang violence, murders, assaults, armed robberies and acts of terrorism.

Canada Border Services Agency

The Canada Border Services Agency (CBSA) manages the access of people and goods to and from Canada by providing integrated border services at land-border crossings, international airports and marine sites, as well as international mail processing centres.

By federal agreement, CBSA is responsible for investigating firearms smuggling that occurs through a CBSA port of entry, while the RCMP is responsible for investigating firearms smuggling elsewhere. Countering firearms smuggling is one of the top enforcement priorities of CBSA. In 2016, CBSA in the Pacific Region (BC and the Yukon), seized 214 smuggled firearms and laid charges against 63 individuals for smuggling firearms.

The number of seizures involving firearms is increasing in the Pacific Region.



Firearms Seizures – CBSA Pacific Region, 2016

Source: Canada Border Services Agency, unpublished data.

Canadian Firearms Program and B.C. Chief Firearms Officer

The Canadian Firearms Program (CFP) administers the *Firearms Act and Regulations* (Canada), provides specialized supports to law enforcement and encourages firearms safety. The RCMP is responsible for managing the CFP. Each provincial and territorial government chooses whether to administer the program itself. Previously, the province of B.C. administered the program, but since 2002 it has opted for federal administration. Thus, the Chief Firearms Officer (CFO) in B.C. holds a federal position and designation and not a provincial one.

The CFP CFOs rely primarily on information from police and the courts, self-disclosure and unsolicited reports to determine if an applicant is eligible for a licence. Courts inform the CFO of all firearms prohibition orders made, varied or revoked, and the CFO acts immediately on court orders to revoke valid documents and refuse pending applications. Additionally, in B.C., the CFO has access to the provincial Protection Order Registry and B.C. Review Board orders that contain firearms conditions.

Police data systems generate Firearms Interest Police (FIP) events to alert CFOs of information that may be relevant to licence eligibility. CFP staff can only query police file numbers associated with FIPs, but if they become aware of other police records relating to an individual, they must submit a request for disclosure.

RCMP Provincial Police Force

The Government of British Columbia contracts the RCMP to act as B.C.'s Provincial Police Force. The Provincial Police Force includes detachment policing and provides local police services to municipalities under 5,000 population and unincorporated (rural) areas throughout the province. These services include uniformed patrols, response-to-call duties, investigative services, community-based policing, traffic enforcement and administrative support to provincial detachments.

The Provincial Police Force also provides the capacity to target organized crime, gang violence and serial crimes; resolve high-risk incidents; enforce traffic regulations on all provincial highways; and provide security and policing services for large-scale community events and emergencies.

The RCMP Provincial Police Force receives an annual mandate letter from the B.C. Minister of Public Safety & Solicitor General, and provides an annual performance report outlining its accomplishments related to strategic objectives. The Provincial Force incorporates provincial priorities and federal priorities to form an RCMP strategic plan. All branches of the Force contribute to the plan, delivering performance outcomes.

The Provincial Force contributes to and complies with provincial policing standards (described below).

Municipal policing

Municipalities with a population of 5,000 or more must assume responsibility for their own police services, either through their own municipal police department or by contract with an existing police service. Municipal police departments provide services in 12 B.C. municipalities. RCMP municipal forces provide services in 62 municipalities. Many municipal police services have their own investigative and intelligence specialists who are well versed in gangs and organized crime.

Other policing

Several other agencies provide policing for specific purposes, including the South Coast British Columbia Transit Authority Police Service (SCBCTAPS) and the Canadian National and Canadian Pacific railway police forces. The RCMP also provides enhanced police services at the Vancouver International Airport.

A First Nations policing program provides accountable and effective policing services that are culturally sensitive and responsive to the particular needs of First Nations communities.

Policing governance and standards

A wide variety of agreements, regulations and legislation determines how B.C.'s police forces receive direction.

The B.C. Provincial Police Services Agreement

The Governments of Canada and B.C. set out the duties and responsibilities of the RCMP in B.C.'s provincial and municipal policing services through a 20-year Provincial Police Service Agreement (PPSA). Under the agreement, the Province and participating municipalities establish the level of resources, budget and policing priorities in consultation with the RCMP. The RCMP is responsible for delivering on the policing priorities within the established budget.

The 2012 PPSA defines specific terms of accountability and governance, enhanced reporting and meaningful consultation.

B.C. policing standards

B.C.'s Director of Police Services has the power under the *Police Act* (B.C.) to establish policing service standards. These standards create specific baselines for all B.C. police, which each agency's training, policy and service delivery must meet or exceed.

B.C. Association of Chiefs of Police

The B.C. Association of Chiefs of Police (BCACP) is the primary police management association in the province, mirroring similar structures throughout Canada. It takes part in the Canadian Association of Chiefs of Police (CACP). Both the CACP and BCACP address key policing issues in setting policies and standards, making recommendations for improvement and coordination among agencies.

Canadian Association of Chiefs of Police

The Canadian Association of Chiefs of Police (CACP) works to support and promote efficient law enforcement and to protect the security of the people of Canada. The CACP is a national association, but its interests and concern have relevance to police at municipal, regional, provincial and federal levels.

The CACP works through the activities and special projects of its committees and through active liaison with various levels of government responsible for law and policing. It receives reports on initiatives and committee work at its annual conference, and votes on resolutions. In many cases, these form the basis of the association's ongoing work.

Key CACP members participate in the International Association of Chiefs of Police (IACP).

Beyond B.C.

The experience of law enforcement agencies beyond B.C. provides perspective on the control of illegal firearms within the province. The Task Force contacted a wide range of Canadian law enforcement agencies, as well as U.S. law enforcement.

Agencies across Canada have a variety of intelligence and investigative structures to combat organized crime and illegal firearms. With the exception of Ontario, most were

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similar to B.C. in that they used dedicated investigative teams to target organized crime and gang activity but had few resources specifically dedicated to illegal firearms.

Most agencies make public safety threats resulting from gun violence a priority, but most firearms seizures generally arise from drug investigations or other activities. Firearms investigations are driven by intelligence, analysis, and source development. Most agencies enjoyed strong relationships with Crown prosecutors and used existing organized crime provisions within the *Criminal Code* to disrupt the trajectory, influence and power of crime groups. This approach reduces overall high-risk violent crime, but requires complex strategies and techniques, disclosures and prosecutions.

The Ontario approach

Following a dramatic and very public increase in the use of firearms related to gang and organized crime activity, Ontario established a highly focussed approach, creating the Integrated Gun and Gang Task Force (IGGTF) within the Greater Toronto Area. The IGGTF is a gang-focussed enforcement unit that targets illegal firearms, using a fully coordinated approach, aligning available regulatory data, intelligence gathering, analysis and proactive targeting to interdict the use and source of illegal firearms. The IGGTF includes significant growth in the number of dedicated Crown prosecutors who work collaboratively throughout investigations and prosecutions.

The IGGTF uses several street teams highly knowledgeable in the *Criminal Code* and *Firearms Act (Canada)* to carry out numerous "mini-projects" that result in short-term seizures and charges while avoiding long-term complex investigations tied to mega-trials.

In addition, project teams engage in larger projects pursuing the most prolific and dangerous organized crime groups with partner agencies.

Ontario has also created a Firearms Investigative Analysis Unit and a Centre of Forensic Sciences, with a firearms and tool mark section. These units conduct forensic firearms examinations and eliminate reliance on RCMP forensic laboratories.



Toronto police recovered nine illegal firearms in January 2017, resulting in 107 firearms charges, including trafficking, against three people.

United States

United States authorities assist Canadian law enforcement in a variety of cross-border operations. U.S. agencies share information and meet to discuss strategies and operations.

Literature review

Dr. Irwin M. Cohen and Kevin Burk, of the University of the Fraser Valley, Centre for Public Safety and Criminal Justice Research, conducted a literature review of strategies and processes that have been tried in Canada and internationally to reduce or remove illegal firearms from circulation, particularly from offenders. They examined research that evaluates legislative attempts, police-led and community-led programs, and tactics or interdictions designed to address the issue of illegal firearm possession and use. They found that current evidence is generally inconclusive and suffers from a range of methodological challenges and limitations that make it extremely difficult to assess the utility and effectiveness of current policies and intervention programs to reduce firearm-related violence.

However, certain legislation and other initiatives do show some promise. For example, some national and international research has suggested that legislation restricting the type of firearms that individuals can acquire, as well as laws restricting who can legally acquire a firearm, has reduced the volume of firearms-related violence and suicide. Australia had 13 mass shootings in the 18 years prior to legal changes restricting access to firearms in 1996 and 2002. Similarly, across Australia, the rate of firearm-related homicides declined between 1995 and 2006 from a rate of 0.37 per 100,000 in 1996 to 0.15 in 2006, a decrease of 59 per cent. There was no evidence that other weapons replaced firearms.

Some countries, such as Britain and Australia, have had tremendous success with amnesties and buyback programs when they included some form of incentive for turning in a firearm, extended over a one-year time period, and clearly informed the public about the nature and scope of the amnesty.

Education programs to teach people, especially children and youth, about gun safety had mixed results. To improve the likelihood of success, practical education and training programs must be well designed, properly implemented and effectively evaluated to ensure that they are achieving their objectives.

Significantly, the research literature does demonstrate that gun violence can be reduced by the police when they engage in sustained, strategic and intelligence-led enforcement practices to target prolific offenders and gangs, and locations where gun violence occurs.

The authors conclude that, "While Canadian's rate of firearms-related violence is comparatively low, continuing to develop and implement effective legislation, educating the public about gun safety, and supporting enforcement strategies against offenders and gang members who carry and use firearms, straw purchasers, and illegal firearms importers and sellers will assist in ensuring that firearm-related violence continues to decline."

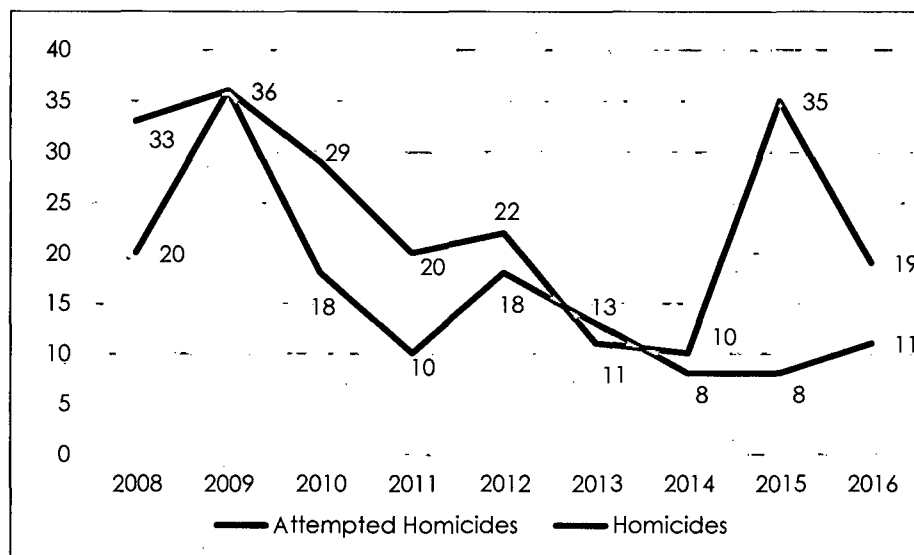
See Appendix 4 for the full literature review.

GANGS AND ORGANIZED CRIME IN B.C.

Recent Trends

Since the mid- to late-1990s, a unique form of criminal gang emerged in B.C.'s Lower Mainland, using firearms in acts of extreme violence to manage sophisticated criminal enterprises and a lucrative but localized drug trade. Competition for territory resulted in violent turf wars, execution-style homicides and open-air shootings that in some cases caused harm to uninvolved members of the public.

Gang-related Homicides and Attempted Homicides in B.C.



Source: Combined Forces Special Enforcement Unit, unpublished data.

Organized crime in B.C.

B.C. gangs sell drugs. High-level organized crime figures operating at the international and national level, such as outlaw motorcycle gangs, traditional organized crime, and newer formations originally based in Russia, the Middle East and Latin America, exist in B.C., as in all jurisdictions in Canada. They facilitate the production, transportation and distribution of illegal products. They supply resources and weapons to lower-level crime groups, such as those operating in B.C., and then manage and launder the profits. Open-air violence and the use of illegal firearms emerge from this lower-level activity and from efforts to control and grow a market.

Illegal firearms are readily available and routinely used by organized crime in B.C. Gang members often choose modern sophisticated handguns and assault weapons. Multiple shots are typically fired when firearms are used. Location, collateral damage and risk to the public are not considerations.



Homicide detectives investigate the fatal shooting of known gang member in Vancouver.

A unique gang culture

According to CFSEU-BC and experts on the Task Force, typically in North America, gangs have emerged from within marginalized neighbourhoods suffering from a plethora of socioeconomic challenges. In the U.S., the availability of firearms has fuelled open-air violence and the "drive-by shooting." The lower availability of firearms in Canada generally limited the level and type of violence associated with firearms.

By contrast to the American experience, many B.C. gangs that formed in the 1990s and early 2000s, particularly in the Lower Mainland, developed among middle-class families. Gang members were often groups of friends, who grew up together and attended the same schools, sharing connections through common community links.

Young men in B.C. gangs had advanced criminal sophistication. They were advantaged by lifelong childhood loyalties and a community that feared them and defaulted to silence. While police almost always identified those responsible, criminal prosecutions were challenging and gang crime had a low clearance to charge rate. Day-to-day acts of violence also compromised long-term sustained enforcement actions when officers were forced to intervene to disrupt the violent activities.

Advances in enforcement

Gang violence has received ongoing priority by police leaders. To overcome a multi-jurisdictional and fragmented response to gang violence, B.C. developed integrated units

and a single police record management system. Joint Task Force operations were created to investigate crimes and crime groups.

Investigations using advanced investigative techniques, protected witnesses and co-accused who have agreed to give evidence in exchange for sentencing considerations resulted in complex cases. These cases took years to conclude and strained the resources of the prosecution service, the law enforcement community and the courts.

Evolving gangs and organized crime

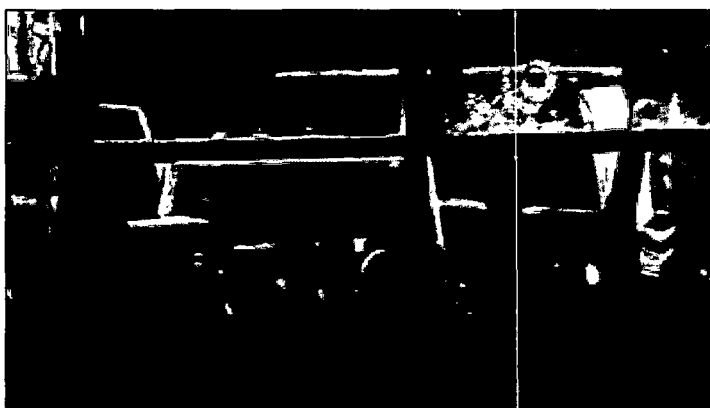
By 2007, previous alliances were breaking down in favour of "melting pot" groups, in which membership was achieved through criminal prowess and propensity for violence rather than longstanding loyalty. Some gangs became highly sophisticated criminal organizations, routinely using sophisticated illegal firearms capable of massive damage.

Within organized crime, high-level international groups facilitate production, importation and distribution of narcotics. These high-level groups often control the laundering of profits derived from illicit markets. They facilitate mid-level organized crime groups directly and indirectly.

Mid-level organized crime groups establish the control over geography. Like legitimate businesses and corporations, they often seek to network and expand their enterprises within the province and throughout the country. Many of these mid-level groups exhibit high levels of sophistication, coordination, power and influence over their criminal markets. They were often able to elude prosecution.

Lower-level organized crime also exists within B.C., taking various forms depending on where it exists. These groups operate at a level of sophistication above street gangs but below the mid-level groups prevalent in B.C. They operate "dial-a-dope" drug lines across smaller areas and engage in acts of violence to maintain their territory and to support of a sense of gang pride and unity. They are often driven by bravado and a misguided sense of entitlement and pride, and have become increasingly brazen and reckless in their acts of violence.

In addition to the urban centres of B.C., low-level organized crime groups have emerged in rural areas, exhibiting the more traditional indicators of street gangs, made up of youth who operate low-level drug lines and use violence to support local drug trafficking.



A gang member was shot and killed in a busy downtown Vancouver hotel restaurant in front of dozens of shocked patrons.

A home-grown enforcement strategy

Enforcement agencies developed greater collaboration and re-tasked units such as the Combined Forces Special Enforcement Unit (CFSEU-BC) with a provincial mandate and funding for effective investigations focussed on organized crime. CFSEU-BC and local units began a high-visibility campaign to interdict and disrupt gang members in public areas, prosecute outstanding crimes such as homicides and to infiltrate crime groups. Other teams used advanced intelligence gathering and coordination to move against organized crime groups before they could carry out acts of violence. CFSEU-BC also established a robust anti-gang strategy and gang exit campaign to divert youth from a gang lifestyle.

Individual police departments used a variety of localized programs, such as Vancouver's Bar Watch program, which bans those who have been known to carry illegal firearms from licensed establishments, and an Abbotsford public awareness campaign to build community support and disrupt organized crime.

Three-tier approach

In 2012, the RCMP reorganized its specialized investigative and integrated teams under one command structure, allowing for a three-tier approach to organized crime to coordinate federal, provincial and municipal resources.

Federal resources

Federal resources target national and international figures with direct connections to B.C. gangs, who provide services such as smuggling, money laundering, drug trafficking, importation and exportation. Federal activities include operations outside the country to disrupt organized crime.

Provincial initiatives

Provincial RCMP units target vulnerable points within B.C. organized crime to convict key criminal figures. Proactive efforts disrupt organized crime activities and are leading to additional apprehensions. The prosecutor's service has created an organized crime team that works closely with investigators as cases advance. Expanded funding has supplemented organized crime programs. The number of organized crime homicides has dropped and the number of gang members charged has increased.

Law enforcement recently developed a Provincial Tactical Enforcement Priority (PTEP) model, managed by CFSEU-BC, which engages every law enforcement agency in the province. PTEP coordinates the collection of intelligence and focusses strategic efforts. Province-wide awareness allows law enforcement to disrupt activities in multiple locations and leverage vulnerabilities that may exist. The strategy disrupts targets before they rise to levels of power and interdicts numerous offenders each year.

In 2016, 96 agencies across B.C. participated in PTEP, including the Canada Border Services Agency and the Correctional Services of Canada. During the same period, CFSEU-BC, as part of its contribution to the PTEP initiative, laid 128 charges, made 45 arrests, seized 3 vehicles, 11 firearms, made 32 drug seizures and seized \$112,000 in cash.

Municipal strategies

Similar strategies are being employed at the local level. Working internally or collectively with units such as CFSEU-BC, municipal law enforcement uses improved intelligence and a variety of enforcement strategies to coordinate a prolific offender targeting strategy and interdict those involved in the illegal use of firearms.

FINDINGS AND RECOMMENDATIONS

The Illegal Firearms Task Force worked with law enforcement, government and non-government stakeholders to identify risks associated with illegal firearms and those who use them for violent criminal activity in B.C. and Canada. The Task Force has focussed on the significant public safety threat created by illegal firearms and their trafficking and use by criminals, while respecting the rights of lawful firearms owners.

The following section reviews the full findings and recommendations of the Task Force, based on four primary themes:

- **Theme #1: Strategic Approaches**
- **Theme #2: Legislative Initiatives**
- **Theme #3: Education and Prevention**
- **Theme #4: Data Collection and Information Sharing**

Theme #1: Strategic Approaches

Coordinating and focussing the efforts of the diverse agencies that work to reduce crime and enhance public safety will ensure the most effective use of resources and the greatest impact in limiting the availability and use of illegal firearms. Action categories include:

- **An illegal firearms-focussed approach** – Alignment of existing and enhanced resources in order to improve outcomes relative to illegal firearms trafficking, their availability to criminals and the manner in which they are used by organized crime
- **Road safety and illegal firearms** – Road safety initiatives to reduce the incidence of illegal firearms possession in motor vehicles and the concurrent use of illegal firearms and motor vehicles to carry out organized crime violence
- **Provincial Tactical Enforcement Priority** – Leveraging the innovative and unique capabilities of the Provincial Tactical Enforcement Priority model to maximize intelligence, disruption and enforcement of illegal firearms traffickers and the targeting of those who use firearms to support violent organized crime activity
- **Firearms tracing hub and labs** – The enhanced and timely analysis of all recovered firearms and the determination of their potential association with crime to provide investigative information and strategic intelligence
- **Alignment of law enforcement policy** – The alignment and modernization of law enforcement policy with the education of law enforcement officers and Crown prosecutors to realize strategic objectives related to illegal firearms trafficking and the use of illegal firearms in violent crimes

- **"Bar Watch" programs** – Expansion of a successful Vancouver program to deter and mitigate gang and firearms violence within licenced liquor establishments throughout the province

Theme #2: Legislative Initiatives

Firearms possession and the criminal use of firearms are primarily governed by federal legislation. The Task Force has made several recommendations related to the enhancement of federal legislation and the creation of provincial legislation in order to reduce the risks of illegal firearms use. Action categories include:

- **Quebec's mass shooting and firearms violence mitigation: A model for provincial actions** – Legislation that enhances the ability of law enforcement and partner agencies to identify and prevent firearms violence through the timely sharing of information
- **Imitation firearms** – Legislation to control the access and use of readily available imitation firearms; to limit their risk to communities, first responders and those who possess them; and to disrupt early patterns of illegal firearms use by youth
- **Straw purchasers and point-of-sale recordkeeping** – Legislation requiring sellers to keep records of firearms sales (not a central registry), enhancing the ability of judicially authorized law enforcement to trace crime guns, collect firearms trafficking intelligence and deter firearms traffickers
- **Manufacture of untraceable firearms** – Legislation to prohibit access to unmarked firearms parts and parts that can be assembled into illegal firearms

Theme #3: Education and Prevention

Focussed efforts by a wide range of stakeholders and agencies working with the public, industry and communities will create awareness, build resilience and reduce the acquisition, availability and use of illegal firearms in B.C. communities. Action categories include:

- **Safe schools, student and parent education** – Leveraging existing school-based programs to disrupt potentially violent antisocial behaviour, including the use of firearms, and to ensure the understanding of educators and parents on the factors and indicators related to violence prevention
- **Rural and First Nations communities** – Tailored community-based strategies designed to recognize the specific risks associated with communities in which firearms are readily available and which experience violence and organized crime involving firearms
- **Canadian Firearms Program compliance strategies** – Enhancing compliance efforts pursuant to the firearms regulations designed to prevent and deter illegal firearms trafficking
- **Registration issues from the former Restricted Weapons Registration System** – Initiatives to reduce the large number of restricted and prohibited firearms that are

not in compliance with current registration requirements and no longer under the oversight of the Canadian Firearms Program

Theme #4: Data Collection and Information Sharing

The purposeful collection of intelligence from a variety of sources will inform prevention, enforcement and disruption efforts by all stakeholders against the trafficking, possession and use of illegal firearms. The Task Force has made recommendations in two action categories, including:

- **Intelligence and data quality** – Assigning a lead intelligence agency and data warehouse to coordinate all intelligence collection, assure data quality and facilitate analysis related to the trafficking, possession and use of illegal firearms
- **PRIME-BC access by all key stakeholders** – Providing necessary access to B.C.'s own Police Record Information Management System (PRIME-BC) to key agencies engaged in illegal firearms prevention, enforcement and disruption

THEME #1: STRATEGIC APPROACHES

An illegal firearms-focussed approach

Background

Strategies against those who possess, traffic and use illegal firearms cannot be examined in isolation from the strategies and structures to combat organized crime and gangs.

As described elsewhere in this report, B.C. has experienced acts of violence from all levels of organized crime. Criminal organizations are often highly sophisticated in their ability to obtain firearms and use them to support and expand their criminal enterprises. An enforcement and intelligence approach in which dedicated teams focus a range of resources on illegal firearms use can have an impact in restricting organized crime and enhancing public safety.

Organized crime networks are linked through the province, and strategies to combat them must also be province-wide and multi-pronged. Law enforcement must identify and exploit vulnerabilities within the operations of organized crime. Sustained, coordinated, province-wide strategies to enhance enforcement and simultaneously disrupt the operations of organized crime will have the greatest affect.

Preventing ongoing and future firearms violence by organized crime requires an approach designed to solve historical crimes when possible and to concurrently disrupt threats through federal, provincial and municipal investigations. B.C. has followed this strategy in relation to criminal violence for several years, and has developed powerful centralized mechanisms to disrupt organized crime and exploit emerging vulnerabilities. This strategy has significantly increased law enforcement impacts on gangs and crime prevention.



A gang member and his bodyguard were shot to death in front of shocked workers in a targeted execution at a busy Burnaby hotel.

A diverse range of agencies play key roles in disrupting the use of illegal firearms by organized crime in B.C.

- RCMP Federal Policing is responsible for border integrity, national security, drug enforcement, serious and organized crime and financial crime. Federal policing plays a key role in combatting organized crime and illegal firearms violence.

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- The Canada Border Services Agency (CBSA) is responsible for investigating firearms smuggling that occurs through a CBSA port of entry. Countering firearms smuggling is one of CBSA's top enforcement priorities.
- Sustained cross-border partnerships with U.S. agencies such as the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) are critical to respond to the illegal firearms sourced from the U.S.
- The National Weapons Enforcement Support Team, Western Region, (NWEST) fills a strategic role and provides support to investigative and front-line units but does not have sufficient size to internally mount complex proactive investigations.
- The Combined Forces Special Enforcement Unit – British Columbia (CFSEU-BC), tasked with targeting organized crime and gang violence, has led the way in integration and collaboration. With the Organized Crime Agency of B.C. (OCABC) and its partner agencies, it coordinates and complements local resources as well as significant self-contained capacity, including investigative units and expertise.
- Many police departments and RCMP detachments have formed their own highly skilled organized crime and gang teams.

Unlike the rest of Canada, a province-wide system with existing relationships and established performance indicators is already entrenched in the Provincial Tactical Enforcement Priority (PTEP) model. PTEP coordinates the collection of intelligence from all corners of B.C., analyzes it and aligns law enforcement activities. The development of PTEP provides a unique opportunity to set priorities focussed on illegal firearms, adding them to the existing model in a "plug and play" fashion.

B.C. also enjoys a very high level of cooperation between law enforcement agencies and benefits from government support for agencies that combat organized crime, as well as relationships maintained through the British Columbia Association of Chiefs of Police and the Canadian Association of Chiefs of Police.

As the University of the Fraser Valley literature review states, "The research literature also demonstrates that gun violence can be reduced by the police when they engage in sustained, strategic, and intelligence-led enforcement practices that target prolific offenders and gangs, and prolific locations where gun violence occurs." Despite the existing organized crime capacity within multiple federal, provincial and municipal organizations, an enhanced approach would strengthen public safety.

Response and rationale

The threat to public safety resulting from the use of illegal firearms by organized crime requires provincial coordination of a strategy and related enforcement, led by a central organization that can oversee all intelligence, targeting, performance tracking and accountability.

Facing similar challenges relating to gangs and illegal firearms, Ontario established a provincial weapons enforcement unit and later the Integrated Gun and Gang Task Force

(IGGTF) as a sub-unit of the Toronto Police Service Organized Crime Enforcement Unit. It is fully integrated with Crown prosecutors, who work collaboratively throughout the investigation and prosecution. Its goal is a fully coordinated approach aligning available regulatory data, intelligence gathering, analysis and enforcement to interdict the use and source of illegal firearms.

Lead agency

Given the strong links between the public safety threat created by illegal firearms, organized crime and gangs in B.C., the Illegal Firearms Task Force recommends that the CFSEU-BC lead and coordinate a B.C. firearms-focussed strategy.

CFSEU-BC is already the provincial agency with the greatest intelligence and self-contained resources from which to lead and implement operations against illegal firearms. It provides a strong foundation for province-wide intelligence gathering, investigation and disruption of the use of illegal firearms, particularly their use by organized crime. CFSEU-BC works closely with partner agencies to maximize results.

While NWEST will play a critical role in any illegal firearms-focussed approach, as a federally-funded strategic intelligence and expert support team, it cannot lead and coordinate a provincial enforcement effort.

By federal agreement, CBSA is responsible for investigating firearms smuggling occurring through a CBSA port of entry, while the RCMP is responsible for investigating firearms smuggling between the CBSA ports of entry. However, competing national pressures and resource challenges, combined with the strategic need to focus on high-level organized crime, make it very difficult for RCMP federal policing in B.C. to lead and coordinate initiatives against firearms with existing resources. Federal policing, including the participation of CBSA, will nevertheless be a critical element in cross-border efforts.

Several specific conditions support the recommendation that CFSEU-BC lead the firearms-focussed approach:

- CFSEU-BC is fully integrated and has links to all federal and provincial agencies, including cross-border partnerships.
- CFSEU-BC has self-contained expertise and operational support teams.
- CFSEU leads and manages the PTEP, facilitating performance metrics and accountability.
- A police board governs CFSEU-BC.
- CFSEU-BC is almost fully provincially funded.
- CFSEU-BC has 11 federal police positions within the unit.
- By establishing some or all of the firearms-focussed personnel as permanent staff of the OCABC within CFSEU-BC, they gain stability and continuity of expertise, avoiding diversions when national priorities change.
- CFSEU-BC leads a well-established anti-gang strategy, "End Gang Life," which uses prevention, education and gang exit strategies and could form a model for prevention and education strategies related to illegal firearms.

Firearms-focussed strategy

A provincial focus on illegal firearms would strengthen a comprehensive understanding of the way illegal firearms are trafficked, acquired, transported and used.

The PTEP targeting process will ensure sustained awareness and assessment of efforts. Adding firearms traffickers and the seizure of illegal firearms to the PTEP process, as described elsewhere in this report, will ensure that all policing agencies in B.C. give priority to the illegal firearms focus.

A firearms-focussed approach can be achieved through ministerial direction, service standards, BCACP agreement, dedicated operational funding, policy enhancement, training, communication and reporting requirements.

While NWEST and the Canadian Firearms Program must maintain a national lens on firearms intelligence, they should also be permanently connected with CFSEU-BC.

CFSEU-BC would benefit from enhanced federal resources to support cross-border operations. Using federal resources within CFSEU-BC ensures clarity and continuity of a firearms-focussed strategy, and allows other federal resources to focus on national security and high-level organized crime.

Including CBSA within the illegal firearms-focussed teams would help limit the smuggling of firearms across Canada's borders.

Capacity

Using existing resources alone will subvert CFSEU-BC's ability to maintain its current momentum. Additional provincial and federal policing resources, as well as expanded CBSA investigative capacity, would allow CFSEU-BC to conduct short-term project investigations targeting domestic and foreign illegal firearms traffickers and those who illegally use firearms. These teams would ensure sustained capacity to support local law enforcement agencies and U.S. law enforcement, as well as actions based on intelligence from NWEST and the CFP.

These resources would strengthen existing provincial and federal organized crime and gang capacity in B.C. This would give B.C. the benefits of existing organizations and partnerships and add the firearms-focussed capacity that has been successful in Ontario.

Existing municipal and provincial resources can be leveraged through dedicated federal and provincial operational plan funding targeting illegal firearms.

Federal contributions

In the Prime Minister's Mandate Letter to the federal Minister of Public Safety and Emergency Preparedness, he directed that the Minister, "take action to get handguns and assault weapons off our streets."

Similarly, in the section of the 2016 Budget titled Taking Action Against Guns and Gangs, the federal government committed that the Minister of Public Safety and Emergency Preparedness would "work with his counterparts to develop a strategy to support ongoing

efforts to make it harder for criminals to get and use handguns and assault weapons, and to reduce guns and gangs violence."

The direction in the Mandate Letter is aligned with the commitment in the current government's pre-election promise to "provide \$100 million each year to the provinces and territories to support guns and gangs police task forces to take illegal guns off our streets and reduce gang violence."

Funding from the federal government to support the measures recommended by the Task Force would help ensure the timely and effective implementation of a firearms-focussed strategy and assist B.C.'s existing and future Guns and Gangs Strategy.

Recommendations

The Task Force recommends that:

1. The B.C. Ministry of Public Safety & Solicitor General should consider prioritizing illegal firearms trafficking and use by:
 - 1.1. Supporting the Combined Forces Special Enforcement Unit (CFSEU-BC) to become the lead agency for coordinating a provincial illegal firearms-focussed strategy and cross-border illegal firearms investigations in partnership with the Canada Border Services Agency and other law enforcement agencies
 - 1.2. Ensuring province-wide and cross-border application of the firearms focus in the PTEP process
 - 1.3. Working with the federal Ministry of Public Safety and Emergency Preparedness to request the participation of the Canada Border Services Agency in B.C.'s illegal firearms-focussed approach
 - 1.4. Working with the federal Ministry of Public Safety and Emergency Preparedness to provide additional funding for provincial and dedicated federal resources, Canada Border Services Agency investigators, operational funding, administrative and technical support and capital costs within CFSEU-BC, consistent with the commitment provided by the federal government

Road safety and illegal firearms

Background

B.C. has experienced firearms violence involving vehicles. The Lower Mainland Drive-by Shooting Study by the Combined Forces Special Enforcement Unit analyzed approximately 1,000 shootings between 2008 and 2015 in Metro Vancouver. It concluded that over 100 of the shootings were drive-by shootings.

Approximately one in every three victims in a gang-related homicide or attempted homicide is targeted when inside, outside or near a motor vehicle. Drive-by shootings appear to be becoming more common in gang warfare. Drive-by shootings that targeted other vehicles (vehicle-to-vehicle) resulted in the highest number of victims.

The automobile has long been involved in illegal gang activity. In the 1920s, Capone and his gangsters created and developed the drive-by shooting by using the automobile. In the 1930s, Bonnie and Clyde had initial criminal success with the automobile. More recently, ... the drive-by shooting has become such an important social problem that it is being studied by the medical profession as well as by social scientists. The gang car is a moving hazard, a mobile crime scene, and plays a central role in gang mobility.

— J.O. Henkel and P.L. Reichel, *The Driver's License: A Suggested Gang Suppression Strategy*, *Journal of Gang Research*, 9(4), 2002

Threats to individuals and the public

Illegal firearms in vehicles present public safety threats in several distinct ways:

- Threats of death or injury from firing firearms into or from vehicles
- Threats of death and injury resulting from dangerous driving by organized crime members involved in shootouts
- Threats to first responders and innocent bystanders during a response
- Threats from individuals fleeing police when they have illegal firearms in a vehicle
- Threats from organized crime members who use vehicles to carry out illegal activities

Often, organized crime members in B.C. use their vehicles to locate and attack rivals. Conflicts can escalate into firearms violence between individuals and from one vehicle to another. Organized crime has engaged in many "drive-by shootings," recklessly firing high-powered illegal firearms into residences, businesses and vehicles.

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Many murders occur when one group lures its target to a meeting under the pretence of drug exchanges or negotiations. Two vehicles pull up beside each other, conversation may begin and illegal firearms are used to execute the victim or victims through an open vehicle window.

In several instances, these types of shootings and murders have occurred in highly public areas in which the threat to innocent persons was exceptionally high.

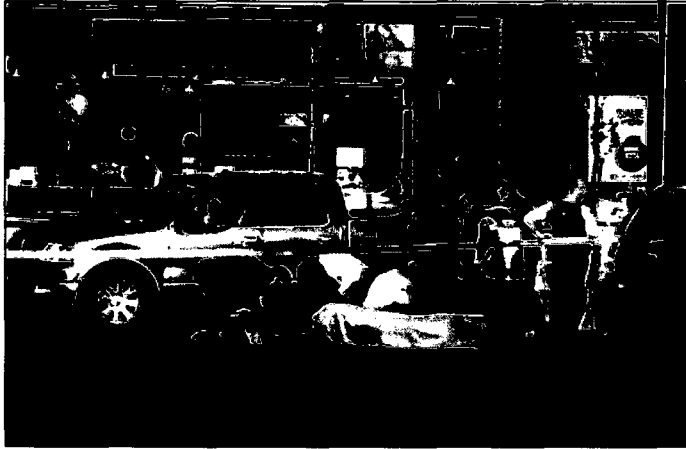
On August 14, 2011, at approximately 2:40 pm, a well-known organized crime figure was gunned down while seated in the passenger seat of a white Porsche Cayenne in the front valet parking entrance at the Grand Okanagan Resort in Kelowna. Two men, both with strong organized crime affiliations, and two women were in the Porsche although no one else was killed. A Ford SUV approached the Porsche on the passenger side and started shooting. The suspect shooters then exited the Ford SUV with at least one assault rifle and began to shoot into the Porsche from the sides and rear. Pedestrians including children and vehicles were present at the time of the shooting.

— CFSEU-BC

On April 24, 2013, the Surrey RCMP received a complaint of multiple shots fired at a man in a mall parking lot as he exited a gym and got into his car parked near a coffee shop. The area was heavily populated at the time. The victim, who died from gunshot wounds, had appeared on multiple gang intelligence files since 2006, in the presence of the Hells Angels and UN gang.

— CFSEU-BC

On February 8, 2009, a close associate of the Red Scorpions organized crime group, was shot while sitting in his vehicle



parked in front of a grocery store in Langley, B.C. He died as a result of his injuries. Investigators determined that those involved in his murder had hunted him for several weeks, searching for his vehicle. Numerous innocent bystanders were placed at risk from

gunfire and from the assailants who fled the scene in their own vehicle.

— CFSEU-BC

When organized crime attempts to murder rivals in a vehicle, the public is at risk of misidentification. In several B.C. incidents, organized crime mistook a vehicle and its occupants as rivals, only to determine after firing numerous bullets that it was an innocent third party.

Open-air gunfire also includes vehicles speeding away from a threat in a highly erratic manner, representing an extreme risk to public safety.

Victims of gunfire have frantically driven themselves to hospital or colleagues have dropped off wounded friends desperate to receive emergency medical attention for wounds, while also fleeing from assailants.

Some organized crime members use their vehicles for criminal purposes, but also provide that same vehicle to family for later use. This places their families at risk from a rival group targeting the vehicle rather than the individual.



An innocent mother was killed in an execution-style murder in which her spouse was the target. Her child was in the back seat of the vehicle.

— CFSEU-BC

Firearms attacks by and on organized crime create a risk to innocent members of the public using public roads.

Mobility and organized crime

As a result of the PTEP process and local organized crime enforcement, B.C. has an unprecedented awareness of organized crime and its connections across the province. At any given time, multiple operations are ongoing to disrupt the violence perpetrated by organized crime groups.

Several sections of the *Criminal Code* address the illegal possession and transport of firearms. Prosecution requires establishing possession of the illegal firearm by a specific individual, with sufficient evidence to provide a "substantial likelihood of conviction," the charge approval standard in B.C. This standard is challenging when an illegal firearm is found in a vehicle occupied by several individuals or in a hidden area or compartment within the vehicle. Without forensic evidence such as fingerprints or DNA, charges cannot be advanced. While the firearm is often seized, the vehicle occupants are not disrupted for any significant time.

All levels of organized crime routinely operate vehicles that may be targeted by rival groups. They also use alternative vehicles, such as stolen, leased or rented cars, in planned attacks or in support of their crimes, sometimes using a nominee such as a family member, a friend or an indebted associate as a registered owner of a vehicle.

Knowing that they may be targeted by rivals, organized crime members often carry illegal firearms in whatever vehicle they are operating. The presence of firearms in vehicles, where they may be used offensively or defensively in rivalries and feuds, represents a risk to public safety.

Flight from police

Organized crime members who possess illegal firearms often flee from police stops. Over 2015 and 2016, Surrey RCMP recorded 643 incidents of failing to stop or fleeing from police.

Often, the fleeing vehicle is recovered abandoned a distance away. Investigators then attempt to identify the drivers and occupants and the activity that precipitated the pursuit.

Flight from police is a dangerous activity that represents a risk both to the occupants of the vehicle, innocent third parties and law enforcement personnel.

Response and rationale

The use of vehicles by organized crime to transport illegal firearms and to commit acts of violence is a risk to public safety. It is also a vulnerability point in organized crime operations.

The Task Force has recommended various strategies to address illegal firearms directly. The Task Force also recommends companion strategies aimed at the transportation of illegal firearms, their use from vehicles and the disruption of the use of vehicles in these crimes. These are based on the principle that the use of vehicles to carry illegal firearms on roadways is a crime and a road safety hazard. In brief, these include:

- Removing driver's licence and vehicle registration privileges from those who use vehicles to carry illegal firearms in support of organized crime, including members of organized crime groups, their nominees, associates or family members
- Removing the insurability of the small proportion of drivers and businesses that use vehicles to carry illegal firearms in support of organized crime
- Using and enhancing existing proceeds of crime and civil forfeiture laws to seize vehicles used to carry illegal firearms in support of organized crime
- Working with legitimate vehicle lease and rental businesses to develop strategies to prevent the use of vehicles by organized crime
- Improving collaboration and cooperation between agencies to identify and disrupt drivers who create a risk to the public by carrying illegal firearms in vehicles on public roadways

There is no simple path to implement these recommendations, which are innovative and unique. However, the simultaneous interdiction of illegal firearms and the disruption of those using vehicles to support their violent activity would have a considerable effect in increasing public safety and reducing gun violence.

Road safety legislation

Criminal laws govern many aspects of the illegal use of firearms. In addition, the possession and use of illegal firearms in vehicles poses a road safety risk that would be minimized by companion provincial strategies to disrupt and prevent the activity.

B.C. has adopted legislative strategies to mitigate the road safety hazards of impaired driving. While the *Criminal Code* defines numerous offences related to impaired driving, provincial legislation enabling an immediate roadside licence suspension and seizure of the vehicle results in significant reductions in impaired driving fatalities and injuries.

Individuals associated with organized crime use their vehicles on B.C.'s roadways to transport illegal firearms, hunt rivals, conduct drive-by shootings, and engage in mobile gun battles and contract murders. They are a similar threat to public safety on the roads.

British Columbia's road safety plan adopts a comprehensive Safe System Approach to road safety, including safe road users, safe vehicles, safe roadways and safe speeds. It encourages new ideas and best practices, and flexibility in support of new ideas.

The road safety community will adopt a comprehensive Safe System Approach to road safety. Our collective actions will focus on all factors that contribute to protecting road users. This includes promoting safe road users, safe vehicles, safe roadways and safe speeds. ... To increase road safety, we will encourage new ideas and best practices. We will also remain flexible to allow for these new ideas to flourish

—B.C. Road Safety Strategy, 2015 and Beyond

As discussed elsewhere in this report, Toronto has experienced organized crime and gang firearm violence similar to that in B.C. Its Gangs and Guns Task Force targets this violence through a variety of strategies.

The Greater Toronto area has suffered numerous acts of firearms violence, including drive-by shootings, homicides and murders of innocent victims. To enhance police powers to disrupt and prevent firearms violence, Ontario Member of Provincial Parliament for Eglinton-Lawrence, Mike Colle, introduced Bill 24, a private members bill to amend the *Highway Traffic Act* (Ontario), with provisions that ban driving with an unlawful handgun. Bill 24 has not been enacted, but MPP Colle continues to promote the value of the bill.

Bill 24, An Act to amend the Highway Traffic Act and the Civil Remedies Act, 2001 to promote public safety by prohibiting driving in a motor vehicle with an unlawfully possessed handgun.

172.2 (1) No person shall drive on a highway a motor vehicle in which there is an unlawfully possessed handgun.

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$2,000 and not more than \$10,000 or to imprisonment for a term of not more than six months, or to both, and in addition the person's driver's licence may be suspended,

(4) If a police officer believes on reasonable and probable grounds that a person has committed an offence under subsection (1), the officer shall,

- (a) request that the person **surrender his or her driver's licence**; and
- (b) **detain the motor vehicle** until it is impounded under clause (6) (b).

Administrative seven-day vehicle impoundment

(6) Upon a motor vehicle being detained under clause (4) (b), the motor vehicle shall, at the cost of and risk to its owner,

be removed to an impound facility as directed by a police officer; and

(b) be impounded for seven days from the time it was detained under clause (4) (b).

The California Penal Code, Section 26100 PC, has a range of criminal offences related to shootings from vehicles. It not only creates a specific offence related to drive-by shootings and sentencing enhancements for the shooters, but it also focusses on people who knowingly allow a passenger to bring a gun into their vehicle or to discharge a gun from within it. The owner of the car, the driver of the car or anyone else in the vehicle aiding and abetting the shooter in a drive-by shooting can face fines and prison.

Arizona Revised Statute 13-1209 relating to drive-by shootings revokes the driver's licence for one to five years of anyone who discharges a weapon from a motor vehicle at a person, another occupied motor vehicle or an occupied structure.

The Australian government has legislated a maximum 16-year jail term for firing at a dwelling from a vehicle.

The *Traffic Safety Act* (Alberta), section 173, provides for the roadside seizure of a vehicle following criminal charges related to prostitution.

The *Armoured Vehicle (B.C.) and After-Market Compartment Control Act* (B.C.), sections 7 and 10, makes it unlawful to possess unlicensed armoured vehicles in the province. This legislation was developed to disrupt mid- to high-level organized crime members from operating armoured vehicles to support their criminal activity.

The same Act also prohibits the use of sophisticated hidden compartments within vehicles from operating on B.C. roadways. Such hidden compartments were almost exclusively used by organized crime to transport illegal firearms and narcotics. They allowed organized crime to travel with secreted firearms with little fear of detection by law enforcement.

To promote road safety and mitigate the risks created by individuals shooting on public roads, B.C. should review the wide variety of precedents already in place, and develop a road safety approach that targets this activity.

Revocation of insurance

Road safety could also be improved by suspending or revoking insurance on vehicles and the insurability of persons associated with organized crime, as well as lease and rental companies engaged in supplying vehicles to organized crime members for use in crime.

B.C. can reliably and defendably identify persons associated with organized crime using the Provincial Tactical Enforcement Priority (PTEP) model. As proposed elsewhere, extending the PTEP model to include the transport of illegal firearms will help identify individuals and nominees who register, rent or lease vehicles on behalf of organized crime, as well as lease and rental companies that provide vehicles to them.

Collaboration between ICBC, RoadSafetyBC and law enforcement on this issue could lead to reduced illegal firearms violence on public roadways.

Insurance Vehicle Regulation (B.C.)

Breach of conditions

55 (1) In this section, "insured" means an insured as defined in section 42, 63, 65, 78 or 148.1 (1) and includes an insured under an additional product certificate or a fleet reporting certificate issued under section 168.

(1.1) **The corporation is not liable to an insured who breaches a condition of this section or is deemed under subsection (7.1) or (8) to have breached a condition of section 49 and Part 6.**

(3) An insured shall not operate a vehicle for which coverage is provided under section 49 or 49.3 (1) (a) and (c), Part 6 or 7, or Division 2 of Part 10 (a) if the insured is not authorized and qualified by law to operate the vehicle

(a) for an illicit or prohibited trade or transportation,

(b) to escape or avoid arrest or other similar police action, or

(d) in a race or speed test.

(7.1) An insured shall be deemed to have breached a condition of section 49 and Part 6 where the injury, death, loss or damage in respect of which his claim is made is caused by or results from **an intentional act of violence committed by the insured**, while sane, by means of a vehicle.

Proceeds of crime and civil forfeiture

The Criminal Code and Controlled Drug and Substances Act (Canada) allows for the seizure and forfeiture of "offense related property." Property that is intrinsic to the crime qualifies for seizure and potential forfeit. Making a case requires supporting evidence, approval of Crown counsel and a variety of legal processes, including the long-term

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storage of the property until trial. If a conviction is obtained on the substantive criminal offence, Crown prosecutors can seek to have the seized proceeds forfeited.

The concurrent use of an illegal firearm and a vehicle in a drive-by shooting would qualify for seizure and forfeit. However, criminal forfeiture is rarely pursued because of the complexity of proceedings and the length of time involved.

The B.C. Civil Forfeiture Office provides an alternative approach related to provincial jurisdiction. Under the authority of the *Civil Forfeiture Act* (B.C.), the Office operates independently of the criminal courts, but can support organized crime investigators. The Office must prove on a balance of probability that an asset is either a proceed or an instrument of crime to obtain forfeiture. Once established, the defendant must demonstrate why the asset should not be forfeited, based on interest of justice considerations.

Alberta has enacted a presumption that cash exceeding \$10,000 found near drugs is connected to crime. In effect, this puts a reverse onus on the owner of the money to argue that the funds are not the proceeds of crime.

In response to increased organized crime and gang violence, the Surrey RCMP has used focused interdiction and enforcement efforts on known violent individuals. The detachment also works with the City of Surrey to target residences and businesses known to be associated with violence.

The Surrey Detachment Asset Forfeiture Unit uses the proceeds of crime provisions of the *Criminal Code* and the *Civil Forfeiture Act* (B.C.) to help combat violence in Surrey. It has identified several independent rental car companies that have provided significant numbers of vehicles to organized crime members. According to investigators, these companies operate on a cash basis, with little record keeping and few limits on potential renters. They are, in effect, wilfully and purposely blind.

The Surrey Asset Forfeiture Unit focusses its efforts in the following areas:

1. Working with ICBC to re-evaluate fleet insurance for rental car companies repeatedly associated with organized crime
2. Working with the City of Surrey to evaluate the company's business licence
3. Investigating the company as a party to an offence and prosecuting where applicable
4. Working directly with independent rental car companies to identify vehicles associated with crime and gain their cooperation to improve their business practices
5. Pursuing civil forfeiture of vehicles associated with organized crime activity

The unit reports several barriers to disrupting the use of vehicles in support of organized crime violence:

1. An absence of regulation on lease and rental vehicle businesses
2. An absence of regulation setting minimum records and retention periods to allow law enforcement to determine who is in possession of a vehicle

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3. A lack of processes to identify nominee owners and to streamline seizure and forfeiture procedures when the nominee owner has no personal or financial interest in the property
4. An inability to levy significant fines related to nominee owners and vehicle lessees
5. The need for improved processes to reduce the lengthy storage periods for seized property and the cost of that storage

To support more effective use of civil forfeiture to control illegal firearms and disrupt organized crime, law enforcement personnel would benefit from training on the forfeiture of vehicles under B.C. and federal laws. For example, police who identify hidden compartments in a vehicle could seize it under the *Armoured Vehicle and After Market Compartment Control Act* (B.C.) and do not require the presence of drugs or firearms, but they need to know how to identify the hidden compartments and how to meet the requirements for seizure.

The Task Force has identified areas of vulnerability worthy of further examination. Disrupting freedom of movement represents an opportunity to exploit vulnerabilities that inherently exist in organized crime and to protect innocent motorists and residents from a significant threat.

Recommendations

The Task Force recommends that:

2. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider developing road safety strategies that mitigate the risk to the public when illegal firearms are possessed or used in vehicles for violent and criminal acts. Such strategies, including proposing amendments where appropriate, should focus on:
 - 2.1. Possession and transport of illegal firearms in vehicles
 - 2.2. The use of a vehicle as a platform to locate and attack others
 - 2.3. Possession of a vehicle that is the subject of organized crime attack by others
 - 2.4. The use of a vehicle in a flight from police by an individual associated with organized crime
 - 2.5. A nominee who is registering vehicles on behalf of persons associated with organized crime for use in illegal activity
 - 2.6. A company that knowingly leases or rents vehicles to persons associated with organized crime for use in illegal activity
3. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider developing road safety initiatives through amendments to legislation that enable:
 - 3.1. The roadside seizure of a driver's licence, and subsequent driving prohibition, for any person associated with violent or organized crime who is operating a vehicle containing an illegal firearm

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- 3.2. The roadside seizure of a vehicle containing an illegal firearm when the vehicle is operated or owned, directly or indirectly, by a person associated with organized crime
- 3.3. The forfeiture of a vehicle involved in a flight from police:
 - a) In cases where police can demonstrate a connection between the driver and organized crime
 - b) In cases where police can demonstrate a connection between the owner and organized crime
- 3.4. The seizure of a vehicle, pursuant to the *Civil Forfeiture Act* (B.C.) when individuals associated with organized crime are found in a vehicle carrying an illegal firearm or in a flight from police, and in the event of such a seizure placing the burden of proof on the owner of the vehicle to show that the seizure is unreasonable
4. The B.C. Association of Chiefs of Police and the Civil Forfeiture Office should work with stakeholders to consider enhancing the impact of civil forfeiture on organized crime by creating provincial policies and protocols to ensure provincial agencies use civil forfeiture mechanisms where appropriate to remove vehicles associated with organized crime from public roads.
5. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider creating a Rental Vehicle Working Group that includes stakeholders from law enforcement, vehicle rental and lease industry associations, the Insurance Corporation of B.C., municipalities and the Civil Forfeiture Office to determine a feasible manner to collect and coordinate information and evidence for a number of possible initiatives, including:
 - 5.1. Identifying businesses known to lease or rent vehicles to persons associated with organized crime
 - 5.2. Reviewing the business licence of businesses that can be demonstrated to lease or rent vehicles to persons associated with organized crime
 - 5.3. Prohibiting individuals (nominees) from knowingly registering, leasing or renting vehicles on behalf of persons associated with organized crime when it can be demonstrated that the individuals (nominees) have done so in the past or intend to do so in the future
 - 5.4. Exploring options to require valid identification by vehicle leasing and renting customers, to record and retain the information and to make it available for law enforcement with judicial authorization
 - 5.5. Training staff on indicators of and response to the rental of a vehicle for criminal purposes
6. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider reviewing the road safety, injury and monetary ramifications of insurance claims associated with vehicles and organized crime, and where

feasible and appropriate develop policy and legislative changes to use breach of coverage regulations to revoke:

- 6.1. Personal vehicle insurance when an individual can be demonstrated to have operated a vehicle to support organized crime
- 6.2. Fleet insurance when a vehicle rental or lease business can be demonstrated to have a pattern of renting or leasing vehicles to persons associated with organized crime

Provincial Tactical Enforcement Priority

Background

The Provincial Tactical Enforcement Priority (PTEP) model is the most effective tool for coordinating a policing response to organized crime and illegal firearms in B.C. It was developed specifically to meet the challenges in the province and produces measurable results. It coordinates the collection of intelligence from all corners of B.C., analyzes it and identifies current and anticipated organized crime participants, forming the foundation for future strategic efforts.

The PTEP process is not only a coordinated strategic process targeting current violent organized crime groups or individuals, but also a proactive tool for targeting those heading toward greater involvement in gang violence. It also provides detailed assessments of the impact that police activities have on criminal groups under investigation.



Illegal firearms seized with drugs and cash in an Abbotsford investigation of organized crime in 2016.

The PTEP process

The PTEP process began in the Lower Mainland in December 2012 and now includes participation from all municipal police departments, the Canada Border Services Agency, Correctional Service of Canada and the four districts within the RCMP E Division. Ninety-six policing agencies collectively take enforcement actions against identified threats.

Province-wide awareness of targets allows law enforcement to disrupt activities by one group at multiple locations across the province simultaneously. It also provides opportunities to take advantage of vulnerabilities that may exist in less sophisticated groups.

Members of organized crime groups that are very unlikely to be dissuaded from a criminal path by traditional prevention methods are identified for possible inclusion in PTEP. This methodology allows for the disruption of targets before they rise to positions from which they can advance violence and create public risk. It ensures that numerous offenders are interdicted each year.

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Organized crime investigators work on PTEP targets on an annual cycle and share responsibility for targets throughout the province. This allows forces to prioritize resources against those most likely to commit acts of violence in support of organized crime.

All policing agencies in B.C. are invited to submit individuals or groups identified as posing a risk to public safety due to gang violence. These submissions are analyzed in conjunction with all available intelligence resulting in a coordinated and defensible targeting model that is aligned with provincial and national activities.

At the onset of every PTEP cycle, each agency is invited to submit current and emerging threats. Threat submissions are individuals or groups who have a nexus to gangs and violence and represent the most significant threat of gang violence. These threats can be localized or spread throughout various jurisdictions. Identifying multi-jurisdictional threats supports policing agencies that do not have sufficient resources to target the individual or group.

All threats submitted are added to PTEP for that cycle and analyzed, and each agency selects one or more targets for action. Each agency commits to making its targets a priority for an intelligence probe or enforcement action over a six-month period. PTEP collects data to follow up on outcomes and measure success.

The Combined Forces Special Enforcement Unit (CFSEU-BC) manages PTEP. Tactical operations are funded through the agency of jurisdiction or in partnership with provincial or federal operational budgets. In 2016, the Province of B.C. provided additional funding to PTEP for its further development and sustainability.

Disruption

Government and policing managers require statistics on crimes and results, creating a demand for detailed assessments of the impacts of police activities on criminal groups. Traditional measures do not answer these questions well.

At the same time, police investigators are focussing increasingly on disruptive activities, in addition to traditional prosecutions. Reactive policing with a prosecutorial focus is not the only strategy for reducing criminality and the risk to the public. Intelligence-led investigators now seek to disrupt criminality by preventing crime or by reducing its impact.

For these reasons, disruption has become a key performance indicator, alongside traditional arrest and seizure figures. However, the lack of an available tool to meaningfully assess and quantify disruption made it difficult to measure policing success.

PTEP has created the capacity to assess and anticipate the impact of actions against target groups.

Response and rationale

The development of PTEP provides a unique opportunity to establish policing priorities for illegal firearms. B.C.'s PTEP process already makes use of a province-wide system, existing

relationships and established performance indicators. The PTEP model allows the Province to easily add illegal firearms to the priorities for strategic objectives.

Adding illegal firearms to the PTEP model will allow the coordination of policing resources across the province, using the most effective organizational tool to focus on interdicting the use of illegal firearms. It also allows effective monitoring of participants' activities and assessment of results as their activities continue. It can be supported and strengthened to target illegal firearms directly, and to target the organized crime activities that lie behind the most serious illegal firearms threats.

Recommendations

The Task Force recommends that:

7. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C. should consider supporting illegal firearm interdiction as a priority for the Provincial Tactical Enforcement Priority (PTEP) process.
8. The B.C. Ministry of Public Safety & Solicitor General should continue on-going work to make PTEP participation a *Police Act* (B.C.) service standard for all law enforcement agencies in B.C.
9. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C. should consider supporting illegal firearms and firearms trafficking performance indicators within the PTEP process, including disruption of the transport of illegal firearms; disruption of the use of personal, leased and rental vehicles in support of firearms violence; intelligence gathering; and outcomes and disruption indicators.

Firearms tracing hub and labs

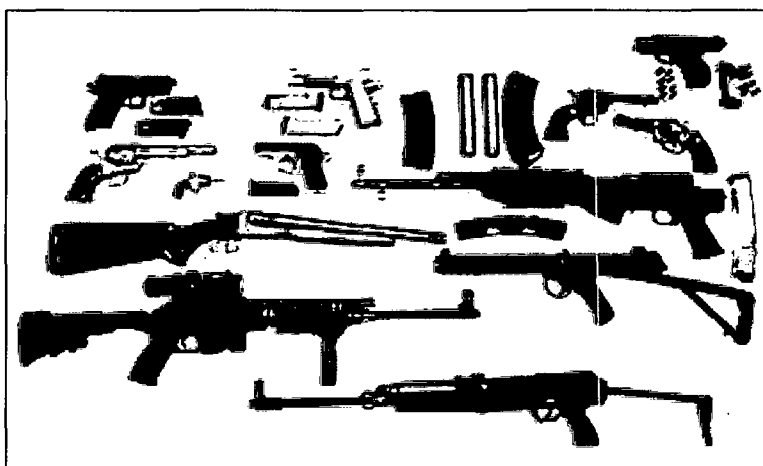
Background

The forensic examination and certification of recovered firearms is fundamental to any illegal firearms strategy. Law enforcement may recover firearms directly or in the course of other investigations, such as violent crimes, drug trafficking or gang investigations. They may also be recovered through gun amnesties or routine non-criminal recoveries. When sufficient evidence exists, charges may be advanced, and if there is insufficient evidence the firearm may be seized and destroyed.

Firearms identification

When a firearm is recovered and a prosecution is authorized, the Crown must establish evidence that the recovered firearm is a firearm as defined in section 2 of the *Criminal Code*. Delays have a negative impact on firearms investigations and prosecutions and on the willingness of Crown counsel to prosecute firearms offenses.

The RCMP crime lab has historically provided this certification through an affidavit. Over recent years, the RCMP forensic labs have been reduced from six labs to two, creating delays in firearms examination. The RCMP is currently working on strategies to prioritize submissions to the firearms lab and produce required



Arsenal of illegal firearms, including a sawed-off shotgun and two silencers, seized in Abbotsford in 2016.

analysis.

The 2016 Supreme Court of Canada decision in *R. v. Jordan*, 2016 SCC 27, established tolerance levels for the delay of court processes, and resulted in acquittals and stays of proceedings on major prosecutions.

The National Weapons Enforcement Support Team (NWEST) has attempted to reduce the delay by assisting with section 2 certifications, conducting 600 certifications in western Canada in 2015. This disrupts NWEST's capability in other critical areas.

The Vancouver Police Department has supported its own firearms expert for many years, and has achieved rapid section 2 certification and serial number examination.

Firearms tracing

While there is no current requirement for agencies to trace recovered or seized firearms, all seized and recovered firearms should be traced in order to build intelligence and uncover evidence. However, NWEST has estimated that approximately 30% of crime guns are not submitted for tracing.

Many recovered illegal firearms and crime guns have the serial number on the firearm obliterated through grinding or other means. Forensic specialists can often raise obliterated serial numbers, potentially allowing crime guns to be traced and sources potentially identified.

The tracing of a firearm is complex and involves tracking the firearm from point of manufacture, through importation and delivery, to the distributor and retailer. Investigators can trace firearms domestically if the firearm is subject to *Firearms Act* (Canada) regulations or they can call on the U.S. ATF for unregistered firearms with a serial number. These traces can lead to U.S. distributors, retailers and gun shows or to Canadian distributors or retailers. With licensed restricted and prohibited firearms, tracing can continue to the owner through records in the Canadian Firearms Program.

Long guns traced to U.S. distributors and retailers can often be traced further, as many states have mandatory point-of-sale record-keeping, allowing the trace to identify the initial buyer. In Canada, ownership records for long guns end when the retailer receives shipment of inventory.

Although tracing can provide both evidence for prosecution and strategic and tactical intelligence, there is no comprehensive strategic analysis on the trace results of recovered or seized guns. B.C. law enforcement organizations would benefit from coordinated policy regarding the recording, reporting and analysis of seized firearms.

Response and rationale

Tracing provides potential evidence on the sources of specific crime guns. It also develops strategic and tactical intelligence. Strategic intelligence provides understanding of the sources of illegal firearms and other vulnerabilities as well as patterns related to type and make, smuggling and traffickers.

Tracing is a laborious undertaking. When successfully completed, any intelligence obtained should be used to complete and pursue criminal investigations.

The Toronto Police Service Integrated Gangs and Guns Task Force prioritizes the interdiction of illegal firearms. The Province of Ontario has established its own Centre of Forensic Science. Ontario requires the province-wide tracing of all firearms. It has established dedicated expert capacity to facilitate rapid tracing, certification and examination of all recovered firearms in Ontario. It also advances all possible cross-border investigations involving ATF traces and prosecutions.

This effort, particularly when completed in a timely fashion, significantly strengthens ongoing investigations and greatly assists in province-wide intelligence gathering and analysis to identify firearms traffickers.

The federal government, as noted in the discussion of recommendations on a firearms-focussed approach, stated its commitment to work with the provinces to reduce guns and gang violence. The provincial government would benefit substantially from an investment of federal funding to enhance provincial initiatives. Funding from the federal government to support a B.C. firearms tracing hub and enhance existing forensic laboratory capacity will assist B.C.'s existing and future guns and gangs strategy.

Recommendations

The Task Force recommends that:

10. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to seek support from the federal government to increase current firearms forensic capacities that will meet the on-going needs of law enforcement and prosecution by developing:
 - 10.1. A provincial firearms tracing hub to provide timely province-wide certification, analysis and tracing
 - 10.2. Enhanced capacity in RCMP laboratories, improved analysis response times and assured performance consistent with a firearms-focused approach

Alignment of law enforcement policy

Background

Agency policy is the foundation from which strategy can be implemented and measured. While policy exists within individual agencies, provincial public safety issues resulting from illegal firearms trafficking, possession and use would benefit from aligning policies to achieve a consistent approach among all stakeholder agencies.

Developing detailed, specific policies, supported by training for officers and Crown counsel, would permit more consistent, effective application of existing firearms laws and enhance public safety.

A review of existing firearms-related policies for the RCMP and six municipal police forces found that these policies were generally up to date with current legislation and no significant gaps between agencies existed. However, opportunities remain to focus policies more specifically on the various contexts of illegal acquisition and use that the Task Force has explored.

Response and rationale

Stakeholder agencies should review and refresh their policies to ensure they focus on investigating all incidents that involve firearms, imitation guns and theft of firearms, particularly where an incident may involve illegal possession, transfer or use, potential diversion to criminal markets, or a potential threat to public safety.

British Columbia policies concerning violence in relationships are among the most comprehensive in Canada, strictly limiting police discretion to protect victim and public safety. They also feature detailed explanations of the application of legislation and related investigative procedures. Similar approaches are reflected in policies on missing persons and work underway in the area of mental health.

A similar approach to criminal activity involving firearms would enhance interdictions, seizures, charges, prohibitions and sentencing. The elevated risk associated with firearms supports the need for a strict policy approach.

Recommendations

The Task Force recommends that:

11. The B.C. Ministry of Public Safety & Solicitor General should consider working with the B.C. Association of Chiefs of Police, the Canadian Firearms Program Chief Firearms Officer, law enforcement agencies and others to develop comprehensive and aligned province-wide enforcement policies relating to the possession, trafficking and use of illegal firearms.

"Bar watch" programs

Background

Bar or restaurant watch programs address the risk to the public posed by presence of individuals known to be associated with serious or violent criminal activities. These individuals gather, conduct business and socialize in bars and restaurants and, in several cases, they have engaged in violence resulting in injury or death, frequently due to the illegal use of firearms. Among the most noteworthy was the shooting at a nightclub in Vancouver in 2003 in which three people were killed, including an innocent bystander. This occurred in a broader context of gang-related shootings that were occurring throughout the Lower Mainland at the time.



Police records show that in 2015 and 2016, over 500 gang members and individuals associated with guns and violence were told to leave premises. Each ejection reduces the burden on the bar managers, the risk to bar patrons and the risk of a chance encounter with rivals that could involve innocent third parties.

Bar watch programs are intended to identify patrons with a violent or criminal history and exclude them from bars and restaurants. In Vancouver's Bar Watch program:

- Participation is indicated by a clearly displayed sign or decal. Participation by owners is voluntary and subject to a detailed agreement. Police act on behalf of the restaurant or bar under the authority of the *Trespass Act* (B.C.).
- The agreement defines an inadmissible patron, based on lifestyle and associations that pose a direct or indirect risk to patrons. Police are responsible for identifying, investigating and determining if an individual or group fits the definition.
- The program is applied consistently. A participating business contacts police immediately when inadmissible patrons seek entry. When police notice inadmissible patrons, they are ejected immediately. Because police act on behalf of the business, staff are not exposed to the risk of confronting these individuals or groups directly and avoid later retribution.

Alberta and Manitoba have bar watch programs based on provincial gaming and liquor legislation, which empowers police to exclude any person believed to be associated with a gang.

Response and rationale

A program such as bar watch, which could be adapted for urban and small-town settings, could provide an effective tool in reducing the use of illegal firearms in places frequented by people with a violent history or gang affiliations. However, opinions differ regarding the legal authority for such programs.

Alberta and Manitoba are currently responding to challenges to their programs, which allege a discretionary application of the gang provisions in the provincial statutes.

The lack of specific legislation on the public safety threat posed by the presence of persons who are likely to be associated with firearms violence limits the broader use of such programs. Legislation, however, would require a fulsome assessment of civil liberties and other challenges. These may involve the articulation around identification; threats to public safety; and authorities for ejection. For example, is the threat to public safety the same across the province or is it specific to particular locations or areas targeted by intelligence?

Similarly, while Vancouver's Bar Watch has support from the owners of many bars and restaurants, that support relies on the well trained and highly professional approach of the enforcement teams. This approach would be a challenge in a province-wide program delivered by over 6,000 officers with varying levels of experience and resources. Delivering a bar watch program consistently and safely in varied municipalities or across the province would require that police officers be supported by training, criminal intelligence and standard operating procedures with clearly articulated grounds for action.

Recommendations

The Task Force recommends that:

12. The B.C. Ministry of Public Safety & Solicitor General should consider obtaining a legal opinion on the adequacy of the *Trespass Act* (B.C.) and the *Liquor Control and Licensing Act* (B.C.) for the purposes of existing bar watch and comparable programs.
13. If the legal opinion, referred to in recommendation 12, supports the adequacy of the acts, the B.C. Ministry of Public Safety & Solicitor General should consider partnering with the B.C. Association of Chiefs of Police and bar and restaurant owners to examine possible expansion of bar watch programs to communities where they are warranted, in a manner that ensures proper articulation of risk to public safety and consistent application of authorities.
14. Alternatively, if the legal opinion, referred to in recommendation 12 finds that the acts do not support the use of the Bar Watch program, the B.C. Ministry of Public Safety & Solicitor General should consider collaborating with relevant ministries responsible for the acts, and should propose amendments to existing legislation that would better address public safety issues posed by the presence of individuals with a gang-related or violent past whose mere presence presents a serious threat to public safety.

THEME #2: LEGISLATIVE INITIATIVES

Quebec's firearms violence mitigation law: A model for provincial actions

Background

Quebec has faced firearms attacks that have drawn calls for effective action to curb the threats of illegal firearms use. In response, the province has enacted legislation in several areas of provincial jurisdiction, balancing public safety with the obligations it imposes. Quebec's Bill 9, An Act to protect persons with regard to activities involving firearms and amending the Act respecting safety in sports, provides a model that B.C. could follow in its spirit and intent.

Bill 9 addresses the risks of the illegal use of firearms in violence and potential violence in public places and use of gun ranges and shooting clubs by potentially dangerous persons.

Quebec's Bill 9 addresses risks such as:

- The threat of mass school, public transportation and public venue shootings, driven by a variety of health and antisocial behaviours
- Intimidating, stalking and threatening others, both by adults and youth, directly or through social media, including the demonstration of firearms possession
- The use of firearms at gun ranges by organized crime and gang members and violent criminals
- Complex barriers to information and intelligence sharing between agencies
- Misunderstandings among law enforcement, professionals, parents and others about their responsibilities to report imminent or potential firearms violence

Mass shootings

Firearms violence can occur anywhere. Several mass shootings have occurred in Canada over the last two decades. The acts themselves often result in death and injury to many, massive police responses and a significant negative effect on a community's sense of safety. Mass shootings often result in the death of the suspect and post-occurrence investigations, inquests and inquiries. Numerous government and non-government agencies assess their pre-event awareness and response to the perpetrator's behaviours and retroactively assess missed opportunities to change the course of events.

Four people were killed and seven others injured in a shooting spree in La Loche, Saskatchewan, on January 22, 2016. Two boys, said to be the suspect's cousins, were killed at their home, and two teachers were killed at the La Loche Community School. A 17-year-old male suspect was apprehended and placed into custody.

—CBC, *"La Loche shooting leaves four dead"*

Contrary to common misperceptions, research relied upon by many agencies including Safe Schools programs and the U.S. Secret Service, has shown that, in most cases, an offender has given indicators of intent to commit violence in social media, group activities and in personal comments and behaviours. This forms the basis of effective programs such as Violence Threat Risk Assessment. Often, there was more than one indicator, a progression or a pattern of indicators, all of which went unnoticed or unreported to those who could assess and react to the threat. In many cases, people were aware of threatening behaviour through social media, but failed to report it to agencies that could intervene. The link between social media and other threat indicators is highly critical to early identification and mitigation.

Issues related to mental health, substance abuse, radicalization and violence in relationships have led to highly tragic acts of firearms violence. The Task Force believes Bill 9 demonstrates how provincial legislation can help mitigate predictable violent occurrences through mandatory reporting by designated institutions. These requirements enhance accountability and ensure a systemic response to the legal notification requirement. Mandatory and timely information sharing among stakeholders creates opportunities to prevent firearms violence.

Mandatory notification of firearms in public institutions

The first part of Quebec's Bill 9 attempts to mitigate risk by prohibiting anyone from being in possession of a firearm in designated institutions, such as schools, government buildings, hospitals and sporting facilities, or on public or school transit. It requires staff to immediately notify the police if they become aware of a firearm on the premises, or the intent to use a firearm for violence or bring a firearm to a designated institution, irrespective of other confidentiality obligations. By requiring immediate notification, Bill 9 maximizes the opportunity to disrupt any threat.

Bill 9 also protects designated institution officials, professionals and managers from prosecution for acts performed in good faith in accordance with the act.

Canadian Firearms Program

The Canadian Firearms Program Chief Firearms Officer currently may receive information from health workers, social workers, police or other authorities alerting officers that a firearms licence holder may pose a threat to public safety because of a mental health condition or

similar issues. However, many health workers and others believe that a patient's confidentiality and rights to privacy prevent them from sharing information about potential threat indicators. Without such information, firearms officers may have no basis on which to review the licence of someone with unstable mental health. Quebec's Bill 9 authorizes health professionals to report information about threats to the police. As described elsewhere in this report, such information should be available to the Chief Firearms Officer through the PRIME-BC police information database to allow officers to review the licence of a firearms holder and to revoke the licence if appropriate.

Denying criminals access to shooting ranges

Members of criminal organizations who are not licenced to possess firearms have been observed by CFSEU surveillance using lawful gun ranges to train with firearms. The provisions of Quebec's Bill 9 can be used to disrupt criminals.

Quebec's Bill 9 reinforces restrictions in the *Firearms Act* (Canada) and regulations, and adds a requirement that ranges must also keep records of users, and that club members must practice at least once per year or pass a competency test to maintain membership. B.C. could also use these requirements to disrupt criminals.

The Bill regulates target shooting with restricted and prohibited firearms in shooting clubs and shooting ranges by requiring operators to obtain a licence, comply with safety regulations, and keep a register of users of the facilities. It also requires that anyone wanting to engage in target shooting be a member of a shooting club, meet the conditions for continued membership and obtain an attestation of competency in the safe use of firearms.

Response and rationale

Following the model of Quebec's Bill 9 would create several significant benefits for B.C. The mandatory notification provisions would:

- Close information gaps and clarify responsibilities in the event of a firearms threat in schools and similar places
- Provide early warning of potential shooting threats and may provide time to intervene before conditions become dangerous
- Lead to province-wide systemic risk mitigation protocols

The notification to the Chief Firearms Officer would provide relevant information that could be used to assess when to refuse or revoke a possession and acquisition licence in the interests of public safety.

The shooting ranges and clubs provisions would:

- Deter individuals from using shooting ranges and clubs in preparing to use firearms for illegal purposes
- Encourage the operators of shooting ranges and clubs to be alert to potential illegal firearms use and give them a clear way to respond

Recommendations

The Task Force recommends that:

15. The B.C. Ministry of Public Safety & Solicitor General should consider adopting aspects of Quebec's Bill 9, either by proposing amendments to the *Firearm Act* (B.C.) or by creating new legislation.

Imitation firearms

Background

Imitation firearms, as we use the term in this report, include firearms that closely resemble real firearms. Imitation firearms may be known as BB guns, pellet guns, spring guns or airsoft guns and have a projectile velocity under 152.4 metres per second. Projectiles come in a variety of forms, weights and configurations. Such devices are legal to import and possess.

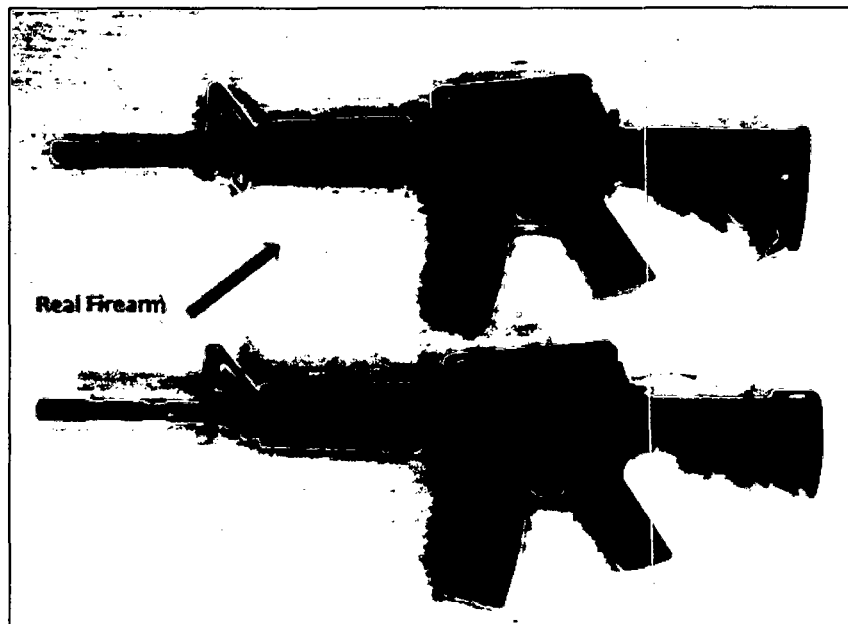
Imitation firearms can be considered a firearm under the *Criminal Code* if used in the commission of a crime.

While most imitation firearms are not defined in the *Criminal Code*, a select category of air guns that exceed the maximum allowable velocity are subject to the same licence, registration and safe handling regulations that apply to conventional firearms, and are not subject to the recommendations in this report.

Imitation firearms are an emerging public safety issue in B.C. and Canada because they resemble real firearms and are largely unregulated. Users can acquire them easily without proof of age, licence or competency. Many are virtually indistinguishable from real firearms such as military assault rifles, machine guns and handguns. They are available for purchase at retail outlets across

Canada and online. Some retailers limit sales to persons 18 years old and above, but many have no restrictions on sales.

Statistics from the National Weapons Enforcement Support Team show that imitation firearms are encountered in the hands of criminals. Criminals may obtain pellet pistols or airsoft pistols to make people think they are carrying a real firearm. This ruse is used for street-level extortion, robbery and personal protection from other criminals, and to intimidate victims when committing an offence.



B.C. TASK FORCE ON ILLEGAL FIREARMS

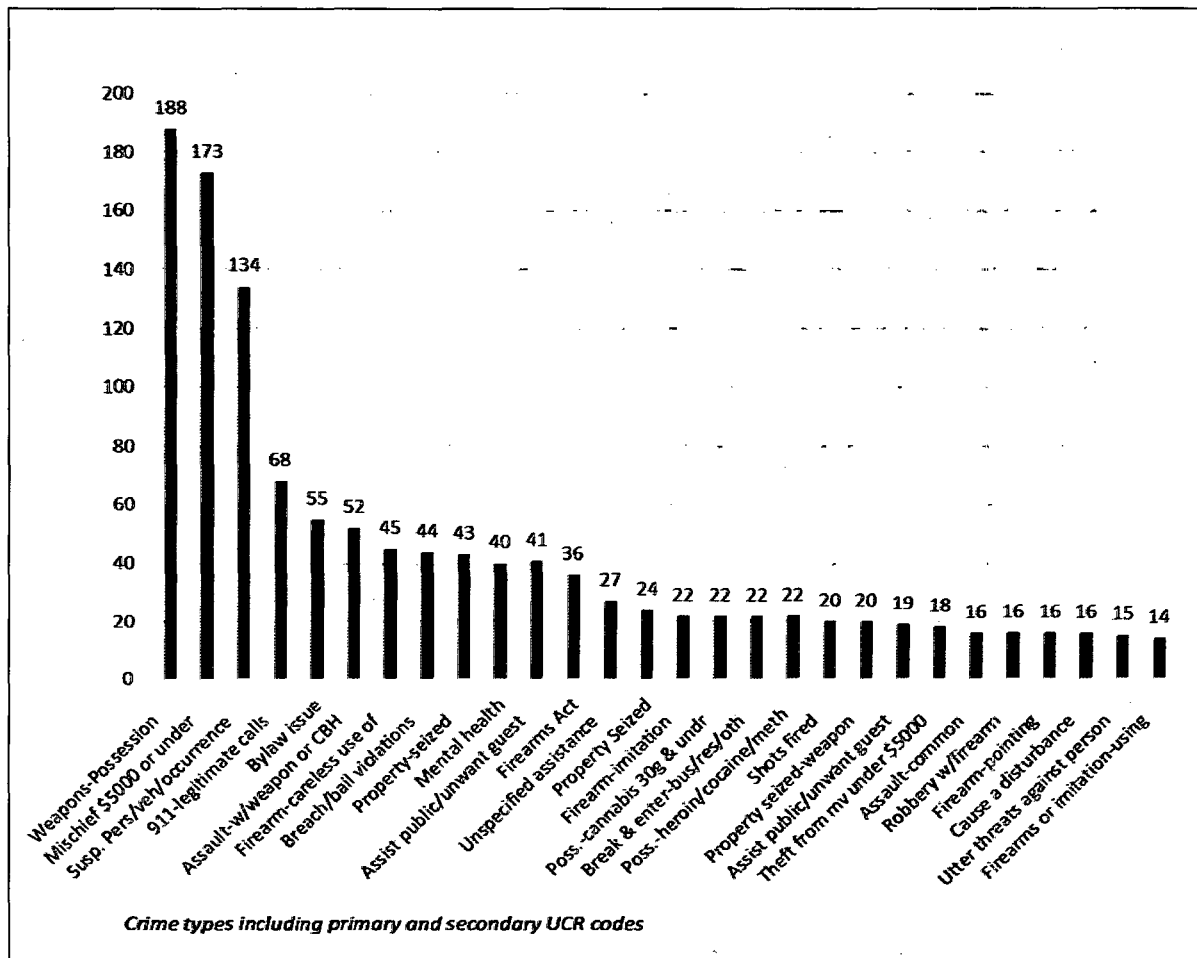
FINAL REPORT

Imitation guns can be used by owners (often youth) in public spaces, such as parks and on or near roadways. They are difficult to distinguish from real firearms.

In B.C., there is no age requirement on the sale of air-powered guns.

Response and rationale

In 2016, the National Weapons Enforcement Support Team, Western Region (NWEST), studied Lower Mainland law enforcement occurrences with imitation, airsoft and pellet guns. The study found 1,228 occurrences in which these firearms were directly or indirectly involved.



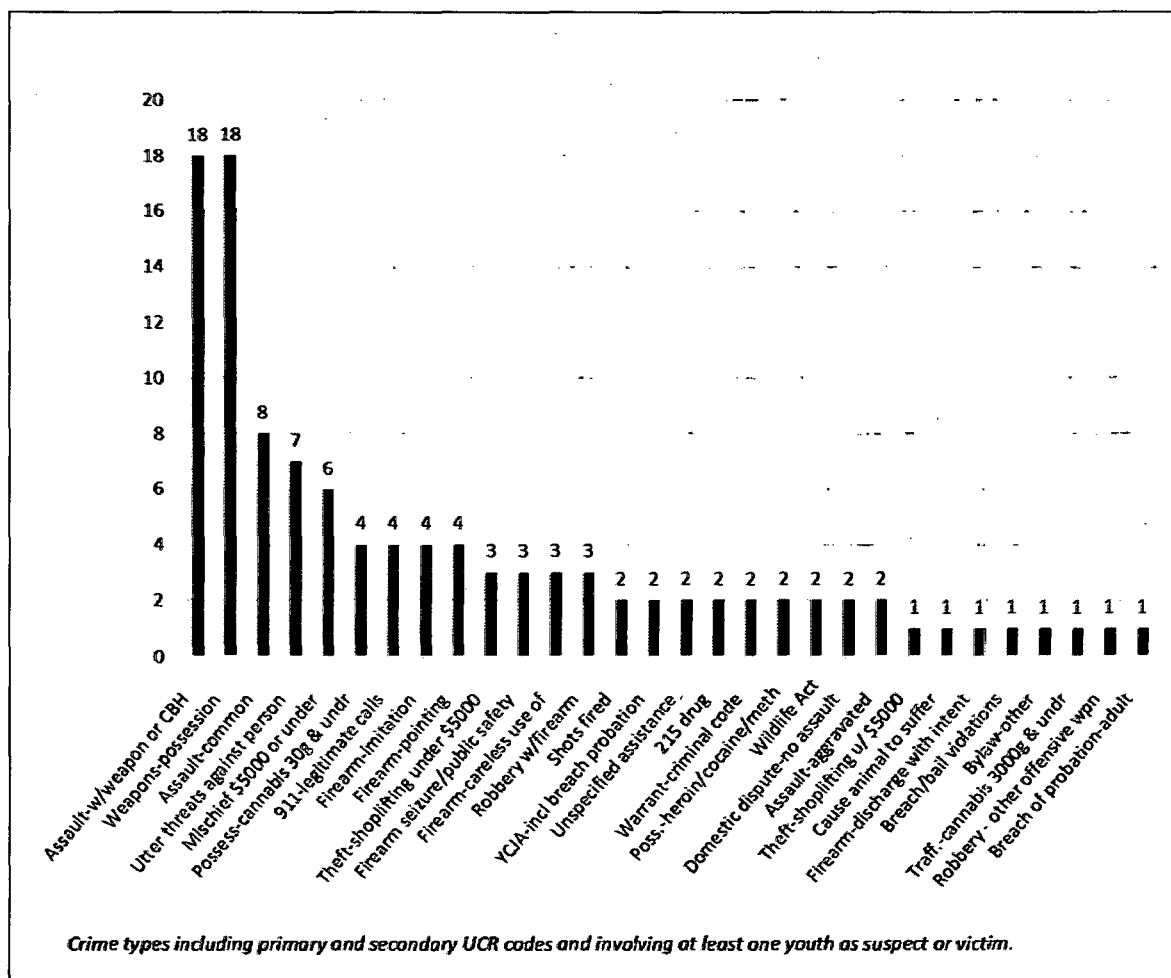
Top Imitation Firearm Occurrences, Lower Mainland, 2016

Source: National Weapons Enforcement Support Team, unpublished data.

These occurrences include the full spectrum of offenses and calls for service. They included 188 instances of weapons possession, 40 related to mental health calls, 22 related to possession of narcotics, 52 associated with assault causing bodily harm and 16 with robbery.

In addition, when suspects are charged with violent offences, they are often released from custody on conditions prohibiting their possession of firearms, among other conditions. Some offenders will seek to obtain an imitation firearm to continue their criminal lifestyle without breaching the release condition against carrying firearms.

NWEST broke down its statistics further to examine occurrences involving youth.



Top Imitation Firearm Occurrences Involving Youth, Lower Mainland, 2016

Source: National Weapons Enforcement Support Team, unpublished data.

In the Task Force's regional consultations, law enforcement, school district and community representatives reported similar types of occurrences. They also described a growing trend by youth to display real or imitation firearms or to pose with them on social media. In some cases, these images were part of social media threats or intimidation, while others appeared to reflect a misguided and unrealistic fascination with firearms and gang culture.

Police calls involving apparent firearms

Calls from the public related to imitation firearms are often dispatched as "man with a gun" calls. Often, these reports describe real-looking military-style rifles, pistols and revolvers.

Untrained witnesses, and even highly trained police officers, are often unable to distinguish between real and imitation firearms without close inspection.

These occurrences may take place in public areas, such as schools, community centres, malls, hospitals and parks, as well as on public transit and in taxis. While these calls often turn out to involve imitation firearms, they have many ramifications:

- Responders must deploy a priority response to eliminate any apparent threat to the public and to responding officers. Tragically, a responder may fire on a person possessing an imitation firearm.
- Priority response involves risk, as responders move to the threat as fast as possible, with a risk of vehicle collision and injury to the public and to first responders.
- High-risk responses require a commitment of resources that can include emergency response teams, a command and control centre and crisis management protocols.
- The response can become the subject of oversight investigations, public, media and judicial scrutiny.
- The response may cause lockdowns of schools and public areas, with stress to students, parents and others.
- These occurrences can result in public confidence issues and negative community and media attention.

Youth, schools and gateway usage

The Task Force heard from parents who permit, educate and oversee their children in the acquisition and use of imitation firearms, such as airsoft and pellet guns. Many use air guns to teach gun safety and security, and they control and monitor where and when the guns are used. This ideal situation is not universal.

Other parents view imitation firearms as harmless toys or useful for target practice, while some are simply unaware that their children possess them at all. The absence of parental engagement and a fulsome awareness of potential uses and associated dangers of imitation firearms creates a public safety risk.

The Surrey Safe School program has seized numerous imitation firearms from students on school grounds. Other districts report similar, but less frequent, occurrences and have seen students carry imitation firearms in the broader community.

In certain circumstances, possessing an imitation firearm in or near a school can meet the required threshold for criminal prosecution, particularly possession to support other criminal behaviour, such as assault, uttering threats or trafficking in narcotics.

The use of an imitation gun at a young age as a source of power, intimidation or retaliation, or for protection, should be considered "gateway usage." A youth of 13 or 14 years of age who uses an intimidation gun at school, in a public place or on social media, or who openly displays firearms, is of significant concern.

As the youth evolves and antisocial activity progresses, the youth may search for and obtain a real firearm to support the same types of antisocial activity, as well as increased

criminal and organized crime activity. Youth in such circumstances should be the focus of interventions to prevent and end the path toward criminal activity.

Recommendations

The Task Force recommends that:

FEDERAL LEGISLATION

16. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to propose amendments to the *Firearms Act* (Canada) to:
 - 16.1. Restrict to persons 18 years or older the acquisition of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*
 - 16.2. Restrict to persons 18 years or older the possession of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*, unless the person is under the direct supervision of a person over the age of 18 or is the valid holder of a Minor's Permit issued by the Canadian Firearms Program
 - 16.3. Require all sellers of imitation firearms to verify proof of age and record the purchaser's identity for all sales
 - 16.4. Require all sellers of imitation firearms to attach to the item information on the capabilities, the potential for injury and possible lethality of the item
 - 16.5. Restrict the places in which imitation firearms can be possessed, and specifically to prohibit possession of an imitation firearms in schools, community centres, public venues, public institutions, parks, roadways, public transit and taxis

PROVINCIAL LEGISLATION

17. In the event that the federal Ministry of Public Safety and Emergency Preparedness is not able to propose the amendments as recommended in Recommendation 16, the B.C. Ministry of Public Safety & Solicitor General should consider proposing amendments the *Firearm Act* (B.C.) to:
 - 17.1. Restrict to persons 18 years or older the acquisition of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*
 - 17.2. Restrict to persons 18 years or older the possession of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*, unless the person is under the direct supervision of a person over the age of 18 or is the valid holder of a Minor's Permit issued by the Canadian Firearms Program
 - 17.3. Require all sellers of imitation firearms to verify proof of age and record the purchaser's identity for all sales
 - 17.4. Require all sellers of imitation firearms to attach to the item information on the capabilities, the potential for injury and possible lethality of the item
 - 17.5. Restrict the places in which imitation firearms can be possessed, and specifically to prohibit possession of imitation firearms in schools, community centres, public venues, public institutions, parks, roadways, public transit and taxis

Straw purchasers and point-of-sale recordkeeping

Background

Historically, most crime guns were smuggled into Canada from the U.S. Over the past three years in B.C., however, approximately 60 per cent were sourced in Canada, according to data from the National Weapons Enforcement Support Team (NWEST). NWEST attributes this trend to changes in firearms legislation in states such as Washington and Oregon requiring recordkeeping at the point of sale for all firearms, which allows tracing to identify a purchaser.

In Canada, there is no national legislation to require record keeping for sales of non-restricted firearms. Unlike many American states, sellers need not keep any records of sales of non-restricted firearms. Purchasers can re-sell, trade or give away a firearm without keeping records. Without sales records, crime investigators often cannot trace the ownership of crime guns, even when gun registration numbers allow them to trace their



183 firearms seized in a firearms-trafficking investigation in 2013 in Tatla Lake, B.C.

manufacture and shipping to an individual retailer.

Domestically sourced firearms may be stolen in residential and commercial break-ins or legally acquired by "straw purchasers" and diverted to illegal use. A straw purchaser is someone with no criminal record, criminal history or association, who has a possession and acquisition licence (PAL) and legally purchases firearms on behalf of others who have no PAL. The National Weapons Enforcement Support Team reports an increase in the number of legally purchased firearms that were diverted to the illicit market. Many have been recovered in criminal investigations. Straw purchasers may falsely report purchased and diverted weapons as stolen if they become the subject of an investigation.

Response and rationale

A sales record of firearms sales, accessible to investigators pursuant to judicial authorization, would assist in identifying and tracing crime guns and traffickers in illegal firearms.

Point-of-sale recordkeeping, similar to that required under Canada's Explosives Regulations, section 261, which requires sellers of certain explosive materials to record the name and address of the buyer and information about the products sold, would help tracing crime guns and deter illegal trafficking. In a similar way, the *Metal Dealers and Recyclers Act and Regulations* (B.C.), as well as municipal bylaws regulating pawnbrokers, requires certain businesses to record users' names and other information in order to disrupt and trace thefts and mitigate risks to public safety.

Point-of-sale recordkeeping would help link straw purchasers and illegal firearms traffickers to crime guns. It would disrupt and deter illegal transfers by increasing the risk of detection to straw purchasers. It would align with U.S. regulations, further disrupting illegal cross-border trading of firearms.

It would also close an intelligence gap and assist investigations by creating opportunities to trace firearms, identify illegal traffickers and focus strategic intelligence.

A national requirement for firearms sellers to keep sales records would provide uniform and effective standards across Canada. To minimize information gaps, the requirement should include private sales and sales at gun shows or trade shows. To ensure compliance, records should be subject to inspection under the Canadian Firearms Program.

Recommendations

The Task Force recommends that:

FEDERAL LEGISLATION

18. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to propose amendments to the *Firearms Act* (Canada) that require businesses, dealers and individuals selling non-restricted firearms to keep point-of-sale records, which could be made available to law enforcement pursuant to judicial authorization on a case-by-case basis and subject to regulations governed by the Canadian Firearms Program.

PROVINCIAL LEGISLATION

19. In the event that the federal Ministry of Public Safety and Emergency Preparedness is not able to propose the amendments as recommended in Recommendation 18, the B.C. Ministry of Public Safety & Solicitor General should consider proposing amendments to the *Firearm Act* (B.C.) that require businesses, dealers and individuals selling firearms to keep point of sale records, which could be made available to law enforcement pursuant to judicial authorization on a case-by-case basis and subject to regulations governed by the Canadian Firearms Program.

Manufacture of untraceable firearms

Background

Receiver blanks

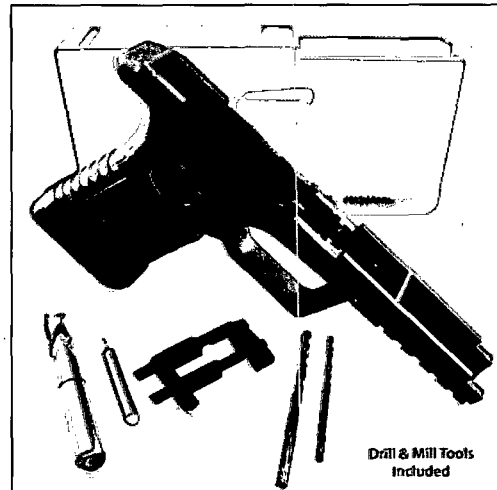
In B.C. and across Canada, regulators and police are finding firearms that bear no identifying marks, often in the possession and use of criminals. The *Firearms Act* (Canada) makes it illegal to own or transfer restricted or prohibited firearms unless they have a unique serial number.

The absence of identifying markings indicates that firearms were likely manufactured from unfinished lower receivers and aftermarket components, commonly referred to as receiver blanks or 80% guns. Makers of receiver blanks often market them in kits with all the tools and jigs required to make them into fully functional guns, which are potentially unregistered and untraceable restricted or prohibited firearms.

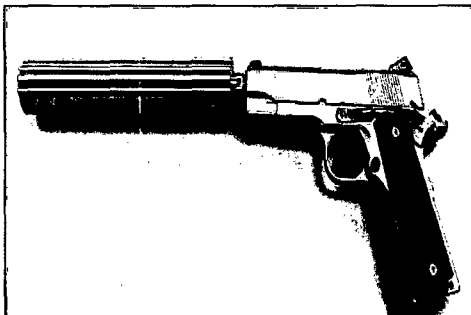
Unregistered firearms, when completed with receiver blanks, are referred to as "ghost guns." Completion kits are unregulated and can be

purchased without a PAL from sporting goods stores or the internet. Because they are not completed, they have been difficult to define as firearms, pursuant to the *Criminal Code* or the *Firearms Act*.

Some components are made to match parts for real firearms with parts from pellet pistols. Suppliers also sell components to make firearms fire in a fully automatic mode (as a machine gun), and sell sound suppressors or silencers.



Handgun receiver advertised for Internet sale, complete with tools for assembly to complete assembly.



An attempted murder took place on August 2015 in Richmond, B.C., and police seized an unmarked/un-serialized 1911 .45 semi-automatic handgun.

Response and rationale

Although initially sold as non-functioning machine parts, receiver blanks are easily available over the internet. They can be obtained by youths and people who are ineligible for a PAL. According to the *Washington Post*, a shooter who killed six people in 2013 used a semiautomatic AR-15 rifle made from unregistered parts.

Existing laws on firearms need to be updated to clarify when receiver blanks should be considered firearms subject to registration and licensing, and when they should be restricted from import or sale.

Recommendations

The Task Force recommends that:

20. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to propose amendments to the definition of a firearm in Section 2 of the *Criminal Code*, substantially as follows:

"Firearm" means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm, *including blank castings of frames or receivers not yet capable of holding various firing components.*

21. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety & Emergency Preparedness to propose federal legislation that restricts the import, export and sale of all receiver blanks.

THEME #3: EDUCATION AND PREVENTION

Safe schools, student and parent education

Background

Education and schools offer an opportunity to identify and prevent a broad range of antisocial behaviour and victimization. They also represent an opportunity to promote positive social behaviour, kindness and empathy and acceptance of a diverse society.

Young people may give the first public indications of antisocial behaviour in schools. While occasionally such incidents may involve the illegal use of real firearms, far more frequently they involve easily available imitation firearms used to enhance a personal image, to threaten or simply to match a media stereotype.

On a number of instances throughout B.C., students have brought firearms into schools, some real but almost exclusively imitation firearms.

The use of such firearms to intimidate other students is illegal in itself. They are also very difficult to distinguish from real firearms, and can lead to a frightening and dangerous emergency response. In some cases, they may normalize the use of weapons and progress to the future use of firearms in criminal activities.

The *School Act* (B.C.) does not prohibit imitation firearms from schools, although, some school districts have policies that do prohibit real or intimation weapons. The recommendations in this report on imitation firearms would prohibit possession of imitation firearms in schools and restrict their

acquisition to those over the age of 18 years.

A province-wide Safe Schools program has been designed to identify and mitigate risks associated with a broad range of antisocial and potentially violent behaviours by students. It helps identify potential threats and offers solutions to a wide range of antisocial behaviours. Broad-based school and student safety programs can both avoid firearms threats in schools and divert students away from a trajectory toward violent crime.



Imitation firearm seized from student at a Surrey high school.

Legislation

Neither the *School Act* (B.C.) nor any other act expressly outlines how school officials, conscious of privacy concerns, can or should communicate and manage risks with law enforcement, government and community agencies, or with other stakeholders and School Safe programs.

Privacy concerns lead to potential confusion, particularly in jurisdictions where incidents such as possession of imitation firearms at school are rare and relationships and knowledge are untested. Rural communities and school districts where legal firearms ownership and hunting are intrinsic face additional challenges.

The only reference to public safety within the *School Act* (B.C.) is found at:

"Division 6 – Offences

- 177 (1) A person must not disturb or interrupt the proceedings of a school or an official school function.
- (2) A person who is directed to leave the land or premises of a school by a principal, vice principal, director of instruction or a person authorized by the board to make that direction
- (a) Must immediately leave the land and premises, and
- (b) Must not enter on the land and premises again except with prior approval from the principal, vice principal, director of instruction or a person who is authorized by the board to give that approval.

While not specific, section 125 (6) of the *Youth Criminal Justice Act* (Canada) may provide authority for school, community and law enforcement partners to share critical information to mitigate risk and assist youth who are on a path to violence and other antisocial behaviour. This provision is helpful but insufficient. Numerous government portfolios and other agencies need to be engaged and coordinated to reduce chronic risk and build long-term solutions.

125 (6) The provincial director, a youth worker, the Attorney General, a peace officer or any other person engaged in the provision of services to young persons may disclose to any professional or other person engaged in the supervision or care of a young person — including a representative of any school board or school or any other educational or training institution — any information contained in a record kept under sections 114 to 116 if the disclosure is necessary

- (a) to ensure compliance by the young person with an authorization under section 91 or an order of the youth justice court;
- (b) to ensure the safety of staff, students or other persons; or
- (c) to facilitate the rehabilitation of the young person.

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The Public Schools Act of Manitoba is more specific with respect to public safety and makes it an offence to carry an offensive weapon to school:

"Prohibition regarding offensive weapons

- 236 (1) Unless authorized by a school board, it is an offence to carry to school an offensive weapon as defined in the *Criminal Code*.
- (2) Where a pupil commits an offence, under subsection (1), the pupil if he is of the age of majority, or his parent or guardian if he is under the age of majority, is liable, on summary conviction, to a fine of not less than \$10. and not more than \$100.

Quebec's Bill 9 addresses many issues associated with illegal firearms offences in schools, as well as threat mitigation and communication between agencies.

This bill prohibits the possession of firearms in the buildings and on the grounds of childcare facilities and educational institutions and in conveyances used for public transportation and school transportation. By government regulation, any other institution may be added to those listed in the bill.

Under this bill, the personnel of educational institutions, public transportation and school transportation drivers and admission attendants and persons responsible for shooting clubs and shooting ranges are required to report to police any behaviour indicating that an individual may endanger the safety of the individual or another person by the use of a firearm.

Certain professionals are authorized to report such behaviour despite obligations of confidentiality and professional secrecy.

Bill 9 protects designated institution officials, professionals and managers from liability associated to "good faith" acts.

The Quebec legislation addresses both schools and other public institutions, including places and transportation used by students before and after school, thereby increasing the effectiveness of efforts aimed at students.

B.C. has no age requirement on the sale of imitation firearms, pellet or airsoft guns and the School Act (B.C.) does not prohibit them from schools. The Task Force makes additional recommendations in the section on imitation firearms.

Response and Rationale

The B.C. Safe Schools ERASE (Expect Respect and a Safe Education) Bullying Strategy is designed to help prevent, identify and stop harmful behaviours connected to students, staff or the school community – both in person and online. ERASE includes training on bullying prevention and School-based Violence Threat Risk Assessment (VTRA). ERASE promotes the identification of a broad range of antisocial behaviour and calls on stakeholders including

law enforcement, family, government and community programs to de-escalate any path to violence, mitigate risk and provide long-term support to youth and their families.

Safe School programs seek to identify and understand threat indicators from students, family, school officials and the community members who identify indicators through direct contact, group activities or social media. The link between social media and other threat indicators is highly critical to early identification and mitigation.

Schools can react to imminent concerns in partnership with law enforcement agencies, including urgent school lockdowns. More often, they engage a variety of resources to understand indicators, investigate them collaboratively and develop a comprehensive plan of action.

The ultimate goal of early identification, interdiction and disruption of potential violence by an individual is the disruption of their dangerous path and the safety of innocent victims. Fully engaged safe school programs connected to community experts and law enforcement can use the individual and collective experiences to inform and implement broad prevention and awareness efforts that will positively affect an entire community and generation.

The delivery and capacity of this program is always subject to the personnel and resources of the individual school district as well as the scope, depth and engagement of the supporting law enforcement, government and community partners within a region.

School risk prevention, communication and coordination

The Task Force has seen excellent examples of schools, law enforcement agencies and communities working together to mitigate firearms and other threats.

Consultations in Williams Lake, B.C., showed a coordinated school, community and law enforcement initiative to address violent gang activity in the region using the Communities That Care (CTC) model, as described elsewhere in this report. It brings together the elements of the Safe Schools program with its School-based Violence Threat Risk Assessment tools and builds community awareness and intervention to provide a comprehensive solution and support.

As a rural community in which firearms play an important role, the Williams Lake school district offers the Conservation and Outdoor Recreation Education (CORE) firearms training program as a high school elective. CORE is designed for individuals wishing to obtain their first B.C. resident hunting licence. It focusses on seven areas of study: firearms, bird identification, animal identification, habitat identification, hunter ethics, regulations and survival and first aid.

The Surrey Wraparound Program (Wrap) is a partnership between the Surrey School District, RCMP and the City of Surrey. It aims to positively attach youth to their school, community and home by building a trusting and positive relationship. Parents, caregivers and/or guardians are included in goal setting, while helping to build a positive lifestyle and self-worth for youth. Surrey Wrap has two dedicated RCMP members who build a positive and

trusting relationship with youth. Wrap is interconnected with Surrey Safe Schools, facilitating risk mitigation, predictive analysis, prevention and long-term solutions.

The common theme in these successful programs is timely and effective communication, under clear and established guidelines and protocols, between all stakeholder agencies to predict, prevent and mitigate risk associated with illegal firearms and other antisocial activities on school properties or associated with students.

In addition, the Safe Schools program, in partnership with law enforcement, government and non-government stakeholders, represents a foundation from which risk is identified and, more importantly, the antisocial behaviours can be redirected to more positive and productive paths.

School education, prevention and communication

In addition to the ability of schools to identify risks and threats through a well-developed Safe Schools program, schools represent the best opportunity to educate youth and their parents on the dangers of illegal firearms and gangs. School-based educational programs should focus on three areas:

- Students
- Parents
- Teachers and administrators

By enhancing the existing ERASE program, schools can bring information about organized crime, gangs and firearms to all students. A school-based education program helps to prevent involvement in gangs and violence, build resilience and promote social responsibility, conflict resolution and acceptance of diversity. A program of this type, supported by positive role models, corporate sponsors and high-profile spokespersons, would enhance current efforts in B.C. to properly represent the diversity, unique causal factors and realities of B.C.'s organized crime problem.

Such a program would reach youth who are vulnerable and at risk but also those unaffected youth who are in a position to identify peers at risk, report threat indicators and support others. Properly delivered and sustained education and resilience building programs will over time reduce the allure of the gang lifestyle and expose it for what it is.

The Safe Schools and VTRA programs also give educators and partners the opportunity to engage parents whose children have been identified as having threat indicators.

Education of parents through public forums is critical but challenging. Wide-reaching parental education and awareness of the many causal factors and indicators related to organized crime and gang involvement is necessary. However, while public forums and focus groups for parents may be well attended, they are often attended by socially concerned citizens and victims who are law-abiding.

Parents may be unaware of the complex challenges facing their children as a result of factors such as recent immigration to Canada, relocation from within Canada and a wide range of language, social, health and economic challenges. Parents may not recognize risk

indicators, such as possession of an imitation firearm or unexplained access to money. Strategies need to focus these parents.

Organized crime and gangs reach to all corners of the province, from the Lower Mainland of B.C. to the most rural communities in B.C. In some cases, they offer the attraction of an affluent lifestyle, while others are based on poor opportunity, poverty and despair. Hub communities see disproportionately high impacts from gang crime when the violence of regional crime affects residents of central rural communities.

Teachers and school administrators in every district would benefit from consistent training and information about B.C.'s organized crime, gang and firearm challenges. In particular, this training should address how youth move towards criminal involvement, the indicators to watch for and the opportunities to alter a negative trajectory. The Safe Schools initiative offers a foundation from which to deliver a broad-based education and prevention program targeting both youth and parents.

The critical factor is recognition and action by those best positioned to act. Action means engaging the many resources required, furthering, fully investigating and taking effective action in a timely manner. With young people, this often means teachers and school administrators who know the indicators of a problem, how to engage the youth and how to address the challenge.

Schools play a critical role in preventing violent antisocial activity in the lives of children and youth. They can change the trajectory of youth who are on a path to a violent gang lifestyle through strategies premised on information sharing and coordination of comprehensive community-based services.

Recommendations

The Task Force recommends that:

22. The B.C. Ministry of Public Safety & Solicitor General should consider working with the relevant ministries to develop a clear and authoritative statement of the law relating to information sharing for schools, law enforcement, health professionals, youth and family services, other government agencies and other public institutions, which describes their responsibility for sharing information when there is a threat or imminent danger that outweighs any right to privacy.
23. The B.C. Ministry of Education should consider ensuring that:
 - 23.1. All public and independent school jurisdictions continue to enhance their safe school programs and participate in ministry-sponsored School-based Violence Threat Risk Assessment (VTRA) training with specific attention to imitation and real firearms

- 23.2. All schools and school districts engage the support and involvement of law enforcement, government, non-government and community agencies in VTRA training and the VTRA process
- 23.3. Training in the ERASE Strategy be enhanced to support:
 - a) Building resilience among youth to gangs and violence
 - b) Enhancing awareness and engagement of parents including indicators of "gateway" usage
 - c) Ensuring education and consistent engagement of teachers and school administrators
- 23.4. School curricula be enhanced to support development and participation in positive firearms training, such as the Conservation and Outdoor Recreation Education (CORE) program where appropriate, supplemented by positive modeling

Community-based programs – Rural and First Nations communities

Violence resulting from the use of illegal firearms and the growth of organized crime and gangs now involves all areas of British Columbia. As discussed elsewhere in this report, organized crime and gangs exist primarily to profit from the illegal drug trade and related criminal enterprises, as well as to provide a sense of identity and belonging. Rural and isolated communities are not immune to the violence and public safety risk that results.

Hub cities such as Williams Lake and Prince George provide institutions, services and an economic centre that brings both positive and negative impacts from local and nearby rural communities, as well as from transient populations. Hub municipalities experience the impacts of violent organized crime from within and outside of their boundaries, and must develop regional programs in partnership with rural and First Nations communities.

The centralized regional institutions and programs of hub cities, including schools, may also represent an opportunity to overcome the geographic challenges.

Successful community initiatives are founded on a culturally appropriate community-based consultative approach. Regional consultations highlighted that public safety initiatives related to illegal firearms and gang prevention, described throughout this report, can be integrated in broader programming. By leveraging the support of community leaders, community elders and other positive role models, such programs can assist rural and First Nations communities with prevention and resilience building efforts. Many existing programs already focus on directing at-risk youth away from lifestyles involving gangs and illegal firearms.

Many rural and First Nations communities have firearms embedded in the fabric of their communities and daily lives. Hunting, fishing and outdoor activities with legal firearms are integral. The widespread presence of firearms is a potential risk to public safety as those firearms can become available through theft or other unlawful means and diverted to criminals. Crime guns in these areas are often stolen locally.

Building awareness of the diversion of legal firearms to criminal use, combined with education about safe use and storage in support of hunting and other culturally relevant activities, provides a positive approach to public safety.

Current programs

Consultations in Williams Lake identified positive programming designed to identify and engage community resources in issues including gang and violence prevention in their communities:

- Communities That Care (CTC) uses a community-based, prevention-focussed approach to promote positive, healthy behaviour among youth while understanding

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the root causes of negative behaviour such as substance abuse, crime and violence. It addresses risk factors rather than intervention with individuals who are already involved in problem behaviours. In Williams Lake, nearly 50 individuals are involved in Communities That Care, as well as representatives from health, education, justice, social and other agencies.

- The Punky Lake Wilderness Camp, operated by the Tsilhqot'in and Southern Carrier Nations, offers a one-day firearms program to teach respect for firearms and the harm they can cause. Members of the local RCMP detachment take part to engage community leaders in positive discussions about social responsibility and respect.

Community wellness models similar to Communities That Care have been undertaken in other jurisdictions. While not rural-specific models, they can have application in regional settings:

- The Saskatchewan Hub Model, which originated in Prince Albert, Saskatchewan, in 2011, draws on the expertise of community agencies to address complex human and social problems before they become policing problems. It focusses on early, multi-disciplinary preventive intervention, supported by evidence-based risk and outcome evaluations. Data shows a decline in police-community problems and greatly enhanced collaboration and communication between police and other community agencies.
- The Surrey Mobilization and Resiliency Table (SMART) was modelled after the Hub approach. SMART brings diverse agencies together to mitigate risk before a crisis occurs in the lives of individuals and families in Surrey's City Centre. It includes human service professionals from a variety of disciplines including: law enforcement, corrections, housing, health, social services, income assistance and education. They meet weekly to review cases where there is a high risk of harm, victimization or criminality and, if needed, can develop and execute a rapid response intervention plan within 24 to 48 hours.
- The Surrey Wraparound Program (Wrap), as described previously, is a partnership between the Surrey School District, RCMP and the City of Surrey. It aims to positively attach youth to their school, community and home by building a trusting and positive relationship. Parents, caregivers and/or guardians are included in goal setting, while helping to build a positive lifestyle and self-worth for youth. Wrap is interconnected with Surrey Safe Schools, facilitating risk mitigation, predictive analysis, prevention and long-term solutions.
- The Vancouver Aboriginal Community Policing Centre (VACPC) provides a safe place to discuss justice and safety issues in Vancouver and offers culturally based prevention and intervention programs.
- The Vancouver Police Department's "Yo Bro" program targets gangs, guns and drugs through programs for at-risk youth and provides mentorships for youths transitioning to high school. Its "Hey Girl" initiative focusses on young girls who may be drawn to the gang lifestyle.

The B.C. RCMP First Nations Community Policing Services has members in the First Nation Policing Program who are directly involved in First Nations communities throughout B.C. The RCMP has a First Nations gang coordinator, but currently has no expert to work proactively on firearms education and safety.

The Vancouver Police Departments Diversity and Aboriginal Policing Section also works to provide cultural competencies for frontline members and youth gang prevention programming.

Response and rationale

The Task Force has made a suite of recommendations relating to the interdiction of illegal firearms and the reduction of the harm they cause. Local law enforcement, working in partnership with their communities, has and will continue to be essential to addressing the problems of illegal firearms and the attraction of young people to gangs and organized crime. Community engagement models represent a foundation from which communities can tailor programming to predict, prevent and disrupt youth from illegal firearms, violence and gangs.

Police, the Canadian Firearms Program Chief Firearms Officer and other social services, in consultation with rural and First Nations communities, should maximize the use of community-based programming where appropriate to provide positive models and points of contact that can intervene before a risk of firearms violence or other harms develop.

Supporting programs for rural and First Nations communities would build resilience and resistance to crime. Where appropriate, and in consultation with rural and First Nations communities, such programs should include awareness and education about the safe and lawful use and storage of firearms, firearms acquisition and trafficking, the use of illegal firearms and their nexus to organized crime. A key element of such programs should be support from police and other community stakeholders.

Recommendations

The Task Force recommends that:

24. The B.C. Ministry of Public Safety & Solicitor General should consider enhancing early intervention programs in communities, aimed at identifying youth at risk at the earliest possible opportunity and changing behaviour through community-based interventions, where appropriate. The CTC, HUB and SMART programs provide useful models for community intervention programs.
25. The Chief Firearms Officer, firearms retailers and the B.C. Ministry of Public Safety & Solicitor General should consider improving community awareness on the safety, security, theft and criminal diversion of legal firearms by supporting culturally appropriate information and education programs.

26. In consultation with rural and First Nations communities, the B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Education should consider enhancing and supporting programs for youth tailored to schools that service rural and First Nations communities, with supporting parental and community education, regarding all aspects of legal and illegal firearms, gangs and organized crime.
27. In consultation with First Nations communities, the B.C. RCMP First Nations Community Policing Services should consider designating an officer to undertake ongoing proactive work in relation to legal and illegal firearms, the laws relating to firearms, and their nexus to organized crime in Aboriginal communities.

Canadian Firearms Program compliance strategies

Background

The vast majority of gun owners comply with the licensing and registration requirements managed by the Canadian Firearms Program (CFP).

The Canadian Firearms Program (CFP) is an operational division within the RCMP's Policing Support Services, which since May 2006 has had responsibility for administration of the *Firearms Act* (Canada) and the CFP. CFP supports all domestic and international police services in regard to firearms registration information and licensing of individuals and businesses. It provides police and other organizations with information and expertise vital to preventing and investigating firearms crime and misuse. This information helps distinguish between legal and illegal firearms, as well as lawful and unlawful owners and trafficking of firearms.

The *Firearms Act* (Canada) and its regulations, specifically the Firearms Records Regulations, establish the basic framework for the Canadian Firearm Information System (CFIS), the official repository for licence and registration information for the CFP. The Canadian Police Information Centre (CPIC) interfaces with CFIS to provide timely information to CFP Chief Firearms Officers (CFOs) making decisions about client licensing and continuous eligibility, and to police officers enforcing the *Criminal Code*.

The CFP today has five directorates:

- The Firearms Regulatory Services Directorate is responsible for individual and business licensing under the *Firearms Act* (Canada). It works closely with the ten CFOs in Canada and the Registrar of Firearms. The Registrar is responsible for the issuance, refusal and revocation of firearms registration certificates and carriers' licences, as well as the regulations pertaining to import and export permits for firearms when they come into force.
- The Firearms Service Delivery Directorate in Miramichi, New Brunswick, consists of a call centre and processing facilities, where Canada *Firearms Act*-related applications are received and processed, and firearms licence cards are printed.
- The Firearms Investigative and Enforcement Services Directorate manages the National Weapons Enforcement Support Team, Canadian National Firearms Tracing Centre and the unit that maintains a reference table of all known firearm makes and models.
- The Firearms Business Improvement Directorate manages the CFP's automated systems, databases, and websites.
- The Firearms Management and Strategic Services Directorate provides advice on policy and communications, prepares the annual Commissioner's report.

Under the *Firearms Act* (Canada), CFOs can refuse an application or revoke a possession and acquisition licence (PAL) based on the officer's assessment of the licence holder's risk to public safety. For example, the CFO can consider drug offences, unsafe firearm use and storage, violent behaviour and potential risks to others. Firearms registration applications can be refused and registrations revoked for the same reasons.

CFOs rely primarily on information from police and the courts when applying eligibility provisions. Self-disclosure and unsolicited reports from family members, friends or colleagues may also bring relevant information to light. In addition, CFOs maintain working relationships with other federal, provincial and territorial government bodies who may hold other relevant information

Some members of organized crime groups and their associates are known to possess a PAL. Access to a PAL allows them to procure firearms and ammunition without having to resort to external sources. To avoid registering a restricted firearm, OCG members can purchase non-restricted firearms.

The constantly evolving methods of organized crime and the ability of criminals to exploit vulnerabilities within firearms regulations require open-minded and effective links between regulation and enforcement. Combining law enforcement experience with the expertise of firearms regulators will create the most effective approaches to reducing the illegal firearms violence in B.C. and Canada.

Response and rationale

Firearms Trafficking

In addition to the acquisition of restricted and prohibited firearms by members and associates of organized crime, firearms traffickers (discussed elsewhere in this report) have become a factor in domestically sourced illegal firearms. Individuals with no criminal record and possessing a firearms licence can legally acquire firearms and divert them to criminal markets. In some cases, they acquire firearms specified by others who cannot legally possess them. In other cases, they buy several firearms of the same type and calibre and sell them at a profit to criminals.

Guns purchased by a Courtenay man sentenced on firearms charges have turned up in several criminal cases, including a shooting and two home invasions. The Combined Forces Special Enforcement Unit raided the house and storage locker of Bryce McDonald, a Hells Angels associate. Police found just 19 firearms, both restricted and unrestricted, even though records showed McDonald had purchased 49 restricted guns since getting his licence in 2009.

B.C. Supreme Court Justice Robin Baird said McDonald had lied when asked what happened to the missing guns. "Mr.

McDonald knows perfectly well where these guns have gone, but he has refused to tell the truth about it," Baird said.

—*Vancouver Sun*, December 9, 2016

Non-restricted or "long gun" firearms traffickers are difficult to track as this class of firearms do not require registration. Deterrence, prevention and enforcement strategies relative to registered and restricted firearms are described in the "point of sale" recommendations within this report.

Information sharing

The Canadian Firearms Program is currently exploring ways to improve the identification and reporting of potential criminal activities to local law enforcement, as information sharing between the CFP (regulatory) and law enforcement (criminal) agencies needs to be improved. The current partitioning of information collected for regulatory purposes and for law enforcement intelligence gathering and criminal investigations creates a gap.

This limit on information sharing results in an incomplete picture for both enforcement and regulators. Information held by both the CFP and law enforcement can be critical to investigating illegal firearms trafficking and the supply of illegal firearms to violent criminals. The CFP needs access to police records management systems to meet its regulatory mandate and police need access to regulatory information in order to identify those persons with criminal intent related to the possession, trafficking and use of illegal firearms.

Effective cooperation and information sharing between the CFP and law enforcement can identify individuals who represent a risk to public safety and limit their access to firearms.

The nature of firearms control requires connectivity and alignment to ensure public safety, with processes carefully designed to address the needs of both regulation and enforcement.

The CFP has recently developed a new protocol to detect abnormal firearms acquisition patterns, which could allow the enforcement community to identify criminal activity. Beginning in March 2017, CFP intelligence analysts will review reports provided by Chief Firearms Officers to identify potential straw purchasers or domestic traffickers. Reports will identify multiple purchases of top crime firearms within short periods, and will be customizable to add other variables. Following an analysis of the data and cross-referencing checks with enforcement databases that are not available to regulatory bodies, potential straw purchasers and domestic traffickers will be reported to local law enforcement through the regional NWest representatives.

The assessment and implementation of this promising pilot project will require the involvement of the CFP, major law enforcement agencies and the Canadian Association of Chiefs of Police.

Compliance

Effective information sharing and synergy between the CFP and its law enforcement partners can ensure timely intelligence-led investigations and prosecutions against illegal firearms traffickers and disrupt the supply of illegal firearms to violent criminals.

The National Weapons Enforcement Support Teams (NWEST) are regionally positioned law enforcement experts that provide support to operational police units. Many NWEST officers are embedded with investigative teams to assist investigations as firearms experts. Their current capacity does not allow NWEST to independently mount complex investigations targeting sophisticated organized crime targets.

The investigation of organized crime trafficking in and use of illegal firearms is often subject to the availability and competing priorities of the federal, provincial and local resources capable of conducting long term complex investigations and prosecutions. The current limitations on sharing critical information between the CFP and enforcement further limit complex investigations against firearms traffickers and organized crime.

Ensuring compliance with the *Firearms Act* (Canada), particularly when related to individuals displaying indicators of firearms trafficking, would reduce the criminal use of firearms without impacting lawful gun owners.

The regulation of any enterprise requires compliance activities. Compliance strategies for firearms should ensure both licensing and registration as legislated and also the disruption of illegal firearms possession and trafficking.

Weak compliance tools result in non-compliance. Organized crime and other criminals exploit vulnerabilities caused by weak compliance. The threat posed to public safety resulting from organized crime and gun violence creates a need to ensure effective compliance tools related to firearms.

Remarkably, notwithstanding that all of the handgun purchases made by Mr. Winchester were made from only two stores; notwithstanding that forty-seven handguns were purchased over just a five month period; and notwithstanding that these purchases were all made by one person, namely Mr. Winchester, these purchases do not appear to have raised any concerns at either of these stores. Even more remarkably, notwithstanding the number of handguns purchased over this fairly short time period by a single person, these purchases also do not appear to have raised any concerns with the Canadian Firearms Registry Office.

—Nordheimer J., *R. v. Andrew Winchester*, 2014 ONSC 2591

Inspections under the Firearms Act (Canada)

While the experts in the CFP are best positioned to design and implement compliance strategies and recommend any specific legislative change to facilitate compliance efforts, one tool discussed by the B.C. Illegal Firearms Task Force was the use of intelligence-led compliance inspections.

The CFP's inspection program could in future focus more on intelligence-led investigations where there are indicators of illicit intent.

For example, domestically sourced firearms may be stolen in residential and commercial break-ins or legally acquired by "straw purchasers" and diverted to illegal use. A straw purchaser is someone with no criminal record, criminal history or association, who has a possession and acquisition licence (PAL) and legally purchases firearms on behalf of others who have no PAL. Law enforcement agencies throughout Canada have reported an increase in the number of legally purchased firearms that were diverted to the illicit market. Many have been recovered in criminal investigations. Straw purchasers may falsely report purchased and diverted weapons as stolen if they become the subject of an investigation.

The *Firearms Act* (Canada) (sections 101 to 104) authorizes inspections related to restricted and prohibited firearms solely for the purpose of ensuring compliance with the *Firearms Act* (Canada) and regulations, not for the purpose of criminal enforcement or investigation. To inspect a dwelling house, an inspector must have reason, give notice and receive permission from the owner, or must receive judicial authorization.

Private dwelling house inspections are limited to firearms collectors, owners of at least one prohibited firearm and owners of 10 or more firearms of any classification. An inspector can order that a firearm that is not readily available be produced within a reasonable time to verify the description or to confirm registration.

If the *Firearms Act* (Canada) permitted inspections when two or more restricted firearms were present or where there were specific public safety concerns, inspectors could confirm the presence of firearms and disrupt trafficking in the firearms that are most desirable to organized crime.

Entry into a dwelling should be limited and carefully managed while enabling an inspection regime that can confirm the presence of registered firearms at the address they are registered to and their safe storage in compliance with regulations.

Inspections are a type of compliance activity that could reduce firearm trafficking, by direct disruption as well as by the deterrence that they create. The existing Act limits inspections of individual firearms owners, and inspection of individuals is rare.

Performance metrics

All law enforcement agencies engage in strategic plans designed to reduce crime and enhance public safety. All law enforcement agencies produce and report to government oversight bodies on their performance related to strategic objectives. Increasingly

performance metrics are able to effectively measure outcomes, including the reduction and absence of crime assessed against the enforcement activities and the effectiveness of a program.

The CFP produces robust metrics related to the management of its data and the use of its systems in support of enforcement. The CFP also closely tracks its management of firearm licences and revocations.

The addition of performance metrics related to compliance efforts by the CFP would provide additional valuable information from which to analyze the scope and depth of illegal firearms trafficking in Canada and the effectiveness of any current or future compliance efforts by the CFP.

Compliance efforts form an important component of any regulatory framework. Understanding how people attempt to exploit regulations is critical in creating compliance efforts to mitigate illicit opportunists.

The violence and crime resulting from illegal firearms cannot be disrupted by law enforcement efforts alone. A strategic effort is required, aligning the objectives and measurable performance outcomes of enforcement and regulatory agencies.

Recommendations

The Task Force recommends that:

28. The federal Ministry of Public Safety and Emergency Preparedness should consider enhancing the Canadian Firearms Program through development of compliance and deterrence strategies under the authority of the current or amended *Firearms Act* (Canada).
29. The Canadian Association of Chiefs of Police, the Canadian Firearms Program and the Canada Border Services Agency should consider working collectively to:
 - identify opportunities to coordinate mandates and legislative authorities
 - create preventative illegal firearms strategies
 - improve enforcement efforts and compliance with regulations
 - develop performance metrics that meet both the regulatory program and law enforcement objectives
30. The federal Ministry of Public Safety and Emergency Preparedness should consider clarifying information sharing between the Canadian Firearms Program and law enforcement agencies to remove barriers and ensure that each agency can effectively achieve its mandate with appropriate safeguards.

Registration issues from the former Restricted Weapons Registration System

Background

Handguns and certain other firearms have required registration in Canada as restricted firearms since 1934. The Restricted Weapons Registration System (RWRS) was the repository for information on restricted and prohibited firearms until the *Firearms Act* (Canada) mandated the transfer of registration information to a new Canadian Firearms Registration System in 1998. The *Criminal Code* section 84(1) defines restricted and prohibited firearms.

Owners of restricted and prohibited firearms that were registered in the former RWRS were required to re-register their firearms in the Canadian Firearms Information System by January 1, 2003, to update the information and link it to their licence.

All registration certificates issued under the previous legislation, prior to December 1, 1998, expired on December 31, 2002. Restricted and prohibited firearms registered under previous legislation had to be re-registered under the *Firearms Act* (Canada) by that date.

Individuals had to re-register their restricted and prohibited firearms as soon as possible or dispose of them lawfully. Individuals wishing to register restricted or prohibited firearms after January 1, 2003, must complete a paper application form and account for the firearms' provenance. The Registrar of Firearms then decides on a case-by-case basis whether the firearm can be registered or must be disposed of.

Much of the old data is unreliable, but the National Weapons Enforcement Support Team estimates that nationally thousands of restricted firearms may need to be registered, many of which exist in B.C.

The absence of regulatory oversight over so many firearms creates potential public safety risks as the health and circumstances of previously lawful owners may have changed.

Response and Rationale

Unregistered restricted and prohibited firearms create a risk of diversion to organized crime, as well as a risk of random and targeted theft of firearms. In 2015, 942 stolen firearms were reported to RCMP and independent police agencies in the province. They increase the risk that previously registered firearms will be used in domestic violence, suicide and acts of sudden violence resulting from those living with deteriorating mental health issues and dementia. They also represent a risk to law enforcement, first responders and care providers who are unaware of the presence of a firearm.

Firearms that are categorized as restricted and prohibited are the most desired by organized crime and gangs in B.C., as the ability to conceal them and their technical sophistication, lethality and rate of fire make them a desired crime gun.

A previously registered firearm under the Restricted Weapons Registration System from Surrey, B.C., was used in 2014 in the murder of a family of six in Edmonton, Alberta. Firearms previously registered in the Restricted Weapons Registration System show up at crime scenes.

—National Weapons Enforcement Support Team

Firearms amnesties

B.C. residents can turn over unwanted and unauthorized firearms, ammunition and weapons to police agencies during gun amnesties such as the month-long amnesty in October 2016, which resulted in the surrender of 1,184 firearms and thousands of rounds of ammunition. Firearms owners can surrender ammunition or weapons, including imitation firearms and replicas, by contacting their local police, who will visit their residence to pick up the firearms.

The gun amnesty removes firearms from the community, eliminating the risk of weapons falling into the hands of criminals or being part of a tragic act of violence.

Amnesties provide the public with a safe way to dispose of unwanted firearms, ammunition and weapons that have not been used in a criminal offence, regardless of classification, without facing weapons-related *Criminal Code* charges.

After the passing of the *Firearm (Amendment) Act* of 1997, the British government created an amnesty program that included a 150 million GBP (\$250 million CAD) compensation program to buy back privately owned handguns.... [The program resulted] in the voluntary surrender and destruction of more than 162,000 weapons and over 700 tons of ammunition. This initiative was said to contribute to an 80% decrease in firearm-related suicides and homicides, reducing the number of households with a firearm by 50%, and reducing the overall number of firearms in circulation by 20%.

Australia had another government-funded buyback program, where more than 70,000 handguns were surrendered by the public. When tallying up the firearms surrendered in the 1996-1997 and 2002 buyback programs, along with an additional 219,000 firearms surrendered that did not fall under the compensation program, nearly one million firearms were collected and destroyed in Australia between 1996 and 2003.

—Irwin M. Cohen and Kevin Burk, *A Literature Review on Illegal Firearms*, University of the Fraser Valley, November 2016

Safe City initiatives

The B.C. RCMP has undertaken several Safe City initiatives, which aim to educate firearms owners on current laws regarding the registration of restricted and prohibited firearms.

Police officers from local RCMP detachments, supported by the National Weapons Enforcement Support Team (NWEST) and Combined Forces Special Enforcement Unit (CFSEU-BC), visit the owners of restricted and prohibited firearms whose registrations have expired. They inform firearms owners about the current firearms registration requirements, as some do not know that they have weapons that require registration or re-registration, and encourage registration or the safe surrender of expired restricted or prohibited firearms.

A concentrated effort with concurrent mainstream and social media awareness programs should increase rates of compliance or relinquishment of unwanted and illegal firearms.

Recommendations

The Task Force recommends that:

31. The federal Ministry of Public Safety and Emergency Preparedness should consider implementing a public awareness campaign concerning the licensing requirements for possessing firearms and the legal requirement to register restricted and prohibited firearms.
32. The B.C. Ministry of Public Safety & Solicitor General should consider continuing to offer provincial firearms amnesties and encourage Safe City programs, offered by the National Weapons Enforcement Support Team, both to support re-registration where possible and to decrease firearms availability to illicit markets and criminal use in the future.
33. The B.C. Association of Chiefs of Police and the Canadian Firearms Program Chief Firearms Officer should consider working together to create guidelines for investigations of restricted and prohibited firearms that remain unregistered.

THEME #4: DATA COLLECTION AND INFORMATION SHARING

Intelligence and data quality

Background

Strategic and tactical intelligence is critical to effectively implement any strategy against organized crime and those who possess, use and traffic in illegal firearms.

Meaningful specific data, accessible in centralized data storage, is equally essential for the targeting, management and assessment of programs in response to illegal firearms use.

Diverse agencies and priorities

Currently, agencies with differing focusses and strategies gather criminal intelligence in B.C. Information on illegal firearms is held by federal, provincial and municipal agencies in disparate databases, programs and investigative files, managed by intelligence and operational units and regulatory agencies. Various provincial ministries, including Education, Health and Children and Family Development, may also hold knowledge of potential threats and risks.

While these numerous agencies gather and assess intelligence for their specific needs, the information can be inaccessible to other agencies that could meet their responsibilities more effectively and efficiently if they had access.

Cross-border intelligence sharing is also critical. Specific firearms trends and the manner in which criminals and organized crime use and traffic firearms form a significant component of the B.C. illegal firearms intelligence picture. On October 9, 2009, the B.C. Minister of Public Safety & Solicitor General and the Chief of the Washington State Patrol signed a letter of understanding to enhance cooperation in cross-border intelligence and enforcement by a wide variety of agencies on both side of the border. At an annual intelligence meeting, senior police leaders from both countries share emerging trends and intelligence about organized crime, terrorism and cross-border smuggling. Several agencies with an illegal firearms mandate attend the meeting, and can use it to enhance operations by subordinate units on both sides of the border.

Response and rationale

B.C. can improve its use of existing information to create a comprehensive intelligence picture on illegal firearms and their use by organized crime and synthesize information on illegal firearms. Much of the needed data collection infrastructure already exists; it simply needs to be better integrated.

Intelligence collection should be a deliberate practice. The goal is to maintain continual organizational awareness of high-priority intelligence that will paint a picture of the threat landscape as it evolves.

Intelligence is critical in assessing risk to public safety and allocating resources. Increasingly, targeted enforcement attempts to disrupt the trajectory of organized crime well in advance of violent activities. Directed intelligence gathering – that is, the purposeful gathering and analysis of intelligence relating to a particular problem or group – can provide a predictive ability to exploit vulnerabilities, rather than simply explain what has already occurred. This approach requires tightly managed and timely intelligence from a broad range of sources.

National and provincial organized crime strategies should include effective coordination of Intelligence gathering. This allows investigators to prioritize limited resources appropriately and later assess the level of disruption to an organized crime group.

Data collection

Nationally, police agencies use several records management systems (RMS) to record and report police investigations. The Canadian Centre for Justice Statistics (CCJS), in co-operation with police agencies, collects police-reported crime statistics through the Uniform Crime Reporting Survey (UCR), which indicates the incidence and characteristics of crime in Canada and captures detailed data describing incidents, victims and accused.

A number of reports provide firearm statistics extracted from RMS data. Reports describe, among other things: substantive firearms incidents; detachment areas; seized firearm types; and types of offence by primary UCRs.

To be most useful, these statistics should be compiled monthly. As well, this data could be further detailed to include variables such as:

- Action (e.g., single shot, semi-automatic, automatic)
- Cartridge/Caliber (e.g., 9 mm, .22)
- Ammunition type (e.g., full-metal jacket, hollow-point, buck shot)
- Serial number (e.g., intact, obliterated, none [e.g., kit gun])
- Accessories (e.g., suppressors, extended magazines)
- Location (e.g., residence, business, vehicle)
- Specific location (e.g., closet, hidden compartment)
- Event characteristics (e.g., drive-by shooting)

The Combined Forces Special Enforcement Unit of B.C. provides data for every district in the province identifying cities with the highest frequency of shooting incidents. This data on firearm seizures and shots fired would provide a more complete picture if it was interlaced with other types of data as listed above.

This sort of information can allow public safety agencies to study firearms crime and gain insight, including the underlying causes and social determinants of this behaviour. Exploring links between criminal offences (e.g., homicides, home invasions), firearm types and the way firearms were used (e.g., brandish, pistol whip, discharge) will add further understanding of firearm crimes.

In addition, if analysts had more victim information, they could learn about daily, weekly or seasonal attack patterns and forecast what a future victim of gun violence might look like, among other things. Time and location can help determine high-risk locations and when a simple wave of gang violence is actually an all-out war. This is similar to the analysis CFSEU-BC does with its gang homicide and attempted homicide victims, but would include all firearms victimizations.

Strategy alignment

With very few exceptions, illegal firearms and those who use and traffic in them threaten public safety. To identify and interdict illegal firearms, users and traffickers, and to distinguish them from lawful owners, firearms regulators and enforcement agencies need to work together and make effective use of intelligence. Barriers to sharing data between agencies should be dismantled within appropriate limits.

A centralized intelligence hub for the collection and analysis of all firearms information would make coordination of firearms intelligence more efficient and effective. This hub should connect key stakeholders with experienced and sustainable expertise on firearms. The existing B.C. Combined Forces Special Enforcement Unit, with the support and expertise of the National Weapons Enhanced Support Team, has the ability to manage such a hub efficiently.

A collaborative firearms intelligence network could prioritize investigations and risks and implement strategic disruption as well as tactical prevention. Aligned with the needs of regulatory and enforcement agencies, and supported by directed intelligence gathering, it would enable stakeholder access to critical databases and the timely sharing of intelligence. A centralized firearms data hub would allow the analysis necessary to advance and defend intelligence-led prevention, disruption and enforcement specific to firearms.

It would also assist in providing data to the national intelligence picture. The absence of complete B.C. data has a potentially detrimental effect on the prioritization of high-level organized crime investigations in B.C. and the allocation of financial and human resources within law enforcement. Focused, timely intelligence would help ensure priorities reflect the realities of B.C.'s crime picture.

In addition, a firearms hub would help ensure consistent reporting of firearms offences. It could educate law enforcement agencies on accurate use of Uniform Reporting of Crime codes, facilitating the identification of trends and linkages.

The Combined Forces Special Enforcement Unit should serve as the intelligence hub and data warehouse for all firearms-related offences and provide analytical support for police investigating firearms-related offences in real time or as part of a project.

Recommendations

The Task Force recommends that:

34. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C. should consider supporting the creation of a centralized firearms intelligence hub and data warehouse with the ability to build a comprehensive intelligence picture related to firearms, managed by the B.C. Combined Forces Special Enforcement Unit and closely aligned with the National Weapons Enforcement Support Team and the Canada Border Services Agency, supported by the Real Time Intelligence Centre.
35. The B.C. Ministry of Public Safety & Solicitor General should consider creating a committee of analytical subject matter experts to recommend to the federal Ministry of Public Safety & Emergency Preparedness the data and software required to maximize the intelligence and analytical capabilities related to illegal firearms and illegal firearms trafficking.
36. The B.C. Ministry of Public Safety & Solicitor General should continue to engage in regular cross-border and intra-provincial intelligence meetings on illegal firearms, firearms traffickers and firearms tracing, and support and encourage sustained participation by key stakeholders.

PRIME-BC access by key stakeholders

Background

PRIME-BC is a B.C.-owned and operated system that provides police members with access to records at fixed and mobile workstations. It facilitates information and intelligence sharing among other agencies throughout Canada using the Police Information Portal (PIP) and the Canadian Police Information Centre (CPIC). PRIME-BC was created to help policing agencies share information and overcome barriers resulting from distinct policing responsibilities and jurisdictions.

Agencies such as CBSA and the Chief Firearms Officer do not have full and timely access to PRIME-BC. This makes identifying trends and links between events, organizations and individuals a difficult task.

Ensuring that key stakeholders have access to police information is essential to identify, understand and investigate illegal firearms trafficking.

Limitations on access affect agencies dealing with illegal firearms, including the Canada Border Services Agency (CBSA) and the Canadian Firearms Program (CFP).

Canadian Firearms Program – Chief Firearms Officer

Chief Firearms Officers have limited query access to PRIME-BC. Since a policy change in 2012, employees are limited to querying by police file numbers that are associated with Firearms Interest Police (FIP) flags. They are not permitted to query PRIME-BC by name and date of birth.

FIP flags are generated from PRIME-BC and similar systems to alert CFOs of information that may be relevant to an applicant or licence holder's eligibility under the *Firearms Act* (Canada). As a result of inconsistencies in the data entry or the automated process, firearms officers may not know of a significant police file and issue a licence or leave an existing licence valid without being able to fully review the circumstances.

The past practice of querying a firearms licence applicant or client by name and date of birth virtually eliminated the risk of missing pertinent files that had been miscoded. This ensured that every file of importance was located before a decision was made.

Canada Border Services Agency

Access to PRIME-BC is key to identify and target illegal firearms traffickers. Access issues affect partners including the Canada Border Services Agency (CBSA).

In particular, the Task Force believes that CBSA needs PRIME-BC access in order to investigate the intended recipients of international firearms shipments, including shipments involving online sales of firearms and firearms blanks or parts and new firearms technology.

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CBSA currently has PRIME-BC access through specific Joint Force Operations agreements, but that access does not provide the broader real-time access to support the interdiction of firearms at ports of entry and related investigations and intelligence activities.

For example, ghost guns (unfinished and unidentifiable firearms, discussed elsewhere) shipped from the U.S. and elsewhere contribute to the availability of illegal firearms in Canada. The ability to query PRIME-BC in real time to investigate intended recipients, particularly where large or repeat shipments are noted, can help identify criminal associations for interdiction and investigation.

The Canadian Police Information Centre, Canada's national police database, provides law enforcement agencies access to information on various matters, including firearms and criminal intelligence.

A past assessment of CBSA's access to PRIME-BC relied on CPIC policy to define law enforcement agencies that had access to PRIME-BC. That historical assessment limited access to only those agencies designated as CPIC Category 1 agencies.

The CBSA is not a CPIC Category 1 agency.

The limitation on PRIME-BC access is also based on the *Freedom of Information and Protection of Privacy Act (B.C.)* (FOIPPA). Under FOIPPA, public bodies may not share private information, but section 33.1(2) permits law enforcement agencies to disclose personal information to another law enforcement agency, defined in Schedule 1 of the Act.

The FOIPPA manual provides further guidance on what are considered to be law enforcement agencies. In reference to FOIPPA S.33.1(2), Interpretation Note 16 states that a "law enforcement agency is an agency whose primary function is law enforcement." Public bodies that have some law enforcement responsibilities but whose primary function is not law enforcement are not law enforcement agencies for the purposes of section 33.1(2).

Interpretation Note 16 does not include CBSA as a law enforcement agency, although its U.S. equivalent, the former U.S. Immigration and Naturalization Service (now Immigration and Customs Enforcement and Customs and Border Protection) is included.

CBSA is currently being denied access to PRIME-BC as a result of historical interpretation of mandates and function. CBSA's evolving role as a law enforcement agency should be recognized. The Task Force believes that providing CBSA access to PRIME-BC would help ensure a coordinated response to firearms traffickers and the importation of illegal firearms in B.C.

No known definitive obstacles exist to exclude CBSA from access to PRIME-BC.

Response and Rationale

Security of police information and protection of privacy require thoughtful restrictions on access to police and other databases. However, these restrictions can hamper agencies that require speedy and complete access to police information to mitigate risks to public safety. While certain restrictions may have been justified in particular circumstances in the

past, they should be reviewed regularly to ensure that they do not prevent agencies from effectively responding to newly emerging threats and changing practices.

In addition, current restrictions on access to data prevent firearms officers from properly assessing the holders of and applicants for a firearms licence, contributing to a proliferation of illegal firearms and risk of firearms violence.

Speedy and reliable access to Canadian police databases helps to identify and prevent risks to public safety, supports an intelligence-led targeting of current and potential offenders, and ensures a focussed and efficient use of police and regulatory resources.

Recommendations

The Task Force recommends that:

37. PRIMECorp and the B.C. Association of Chiefs of Police should consider ensuring PRIME access for Canada Border Services Agency and the Chief Firearms Officers who work with law enforcement in support of comprehensive risk-informed strategies that focus on the illegal use of firearms.

COMPLEMENTARY BROAD- BASED PREVENTION AND AWARENESS STRATEGIES

The Illegal Firearms Task Force consulted with specialists at the local, provincial and national levels with expertise on law enforcement, regulation, education and health. These consultations resulted in the Task Force's recommendations to prevent the illegal trafficking, possession and use of firearms.

Each substantive recommendation can be enhanced and supported by complementary public awareness and education strategies. In addition, many of the topic areas would be greatly strengthened by calling on the assistance of working groups made up of key stakeholders with specific experience and expertise. This section outlines some broad strategies and approaches that would complement the recommendations of the Task Force.

Previously examined recommendations and unrealized legislative change

Inspection of firearms imports

Inspection and verification of firearms imported to Canada relies primarily on the importers' own reports.

The 1995 *Firearms Act* (Canada) requires businesses wishing to import firearms to have valid licences to import the class of firearm being imported and to apply to Global Affairs Canada for an import permit. The importer does not need to have firearms registration certificates in advance for the firearms being imported.

Upon import, Canada Border Services Agency (CBSA) sends all firearm imports for secondary inspection and validates the firearms importer's business licence and other relevant documents. Based on the examination of the documents, the shipment and any other investigations, CBSA will permit or deny entry of the shipment.

Once released by CBSA, the firearms importer must self-verify the received firearms, validate each one against an RCMP firearms reference table and then register the firearms with the firearms registrar. Most firearms importers have their own verifiers. Importers must complete verifications within a time described as "reasonable."

Firearms inspections require a high level of expertise to distinguish firearm types, models and compliance with existing regulations. Without advance registration by firearms businesses and importers, inspectors cannot reliably validate the contents of a shipment. As a result, the process usually relies on self-verification by the firearms business or importer, and self-reporting to the Registrar of Firearms of the content of the shipment, the legality and the compliance of the imported firearms.

Individuals must register restricted firearms with the Canadian Firearms Program before they can be brought into Canada and present CBSA with their possession and acquisition licence, registration certificate and an authorization to transport issued by the Canadian Firearms Program.

In addition, restrictions in the *Firearms Act* (Canada) and regulations prevent firearms officers from sharing or receiving information regarding non-restricted firearms with CBSA and Global Affairs Canada.

These issues make the current importation process vulnerable to exploitation. While inspections of businesses by the Canadian Firearms Program encourage accurate and compliant reporting, diversion of firearms to the illicit market and organized crime remain a concern, as does the ability to import types and classes of firearms outside of the current regulation.

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Bill C-42 amended the *Firearms Act* (Canada) and the *Criminal Code* in 2015, including revisions regarding importation. Bill C-42 will close information gaps, but it has not yet been proclaimed. The Library of Parliament, Legislative Summary, says:

New section 42.2 of the Firearms Act imposes an obligation on businesses importing a prohibited or restricted firearm to complete a prescribed form and submit it to the Registrar of Firearms before the importation and to a customs officer before or at the time of the importation. The Registrar and a customs officer may provide each other with any form or information received through this process (clause 10). Under new section 83(1)(d.1) of the Firearms Act, the information provided to the Registrar under section 42.2 is to be kept in the Canadian Firearms Registry (clause 15).

Bill C-42 makes a related amendment to section 107(5) of the Customs Act to allow federally or provincially appointed public servants to provide customs information to other federally or provincially appointed public servants for the sole purpose of the administration or enforcement of the Firearms Act (new section 107(5)(k.1) of the Customs Act).

To curtail an illegal firearm supply in Canada, CBSA and the Canadian Firearms Program need to be able to share information regarding firearms that may be imported for illegal purposes or that may be converted to prohibited firearms by being altered.

Firearms marking

Canada's Firearms Marking Regulations, passed into law in 2004, was scheduled to come into force on June 1, 2017 (and has now been deferred to December 1, 2018). The Firearms Marking Regulations follow the UN Firearms Protocol, which Canada has signed.

This new measure will require that:

- Identifiable markings be stamped on firearms
- Domestically manufactured firearms bear the name of the manufacturer, serial number and a Canadian designation
- Imported firearms carry the last two digits of the year of import

When it takes effect, this measure will support law enforcement investigations by assisting in the tracing of firearms.

Currently, CBSA can share certain information with Global Affairs Canada. However, gaps in legislation restrict the ability of the Registrar of Firearms to fully share information with CBSA and Global Affairs Canada (and vice versa) regarding the importation of firearms that could affect Canada's public safety.

Canada has enacted legislation to more effectively control firearms imports and allow the tracing of firearms. However, some critical provisions are not yet in effect. To prevent illegal imports and the diversion of legal firearms into illegal markets, the existing legislation should be put into effect as soon as practicable.

Members of the Task Force advocate for the implementation of these new laws.

Working groups

Federal/Provincial/Territorial Coordinating Committees

Public Safety Canada coordinates federal departments and agencies responsible for national security and the safety of Canadians. It also works with other levels of government, first responders, community groups, the private sector and other nations to promote safety and security initiatives.

The Federal/Provincial/Territorial Coordinating Committee of Senior Officials, Criminal Justice (CCSO-Criminal) provides the primary vehicle for collaboration among officials on criminal justice and public safety issues.

The coordinating committee reports to federal, provincial and territorial deputy ministers responsible for justice and public safety. It undertakes analysis and makes recommendations to support policy and legislative issues that are of joint concern to all levels of government. It works with the support of many working groups, one of which is a working group on firearms.

The challenges and solutions to firearms trafficking, illegal firearms and firearms use in violent criminal activity transcend the individual responsibilities of government. For this reason, the current working group on firearms would be a valuable mechanism to further examine and implement the recommendations in this report, particularly in areas that involve multi-jurisdictional issues or that would be strengthened by a coordinated approach across Canada. It could assist in coordinating distinct approaches in different jurisdictions, and in sharing successful approaches among government agencies that can benefit from the experience of others.

The active and fully engaged participation of the existing Federal/Provincial/Territorial Coordinated Committee of Senior Officials Working Group on Firearms would assist in implementing the recommendations in this report where inter-jurisdictional action would be more effective than action within B.C. alone.

Domestic firearms trafficking

Firearms retailers can often identify indicators that a purchase is not likely to be legitimate, but they and their staff would benefit from additional assistance in recognizing and reporting irregularities. Training in how to recognize fraudulent possession and acquisition licences (PALs) would also reduce the diversion of legal firearms to criminal use.

A provincial gun dealers advisory group, working in partnership with the National Weapons Enforcement Support Team and the Chief Firearms Officer, could combine industry, enforcement and regulatory knowledge to create ongoing employee training resources and create a dedicated reporting line for industry staff.

Public awareness

Cross-border firearms awareness

The Task Force discussed enhancing border actions to prevent smuggling of illegal firearms and the transportation of firearms lawfully possessed by American owners as they travel to Canada. In a significant number of cases, border agents seize firearms from Americans who are not aware of gun ownership limitations in Canada.

Public information and education would minimize seizures of this type, including:

- Cross-border outreach with U.S. authorities and firearms retailers, associations, trade shows and industry publications
- Signs near Canadian land entry points aimed at Americans and distinguishing U.S. law from Canadian firearms law, placed along highways well back from border points



Personal firearms seized from American travellers by CBSA at Pacific Highway Region ports of entry have increased by 116% in 2016.



Advice to U.S. tourists at Windsor/Detroit border crossing

Theft of firearms

Theft of firearms from residences, businesses and vehicles continues to be a problem in B.C. In 2015, 942 stolen firearms were reported to RCMP and independent police agencies in the province. Many of these stolen firearms are diverted to criminal organizations and used in violent crime. Broad public awareness regarding firearms security and the potential use of stolen firearms should be refreshed on a regular basis through public information campaigns. Such a campaign could include reminder pamphlets to firearms owners when they renew a hunting licence or purchase ammunition.

Members of organized crime also target individuals who lawfully possess firearms, adding to the need for enhanced security measures. Easy access to firearms can be a contributing factor in the success of suicide attempts, domestic violence and accidental injury and death. Continued safety training, public awareness and innovative strategies designed to ensure firearm security and safety would help address these issues.

Illegal firearm-focussed Crime Stoppers campaigns

B.C.'s Crime Stoppers program has and will continue to be a strong tool for law enforcement, the victims of crime and crime prevention. However, for Crime Stoppers to be an effective tool, it needs to accurately reflect the realities and methods currently being used to traffic, possess and use illegal firearms. More importantly, its campaigns and media presentations must reflect the organized crime and gang culture that exists in B.C., which are distinct from common imagery and misconceptions about crime.

Imitation firearms

The Task Force recommends the creation of provincial legislation establishing age requirements for the purchase of imitation firearms and restricting the places in which they can be possessed and used. In support of this legislation, the Canadian Firearms Program Chief Firearms Officer and related agencies should develop and implement a public awareness strategy highlighting the provisions of the new legislation. This should include point-of-sale and other educational material designed to inform parents, educators and youth on the safe carrying and use of imitation firearms, the dangers associated with them, and the concerns related to their concurrent use in antisocial behaviour.

The prosecution of organized crime and illegal firearms

Successful investigations of organized crime that lead to charges by Crown prosecutors require extremely complex disclosure and ongoing support to prosecutors over several years. "Mega-prosecutions" have become normal, creating enormous pressures on prosecutors and the courts.

While disruption and prevention are valuable strategies, criminal prosecution and sentencing remain the only means to diminish the risk that some individuals and groups present to public safety. In this, the role of Crown prosecutors is critical.

In B.C., prosecutors, known as Crown counsel, decide whether to approve a charge for prosecution. In making this decision, they examine the evidence to determine whether there is a substantial likelihood of conviction, and if so, whether a prosecution is required in the public interest. Crown counsel make these decisions as independent officers of the courts.

Any successful provincial effort at reducing organized crime and firearm violence will require a sustained and coordinated approach by all the participants in the legal system.

Relationship with police agencies

The independence of both the investigative and prosecutorial functions is important to the administration of justice. In particular, the police must be free to conduct investigations and to form their own theories and opinions about an offence. The police have a unique and well-recognized role, which they exercise in cooperation with Crown counsel.

The investigation and prosecution of organized crime and violent firearm offences is highly complex. The investigations required to develop admissible evidence sufficient for prosecution and trial are daunting.

In a 2016 report, "Championing Positive Change, Findings of the Review of the B.C. Prosecution Service," the reviewer found:

*[The police] are not trying to alter the practice, legislated for in the Crown Counsel Act, that Crown Counsel approve charges. **They are merely seeking early focussed legal advice on challenging issues within an investigation or a fuller explanation for a decision.***

Embedded Crown prosecutors

Many law enforcement agencies elsewhere in Canada, and specialized investigative units such as organized crime and homicide divisions, have embedded Crown prosecutors who provide advice and guidance on very complex aspects of the law and judicial authorizations. Embedded Crown prosecutors assess the implications to prosecution of evidence gathering techniques. Equally, their awareness of the evidence facilitates an informed and streamlined charge approval. In the Ontario approach to illegal firearms and gangs and guns, each enhancement of law enforcement capacity within the province came with corresponding growth in the Crown Prosecutors Service.

Major Case Management (MCM) principles arising from the Bernardo investigation review, conducted by Mr. Justice Archie Campbell in 1996, support the real-time engagement of Crown prosecutors in complex investigations. All B.C. law enforcement agencies follow MCM protocols and systems.

B.C. does not use embedded Crown prosecutors. B.C. has developed special major crime prosecutors well versed in the law and issues pertaining to complex cases. They represent a significant advance in addressing complex prosecutions against organized crime in B.C., but their resources and capacity are limited.

Cooperation and collaboration through mechanisms such as the Major Case Management process, or on a model like the Domestic Violence Plan, can allow Crown prosecutors to more effectively support actions against organized crime and illegal firearms, while maintaining the prosecutorial independence that is central to B.C.'s justice system.

The provincial Domestic Violence Plan provides a current working example of an initiative in which law enforcement agencies, Crown prosecutors and other provincial agencies work together to combat violence in domestic relationships. Policy SPO 1 of the B.C. Crown Counsel Policy Manual describes appropriate procedures for prosecutors on a wide range of issues relating to spousal violence, including charge assessment, witnesses, bail, release orders and sentencing. The collaboration between Crown, law enforcement and other agencies provides a model of a constructive relationship that recognizes the independent roles of each agency, while focussing on the paramount objective of ending a serious public harm.

Violence resulting from illegal firearms in B.C. could be reduced through strategies and procedures to promote effective collaborative relationships between law enforcement and Crown prosecutors on investigations and prosecutions against organized crime and firearms violence.

Cross-ministry coordination and prevention strategies

Background

In its stakeholder and regional consultations, the Task Force heard from individuals and groups concerned about the availability of firearms to people living with mental and physical health conditions, suicidal thoughts, domestic and family violence, including many with co-existing addictions or patterns of problematic substance use.

While these issues often involve legal possession of firearms, they represent an opportunity to reduce unnecessary deaths and injuries from firearms.

The B.C. Coroners Service reports on the total number of deaths in B.C. involving firearms, by category (See table below).

Total Firearms-related Deaths in B.C.

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016 [*]
Accidental	2	3	6	0	1	3	3	2	2	2	2
Homicide	30	35	48	56	34	21	20	21	29	25	24
Suicide	78	67	79	70	80	67	79	86	81	103	85
Undetermined	0	0	1	1	0	0	1	0	1	2	0
Total	110	105	134	127	115	91	103	109	113	132	111

SOURCE: B.C. Coroners Service, Fire Arms Related Deaths in BC, 2006-2016 (YTD). September 2017.

* 2016 data is incomplete and may change subject to on-going investigation.

The Ministry of Public Safety & Solicitor General, Ministry of Health and Ministry of Children and Family Development each have roles related to concerns brought to the Illegal Firearms Task Force.

The issues of firearms and mental health, aging, domestic violence, suicide and problematic substance use are multi-faceted and largely outside the expertise and capacity of the Task Force. Individuals with mental illness are three times more likely to interact with police than the general population. They are more likely to be victims of violence than perpetrators. Approximately one-third of contact with police involves the use of substances.

The Ministry of Health and Ministry of Children and Family Development work with ministries, agencies and experts to proactively reduce violence and self-harm. For example, the Ministry of Health, in partnership with the Ministry of Justice, is developing a provincial toolkit to guide health authorities and police agencies in the development of joint local protocols and agreements at several interface points, including mobile crisis response, information sharing and other joint interfaces. The risks of illegal possession and use of firearms should be considered in relation to the work currently underway.

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The information gap created by the end of the Restricted Weapons Registration System, described in this report, adds to this issue. Many (now illegal) firearms remain in the community, and may be in the hands of individuals with declining physical and mental health. The health of these gun owners may also prevent safe storage and handling practices.

Suicide

Suicide is the second most common cause of death for Canadians between 10 to 34 years of age, and the ninth most common overall. The B.C. Coroners Service indicates that firearms account for a significant number of suicides among young people (See table below).

Firearms Deaths in B.C. by Age Group, Suicide, 2006 – 2015

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	* 2016
10-19	2	2	4	5	8	7	3	2	4	6	3
20-29	7	12	11	5	5	8	5	6	9	10	5
30-39	5	6	7	4	7	6	10	10	6	10	9
40-49	12	10	9	9	15	6	8	10	8	10	12
50-59	11	14	10	13	17	9	17	17	19	23	11
60-69	14	12	15	16	10	14	15	18	17	19	23
70+	27	11	23	18	18	17	21	23	18	25	22
Total	78	67	79	70	80	67	79	86	81	103	85

SOURCE: B.C. Coroners Service, Fire Arms Related Deaths in BC, 2006-2016 (YTD). September 2017.

* 2016 data is incomplete and may change subject to on-going investigation.

Beyond the suicide risk in the general population, suicide has been identified as extreme among Aboriginal youth.

Youth suicide is an urgent issue for First Nations and Inuit youth in Canada. While there is much variation among communities, overall rates are high. Suicide rates are five to seven times higher for First Nations youth than for non-Aboriginal youth. Suicide rates among Inuit youth are among the highest in the world, at 11 times the national average.

—Health Canada, *First Nations and Inuit Health, Suicide Prevention*

In Aboriginal and rural communities, these suicide rates are a particular concern. Firearm use in Aboriginal communities is historically based on a culture built around hunting for food.

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In rural communities, firearm use is widely and deeply valued for both food and for recreation.

Firearms are frequently available in homes, and sometimes poorly secured. Even young people and non-hunters commonly have easy access to firearms in times of crisis. While gun safety practices may be taught, they do not eliminate risks in a mental health or suicidal crisis.

Suicide attempts involving firearms are far more likely to be effective than attempts using other means.

As expected, the chance of a successful suicide attempt is greatly increased when a firearm is used. For example, nearly all suicide attempts with a firearm (96%) result in the individual dying compared to just 6.5% of overdose suicide attempts (Snider et al., 2009). Research conducted by Lester (2000) and Bridges and Kunselman (2004) examining the effect of firearm availability on suicide, concluded that, as a result of the reduction of firearms because of the implementation of stiffer gun control, the use of firearms in suicides declined after 1995.

—Irwin M. Cohen and Kevin Burk, A Literature Review on Illegal Firearms, University of the Fraser Valley, November 2016

Aging

B.C.'s aging population represents an additional pressure in relation to mental health, firearms and suicides. Some elderly individuals have legally possessed firearms for many years. Deteriorating health, isolation and despair have resulted in acts of violence, suicide or both among the elderly. Almost 43% of all deaths recorded as suicides by the B.C. Coroners Service in 2015 involved people aged 60 or more.

The risk among those with declining mental health sometimes goes beyond suicide to include the spouses and family, co-workers, care providers and first responders.

RCMP say a couple found dead in their home last week in Enderby died as a result of a murder-suicide. They believe the man murdered the woman before killing himself. Investigators found a single firearm during an examination of the scene, and determined there is no evidence pointing to anyone else being involved.

—Trevor Nichols, Murder-suicide in Enderby, Kelowna Now

Families and care providers working with B.C.'s aging population need awareness, training and clearly defined procedures linked to partner agencies that can assist. Signs of deteriorating mental health and indicators of suicidal or violent action may require intervention, referral to partner agencies and the development of safety plans that, among other strategies, reduce access to firearms. Appropriate strategies can build on existing programs to enhance training, improve understanding of firearms by policy makers and frontline workers and ensure timely referral to law enforcement and the Canadian Firearms Program (CFP) Chief Firearms officer.

Initiatives to counter suicide

B.C.'s local health authorities engage in regional and community-based initiatives to counter suicide. Connections between local health authorities and broader government and non-government community groups, such as the Williams Lake Communities That Care program described elsewhere in this report, help ensure early identification of emerging concerns, including thoughts about suicide or violence, particularly among young people.

In addition to proactive community-based prevention strategies, coroner's inquests examining suicide deaths have identified the need for cross-ministry strategies to reduce communication and information barriers, and to inform and coordinate the professionals, community services and family members who can intervene with persons considering suicide.

A 2016 coroner's inquest heard testimony and made 25 recommendations following the deaths of three persons from suicide (none of which involved firearms). The recommendations reflect the need to enhance communication between stakeholders from a variety of ministries, to reduce information-sharing barriers and to work collaboratively to mitigate risk and stop preventable deaths. The recommendations are relevant to many issues concerning suicide, mental health and firearms.

Globe and Mail reporter Andrea Woo summarized the recommendations in a September 16, 2016, article, "Coroner's inquest recommends shift in B.C.'s approach to suicide."

A coroner's inquest into the deaths of three people who died by suicide shortly after leaving a Fraser Valley hospital, where they were admitted for mental-health reasons, has issued more than two dozen recommendations in hopes of preventing similar deaths.

*The recommendations include **implementing systematic and evidence-based suicide-prevention initiatives**; a program to **educate all health-care staff on privacy laws regarding the sharing of health-care information**; and a policy **that involves family in mental-health and addiction treatment**.*

The inquest heard from parents who said they were denied involvement in their adult children's mental-health treatment and left feeling unsupported after their deaths;

from physicians and paramedics who spoke of gaps and shortcomings in the mental-health-care system; and from [suicide prevention expert Johnny] Morris, who said a paradigm shift is needed to effectively prevent suicide.

The five-person jury adopted a recommendation suggested by both presiding coroner Donita Kuzma and Mr. Morris: for the provincial and federal health ministries to consider mandating the implementation of **systematic and evidence-based suicide-prevention initiatives**. An example of this would be to create a system of checks and balances so that patients are screened for suicide risk at multiple touch points during care.

The jury also recommended several health colleges, including the College of Physicians and Surgeons of B.C., to consider mandating the **annual training and retraining of all staff on privacy laws related to the sharing of health-care information**. It also recommended the Fraser Health Authority consider implementing a family involvement policy similar to one in place at Vancouver Coastal Health.

During the inquest, the jury heard that the Freedom of Information and Protection of Privacy Act was not written with health care in mind. Health-care workers worried about running afoul of the legislation can be reluctant to involve well-meaning family members in a patient's treatment plan – a consequence attributed to what Mr. Morris termed "privacy paralysis."

Recommendations from the coroner's inquests into recent suicide deaths detail the requirements of a multi-ministry approach to suicide prevention. The Ministry of Public Safety & Solicitor General, Ministry of Health and the Ministry of Children and Family Development are responding to these recommendations. Law enforcement leaders and the CFP Chief Firearms Officer can give valuable advice in the development of their policies and procedures.

In addition, Quebec's Bill 9, discussed extensively elsewhere in this report, would create legislative support for the inquest recommendations and existing and future programs.

Means restriction

Key strategies related to suicide prevention and firearms include development and coordination of "means restriction" strategies and safety protocols by key government and non-government stakeholders.

Means restriction strategies attempt to identify a person in crisis and reduce access to highly lethal methods of suicide. Gun owners can easily access a firearm in the home and use it in a moment of extreme crisis. Reducing the availability of lethal suicide tools such as firearms can allow emotions to cool and leave time to seek help, or for others with training to intervene.

Reducing the availability of highly lethal and commonly used suicide methods has been associated with declines in suicide rates of as much as 30% to 50%.

—Catherine W. Barber and Matthew J. Miller, Reducing a Suicidal Person's Access to Lethal Means of Suicide, A Research Agenda, *American Journal of Preventive Medicine*, 2014, Volume 47, Issue 3, S264 - S272.

Limitation of access to lethal methods used for suicide – so-called means restriction – is an important population strategy for suicide prevention. Many empirical studies have shown that such means restriction is effective. Although some individuals might seek other methods, many do not; when they do, the means chosen are less lethal and are associated with fewer deaths than when more dangerous ones are available.

—Paul SF Yip et al., Means restriction for suicide prevention, *The Lancet*, Volume 379, Issue 9834, 2393 – 2399.

The early involvement and communication between health care professionals, community health care workers, community social services, law enforcement and the CFP Chief Firearms Officer is essential in effective "means restriction" involving firearms.

The Crisis Line Association of B.C., contracted by the Provincial Health Services Authority, offers a link to regional crisis lines for callers from across the province. Its 24-hour crisis and information line has standardized protocols ensuring coordination with law enforcement agencies when appropriate. Protocols include an assessment of the means to suicide available to a caller and notification of police if these include a firearm.

The Gatekeeper Program

The Gatekeeper program is one example of a community-based program in which individuals could benefit from awareness about firearms risk mitigation and means restriction.

B.C. and other North American communities use the Gatekeeper program to systematically identify high-risk adults, particularly those who are isolated, living alone and in need of assistance. These programs can identify troubled adults, who often do not self-refer, whose families are unable or unwilling to intervene, and whose activities are indicators of their problems. Gatekeepers are non-traditional referral sources such as care workers and volunteers, property managers, retail staff, postal carriers, school personnel and similar

workers who, through their regular activities, encounter isolated seniors or potentially at-risk youth and adults. Gatekeepers take training to identify and refer at-risk individuals, including those with a risk of committing suicide or violence. They are often able to observe behavioural changes that could indicate a risk for violence or suicide. By reporting their observations, they can initiate actions to reduce risks, such as an assessment of the presence of firearms.

Many individuals and community agencies can help identify people at risk. Training and information on suicide prevention and basic forms of firearms risk assessment would be beneficial for family members, in-home care workers and home care staff.

Domestic violence

The Provincial Office of Domestic Violence (PODV) is accountable for improving coordination and collaboration between various government ministries, community and anti-violence sectors, and for strengthening the province's systemic response to domestic violence. PODV's mandate, as a central coordinating office, is to work with community, cross-ministry and Crown corporation partners and provide expertise and leadership to improve and strengthen services and supports for children, youth, women and families who experience domestic violence.

In February 2014, PODV released the three-year Provincial Domestic Violence Plan. The plan works in harmony with the Violence Free BC Strategy (VFBC), which is a blueprint for addressing violence against women in B.C. over the next decade. The plan is the result of government, public and anti-violence stakeholder consultations and includes a commitment to monitor, evaluate, report progress and consult with stakeholders to support a coordinated, systemic approach to domestic violence.

The B.C. Coroners Service reports that from 2003 to 2013, Canada had an average of 87 intimate partner homicides a year, and 83 in 2014. Between 2001 and 2011, Canada had an average of 21 murder-suicides per year, many of them involving intimate partner homicides. (B.C. Coroners Service Death Review Panel: A Review of Intimate Partner Violence Deaths, 2010-2015, November 2016.)

Protection orders are available under the *Family Law Act* (B.C.) to persons, including children, who are at risk of family violence. A protection order may include any terms the court considers necessary to protect the person's safety, including limiting the possession of weapons or firearms. Protection orders issued under the *Family Law Act* (B.C.) are normally flagged for the attention of the CFP Chief Firearms Officer, who can refuse or revoke a possession and acquisition licence to an individual named in the order.

As a result of questions raised by the Task Force, the Office of Domestic Violence and the CFP Chief Firearms Officer became aware that protective intervention orders under the *Child, Family and Community Service Act* are not flagged for the attention of the Firearms Officer. The Office of Domestic Violence and the CFP Chief Firearms Officer have begun discussions to correct this information gap.

B.C.'s Ministry of Children and Family Development and the Ministry of Health are collaborating in the "Safe Relationships – Safe Children" program to reduce risk to families and children through early assessment of persons suffering from mental health issues. Patients are assessed for suicide and the presence of "means" during assessment and treatment. The objective is to include potential risk to the patient's family and children in the assessment process.

Information barriers

Some suicide and health professionals believe that their patients' right to privacy bars them from sharing information with family and community support workers about individuals' violent or suicidal thoughts. Family and support workers can provide valuable help to people in a crisis, or equally important, remove access to lethal means of violence or suicide, if they are aware of the potential threat and how to respond.

Physicians and health care providers can play a key role in violence and suicide prevention. They are often the first to hear of an individual's thoughts related to violence or self-harm. They may also become aware of a patient's desire to obtain firearms or of inappropriate use of firearms in a patient's possession. A 2013 coroner's inquest recommended the removal of any firearms from a person who has been arrested under the *Medical Health Act* (B.C.). Restricting firearms as a means of violence or suicide requires immediate risk analysis and timely communication with family and public officials, such as law enforcement agencies and the CFP Chief Firearms Officer, who can temporarily or permanently remove the firearm.

Concerns about permissions and privacy currently form a barrier to appropriate responses. For example, the CFP Chief Firearms Officer can assess a licence-holder's suitability for a firearms licence only if it receives information from others who know of the licence-holder's status. This represents a fraction of cases requiring additional investigation.

If concerns are identified, the CFP Chief Firearms Officer sends clients a medical disclosure form to give health care practitioners permission to release information. Even with a signed release from their patients, many health care practitioners are hesitant to provide detailed information or opinions. They do not want to be held responsible if their opinion contributes to a decision to refuse or revoke a licence.

While physicians and health care providers are not currently obligated by legislation to share information related to violence and self-harm involving firearms, they do have obligations related to drivers. Physicians and designated health care providers in B.C. are obligated by law to report a patient who may be unfit to drive, pursuant to Section 230 of the *Motor Vehicle Act* (B.C.), if a patient has a medical condition that makes it dangerous for the patient to drive a motor vehicle and the patient continues to drive after being warned of the danger.

Physicians and health care providers cannot make subjective decisions related to privacy and risk. They need clearly defined obligations, training, support and connections to partner agencies to trigger existing programs, proactive means restriction and the development of safety plans. A comprehensive approach will require enhanced information sharing and clear rules on when and to whom information may be shared.

A variety of programs and specific processes, many of them very effective, exist already to mitigate risks by people suffering a mental health crisis and who have access to firearms. The Ministry of Health should continue to support coordinated discussions by health professionals, subject matter experts and health and public safety partners.

Coordinated policy on health care and firearms

B.C.'s sixth Justice Summit, in June 2016, drew leaders from B.C.'s justice and public safety sector, along with experts in the areas of mental health and addictions, to discuss the challenges faced by those with mental health or problematic substance use issues when they interact with the criminal justice system.

With an emphasis on the justice system's response and points of co-ordination with mental health and addictions services, Justice Summit participants discussed priority areas of work to improve outcomes for those within the system. Participants encouraged innovation and collaboration across sectors and identified areas where proposals can be developed for recommended action plans at the next summit.

—“Mental health, substance use focus of B.C.'s sixth Justice Summit,”
B.C. Ministry of Justice, June 16, 2016

These summits represent an opportunity for law enforcement leaders and the CFP Chief Firearms Officer to educate stakeholders about firearms use and illegal firearms in Canada. Participation in this forum would build links and improve practices and protocols between law enforcement, regulators, health care providers and social support agencies.

B.C.'s Ministry of Health estimates that approximately 800,000 B.C. residents receive treatment for mental health issues such as depression, anxiety and problematic substance use through health authority services. Health care providers have direct contact with most of B.C.'s population. They can identify and respond to risks, including activities to support the prevention of firearm violence and suicide.

The Ministry of Health is championing an Integrated Health Care approach, involving primary care services in certain programs. This approach recognizes the need to bring

together multiple ministries and stakeholders in order to address complex health and social challenges.

A variety of health, government and community-based programs could benefit from awareness about firearms risk mitigation and means restriction. Many individuals and community agencies can help identify people at risk. They need to work together to ensure broad awareness of signs of deteriorating mental health, and to develop safety plans that, among other strategies, reduce access to firearms as a means of suicide or violence.

Given the importance of early information and multi-agency collaboration, the Canadian Firearms Program would benefit from the development of companion strategies. For example, strategies should acknowledge the temporary nature of some health conditions, and assure individuals in crisis and their families that removal of firearms is not absolute and that cherished firearms will not be destroyed. Such policies could improve confidence in the program and increase self and third party reporting.

Preventable deaths resulting from legal and illegal firearms should be the subject of annual reviews with representatives of the Ministry of Health, the Provincial Office of Domestic Violence, the Office of the Senior's Advocate, the National Weapons Enforcement Support Team, the CFP Chief Firearms Officer and any other relevant agencies. These meetings would facilitate information sharing and the provision of services related to suicide and violence prevention, identify any information or service gaps and initiate the steps needed to eliminate them.

Technological advances

A number of technological advances offer some potential to assist in controlling the illegal use of firearms, although all have significant limitations.

Smart-gun technology: Biometric scanners and RFID systems

Fingerprint scanning technology uses a small fingerprint scanner on the grip of a firearm. When held in a natural position, the thumb or finger is scanned, unlocking the firearm for use. The scanner prevents misuse of firearms that are not secured with a firearm safe or trigger lock, which is often the case for firearm owners concerned with personal safety. It also prevents the use of a stolen firearm. It appears that some developers plan to release firearms with fingerprint scanners soon, although users have made several criticisms.

- The scanner was sometimes slow or unreliable in reading the fingerprint, making the firearm slow to unlock.
- The location of the scanner could require users to look down to properly place the thumb on the scanner.
- Users may need to fire the gun from a non-standard position or may not have time to properly place their hand on the grip in an emergency, a particular concern for law enforcement and military personnel.

A similar system would use radio-frequency identification (RFID), rather than fingerprint scanners, similar to RFID chips found in many new motor vehicle keys. These RFID chips, installed on objects like a watch or a ring, would unlock the firearm only when nearby, and would secure the firearm without conventional locks. This technology will likely be available sometime in the future, although if the RFID chip were lost, the firearm would be unusable.

Similar technologies are also being developed for gun safes, racks and other storage systems to allow quick access to a stored firearm in an emergency.

Both systems have potential, particularly the RFID system, which is already widely used in the automobile industry. However, few, if any, are available on the market.

Both systems are aimed at the safe storage of firearms, which is already a responsibility of firearm owners in Canada. Further, ownership of a firearm for personal safety is not an acceptable reason for a firearms licence in Canada, so firearms owners have no good reason to leave a firearm unsecured. Neither system appears to provide safe storage better than a gun safe or physical trigger lock, except in preventing the use of a stolen firearm. However, it would be difficult to require that all guns owned have an RFID chip or fingerprint system installed or to require this technology on all firearms manufactured or sold.

Gunshot-locating microphones and surveillance

Gunshot-locating systems, which use an array of microphones installed around a specific area, can triangulate the source of a gunshot with a high degree of accuracy (generally within a metre). These systems are typically used in high crime areas that have frequent shootings, and also have military applications. When used as a public safety tool, gunshot-locating systems are typically used alongside other technologies, such as closed circuit television systems (CCTV), and automatic licence plate reading systems (ALPR). Typically, an intelligence centre monitors these systems and processes the information for police officers.

Gunshot-locating microphones can activate any CCTV cameras in the area, allowing police to track a suspect in real time, and providing video evidence that can be used in court. If linked to ALPR, the system can track and monitor vehicles in the area and send information directly to police on the road.

Gunshot-locating systems are used in several major U.S. cities with serious crime issues, such as Boston, Chicago, Los Angeles, New York and Washington D.C., and most are also linked to extensive CCTV systems in the city. Law enforcement agencies, including the U.S. Federal Bureau of Investigation, describe them as an important tool for fighting gun violence. For example, the Washington, D.C., police department stated that their gunshot-locating system helped them make nine arrests related to illegal gun use in 2008, and logged up to 50 random gunshots a week in 2007.

Microphone systems would raise privacy issues, particularly as they are generally linked to an extensive CCTV network. Community members may feel that they are under constant surveillance and have no privacy. Cost for initial setup and ongoing maintenance would be significant.

Gunshot-locating systems could be useful in specific geographical areas when used in conjunction with other tools, such as closed circuit cameras and automatic licence plate reading systems. When analysts gather and process all this information, it could provide very valuable intelligence to police.

The use of drones or unmanned aerial vehicles

Police in Canada and the U.S. currently use drones in specific circumstances, such as when examining the scene at a motor vehicle crash, conducting search and rescue operations, and managing high-risk incidents. They could also potentially assist police investigating offences in which a firearm is discharged.

Police could deploy a drone to fly a pattern or hover over a municipality, taking high-resolution photographs every second over a large area. A drone such as the one developed by Persistent Surveillance Systems in the U.S. could fly at a height that would not be seen or heard at ground level. When police know when and where a firearm was discharged, they could download and analyse the drone's pictures, both back in time to see the development of the incident and forward in time to see where the shooter(s) go after the incident. Several challenges limit the police use of drones, however, from privacy

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concerns to internal police policies and regulations on the use of drones over populated areas and near aerodromes.

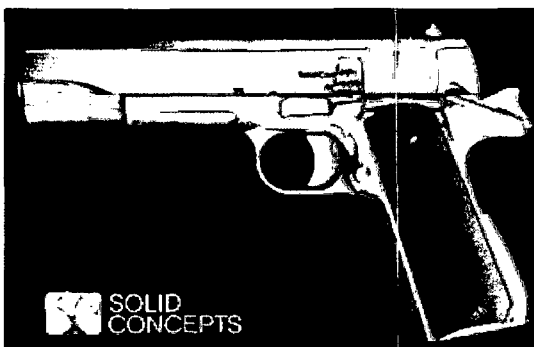
3D printers

3D printers can now duplicate gun parts using digital software available on the internet. These printers can produce illegal firearms capable of discharging live ammunition, and carry no serial numbers. While they may be able to fire only one to three shots before the heat of the bullet damages the firearm, they have been recovered following violent crimes.

3D printers can also replicate gun parts from metal. This will allow the printing of firearms capable of repetitive deadly fire, similar those made by commercial manufacturers.



Polymer 3D-printed handgun



**Metal handgun made from 30 3D-printed components
after firing 50 rounds,**

The use of 3D printers to print parts for restricted or prohibited firearms is of growing concern. Restricting their use to make harmful, illegal products has various precedents.

Monitoring technological advances

Several large gun trade shows, particularly in the U.S., display new weapons, ammunition and technology. To monitor emerging trends in gun technology, such as 3D printers, polymers and tools to get around current gun restrictions or prohibitions, police should have overt and covert representatives attend these shows and report their findings to partners, including law enforcement and intelligence agencies, NWEST, CBSA and others.

In addition, the Ministry of Public Safety & Solicitor General would benefit from an advisory committee that would meet regularly to review issues related to technology and firearms, and to ensure that police and other public safety agencies are aware of technological advancements in firearms manufacturing and in tools to prevent and respond to firearm-related violence.

CONCLUSION

The Illegal Firearms Task Force was created as part of B.C.'s enhanced Guns and Gangs Strategy to examine new approaches to address illegal firearms for B.C.

The Task Force included senior experts from federal, provincial and municipal law enforcement agencies, the Canada Border Services Agency, the Canadian Firearms Program Chief Firearms Officer, the Directors of Public Safety from the cities of Surrey and Burnaby, and members of the Ministry of Education and Surrey school district Safe Schools programs.

Members of the Illegal Firearms Task Force met regularly to learn from each other and to examine risks associated with illegal firearms. Task Force meetings were supported by regional consultations including a variety of interested agencies, individuals and groups from Vancouver Island, Kelowna, Williams Lake and Prince George. In addition, many individual consultations were conducted with subject matter experts across Canada.

The Illegal Firearms Task Force did not examine lawful firearms possession or use and fully recognizes the rights of law-abiding firearms owners.

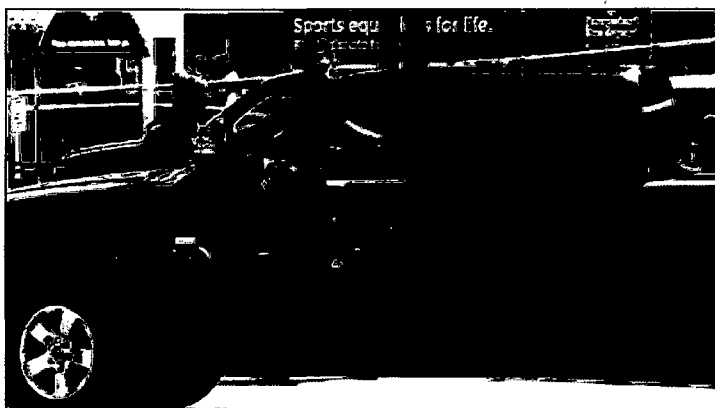
Firearms and organized crime

The Illegal Firearms Task Force has focussed primarily on the way illegal firearms are acquired, modified, transported and used by criminals and organized crime groups. B.C. enjoys formidable coordinated investigative and enforcement capacity targeting organized crime and gangs. Much progress has been made in recent years to reduce violence from organized crime. Enhancing this existing capacity by focussing on illegal firearms would allow B.C. to further reduce violence.

Understanding and responding to the evolving challenge of organized crime requires comprehensive intelligence gathering, the sharing of information between stakeholder agencies and access to relevant data bases. To be efficient and effective, intelligence gathering, analysis and sharing should be managed by an experienced

lead agency, such as the Combined Forces Special

Enforcement Unit, working closely with the many contributing illegal firearms stakeholder agencies.



A known gang member was shot in his vehicle in June 2016 in a parking lot in Richmond.

The use of motor vehicles by organized crime groups to transport illegal firearms, target rivals, perpetrate shootings and engage in car-to-car gunfire has become a significant public safety concern. Several innocent persons have been killed as a result of being misidentified in a car as a rival gang member. Vehicles fleeing gunfire from rivals, speeding to hospital with injured occupants and fleeing from routine police stops have become common. In addition to a firearms-focussed approach, the Task Force recommends a companion "Road Safety" strategy to deter and disrupt the use of illegal firearms in motor vehicles by organized crime. This approach would require coordinated initiatives and new legislation, but would provide valuable tools to limit the dangerous use of illegal firearms in vehicles.

Despite the significant advances in combatting organized crime and the violence that results from it, significant challenges remain. Targeted enforcement and prevention, supported by legislation and regulation, will increase the impact that has already been achieved, resulting in reduced violence, fewer shootings, more charges and seizures and fewer youth entering gang life.

Broader issues

Firearms are also used illegally by people living with domestic and family violence, suicidal thoughts, and mental health conditions, including addictions or patterns of problematic substance use. Firearms play a central role in many public safety issues, requiring both focussed strategies and multi-agency responses to early identification, prevention and, where appropriate, enforcement and disruption.

The Illegal Firearms Task Force advocates numerous specific actions, as well as a systemic, firearms-focussed approach to align and coordinate the work of disparate agencies. The approaches used to reduce the incidents and impacts of domestic and family violence and to ensure effective investigation of missing persons in British Columbia are examples of similar approaches.

The Task Force has attempted to connect and take advantage of the work of existing provincial ministries and local programs. Preventing youth involvement in gangs and the use of firearms can build on a variety of firearms education, community and industry actions. Identifying potential firearms violence requires communication among a wide variety of health care providers, educators, social assistance and law enforcement agencies, which already work with people in our communities. Sharing tools and an understanding of threat indicators can reduce preventable violence. Improved communication, clarity about privacy restrictions, consistent training and common policies between and within agencies will help align efforts towards public safety.

Provincial legislation could also restrict the use of imitation firearms and their presence in public places such as schools. Initiatives should also educate parents and industry retailers on the impacts of imitation firearms, their potential in crime and their threat to community safety.

Intelligence collection and analysis is central in the identification of firearms traffickers and smugglers. Mandatory tracing of crime guns, timely forensics and systematic crime lab work not only assists reactive investigations but forms critical intelligence. Intelligence-led compliance activities, enforcement and project investigations must focus on domestic and foreign illegal firearms traffickers and those who possess firearms for unlawful purposes. These activities also strike an optimal balance with the rights of lawful firearms owners.

Meaningful performance metrics by the Canadian Firearms Program, combined with metrics gathered by the lead intelligence agency, will provide an annual report card, allowing decision makers to assess the impacts of past efforts and the evolution of future initiatives.

The Illegal Firearms Task Force supports the enactment of outstanding amendments to federal legislation that will close potential gaps related to the import of firearms. The Task Force recommends considering amendments to federal legislation that will enhance investigation, enforcement and compliance activities to disrupt and deter firearms traffickers and to restrict the availability of firearms parts that are often used to support crime. The Task Force supports legislation from other provinces that close information gaps and protect those who share essential information about potential threats.

The Task Force conducted extensive analysis in making its 37 recommendations, reviewing B.C.'s social and law enforcement context and insights from Canada and the U.S. Additional policy and program development details are available to support any future work to increase public safety by minimizing the use of illegal firearms.

With support from all three levels of government and a modern enforcement structure, B.C. can take on current challenges and evolve to meet future threats.

APPENDICES

Appendix 1: Recommendations of the Illegal Firearms Task
Force

Appendix 2: Members of the Task Force

Appendix 3: Individual Consultations

Appendix 4: Literature Review

Appendix 5: Acronyms

Appendix 1: Recommendations of the Illegal Firearms Task Force

The Task Force recommends that:

THEME #1: STRATEGIC APPROACHES

An illegal firearms-focussed approach

1. The B.C. Ministry of Public Safety & Solicitor General should consider prioritizing illegal firearms trafficking and use by:
 - 1.1. Supporting the Combined Forces Special Enforcement Unit (CFSEU-BC) to become the lead agency for coordinating a provincial illegal firearms-focussed strategy and cross-border illegal firearms investigations in partnership with the Canada Border Services Agency and other law enforcement agencies
 - 1.2. Ensuring province-wide and cross-border application of the firearms focus in the PTEP process
 - 1.3. Working with the federal Ministry of Public Safety and Emergency Preparedness to request the participation of the Canada Border Services Agency in B.C.'s illegal firearms-focussed approach
 - 1.4. Working with the federal Ministry of Public Safety and Emergency Preparedness to provide additional funding for provincial and dedicated federal resources, Canada Border Services Agency investigators, operational funding, administrative and technical support and capital costs within CFSEU-BC, consistent with the commitment provided by the federal government

Road safety and illegal firearms

2. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider developing road safety strategies that mitigate the risk to the public when illegal firearms are possessed or used in vehicles for violent and criminal acts. Such strategies, including proposing amendments where appropriate, should focus on:
 - 2.1. Possession and transport of illegal firearms in vehicles
 - 2.2. The use of a vehicle as a platform to locate and attack others
 - 2.3. Possession of a vehicle that is the subject of organized crime attack by others
 - 2.4. The use of a vehicle in a flight from police by an individual associated with organized crime
 - 2.5. A nominee who is registering vehicles on behalf of persons associated with organized crime for use in illegal activity
 - 2.6. A company that knowingly leases or rents vehicles to persons associated with organized crime for use in illegal activity
3. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider developing road safety initiatives through amendments to legislation that enable:
 - 3.1. The roadside seizure of a driver's licence, and subsequent driving

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- prohibition, for any person associated with violent or organized crime who is operating a vehicle containing an illegal firearm
- 3.2. The roadside seizure of a vehicle containing an illegal firearm when the vehicle is operated or owned, directly or indirectly, by a person associated with organized crime
- 3.3. The forfeiture of a vehicle involved in a flight from police:
- In cases where police can demonstrate a connection between the driver and organized crime
 - In cases where police can demonstrate a connection between the owner and organized crime
- 3.4. The seizure of a vehicle, pursuant to the *Civil Forfeiture Act* (B.C.) when individuals associated with organized crime are found in a vehicle carrying an illegal firearm or in a flight from police, and in the event of such a seizure placing the burden of proof on the owner of the vehicle to show that the seizure is unreasonable
4. The B.C. Association of Chiefs of Police and the Civil Forfeiture Office should work with stakeholders to consider enhancing the impact of civil forfeiture on organized crime by creating provincial policies and protocols to ensure provincial agencies use civil forfeiture mechanisms where appropriate to remove vehicles associated with organized crime from public roads.
5. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider creating a Rental Vehicle Working Group that includes stakeholders from law enforcement, vehicle rental and lease industry associations, the Insurance Corporation of B.C., municipalities and the Civil Forfeiture Office to determine a feasible manner to collect and coordinate information and evidence for a number of possible initiatives, including:
- Identifying businesses known to lease or rent vehicles to persons associated with organized crime
 - Reviewing the business licence of businesses that can be demonstrated to lease or rent vehicles to persons associated with organized crime
 - Prohibiting individuals (nominees) from knowingly registering, leasing or renting vehicles on behalf of persons associated with organized crime when it can be demonstrated that the individuals (nominees) have done so in the past or intend to do so in the future
 - Exploring options to require valid identification by vehicle leasing and renting customers, to record and retain the information and to make it available for law enforcement with judicial authorization
 - Training staff on indicators of and response to the rental of a vehicle for criminal purposes
6. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider reviewing the road safety, injury and monetary ramifications of insurance claims associated with vehicles and organized crime, and where feasible and appropriate develop policy and legislative changes to use breach of coverage regulations to revoke:
- Personal vehicle insurance when an individual can be demonstrated to have operated a vehicle to support organized crime

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- 6.2. Fleet insurance when a vehicle rental or lease business can be demonstrated to have a pattern of renting or leasing vehicles to persons associated with organized crime

Provincial Tactical Enforcement Priority (PTEP)

7. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C. should consider supporting illegal firearm interdiction as a priority for the Provincial Tactical Enforcement Priority (PTEP) process.
8. The B.C. Ministry of Public Safety & Solicitor General should continue on-going work to make PTEP participation a *Police Act* (B.C.) service standard for all law enforcement agencies in B.C.
9. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C. should consider supporting illegal firearms and firearms trafficking performance indicators within the PTEP process, including disruption of the transport of illegal firearms; disruption of the use of personal, leased and rental vehicles in support of firearms violence; intelligence gathering; and outcomes and disruption indicators.

Firearms tracing hub and labs

10. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to seek support from the federal government to increase current firearms forensic capacities that will meet the on-going needs of law enforcement and prosecution by developing:
 - 10.1. A provincial firearms tracing hub to provide timely province-wide certification, analysis and tracing
 - 10.2. Enhanced capacity in RCMP laboratories, improved analysis response times and assured performance consistent with a firearms-focused approach

Alignment of law enforcement policy

11. The B.C. Ministry of Public Safety & Solicitor General should consider working with the B.C. Association of Chiefs of Police, the Canadian Firearms Program Chief Firearms Officer, law enforcement agencies and others to develop comprehensive and aligned province-wide enforcement policies relating to the possession, trafficking and use of illegal firearms.

"Bar Watch" programs

12. The B.C. Ministry of Public Safety & Solicitor General should consider obtaining a legal opinion on the adequacy of the *Trespass Act* (B.C.) and the *Liquor Control and Licensing Act* (B.C.) for the purposes of existing bar watch and comparable programs.
13. If the legal opinion, referred to in recommendation 12, supports the adequacy of the acts, the B.C. Ministry of Public Safety & Solicitor General should consider partnering with the B.C. Association of Chiefs of Police and bar and restaurant owners to examine possible expansion of bar watch programs to communities where they are warranted, in a manner that ensures proper articulation of risk to

public safety and consistent application of authorities.

14. Alternatively, if the legal opinion referred to in recommendation 12 finds that the acts do not support the use of the Bar Watch program, the B.C. Ministry of Public Safety & Solicitor General should consider collaborating with relevant ministries responsible for the acts, and should propose amendments to existing legislation that would better address public safety issues posed by the presence of individuals with a gang-related or violent past whose mere presence presents a serious threat to public safety.

THEME #2: LEGISLATIVE INITIATIVES

Quebec's mass shooting and firearms violence mitigation: A model for provincial actions

PROVINCIAL LEGISLATION

15. The B.C. Ministry of Public Safety & Solicitor General should consider adopting aspects of Quebec's Bill 9, either by proposing amendments to the *Firearm Act* (B.C.) or by creating new legislation.

Imitation firearms

FEDERAL LEGISLATION

16. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to propose amendments to the *Firearms Act* (Canada) to:
 - 16.1. Restrict to persons 18 years or older the acquisition of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*
 - 16.2. Restrict to persons 18 years or older the possession of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*, unless the person is under the direct supervision of a person over the age of 18 or is the valid holder of a Minor's Permit issued by the Canadian Firearms Program
 - 16.3. Require all sellers of imitation firearms to verify proof of age and record the purchaser's identity for all sales
 - 16.4. Require all sellers of imitation firearms to attach to the item information on the capabilities, the potential for injury and possible lethality of the item
 - 16.5. Restrict the places in which imitation firearms can be possessed, and specifically to prohibit possession of an imitation firearms in schools, community centres, public venues, public institutions, parks, roadways, public transit and taxis

PROVINCIAL LEGISLATION

17. In the event that the federal Ministry of Public Safety & Emergency Preparedness is not able to propose the amendments as recommended in Recommendation 16, the B.C. Ministry of Public Safety & Solicitor General should consider proposing amendments to the *Firearm Act* (B.C.) to:
 - 17.1. Restrict to persons 18 years or older the acquisition of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*
 - 17.2. Restrict to persons 18 years or older the possession of imitation firearms that

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are neither firearms nor replicas as defined in the *Criminal Code*, unless the person is under the direct supervision of a person over the age of 18 or is the valid holder of a Minor's Permit issued by the Canadian Firearms Program

- 17.3. Require all sellers of imitation firearms to verify proof of age and record the purchaser's identity for all sales
- 17.4. Require all sellers of imitation firearms to attach to the item information on the capabilities, the potential for injury and possible lethality of the item
- 17.5. Restrict the places in which imitation firearms can be possessed, and specifically to prohibit possession of imitation firearms in schools, community centres, public venues, public institutions, parks, roadways, public transit and taxis

Straw purchasers and point-of-sale recordkeeping

FEDERAL LEGISLATION

- 18. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to propose amendments to the *Firearms Act* (Canada) that require businesses, dealers and individuals selling non-restricted firearms to keep point-of-sale records, which could be made available to law enforcement pursuant to judicial authorization on a case-by-case basis and subject to regulations governed by the Canadian Firearms Program.

PROVINCIAL LEGISLATION

- 19. In the event that the federal Ministry of Public Safety and Emergency Preparedness is not able to propose the amendments as recommended in Recommendation 18, the B.C. Ministry of Public Safety & Solicitor General should consider proposing amendments to the *Firearm Act* (B.C.) that require businesses, dealers and individuals selling firearms to keep point of sale records, which could be made available to law enforcement pursuant to judicial authorization on a case-by-case basis and subject to regulations governed by the Canadian Firearms Program.

Manufacture of untraceable firearms

FEDERAL LEGISLATION

- 20. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to propose amendments to the definition of a firearm in Section 2 of the *Criminal Code*, substantially, as follows:
 - "Firearm" means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm, including blank castings of frames or receivers not yet capable of holding various firing components.

21. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety & Emergency Preparedness to propose federal legislation that restricts the import, export and sale of all receiver blanks.

THEME #3: EDUCATION AND PREVENTION

Safe schools, student and parent education

22. The B.C. Ministry of Public Safety & Solicitor General should consider working with the relevant ministries to develop a clear and authoritative statement of the law relating to information sharing for schools, law enforcement, health professionals, youth and family services, other government agencies and other public institutions, which describes their responsibility for sharing information when there is a threat or imminent danger that outweighs any right to privacy.
23. The B.C. Ministry of Education should consider ensuring that:
- 23.1. All public and independent school jurisdictions continue to enhance their safe school programs and participate in ministry-sponsored School-based Violence Threat Risk Assessment (VTTRA) training with specific attention to imitation and real firearms
 - 23.2. All schools and school districts engage the support and involvement of law enforcement, government, non-government and community agencies in VTTRA training and the VTTRA process
 - 23.3. Training in the ERASE Strategy be enhanced to support:
 - a) Building resilience among youth to gangs and violence
 - b) Enhancing awareness and engagement of parents including indicators of "gateway" usage
 - c) Ensuring education and consistent engagement of teachers and school administrators
 - 23.4. School curricula be enhanced to support development and participation in positive firearms training, such as the Conservation and Outdoor Recreation Education (CORE) program where appropriate, supplemented by positive modeling

Community-based programs – Rural and First Nations communities

24. The B.C. Ministry of Public Safety & Solicitor General should consider enhancing early intervention programs in communities, aimed at identifying youth at risk at the earliest possible opportunity and changing behaviour through community-based interventions, where appropriate. The CTC, HUB and SMART programs provide useful models for community intervention programs.
25. The Chief Firearms Officer, firearms retailers and the B.C. Ministry of Public Safety & Solicitor General should consider improving community awareness on the safety, security, theft and criminal diversion of legal firearms by supporting culturally appropriate information and education programs.
26. In consultation with rural and First Nations communities, the B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Education should consider enhancing and supporting programs for youth tailored to schools that service rural

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and First Nations communities, with supporting parental and community education, regarding all aspects of legal and illegal firearms, gangs and organized crime.

27. In consultation with First Nations communities, the B.C. RCMP First Nations Community Policing Services should consider designating an officer to undertake ongoing proactive work in relation to legal and illegal firearms, the laws relating to firearms, and their nexus to organized crime in Aboriginal communities.

Canadian Firearms Program compliance strategies

28. The federal Ministry of Public Safety and Emergency Preparedness should consider enhancing the Canadian Firearms Program through development of compliance and deterrence strategies under the authority of the current or amended *Firearms Act* (Canada).
29. The Canadian Association of Chiefs of Police, the Canadian Firearms Program and the Canada Border Services Agency should consider working collectively to:
 - identify opportunities to coordinate mandates and legislative authorities
 - create preventative illegal firearms strategies
 - improve enforcement efforts and compliance with regulations
 - develop performance metrics that meet both the regulatory program and law enforcement objectives
30. The federal Ministry of Public Safety and Emergency Preparedness should consider clarifying information sharing between the Canadian Firearms Program and law enforcement agencies to remove barriers and ensure that each agency can effectively achieve its mandate with appropriate safeguards.

Registration issues from the former Restricted Weapons Registration System

31. The federal Ministry of Public Safety and Emergency Preparedness should consider implementing a public awareness campaign concerning the licensing requirements for possessing firearms and the legal requirement to register restricted and prohibited firearms.
32. The B.C. Ministry of Public Safety & Solicitor General should consider continuing to offer provincial firearms amnesties and encourage Safe City programs through the National Weapons Enforcement Support Team, both to support re-registration where possible and to decrease firearms availability to illicit markets and criminal use in the future.
33. The B.C. Association of Chiefs of Police and the Canadian Firearms Program Chief Firearms Officer should consider working together to create guidelines for investigations of restricted and prohibited firearms that remain unregistered.

THEME #4: DATA COLLECTION AND INFORMATION SHARING

Intelligence and data quality

34. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C.

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should consider supporting the creation of a centralized firearms intelligence hub and data warehouse with the ability to build a comprehensive intelligence picture related to firearms, managed by the B.C. Combined Forces Special Enforcement Unit and closely aligned with the National Weapons Enforcement Support Team and the Canada Border Services Agency, supported by the Real Time Intelligence Centre.

35. The B.C. Ministry of Public Safety & Solicitor General should consider creating a committee of analytical subject matter experts to recommend to the federal Ministry of Public Safety and Emergency Preparedness the data and software required to maximize the intelligence and analytical capabilities related to illegal firearms and illegal firearms trafficking.
36. The B.C. Ministry of Public Safety & Solicitor General should continue to engage in regular cross-border and intra-provincial intelligence meetings on illegal firearms, firearms traffickers and firearms tracing, and support and encourage sustained participation by key stakeholders.

PRIME-BC access by key stakeholders

37. PRIMECorp and the B.C. Association of Chiefs of Police should consider ensuring PRIME access for Canada Border Services Agency and the Chief Firearms Officers who work with law enforcement in support of comprehensive risk-informed strategies that focus on the illegal use of firearms.

Appendix 2: Members of the Task Force

Core Members	Title	Branch/Division
C/Supt. Dave Attfield	Chief Superintendent	Royal Canadian Mounted Police
D/Chief Cst. Lyle Beaudoin	Deputy Chief Constable	Delta Police Department, B.C. Association of Municipal Chiefs of Police
Insp. Martin Bruce	Inspector, Organized Crime Section	Vancouver Police Department
Dr. Irwin Cohen	Associate Professor, Senior University Research Chair, RCMP Crime Reduction Director	Centre for Public Safety and Criminal Justice Research, University of the Fraser Valley
Dave Critchley	Director of Public Safety and Community Services	City of Burnaby
Insp. Ian Daniels	Officer in Charge, National Weapons Enforcement Team	Royal Canadian Mounted Police
John Dyck	Executive Director, Operations Branch	Canada Border Services Agency
A/Commr. Kevin Hackett	Assistant Commissioner	Combined Forces Special Enforcement Unit, B.C.
Terry Hamilton	Chief Firearms Officer, B.C. and Yukon	Royal Canadian Mounted Police/Canadian Firearms Program
Cpl. Paul Hodges	Acting i/c Operations	National Weapons Enforcement Support Team
Jennifer McCrae	Assistant Deputy Minister	Student Safety Branch, B.C. Ministry of Education
Rob Rai	Manager, Safe Schools Department	School District #36 (Surrey)
Dr. Terry Waterhouse	Public Safety Director	City of Surrey
Harold Wuigk	Assistant Director, Operations Branch	Canada Border Services Agency
Loretta Smith	A/Director Policing Operations Support	Policing and Security Branch, Ministry of Public Safety & Solicitor General

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Tom Steenvoorden	Director – Public Safety Initiatives	Policing and Security Branch, Ministry of Public Safety & Solicitor General
Wayne Rideout	Wayne Rideout Consulting	Task Force Lead
Richard Banner	Polestar Communications Inc.	Task Force Writer

Wayne Rideout, Task Force Lead

Assistant Commissioner Wayne Rideout M.O.M. (Retired)

Retired Assistant Commissioner Wayne Rideout was a member of the RCMP for 34 years. From 2011 until his retirement in 2016, he served as the Officer in Charge of Criminal Operations for Investigative Services and Organized Crime (ISOC) for the RCMP in B.C., Canada ("E" Division). The position included oversight of a wide variety of specialized investigative units within Federal Serious and Organized Crime, Covert Operations, Support Services, Criminal Intelligence, the National Security Enforcement Team, the Combined Forces Special Enforcement Unit, and the Provincial Major Crime Unit.

Prior to this appointment, Wayne served as the Deputy Criminal Operations Officer (Contract) for RCMP "E" Division, and had oversight of the provincial policing operations for B.C. including Major Crime, First Nations Policing, Emergency Response and Preparedness, Provincial Communication Centres, Traffic Services, Marine Services and the Island, South East and North Districts. Assistant Commissioner Rideout was the primary RCMP liaison with the Provincial Government through a number of committees and contractual structures during this period.

He served two and a half years as Operations Officer at Surrey Detachment (Canada's largest RCMP Detachment) managing uniform policing operations including Patrol, Traffic, Youth, District Community Policing and Professional Standards.

Between 2003 and 2008, Wayne was Officer in Charge of the Integrated Homicide Investigation Team (IHIT), a unit responsible for the investigation of homicides, missing persons in which foul play is suspected, and police-involved death or serious injury incidents in 25 RCMP detachments and municipal police agencies throughout the Lower Mainland of B.C.

Assistant Commissioner Wayne Rideout was a member of the B.C. Association of Chiefs of Police and the Canadian Association of Chiefs of Police. He sat on a number of significant provincial and federal committees on policing standards, policing oversight, intelligence, organized crime and national security. He is a graduate of the Leadership in Counter-Terrorism program (LinCT). He is a recipient of the Governor General of Canada's Member of the Order of Merit of Police Forces.

Appendix 3: Individual consultations

Inspector Darren Campbell	RCMP National Headquarters, Contract Policing
Assistant Commissioner Jim Gresham	B.C. RCMP, Investigative Services and Organized Crime
Special Agent Jim Huskey	Bureau of Alcohol, Tobacco, Firearms and Explosives
Dr. Sarah Thompson	Associate Professor, Department of Criminology, Ryerson University
Assistant Commissioner Bill Fordy	B.C. RCMP, Lower Mainland District Commander and former Officer in Charge, Surrey RCMP
Assistant Commissioner Brenda Butterworth-Carr	Criminal Operations Officer for the B.C. RCMP
Superintendent, Gordon Sneddon	Toronto Police Service Organized Crime Unit, Gangs and Guns Unit
Inspector William Klym	Deputy Director, Organized Crime, Biker Enforcement Unit & Provincial Weapons Enforcement Unit, Organized Crime Enforcement Bureau, Ontario Provincial Police
Sergeant Colby McGowan	Manitoba RCMP
MPP Mike Colle	Member of the Provincial Legislature, Ellington-Lawrence, Ontario
Chief Superintendent Sean Bourrie	B.C. RCMP, Federal Policing
Chief Superintendent Brian Cantera	B.C. RCMP, Intelligence and Support Services
Inspector Chad Coles	Alberta Alert, RCMP
Staff Sergeant Jean Ratté	NWEST Quebec
Scott Macfarlane	Senior Counsel, Insurance Corporation of B.C.
Ben Shotton	Special Investigations, Insurance Corporation of B.C.
Chris Fairbridge	Special Investigations, Insurance Corporation of B.C.
Corporal Rebecca Parslow	Surrey RCMP, Asset Forfeiture Team
Sergeant John Uzelac	Surrey RCMP, Asset Forfeiture Team
Peter Sloly	Executive Director, National Lead for Security & Justice Sector, Deloitte Canada
Keva Glynn	A/Executive Director, Mental Health & Substance Use, B.C. Ministry of Health
Alain Paquet	Public Safety Canada
Christopher Kelly	Policy Advisor, Public Safety Canada
Sandy Biggerstaff	Executive Director, Crisis Centre B.C.
Phillp Twatle	B.C. Civil Forfeiture Office

Dr. David Klonsky

Associate Professor, University of B.C.,
Department of Psychology

Ken Lamontagne

Director, Strategic Intelligence Analysis, RCMP,
Criminal Intelligence Service of Canada

Theresa Campbell

Safe Schools Together

Appendix 4: Literature review

Appendix 4 is available in a separate file, ***A Literature Review on Illegal Firearms.pdf***.

Appendix 5: Acronyms

A	APS	Aboriginal Policing Services
	ALPR	Automatic Licence Plate Reading Systems
B	BCACP	B.C. Association of Chiefs of Police
C	CACP	Canadian Association of Chief of Police
	CBSA	Canada Border Services Agency
	CCJS	Canadian Centre for Justice Statistics
	CCTV	Closed Circuit Television
	CFIS	Canadian Firearm Information System
	CFO	Chief Firearms Officer
	CFSEU-BC	Combined Forces Special Enforcement Unit BC
	CISBC	Criminal Intelligence Service BC
	CISC	Criminal Intelligence Service Canada
	CORE	Conservation and Outdoor Recreation Education
	CPIC	Canadian Police Information Centre
	CPS	Community Policing Service
	CROP	Criminal Operations Officer
	CSC	Corrections Services of Canada
	CTC	Communities That Care
D	DAPS	Diversity and Aboriginal Policing Section
E	ERASE	Expect Respect and a Safe Education
F	FOES	Firearms Operations and Enforcement Support
	FIP	Firearms Interest Police
	FNCPS	First Nations Community Policing Services
	FSOC	Federal Serious and Organized Crime
I	IHIT	Integrated Homicide Investigation Team
	ISOC	Investigative Services and Organized Crime
M	MPSA	Municipal Police Service Agreement (between RCMP and B.C.)
	MPUA	Municipal Police Unit Agreement

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N	NPS	National Police Service
	NSP	National Security Program (RCMP)
	NWEST	National Weapons Enforcement Support Team
O	OCABC	Organized Crime Agency-BC
	OCG	Organized Crime Gang
	OMG	Outlaw Motorcycle Group
P	PAL	Possession and Acquisition Licence
	PPSA	Provincial Police Service Agreement (with RCMP)
	PRIME-BC	Police Records Information Management Environment for BC
	PSS	Policing Support Services, RCMP
	PTEP	Provincial Tactical Enforcement Priority
R	RFID	Radio-frequency Identification
	RMS	Records Management System
	RWRS	Restricted Weapons Registration System
	RTIC-BC	Real Time Intelligence Centre-B.C.
S	SMART	Surrey Mobilization and Resiliency Table
U	UCR	Uniform Crime Reporting
V	VPD	Vancouver Police Department
	VACPC	Vancouver Aboriginal Community Policing Centre
	VTRA	Violence Threat Risk Assessment

Comparison Chart: PART I: Firearms Act and Criminal Code with Key Bill C-71 Clauses

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Repeal of the 'Deeming' Provisions Definition of 'non-restricted firearm'	<i>Criminal Code:</i> Definitions 84(1) In this Part <i>non-restricted firearm</i> means (a) a firearm that is neither a prohibited firearm nor a restricted firearm, or (b) a firearm that is prescribed to be a non-restricted firearm;	Clause 16 of Bill C-71 repeals paragraph (b) from the definition of <i>non-restricted firearm</i> found in subsection 84(1) of the <i>Criminal Code</i> : <i>non-restricted firearm</i> means a firearm that is neither a prohibited firearm nor a restricted firearm;	Bill C-71 repeals paragraph 84(1)(b) from the current definition of 'non-restricted firearm' in the <i>Criminal Code</i> , rescinding that which provides that firearms may be deemed to be non-restricted through regulations made by the Governor in Council (GIC).
Authority of Governor in Council to make regulations	117.15(1) ...the Governor in Council may make regulations prescribing anything that by this Part is to be or may be prescribed. Non-restricted firearm (3) Despite the definitions <i>prohibited firearm</i> and <i>restricted firearm</i> in subsection 84(1), a firearm that is prescribed to be a non-restricted firearm is deemed not to be a prohibited firearm or a restricted firearm. Restricted firearm (4) Despite the definition <i>prohibited firearm</i> in subsection 84(1), a firearm that is prescribed to be a restricted firearm is deemed not to be a prohibited firearm.	Clause 18 of Bill C-71 repeals subsections 117.15(3) and (4) of the <i>Criminal Code</i> .	Bill C-71 repeals subsection 117.15(3) to rescind the authority of the GIC to 'deem' a firearm to be non-restricted despite meeting the criteria for the definitions of a 'restricted firearm' or a 'prohibited firearm'. Bill C-71 repeals subsection 117.15(4) to rescind the authority of the GIC to 'deem' a firearm to be restricted, despite meeting the criteria for the definition of a 'prohibited firearm'.

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Regulations made by the GIC pursuant to the 'deeming' authority	<p>Title of Regulations: <i>Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted</i></p> <p>Prescription 3.1 The firearms listed in Part 2.1 of the schedule that have a barrel that is less than 470 mm in length, and firearms listed in items 3, 4, 6, 7, 9 and 10 of that Part that do not have a barrel, are restricted firearms for the purposes of paragraph (d) of the definition <i>restricted firearm</i> in subsection 84(1) of the <i>Criminal Code</i>...</p> <p>3.2 The firearms listed in Part 2.1 of the schedule that have a barrel that is at least 470 mm in length, and the firearms listed in items 1, 2, 5, 8 and 11 to 15 of that Part that do not have a barrel, are non-restricted firearms for the purposes of paragraph (b) of the definition <i>non-restricted firearm</i> in subsection 84(1) of the <i>Criminal Code</i>...</p>	<p>Clause 19 of Bill C-71 amends the title of the Regulations made under the <i>Criminal Code</i>:</p> <p><i>Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted</i></p> <p>Clause 20 of Bill C-71 repeals sections 3.1 and 3.2 of the Regulations.</p>	<p>Bill C-71 deletes "or Non-Restricted" from the title of the Regulations.</p> <p>Bill C-71 rescinds section 3.1 of the Regulations which identifies the firearms listed in Part 2.1 that were 'deemed' by the GIC to be restricted.</p> <p>Bill C-71 rescinds section 3.2 of the Regulations which identifies the firearms listed in Part 2.1 that were 'deemed' by the GIC to be non-restricted.</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
	PART 2.1 Firearms for the Purposes of Sections 3.1 and 3.2 1 Česká Zbrojovka (CZ) Model CZ858 Tactical-2P rifle 2 Česká Zbrojovka (CZ) Model CZ858 Tactical-2V rifle 3 Česká Zbrojovka (CZ) Model CZ858 Tactical-4P rifle 4 Česká Zbrojovka (CZ) Model CZ858 Tactical-4V rifle 5 SAN Swiss Arms Model Classic Green rifle 6 SAN Swiss Arms Model Classic Green carbine 7 SAN Swiss Arms Model Classic Green CQB rifle 8 SAN Swiss Arms Model Black Special rifle 9 SAN Swiss Arms Model Black Special carbine 10 SAN Swiss Arms Model Black Special CQB rifle 11 SAN Swiss Arms Model Black Special Target rifle 12 SAN Swiss Arms Model Blue Star rifle 13 SAN Swiss Arms Model Heavy Metal rifle 14 SAN Swiss Arms Model Red Devil rifle 15 SAN Swiss Arms Model Swiss Arms Edition rifle	Clause 21 of Bill C-71 <u>repeals</u> Part 2.1 of the Regulations.	Bill C-71 rescinds Part 2.1 of the Regulations which lists the models of firearms that were 'deemed' to be either restricted or non-restricted pursuant to sections 3.1 and 3.2. (These firearms become prohibited.)

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the
clause order of Bill C-71.

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Interpretation with <i>Criminal Code</i>	<i>Firearms Act:</i> 2(2) Unless otherwise provided, words and expressions used in this Act have the meanings assigned to them by section 2 or 84 of the <i>Criminal Code</i> . Subsections 117.15(3) and (4) of that Act apply to those words and expressions.	Clause 1 of Bill C-71 replaces subsection 2(2) of the <i>Firearms Act</i> (FA): Unless otherwise provided, words and expressions in this Act have the meaning assigned to them by section 2 or 84 of the <i>Criminal Code</i> .	Bill C-71 repeals the second sentence of subsection 2(2) of the FA as it no longer has applicability when subsections 117.15(3) and (4) of the <i>Criminal Code</i> are repealed.
Grandfathering Owners of Česká Zbrojovka (CZ) and Swiss Arms (SA) Firearms Eligibility to hold a licence authorizing the possession of prohibited CZ firearms	Prohibited firearms — individuals 12(1) An individual who is otherwise eligible to hold a licence is not eligible to hold a licence authorizing the individual to possess prohibited firearms except as provided in this section.	Clause 3(2) of Bill C-71 adds the following after subsection 12(9): (10) An individual is eligible to hold a licence authorizing the individual to possess one or more firearms referred to in subsection (11) if (a) the individual possessed one or more such firearms on June 30, 2018; (b) the individual (i) held on that day a registration	Bill C-71 adds new provisions to section 12 of the FA to authorize individuals to possess prohibited CZ and SA firearms. Specifically, Bill C-71 adds subsection 12(10) to set out the eligibility criteria for individuals to hold a licence authorizing the possession of grandfathered prohibited CZ firearms, namely: <ul style="list-style-type: none"> On June 30, 2018, possessed one or more of the models listed in subsection (11) - this date serves as a cut-off to curtail new imports/ purchases; Held a registration certificate for a CZ model listed in subsection (11)

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
CZ models of firearms eligible for grandfathering		<p>certificate for one or more such firearms, in the case where at least one of those firearms was on that day a restricted firearm, or</p> <p>(ii) applies, before the first anniversary of the commencement day, for a registration certificate that is subsequently issued for a firearm referred to in subsection (11), in any other case; and</p> <p>(c) the individual was continuously the holder of a registration certificate for one or more such firearms beginning on</p> <p>(i) June 30, 2018, in the case where at least one of those firearms was on that day a restricted firearm, or</p> <p>(ii) the day on which a registration certificate referred to in subparagraph (b)(ii) is issued to the individual, in any other case.</p> <p>(11) Subsection (10) applies in respect of a firearm that</p> <p>(a) is a</p> <p>(i) Česká Zbrojovka (CZ) Model CZ858 Tactical-2P rifle,</p> <p>(ii) Česká Zbrojovka (CZ) Model CZ858 Tactical-2V rifle,</p> <p>(iii) Česká Zbrojovka (CZ) Model CZ858 Tactical-4P rifle, or</p> <p>(iv) Česká Zbrojovka (CZ) Model CZ 858 Tactical-4V rifle; and</p> <p>(b) was registered as a restricted firearm on June 30, 2018 or, in the case of a firearm that was not a restricted firearm on that day, is the subject of an application made before the first</p>	<p>if, on June 30, 2018, it was a restricted firearm;</p> <ul style="list-style-type: none"> Applies, within a year of this provision coming into force, for a registration certificate for a CZ model listed in subsection (11), if the firearm is non-restricted, and is subsequently issued a registration certificate; and Thereafter, continuously holds a registration certificate for one or more grandfathered prohibited CZ firearms listed in subsection (11). <p>(Note: Operationally, individuals will have 3 years from the coming into force to take the Canadian Restricted Firearms Course, if necessary, and upgrade their licence).</p> <p>Bill C-71 adds subsection 12(11) to list the models of CZ firearms that are eligible for grandfathering and which will become prohibited when this provision comes into force.</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Eligibility to hold a licence authorizing the possession of prohibited Swiss Arms firearms		<p>anniversary of the commencement day for a registration certificate that is subsequently issued.</p> <p>(12) For greater certainty, the firearms referred to in subparagraphs (11)(a)(i) to (iv) include only firearms that are prohibited firearms on the commencement day.</p> <p>(13) An individual is eligible to hold a licence authorizing the individual to possess one or more firearms referred to in subsection (14) if</p> <p>(a) the individual possessed one or more of such firearms on June 30, 2018;</p> <p>b) the individual</p> <p>(i) held on that day a registration certificate for one or more such firearms, in the case where at least one of those firearms was on that day a restricted firearm, or</p> <p>(ii) applies, before the first anniversary of the commencement day, for a registration certificate that is subsequently issued for a firearm referred to in subsection (14), in any other case; and</p>	<p>Bill C-71 adds subsection 12(12) to recognize that certain CZ models will remain non-restricted or restricted after commencement day, while others will become prohibited.</p> <p>Bill C-71 adds subsection 12(13) to set out the eligibility criteria for individuals to hold a licence authorizing the possession of grandfathered prohibited SA firearms, namely:</p> <ul style="list-style-type: none"> On June 30, 2018, possessed one or more of the models listed in subsection (14) - this date serves as a cut-off to curtail new imports/purchases; Held a registration certificate for a SA model listed in subsection (14) if, on June 30, 2018, it was a restricted firearm; Applies, within a year of this provision coming into force, for a registration certificate for a SA model listed in subsection (14), if the firearm is non-restricted, and is subsequently issued a registration certificate; and

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Swiss Arms models of firearms eligible for grandfathering		<p>(c) the individual has continuously been the holder of a registration certificate for one or more firearms referred to in subsection (13), beginning on</p> <p>(i) June 30, 2018, if at least one of the firearms was on that day a restricted firearm, or</p> <p>(ii) the day on which a registration certificate referred to in subparagraph (b)(ii) is issued to the individual, in any other case.</p> <p>Grandfathered firearms – SAN Swiss Arms</p> <p>(14) Subsection (13) applies in respect of a firearm that</p> <p>(a) is a</p> <p>(i) SAN Swiss Arms Model Classic Green rifle,</p> <p>(ii) SAN Swiss Arms Model Classic Green carbine,</p> <p>(iii) SAN Swiss Arms Model Classic Green CQB rifle,</p> <p>(iv) SAN Swiss Arms Model Black Special rifle,</p> <p>(v) SAN Swiss Arms Model Black Special carbine,</p> <p>(vi) SAN Swiss Arms Model Black Special CBQ rifle,</p> <p>(vii) SAN Swiss Arms Model Black Special Target rifle,</p> <p>(viii) SAN Swiss Arms Model Blue Star rifle,</p> <p>(ix) SAN Swiss Arms Model Heavy Metal rifle,</p> <p>(x) SAN Swiss Arms Model Red Devil rifle,</p>	<ul style="list-style-type: none"> Thereafter, continuously holds a registration certificate for one or more grandfathered prohibited SA firearms listed in subsection (14). <p>(Note: Operationally, individuals will have 3 years from the coming into force to take the Canadian Restricted Firearms Course, if necessary, and upgrades their licence).</p> <p>Bill C-71 adds subsection 12(14) to list the models of SA firearms that are eligible for grandfathering and which become prohibited when this provision comes into force.</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
		<p>(xi) SAN Swiss Arms Model Swiss Arms Edition rifle</p> <p>(xii) SAN Swiss Arms Model Classic Green Sniper rifle,</p> <p>(xiii) SAN Swiss Arms Model Ver rifle,</p> <p>(xiv) SAN Swiss Arms Model Aestas rifle,</p> <p>(xv) SAN Swiss Arms Model Autumnus rifle, or</p> <p>(xvi) SAN Swiss Arms Model Heimis rifle, and</p> <p>(b) was registered as a restricted firearm on June 30, 2018, or, in the case of a firearm that was not a restricted firearm on that day, is the subject of an application for a registration certificate made before the first anniversary of the commencement day and the certificate is subsequently issued.</p>	
Grandfathering individuals through regulations	<i>Firearms Act</i>	<p>Clause 3(1) of Bill C-71 adds the following after section 12(8) of the FA.</p> <p>(9) An individual is eligible to hold a licence authorizing the individual to possess prohibited firearms of a prescribed class, if the individual</p> <p>(a) Possesses one or more firearms of that class on a day that is prescribed with respect to it;</p> <p>(b) Holds a registration certificate for a firearm of that class in the circumstances prescribed with respect to that class; and</p> <p>(c) is continuously the holder of a registration certificate for one or more of</p>	<p>Bill C-71 adds subsection 12(9) to provide the government with flexibility to grandfather individuals by regulations instead of having to open the FA to grandfather by statute. Eligible individuals would be allowed to hold a licence authorizing the possession of a prohibited firearm under set criteria, namely:</p> <ul style="list-style-type: none"> • possess, on a specific day, at least one firearm that is to become prohibited • holds and continuously holds a registration certificate for the prohibited firearm.

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
		those firearms beginning on the day that is determined in accordance with the regulations with respect to that class.	
Authorization to Transport (ATT): Valid for all provincial shooting clubs and ranges	<p>Firearms Act 19 (1) An individual who holds a licence authorizing the individual to possess... restricted firearms may be authorized to transport a particular... restricted firearm between two or more specified places for any good and sufficient reason, including, (a) for use in target practice, or a target shooting competition, under specified conditions or under the auspices of a shooting club or shooting range that is approved under section 29;</p> <p>Target practice or competition 19(1.1) In the case of an authorization to transport issued for a reason referred to in paragraph (1)(a) within the province where the holder of the authorization resides, the specified places must include all shooting clubs and shooting ranges that are approved under section 29 and that are located in that province.</p>	<p>Clause 4(1) of Bill C-71 amends subsection 19 (1.1) of the FA:</p> <p>(1.1) In the case of an authorization to transport issued for a reason referred to in paragraph (1)(a) within the province where the holder of the authorization resides, the specified place must – <u>except in the case of an authorization that is issued for a prohibited firearm referred to in subsection 12(9)</u> – include all shooting clubs and shooting ranges that are approved under section 29 and that are located in that province.</p> <p>Clause 4(2) of Bill C-71 also amends subsection 19(1.1) of the FA:</p> <p>(1.1) In the case of an authorization to transport issued for a reason referred to in paragraph (1)(a) within the province where the holder of the authorization resides, the specified places must -except in the case of an authorization that is issued for a prohibited</p>	<p>Bill C-71 makes this amendment to ensure that ATTs issued for prohibited firearms grandfathered under subsection 12(9) do not include all section 29-approved shooting clubs/ ranges within the province of residence. This amendment comes into force on Royal Assent.</p> <p>Bill C-71 makes this amendment to add that ATTs issued for prohibited firearms grandfathered under subsections 12(11) and (13) also do not include all section 29-approved shooting clubs/ ranges within the</p>

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Exception for prohibited firearms other than prohibited handguns	<p>19 (1) An individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms may be authorized to transport a particular prohibited firearm or restricted firearm between two or more specified places for any good and sufficient reason, including,</p> <p>(b) if the individual</p> <p>(i) changes residence,</p> <p>(ii) wishes to transport the firearm to a peace officer, firearms officer or chief firearms officer for registration or disposal in accordance with this Act or Part III of the <i>Criminal Code</i>,</p> <p>(iii) wishes to transport the firearm for repair, storage, sale, exportation or appraisal, or</p> <p>(iv) wishes to transport to a gun show.</p> <p>(2) Despite subsection (1), an individual must not be authorized to transport a prohibited firearm, other than a handgun referred to in subsection 12(6.1), between specified places except for the purposes referred to in paragraph (1)(b).</p>	<p>firearm referred to in subsection 12(9), (11) or (13) – include all shooting clubs and shooting ranges that are approved under section 29 and that are located in that province.</p> <p>Clause 4(1) of Bill C-71 amends subsection 19(2) of the FA:</p> <p>(2) Despite subsection (1), an individual must not be authorized to transport a prohibited firearm – other than a handgun referred to in subsection 12(6.1) or a <u>prohibited firearm referred to in subsection 12(9)</u> – between specified places except for the purposes referred to in paragraph (1)(b).</p> <p>Clause 4(2) of Bill C-71 also amends subsection 19(2) of the FA:</p> <p>(2) Despite subsection (1), an individual must not be authorized to transport a prohibited firearm – other than a handgun referred to in</p>	<p>province of residence. This amendment comes into force by Order in Council.</p> <p>Bill C-71 amends subsection 19(2) to provide that individuals may be authorized to transport prohibited firearms grandfathered under subsection 12(9) for the purposes of 19(1)(b). This amendment comes into force on Royal Assent.</p> <p>Bill C-71 also amends subsection 19(2) to provide that individuals may be authorized to transport prohibited</p>

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Automatic authorization to transport — licence renewal	<p>19 (2.1) Subject to subsection (2.3), an individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms must, if the licence is renewed, be authorized to transport them within the individual's province of residence</p> <p>(a) to and from all shooting clubs and shooting ranges that are approved under section 29;</p> <p>(b) to and from any place a peace officer, firearms officer or chief firearms officer is located, for verification, registration or disposal in accordance with this Act or Part III of the <i>Criminal Code</i>;</p> <p>(c) to and from a business that holds a licence authorizing it to repair or appraise prohibited firearms or restricted firearms;</p> <p>(d) to and from a gun show; and</p> <p>(e) to a port of exit in order to take them outside Canada, and from a port of entry.</p>	<p>subsection 12(6.1) or a prohibited firearm referred to in subsection 12(9), (11) or (13) — between specified places except for the purposes referred to in paragraph (1)(b). Clause 4(3) of Bill C-71 replaces subsections 19(2.1) to (2.3) of the Act:</p> <p>(2.1) An individual who holds a licence authorizing the individual to possess restricted firearms <u>or handguns referred to in subsection 12(6.1) (pre-December 1, 1998 handguns)</u> must, if the licence is renewed, be authorized to transport them within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29. <u>However, the authorization does not apply to such firearms or handguns whose transfer to the individual was approved in accordance of subparagraph 28(b)(ii), for the purpose of having them form part of a gun collection.</u></p>	<p>firearms grandfathered under subsections 12(11) and 12(13) for the purposes of 19(1)(b). This amendment comes into force by Order in Council.</p> <p>Bill C-71 amends subsection 19(2.1) to repeal the requirement that an individual, upon renewal of a firearms licence with restricted and prohibited privileges, be given an ATT to transport their firearms to: peace officers, firearms officers or chief firearms officers for verification, registration or disposal; a gunsmith authorized to repair or appraise prohibited or restricted firearms; a gun show; and, to and from Canadian ports of entry and exit.</p> <p>The amendment ensures that only those individuals with privileges to possess restricted firearms <u>or grandfathered prohibited handguns</u> and who acquired these firearms for the purpose of target practice be, upon renewal of their licence, authorized to transport their firearms to and from approved shooting clubs/ranges within their province of residence.</p>

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Automatic authorization to transport — transfer	<p>19 (2.2) Subject to subsection (2.3), if a chief firearms officer has authorized the transfer of a prohibited firearm or a restricted firearm to an individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms, the individual must be authorized (a) to transport the firearm within the individual's province of residence from the place where the individual acquires it to the place where they may possess it under section 17; and (b) to transport their prohibited firearms and restricted firearms within the individual's province of residence to and from the places referred to in any of paragraphs (2.1)(a) to (e).</p> <p>Exceptions 19 (2.3) An individual must not be authorized under subsection (2.1) or (2.2) to transport the following firearms to or from the places referred to in paragraph (2.1)(a): (a) a prohibited firearm, other than a handgun referred to in subsection 12(6.1); and (b) a restricted firearm or a handgun referred to in subsection 12(6.1) whose transfer was approved, in accordance with subparagraph 28(b)(ii), for the purpose of forming part of a gun collection.</p>	<p>(2.2) If a chief firearms officer has authorized the transfer of a prohibited firearm or a restricted firearm to an individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms, the individual must be authorized to transport the firearm within the individual's province of residence from the place where <u>they acquire</u> it to the place where they may possess it under section 17.</p> <p>(2.3) If a chief firearms officer has authorized the transfer of a restricted firearm or handgun referred to in subsection 12(6.1) (pre-December 1, 1998 handguns) to an individual who holds a licence authorizing the individual to possess a restricted firearm or such a handgun, the individual must be authorized to transport their restricted firearm or handgun within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29, unless the transfer of the restricted firearm or handgun was approved, in accordance with subparagraph 28(b)(ii), for the purpose of having the restricted firearm or handgun form part of a gun collection.</p>	<p>Bill C-71 replaces subsection (2.2) to ensure that Chief Firearms Officers, upon authorizing the transfer of a restricted or prohibited firearm, automatically authorize the transport of the firearm from where it is acquired to where it may be possessed, generally the place of residence.</p> <p>Bill C-71 repeals paragraph 19(2.2)(b) to rescind the requirement that a Chief Firearms Officer must, upon authorizing the transfer of a restricted or prohibited firearm, issue an automatic ATT to the places in paragraphs 19(2.1)(a) to (e).</p> <p>Bill C-71 replaces subsection 19(2.3) to ensure that individuals authorized by a Chief Firearms Officer to acquire a restricted firearm or a grandfathered prohibited handgun for the purpose of target practice/shooting are issued automatically an ATT to and from approved shooting clubs/ranges within their province of residence. Those who acquire such firearms for the purpose of forming part of a gun collection, are not issued an automatic ATT to shooting clubs or ranges.</p>

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Eligibility to Hold Licences: General Rules	<p>Public safety 5 (1) A person is not eligible to hold a licence if it is desirable, in the interests of the safety of that or any other person, that the person not possess a firearm...</p> <p>Criteria (2) In determining whether a person is eligible to hold a licence under ss (1), a chief firearms officer or, on a reference under section 74, a provincial court judge shall have regard to whether the person, <u>within the previous five years</u>, (a) has been convicted or discharged under section 730 of the <i>Criminal Code</i> of (i) an offence in the commission of which violence against another person was used, threatened or attempted, (ii) an offence under this Act or Part III of the <i>Criminal Code</i>, (iii) an offence under section 264 of the <i>Criminal Code</i> (criminal harassment), or (iv) an offence relating to the contravention of subsection 5(1) or (2), 6(1) or (2) or 7(1) of the <i>Controlled Drugs and Substances Act</i>; (b) has been treated for a mental illness, whether in a hospital, mental institute, psychiatric clinic or otherwise and whether or not the person was confined to such a hospital, institute or clinic, that was associated with violence or threatened or attempted violence on the part of the person against any person; or (c) has a history of behaviour that includes violence or threatened or attempted violence...</p>	<p>Clause 2 of Bill C-71 replaces subsection 5(2) by the following:</p> <p>Criteria (2) In determining whether a person is eligible to hold a licence under subsection (1), a chief firearms officer or, on a reference under section 74, a provincial court judge shall have regard to whether the person</p>	<p>Bill C-71 removes “within the previous five years” to make it mandatory that Chief Firearms Officers and judges presiding over reference hearings consider the eligibility criteria in paragraphs 5(2)(a) to (c) over the course of a person's life.</p>

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Transfer of non-restricted firearms Authorization to transfer non-restricted firearms	<p>23 A person may transfer a non-restricted firearm if, at the time of the transfer,</p> <p>(a) the transferee holds a licence authorizing the transferee to acquire and possess that kind of firearm; and</p> <p>(b) the transferor has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.</p>	<p>Clause 5 of Bill C-71 replaces sections 23 and 23.1 of the Act:</p> <p>23(1) A person may transfer a non-restricted firearm, if, at the time of the transfer,</p> <p>(a) the transferee holds a licence authorizing the transferee to acquire and possess a <u>non-restricted</u> firearm;</p> <p>(b) the transferor has requested that the Registrar issue a reference number for the transfer;</p> <p>(c) The Registrar has issued the reference number to the transferor, and</p> <p>(d) the reference number is still valid.</p> <p>Information – transferee's licence</p> <p>(2) the transferee shall provide to the transferor the prescribed information that relates to the transferee's licence, for the purpose of enabling the transferor to request the reference number from the Registrar.</p> <p>Reference number</p> <p>(3) the Registrar shall issue a reference number if he or she is satisfied that the transferee holds and is still eligible to hold a licence authorizing them to acquire and possess a non-restricted firearm.</p> <p>Period of validity</p> <p>(4) A reference number is valid for the prescribed period.</p>	<p>Bill C-71 amends section 23 to make it clear that businesses and individuals must verify the licence of an individual prior to transferring the ownership of a non-restricted firearm.</p> <p>Bill C-71 sets the criteria under which a non-restricted firearm may be transferred, namely:</p> <ul style="list-style-type: none"> transferees (individual wishing to acquire the firearm) must present their licence or licence information to the transferor (business or individual selling/giving the firearm); transferors must verify the validity of the licence with the Registrar of Firearms who issues a reference number to confirm validity; transferors to re-verify licence validity with the Registrar if the transfer is not completed within a prescribed time frame; and

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
	<p>Voluntary request to Registrar 23.1 (1) A transferor referred to in section 23 may request that the Registrar inform the transferor as to whether the transferee, at the time of the transfer, holds and is still eligible to hold the licence referred to in paragraph 23(a), and if such a request is made, the Registrar or his or her delegate, or any other person that the federal Minister may designate, shall so inform the transferor.</p> <p>No record of request (2) Despite sections 12 and 13 of the <i>Library and Archives of Canada Act</i> and subsections 6(1) and (3) of the <i>Privacy Act</i>, neither the Registrar or his or her delegate nor a designated person shall retain any record of a request made under subsection (1).</p>	<p>Registrar not satisfied (5) If the Registrar is not satisfied as set out in subsection (3), he or she may so inform the transferor.</p>	<ul style="list-style-type: none"> the Registrar will not issue a reference number if the licence is not valid but will retain a record of the enquiry in case that the intended transferee follows up on the rationale for the refusal. <p>Bill C-71 repeals subsection 23.1(1) which provided that a transferor could make a voluntary request with the Registrar to confirm licence validity.</p> <p>Bill C-71 repeals subsection 23.1(2) which prohibited the Registrar or his or her delegate from maintaining a record of a request made under subsection 23.1(1).</p>

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Revocation of licence or authorization	70 (1) A chief firearms officer may revoke a licence, an authorization to carry or an authorization to transport for any good and sufficient reason including, without limiting the generality of the foregoing, (a) where the holder of the licence or authorization (i) is no longer or never was eligible to hold the licence or authorization,	Clause 9 of Bill C-71 amends paragraph 70(1)(a) of the Act by adding the following after subparagraph (i): (i.1) transfer of a non-restricted firearm other than in accordance with section 23,	Bill C-71 adds subparagraph 70(1)(a)(i.1) to make it clear that a transferor's licence may be revoked should a non-restricted firearm be transferred without verifying the licence of transferee with the Registrar.
Other Records of the Registrar	85 (1) The Registrar shall establish and maintain a record of (a) firearms acquired or possessed by... persons and used by them in the course of their duties or for the purposes of their employment... and (b) firearms acquired or possessed by individuals on behalf of, and under the authority of, a police force or a department of the Government of Canada or of a province.	Clause 10 (3) of Bill C-71 amends subsection 85(1) of the Act by adding the following after paragraph (b): (c) every request for a reference number made to the Registrar under section 23 and, if the request is refused, the reasons for refusing the request; and (d) every reference number that is issued by the Registrar under subsection 23(3) and, with respect to each reference number, the day on which it was issued and the licence numbers of the transferor and transferee.	Bill C-71 adds paragraphs 85(1)(c) and (d) to make it clear that the Registrar must keep records related to the reference number and where the Registrar refuses to issue a reference number (i.e., licence is not valid), he/she will retain a record of the enquiry in case that the person follows up on the rationale for the refusal.

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Licence of business – deemed conditions		<p>Clause 14 of Bill C-71 adds the following after section 126:</p> <p>126.1 Every licence of a business that is valid on the commencement day is deemed to include the conditions set out in paragraphs 58.1(1)(a) to (d).</p>	<p>Bill C-71 sets that, on coming into force, business licences are deemed to include the conditions in paragraphs 58.1(1)(a) to (d).</p>
Firearms Markings Punishment	<p>109 Every person who commits an offence under section 106, 107 or 108, who contravenes subsection 29(1) or who contravenes a regulation made under paragraph 117(d), (e), (f), (g), (i), (j), (l), (m) or (n) the contravention of which has been made an offence under paragraph 117(o)</p>	<p>Clause 12 of Bill C-71 replaces the portion of section 109 by the following:</p> <p>109. Every person who commits an offence under section 106, 107 or 108, who contravenes subsection 29(1) or who contravenes a regulation under made under paragraph 117(d), (e), (f), (g), (i), (j), (k.2), (l), (m) or (n) the contravention of which has been made an offence under paragraph 117(o)</p>	<p>Bill C-71 makes the required technical amendment to provide the authority to make it punishable to contravene the <i>Firearms Marking Regulations</i>.</p>
Forfeiture	<p>Criminal Code:</p> <p>115 (1) Unless a prohibition order against a person specifies otherwise, everything the possession of which is prohibited by the order that, on the commencement of the order, is in the possession of the person is forfeited to Her Majesty.</p>	<p>Clause 17 of Bill C-71 replaces subsection 115(1) of the <i>Criminal Code</i>:</p> <p>115(1) Unless a prohibition order against a person specifies otherwise, everything the possession of which is prohibited by the order is forfeited to Her Majesty <u>if, on the commencement of the order, the thing is in the person's possession or has been seized and detained by, or surrendered to, a peace officer.</u></p>	<p>Bill C-71 clarifies that firearms and other weapons, which have been seized, or surrendered, and are in the custody of law enforcement at the time that a prohibition order is issued, shall be forfeited to the Crown, unless the order specifies otherwise.</p>

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COMPARISON CHART: PART 2 - Ending the Long-gun Registry Act

Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
Repeal Division 18 of the <i>Economic Action Plan 2015 Act, No. 1</i> to settle the constitutional challenge of the ELRA, brought by the Information Commissioner.	<p>29(1) The Commissioner of Firearms shall ensure the destruction as soon as feasible of all records in the Canadian Firearms Registry related to the registration of firearms that are neither prohibited firearms nor restricted firearms and all copies of those records under the Commissioner's control.</p> <p>(2) Each chief firearms officer shall ensure the destruction as soon as feasible of all records under their control related to the registration of firearms that are neither prohibited firearms nor restricted firearms and all copies of those records under their control.</p> <p>(4) The <i>Access to Information Act</i>, including sections 4, 30, 36, 37, 41, 42, 46, 67 and 67.1, does not apply, as of October 25, 2011, with respect to the records and copies referred to in subsections 29(1) and (2) or with respect to their destruction.</p> <p>(5) The <i>Privacy Act</i>, including subsections 6(1) and (3) and sections 12, 29, 34, 35, 41, 42, 45 and 68, does not apply, as of October 25, 2011, with respect to personal information, as defined in section 3 of that Act, that is contained in the records and copies referred to in subsections (1) and (2) or with respect to the disposal of that</p>	<p>Clause 23(2) of the bill provides that subsections 29(4) to (7) are deemed never to have come into force and are repealed.</p>	<p>The <i>Economic Action Plan 2015 Act, No. 1</i> amended the ELRA on June 23, 2015, to add subsections 29(4) to (7) which provide that the <i>Access to Information Act</i> and the <i>Privacy Act</i> do not apply to the registration records for non-restricted firearms as of October 25, 2011, the date on which the ELRA was introduced in Parliament.</p> <p>The bill deems these sections to have never come into force and repeals them.</p>

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Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
	<p>information.</p> <p>(6) For greater certainty, any request, complaint, investigation, application, judicial review, appeal or other proceedings under the <i>Access to Information Act</i> or the <i>Privacy Act</i> with respect to any act or thing referred to in subsection (4) or (5) that is in existence on or after October 25, 2011 is to be determined in accordance with that subsection.</p> <p>(7) In the event of an inconsistency between subsection (1) or (2) and any other Act of Parliament, that subsection prevails to the extent of the inconsistency, and the destruction of the records and copies referred to in that subsection shall take place despite any requirement to retain the records or copies in that other Act.</p> <p>30(1) No administrative, civil or criminal proceedings lie against the Crown, a Crown servant, the Commissioner of Firearms or a chief firearms officer, or any person acting on behalf of or under the direction of any of them, with respect to the destruction, on or after April 5, 2012, of the records and copies referred to in subsections 29(1) and (2).</p> <p>(2) No administrative, civil or criminal proceedings lie against the Crown, a Crown servant, the Commissioner of Firearms, a chief firearms officer, a government</p>	<p>Clause 24 of the bill provides that section 30 of the ELRA is deemed never to have come into force and is repealed.</p>	<p>The <i>Economic Action Plan 2015 Act, No. 1</i>, amended the ELRA on June 23, 2015, to add section 30 which provides that the Crown and other persons are immune from liability with respect to</p> <p>1) the destruction of the registration records of non-restricted firearms, on or after April 5, 2012; and,</p> <p>2) any act or omission done, during the period beginning on October 25, 2011 and ending on June 23, 2015, under the</p>

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Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
	institution or the head of a government institution, or any person acting on behalf of or under the direction of any of them, for any act or omission done, during the period beginning on October 25, 2011 and ending on the day on which this subsection comes into force, in purported compliance with the <i>Access to Information Act</i> or the <i>Privacy Act</i> in relation to any of the records and copies referred to in subsections 29(1) and (2).		access and privacy legislation, in relation to the registration records of non-restricted firearms. The bill deems these sections to have never come into force and repeals them.
Address the proceedings under the <i>Access to Information Act</i> and the <i>Privacy Act</i> that were affected by Division 18 of the <i>Economic Action Plan 2015 Act, No. 1</i>		<p>TRANSITIONAL PROVISIONS</p> <p>Continued Application</p> <p>Clause 27(1) The <i>Privacy Act</i>, other than subsections 6(1) and (3), and the <i>Access to Information Act</i> continue to apply with respect to any specified proceeding and to any complaint, investigation, application, judicial review or appeal that results from a specified proceeding.</p> <p>Period running on June 22, 2015 restarts</p> <p>(2) A time limit, or other period of time, under the <i>Access to Information Act</i> or the <i>Privacy Act</i> that was running on June 22, 2015 with respect to a specified proceeding described in paragraph (a) of the definition of that expression in section 4 is deemed to restart, from the beginning, on the commencement day.</p>	<p>“Specified proceeding” is defined as any request, complaint, investigation, application, judicial review, appeal or other proceeding under the <i>Access to Information Act</i> or the <i>Privacy Act</i> with respect to a record or copy or to personal information that was:</p> <p>made on or before June 22, 2015 (the day before the coming into force of the <i>Economic Action Plan 2015 Act, No. 1</i>) and was not concluded, or in respect of which no decision was made, on or before that day; or</p>

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Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
		<p>Specified proceeding initiated after June 22, 2015</p> <p>(3) A specified proceeding described in paragraph (b) of the definition of that expression in section 4 is deemed to be made or initiated on the commencement day.</p> <p>For greater certainty</p> <p>(4) For greater certainty, no destruction of records or copies that are the subject of proceedings referred to in subsection (1) is to occur until all proceedings referred to in that subsection are finally disposed of, settled or abandoned.</p>	<p>made or initiated after June 22, 2015, but before the Royal Assent of Bill C-71.</p> <p>The access and privacy legislation will continue to apply to specified proceedings until Royal Assent.</p> <p>Any time period that was running on June 22, 2015 would begin again at zero on Royal Assent. Any specified proceeding initiated between June 22, 2015 and Royal Assent would be considered to have been received on the day of Royal Assent.</p> <p>The specified proceedings would be addressed prior to destruction of the remaining registration records of non-restricted firearms.</p>

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Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
Facilitate the settlement of the judicial review brought by the Information Commissioner in Federal Court (T-785-15)		Permission to view records 7. The Commissioner of Firearms shall permit the Information Commissioner to view - for the purpose of settling the Federal Court proceeding <i>Information Commissioner of Canada v. Minister of Public Safety and Emergency Preparedness</i> , bearing court file number T-785-15 - any record that was in the Canadian Firearms Registry on April 3, 2015.	The Information Commissioner would be permitted to view the records in the Canadian Firearms Registry, as it was preserved on April 3, 2015, for the purpose of identifying those records which the Information Commissioner considers responsive to the access to information request which is the subject of the judicial review.
Provide a copy of the Quebec Records to the Government of Quebec, if requested.		Copy to Government of Quebec 29(1) the Commissioner of Firearms shall - for the purpose of the administration and enforcement of the <i>Firearms Registration Act</i> , chapter 15 of the Statutes of Quebec, 2016 - provide the Quebec Minister with a copy of all records that were in the Canadian Firearms Registry on April 3, 2015 and that relate to firearms registered, as at that day, as non-restricted firearms, if the Quebec Minister provides the Commissioner with a written request to that effect before the end of the 120 th day after the day on which the Commissioner sends written notice under subsection (2).	The Quebec Minister responsible for Public Security (the Quebec Minister) has expressed an interest in possibly obtaining a copy of the registration records of non-restricted firearms related to Quebec (the Quebec Records). (The other registration records of non-restricted firearms were destroyed in accordance with section 29 of the ELRA in October 2012.) Clause 29 (1) provides that the Commissioner of Firearms will provide a copy of the Quebec Records to the Quebec Minister, if he or she provides a written request prior to destruction of the records in accordance with section 29 of the ELRA. It also provides for a mechanism in the event

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
		<p>Notice</p> <p>29(2) If no request is provided under subsection (1) before the Commissioner is in a position to proceed with ensuring the destruction of the records referred to in that subsection, the Commissioner shall, as soon as he or she is in that position, send written notice to the Quebec Minister of that fact.</p> <p>Destruction of Records</p> <p>29(3) Despite subsection 29(1) of the <i>Ending the Long-gun Registry Act</i>, the Commissioner shall proceed with ensuring the destruction of the records referred to in subsection (1) only after</p> <p>(a) he or she provides the Quebec Minister with a copy of the records, in the case where that Minister provides a written request in accordance with subsection (1); or</p> <p>(b) the end of the 120th day after the day on which the commissioner sends written notice under subsection (2), in any other case.</p>	<p>that the Quebec Minister is prevented from providing a request to the Commissioner of Firearms prior to feasibility of record destruction.</p> <p>The Commissioner would be in a position to proceed with the destruction of the records only when all specified proceedings have been addressed, statutory rights have expired, and provided that there is no further or new litigation concerning the records.</p> <p>If the Quebec Minister has not provided a written request prior to feasibility of record destruction, the Commissioner of Firearms would provide notice to Quebec and would delay destruction for 120 days. The Quebec Minister would then have 120 days to request the records before they are destroyed.</p> <p>The Commissioner of Firearms must preserve the Quebec Records until the Commissioner has given a copy of the records to Quebec, if they have been requested, or until the 120-day notice period is over.</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
		<p>Extension</p> <p>30 The Minister of Public Safety and Emergency Preparedness may, during the 120-day period referred to in subsection 8(1), make an order extending the period for another 120 days, and in that case the references in subsections 8(1) and 8(3) to "the 120th day" are to be read as references to "the 240th day".</p>	During the 120-day period, the Minister of Public Safety and Emergency Preparedness would have the authority to make an order extending the 120-day period and the delay of destruction.
Implement subsections 29(1) and (2) of the ELRA	29(1) The Commissioner of Firearms shall ensure the destruction as soon as feasible of all records in the Canadian Firearms Registry related to the registration of firearms that are neither prohibited firearms nor restricted firearms and all copies of those records under the Commissioner's control.	<p>Non-application - Access to Information Act</p> <p>26(1) Subject to section 5, the <i>Access to Information Act</i> does not apply as of the commencement day with respect to records and copies.</p> <p>Non-application - Privacy Act</p> <p>26(2) Subject to section 6, the <i>Privacy Act</i>, other than its subsections 6(1) and (3), does not apply as of the commencement day with respect to personal information.</p> <p>Destruction of Records</p> <p>29(3) Despite subsection 29(1) of the <i>Ending the Long-gun Registry Act</i>, the Commissioner shall proceed with ensuring the destruction of the records referred to in subsection (1) only after (a) he or she provides the Quebec</p>	<p>These clauses provide for a sunset date, which is the commencement day, after which the <i>Access to Information Act</i> and the <i>Privacy Act</i> would no longer apply to registration records of non-restricted firearms.</p> <p>Clause 29(3) ensures that the Quebec Records may be destroyed in accordance with section 29 of the ELRA once a copy of the remaining registration records of non-restricted firearms have been given to the Quebec</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

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Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
		Minister with a copy of the records, in the case where that Minister provides a written request in accordance with subsection (1); or (b) the end of the 120 th day after the day on which the commissioner sends written notice under subsection (2), in any other case.	Minister, or at the end of the 120 th day after the day that notice was sent to the Quebec Minister under clause 29(2).

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

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Guénette, Christine (PS/SP)

From: Gallant, Benjamin (PS/SP)
Sent: Tuesday, July 31, 2018 10:22 AM
To: Guénette, Christine (PS/SP)
Cc: Roy, Natasha (PS/SP)
Subject: RE: PCO
Attachments: Firearms Stats - origin of crime guns - domestically sourced; Illegal Firearms Task Force BC - Final report.pdf

Hi Christine,

As RG stated, there is unfortunately no national data available on the origin of firearms involved in crime.

What we do have is the following (please check with RG if the below + attachments is sufficient):

- Anecdotally, police forces in Toronto, Calgary, Ottawa and other CMAs (see attached) have come out in the media saying that approximately 50% of the firearms they recover from criminal investigations were domestically sourced.
- From the B.C. Illegal Firearms Task Force final report (attached) "Historically, most crime guns were smuggled into Canada from the U.S. Over the past three years in B.C., however, approximately 60 per cent were sourced in Canada, according to data from the National Weapons Enforcement Support Team (NWEST). NWEST attributes this trend to changes in firearms legislation in states such as Washington and Oregon requiring recordkeeping at the point of sale for all firearms, which allows tracing to identify a purchaser."

What we can further do, if needed:

- Search online to see if any police forces in Canada report on this information in detail;
- Officially contact Canada's largest police forces and request the data if it is not publicly posted;
- Task RCMP [REDACTED] to report on the results of their tracing team for the past 3-5 years. They may be able to report on what % of the firearms they have successfully traced were domestically sourced. That said, my most recent understanding was that they do not track this data in aggregate.

With your concurrence, should I stop working on the deck to pursue this task? Or would it be preferable for Natasha take this on should more data be needed to satisfy PCO's request?

Cheers,

B

From: Guénette, Christine (PS/SP)
Sent: Tuesday, July 31, 2018 10:01 AM
To: Gallant, Benjamin (PS/SP)
Cc: Roy, Natasha (PS/SP)
Subject: FW: PCO

Good morning, Ben,

Can you take care of this?

From: Gobeil, Renée (PS/SP)
Sent: Tuesday, July 31, 2018 9:20 AM

To: Guénette, Christine (PS/SP)

Subject: PCO

Hi Christine,

I spoke to PCO this morning about our initiative. They asked that we try to review the data on whether the proportion of domestically sourced vs illegally smuggled firearms has shifted. Can you please task someone with a review of those data? I know the data don't exist at an aggregate national level so we'll have to compile what we can find from various jurisdictions.

Renée Gobeil

Director | Directrice

Firearms and Operational Policing Policy Division |

Division des politiques des armes à feu et de la police opérationnelle

Community Safety and Countering Crime Branch (CSCCB) |

Secteur de la sécurité communautaire et de la réduction du crime (SSCRC)

Public Safety Canada | Sécurité publique Canada

269 Laurier Ave. W., 12A-1600

Ottawa, Canada K1A 0P8

renee.gobeil@canada.ca

Tel | Tél : 613-998-0048

Government of Canada | Gouvernement du Canada

Illegal Firearms Task Force Final Report



A report to the
Minister of Public Safety and
Solicitor General of British Columbia
September 30, 2017

000810

Guénette, Christine (PS/SP)

From: Abramowitz, Robert (PS/SP)
Sent: Friday, February 12, 2016 10:43 AM
To: Guénette, Christine (PS/SP); Paquet, Alain (PS/SP)
Cc: Abramowitz, Robert (PS/SP)
Subject: RE: [REDACTED]
Attachments: [REDACTED]

Protected: Solicitor-Client Privilege

Alain, Christine,

[REDACTED]

From: Guénette, Christine (PS/SP)
Sent: Friday, February 12, 2016 9:41 AM
To: Paula.Clarke@iustice.gc.ca; Abramowitz, Robert (PS/SP)
Subject: [REDACTED]

Hi Paula, Rob,

[REDACTED]

Thanks.

**Pages 812 to / à 817
are withheld pursuant to sections
sont retenues en vertu des articles**

21(1)(a), 21(1)(b), 23

**of the Access to Information
de la Loi sur l'accès à l'information**

Pages 818 to / à 854
are not relevant
sont non pertinentes

DISPOSITIONS CLÉS DU CODE CRIMINEL

84. (1) Les définitions qui suivent s'appliquent à la présente partie.

« **arme automatique** » Arme à feu pouvant tirer rapidement plusieurs projectiles à chaque pression de la détente, ou assemblée ou conçue et fabriquée de façon à pouvoir le faire.

« **arme à feu prohibée** »

a) Arme de poing pourvue d'un canon dont la longueur ne dépasse pas 105 mm ou conçue ou adaptée pour tirer des cartouches de calibre 25 ou 32, sauf celle désignée par règlement pour utilisation dans les compétitions sportives internationales régies par les règles de l'Union internationale de tir;

b) arme à feu sciée, coupée ou modifiée de façon que la longueur du canon soit inférieure à 457 mm ou de façon que la longueur totale de l'arme soit inférieure à 660 mm;

c) **arme automatique, qu'elle ait été ou non modifiée pour ne tirer qu'un seul projectile à chaque pression de la détente;**

d) arme à feu désignée comme telle par règlement.

102. (1) Commet une infraction quiconque, sans excuse légitime, modifie ou fabrique une arme à feu de façon à ce qu'elle puisse tirer rapidement plusieurs projectiles à chaque pression de la détente ou assemble des pièces d'armes à feu en vue d'obtenir une telle arme.

(2) Quiconque commet l'infraction prévue au paragraphe (1) est coupable :

a) soit d'un acte criminel passible d'un emprisonnement maximal de dix ans, la peine minimale étant de un an;

b) soit d'une infraction punissable, sur déclaration de culpabilité par procédure sommaire, d'un emprisonnement maximal de un an.

KEY CRIMINAL CODE PROVISIONS

84. In this part,

“automatic firearm” means a firearm that is capable of, or assembled or designed and manufactured with the capability of, discharging projectiles in rapid succession during one pressure of the trigger.

“prohibited firearm” means

(a) a handgun that

(i) has a barrel equal to or less than 105 mm in length, or

(ii) is designed or adapted to discharge a 25 or 32 calibre cartridge,

but does not include any such handgun that is prescribed, where the handgun is for use in international sporting competitions governed by the rules of the International Shooting Union,

(b) a firearm that is adapted from a rifle or shotgun, whether by sawing, cutting or any other alteration, and that, as so adapted,

(i) is less than 660 mm in length, or

(ii) is 660 mm or greater in length and has a barrel less than 457 mm in length,

(c) **an automatic firearm, whether or not it has been altered to discharge only one projectile with one pressure of the trigger,** or

(d) any firearm that is prescribed to be a prohibited firearm.

102. (1) Every person commits an offence who, without lawful excuse, alters a firearm so that it is capable of, or manufactures or assembles any firearm that is capable of, discharging projectiles in rapid succession during one pressure of the trigger.

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding one year.

Page 857
is not relevant
est non pertinente

Guénette, Christine (PS/SP)

From: Knezevic, Vesna (PS/SP)
Sent: Tuesday, November 03, 2015 3:16 PM
To: Akman, David (PS/SP)
Cc: Paquet, Alain (PS/SP); Guénette, Christine (PS/SP)
Subject: FW: [REDACTED]
Attachments: [REDACTED]

Thank you David. I am forwarding a copy to Alain and Christine for their information and review.
Vesna

From: Akman, David (PS/SP)
Sent: Monday, November 02, 2015 3:16 PM
To: Potter, Mark (PS/SP)
Cc: Matthews, Pamela (PS/SP); Knezevic, Vesna (PS/SP); Akman, David (PS/SP)
Subject: [REDACTED]

Hi Mark,

[REDACTED]

Please let me know if this is what you had in mind.

David

Page 859

**is withheld pursuant to sections
est retenue en vertu des articles**

16(1), 16(2), 21(1)(a), 21(1)(b), 23

**of the Access to Information
de la Loi sur l'accès à l'information**

Page 860

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est retenue en vertu des articles**

16(2), 21(1)(a), 21(1)(b), 23

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de la Loi sur l'accès à l'information**

**Pages 861 to / à 863
are withheld pursuant to sections
sont retenues en vertu des articles**

19(1), 21(1)(a), 21(1)(b), 23

**of the Access to Information
de la Loi sur l'accès à l'information**

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**is withheld pursuant to sections
est retenue en vertu des articles**

21(1)(a), 21(1)(b), 23

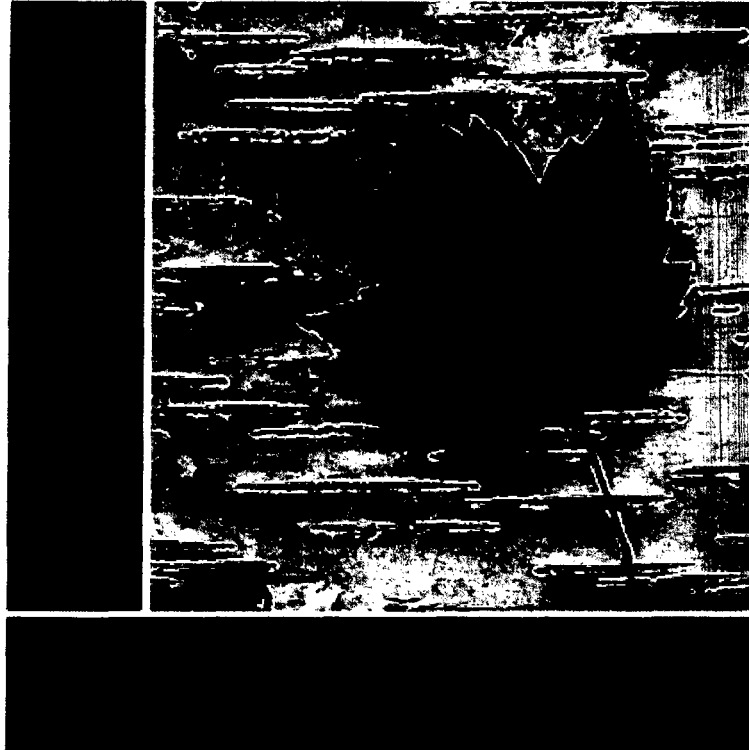
**of the Access to Information
de la Loi sur l'accès à l'information**



Public Safety
Canada

Sécurité publique
Canada

BUILDING A **SAFE AND RESILIENT CANADA**



Minister's Briefing Binder

**Bill C-71: An Act to amend certain Acts and Regulations in
relation to Firearms, as amended
Adopted at Third Reading September 24, 2018**

BILL C-71
An Act to amend certain Acts and Regulations in relation to firearms
Minister's Briefing Binder

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3. Key Elements of the Bill
4. Key Messages
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7. 'Deeming' Provisions and Grandfathering
8. Authorization to Transport
9. Eligibility to Hold a Firearms Licence
10. Licence Verification
11. Record-keeping by Businesses
12. Issue Brief: Narrow Amendment: Firearms Marking
13. Issue Brief: Narrow Amendment: Forfeiture (*Criminal Code*)
14. Issue Brief: Implementation Plan

PART 2 OF BILL C-71: QUESTIONS AND ANSWERS And/Or ISSUE BRIEFS

15. *Ending the Long-gun Registry Act*
16. Access to Information Request of March 27, 2012
17. *Economic Action Plan 2015 Act, No. 1*
18. Allegation of Offence under the *Access to Information Act*
19. Information Commissioner Litigations (Judicial Review and Constitutional Challenge)
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21. Sharing Records with Quebec
22. Chronology of Events

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23. Clause-by-Clause Analysis
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25. Stakeholder Perspectives
26. Issues Raised by the Opposition

First Session, Forty-second Parliament,
64-65-66-67 Elizabeth II, 2015-2016-2017-2018

Première session, quarante-deuxième législature,
64-65-66-67 Elizabeth II, 2015-2016-2017-2018

HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-71

PROJET DE LOI C-71

An Act to amend certain Acts and
Regulations in relation to firearms

Loi modifiant certaines lois et un règlement
relatifs aux armes à feu

REPRINTED AS AMENDED BY THE STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY AS A WORKING COPY FOR THE USE OF THE HOUSE OF COMMONS AT REPORT STAGE AND AS REPORTED TO THE HOUSE ON JUNE 12, 2018

RÉIMPRIMÉ TEL QUE MODIFIÉ PAR LE COMITÉ PERMANENT DE LA SÉCURITÉ PUBLIQUE ET NATIONALE COMME DOCUMENT DE TRAVAIL À L'USAGE DE LA CHAMBRE DES COMMUNES À L'ÉTAPE DU RAPPORT ET PRÉSENTÉ À LA CHAMBRE LE 12 JUIN 2018

MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS

MINISTRE DE LA SÉCURITÉ PUBLIQUE ET DE LA
PROTECTION CIVILE

SUMMARY

Part 1 of this Act amends the *Firearms Act* to, among other things,

- (a) remove the reference to the five-year period, set out in subsection 5(2) of that Act, that applies to the mandatory consideration of certain eligibility criteria for holding a licence;
- (b) require, when a non-restricted firearm is transferred, that the transferee's firearms licence be verified by the Registrar of Firearms and that businesses keep certain information related to the transfer; and
- (c) remove certain automatic authorizations to transport prohibited and restricted firearms.

Part 1 also amends the *Criminal Code* to repeal the authority of the Governor in Council to prescribe by regulation that a prohibited or restricted firearm be a non-restricted firearm or that a prohibited firearm be a restricted firearm and, in consequence, the Part

- (a) repeals certain provisions of regulations made under the *Criminal Code*; and
- (b) amends the *Firearms Act* to grandfather certain individuals and firearms, including firearms previously prescribed as restricted or non-restricted firearms in those provisions.

Furthermore, Part 1 amends section 115 of the *Criminal Code* to clarify that firearms and other things seized and detained by, or surrendered to, a peace officer at the time a prohibition order referred to in that section is made are forfeited to the Crown.

Part 2, among other things,

- (a) amends the *Ending the Long-gun Registry Act*, by repealing the amendments made by the *Economic Action Plan 2015 Act, No. 1*, to retroactively restore the application of the *Access to Information Act* and the *Privacy Act* to the records related to the registration of non-restricted firearms until the day on which this enactment receives royal assent;
- (b) provides that the *Access to Information Act* and the *Privacy Act* continue to apply to proceedings that were initiated under those Acts before that day until the proceedings are finally disposed of, settled or abandoned; and
- (c) directs the Commissioner of Firearms to provide the minister of the Government of Quebec responsible for public security with a copy of such records, at that minister's request.

SOMMAIRE

La partie 1 du texte modifie la *Loi sur les armes à feu* afin, notamment :

- a) de supprimer, au paragraphe 5(2) de cette loi, la mention de la période de cinq ans qui s'applique à la prise en compte obligatoire de certains critères d'admissibilité pour la délivrance d'un permis;
- b) d'exiger, d'une part, du directeur de l'enregistrement des armes à feu qu'il vérifie le permis de possession d'armes à feu du cessionnaire lorsqu'une arme à feu sans restriction est cédée et, d'autre part, des entreprises qu'elles conservent certains renseignements relatifs à la cession d'une arme à feu sans restriction;
- c) de retirer certaines autorisations automatiques de transporter une arme à feu prohibée et une arme à feu à autorisation restreinte.

Elle modifie également le *Code criminel* afin d'abroger le pouvoir du gouverneur en conseil de désigner, par règlement, une arme à feu prohibée ou une arme à feu à autorisation restreinte comme étant une arme à feu sans restriction, ou une arme à feu prohibée comme étant une arme à feu à autorisation restreinte et, en conséquence, la partie 1 :

- a) abroge certaines dispositions d'un règlement pris sous le régime du *Code criminel*;
- b) modifie la *Loi sur les armes à feu* pour accorder des droits acquis à certains particuliers à l'égard de certaines armes à feu, notamment des armes à feu auparavant désignées par les dispositions visées comme étant des armes à feu à autorisation restreinte ou sans restriction.

Elle modifie aussi l'article 115 du *Code criminel* afin de préciser que les armes à feu et autres objets saisis et retenus par un agent de la paix, ou remis à un tel agent, au moment où une ordonnance d'interdiction visée à cet article est rendue sont confisqués au profit de Sa Majesté.

La partie 2, notamment :

- a) modifie la *Loi sur l'abolition du registre des armes d'épaule*, en abrogeant les modifications apportées par la *Loi n° 1 sur le plan d'action économique de 2015*, afin de rétablir, rétroactivement, l'application de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels* aux registres et fichiers relatifs à l'enregistrement des armes à feu sans restriction, jusqu'à la date de sanction de la présente loi;
- b) prévoit que la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels* continuent de s'appliquer aux procédures commencées sous le régime de ces lois avant cette date jusqu'à ce qu'elles aient fait l'objet d'une décision définitive, d'un règlement ou d'un abandon;
- c) exige que le commissaire aux armes à feu fournisse au ministre du gouvernement du Québec responsable de la

sécurité publique une copie de tels registres et fichiers, sur
demande de ce dernier.

1st Session, 42nd Parliament,
64-65-66-67 Elizabeth II, 2015-2016-2017-2018

HOUSE OF COMMONS OF CANADA

1^{re} session, 42^e législature,
64-65-66-67 Elizabeth II, 2015-2016-2017-2018

CHAMBRE DES COMMUNES DU CANADA

BILL C-71

An Act to amend certain Acts and Regulations in relation to firearms

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART 1

Amendments to the Firearms Act, the Criminal Code and the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted

1995, c. 39

Firearms Act

2015, c. 27, s. 2(2)

1 (1) Subsection 2(2) of the *Firearms Act* is replaced by the following:

Criminal Code

(2) Unless otherwise provided, words and expressions used in this Act have the meanings assigned to them by section 2 or 84 of the *Criminal Code*.

(2) Section 2 of the Act is amended by adding the following after subsection (3):

90859

PROJET DE LOI C-71

Loi modifiant certaines lois et un règlement relatifs aux armes à feu

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

PARTIE 1

Modification de la Loi sur les armes à feu, du Code criminel et du Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction

1995, ch. 39

Loi sur les armes à feu

2015, ch. 27, par. 2(2)

1 (1) Le paragraphe 2(2) de la *Loi sur les armes à feu* est remplacé par ce qui suit :

Code criminel

(2) Sauf disposition contraire, les termes employés dans la présente loi s'entendent au sens des articles 2 ou 84 du *Code criminel*.

(2) L'article 2 de la même loi est modifié par adjonction, après le paragraphe (3), de ce qui suit :

For greater certainty

(4) For greater certainty, nothing in this Act shall be construed so as to permit or require the registration of non-restricted firearms.

2 (1) The portion of subsection 5(2) of the Act before paragraph (a) is replaced by the following:

Criteria

(2) In determining whether a person is eligible to hold a licence under subsection (1), a chief firearms officer or, on a reference under section 74, a provincial court judge shall have regard to whether the person

(2) Subsection 5(2) of the Act is amended by striking out "or" at the end of paragraph (b) and by replacing paragraph (c) with the following:

(c) has a history of behaviour that includes violence or threatened or attempted violence or threatening conduct on the part of the person against any person;

(d) is or was previously prohibited by an order — made in the interests of the safety and security of any person — from communicating with an identified person or from being at a specified place or within a specified distance of that place, and presently poses a threat or risk to the safety and security of any person;

(e) in respect of an offence in the commission of which violence was used, threatened or attempted against the person's intimate partner or former intimate partner, was previously prohibited by a prohibition order from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition; or

(f) for any other reason, poses a risk of harm to any person.

(3) Section 5 of the Act is amended by adding the following after subsection (2):

For greater certainty

(2.1) For greater certainty, for the purposes of paragraph (2)(c), threatened violence and threatening conduct include threats or conduct communicated by the person to a person by means of the Internet or other digital network.

3 (1) Section 12 of the Act is amended by adding the following after subsection (8):

Précision

(4) Il est entendu que la présente loi ne permet ni n'exige l'enregistrement des armes à feu sans restriction.

2 (1) Le passage du paragraphe 5(2) de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

Critères d'admissibilité

(2) Pour l'application du paragraphe (1), le contrôleur des armes à feu ou, dans le cas d'un renvoi prévu à l'article 74, le juge de la cour provinciale tient compte des éléments suivants :

(2) L'alinéa 5(2)c) de la même loi est remplacé par ce qui suit :

c) l'historique de son comportement atteste la menace, la tentative ou l'usage de violence ou le comportement menaçant contre lui-même ou autrui;

d) il lui est ou lui a été interdit, au titre d'une ordonnance rendue pour la sécurité de toute personne, de communiquer avec une personne donnée ou de se trouver dans un lieu donné ou à une distance donnée de ce lieu, et il représente présentement une menace ou un risque pour la sécurité de toute personne;

e) au titre d'une ordonnance d'interdiction rendue relativement à une infraction commise avec usage, tentative ou menace de violence contre son partenaire intime ou un ancien partenaire intime, il lui a déjà été interdit la possession d'une arme à feu, d'une arbalète, d'une arme prohibée, d'une arme à autorisation restreinte, d'un dispositif prohibé ou de munitions prohibées;

f) pour toute autre raison, il pourrait causer un dommage à lui-même ou à autrui.

(3) L'article 5 de la même loi est remplacé par adjonction, après le paragraphe (2), de ce qui suit :

Précision

(2.1) Il est entendu que, pour l'application de l'alinéa (2)c), la menace de violence et le comportement menaçant s'entendent notamment de la menace ou du comportement communiqués par la personne envers autrui par Internet ou un autre réseau numérique.

3 (1) L'article 12 de la même loi est modifié par adjonction, après le paragraphe (8), de ce qui suit :

Grandfathered individuals — regulations

(9) An individual is eligible to hold a licence authorizing the individual to possess prohibited firearms of a prescribed class if the individual

- (a)** possesses one or more firearms of that class on a day that is prescribed with respect to that class; 5
- (b)** holds a registration certificate for one or more firearms of that class in the circumstances prescribed with respect to that class; and
- (c)** was continuously the holder of a registration certificate for one or more firearms of that class beginning on the day that is prescribed — or that is determined under the regulations — with respect to that class. 10

(2) Section 12 of the Act is amended by adding the following after subsection (9): 15

Grandfathered individuals — CZ rifle

(10) An individual is eligible to hold a licence authorizing the individual to possess one or more firearms referred to in subsection (11) if

- (a)** the individual possessed one or more such firearms on June 30, 2018; 20
- (b)** the individual
 - (i)** held on that day a registration certificate for one or more such firearms, in the case where at least one of those firearms was on that day a restricted firearm, or 25
 - (ii)** applies, before the first anniversary of the commencement day, for a registration certificate that is subsequently issued for a firearm referred to in subsection (11), in any other case; and
- (c)** the individual was continuously the holder of a registration certificate for one or more such firearms beginning on
 - (i)** June 30, 2018, in the case where at least one of those firearms was on that day a restricted firearm, or 35
 - (ii)** the day on which a registration certificate referred to in subparagraph (b)(ii) is issued to the individual, in any other case.

Grandfathered firearms — CZ rifle

(11) Subsection (10) applies in respect of a firearm that

Particuliers avec droits acquis : règlements

(9) Est admissible au permis autorisant la possession d'armes à feu prohibées d'une catégorie réglementaire le particulier qui remplit les conditions suivantes :

- a)** il en possédait une ou plusieurs à la date réglementaire prévue relativement à cette catégorie; 5
- b)** il est titulaire d'un certificat d'enregistrement pour de telles armes dans les situations prévues par règlement relativement à cette catégorie;
- c)** il a été sans interruption titulaire d'un certificat d'enregistrement pour de telles armes à compter de la date réglementaire — ou de celle déterminée conformément aux règlements — à l'égard de cette catégorie. 10

(2) L'article 12 de la même loi est modifié par adjonction, après le paragraphe (9), de ce qui suit :

Particuliers avec droits acquis : fusils CZ

(10) Est admissible au permis autorisant la possession d'armes à feu visées au paragraphe (11) le particulier qui remplit les conditions suivantes : 15

- a)** il en possédait une ou plusieurs le 30 juin 2018;
- b)** selon le cas :
 - (i)** à cette date, il était titulaire d'un certificat d'enregistrement pour une ou plusieurs de ces armes, dans le cas où au moins une de ces armes était, à cette date, une arme à feu à autorisation restreinte, 20
 - (ii)** il a présenté, avant le premier anniversaire de la date de référence, une demande de certificat d'enregistrement, qui a été délivré par la suite, pour une arme à feu visée au paragraphe (11), dans tout autre cas; 25
- c)** il a été sans interruption titulaire d'un certificat d'enregistrement pour de telles armes à compter : 30
 - (i)** du 30 juin 2018, dans le cas où au moins une des armes à feu était, à cette date, une arme à feu à autorisation restreinte,
 - (ii)** de la date où le certificat d'enregistrement visé au sous-alinéa b)(ii) lui a été délivré, dans tout autre cas. 35

Droits acquis : fusils CZ

(11) Le paragraphe (10) s'applique à l'égard d'une arme à feu qui, à la fois :

An Act to amend certain Acts and Regulations in relation to firearms

PART 1 Amendments to the Firearms Act, the Criminal Code and the Regulations
Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons,
Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or
Non-Restricted
Firearms Act
Section 3

Loi modifiant certaines lois et un règlement relatifs aux armes à feu

PARTIE 1 Modification de la Loi sur les armes à feu, du Code criminel et du Règlement
designant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs,
munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
Loi sur les armes à feu
Article 3

(a) is a

(i) Česká Zbrojovka (CZ) Model CZ858 Tactical-2P rifle,

(ii) Česká Zbrojovka (CZ) Model CZ858 Tactical-2V rifle,

(iii) Česká Zbrojovka (CZ) Model CZ858 Tactical-4P rifle, or

(iv) Česká Zbrojovka (CZ) Model CZ858 Tactical-4V rifle; and

(b) was registered as a restricted firearm on June 30, 2018 or, in the case of a firearm that was not a restricted firearm on that day, is the subject of an application made before the first anniversary of the commencement day for a registration certificate that is subsequently issued.

For greater certainty

(12) For greater certainty, the firearms referred to in subparagraphs (11)(a)(i) to (iv) include only firearms that are prohibited firearms on the commencement day.

Grandfathered individuals — SAN Swiss Arms

(13) An individual is eligible to hold a licence authorizing the individual to possess one or more firearms referred to in subsection (14) if

(a) the individual possessed one or more such firearms on June 30, 2018;

(b) the individual

(i) held on that day a registration certificate for one or more such firearms, in the case where at least one of those firearms was on that day a restricted firearm, or

(ii) applies, before the first anniversary of the commencement day, for a registration certificate that was subsequently issued for a firearm referred to in subsection (14), in any other case; and

(c) the individual was continuously the holder of a registration certificate for one or more such firearms beginning on

(i) June 30, 2018, in the case where at least one of the firearms was on that day a restricted firearm, or

a) est l'une ou l'autre des armes à feu suivantes :

(i) un fusil Česká Zbrojovka (CZ), modèle CZ858 Tactical-2P,

(ii) un fusil Česká Zbrojovka (CZ), modèle CZ858 Tactical-2V,

(iii) un fusil Česká Zbrojovka (CZ), modèle CZ858 Tactical-4P,

(iv) un fusil Česká Zbrojovka (CZ), modèle CZ858 Tactical-4V;

b) était enregistrée comme arme à feu à autorisation restreinte le 30 juin 2018 ou, dans le cas d'une arme à feu qui, à cette date, n'était pas une arme à feu à autorisation restreinte, fait l'objet d'une demande de certificat d'enregistrement qui a été présentée avant le premier anniversaire de la date de référence, et le certificat a été délivré par la suite.

Précision

(12) Il est entendu que les armes à feu visées aux sous-alinéas (11)a(i) à (iv) ne comprennent que les armes à feu qui sont prohibées à la date de référence.

Particuliers avec droits acquis : armes SAN Swiss Arms

(13) Est admissible au permis autorisant la possession d'armes à feu visées au paragraphe (14) le particulier qui remplit les conditions suivantes :

a) il en possédait une ou plusieurs le 30 juin 2018;

b) selon le cas :

(i) à cette date, il était titulaire d'un certificat d'enregistrement pour une ou plusieurs de ces armes, dans le cas où au moins une de ces armes était, à cette date, une arme à feu à autorisation restreinte,

(ii) il a présenté, avant le premier anniversaire de la date de référence, une demande de certificat d'enregistrement, qui a été délivré par la suite, pour une arme à feu visée au paragraphe (14), dans tout autre cas;

c) il a été sans interruption titulaire d'un certificat d'enregistrement pour de telles armes à compter :

(i) du 30 juin 2018, dans le cas où au moins une des armes à feu était, à cette date, une arme à feu à autorisation restreinte,

(ii) the day on which a registration certificate referred to in subparagraph (b)(ii) is issued to the individual, in any other case.

(ii) de la date où le certificat d'enregistrement visé au sous-alinéa b)(ii) lui a été délivré, dans tout autre cas.

Grandfathered firearms — SAN Swiss Arms

(14) Subsection (13) applies in respect of a firearm that

(a) is a

(i) SAN Swiss Arms Model Classic Green rifle,

(ii) SAN Swiss Arms Model Classic Green carbine,

(iii) SAN Swiss Arms Model Classic Green CQB rifle,

(iv) SAN Swiss Arms Model Black Special rifle, 10

(v) SAN Swiss Arms Model Black Special carbine,

(vi) SAN Swiss Arms Model Black Special CQB rifle,

(vii) SAN Swiss Arms Model Black Special Target rifle, 15

(viii) SAN Swiss Arms Model Blue Star rifle,

(ix) SAN Swiss Arms Model Heavy Metal rifle,

(x) SAN Swiss Arms Model Red Devil rifle,

(xi) SAN Swiss Arms Model Swiss Arms Edition rifle, 20

(xii) SAN Swiss Arms Model Classic Green Sniper rifle,

(xiii) SAN Swiss Arms Model Ver rifle,

(xiv) SAN Swiss Arms Model Aestas rifle,

(xv) SAN Swiss Arms Model Autumnus rifle, or 25

(xvi) SAN Swiss Arms Model Hiemis rifle; and

(b) was registered as a restricted firearm on June 30, 2018 or, in the case of a firearm that was not a restricted firearm on that day, is the subject of an application made before the first anniversary of the commencement day for a registration certificate that is subsequently issued. 30

Droits acquis : armes SAN Swiss Arms

(14) Le paragraphe (13) s'applique à l'égard d'une arme à feu qui : 5

a) d'une part, est l'une ou l'autre des armes à feu suivantes :

(i) un fusil SAN Swiss Arms, modèle Classic Green,

(ii) une carabine SAN Swiss Arms, modèle Classic Green, 10

(iii) un fusil SAN Swiss Arms, modèle Classic Green CQB,

(iv) un fusil SAN Swiss Arms, modèle Black Special,

(v) une carabine SAN Swiss Arms, modèle Black Special, 15

(vi) un fusil SAN Swiss Arms, modèle Black Special CQB,

(vii) un fusil SAN Swiss Arms, modèle Black Special Target, 20

(viii) un fusil SAN Swiss Arms, modèle Blue Star,

(ix) un fusil SAN Swiss Arms, modèle Heavy Metal,

(x) un fusil SAN Swiss Arms, modèle Red Devil,

(xi) un fusil SAN Swiss Arms, modèle Swiss Arms Edition, 25

(xii) un fusil SAN Swiss Arms, modèle Classic Green Sniper,

(xiii) un fusil SAN Swiss Arms, modèle Ver,

(xiv) un fusil SAN Swiss Arms, modèle Aestas,

(xv) un fusil SAN Swiss Arms, modèle Autumnus, 30

(xvi) un fusil SAN Swiss Arms, modèle Hiemis;

b) d'autre part, était enregistrée comme arme à feu à autorisation restreinte le 30 juin 2018 ou, dans le cas d'une arme à feu qui, à cette date, n'était pas une arme à feu à autorisation restreinte, fait l'objet d'une demande de certificat d'enregistrement qui a été présent-

tée avant le premier anniversaire de la date de réfé-
rence, et le certificat a été délivré par la suite.

2015, c. 27, s. 6

**4 (1) Subsections 19(1.1) and (2) of the Act are re-
placed by the following:**

Target practice or competition

(1.1) In the case of an authorization to transport issued
for a reason referred to in paragraph (1)(a) within the
province where the holder of the authorization resides, 5
the specified places must — except in the case of an au-
thorization that is issued for a prohibited firearm re-
ferred to in subsection 12(9) — include all shooting clubs
and shooting ranges that are approved under section 29
and that are located in that province. 10

**Exception for prohibited firearms other than
prohibited handguns**

(2) Despite subsection (1), an individual must not be au-
thorized to transport a prohibited firearm — other than a
handgun referred to in subsection 12(6.1) or a prohibited
firearm referred to in subsection 12(9) — between speci- 15
fied places except for the purposes referred to in para-
graph (1)(b). 15

**(2) Subsections 19(1.1) and (2) of the Act are re-
placed by the following:**

Target practice or competition

(1.1) In the case of an authorization to transport issued
for a reason referred to in paragraph (1)(a) within the 20
province where the holder of the authorization resides,
the specified places must — except in the case of an au-
thorization that is issued for a prohibited firearm re-
ferred to in subsection 12(9), (11) or (14) — include all
shooting clubs and shooting ranges that are approved un- 25
der section 29 and that are located in that province. 25

**Exception for prohibited firearms other than
prohibited handguns**

(2) Despite subsection (1), an individual must not be au-
thorized to transport a prohibited firearm — other than a
handgun referred to in subsection 12(6.1) or a prohibited
firearm referred to in subsection 12(9), (11) or (14) — be- 30
tween specified places except for the purposes referred to
in paragraph (1)(b). 30

2015, c. 27, s. 6

**(3) Subsections 19(2.1) to (2.3) of the Act are re-
placed by the following:**

2015, ch. 27, art. 6

**4 (1) Les paragraphes 19(1.1) et (2) de la même loi
sont remplacés par ce qui suit :**

Tir à la cible ou compétition de tir

(1.1) Dans le cas d'une autorisation de transport délivrée 5
pour l'une des raisons mentionnées à l'alinéa (1)a) pour
la province de résidence du titulaire de l'autorisation, les
lieux qui y sont précisés comprennent tous les clubs de
tir et tous les champs de tir de cette province agréés
conformément à l'article 29, sauf s'il s'agit d'une autorisa- 10
tion de transport délivrée pour une arme à feu prohibée
visée au paragraphe 12(9). 10

**Exception : armes à feu prohibées autres que les
armes de poing prohibées**

(2) Malgré le paragraphe (1), le particulier ne peut être
autorisé à transporter une arme à feu prohibée — autre
qu'une arme de poing visée au paragraphe 12(6.1) ou une 15
arme à feu prohibée visée au paragraphe 12(9) — entre
des lieux précis que pour les raisons visées à l'alinéa
(1)b). 15

**(2) Les paragraphes 19(1.1) et (2) de la même loi
sont remplacés par ce qui suit :** 20

Tir à la cible ou compétition de tir

(1.1) Dans le cas d'une autorisation de transport délivrée
pour l'une des raisons mentionnées à l'alinéa (1)a) pour
la province de résidence du titulaire de l'autorisation, les
lieux qui y sont précisés comprennent tous les clubs de
tir et tous les champs de tir de cette province agréés 25
conformément à l'article 29, sauf s'il s'agit d'une autorisa-
tion de transport délivrée pour une arme à feu prohibée
visée aux paragraphes 12(9), (11) ou (14). 25

**Exception : armes à feu prohibées autres que les
armes de poing prohibées**

(2) Malgré le paragraphe (1), le particulier ne peut être
autorisé à transporter une arme à feu prohibée — autre 30
qu'une arme de poing visée au paragraphe 12(6.1) ou
qu'une arme à feu prohibée visée aux paragraphes 12(9),
(11) ou (14) — entre des lieux précis que pour les raisons
visées à l'alinéa (1)b). 30

2015, ch. 27, art. 6

**(3) Les paragraphes 19(2.1) à (2.3) de la même loi 35
sont remplacés par ce qui suit :**

Automatic authorization to transport — licence renewal

(2.1) An individual who holds a licence authorizing the individual to possess restricted firearms or handguns referred to in subsection 12(6.1) must, if the licence is renewed, be authorized to transport them within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29. However, the authorization does not apply to a restricted firearm or a handgun referred to in subsection 12(6.1) whose transfer to the individual was approved, in accordance with subparagraph 28(b)(ii), for the purpose of having it form part of a gun collection. 5 10

Automatic authorization to transport — transfer

(2.2) If a chief firearms officer has authorized the transfer of a prohibited firearm or a restricted firearm to an individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms, the individual must be authorized to transport the firearm within the individual's province of residence from the place where they acquire it to the place where they may possess it under section 17. 15

Automatic authorization to transport — transfer

(2.3) If a chief firearms officer has authorized the transfer of a restricted firearm or a handgun referred to in subsection 12(6.1) to an individual who holds a licence authorizing the individual to possess a restricted firearm or such a handgun, the individual must be authorized to transport their restricted firearm or handgun within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29, unless the transfer of the restricted firearm or handgun was approved, in accordance with subparagraph 28(b)(ii), for the purpose of having it form part of a gun collection. 20 25 30

2012, c. 6, s. 11; 2015, c. 27, s. 7

5 Sections 23 and 23.1 of the Act are replaced by the following:

Authorization to transfer non-restricted firearms

23 (1) A person may transfer one or more non-restricted firearms if, at the time of the transfer, 35

(a) the transferee holds a licence authorizing the transferee to acquire and possess a non-restricted firearm;

(b) the Registrar has, at the transferor's request, issued a reference number for the transfer and provided it to the transferor; and 40

(c) the reference number is still valid.

Autorisation automatique de transport : renouvellement

(2.1) Le particulier titulaire d'un permis de possession d'armes à feu à autorisation restreinte ou d'armes de poing visées au paragraphe 12(6.1) doit, si son permis est renouvelé, être autorisé à les transporter, dans sa province de résidence, vers tout club de tir et tout champ de tir agréés conformément à l'article 29, et à partir de celui-ci. Toutefois, l'autorisation ne s'applique pas à l'arme à feu à autorisation restreinte ou à l'arme de poing dont la cession au particulier a été autorisée, en application du sous-alinéa 28b)(ii), à des fins de collection. 5 10 15

Autorisation automatique de transport : cession

(2.2) Si un contrôleur des armes à feu autorise la cession d'une arme à feu prohibée ou d'une arme à feu à autorisation restreinte à un particulier titulaire d'un permis de possession d'armes à feu prohibées ou d'armes à feu à autorisation restreinte, le particulier doit, dans sa province de résidence, être autorisé à transporter cette arme à feu du lieu de son acquisition au lieu où elle peut être gardée en vertu de l'article 17. 15

Autorisation automatique de transport : cession

(2.3) Si un contrôleur des armes à feu autorise la cession d'une arme à feu à autorisation restreinte ou d'une arme de poing visées au paragraphe 12(6.1) à un particulier titulaire d'un permis de possession d'armes à feu à autorisation restreinte ou d'une telle arme de poing, le particulier doit, dans sa province de résidence, être autorisé à transporter cette arme à feu vers tout club de tir et tout champ de tir agréés conformément à l'article 29, et à partir de ceux-ci, sauf si la cession de l'arme à feu à autorisation restreinte ou de l'arme de poing a été autorisée, en application du sous-alinéa 28b)(ii), à des fins de collection. 20 25 30

2012, ch. 6, art. 11; 2015, ch. 27, art. 7

5 Les articles 23 et 23.1 de la même loi sont remplacés par ce qui suit :

Cession d'armes à feu sans restriction

23 (1) La cession d'une ou de plusieurs armes à feu sans restriction est permise si, au moment où elle s'opère : 35

a) le cessionnaire est effectivement titulaire d'un permis l'autorisant à acquérir et à posséder une arme à feu sans restriction; 35

b) sur demande du cédant, le directeur a attribué un numéro de référence à la cession et a informé le cédant de ce numéro; 40

c) le numéro de référence est toujours valide.

An Act to amend certain Acts and Regulations in relation to firearms
PART 1 Amendments to the Firearms Act, the Criminal Code and the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted
 Firearms Act
 Sections 5-7

Loi modifiant certaines lois et un règlement relatifs aux armes à feu
PARTIE 1 Modification de la Loi sur les armes à feu, du Code criminel et du Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
 Loi sur les armes à feu
 Articles 5-7

Information — transferee's licence

(2) The transferee shall provide to the transferor the prescribed information that relates to the transferee's licence, for the purpose of enabling the transferor to request that the Registrar issue a reference number for the transfer.

5

Reference number

(3) The Registrar shall issue a reference number if he or she is satisfied that the transferee holds and is still eligible to hold a licence authorizing them to acquire and possess a non-restricted firearm.

Period of validity

(4) A reference number is valid for the prescribed period.

10

Registrar not satisfied

(5) If the Registrar is not satisfied as set out in subsection (3), he or she may so inform the transferor.

2015, c. 27, s. 11

6 Subsection 54(1) of the Act is replaced by the following:

Applications

54 (1) A licence, registration certificate or authorization, other than an authorization referred to in subsection 19(2.1), (2.2) or (2.3), may be issued only on application made in the prescribed form — which form may be in writing or electronic — or in the prescribed manner. The application must set out the prescribed information and be accompanied by payment of the prescribed fees.

15

20

7 The Act is amended by adding the following after section 58:

Conditions — licence issued to business

58.1 (1) A chief firearms officer who issues a licence to a business must attach the following conditions to the licence:

25

(a) the business must record and, for the prescribed period, keep the prescribed information that relates to the business' possession and disposal of non-restricted firearms;

30

(b) the business must record and — for a period of 20 years from the day on which the business transfers a non-restricted firearm, or for a longer period that may be prescribed — keep the following information in respect of the transfer:

35

Renseignements liés au permis du cessionnaire

(2) Le cessionnaire fournit au cédant les renseignements réglementaires liés à son permis afin que ce dernier puisse demander au directeur d'attribuer un numéro de référence à la cession.

Numéro de référence

(3) Le directeur attribue un numéro de référence s'il est convaincu que le cessionnaire est titulaire d'un permis l'autorisant à acquérir et à posséder une arme à feu sans restriction et y est toujours admissible.

5

Période de validité

(4) Le numéro de référence est valide pour la période réglementaire.

10

Directeur pas convaincu

(5) Si le directeur n'est pas convaincu de ce qui est prévu au paragraphe (3), il peut en informer le cédant.

2015, ch. 27, art. 11

6 Le paragraphe 54(1) de la même loi est remplacé par ce qui suit :

Dépôt d'une demande

54 (1) La délivrance des permis, des autorisations — autres que celles visées aux paragraphes 19(2.1), (2.2) ou (2.3) — et des certificats d'enregistrement est subordonnée au dépôt d'une demande présentée en la forme réglementaire — écrite ou électronique — ou selon les modalités réglementaires et accompagnée des renseignements réglementaires, et à l'acquittement des droits réglementaires.

15

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7 La même loi est modifiée par adjonction, après l'article 58, de ce qui suit :

Conditions : permis délivré à une entreprise

58.1 (1) Le contrôleur des armes à feu qui délivre un permis à une entreprise assortit ce permis des conditions suivantes :

25

a) l'entreprise est tenue de noter et de conserver, pendant la période réglementaire, les renseignements réglementaires liés à la possession d'armes à feu sans restriction et à leur disposition;

30

b) l'entreprise est tenue de noter et de conserver, pendant vingt ans ou pour une période supérieure prévue par règlement à compter de la date de la cession d'une arme à feu sans restriction, les renseignements suivants :

35

An Act to amend certain Acts and Regulations in relation to firearms
PART 1 Amendments to the Firearms Act, the Criminal Code and the Regulations
Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons,
Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or
Non-Restricted
Firearms Act
Sections 7-10

Loi modifiant certaines lois et un règlement relatifs aux armes à feu
PARTIE 1 Modification de la Loi sur les armes à feu, du Code criminel et du Règlement
désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs,
munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
Loi sur les armes à feu
Articles 7-10

- (i) the reference number issued by the Registrar,
- (ii) the day on which the reference number was issued,
- (iii) the transferee's licence number, and
- (iv) the firearm's make, model and type and, if any, its serial number; and

(c) the business must, unless otherwise directed by a chief firearms officer, transmit any records containing the information referred to in paragraph (a) or (b) to a prescribed official if it is determined that the business will cease to be a business. 10

Destruction of records

(2) The prescribed official may destroy the records transmitted to them under paragraph (1)(c) at the times and in the circumstances that may be prescribed.

2015, c. 27, s. 13(1)

8 Subsection 61(3.1) of the Act is replaced by the following: 15

Automatic authorization to transport

(3.1) An authorization to transport referred to in subsection 19(1.1), (2.1), (2.2) or (2.3) must take the form of a condition attached to a licence.

9 Paragraph 70(1)(a) of the Act is amended by adding the following after subparagraph (i): 20

- (i.1) transfers, as defined in section 21, a non-restricted firearm other than in accordance with section 23,

10 (1) The portion of subsection 85(1) of the French version of the Act before subparagraph (a)(i) is replaced by the following: 25

Autres registres du directeur

85 (1) Le directeur établit un registre :

- a) des armes à feu acquises ou détenues par les personnes précisées ci-après et utilisées par celles-ci dans le cadre de leurs fonctions : 30

- (i) le numéro de référence attribué par le directeur,
- (ii) la date à laquelle le numéro de référence a été attribué,
- (iii) le numéro de permis du cessionnaire,
- (iv) la marque, le modèle et le type de l'arme à feu et, s'il y a lieu, son numéro de série; 5

c) l'entreprise est tenue de transmettre, à moins d'instructions contraires du contrôleur des armes à feu, tout registre ou fichier contenant les renseignements visés aux alinéas a) ou b) à la personne désignée par règlement s'il est déterminé que l'entreprise cessera d'en être une. 10

Destruction des registres et fichiers

(2) La personne désignée par règlement peut détruire les registres et fichiers qui lui sont transmis au titre de l'alinéa (1)c) selon les modalités de temps et dans les situations prévues par règlement. 15

2015, ch. 27, par. 13(1)

8 Le paragraphe 61(3.1) de la même loi est remplacé par ce qui suit :

Autorisation automatique de transport

(3.1) Les autorisations de transport visées aux paragraphes 19(1.1), (2.1), (2.2) ou (2.3) prennent la forme d'une condition d'un permis. 20

1995, ch. 39, al. 137b)

9 L'alinéa 70(1)a) de la même loi est remplacé par ce qui suit :

- a) le titulaire soit ne peut plus ou n'a jamais pu être titulaire du permis ou de l'autorisation, soit cède, au sens de l'article 21, une arme à feu sans restriction autrement que conformément à l'article 23, soit enfreint une condition du permis ou de l'autorisation, soit encore a été déclaré coupable ou absous en application de l'article 730 du *Code criminel* d'une infraction visée à l'alinéa 5(2)a); 30

10 (1) Le passage du paragraphe 85(1) de la version française de la même loi précédant le sous-alinéa a)(i) est remplacé par ce qui suit :

Autres registres du directeur

85 (1) Le directeur établit un registre : 35

- a) des armes à feu acquises ou détenues par les personnes précisées ci-après et utilisées par celles-ci dans le cadre de leurs fonctions :

(2) Paragraph 85(1)(b) of the French version of the Act is replaced by the following:

b) des armes à feu acquises ou détenues par des particuliers sous les ordres et pour le compte des forces policières ou d'un ministère fédéral ou provincial; 5

(3) Subsection 85(1) of the Act is amended by striking out "and" at the end of paragraph (a) and by adding the following after paragraph (b):

(c) every request for a reference number made to the Registrar under section 23 and, if the request is refused, the reasons for refusing the request; and 10

(d) every reference number that is issued by the Registrar under subsection 23(3) and, with respect to each reference number, the day on which it was issued and the licence numbers of the transferor and transferee. 15

(4) Subsection 85(2) of the Act is replaced by the following:

Reporting of acquisitions and transfers

(2) A person referred to in paragraph (1)(a) or (b) who acquires or transfers a firearm shall have the Registrar informed of the acquisition or transfer. 20

2012, c. 6, s. 25

11 Section 90.1 of the Act is repealed.

12 The portion of section 109 of the Act before paragraph (a) is replaced by the following:

Punishment

109 Every person who commits an offence under section 106, 107 or 108, who contravenes subsection 29(1) or who contravenes a regulation made under paragraph 117(d), (e), (f), (g), (i), (j), (k.2), (l), (m) or (n) the contravention of which has been made an offence under paragraph 117(o) 25

13 (1) Section 117 of the Act is amended by adding the following after paragraph (c): 30

(c.1) regulating, for the purpose of issuing a reference number under section 23, the provision of information by a transferor, a transferee and the Registrar;

(2) Paragraph 117(m) of the Act is replaced by the following: 35

(m) regulating the keeping, transmission and destruction of records in relation to firearms, prohibited

(2) L'alinéa 85(1)b) de la version française de la même loi est remplacé par ce qui suit :

b) des armes à feu acquises ou détenues par des particuliers sous les ordres et pour le compte des forces policières ou d'un ministère fédéral ou provincial; 5

(3) Le paragraphe 85(1) de la même loi est modifié par adjonction, après l'alinéa b), de ce qui suit :

c) des demandes d'attribution de numéro de référence que reçoit le directeur au titre de l'article 23 et, si la demande est refusée, les raisons du refus; 10

d) des numéros de référence attribués par le directeur au titre du paragraphe 23(3) et, à l'égard de chaque numéro de référence attribué, la date à laquelle le numéro de référence a été attribué et les numéros de permis du cédant et du cessionnaire. 15

(4) Le paragraphe 85(2) de la même loi est remplacé par ce qui suit :

Signalement des acquisitions ou cessions

(2) Toute personne visée aux alinéas (1)a) ou b) fait notifier au directeur toute acquisition ou tout transfert d'armes à feu qu'elle effectue. 20

2012, ch. 6, art. 25

11 L'article 90.1 de la même loi est abrogé.

12 Le passage de l'article 109 de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

Peine

109 Quiconque contrevient aux articles 106, 107 ou 108 ou au paragraphe 29(1) ou à un règlement d'application des alinéas 117d), e), f), g), i), j), k.2), l), m) ou n) dont la contravention est devenue une infraction aux termes de l'alinéa 117o) est coupable : 25

13 (1) L'article 117 de la même loi est modifié par adjonction, après l'alinéa c), de ce qui suit : 30

c.1) régir, aux fins de l'attribution d'un numéro de référence au titre de l'article 23, la fourniture des renseignements par le cédant, le cessionnaire et le directeur;

(2) L'alinéa 117m) de la même loi est remplacé par ce qui suit : 35

m) régir la tenue, la transmission et la destruction de registres ou fichiers sur les armes à feu, les armes

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weapons, restricted weapons, prohibited devices and
prohibited ammunition;

(3) Section 117 of the Act is amended by adding the following after paragraph (n):

(n.1) regulating the transmission of records under 5
paragraph 58.1(1)(c) by a business to a prescribed official;

14 The Act is amended by adding the following after section 126:

Licence of business — deemed conditions

126.1 Every licence of a business that is valid on the 10
commencement day is deemed to include the conditions set out in paragraphs 58.1(1)(a) to (c).

15 The Act is amended by adding the following after section 135:

Revocation of authorization to transport

135.1 All of the following authorizations to transport a 15
prohibited firearm or a restricted firearm are revoked:

(a) authorizations issued under any of paragraphs 19(2.1)(b) to (e), as those paragraphs read immediately before the commencement day; and

(b) authorizations issued under paragraph 19(2.2)(b), 20
as that paragraph read immediately before the commencement day, in respect of transportation to and from the places referred to in any of the paragraphs that are set out in paragraph (a).

R.S., c. C-46

Criminal Code

2015, c. 27, s. 18

16 The definition *non-restricted firearm* in subsection 84(1) of the *Criminal Code* is replaced by the following:

non-restricted firearm means a firearm that is neither a prohibited firearm nor a restricted firearm; (*arme à feu sans restriction*)

1995, c. 39, s. 139

17 Subsection 115(1) of the Act is replaced by the following:

Forfeiture

115 (1) Unless a prohibition order against a person specifies otherwise, every thing the possession of which is

prohibées, les armes à autorisation restreinte, les dispositifs prohibés et les munitions prohibées;

(3) L'article 117 de la même loi est modifié par adjonction, après l'alinéa n), de ce qui suit :

n.1) régir la transmission de registres ou fichiers visés 5
à l'alinéa 58.1(1)c) par une entreprise à une personne désignée par règlement;

14 La même loi est modifiée par adjonction, après l'article 126, de ce qui suit :

Permis délivrés aux entreprises : conditions réputées

126.1 Les permis délivrés aux entreprises qui sont va- 10
lides à la date de référence sont réputés être assortis des conditions visées aux alinéas 58.1(1)a) à c).

15 La même loi est modifiée par adjonction, après l'article 135, de ce qui suit :

Révocation de l'autorisation de transport

135.1 Toute autorisation de transport d'armes à feu 15
prohibées ou d'armes à feu à autorisation restreinte est révoquée dans les cas suivants :

a) elle a été délivrée en application de l'un ou l'autre des alinéas 19(2.1)b) à e), dans leur version antérieure à la date de référence; 20

b) elle a été délivrée en application de l'alinéa 19(2.2)b), dans sa version antérieure à la date de référence, à l'égard du transport vers les lieux visés à l'un ou l'autre des alinéas visés à l'alinéa a) et à partir de ceux-ci. 25

L.R., ch. C-46

Code criminel

2015, ch. 27, art. 18

16 La définition de *arme à feu sans restriction*, au paragraphe 84(1) du *Code criminel*, est remplacée par ce qui suit :

arme à feu sans restriction Arme à feu qui n'est ni une arme à feu prohibée ni une arme à feu à autorisation res- 30
treinte. (*non-restricted firearm*)

1995, ch. 39, art. 139

17 Le paragraphe 115(1) de la même loi est remplacé par ce qui suit :

Confiscation

115 (1) Sauf indication contraire de l'ordonnance d'interdiction, les objets visés par celle-ci sont confisqués au 35

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prohibited by the order is forfeited to Her Majesty if, on the commencement of the order, the thing is in the person's possession or has been seized and detained by, or surrendered to, a peace officer.

2015, c. 27, s. 34

18 Subsections 117.15(3) and (4) of the Act are repealed. 5

SOR/98-462; SOR/2015-213, s. 1

Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted

19 The title of the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted is replaced by the following: 10

Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted 15

20 Sections 3.1 and 3.2 of the Regulations are repealed.

21 Part 2.1 of the schedule to the Regulations is repealed. 20

Coming into Force

Order in council

22 (1) Section 1, subsections 3(2) and 4(2) and sections 16 and 18 to 21 come into force on a day to be fixed by order of the Governor in Council.

Order in council

(2) Section 2 comes into force on a day to be fixed by order of the Governor in Council. 25

Order in council

(3) Subsection 4(3) and sections 6, 8 and 15 come into force on a day to be fixed by order of the Governor in Council.

profit de Sa Majesté si, à la date de l'ordonnance, ils sont en la possession de l'intéressé ou ils ont été saisis et retenus par un agent de la paix ou remis à un tel agent.

2015, ch. 27, art. 34

18 Les paragraphes 117.15(3) et (4) de la même loi sont abrogés. 5

DORS/98-462; DORS/2015-213, art. 1

Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction

19 Le titre du Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction est remplacé par ce qui suit : 10

Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés ou à autorisation restreinte

20 Les articles 3.1 et 3.2 du même règlement sont abrogés. 15

21 La partie 2.1 de l'annexe du même règlement est abrogée.

Entrée en vigueur

Décret

22 (1) L'article 1, les paragraphes 3(2) et 4(2) et les articles 16 et 18 à 21 entrent en vigueur à la date fixée par décret. 20

Décret

(2) L'article 2 entre en vigueur à la date fixée par décret. 25

Décret

(3) Le paragraphe 4(3) et les articles 6, 8 et 15 entrent en vigueur à la date fixée par décret. 25

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Order in council

(4) Sections 5 and 9 to 11 and subsection 13(1) come into force on a day to be fixed by order of the Governor in Council.

Order in council

(5) Section 7, subsection 13(3) and section 14 come into force on a day to be fixed by order of the Governor in Council, but that day must not be before the day referred to in subsection (4).

PART 2

2012, c. 6

Ending the Long-gun Registry Act

Amendments to the Act

2015, c. 36, s. 230

23 (1) Subsection 29(3) of the *Ending the Long-gun Registry Act* is deemed never to have been amended by section 230 of the *Economic Action Plan 2015 Act, No. 1*.

2015, c. 36, s. 230

(2) Subsections 29(4) to (7) of the *Ending the Long-gun Registry Act* are deemed never to have come into force and are repealed.

2015, c. 36, s. 231

24 Section 30 of the *Ending the Long-gun Registry Act* is deemed never to have come into force and is repealed.

Transitional Provisions

Definitions

25 The following definitions apply in this section and in sections 26 to 28.

***commencement day* means the day on which this Act receives royal assent. (*date d'entrée en vigueur*)**

***copy* means a copy referred to in subsection 29(1) or (2) of the *Ending the Long-gun Registry Act*. (*copie*)**

Décret

(4) Les articles 5 et 9 à 11 et le paragraphe 13(1) entrent en vigueur à la date fixée par décret.

Décret

(5) L'article 7, le paragraphe 13(3) et l'article 14 entrent en vigueur à la date fixée par décret, laquelle ne peut être antérieure à la date visée au paragraphe (4).

PARTIE 2

2012, ch. 6

Loi sur l'abolition du registre des armes d'épaule

Modification de la loi

2015, ch. 36, art. 230

23 (1) Le paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'avoir jamais été modifié par l'article 230 de la *Loi n° 1 sur le plan d'action économique de 2015*.

2015, ch. 36, art. 230

(2) Les paragraphes 29(4) à (7) de la *Loi sur l'abolition du registre des armes d'épaule* sont réputés n'être jamais entrés en vigueur et sont abrogés.

2015, ch. 36, art. 231

24 L'article 30 de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'être jamais entré en vigueur et est abrogé.

Dispositions transitoires

Définitions

25 Les définitions qui suivent s'appliquent au présent article et aux articles 26 à 28.

***copie* Copie visée aux paragraphes 29(1) ou (2) de la *Loi sur l'abolition du registre des armes d'épaule*. (*copy*)**

***date d'entrée en vigueur* La date de sanction de la présente loi. (*commencement day*)**

***procédure désignée* Toute procédure — notamment les demandes, plaintes, enquêtes, recours en révision, révisions judiciaires ou appels — qui**

personal information means any **personal information**, as defined in section 3 of the *Privacy Act*, that is contained in a record or copy. (**renseignements personnels**)

record means, other than in section 28, a record 5 referred to in subsection 29(1) or (2) of the *Ending the Long-gun Registry Act*. (**registres**)

specified proceeding means any request, complaint, investigation, application, judicial review, appeal or other proceeding under the *Access to Information Act* or the *Privacy Act* that is with 10 respect to a record or copy or to personal information and that

(a) was made or initiated on or before June 22, 2015 and was not concluded, or in respect of which no decision was made, on or before that day; or

(b) was made or initiated after June 22, 2015 but before the commencement day. (**procédure désignée**) 20

Non-application — *Access to Information Act*

26 (1) Subject to section 27, the *Access to Information Act* does not apply as of the commencement day with respect to records and copies.

Non-application — *Privacy Act*

(2) Subject to section 27, the *Privacy Act*, other than its subsections 6(1) and (3), does not apply 25 as of the commencement day with respect to personal information.

Non-application — subsections 6(1) and (3) of the *Privacy Act*

(3) For greater certainty, by reason of subsection 29(3) of the *Ending the Long-gun Registry Act*, subsections 6(1) and (3) of the *Privacy Act* do not 30 apply as of April 5, 2012 with respect to personal information.

Continued application

27 (1) The *Privacy Act*, other than its subsections 6(1) and (3), and the *Access to Information Act* continue to apply with respect to any specified proceeding and to any complaint, 35

est engagée sous le régime de la *Loi sur l'accès à l'information* ou de la *Loi sur la protection des renseignements personnels*, qui est relative aux registres, copies ou renseignements personnels et qui, selon le cas : 5

a) a été introduite ou a débuté au plus tard le 22 juin 2015 et n'a pas été conclue ou à l'égard de laquelle aucune décision n'a encore été prise à cette date;

b) a été introduite ou a débuté après le 22 juin 2015 mais avant la date d'entrée en vigueur. (**specified proceeding**) 10

registres Registres et fichiers visés aux paragraphes 29(1) ou (2) de la *Loi sur l'abolition du registre des armes d'épaule*. (**record**) 15

renseignements personnels Les renseignements personnels, au sens de l'article 3 de la *Loi sur la protection des renseignements personnels*, versés dans les registres et copies. (**personal information**) 20

Non-application — *Loi sur l'accès à l'information*

26 (1) Sous réserve de l'article 27, la *Loi sur l'accès à l'information* ne s'applique pas, à compter de la date d'entrée en vigueur, relativement aux registres et copies.

Non-application — *Loi sur la protection des renseignements personnels*

(2) Sous réserve de l'article 27, la *Loi sur la protection des renseignements personnels*, à l'exception de ses paragraphes 6(1) et (3), ne s'applique pas, à compter de la date d'entrée en vigueur, relativement aux renseignements personnels. 25 30

Non-application — paragraphes 6(1) et (3) de la *Loi sur la protection des renseignements personnels*

(3) Il est entendu qu'en application du paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule*, les paragraphes 6(1) et (3) de la *Loi sur la protection des renseignements personnels* ne s'appliquent pas, à compter du 5 avril 35 2012, relativement aux renseignements personnels.

Application continue

27 (1) La *Loi sur la protection des renseignements personnels*, à l'exception de ses paragraphes 6(1) et (3), et la *Loi sur l'accès à l'information* continuent de s'appliquer relativement à 40

investigation, application, judicial review or appeal that results from a specified proceeding.

Period running on June 22, 2015 restarts

(2) A time limit, or other period of time, under the *Access to Information Act* or the *Privacy Act* that was running on June 22, 2015 with respect to a specified proceeding described in paragraph (a) of the definition of that expression in section 25 is deemed to restart, from the beginning, on the commencement day.

Specified proceeding initiated after June 22, 2015

(3) A specified proceeding described in paragraph (b) of the definition of that expression in section 25 is deemed to be made or initiated on the commencement day.

For greater certainty

(4) For greater certainty, no destruction of records or copies that are the subject of proceedings referred to in subsection (1) is to occur until all proceedings referred to in that subsection are finally disposed of, settled or abandoned.

Permission to view records

28 The Commissioner of Firearms shall permit the Information Commissioner to view — for the purpose of settling the Federal Court proceeding *Information Commissioner of Canada v. Minister of Public Safety and Emergency Preparedness*, bearing court file number T-785-15 — any record that was in the Canadian Firearms Registry on April 3, 2015.

Copy to Government of Quebec

29 (1) The Commissioner of Firearms shall — for the purpose of the administration and enforcement of the *Firearms Registration Act*, chapter 15 of the Statutes of Quebec, 2016 — provide the Quebec Minister with a copy of all records that were in the Canadian Firearms Registry on April 3, 2015 and that relate to firearms registered, as at that day, as non-restricted firearms, if the Quebec Minister provides the Commissioner with a written request to that effect before the end of the 120th day after the day on which the Commissioner sends written notice under subsection (2).

toute procédure désignée et aux plaintes, enquêtes, recours en révision, révisions judiciaires ou appels qui découlent d'une procédure désignée.

Recommencement des délais en cours le 22 juin 2015

(2) Le délai — ou la période — prévu sous le régime de la *Loi sur l'accès à l'information* ou de la *Loi sur la protection des renseignements personnels*, en cours le 22 juin 2015 relativement à une procédure désignée visée à l'alinéa a) de la définition de ce terme à l'article 25 est réputé recommencer à zéro à la date d'entrée en vigueur.

Procédure désignée introduite après le 22 juin 2015

(3) Toute procédure désignée visée à l'alinéa b) de la définition de ce terme à l'article 25 est réputée être introduite ou avoir débuté à la date d'entrée en vigueur.

Précision

(4) Il est entendu que les registres ou copies faisant l'objet de toute procédure visée au paragraphe (1) ne peuvent être détruits avant le prononcé d'une décision définitive à l'égard de l'ensemble des procédures qui y sont visées ou le règlement ou l'abandon de celles-ci.

Permission de voir des documents

28 Le commissaire aux armes à feu permet au Commissaire à l'information de voir — en vue du règlement de l'affaire *Commissaire à l'information du Canada c. Ministre de la Sécurité publique et de la Protection civile*, dont le numéro de dossier à la Cour fédérale est T-785-15 — tout document qui se trouvait dans le Registre canadien des armes à feu le 3 avril 2015.

Copie au gouvernement du Québec

29 (1) Le commissaire aux armes à feu fournit au ministre du Québec, aux fins de l'exécution et du contrôle d'application de la *Loi sur l'immatriculation des armes à feu*, chapitre 15 des Lois du Québec (2016), une copie des registres et fichiers qui se trouvaient dans le Registre canadien des armes à feu le 3 avril 2015 et qui concernent les armes à feu qui, à cette date, étaient enregistrées en tant qu'arme à feu sans restriction, si le ministre du Québec en fait la demande par écrit au commissaire au plus tard le cent vingtième jour suivant la date de l'envoi de l'avis écrit au titre du paragraphe (2).

Notice

(2) If no request is provided under subsection (1) before the Commissioner is in a position to proceed with ensuring the destruction of the records referred to in that subsection, the Commissioner shall, as soon as he or she is in that position, send written notice to the Quebec Minister of that fact. 5

Destruction of records

(3) Despite subsection 29(1) of the *Ending the Long-gun Registry Act*, the Commissioner shall proceed with ensuring the destruction of the records referred to in subsection (1) only after 10

(a) he or she provides the Quebec Minister with a copy of the records, in the case where that Minister provides a written request in accordance with subsection (1); or 15

(b) the end of the 120th day after the day on which the Commissioner sends written notice under subsection (2), in any other case.

Definition of Quebec Minister

(4) In this section, *Quebec Minister* means the minister of the Government of Quebec responsible for public security. 20

Extension

30 The Minister of Public Safety and Emergency Preparedness may, during the 120-day period referred to in subsection 29(1), make an order extending that period for another 120 days, and in that case the references in subsections 29(1) and (3) to "the 120th day" are to be read as references to "the 240th day". 25

Avis

(2) Si la demande visée au paragraphe (1) n'est pas faite avant que le commissaire soit en mesure de veiller à la destruction des registres et fichiers visés à ce paragraphe, ce dernier envoie un avis écrit au ministre du Québec dès qu'il est prêt à veiller à la destruction des registres et fichiers visés. 5

Destruction des registres et fichiers

(3) Malgré le paragraphe 29(1) de la *Loi sur l'abolition du registre des armes d'épaule*, le commissaire aux armes à feu ne veille à la destruction des registres et fichiers visés au paragraphe (1) qu'après : 10

a) avoir fourni une copie des registres et fichiers au ministre du Québec, dans le cas où ce ministre en fait la demande écrite conformément à ce paragraphe; 15

b) le cent vingtième jour suivant la date de l'envoi de l'avis écrit au titre du paragraphe (2), dans tout autre cas.

Définition de ministre du Québec

(4) Au présent article, *ministre du Québec* s'entend du ministre du gouvernement du Québec responsable de la sécurité publique. 20

Prolongation

30 Le ministre de la Sécurité publique et de la Protection civile peut, par arrêté, pendant la période de cent vingt jours visée au paragraphe 25 29(1), prolonger celle-ci d'une période additionnelle de cent vingt jours. Le cas échéant, la mention « cent vingtième jour » aux paragraphes 29(1) et (3) vaut mention de « deux cent quarantième jour ». 30

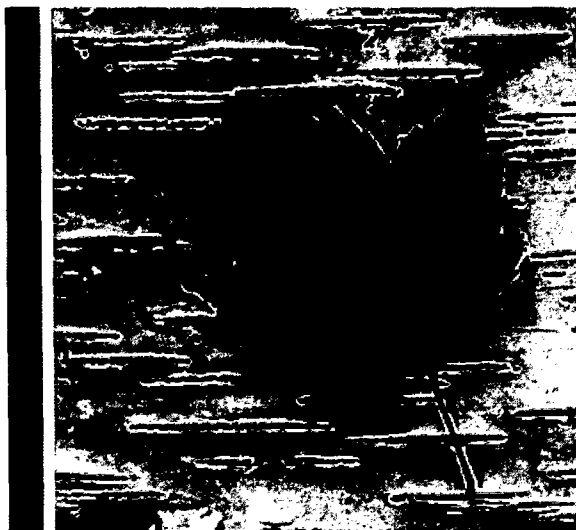


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BUILDING A **SAFE AND RESILIENT CANADA**



***Bill C-71, An Act to amend certain Acts and
Regulations in relation to firearms***

September 2018

September 18, 2018
RDIMS 2708362

Canada

Amendments to *Criminal Code* and *Firearms Act*



BUILDING A **SAFE** AND **RESILIENT** CANADA

New measures on firearms proposed to:

- Prioritize public safety by keeping firearms out of the wrong hands;
- Strengthen measures for firearms safety and giving police tools to ensure public safety and help solve firearms-related crimes;
- Ensure they are fair and reasonable for legal firearms owners;

As committed by the Government of Canada, these measures do not recreate a federal long-gun registry.

- For greater certainty, the House has accepted an amendment to make it explicit that nothing in the *Firearms Act* could be construed so as to permit or require the registration of non-restricted firearms.



Eligibility to hold a firearms licence



BUILDING A **SAFE AND RESILIENT CANADA**

- Bill C-71 proposes that in determining whether a person is eligible for a firearms licence, authorities would be required to consider specific information identified under subsection 5(2) of the *Firearms Act* from the person's life history, including whether he or she has:
 - been convicted or discharged of certain offences (e.g., criminal harassment);
 - been treated for a mental illness that was associated with violence or threatened or attempted violence;
 - a history of behaviour that includes violence or threatened or attempted violence;
- The House has also accepted an amendment to expand the list of factors authorities would be required to consider: previous weapons prohibition orders made in respect of an offence involving violence that was used, threatened, or attempted against the person's intimate partner or former partner; certain prohibition orders (e.g., non-contact); cyber-bullying; and, the risk of harm to self or others.



Licence Verification

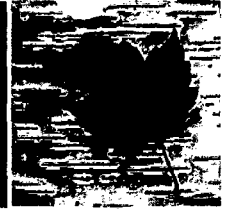


BUILDING A **SAFE AND RESILIENT CANADA**

- Anyone selling or giving a non-restricted firearm would be required to verify the validity of the firearms licence of the recipient with the Canadian Firearms Program (CFP).
- Currently, licence verification is voluntary.
- Without verifying a firearms licence, there is greater risk that a non-restricted firearm may be sold or given to a person who is no longer authorized to possess a firearm, which creates a public safety concern.
- No information on the non-restricted firearm being sold or given would be provided to the CFP.
- For greater certainty, the House has accepted an amendment specifying that the transfer of more than one firearm may be covered by a single verification.



Record-keeping by vendors



BUILDING A **SAFE** AND **RESILIENT** CANADA

- Businesses would be required to keep records of the sale of non-restricted firearms and their purchasers.
- Only businesses and not the Government would hold transaction records.
- This would be a return to due diligence practices that were in place prior to the establishment of the *Firearms Act*.
- Sales records would provide police with a tool to track systematically a firearm used in the commission of a crime.



Transportation of restricted and prohibited firearms



BUILDING A **SAFE AND RESILIENT CANADA**

- Authorization by a Chief Firearms Officer (CFO) to acquire a restricted or prohibited firearm automatically results in an authorization to transport (ATT) the firearm for specific purposes (i.e., no discretion).
- Discretion for a CFO to authorize transport of restricted and prohibited firearms would be reinstated.
- The only automatic authorization would be for the two most common transport purposes: to an owner's home following a purchase, and to a shooting club or range.
- Owners would need to obtain an ATT from the CFO for any other transport purpose, (e.g., for servicing by a gunsmith; to a gun show).
 - Provides police with a tool which clearly states the purpose for which restricted and prohibited firearms are being transported and the destination.
- ATTs are not required for non-restricted firearms.



Consistent approach to classification



BUILDING A **SAFE AND RESILIENT CANADA**

- The previous government introduced measures to allow the Governor in Council (GIC) to downgrade the classification of a firearm despite meeting higher criteria prescribed in the *Criminal Code*.
- These measures would be repealed to ensure classification remains consistent with the *Criminal Code*.
- Two groups of firearms were downgraded; these would revert to being prohibited and realign with the *Criminal Code*.
- Current legal owners of these firearms would be grandfathered under the *Firearms Act* if they comply with licensing and registration requirements to own prohibited firearms.
- An amnesty period is proposed to provide owners with time to comply with grandfathering requirements, and not be subject to criminal liability.
- The GIC would be given authority to grandfather (but not downgrade) in future cases, if required.



Clarifying amendments



BUILDING A **SAFE AND RESILIENT CANADA**

- The Bill proposes to clarify that it is punishable to contravene the *Firearms Marking Regulations* (which are not in force), as it is for other regulations under the *Firearms Act*.
- The Bill also proposes to clarify that court orders prohibiting the possession of firearms include any of the firearms already held by law enforcement.



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Amendments to the *Ending the Long-gun Registry Act* (ELRA)



BUILDING A **SAFE AND RESILIENT CANADA**

- The *Ending the Long-Gun Registry Act* required the destruction of all long-gun registry records. If passed, C-71 [REDACTED]
- Bill C-71 would restore retroactively the applicability of the *Access to Information Act* and the *Privacy Act* (ATIA) to the two remaining copies of the Quebec-related records, preserved by a Federal Court Order, of the now defunct long-gun registry.
- If Bill C-71 receives Royal Assent, access requests or proceedings would be addressed, in accordance with the ATIA, from among the remaining copies.
- Finally, a copy of the remaining long-gun registration records, namely those related to Quebec, would be provided to the Quebec Government, if requested.
- These amendments were previously proposed as Bill C-52, *Supporting Vested Rights Under Access to Information*, in June 2017.

s.14
s.21(1)(b)
s.21(1)(c)
s.23



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NON CLASSIFIÉ

BÂTIR UN CANADA SÉCURITAIRE ET RÉSILIENT



**Projet de loi C-71, *Loi modifiant certaines lois
et un règlement relatifs aux armes à feu***

Septembre 2018

Le 18 septembre 2018
SGDDI n° 2733305

Canada

Modifications au *Code criminel* et à la *Loi sur les armes à feu*



BÂTIR UN **CANADA SÉCURITAIRE ET RÉSILIENT**

Nouvelles mesures proposées pour les armes à feu :

- de faire de la sécurité publique une priorité en s'assurant que les armes à feu ne se retrouvent pas entre les mains de personnes malintentionnées;
- de renforcer les mesures de sécurité des armes à feu et de doter la police des outils nécessaires pour assurer la sécurité publique et aider à résoudre les crimes commis au moyen d'armes à feu;
- de s'assurer qu'elles sont justes et raisonnables pour les propriétaires légitimes d'armes à feu.

Conformément à l'engagement pris par le gouvernement du Canada, ces mesures ne créeraient pas un nouveau registre fédéral des armes d'épaule.

- Pour plus de certitude, la Chambre a accepté un amendement pour expliciter le fait que rien dans la *Loi sur les armes à feu* ne pourrait être interprété de manière à permettre ou à exiger l'enregistrement d'une arme à feu sans restriction.



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Admissibilité à détenir un permis d'armes à feu



BÂTIR UN CANADA SÉCURITAIRE ET RÉSILIENT

- Le projet de loi C-71 propose que, pour déterminer si le demandeur est admissible à un permis d'armes à feu, les autorités devront examiner des renseignements précis, énumérés au paragraphe 5(2) de la *Loi sur les armes à feu*, touchant toute la vie du demandeur, notamment si les cas suivants s'appliquent :
 - le demandeur a été déclaré coupable ou absous de certaines infractions (p. ex., harcèlement criminel);
 - il a été traité pour une maladie mentale caractérisée par la menace, la tentative ou l'usage de violence;
 - l'historique de son comportement atteste la menace, la tentative ou l'usage de violence.
- La Chambre a également accepté un amendement pour allonger la liste des facteurs que les autorités devraient prendre en compte : de précédentes ordonnances d'interdiction de posséder des armes délivrées relativement à une infraction impliquant de la menace, la tentative ou l'usage de violence contre un partenaire, actuel ou antérieur, de la personne; certaines ordonnances d'interdiction (p. ex., de contact); l'intimidation virtuelle et si le demandeur pourrait causer un dommage à soi-même ou à autrui.



Vérification des permis



BÂTIR UN **CANADA SÉCURITAIRE ET RÉSILIENT**

- Toute personne qui vend ou donne une arme à feu sans restriction devrait vérifier la validité du permis d'armes à feu du cessionnaire auprès du Programme canadien des armes à feu (PCAF).
- À l'heure actuelle, la vérification du permis se fait sur une base volontaire.
- Si le permis d'armes à feu n'est pas vérifié, le risque augmente qu'une arme à feu sans restriction soit vendue ou donnée à une personne qui n'est plus autorisée à posséder une arme à feu, ce qui engendre une préoccupation en matière de sécurité publique.
- Aucune information sur l'arme à feu sans restriction qui est vendue ou donnée ne serait transmise au PCAF.
- Pour plus de certitude, la Chambre a accepté un amendement précisant que la cession d'une ou de plusieurs armes à feu sans restriction peut être effectuée à la suite d'une seule vérification.



Tenue des dossiers par les vendeurs



BÂTIR UN CANADA SÉCURITAIRE ET RÉSILIENT

- Les entreprises devraient conserver des dossiers sur les armes à feu sans restriction vendues et leurs acheteurs.
- Seules les entreprises, et non le gouvernement, tiendraient des registres de ces ventes.
- Il s'agit là d'un retour aux pratiques de diligence raisonnable qui avaient cours avant l'établissement de la *Loi sur les armes à feu*.
- Les registres des ventes fourniraient à la police un outil pour retracer systématiquement les armes à feu utilisées dans la perpétration d'un crime.



Transport des armes à feu à autorisation restreinte et prohibées



BÂTIR UN CANADA SÉCURITAIRE ET RÉSILIENT

- Lorsqu'un contrôleur des armes à feu (CAF) autorise l'acquisition d'une arme à feu à autorisation restreinte ou prohibée, une autorisation de transport de l'arme à feu dans un but précis est automatiquement émise (c.-à-d. sans pouvoir discrétionnaire).
- Le pouvoir discrétionnaire permettant à un CAF d'autoriser le transport d'armes à feu à autorisation restreinte et prohibées serait rétabli.
- La seule autorisation automatique viserait les deux buts les plus courants du transport : apporter l'arme à feu à la maison après l'acquisition, et apporter l'arme à feu à un club ou un champ de tir.
- Les propriétaires devraient obtenir une autorisation de transport auprès du CAF pour transporter l'arme à feu dans tout autre but (p. ex., pour se rendre chez un armurier ou l'apporter à une foire d'armes).
 - Fournit à la police un outil qui définit clairement les fins pour lesquelles les armes à feu prohibées et à autorisation restreinte sont transportées et leur lieu de destination.
- Aucune autorisation de transport n'est requise pour les armes à feu sans restriction.



Approche uniforme de la classification



BÂTIR UN **CANADA SÉCURITAIRE ET RÉSILIENT**

- Le gouvernement précédent avait mis en place des mesures permettant au gouverneur en conseil d'abaisser le niveau de classification d'une arme à feu même si celle-ci remplissait les critères d'une catégorie plus restrictive en vertu du *Code criminel*.
- Ces mesures seraient abrogées afin que la classification reste conforme au *Code criminel*.
- Le niveau de classification de deux groupes d'armes à feu a été abaissé; les armes à feu appartenant à ces groupes deviendraient à nouveau prohibées conformément au *Code criminel*.
- Les actuels propriétaires légitimes de ces armes à feu bénéficieraient d'un droit acquis en vertu de la *Loi sur les armes à feu*, s'ils satisfont aux exigences en matière de permis et d'enregistrement relatifs à la possession d'armes à feu prohibées.
- Une période d'amnistie serait proposée pour donner aux propriétaires le temps nécessaire pour se conformer aux exigences liées aux droits acquis; les propriétaires n'encourraient pas de responsabilité criminelle durant cette période.
- Le gouverneur en conseil aurait le pouvoir d'accorder des droits acquis aux propriétaires (mais pas d'abaisser le niveau de classification d'une arme à feu) à l'avenir, s'il y a lieu.



Modifications de clarification



BÂTIR UN **CANADA SÉCURITAIRE ET RÉSILIENT**

- Le projet de loi propose de clarifier que le fait de contrevenir au *Règlement sur le marquage des armes à feu* (non en vigueur) est punissable, tout comme il est punissable de contrevenir aux autres règlements institués aux termes de la *Loi sur les armes à feu*.
- Le projet de loi propose de clarifier le fait que les ordonnances d'un tribunal interdisant la possession d'armes à feu s'appliquent à toutes les armes à feu que détiennent déjà les autorités chargées de l'application de la loi.



Modifications à la *Loi sur l'abolition du registre des armes d'épaule*



BÂTIR UN **CANADA SÉCURITAIRE ET RÉSILIENT**

- La *Loi sur l'abolition du registre des armes d'épaule* visait la destruction de tous les fichiers d'enregistrement des armes d'épaule.
- Le projet de loi C-71 permettrait de rétablir rétroactivement l'applicabilité de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels* aux deux dossiers relatifs au Québec, conservés par la Cour fédérale, de l'ancien registre des armes d'épaule.
- Si le projet de loi C-71 recevait la sanction royale, les demandes ou les procédures liées à l'accès à l'information pourraient être traitées à partir des données restantes, conformément à la *Loi sur l'accès à l'information*.
- Enfin, une copie du reste des dossiers relatifs au Québec touchant les armes à feu sans restriction pourrait être transférée à la province, le cas échéant.
- Ces modifications ont été proposées auparavant dans le projet de loi C-52, *Loi visant à soutenir les droits acquis en matière d'accès à l'information*, en juin 2017.



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s.21(1)(b)
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KEY ELEMENTS OF BILL C-71

PART 1: Amendments to the Firearms Act, the Criminal Code and the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted

Under the *Criminal Code*, amendments are made to:

- Clarify that firearms that have been seized and are in the custody of law enforcement at the time that a prohibition order is issued shall be forfeited to the Crown, unless the order specifies otherwise.
- Repeal the authority of the Governor in Council (GIC) to prescribe a firearm to be non-restricted or restricted, despite meeting the requirements of a more restricted classification under the *Criminal Code*.
 - As a result, the Regulations made by the GIC pursuant to this authority become invalid and are therefore repealed.
 - CZ-858 and Swiss Arms firearms that were 'deemed' non-restricted or restricted return to prohibited status.

Under the *Firearms Act*, amendments are made to:

- Grandfather the prohibited CZ-858 and Swiss Arms firearms and owners. New restrictions will apply to owners of these firearms, namely:
 - In order to retain possession of their firearms, affected owners will be required to:
 - be eligible for a firearms licence with appropriate privileges;
 - complete, as necessary, the Canadian Restricted Firearms Safety Course;
 - hold or obtain a registration certificate; and
 - once issued, be in continuous possession of at the grandfathered prohibited firearms;
 - Unless exported, only transfer (i.e., sell/give) the firearms within the pool of grandfathered owners (i.e., CZ owner to CZ owner; SA owner to SA owner),
 - If transporting to an approved shooting club/range, obtain an authorization to transport from a Chief Firearms Officer (CFO).
- Provide the Government with the flexibility to grandfather in future by regulations, instead of only by statute;
- Repeal the requirement for CFOs to approve automatically, as a condition of licence, transportation of a restricted/prohibited firearm to go to and from: a gunsmith; a gun show; a Canadian point of entry or exit; and, a peace officer or CFO for verification, registration, or disposal. This reinstates CFO discretion to authorize transporting such firearms for these purposes.
- Require transferors (individual or business selling/giving) to verify, with the Registrar of Firearms, the licence of a transferee (person acquiring) prior to completing a transfer for a

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non-restricted firearm. The Registrar will record certain information regarding such requests, including:

- The licence number of the transferee and transferor;
 - If issued, the reference number;
 - The date the reference number was issued; and,
 - Where the reference number is not issued, the rationale for the refusal.
- Require businesses to maintain records related to the transfer of ownership of non-restricted firearms in order to facilitate the tracing of firearms used in the commission of a crime.
 - A business will be required to keep, for a minimum period of 20 years, the:
 - Reference number issued by the Registrar of Firearms;
 - Date the reference number was issued;
 - Licence number of the transferee; and,
 - Information regarding the make, model, type and serial number, if available.
 - Make an amendment to make it punishable to contravene the *Firearms Marking Regulations*.

PART 2: Amendments to the Ending the Long-gun Registry Act

Repeals changes made by the *Economic Action Plan 2015 Act, No. 1*, Division 18, to the *Ending the Long-gun Registry Act* (ELRA) and deems them never to have come into force. The repeal:

- Restores, retroactively, the application of the *Access to Information Act* and *Privacy Act* to the registration records for non-restricted firearms, from October 25, 2011 (the day on which the ELRA was introduced in the House of Commons);
- Removes the immunity from administrative, civil or criminal proceedings of the Crown, Crown servants, the Commissioner of Firearms or a chief firearms officer, or any person acting on behalf of or under their direction with respect to the destruction of the records on or after April 5, 2012, the date of the coming into force of the ELRA; and,
- Removes the immunity of the Crown and the other persons mentioned above, as well as a government institution or the head of a government institution, with respect to any act or omission during the period beginning October 25, 2011, and ending on June 23, 2015 (the day of the coming into force of Division 18) under the *Access to Information Act* or the *Privacy Act* in relation to the registration records of non-restricted firearms.

Sunset date

Provides for a sunset date on the day Bill C-71 receives Royal Assent. This means following Royal Assent, the *Access to Information Act* and *Privacy Act* would no longer apply to the registration records of non-restricted firearms. They would only continue to apply to any request, complaint, investigation, application, judicial review, appeal or other proceedings:

- that was made or initiated on or before June 22, 2015 which was not concluded on or before that day; or

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- was made or initiated after June 22, 2015 but before Bill C-71 receives Royal Assent, if applicable.

Viewing provisions

Bill C-71 allows the Information Commissioner to view the records in the Canadian Firearms Registry, as it was preserved in April 2015, for the express purpose of settling the judicial review brought by the Information Commissioner in Federal Court on May 14, 2015.

Copy of the Quebec Records to Quebec

Bill C-71 gives the Commissioner of Firearms the authority to provide a copy of the offline Quebec Records (the only remaining registration records of non-restricted firearms) to the Quebec Minister of Public Security, upon written request, for the purpose of the administration and enforcement of the Quebec *Firearms Registration Act*, if the Quebec Minister makes the request before the end of the 120th day after the day on which the Commissioner provides written notice.

Where the Quebec Minister does not make a request before the Commissioner of Firearms is in a position to destroy the records, the Commissioner will provide written notice to the Quebec Minister that he or she is in a position to destroy the records.

Bill C-71 provides the Commissioner of Firearms will proceed with the destruction of the records only after,

- (a) he or she provides a copy to Quebec, if requested; or,
- (b) the end of the 120th day after the day on which the Commissioner provides written notice as required above.

Bill C-71 also provides the Minister of Public Safety with the authority to renew the 120-day period, once, at his discretion. Where the Minister exercises this authority, the Commissioner of Firearms would proceed with the destruction of the records only after

- (a) he or she provides a copy to Quebec, if requested; or,
- (b) the end of the 240th day after the day on which the Commissioner provides written notice as required above.

Key Messages

The Government of Canada will not recreate the federal long-gun registry.

Amendments are made to the *Firearms Act* and the *Criminal Code* to:

- Prioritize public safety by keeping firearms out of the wrong hands;
- Strengthen measures for firearms safety and give police tools to ensure public safety and help solve firearms-related crimes;
- Ensure measures are fair and reasonable for legal firearms owners.

Comparison Chart: PART I: *Firearms Act and Criminal Code* with Key Bill C-71 Clauses

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
<p>Repeal of the 'Deeming' Provisions</p> <p>Definition of 'non-restricted firearm'</p>	<p><i>Criminal Code:</i></p> <p>Definitions 84(1) In this Part <i>non-restricted firearm</i> means (a) a firearm that is neither a prohibited firearm nor a restricted firearm, or (b) a firearm that is prescribed to be a non-restricted firearm;</p>	<p>Clause 16 of Bill C-71 repeals paragraph (b) from the definition of <i>non-restricted firearm</i> found in subsection 84(1) of the <i>Criminal Code</i>:</p> <p><i>non-restricted firearm</i> means a firearm that is neither a prohibited firearm nor a restricted firearm;</p>	<p>Bill C-71 repeals paragraph 84(1)(b) from the current definition of 'non-restricted firearm' in the <i>Criminal Code</i>, rescinding that which provides that firearms may be deemed to be non-restricted through regulations made by the Governor in Council (GIC).</p>
<p>Authority of Governor in Council to make regulations</p>	<p>117.15(1) ...the Governor in Council may make regulations prescribing anything that by this Part is to be or may be prescribed.</p> <p>Non-restricted firearm (3) Despite the definitions <i>prohibited firearm</i> and <i>restricted firearm</i> in subsection 84(1), a firearm that is prescribed to be a non-restricted firearm is deemed not to be a prohibited firearm or a restricted firearm.</p> <p>Restricted firearm (4) Despite the definition <i>prohibited firearm</i> in subsection 84(1), a firearm that is prescribed to be a restricted firearm is deemed not to be a prohibited firearm.</p>	<p>Clause 18 of Bill C-71 repeals subsections 117.15(3) and (4) of the <i>Criminal Code</i>.</p>	<p>Bill C-71 repeals subsection 117.15(3) to rescind the authority of the GIC to 'deem' a firearm to be non-restricted despite meeting the criteria for the definitions of a 'restricted firearm' or a 'prohibited firearm'.</p> <p>Bill C-71 repeals subsection 117.15(4) to rescind the authority of the GIC to 'deem' a firearm to be restricted, despite meeting the criteria for the definition of a 'prohibited firearm'.</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
<p>Regulations made by the GIC pursuant to the 'deeming' authority</p>	<p>Title of Regulations: <i>Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted</i></p> <p>Prescription 3.1 The firearms listed in Part 2.1 of the schedule that have a barrel that is less than 470 mm in length, and firearms listed in items 3, 4, 6, 7, 9 and 10 of that Part that do not have a barrel, are restricted firearms for the purposes of paragraph (d) of the definition <i>restricted firearm</i> in subsection 84(1) of the <i>Criminal Code</i>...</p> <p>3.2 The firearms listed in Part 2.1 of the schedule that have a barrel that is at least 470 mm in length, and the firearms listed in items 1, 2, 5, 8 and 11 to 15 of that Part that do not have a barrel, are non-restricted firearms for the purposes of paragraph (b) of the definition <i>non-restricted firearm</i> in subsection 84(1) of the <i>Criminal Code</i>...</p>	<p>Clause 19 of Bill C-71 amends the title of the Regulations made under the <i>Criminal Code</i>:</p> <p><i>Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted</i></p> <p>Clause 20 of Bill C-71 repeals sections 3.1 and 3.2 of the Regulations.</p>	<p>Bill C-71 deletes "or Non-Restricted" from the title of the Regulations.</p> <p>Bill C-71 rescinds section 3.1 of the Regulations which identifies the firearms listed in Part 2.1 that were 'deemed' by the GIC to be restricted.</p> <p>Bill C-71 rescinds section 3.2 of the Regulations which identifies the firearms listed in Part 2.1 that were 'deemed' by the GIC to be non-restricted.</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
	<p>PART 2.1 Firearms for the Purposes of Sections 3.1 and 3.2</p> <p>1 Česká Zbrojovka (CZ) Model CZ858 Tactical-2P rifle</p> <p>2 Česká Zbrojovka (CZ) Model CZ858 Tactical-2V rifle</p> <p>3 Česká Zbrojovka (CZ) Model CZ858 Tactical-4P rifle</p> <p>4 Česká Zbrojovka (CZ) Model CZ858 Tactical-4V rifle</p> <p>5 SAN Swiss Arms Model Classic Green rifle</p> <p>6 SAN Swiss Arms Model Classic Green carbine</p> <p>7 SAN Swiss Arms Model Classic Green CQB rifle</p> <p>8 SAN Swiss Arms Model Black Special rifle</p> <p>9 SAN Swiss Arms Model Black Special carbine</p> <p>10 SAN Swiss Arms Model Black Special CQB rifle</p> <p>11 SAN Swiss Arms Model Black Special Target rifle</p> <p>12 SAN Swiss Arms Model Blue Star rifle</p> <p>13 SAN Swiss Arms Model Heavy Metal rifle</p> <p>14 SAN Swiss Arms Model Red Devil rifle</p> <p>15 SAN Swiss Arms Model Swiss Arms Edition rifle</p>	<p>Clause 21 of Bill C-71 <u>repeals</u> Part 2.1 of the Regulations.</p>	<p>Bill C-71 rescinds Part 2.1 of the Regulations which lists the models of firearms that were 'deemed' to be either restricted or non-restricted pursuant to sections 3.1 and 3.2. (These firearms become prohibited.)</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Interpretation with Criminal Code	<p>Firearms Act:</p> <p>2(2) Unless otherwise provided, words and expressions used in this Act have the meanings assigned to them by section 2 or 84 of the <i>Criminal Code</i>. Subsections 117.15(3) and (4) of that Act apply to those words and expressions.</p>	<p>Clause 1 of Bill C-71 replaces subsection 2(2) of the <i>Firearms Act</i> (FA):</p> <p>Unless otherwise provided, words and expressions used in this Act have the meanings assigned to them by section 2 or 84 of the <i>Criminal Code</i>.</p> <p>Clause 1 of Bill C-71 amends subsection 2(2) of the <i>Firearms Act</i> (FA) by adding the following after subsection (3).</p> <p>(4) For greater certainty, nothing in the Act shall be construed so as to permit or require the registration of non-restricted firearms.</p>	<p>Bill C-71 repeals the second sentence of subsection 2(2) of the FA as it no longer has applicability when subsections 117.15(3) and (4) of the <i>Criminal Code</i> are repealed.</p> <p>Subsection 2(4) is created to provide for greater certainty that nothing in the Act shall be construed or interpreted as a requirement to reinstate the now dismantled long-gun registry.</p>
<p>Grandfathering Owners of Česká Zbrojovka (CZ) and Swiss Arms (SA) Firearms</p> <p>Eligibility to hold a licence authorizing the possession of prohibited CZ firearms</p>	<p>Prohibited firearms — individuals</p> <p>12(1) An individual who is otherwise eligible to hold a licence is not eligible to hold a licence authorizing the individual to possess prohibited firearms except as provided in this section.</p>	<p>Clause 3(2) of Bill C-71 adds the following after subsection 12(9):</p> <p>(10) An individual is eligible to hold a licence authorizing the individual to possess one or more firearms referred to in subsection (11) if</p> <p>(a) the individual possessed one or more such firearms on June 30, 2018;</p>	<p>Bill C-71 adds new provisions to section 12 of the FA to authorize individuals to possess prohibited CZ and SA firearms.</p> <p>Specifically, Bill C-71 adds subsection 12(10) to set out the eligibility criteria for individuals to hold a licence authorizing the possession of grandfathered prohibited CZ firearms, namely:</p> <ul style="list-style-type: none"> On June 30, 2018, possessed one or more of the models listed in

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
CZ models of firearms eligible for grandfathering		<p>(b) the individual</p> <p>(i) held on that day a registration certificate for one or more such firearms, in the case where at least one of those firearms was on that day a restricted firearm, or</p> <p>(ii) applies, before the first anniversary of the commencement day, for a registration certificate that is subsequently issued for a firearm referred to in subsection (11), in any other case; and</p> <p>(c) the individual was continuously the holder of a registration certificate for one or more such firearms beginning on</p> <p>(i) June 30, 2018, in the case where at least one of those firearms was on that day a restricted firearm, or</p> <p>(ii) the day on which a registration certificate referred to in subparagraph (b)(ii) is issued to the individual, in any other case.</p> <p>(11) Subsection (10) applies in respect of a firearm that</p> <p>(a) is a</p> <p>(i) Česká Zbrojovka (CZ) Model CZ858 Tactical-2P rifle,</p> <p>(ii) Česká Zbrojovka (CZ) Model CZ858 Tactical-2V rifle,</p> <p>(iii) Česká Zbrojovka (CZ) Model CZ858 Tactical-4P rifle, or</p> <p>(iv) Česká Zbrojovka (CZ) Model CZ 858</p>	<p>subsection (11) - this date serves as a cut-off to curtail new imports/purchases;</p> <ul style="list-style-type: none"> Held a registration certificate for a CZ model listed in subsection (11) if, on June 30, 2018, it was a restricted firearm; Applies, within a year of this provision coming into force, for a registration certificate for a CZ model listed in subsection (11), if the firearm is non-restricted, and is subsequently issued a registration certificate; and Thereafter, continuously holds a registration certificate for one or more grandfathered prohibited CZ firearms listed in subsection (11). (Note: Operationally, individuals will have 3 years from the coming into force to take the Canadian Restricted Firearms Course, if necessary, and upgrade their licence). <p>Bill C-71 adds subsection 12(11) to list the models of CZ firearms that are eligible for grandfathering and which will become prohibited when this provision comes into force.</p>

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
<p>Eligibility to hold a licence authorizing the possession of prohibited Swiss Arms firearms</p>		<p>Tactical-4V rifle; and</p> <p>(b) was registered as a restricted firearm on June 30, 2018 or, in the case of a firearm that was not a restricted firearm on that day, is the subject of an application made before the first anniversary of the commencement day for a registration certificate that is subsequently issued.</p> <p>(12) For greater certainty, the firearms referred to in subparagraphs (11)(a)(i) to (iv) include only firearms that are prohibited firearms on the commencement day.</p> <p>(13) An individual is eligible to hold a licence authorizing the individual to possess one or more firearms referred to in subsection (14) if</p> <p>(a) the individual possessed one or more of such firearms on June 30, 2018;</p> <p>b) the individual</p> <p>(i) held on that day a registration certificate for one or more such firearms, in the case where at least one of those firearms was on that day a restricted firearm, or</p> <p>(ii) applies, before the first anniversary of the commencement day, for a registration</p>	<p>Bill C-71 adds subsection 12(12) to recognize that certain CZ models will remain non-restricted or restricted after commencement day, while others will become prohibited.</p> <p>Bill C-71 adds subsection 12(13) to set out the eligibility criteria for individuals to hold a licence authorizing the possession of grandfathered prohibited SA firearms, namely:</p> <ul style="list-style-type: none"> On June 30, 2018, possessed one or more of the models listed in subsection (14) - this date serves as a cut-off to curtail new imports/purchases; Held a registration certificate for a SA model listed in subsection (14) if, on June 30, 2018, it was a restricted firearm;

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Swiss Arms models of firearms eligible for grandfathering		<p>certificate that is subsequently issued for a firearm referred to in subsection (14), in any other case; and</p> <p>(c) the individual has continuously been the holder of a registration certificate for one or more firearms referred to in subsection (13), beginning on</p> <p>(i) June 30, 2018, if at least one of the firearms was on that day a restricted firearm, or</p> <p>(ii) the day on which a registration certificate referred to in subparagraph (b)(ii) is issued to the individual, in any other case.</p> <p>Grandfathered firearms – SAN Swiss Arms</p> <p>(14) Subsection (13) applies in respect of a firearm that</p> <p>(a) is a</p> <p>(i) SAN Swiss Arms Model Classic Green rifle,</p> <p>(ii) SAN Swiss Arms Model Classic Green carbine,</p> <p>(iii) SAN Swiss Arms Model Classic Green CQB rifle,</p> <p>(iv) SAN Swiss Arms Model Black Special rifle,</p> <p>(v) SAN Swiss Arms Model Black Special carbine,</p> <p>(vi) SAN Swiss Arms Model Black Special CBQ rifle,</p> <p>(vii) SAN Swiss Arms Model Black Special Target rifle,</p>	<ul style="list-style-type: none"> • Applies, within a year of this provision coming into force, for a registration certificate for a SA model listed in subsection (14), if the firearm is non-restricted, and is subsequently issued a registration certificate; and • Thereafter, continuously holds a registration certificate for one or more grandfathered prohibited SA firearms listed in subsection (14). <p>(Note: Operationally, individuals will have 3 years from the coming into force to take the Canadian Restricted Firearms Course, if necessary, and upgrades their licence).</p> <p>Bill C-71 adds subsection 12(14) to list the models of SA firearms that are eligible for grandfathering and which become prohibited when this provision comes into force.</p>

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
		<p>(viii) SAN Swiss Arms Model Blue Star rifle,</p> <p>(ix) SAN Swiss Arms Model Heavy Metal rifle,</p> <p>(x) SAN Swiss Arms Model Red Devil rifle,</p> <p>(xi) SAN Swiss Arms Model Swiss Arms Edition rifle</p> <p>(xii) SAN Swiss Arms Model Classic Green Sniper rifle,</p> <p>(xiii) SAN Swiss Arms Model Ver rifle,</p> <p>(xiv) SAN Swiss Arms Model Aestas rifle,</p> <p>(xv) SAN Swiss Arms Model Autumnus rifle, or</p> <p>(xvi) SAN Swiss Arms Model Heimis rifle, and</p> <p>(b) was registered as a restricted firearm on June 30, 2018, or, in the case of a firearm that was not a restricted firearm on that day, is the subject of an application for a registration certificate made before the first anniversary of the commencement day and the certificate is subsequently issued.</p>	
Grandfathering individuals through regulations	<i>Firearms Act</i>	<p>Clause 3(1) of Bill C-71 adds the following after section 12(8) of the FA.</p> <p>(9) An individual is eligible to hold a licence authorizing the individual to possess prohibited firearms of a prescribed class, if the individual</p> <p>(a) Possesses one or more firearms of that class on a day that is prescribed with</p>	<p>Bill C-71 adds subsection 12(9) to provide the government with flexibility to grandfather individuals by regulations instead of having to open the FA to grandfather by statute. Eligible individuals would be allowed to hold a licence authorizing the possession of a prohibited firearm under set criteria, namely:</p> <ul style="list-style-type: none"> possess, on a specific day, at least one firearm that is to become

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		<p>respect to it;</p> <p>(b) Holds a registration certificate for a firearm of that class in the circumstances prescribed with respect to that class; and</p> <p>(c) is continuously the holder of a registration certificate for one or more of those firearms beginning on the day that is determined in accordance with the regulations with respect to that class.</p>	<p>prohibited</p> <ul style="list-style-type: none"> holds and continuously holds a registration certificate for the prohibited firearm.
<p>Authorization to Transport (ATT):</p> <p>Valid for all provincial shooting clubs and ranges</p>	<p><i>Firearms Act</i></p> <p>19 (1) An individual who holds a licence authorizing the individual to possess... restricted firearms may be authorized to transport a particular...restricted firearm between two or more specified places for any good and sufficient reason, including, (a) for use in target practice, or a target shooting competition, under specified conditions or under the auspices of a shooting club or shooting range that is approved under section 29;</p> <p>Target practice or competition</p> <p>19(1.1) In the case of an authorization to transport issued for a reason referred to in paragraph (1)(a) within the province where the holder of the authorization resides, the specified places must include all shooting clubs and shooting ranges that are approved under section 29 and that are located in that province.</p>	<p>Clause 4(1) of Bill C-71 amends subsection 19 (1.1) of the FA:</p> <p>(1.1) In the case of an authorization to transport issued for a reason referred to in paragraph (1)(a) within the province where the holder of the authorization resides, the specified place must – <u>except in the case of an authorization that is issued for a prohibited firearm referred to in subsection 12(9)</u> – include all shooting clubs and shooting ranges that are approved under section 29 and that are located in that province.</p> <p>Clause 4(2) of Bill C-71 also amends subsection 19(1.1) of the FA:</p>	<p>Bill C-71 makes this amendment to ensure that ATTs issued for prohibited firearms grandfathered under subsection 12(9) do not include all section 29-approved shooting clubs/ ranges within the province of residence. This amendment comes into force on Royal Assent.</p>

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Exception for prohibited firearms other than prohibited handguns and grandfathered prohibited firearms	<p>19 (1) An individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms may be authorized to transport a particular prohibited firearm or restricted firearm between two or more specified places for any good and sufficient reason, including,</p> <p>(b) if the individual</p> <p>(i) changes residence,</p> <p>(ii) wishes to transport the firearm to a peace officer, firearms officer or chief firearms officer for registration or disposal in accordance with this Act or Part III of the <i>Criminal Code</i>,</p> <p>(iii) wishes to transport the firearm for repair, storage, sale, exportation or appraisal, or</p> <p>(iv) wishes to transport to a gun show.</p> <p>(2) Despite subsection (1), an individual must not be authorized to transport a prohibited firearm, other than a handgun referred to in subsection 12(6.1), between specified places except for the purposes referred to in paragraph (1)(b).</p>	<p>(1.1) In the case of an authorization to transport issued for a reason referred to in paragraph (1)(a) within the province where the holder of the authorization resides, the specified places must -except in the case of an authorization that is issued for a prohibited firearm referred to in subsection 12(9), <u>(11) or (14)</u> - include all shooting clubs and shooting ranges that are approved under section 29 and that are located in that province.</p> <p>Clause 4(1) of Bill C-71 amends subsection 19(2) of the FA:</p> <p>(2) Despite subsection (1), an individual must not be authorized to transport a prohibited firearm - other than a handgun referred to in subsection 12.(6.1) <u>or a prohibited firearm referred to in subsection 12(9)</u> - between specified places except for the purposes referred to in paragraph (1)(b).</p> <p>Clause 4(2) of Bill C-71 also amends</p>	<p>Bill C-71 makes this amendment to add that ATTs issued for prohibited firearms grandfathered under subsections 12(11) and (14) also do not include all section 29-approved shooting clubs/ ranges within the province of residence. This amendment comes into force by Order in Council.</p> <p>Bill C-71 amends subsection 19(2) to provide that individuals may be authorized to transport prohibited firearms grandfathered under subsection 12(9) for the purposes of 19(1)(a). This amendment comes into force on Royal Assent.</p>

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Automatic authorization to transport — licence renewal	<p>19 (2.1) Subject to subsection (2.3), an individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms must, if the licence is renewed, be authorized to transport them within the individual's province of residence</p> <p>(a) to and from all shooting clubs and shooting ranges that are approved under section 29;</p> <p>(b) to and from any place a peace officer, firearms officer or chief firearms officer is located, for verification, registration or disposal in accordance with this Act or Part III of the <i>Criminal Code</i>;</p> <p>(c) to and from a business that holds a licence authorizing it to repair or appraise prohibited firearms or restricted firearms;</p> <p>(d) to and from a gun show; and</p> <p>(e) to a port of exit in order to take them outside Canada, and from a port of entry.</p>	<p>subsection 19(2) of the FA:</p> <p>(2) Despite subsection (1), an individual must not be authorized to transport a prohibited firearm — other than a handgun referred to in subsection 12(6.1) or a prohibited firearm referred to in subsection 12(9), (11) or (14) — between specified places except for the purposes referred to in paragraph (1)(b).</p> <p>Clause 4(3) of Bill C-71 replaces subsections 19(2.1) to (2.3) of the Act:</p> <p>(2.1) An individual who holds a licence authorizing the individual to possess restricted firearms <u>or handguns referred to in subsection 12(6.1) (pre-December 1, 1998 handguns)</u> must, if the licence is renewed, be authorized to transport them within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29. <u>However, the authorization does not apply to such firearms or handguns whose transfer to the individual was approved, in accordance of subparagraph 28(b)(ii), for the purpose of having them form part of a gun collection.</u></p>	<p>Bill C-71 also amends subsection 19(2) to provide that individuals may be authorized to transport prohibited firearms grandfathered under subsections 12(11) and 12(14) for the purposes of 19(1)(a). This amendment comes into force by Order in Council.</p> <p>Bill C-71 amends subsection 19(2.1) to repeal the requirement that an individual, upon renewal of a firearms licence with restricted and prohibited privileges, be given an ATT to transport their firearms to: peace officers, firearms officers or chief firearms officers for verification, registration or disposal; a gunsmith authorized to repair or appraise prohibited or restricted firearms; a gun show; and, to and from Canadian ports of entry and exit.</p> <p>The amendment ensures that only those individuals with privileges to possess restricted firearms <u>or grandfathered prohibited handguns</u> and who acquired these firearms for the purpose of target practice be, upon renewal of their licence, authorized to transport their firearms to and from approved shooting clubs/ranges within their province of residence.</p>

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Automatic authorization to transport — transfer	<p>19 (2.2) Subject to subsection (2.3), if a chief firearms officer has authorized the transfer of a prohibited firearm or a restricted firearm to an individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms, the individual must be authorized</p> <p>(a) to transport the firearm within the individual's province of residence from the place where the individual acquires it to the place where they may possess it under section 17; and</p> <p>(b) to transport their prohibited firearms and restricted firearms within the individual's province of residence to and from the places referred to in any of paragraphs (2.1)(a) to (e).</p> <p>Exceptions</p> <p>19 (2.3) An individual must not be authorized under subsection (2.1) or (2.2) to transport the following firearms to or from the places referred to in paragraph (2.1)(a):</p> <p>(a) a prohibited firearm, other than a handgun referred to in subsection 12(6.1); and</p>	<p>(2.2) If a chief firearms officer has authorized the transfer of a prohibited firearm or a restricted firearm to an individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms, the individual must be authorized to transport the firearm within the individual's province of residence from the place where they acquire it to the place where they may possess it under section 17.</p> <p>(2.3) If a chief firearms officer has authorized the transfer of a restricted firearm or handgun referred to in subsection 12(6.1) (pre-December 1, 1998 handguns) to an individual who holds a licence authorizing the individual to possess a restricted firearm or such a handgun, the individual must be authorized to transport their restricted firearm or handgun within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29,</p>	<p>Bill C-71 replaces subsection (2.2) to ensure that Chief Firearms Officers, upon authorizing the transfer of a restricted or prohibited firearm, automatically authorize the transport of the firearm from where it is acquired to where it may be possessed, generally the place of residence.</p> <p>Bill C-71 repeals paragraph 19(2.2)(b) to rescind the requirement that a Chief Firearms Officer must, upon authorizing the transfer of a restricted or prohibited firearm, issue an automatic ATT to the places in paragraphs 19(2.1)(a) to (e).</p> <p>Bill C-71 replaces subsection 19(2.3) to ensure that individuals authorized by a Chief Firearms Officer to acquire a restricted firearm or a grandfathered prohibited handgun for the purpose of target practice/shooting are issued automatically an ATT to and from approved shooting clubs/ranges within their province of residence. Those who acquire such firearms for the purpose of forming part of a gun collection, are not issued an automatic ATT to shooting</p>

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	(b) a restricted firearm or a handgun referred to in subsection 12(6.1) whose transfer was approved, in accordance with subparagraph 28(b)(ii), for the purpose of forming part of a gun collection.	unless the transfer of the restricted firearm or handgun was approved, in accordance with subparagraph 28(b)(ii), for the purpose of having the restricted firearm or handgun form part of a gun collection.	clubs or ranges.
Eligibility to Hold Licences: General Rules	<p>Public safety 5 (1) A person is not eligible to hold a licence if it is desirable, in the interests of the safety of that or any other person, that the person not possess a firearm...</p> <p>Criteria (2) In determining whether a person is eligible to hold a licence under ss (1), a chief firearms officer or, on a reference under section 74, a provincial court judge shall have regard to whether the person, <u>within the previous five years</u>, (a) has been convicted or discharged under section 730 of the <i>Criminal Code</i> of (i) an offence in the commission of which violence against another person was used, threatened or attempted, (ii) an offence under this Act or Part III of the <i>Criminal Code</i>, (iii) an offence under section 264 of the <i>Criminal Code</i> (criminal harassment), or (iv) an offence relating to the contravention of subsection 5(1) or (2), 6(1) or (2) or 7(1) of the <i>Controlled Drugs and Substances Act</i>; (b) has been treated for a mental illness, whether in a hospital, mental institute, psychiatric clinic or otherwise and whether or not the person was confined to such a</p>	<p>Clause 2 of Bill C-71 replaces subsection 5(2) by the following:</p> <p>Criteria (2) In determining whether a person is eligible to hold a licence under subsection (1), a chief firearms officer or, on a reference under section 74, a provincial court judge shall have regard to whether the person (c) has a history of behaviour that includes violence or threatened or attempted violence or threatening conduct on the part of the person against any person; (d) is or was previously prohibited by an order — made in the interests of the safety and security of any person — from communicating with an identified person or from being at a specified place or within a specified distance of that place, and presently poses a threat or risk to the safety and security of any person; (e) in respect of an offence in the commission of which violence was used, threatened or attempted against the person's intimate partner or former intimate partner, was</p>	<p>Bill C-71 removes “within the previous five years” to make it mandatory that Chief Firearms Officers and judges presiding over reference hearings consider the eligibility criteria in paragraphs 5(2)(a) to (f) over the course of a person's life.</p> <p>Bill C-71 amends subsection 5(2)(c) and creates subsections 5(2)(d) to (f) and subsection 2.1 to make it mandatory that additional criteria must be considered under subsection 5(2) by the Chief Firearms Officers and judges over the course of a person's life.</p>

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	hospital, institute or clinic, that was associated with violence or threatened or attempted violence on the part of the person against any person; or (c) has a history of behaviour that includes violence or threatened or attempted violence...	previously prohibited by a prohibition order from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition; or (f) for any other reason, poses a risk of harm to any person. (2.1) For greater certainty, for the purposes of paragraph (2)(c), threatened violence and threatening conduct include threats or conduct communicated by the person to a person by means of the Internet or other digital network.	
Transfer of non-restricted firearms Authorization to transfer non-restricted firearms	23 A person may transfer a non-restricted firearm if, at the time of the transfer, (a) the transferee holds a licence authorizing the transferee to acquire and possess that kind of firearm; and (b) the transferor has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.	Clause 5 of Bill C-71 replaces sections 23 and 23.1 of the Act: 23(1) A person may transfer one or more non-restricted firearms, if, at the time of the transfer, (a) the transferee holds a licence authorizing the transferee to acquire and possess a <u>non-restricted</u> firearm; (b) the Registrar has, at the transferor's request, issued a reference number for the transfer and provided it to the transferor, and (c) the reference number is still valid. Information – transferee's licence (2) the transferee shall provide to the transferor the prescribed information that relates to the transferee's licence, for the purpose of enabling the transferor to request the reference number from the Registrar.	Bill C-71 amends section 23 to make it clear that businesses and individuals must verify the licence of an individual prior to transferring the ownership of a non-restricted firearm; and to clarify that section 23 references one or more non-restricted firearms Bill C-71 sets the criteria under which a non-restricted firearm may be transferred, namely: <ul style="list-style-type: none">transferees (individual wishing to acquire the firearm) must present

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	<p>Voluntary request to Registrar 23.1 (1) A transferor referred to in section 23 may request that the Registrar inform the transferor as to whether the transferee, at the time of the transfer, holds and is still eligible to hold the licence referred to in paragraph 23(a), and if such a request is made, the Registrar or his or her delegate, or any other person that the federal Minister may designate, shall so inform the transferor.</p> <p>No record of request (2) Despite sections 12 and 13 of the <i>Library and Archives of Canada Act</i> and</p>	<p>Reference number (3) the Registrar shall issue a reference number if he or she is satisfied that the transferee holds and is still eligible to hold a licence authorizing them to acquire and possess a non-restricted firearm.</p> <p>Period of validity (4) A reference number is valid for the prescribed period.</p> <p>Registrar not satisfied (5) If the Registrar is not satisfied as set out in subsection (3), he or she may so inform the transferor.</p>	<p>their licence or licence information to the transferor (business or individual selling/giving the firearm);</p> <ul style="list-style-type: none"> transferors must verify the validity of the licence with the Registrar of Firearms who issues a reference number to confirm validity; transferors to re-verify licence validity with the Registrar if the transfer is not completed within a prescribed time frame; and the Registrar will not issue a reference number if the licence is not valid but will retain a record of the enquiry in case that the intended transferee follows up on the rationale for the refusal. <p>Bill C-71 repeals subsection 23.1(1) which provided that a transferor could make a voluntary request with the Registrar to confirm licence validity.</p> <p>Bill C-71 repeals subsection 23.1(2) which prohibited the Registrar or his or</p>

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Revocation of licence or authorization	<p>subsections 6(1) and (3) of the <i>Privacy Act</i>, neither the Registrar or his or her delegate nor a designated person shall retain any record of a request made under subsection (1).</p> <p>70 (1) A chief firearms officer may revoke a licence, an authorization to carry or an authorization to transport for any good and sufficient reason including, without limiting the generality of the foregoing, (a) where the holder of the licence or authorization</p> <p style="padding-left: 40px;">(i) is no longer or never was eligible to hold the licence or authorization,</p>	<p>Clause 9 of Bill C-71 amends paragraph 70(1)(a) of the Act by adding the following after subparagraph (i):</p> <p>(i.1) transfer of a non-restricted firearm other than in accordance with section 23,</p>	<p>her delegate from maintaining a record of a request made under subsection 23.1(1).</p> <p>Bill C-71 adds subparagraph 70(1)(a)(i.1) to make it clear that a transferor's licence may be revoked should a non-restricted firearm be transferred without verifying the licence of transferee with the Registrar.</p>
Other Records of the Registrar	<p>85 (1) The Registrar shall establish and maintain a record of</p> <p>(a) firearms acquired or possessed by... persons and used by them in the course of their duties or for the purposes of their employment...and</p>		

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Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
	(b) firearms acquired or possessed by individuals on behalf of, and under the authority of, a police force or a department of the Government of Canada or of a province.	<p>Clause 10 (3) of Bill C-71 amends subsection 85(1) of the Act by adding the following after paragraph (b):</p> <p>(c) every request for a reference number made to the Registrar under section 23 and, if the request is refused, the reasons for refusing the request; and</p> <p>(d) every reference number that is issued by the Registrar under subsection 23(3) and, with respect to each reference number, the day on which it was issued and the licence numbers of the transferor and transferee.</p>	<p>Bill C-71 adds paragraphs 85(1)(c) and (d) to make it clear that the Registrar must keep records related to the reference number and where the Registrar refuses to issue a reference number (i.e., licence is not valid), he/she will retain a record of the enquiry in case that the person follows up on the rationale for the refusal.</p>
<p>Record Keeping by Businesses</p> <p>Conditions – licence issued to business</p>		<p>Clause 7 of Bill C-71 creates the following after section 58:</p> <p>58.1(1) A chief firearms officer who issues a licence to a business shall attach the following conditions to the licence:</p> <p>(a) the business must record and keep the prescribed information that relates to the business' possession and disposal of non-restricted firearms;</p> <p>(b) the business must record – and for a period of 20 years, from the day on which the business transfers a non-restricted firearm – keep the following information in respect of the transfer:</p> <p>(i) the reference number issued by the Registrar,</p> <p>(ii) the day on which the reference</p>	<p>Bill C-71 adds subsection 58.1(1) to the FA to require businesses, as a condition on their licence, to keep records of non-restricted firearms:</p> <ul style="list-style-type: none"> • in their inventory; • when transferring (records must be kept for a minimum period of 20 years);

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
Prescribed official		number was issued, (iii) the transferee's licence number, and (iv) the firearm's make, model and type and, if any, its serial number;	Bill C-71 also requires businesses to submit its records to a prescribed official when it ceases to operate.
Licence of business – deemed conditions		(c) the business must, unless otherwise directed by a chief firearms officer transfer any records containing the information described in paragraphs (a) and (b) to a prescribed official if it is determined that the business will cease to be a business. (2) The prescribed official may destroy the records transmitted to them under paragraph (1)(c) at the times and in the circumstances that may be prescribed. Clause 14 of Bill C-71 adds the following after section 126: 126.1 Every licence of a business that is valid on the commencement day is deemed to include the conditions set out in paragraphs 58.1(1)(a) to (d).	Bill C-71 provides that a prescribed official keep the records from a closed business as required by regulations. Bill C-71 sets that, on coming into force, business licences are deemed to include the conditions in paragraphs 58.1(1)(a) to (d).
Firearms Markings		Clause 12 of Bill C-71 replaces the portion of section 109 by the following:	
Punishment	109 Every person who commits an offence under section 106, 107 or 108, who contravenes subsection 29(1) or who contravenes a regulation made under paragraph 117(d), (e), (f), (g), (i), (j), (l), (m) or (n) the contravention of which has been made an offence under paragraph	109. Every person who commits an offence under section 106, 107 or 108, who contravenes subsection 29(1) or who contravenes a regulation made under paragraph 117(d), (e), (f), (g), (i), (j), (k.2), (l), (m) or (n) the contravention of which has been made an offence under paragraph 117(o)	Bill C-71 makes the required technical amendment to provide the authority to make it punishable to contravene the <i>Firearms Marking Regulations</i> .

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Current Statute	Bill C-71 Substantive Amendments	Brief Description
	117(o)		
Forfeiture	<p><i>Criminal Code:</i></p> <p>115 (1) Unless a prohibition order against a person specifies otherwise, everything the possession of which is prohibited by the order that, on the commencement of the order, is in the possession of the person is forfeited to Her Majesty.</p>	<p>Clause 17 of Bill C-71 replaces subsection 115(1) of the <i>Criminal Code</i>:</p> <p>115(1) Unless a prohibition order against a person specifies otherwise, everything the possession of which is prohibited by the order is forfeited to Her Majesty <u>if, on the commencement of the order, the thing is in the person's possession or has been seized and detained by, or surrendered to, a peace officer.</u></p>	<p>Bill C-71 clarifies that firearms and other weapons, which have been seized, or surrendered, and are in the custody of law enforcement at the time that a prohibition order is issued, shall be forfeited to the Crown, unless the order specifies otherwise.</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

COMPARISON CHART: PART 2 - Ending the Long-gun Registry Act

Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
Repeal Division 18 of the <i>Economic Action Plan 2015 Act, No. 1</i> to settle the constitutional challenge of the ELRA, brought by the Information Commissioner.	<p>29(1) The Commissioner of Firearms shall ensure the destruction as soon as feasible of all records in the Canadian Firearms Registry related to the registration of firearms that are neither prohibited firearms nor restricted firearms and all copies of those records under the Commissioner's control.</p> <p>(2) Each chief firearms officer shall ensure the destruction as soon as feasible of all records under their control related to the registration of firearms that are neither prohibited firearms nor restricted firearms and all copies of those records under their control.</p> <p>(4) The <i>Access to Information Act</i>, including sections 4, 30, 36, 37, 41, 42, 46, 67 and 67.1, does not apply, as of October 25, 2011, with respect to the records and copies referred to in subsections 29(1) and (2) or with respect to their destruction.</p> <p>(5) The <i>Privacy Act</i>, including subsections</p>	<p>Clause 23(2) of the bill provides that subsections 29(4) to (7) are deemed never to have come into force and are repealed.</p>	<p>The <i>Economic Action Plan 2015 Act, No. 1</i>, amended the ELRA on June 23, 2015, to add subsections 29(4) to (7) which provide that the <i>Access to Information Act</i> and the <i>Privacy Act</i> do not apply to the registration records for non-restricted firearms as of October 25, 2011, the date on which the</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
	<p>6(1) and (3) and sections 12, 29, 34, 35, 41, 42, 45 and 68, does not apply, as of October 25, 2011, with respect to personal information, as defined in section 3 of that Act, that is contained in the records and copies referred to in subsections (1) and (2) or with respect to the disposal of that information.</p> <p>(6) For greater certainty, any request, complaint, investigation, application, judicial review, appeal or other proceedings under the <i>Access to Information Act</i> or the <i>Privacy Act</i> with respect to any act or thing referred to in subsection (4) or (5) that is in existence on or after October 25, 2011 is to be determined in accordance with that subsection.</p> <p>(7) In the event of an inconsistency between subsection (1) or (2) and any other Act of Parliament, that subsection prevails to the extent of the inconsistency, and the destruction of the records and copies referred to in that subsection shall take place despite any requirement to retain the records or copies in that other Act.</p> <p>30(1) No administrative, civil or criminal proceedings lie against the Crown, a Crown servant, the Commissioner of Firearms or a chief firearms officer, or any person acting on behalf of or under the direction of any of them, with respect to the destruction, on or</p>	<p>Clause 24 of the bill provides that section 30 of the ELRA is deemed never to have come into force and is repealed.</p>	<p>ELRA was introduced in Parliament.</p> <p>The bill deems these sections to have never come into force and repeals them.</p> <p>The <i>Economic Action Plan 2015 Act, No. 1</i>, amended the ELRA on June 23, 2015, to add section 30 which provides that the Crown and other persons are immune from liability with respect to</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
	<p>after April 5, 2012, of the records and copies referred to in subsections 29(1) and (2).</p> <p>(2) No administrative, civil or criminal proceedings lie against the Crown, a Crown servant, the Commissioner of Firearms, a chief firearms officer, a government institution or the head of a government institution, or any person acting on behalf of or under the direction of any of them, for any act or omission done, during the period beginning on October 25, 2011 and ending on the day on which this subsection comes into force, in purported compliance with the <i>Access to Information Act</i> or the <i>Privacy Act</i> in relation to any of the records and copies referred to in subsections 29(1) and (2).</p>		<p>1) the destruction of the registration records of non-restricted firearms, on or after April 5, 2012; and,</p> <p>2) any act or omission done, during the period beginning on October 25, 2011 and ending on June 23, 2015, under the access and privacy legislation, in relation to the registration records of non-restricted firearms.</p> <p>The bill deems these sections to have never come into force and repeals them.</p>
<p>Address the proceedings under the <i>Access to Information Act</i> and the <i>Privacy Act</i> that were affected by Division 18 of the <i>Economic Action Plan 2015 Act, No. 1</i></p>		<p>TRANSITIONAL PROVISIONS</p> <p>Continued Application</p> <p>Clause 27(1) The <i>Privacy Act</i>, other than subsections 6(1) and (3), and the <i>Access to Information Act</i> continue to apply with respect to any specified proceeding and to any complaint, investigation, application, judicial review or appeal that results from a specified proceeding.</p> <p>Period running on June 22, 2015 restarts</p> <p>(2) A time limit, or other period of time, under the <i>Access to Information Act</i> or</p>	<p>“Specified proceeding” is defined as any request, complaint, investigation, application, judicial review, appeal or other proceeding under the <i>Access to Information Act</i> or the <i>Privacy Act</i> with respect to a record or copy or to personal information that was:</p> <p>made on or before June 22, 2015 (the day before the coming into force of the</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
		<p>the <i>Privacy Act</i> that was running on June 22, 2015 with respect to a specified proceeding described in paragraph (a) of the definition of that expression in section 4 is deemed to restart, from the beginning, on the commencement day. Specified proceeding initiated after June 22, 2015</p> <p>(3) A specified proceeding described in paragraph (b) of the definition of that expression in section 4 is deemed to be made or initiated on the commencement day.</p> <p>For greater certainty</p> <p>(4) For greater certainty, no destruction of records or copies that are the subject of proceedings referred to in subsection (1) is to occur until all proceedings referred to in that subsection are finally disposed of, settled or abandoned.</p>	<p><i>Economic Action Plan 2015 Act, No. 1</i>) and was not concluded, or in respect of which no decision was made, on or before that day; or</p> <p>made or initiated after June 22, 2015, but before the Royal Assent of Bill C-71.</p> <p>The access and privacy legislation will continue to apply to specified proceedings after Royal Assent.</p> <p>Any time period that was running on June 22, 2015 would begin again at zero on Royal Assent. Any specified proceeding initiated between June 22, 2015 and Royal Assent would be considered to have been received on the day of Royal Assent.</p> <p>The specified proceedings would be addressed prior to destruction of the remaining registration records of non-restricted firearms.</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
Facilitate the settlement of the judicial review brought by the Information Commissioner in Federal Court (T-785-15)		Permission to view records 28. The Commissioner of Firearms shall permit the Information Commissioner to view - for the purpose of settling the Federal Court proceeding <i>Information Commissioner of Canada v. Minister of Public Safety and Emergency Preparedness</i> , bearing court file number T-785-15 - any record that was in the Canadian Firearms Registry on April 3, 2015.	The Information Commissioner would be permitted to view the records in the Canadian Firearms Registry, as it was preserved on April 3, 2015, for the purpose of identifying those records which the Information Commissioner considers responsive to the access to information request which is the subject of the judicial review.
Provide a copy of the Quebec Records to the Government of Quebec, if requested.		Copy to Government of Quebec 29(1) the Commissioner of Firearms shall - for the purpose of the administration and enforcement of the <i>Firearms Registration Act</i> , chapter 15 of the Statutes of Quebec, 2016 - provide the Quebec Minister with a copy of all records that were in the Canadian Firearms Registry on April 3, 2015 and that relate to firearms registered, as at that day, as non-restricted firearms, if the Quebec Minister provides the Commissioner with a written request to that effect before the end of the 120 th day after the day on which the Commissioner sends written notice under subsection (2).	The Quebec Minister responsible for Public Security (the Quebec Minister) has expressed an interest in possibly obtaining a copy of the registration records of non-restricted firearms related to Quebec (the Quebec Records). (The other registration records of non-restricted firearms were destroyed in accordance with section 29 of the ELRA in October 2012.) Clause 29 (1) provides that the Commissioner of Firearms will provide a copy of the Quebec Records to the Quebec Minister, if he or she provides a written request prior to destruction of

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
		<p>Notice</p> <p>29(2) If no request is provided under subsection (1) before the Commissioner is in a position to proceed with ensuring the destruction of the records referred to in that subsection, the Commissioner shall, as soon as he or she is in that position, send written notice to the Quebec Minister of that fact.</p> <p>Destruction of Records</p> <p>29(3) Despite subsection 29(1) of the <i>Ending the Long-gun Registry Act</i>, the Commissioner shall proceed with ensuring the destruction of the records referred to in subsection (1) only after</p> <p>(a) he or she provides the Quebec Minister with a copy of the records, in the case where that Minister provides a written request in accordance with subsection (1); or</p> <p>(b) the end of the 120th day after the day</p>	<p>the records in accordance with section 29 of the ELRA. It also provides for a mechanism in the event that the Quebec Minister is prevented from providing a request to the Commissioner of Firearms prior to feasibility of record destruction.</p> <p>The Commissioner would be in a position to proceed with the destruction of the records only when all specified proceedings have been addressed, statutory rights have expired, and provided that there is no further or new litigation concerning the records.</p> <p>If the Quebec Minister has not provided a written request prior to feasibility of record destruction, the Commissioner of Firearms would provide notice to Quebec and would delay destruction for 120 days. The Quebec Minister would then have 120 days to request the records before they are destroyed.</p> <p>The Commissioner of Firearms must preserve the Quebec Records until the Commissioner has given a copy of the records to Quebec, if they have been requested, or until the 120-day notice period is over.</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
		<p>on which the commissioner sends written notice under subsection (2), in any other case.</p> <p>Extension</p> <p>30 The Minister of Public Safety and Emergency Preparedness may, during the 120-day period referred to in subsection 29(1), make an order extending the period for another 120 days, and in that case the references in subsections 29(1) and (3) to "the 120th day" are to be read as references to "the 240th day".</p>	<p>During the 120-day period, the Minister of Public Safety and Emergency Preparedness would have the authority to make an order extending the 120-day period and the delay of destruction.</p>
<p>Implement subsections 29(1) and (2) of the ELRA</p>	<p>29(1) The Commissioner of Firearms shall ensure the destruction as soon as feasible of all records in the Canadian Firearms Registry related to the registration of firearms that are neither prohibited firearms nor restricted firearms and all copies of those records under the Commissioner's control.</p>	<p>Non-application - Access to Information Act</p> <p>26(1) Subject to section 27, the <i>Access to Information Act</i> does not apply as of the commencement day with respect to records and copies.</p> <p>Non-application - Privacy Act</p> <p>26(2) Subject to section 27, the <i>Privacy Act</i>, other than its subsections 6(1) and (3), does not apply as of the commencement day with respect to personal information.</p> <p>Destruction of Records</p> <p>29(3) Despite subsection 29(1) of the <i>Ending the Long-gun Registry Act</i>, the Commissioner shall proceed with</p>	<p>These clauses provide for a sunset date, which is the commencement day, after which the <i>Access to Information Act</i> and the <i>Privacy Act</i> would no longer apply to registration records of non-restricted firearms.</p> <p>Clause 29(3) ensures that the Quebec Records may be destroyed in accordance with section 29 of the</p>

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.

Policy Element	Enabling Statute <i>Ending the Long-gun Registry Act</i>	Bill C-71	Brief Description
		ensuring the destruction of the records referred to in subsection (1) only after (a) he or she provides the Quebec Minister with a copy of the records, in the case where that Minister provides a written request in accordance with subsection (1); or (b) the end of the 120 th day after the day on which the commissioner sends written notice under subsection (2), in any other case.	ELRA once a copy of the remaining registration records of non-restricted firearms have been given to the Quebec Minister, or at the end of the 120 th day after the day that notice was sent to the Quebec Minister under clause 29(2).

Note: This comparison chart groups amendments made by Bill C-71 by Policy Element. For this reason, this chart does not follow the clause order of Bill C-71.



Questions and Answers

PART 1 of BILL C-71: General

Q1. Why are the changes being made now?

A1. The 2012 *Ending the Long-gun Registry Act* and the 2015 *Common Sense Firearms Licensing Act* (Bill C-42) loosened controls over the transfer and movement of firearms in Canada. In keeping with the mandate from the Prime Minister, the Ministers of Public Safety and Justice are taking action to ensure appropriate measures are in place regarding authorized access to firearms by repealing some elements of Bill C-42. Specifically, this legislation aims to ensure that restricted/prohibited firearms are transported safely; that prohibited firearms such as certain CZ firearms as well as SA firearms are classified in accordance with *Criminal Code* criteria; and that licences are verified prior to transferring the ownership of non-restricted firearms.

Q2. What is the anticipated stakeholder reaction?

A2. The Government, in proposing changes to the *Firearms Act* and Part III of the *Criminal Code*, believes it is striking an appropriate balance to protect the safety of Canadians while not diminishing the privileges associated with lawful firearms ownership.

However, the Canadian Coalition for Firearms Rights, National Firearms Association and Gun Owners of Canada have and continue to oppose Bill C-71. These groups see the Bill as negative for firearms owners and businesses and not going far enough to address organized crime and gang violence. Additionally, they believe the Bill may put firearms owners and businesses at increased risk of criminal prosecution for errors related to administrative responsibilities.

Gun control advocates such as PolySeSouvient and the Coalition for Gun Control view the Bill as a positive first step in improving public safety, but critique the legislation as not going far enough in terms of advancing gun control in the interest of public safety. Specifically, these groups support the increased consideration of certain risk factors (e.g., a history of violence) from 5 years to the duration of a person's lifetime regarding licence eligibility.



Questions and Answers

Q3. How does this initiative impact firearms used in recent tragic events, like the AR-15?

A3. In Canada, the AR-15 is classified as restricted in accordance with the criteria defined in the *Criminal Code*. Restricted firearms are tightly controlled, and individuals who possess them are subject to a number of requirements set out in laws and regulations that place emphasis on maintaining public safety, including:

- having passed the Restricted Firearms Safety Course;
- thorough background checks, including interviews by the CFO, as needed;
- holding a valid firearms licence with privileges to possess restricted firearms; and,
- continuous eligibility screening.

The Government has committed to allow firearms classification determinations to be made by technical police experts. In alignment with this commitment, the Government does not intend to change the classification status of the AR-15.

Q4. Why are so few elements of the Bill coming into force upon Royal Assent?

A4. Many provisions can only come into force at a later date due to operational and systems changes that must be made by the RCMP prior to implementation. The components that will come into force at a later date relate to:

1. the repeal of the deeming provisions and grandfathering of affected owners;
2. the removal of the five-year limitation for mandatory consideration of specified criteria in determining licence eligibility;
3. the repeal of the automatic issuing of authorizations to transport (ATTs);
4. the requirement to verify the licence of a transferee prior to transferring a non-restricted firearm; and,
5. the requirement for businesses to keep records relating to non-restricted firearms.

Q5. What consultations were undertaken?

A5. The Government consulted with representatives from a diverse cross-section of Canadians. For example, the Minister of Public Safety received advice from his Canadian Firearms Advisory Committee, which includes advocates from a range of backgrounds, including: civilian firearms users; farmers; hunters; sports shooters; representatives from



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conservation organizations; representatives from women's groups; and the legal community.

Q6. How does the Bill relate to planned initiatives regarding markings?

A6. At this time, no regulations related to markings are in effect.

The Bill proposes to require businesses to maintain inventory and transfer records for non-restricted firearms which would enhance the effectiveness of firearms markings by facilitating law enforcement's ability to more effectively trace firearms. Markings on recovered firearms, when cross-referenced with available records, allow law enforcement to determine the last legal owner of a firearm. As such, the existence of accurate records is a critical component of the process.



Questions and Answers

PART 1 of BILL C-71: Repeal Of The 'Deeming' Provisions and Grandfathering

Q1. What are the 'deeming' provisions in the *Criminal Code*?

- A1. The 'deeming' provisions provide the Governor in Council (GIC) with authority to 'deem' firearms to be of a less restrictive class, despite meeting the criteria for a more restrictive class in the *Criminal Code*. The 'deeming' provisions were brought into force in June 2015 under the *Common Sense Firearms Licensing Act* (Bill C-42).

In August 2015, the GIC used its authority to make regulations to 'deem' certain models of the Česká Zbrojovka 858 (CZ 858) and Swiss Arms family of rifles as non-restricted or restricted, despite meeting the criteria for prohibited.

Q2. Why were the 'deeming' provisions used on certain CZ 858 models?

- A2. The previous government used the GIC 'deeming' authority to reverse the classification determination made by the RCMP, namely that CZ858 firearms imported into Canada post 2007 meet the *Criminal Code* definition of prohibited firearm pursuant to paragraph 84(1)(c) of the *Criminal Code*, because they are converted automatic firearms.

The previous government based the reversal on a June 5, 2015 report from a group of five individuals active in the firearms community (Steve Torino (Astor Arms), Ross Spagrud (PGW Defense Technologies), Phil O'Dell (O'Dell Engineering), Rod Taylor (Calgary Shooting Centre), and John Grech (Grech Outdoors). Their report indicated that the CZ-858 rifles did not meet the definition of "prohibited firearm" because they are not converted fully automatic firearms, and should be classified as restricted or non-restricted, depending upon barrel length.

Following receipt of the report, the previous government 'deemed' the CZ 858 firearms determined by the RCMP to be prohibited as either restricted or non-restricted.

Q3. Why were the 'deeming' provisions used on Swiss Arms firearms?

- A3. The previous government used the GIC 'deeming' authority to reverse the classification determination made by the RCMP, namely that the Swiss Arms family of rifles meet the *Criminal Code* definition of prohibited because they are variants of the Swiss Arms SG-550, a prohibited firearm prescribed in the *Regulations Prescribing Certain Firearms... as Prohibited, Restricted or Non-restricted* under the *Criminal Code*. Furthermore, they



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can be easily converted to full automatic fire as they are a variant of the SG-550 firearm, which is a select-fire assault rifle, and some are converted automatic firearms.

The previous government made the Order in Council following receipt of a report dated June 5, 2015 from a group of five individuals active in the firearms community (Steve Torino (Astor Arms), Ross Spagrud (PGW Defense Technologies), Phil O'Dell (O'Dell Engineering), Rod Taylor (Calgary Shooting Centre), and John Grech (Grech Outdoors). The report concluded that the Swiss Arms family of rifles is not a variant of the SG-550, a prohibited firearm.

As a result, in the view of the authors, the Swiss Arms firearms do not meet the legal definition of "prohibited firearm." Consequently, the report stated that the Swiss Arms rifles should also be classified as restricted or non-restricted, depending upon barrel length.

The previous government 'deemed' the Swiss Arms firearms determined by the RCMP to be prohibited as either restricted or non-restricted.

Q4. Why is the Government repealing these provisions now?

A4. The Government's position is that classification determinations should be made by technical police experts, who are in the best position to make these determinations based upon the criteria set out in the *Criminal Code* and the *Regulations Prescribing Certain Firearms...as Prohibited, Restricted or Non-Restricted*. Further, the Government believes that the classification of a firearm is consistent with criteria prescribed by the *Criminal Code*. To ensure this is the case, Bill C-71 repeals the GIC authority to 'deem' firearms to be of a lower class, despite meeting the criteria of a more restrictive class under the *Criminal Code*.

Q5. What is the practical effect of repealing the 'deeming' provisions?

A5. Repealing the 'deeming' provisions will render the regulations made in 2015 by the GIC invalid and return the CZ-858 and Swiss Arms rifles to the prohibited status. In general, Canadians are not permitted to possess prohibited firearms. However, under certain circumstances, individuals can be grandfathered to possess prohibited firearms. Bill C-71 proposes that owners of the CZ and SA, which become prohibited, be eligible for grandfathering in order to allow them to keep their firearms. Repealing the 'deeming' provisions also has the effect of curtailing further importation of the CZ 858 and SA firearms by individuals.



Questions and Answers

Q6. Why are owners of the CZ 858 and Swiss Arms rifles eligible for grandfathering? Is there a risk to public safety?

A6. Individual owners have, to the Government's knowledge, been in possession of CZ or SA firearms without significant incident, with one exception (If pressed: 2012 attack on Parti Quebecois leader Pauline Marois). Allowing individuals to retain their firearms would be contained to a limited pool of qualified individuals. Moreover, this pool through attrition will shrink over time, as these firearms cannot be bequeathed to next of kin. Additionally, as all models of these firearms will be classified as prohibited, stricter licensing requirements and transportation controls will now apply to these firearms in the interest of public safety.

Q7. Are there alternatives to grandfathering?

A7. The Government considered a number of options but in the end, given the safety record of these owners and significant investments made (i.e., a CZ-858 can be worth up to approximately \$1000 CAD; a Swiss Arms rifle up to approximately \$4000 CAD), the Government decided this was the best course of action, given the additional safety requirements being imposed.

Q8. What will individuals who wish to be grandfathered need to do in order to retain their firearms?

A8. Individuals wishing to be eligible for grandfathering to retain their prohibited CZ or SA firearms will need to own such a firearm on June 30, 2018, apply to register it, if not already registered, within a year after the coming into force of the deeming and grandfathering provisions and comply with licensing requirements. Specifically, given there is no course pertaining to prohibited firearms, individuals who have a Possession and Acquisition Licence (PAL) with non-restricted privileges must pass the Canadian Restricted Firearms Safety Course.



Questions and Answers

Q9. Why is June 30th the 'cut-off' date to be eligible for grandfathering?

A9. June 30th reflects a commitment by the Government to be transparent and to allow businesses and individuals time to plan accordingly. For example, individuals who do not wish to continue to own the firearms because they become prohibited will have time to dispose of them. Also businesses will have time to consider what to do with any inventory.

Q10. Can grandfathered individuals acquire more grandfathered CZ or SA firearms?

A10. Yes, within parameters. Grandfathered individuals authorized to own grandfathered CZ firearms can only acquire from, or sell to, other grandfathered individuals authorized to own CZ firearms. The same restrictions apply to SA grandfatherees. However, the two pools cannot intermingle; in other words grandfathered SA owners cannot acquire a grandfathered CZ firearms and vice versa.

Q11. What happens when the owner of the grandfathered CZ or SA firearms passes away?

A11. When a grandfathered owner passes away, the firearm is forfeit. There are no provisions to pass the firearm to the next of kin.

Q12. Are there other instances where prohibited firearms have been grandfathered?

A12. Yes. Section 12 of the *Firearms Act* sets out the exemptions for other prohibited firearms that have been grandfathered.

Q13. Will individuals be allowed to take their grandfathered CZ and SA firearms to a shooting club or range?

A13. As provided for under the *Firearms Act*, each provincial/territorial minister has authority to approve operations at a shooting club or range. Where a shooting club or range is approved for the use of certain calibre firearms, Chief Firearms Officers may issue an authorization to transport to and from that club or range.



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Questions and Answers

Q14. How many CZ or SA firearms are in Canada.

A14. In 2014, it was estimated that there were approximately 11, 000 CZ and SA firearms in Canada.

Q15. Why are we leaving these firearms in the public domain?

A15. Out of fairness to the firearms owners affected, the government has decided to allow those who meet eligibility requirements to retain their firearms via grandfathering. Owners of the affected firearms will need to meet licensing and registration requirements to own these firearms, and will not be able to transfer their firearms, other than to individuals also within the grandfathered pool. Consequently, these firearms will be removed from circulation in Canada via attrition. This approach will ensure both the enhancement of public safety, and reasonable, practical treatment of affected firearms owners.

Q16. Will these firearms be eligible to be transported to and used at ranges?

A16. There is no change for shooting clubs and ranges which have approval, by the province, to use the calibre of firearms of the CZ and SAs. This Bill will remove the federal ban on Chief Firearms Officers (CFO) to issue an authorization to transport prohibited firearms to shooting clubs and ranges approved under section 29 of the *Firearms Act*. In other words, to ensure the reasonable treatment of affected firearms owners, these grandfathered prohibited firearms, subject to approval of a Chief Firearms Officer in the province/territory of jurisdiction, would be eligible to be brought to approved ranges within an individual's province/territory of residence after grandfathering requirements are met.

Q17. What is the plan regarding an Amnesty Order?

A17. Given that impacted firearms owners acquired their firearms in good faith, it is the Government's intention to provide an up to three-year Amnesty Order under the authority of the *Criminal Code*. An up to three-year period will allow owners time to come into compliance with grandfathering requirements, meaning that they would be required to take the appropriate safety course to upgrade their licence, if they haven't already done so, and apply for, and subsequently receive, a registration certificate.



Questions and Answers

Q18. Will firearms owners be able to use their firearms during the Amnesty period?

A18. The Government intends to provide individuals with an up to three-year Amnesty period to come into compliance with grandfathering requirements. During this time, individuals will only be able to lawfully possess, not use, their firearms. These grandfathered prohibited firearms, subject to approval of a Chief Firearms Officer in the province/territory of jurisdiction, would be eligible to be brought to approved ranges within an individual's province/territory of residence after grandfathering requirements are met.

Q19. Why is there an Amnesty Order for the Swiss Arms Four Seasons and Classic Green Sniper rifles?

A19. The Amnesty Order for the previously unknown models of Swiss Arms rifles, named Hiemis (Winter), Ver (Spring), Aestas (Summer) and Autumnus (Fall) [the "Four Seasons Series"] and a previously unknown model of the Swiss Arms Classic Green rifles (the "Classic Green Sniper rifle") was made the day Bill C-71 was introduced on March 20th, 2018 and will be effective until February 28th, 2021.

The Amnesty Order protects from criminal prosecution individuals who have acquired these now prohibited firearms in good faith while the Government implements grandfathering measures to address continued possession and use.

The Order will permit the affected persons to; possess the firearm, deliver the firearm to a peace officer, firearms officer or chief firearms officer, sell or give the firearm to a business — including a museum — authorized to acquire and possess prohibited firearms, or transport the firearm for the purposes of delivering, selling, or giving it as provided for in the Order.

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PART 1: **THE 'DEEMING' PROVISIONS AND GRANDFATHERING**

ISSUE

Repeal the authority in the *Criminal Code* for the Governor in Council (GIC) to 'deem' firearms to be of a less restrictive class (i.e., non-restricted or restricted) despite meeting the criteria for a more restrictive class (i.e., prohibited), as defined by the *Criminal Code*.

BACKGROUND

Classification Framework

The firearms classification regime imposes requirements for the safe possession, use, transfer, transportation and storage of firearms in Canada. The more restrictive the class, the more stringent the requirements applied for public safety purposes. For example, except for those who are 'grandfathered' under the *Firearms Act*, individuals cannot possess prohibited firearms. Also, licensing requirements are more rigorous to possess restricted or grandfathered prohibited firearms than to possess non-restricted firearms (e.g., additional training; extra scrutiny during the application process).

The classification of a firearm is governed by subsection 84(1) of the *Criminal Code* and the *Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-restricted* (the Regulations). The Regulations list specific makes and models and include a number of variant or modified versions of them. As new firearms come to the attention of the RCMP, a technical analysis is conducted to identify if a firearm is a variant or modified version of an existing 'parent' listed in the Regulations. If identified as a variant or modified version, the firearm is determined to be prohibited and subsequently assigned a Firearms Reference Table (FRT) designation. (The FRT provides detailed firearm descriptors which differentiate the prohibited, restricted and non-restricted firearms.)

The Royal Canadian Mounted Police (RCMP) Canadian Firearms Program (CFP) is responsible for the technical determination of the classification of a firearm in accordance with the *Criminal Code*. Given the number of new firearms introduced by the firearms industry yearly (approximately 8,000), some determinations are based on manufacturers' specifications. Therefore, occasionally, it comes to the attention of the RCMP CFP that a firearm has been incorrectly described and, upon physical inspection, the determination of a firearm's classification may be changed. Such changes can affect individuals (e.g., previously restricted firearms may be re-determined to be prohibited), which means that owners who purchased them, likely in good faith, may have to dispose of their firearms and suffer losses. In such circumstances, the Government can choose to compensate owners, require disposal without compensation, or grandfather them.

Česká Zbrojovka 858 (CZ 858)

According to the RCMP, in 2005, they inspected a sample of the CZ 858 Tactical series firearms provided by the importer. It was determined that these firearms were assembled from spare Czechoslovakian Vz58 assault rifle parts left over after the breakup of the former Soviet Union. The Vz58 firearm, when assembled, is a fully automatic assault rifle and meets the *Criminal Code* definition of a prohibited firearm. The CZ 858 met the definition of a non-restricted or restricted firearm (depending on barrel length), as it was constructed as a semiautomatic rifle from spare parts, and in particular from an unfinished receiver, that had never been assembled into a fully automatic firearm.

In January 2013, according to the RCMP, the Canadian Border Services Agency detained several shipments of the CZ 858 firearm and submitted samples to the RCMP for inspection and classification determination. In March 2013, the RCMP determined that these firearms differed from those that had been inspected in 2005. These firearms were modified fully automatic Vz58 assault rifles and met the definition of prohibited firearm in the *Criminal Code*, in a category commonly referred to as "converted automatic firearm". After further investigation, the RCMP determined that the exporter began shipping the prohibited variant (converted automatic firearm) of the CZ 858 firearm in 2007, and possibly as early as 2006.

The post-2007 CZ 858 firearms meet the *Criminal Code* definition of prohibited because they are converted automatic firearms.

Swiss Arms rifles

In 2001, according to the RCMP, the Canadian importer of the Classic Green firearm requested a classification determination on the Swiss Arms Blue Star and Swiss Arms Classic Green rifles, to authorize their importation and registration in Canada. The RCMP reviewed the documentation provided by the importer and the manufacturer which showed both rifles to be semi-automatic variants of the Swiss Arms SG-540 assault rifle. The documentation included several letters from senior officials of Swiss Arms, including the CEO, specifically attesting to the lineage of the Classic Green rifle deriving from the SG-540 rifle and not the SG-550 rifle. It is important to note the SG-550 is listed in the *Criminal Code* Regulations as prohibited whereas the SG-540 is not. As a result, the RCMP determined that the firearms met the *Criminal Code* definition of either non-restricted or restricted (depending on barrel length).

In December 2012, information was obtained by the RCMP that a different importer was importing a prohibited variant of the Classic Green rifle and matching it to the Firearms Reference Table (FRT) record of either the non-restricted or restricted variants. In February 2014, the RCMP completed its review of the firearms in question and determined that all the Classic Green sniper and Four Seasons rifles were in fact not variants of the SG-540 assault rifle, and instead were descendants of the prohibited Swiss Arms SG-550 assault rifle, a firearm specifically named as prohibited in the *Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted, or Non-Restricted* (the Regulations) under the *Criminal Code*.

s.21(1)(a)

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s.21(1)(b)

The Swiss Arms Classic Green sniper and Four Season firearms meet the *Criminal Code* definition of prohibited because they are variants of the prohibited firearm prescribed in the *Criminal Code* Regulations. Furthermore, they can be easily converted to full automatic fire as they are a variant of the SG-550 firearm, which is a select-fire assault rifle, and some are converted automatic firearms.

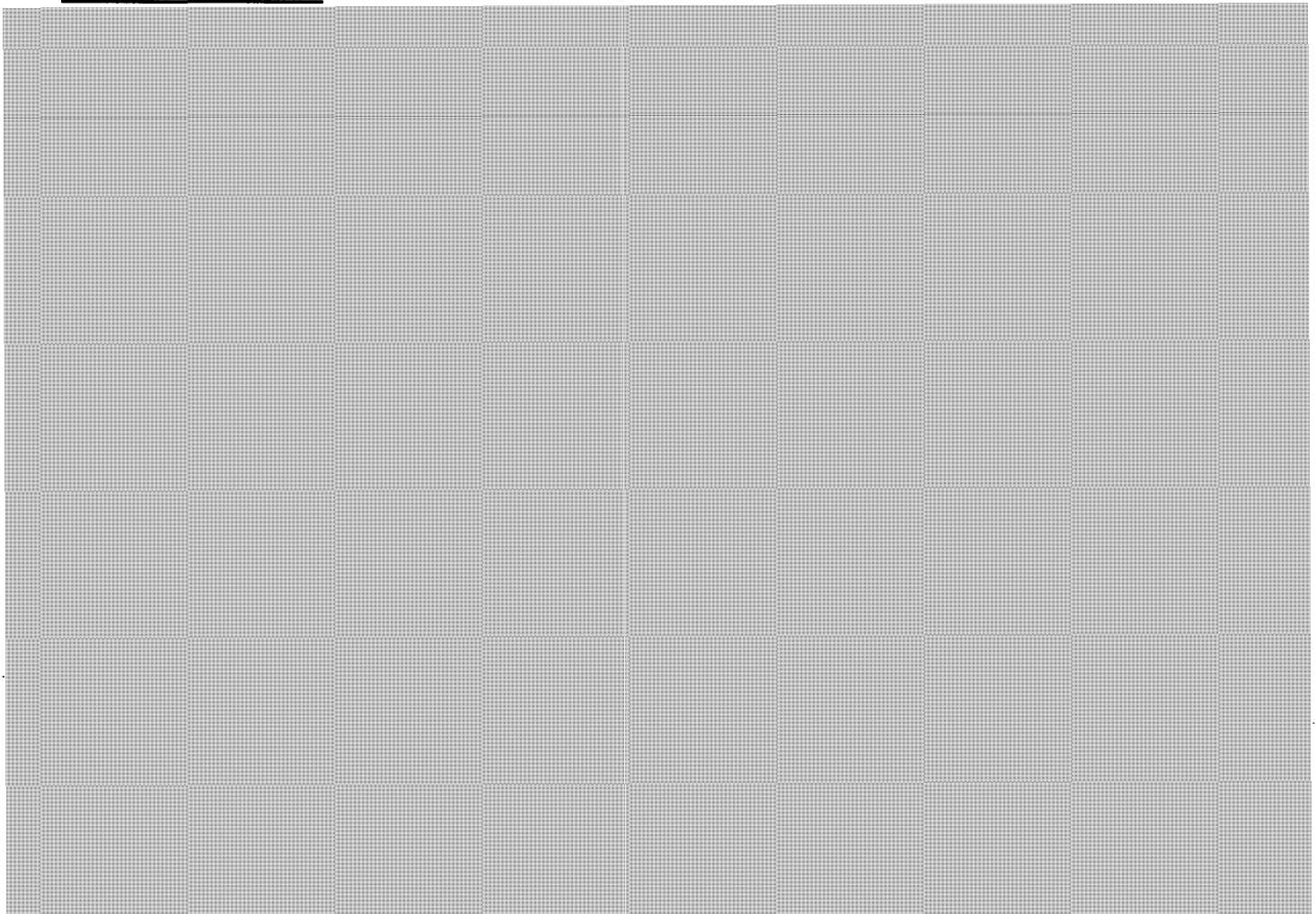
Common Sense Firearms Licensing Act (Bill C-42)

In 2015, Bill C-42 amended the *Criminal Code* to:

- 1) provide the GIC with authority to make regulations to 'deem' firearms to be of a less restrictive class (i.e., non-restricted or restricted) despite meeting the criteria for a more restrictive class (i.e., prohibited); and
- 2) create a definition of "non-restricted firearm" to include firearms prescribed as non-restricted by the GIC.

In 2015, the GIC used its authority to vary the classification determination made by the RCMP CFP in 2014 and 'deemed' certain CZ 858 and SAs to be non-restricted or restricted, despite meeting the definition of prohibited under the *Criminal Code*.

CONSIDERATIONS



GRANDFATHERING

Section 12 of the *Firearms Act* (the Act) sets out the general rule that an individual who is eligible to hold a licence may not possess prohibited firearms. Section 12 also sets out the exceptions to this general rule and provides specific cases in which individuals may possess certain prohibited firearms.

Once grandfathered, ownership of the prohibited firearms would be limited to only individuals grandfathered in the specific class of firearm to which they are registered (i.e., prohibited CZ owners may own, trade and purchase other grandfathered CZ firearms and vice versa for the SA firearms). Over time, the pool of firearms and owners will diminish. If an individual who is grandfathered does not renew their licence prior to expiration, they will not be able to re-enter the pool or be in possession of a grandfathered CZ or SA firearm.

PROPOSAL

Owners affected by a repeal of the 'deeming' provisions, as well as owners of the SA Four Seasons and the Classic Green Sniper model also determined by the RCMP to be prohibited, would be authorized, under section 12 to keep their firearms through a statutory grandfathering mechanism. The grandfathering scheme would be similar to the one already provided for in the *Act*, namely that individuals:

- possess the prohibited firearm as of a specific date (June 30, 2018);
- register the prohibited firearm within one year after the grandfathering provisions come into force;
- require individuals to obtain prohibited privileges for their firearms licence within two years after the grandfathering provisions come into force;
 - taking the Canadian Restricted Firearms Safety Course, if necessary;
- be permitted to transfer ownership within the grandfathered pool only (CZ owners to CZ owners; SA owners to SA owners (the pools cannot interchange); and
- are prohibited from importing new CZ or SA firearms.

To provide owners with time to come into compliance with grandfathering requirements (e.g, additional firearms safety training if necessary), and not be subject to criminal liability, while also prohibiting new acquisitions, an amnesty, up to three years, is proposed under the *Code*. To encourage individuals to comply as early as possible, the proposed amnesty would authorize the lawful possession but not the use of the firearms until owners meet the grandfathering requirements.

Bill C-71 includes an amnesty to protect individuals in possession of the SA Four Seasons and the Classic Green Sniper will also be in place and the Firearms Reference Table will be updated to reflect that they are prohibited firearms.

Bill C-71 would also amend the *Act* to authorize the Governor in Council to grandfather by regulation. This provision would provide an alternative to the government for any future redeterminations as opposed to forfeiture of firearms with or without compensation and offer

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flexibility to the government to more quickly limit unsafe access to prohibited firearms by grandfathering through regulations.



Questions and Answers

PART 1 of BILL C-71– Authorizations To Transport (ATT) Restricted/ Prohibited Firearms

Q1. What is an ATT?

A1. An ATT is issued by a Chief Firearms Officer and authorizes an individual to transport a restricted firearm or a grandfathered prohibited firearm to a specific location. An ATT is not required for non-restricted firearms.

Q2. What is the effect of the legislative change to ATTs?

A2. Currently, individuals are automatically authorized to transport restricted and prohibited firearms for certain purposes upon being authorized to acquire the firearm and upon renewal of the firearms licence, including: to a gun show; to a Canadian point of entry; and, to a firearms business. The effect of this change is to reinstate the discretion of Chief Firearms Officers to authorize transport to these locations.

Q3. Will individuals be required to apply for a separate ATT to transport to a range?

A3. Individuals who have acquired restricted firearms for the purpose of target practice will continue to be automatically authorized to transport them to all approved ranges within their province or territory of residence, without the requirement for a separate application. Individuals wishing to transport restricted or prohibited firearms for any other purpose will be required to apply for an ATT. Generally, ATTs can be authorized over the phone and then either mailed to the individual or added as a condition on a licence and available to police through the Canadian Firearms Registry Online.

Q4. Bill C-42 created these automatic authorizations to reduce administrative burden, is there new evidence that suggests firearms owners do not appropriately transport their firearms?

A4. The Government's proposed changes are focused on allowing law enforcement to more easily make a determination as to whether an individual, if stopped for a traffic violation, is legitimately transporting a firearm for a legitimate purpose and by a reasonably direct route.

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Part 1:
AUTHORIZATIONS TO TRANSPORT
(restricted and prohibited firearms)

ISSUE

Repeal, in part, the automatic issuance of Authorizations to Transport (ATT) restricted and prohibited firearms.

BACKGROUND

Legal Requirements to Acquire Restricted/Prohibited Firearms:

Individuals wishing to acquire a restricted or a prohibited firearm must be authorized by the Chief Firearms Officer (CFO) of jurisdiction. In authorizing a transfer (i.e., change in ownership), CFOs must verify whether the individual:

- holds a licence authorizing the acquisition of that kind of firearm; and,
- is still eligible to hold that licence (e.g., has not been convicted of an offence where violence was used, threatened or attempted).

Individuals wishing to acquire a restricted firearm or a prohibited handgun grandfathered under section 12(6.1) are also required to demonstrate to the CFO that the purpose for which they wish to acquire such a firearm is:

- to form part of a gun collection; or
- for use in target practice/shooting competition.

(This demonstration of purpose is not required for prohibited firearms grandfathered under the other section 12 provisions.)

Legal Requirements Following Acquisition:

- Restricted and prohibited firearms may only be possessed at a place of residence or at another place authorized by a CFO (e.g., shooting range/club).
- To transport the firearms between authorized places, an ATT is required.
 - It is an offence under s. 93 and s. 94 of the *Criminal Code* to possess such firearms at a place other than that which is indicated on the ATT (indictable offence and liable to imprisonment for a term not exceeding five years; or punishable on summary conviction).

ATTs are issued at no cost by a CFO; are not required for non-restricted firearms.

- During transport, individuals must meet the transportation requirements under the Act and regulations, namely that the firearm be unloaded; locked in a container; and, if left in an unattended vehicle, that the container not be visible from outside the vehicle (e.g., locked in the trunk).
 - It is an offence to contravene the transportation regulations (imprisonment for a term not exceeding two years (first offence) or five years (subsequent offence) or punishable on summary conviction).

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ATT regime PRIOR to the Common Sense Firearms Licensing Act (Bill C-42):

- Individuals were required to make separate applications for an ATT for each transport activity (e.g., home after purchase; to a shooting club/range; to a gunsmith), despite having been authorized by a CFO to acquire the firearm.
- ATTs were issued as a separate document that individuals were required to carry, along with their firearms licence and the registration certificate for each firearm being transported.
 - Short-term ATTs were issued for a single trip (e.g., home following acquisition; to and from a gun repair shop);
 - Long-term ATTs were issued for multiple trips for a period of up to the duration of the firearms licence (e.g., regular attendance at a target/ shooting club).
- CFOs had discretion to issue an ATT if, in their opinion, doing so will not pose a threat to public safety. (Denial of an ATT application was rare.)

ATT regime POST Bill C-42:

- Requires CFOs, upon authorizing the transfer of a restricted or a grandfathered prohibited firearm, to automatically issue an ATT (i.e., no discretion), as a condition on the licence, for the following transport activities:
 - taking the firearm home after acquiring it;
 - going to and from the following within the province of residence:
 - a gunsmith;
 - a gun show;
 - a Canadian port of entry or exit; and
 - a peace officer or a Chief Firearms Officer for verification, registration or disposal.
- Requires CFOs, if authorizing the transfer of a restricted or grandfathered prohibited handgun for target practice/shooting competition, to also automatically issue an ATT:
 - going to and from all CFO approved shooting clubs or ranges within an individual's province of residence.
- These changes:
 - Eliminate the requirement for individuals to make separate applications for an ATT for each transport activity.
 - Remove the requirement to carry paper ATTs for the above activities and make the ATT electronically accessible to law enforcement through the online Canadian Firearms Information System.

CONSIDERATIONS

Prior to the implementation of the ATT regime under Bill C-42, a number of stakeholders, including previous members of the Canadian Firearms Advisory Committee questioned:

- the need for an ATT given the significant training and screening requirements to obtain a licence and the subsequent approval process to acquire restricted/prohibited firearms;
- the need to carry the ATT as separate document (with a firearms licence and registration certificate(s)); and
- due to the broad discretionary authority of CFOs, the absence of a standardized approach among jurisdictions in respect of the ATT process, resulting in inconsistent applications

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in the various jurisdictions, including the process and length of time for an ATT to be processed depending on the scrutiny applied by the CFO.

It is possible that these concerns will again be raised by stakeholders during the parliamentary committee processes.

Post implementation of Bill C-42, due to the number of locations to which a firearm may be lawfully transported, it has become difficult for law enforcement officers who discover firearms in vehicles, during for example routine traffic stops, to conclusively determine whether the firearms owner is in fact on a reasonably direct route to their destination.

PROPOSAL

The amendment retains the requirement that CFOs:

- upon authorizing the transfer of a restricted or grandfathered prohibited firearm, also automatically issue an ATT to take the firearm home; and
- upon authorizing the transfer of a restricted firearm or a grandfathered prohibited handgun for use in target practice/shooting competition (which is the most common transport activity (96%)), also automatically issue an ATT to approved shooting clubs or ranges within their province of residence.
 - the above ATTs continue to be electronically accessible to law enforcement through the online Canadian Firearms Information System.

The amendment reinstates:

- the requirement that individuals make separate applications for, and CFO discretion to issue, ATTs to transport restricted or prohibited firearms to a gunsmith, a gun show, a Canadian port of entry or exit or to a peace officer or the CFO for verification, registration or disposal.



Questions and Answers

PART 1 of BILL C-71: Eligibility to Hold a Licence

Q1. What is the practical effect of this change?

A1. The proposed change will make it mandatory that Chief Firearms Officers and/or judges must consider certain factors for the duration of a person's life history when reviewing an applicant's background to determine whether or not he/she is eligible to hold a firearms licence.

Factors that must be considered include, among other things: a history of violence against any person and whether the individual has been convicted or discharged for certain offences.

Q2. Will this have an impact on public safety?

A2. The change would increase Canadians' confidence in the overall effectiveness of our firearms licencing regime and assure them that all firearms licence applicants will, in the interest of public safety, have their backgrounds comprehensively vetted.

Q3. Could this change be interpreted as targeting those with mental health issues?

A3. It is only mandatory for Chief Firearms Officers/judges to consider mental health treatment and confinement related to violent behavior.

Q4. Chief Firearms Officers/Judges were not limited to the five years anyway? What changes?

A4. While case law exists to support the interpretation that Chief Firearms Officers are not limited to the previous five years when considering a person's eligibility for a firearms licence, this amendment makes it explicit that they must do so.

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Part 1:
ELIGIBILITY TO HOLD A FIREARMS LICENCE

ISSUE:

To amend subsection 5(2) of the *Firearms Act* to remove “within the previous five years” when stipulating specific criteria that must be considered when determining whether a person is eligible for a licence. This change will mean that consideration of specific criteria is not time limited, but rather, spans the history of a person’s life.

BACKGROUND:

Section 5 of the *Firearms Act* addresses eligibility to hold a firearms licence.

Under subsection 5(1), a person is not eligible to hold a licence to possess a firearm if it would not be “in the interest of the safety of that or any other person” that the person possess it. Subsection 5(2) sets the mandatory criteria to be considered in the public safety analysis by firearms officers and judges presiding over reference hearings (those who have been refused a licence or had their licence revoked may refer their case to the provincial courts for review).

Subsection 5(2) currently stipulates that in determining whether a person is eligible for a licence, regard must be given to the following factors:

Whether the person, within the previous five years,

(a) has been convicted or discharged under section 730 of the *Criminal Code* of

- (i) an offence in the commission of which violence against another person was used, threatened or attempted,
- (ii) an offence under this Act or Part III of the *Criminal Code*,
- (iii) an offence under section 264 of the *Criminal Code* (criminal harassment), or
- (iv) an offence relating to the contravention of subsection 5(1) or (2), 6(1) or (2) or 7(1) of the *Controlled Drugs and Substances Act*;

(b) has been treated for a mental illness, whether in a hospital, mental institute, psychiatric clinic or otherwise and whether or not the person was confined to such a hospital, institute or clinic, that was associated with violence or threatened or attempted violence on the part of the person against any person;

(c) has a history of behaviour that includes violence or threatened or attempted violence on the part of the person against any person;

CONSIDERATIONS:

The relationship between subsection 5(1) and 5(2) in considering eligibility has been the subject of judicial consideration. Specifically, in *British Columbia (Chief Firearms Officer) v. Fahlman*

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(2004) (British Columbia Court of Appeal), it was found that the provisions of subsection 5(2) do not restrict the overarching principle of public safety embodied in subsection 5(1). Further, in *R v. Davidson* (2011) (Ontario Superior Court), the mandatory consideration of events falling within the five-year window does not preclude a permissive consideration of the same factors present outside the five-year period.

PROPOSAL:

To provide for a more robust background check when determining eligibility to hold a firearms licence, this amendment makes it mandatory that Chief Firearms Officers and judges presiding over reference hearings consider certain relevant information that occurred over the person's life. To that end, the language in subsection 5(2) respecting "within the previous five years" is removed. This ensures that the factors listed in subsection 5(2) are considered regardless of the time period when the event occurred.

Standing Committee on Public Safety and National Security (SECU) amendment:

The House of Commons adopted the SECU amendment to clause 5(2) related to eligibility for a firearms licence to create additional criteria for consideration, as follows:

- The person has a history of threatening conduct;
- The person is or was previously prohibited by an order — made in the interests of the safety and security of any person — from communicating with an identified person or from being at a specified place or within a specified distance of that place, and presently poses a threat or risk to the safety and security of any person;
- In respect of an offence in the commission of which violence was used, threatened or attempted against the person's intimate partner or former intimate partner, was previously prohibited by a prohibition order from possessing any firearm and other specified weapons; or
- for any other reason, the person poses a risk of harm to any person.

In addition, Clause 2(3) creates subsection 5(2.1) to specify that threatened violence and threatening conduct (paragraph 5(2)(c)) includes by means of the Internet or other digital network.

The House adopted the SECU Report.



Questions and Answers

PART 1 of BILL C-71: Licence Verification

Q1. Why is it important to exercise due diligence over the transfer of ownership of non-restricted firearms?

A1. The *Ending the Long-gun Registry Act*, which came into force in 2012, eliminated a mandatory touch point with the Registrar of Firearms who verified that a firearms license continued to be valid prior to a transfer (e.g., that an individual is not subject to a court order prohibiting the possession of a firearm). The removal of this mandatory step increased the risk that a firearm may be transferred to someone who does not have the appropriate acquisition privileges. By reinstating a requirement for a transferor (person selling/giving) to verify the license of a transferee (person acquiring) with the Registrar, a public safety benefit is restored which limits unlawful access to firearms.

Q2. What information will the Registrar of Firearms keep regarding the transfer of a non-restricted firearm?

A2. The Registrar of Firearms will not ask for any information on the non-restricted firearm being transferred. The Registrar will only keep the following: the reference number issued to the transferor indicating the licence is valid; the date the reference number is issued; the licence number of the transferor and transferee. Where the Registrar determines a person's licence is not valid, the Registrar will retain the rationale for this determination so the person may follow up with their Chief Firearms Officer.

Q3. Once a reference number is issued by the RCMP, how long do businesses or individuals have to transfer the non-restricted firearm?

A3. If a transfer is not completed within a set period of time (to be established by regulations), the licence must be re-verified with the RCMP. This is a benefit to public safety given that the status of a licence can change. For example, acquisition privileges can be under review by a Chief Firearms Officer due to a domestic violence incident. In such a circumstance, it would be important to limit access to a firearm.

Q4. If the Registrar does not issue a reference number, what is the recourse?

A4. The individual may contact their provincial Chief Firearms Officer to obtain information on the status of their licence.

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Part 1:
LICENCE VERIFICATION

ISSUE

Reinstating due diligence practices over the transfer of non-restricted firearms, namely to ensure safer access to firearms by verifying the licence of an individual who wishes to acquire such a firearm.

BACKGROUND

To lawfully possess firearms in Canada, the *Firearms Act* (the Act) requires all owners to hold a valid firearms licence, namely a Possession and Acquisition Licence (PAL). Firearms licences are valid for a period of five years. Possession of firearms without being the holder of a PAL is a *Criminal Code* offence and punishable by up to five years imprisonment.

In 2012, the *Ending the Long-gun Registry Act* (ELRA) eliminated the requirement to hold a registration certificate for non-restricted firearms. As a by-product, with the coming into force of the ELRA, transferring the ownership of non-restricted firearms no longer requires businesses or individuals to provide the Registrar of Firearms (the Registrar) with the licence number of the person acquiring the firearm in order to verify continued possession and acquisition privileges.

Specifically, section 23 of the Act currently authorizes a person to transfer a non-restricted firearm if, at the time of the transfer:

- (a) the transferee (person acquiring the firearm) holds a licence authorizing the transferee to acquire and possess that kind of firearm; and
- (b) the transferor (business or individual selling/giving the firearm) has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.

While the Act provides that a transferor may make a voluntary enquiry with the Registrar as to whether a transferee holds a valid licence, there is no requirement to do so and the Registrar is prohibited from maintaining a record of this enquiry.

CONSIDERATIONS

With the coming into force of the ELRA, the Registrar is no longer authorized to request information on non-restricted firearms, or keep any records linking a non-restricted firearm to a specific owner.

The proposal does not change this prohibition on the Registrar. No information on the firearm being transferred, such as the make and serial number, will be requested by the Registrar.

The Government has committed that it will not re-create a long-gun registry.

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Without a requirement to verify the validity of a firearms licence, there is greater risk that a non-restricted firearm may be transferred to an individual without valid acquisition privileges which could create a public safety concern (e.g., is subject to a court order prohibiting firearms possession).

The Criminal Intelligence Service Canada reported in its 2014 *National Strategic Firearms Threat Assessment* that while handguns were the most commonly seized crime guns in large urban centres, nationally, the majority of seized crime guns were non-restricted rifles and shotguns. The report states that this finding negates the common perception that non-restricted firearms are not commonly used by criminals.

PROPOSAL

Amend the *Firearms Act* to require explicitly that:

- Transferees present their firearms licence or licence information to the transferor (business or individual selling/giving the firearm); and
- Transferors verify licence validity with the Registrar prior to a transfer.
 - Should the transfer not be completed within a prescribed time frame (to be determined by regulations), transferors would be required to re-verify licence validity with the Registrar. Failure to meet the licence verification obligations could result in licence revocation; may also constitute an unlawful transfer under existing *Criminal Code* provisions.

The amendment would also require the Registrar to:

- Issue a reference number to the transferor if the licence is valid; and
- Retain a record of the enquiry, including the licence numbers of the transferor and the intended transferee, and the date.
 - where validity is confirmed, the Registrar would issue and retain a reference number.
 - the Registrar will not issue a reference number if the licence is not valid but will retain a record of the enquiry so that the intended transferee may follow up on the rationale for the refusal.



Questions and Answers

PART 1 of BILL C-71: Record-Keeping By Businesses

Q1. Is there a public safety benefit to requiring businesses to keep records in respect of non-restricted firearms?

A1. Yes. The requirement to keep records regarding non-restricted firearms facilitates the ability of law enforcement to trace crime guns. Reinstating a requirement for businesses to keep records, a practice that had been in place since 1979 (but removed in 2005 given the existence of the Registry), will facilitate the ability of police to investigate crimes involving firearms.

Q2. Why is firearms tracing important?

A2. When a firearm is seized or recovered at a crime scene, law enforcement endeavours to track systematically its origin to develop investigative leads that are used to link a suspect to the firearm. The ability for a timely trace not only expedites investigations on specific gun crimes and helps to build a strong evidentiary case to obtain a conviction; it also assists in detecting firearms trafficking, smuggling and stockpiling.

Q3. How will business record-keeping facilitate the tracing of non-restricted firearms?

A3. In practice, when conducting a trace, law enforcement begins with taking any information available on a seized firearm such as manufacturer name, make, model and serial number. Records kept by domestic manufacturers and retailers would then lead police to the first point of sale. Cooperation by individuals in the chain of ownership of the firearm could then lead law enforcement to a suspect in a firearms-related crime.

Q4. Is the requirement for businesses to keep records of transfer similar to a long-gun registry?

A4. This proposal does **not** reinstate the now dismantled long-gun registry. The requirement for businesses to keep records of transfer is in no form a means to create a variant of the federal long-gun registry. Records will be maintained by businesses, a common business practice that many businesses already follow. Law enforcement would request access to business records only in the context of a criminal investigation and in accordance with existing legal authorities, including judicial authorization, where appropriate.



Questions and Answers

Q5. Is there a benefit for businesses to keeping records?

A5. While many businesses already keep records for their own business purposes, keeping reference numbers and licence information will demonstrate that they have lawfully transferred a firearm and not unknowingly transferred a firearm to someone who should not, in the interest of public safety, have access to, and possess, a firearm. Further, properly maintained records may make businesses better able to report to police what was stolen in the event of a theft.

Q6. Why are individuals not being asked to keep transfer records, given that many firearms transactions are private sales?

A6. The proposed framework is mindful that new measures need to be manageable for firearms owners. To this end, the Government has determined that it will not require individuals to maintain records when they sell a non-restricted firearm.

Q7. Will there be a requirement to maintain records in the event that a business closes?

A7. Yes. Businesses that close will be required to transmit their records to a government official who will be identified in regulations.

Q8. Does the requirement for closed businesses to send their records to a government official constitute a long-gun registry?

A8. As promised, the Government will not recreate the now dismantled long-gun registry. In the event of business closure, a prescribed official will maintain custody of the records created by businesses. These records will be disclosed to law enforcement only in the context of a criminal investigation and subject to judicial authorization, as appropriate.

UNCLASSIFIED

Part 1:
BUSINESS TRANSACTION RECORDS:
NON-RESTRICTED FIREARMS

ISSUE

Reinstating due diligence practices over the transfer of non-restricted firearms, namely by requiring businesses to keep a record of non-restricted firearms transactions and inventory.

BACKGROUND

Prior to the *Firearms Act*, legislative controls over the possession, transfer and use of firearms were governed entirely by the *Criminal Code*. In 1979, pursuant to the Code, firearms businesses became required to keep inventory and transaction records (including the purchaser's name, address and Firearms Acquisition Certificate Number), and to produce these records at the request of a police or firearms officer for the purposes of inspection. This information assisted officers with their duty to ensure that businesses maintained an inventory in accordance with business permits and transferred firearms to those who were authorized to acquire them.

With the implementation of the *Firearms Act* in 1998, new requirements for the lawful possession of firearms, including universal licensing and registration were established. With the requirement that all firearms inventory and transactions records be captured in the centralized registry, and given that this information was the same as that which businesses were recording, the obligation for businesses to maintain such records was removed from the *Firearms Act* in 2005 in order to eliminate redundancy and reduce the administrative burden on businesses.

When the *Ending the Long-gun Registry Act* came into force in April 2012, it repealed the requirement to register non-restricted firearms. Some Chief Firearms Officers (CFO), exercising their authority under section 58 of the *Firearms Act*, continued to require businesses, as a condition on the business licence, to collect and keep point-of-sale data related to the transfer of non-restricted firearms. Such CFO-mandated information was considered by firearms advocates as a possible means to facilitate the future re-creation of a long-gun registry.

To address the issue, in June 2012, the Government brought into force the *Firearms Information Regulations (Non-restricted Firearms)*. These regulations ensure that businesses may continue to maintain records in any manner they choose (i.e., for warranty or inventory purposes), but cannot be required by CFOs, as a licence condition, to keep information in a form which links the identity of the purchaser with information about the specific non-restricted firearm being purchased. Many reputable businesses continue to keep point of sale records for their own business purposes, such as a warranty.

CONSIDERATIONS

Transaction information would only be held by businesses; no part of the record of an operating business would be held by the Government of Canada. The Government has committed that it will not re-create a long-gun registry.

UNCLASSIFIED

- 2 -

When a firearm is seized or recovered at a crime scene, police endeavour to track systematically its origin to develop investigative leads that are used to link a suspect to the firearm. The ability to trace not only expedites investigations on specific gun crimes and helps build a strong evidentiary case to obtain a conviction, it also assists in detecting the point at which the firearm became illicit to help reveal firearms trafficking, smuggling and stockpiling.

In the United States, to facilitate firearms tracing, federally licenced businesses must maintain firearms-related sales records for a period of not less than 20 years (since 1968), respond to trace requests by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) within 24 hours and deliver their sales records to the ATF when they cease operations. Individuals are not required to keep personal transaction records when transferring ownership of a firearm.

PROPOSAL

The amendment would reinstate record requirements on businesses to keep point of sale records for a minimum period of 20 years in a manner that is legible and easily retrievable. This obligation would be in the form of a statutory condition on the business licence and would include a requirement to keep:

- the reference number issued by the Registrar confirming the transferee's licence is valid and the date;
- licence number of the transferee; and
- information on the firearm including serial number, if available, make, model and type.

Further, the amendment would require a business, where it ceases to operate, and in addition to close-out processes conducted with the CFO of jurisdiction, to submit the records related to non-restricted firearms for retention by an authority (to be prescribed in regulations), unless otherwise directed by a CFO.

Individuals will not be required to maintain records when transferring ownership of a non-restricted firearm.

For consistency, the *Firearms Information Regulations (Non-restricted Firearms)* would be repealed as they would no longer be relevant.

UNCLASSIFIED

Part 1:
FIREARMS MARKING

ISSUE

Amend section 109 of the *Firearms Act* to make it punishable to contravene the *Firearms Marking Regulations*.

BACKGROUND

Paragraph 117 (k.2) of the *Firearms Act* provides authority for the Governor in Council (GIC) to make regulations “respecting the marking of firearms manufactured in Canada or imported into Canada and the removal, alteration, obliteration and defacing of those markings”.

Paragraph 117(o) provides authority for the GIC to make regulations “creating offences consisting of contraventions of the regulations made under paragraph (d), (e), (f), (g), (i), (j), (k.1), **(k.2)**, (l), (m) or (n)”.

Section 109 of the *Firearms Act* sets out the punishment for contravening a regulation made under paragraphs 117(d), (e), (f), (g), (i), (j), (l), (m) or (n), which has been made an offence under paragraph 117(o). Every person commits who commits an offence:

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

While paragraph 117(o) provides authority for the creation of offences in regulation respecting the marking of firearms, section 109, which sets out the punishment for contravening such offences, omits paragraph 117(k.2) respecting the marking of firearms.

CONSIDERATIONS

As part of the platform commitments, the Government has signalled the intent to implement the *Firearms Marking Regulations* (the Regulations), which were made in 2004 but never brought into force. The Regulations stipulate the marks that need to be permanently stamped or engraved on a firearm to allow for tracing when a criminal activity has occurred or is suspected.

Implementing the Regulations without providing for a punishable offence to contravene the requirement for marking or for removing, altering, obliterating, or defacing a mark would significantly hinder their force and effect.

PROPOSAL

The amendment would simply add “(k.2)” to the list of regulations in section 109 to make it punishable to contravene the *Firearms Marking Regulations*.

Part 1:
Removing a Loophole to Prohibition Orders
(Criminal Code)

ISSUE

Amend subsection 115(1) of the *Criminal Code* to clarify that firearms and other weapons, which have been seized or surrendered and are in the custody of law enforcement at the time that a prohibition order is issued, shall be forfeited to the Crown, unless the order specifies otherwise.

BACKGROUND

Prohibition Orders

Mandatory Orders: Courts must issue an order prohibiting the possession of firearms and other weapons where, for example, a person is convicted of certain indictable offences where violence was used, threatened or attempted (e.g., aggravated assault), and for which the person may be imprisoned for at least 10 years; and where a person was convicted of an indictable offence (no requirement for a minimum term of imprisonment) where violence was used, threatened or attempted against an intimate partner or their current partner, related children and anyone who resides with the persons listed above. The length of such an order is lifetime for restricted/prohibited firearms and a minimum of 10 years for non-restricted for a first offence (ban commences upon release from prison). A subsequent offence attracts a lifetime prohibition for all firearms and regulated weapons.

Discretionary Orders: For offences where violence is a factor, but considered less serious (e.g., common assault), the issuance of an order prohibiting the possession of firearms and other weapons is made at the discretion of the court. The maximum length of such a discretionary order is up to a period of 10 years upon release from prison or, if not imprisoned, from the date of conviction. Where an offence involves domestic violence, the cap is lifted from a maximum period of 10 years to a duration up to and including lifetime.

A prohibition order can also be issued, absent a conviction for an offence, where a court finds that it is not desirable in the interest of public safety for an individual to possess a firearm.

Forfeiture of firearms

Section 115 of the *Criminal Code* provides that on commencement of the prohibition order, firearms (or any other weapon) that are in the possession of the person against whom the order is made are forfeited to the Crown, unless the order specifies otherwise.

Roggie v. Ontario

In 2012, the Ontario Court of Appeal in the decision *Roggie v. Ontario* interpreted the forfeiture provision to mean that firearms in police custody at the time a prohibition order is made are not forfeited because they are not “in the possession of the person, but instead are in the possession

of the police". This means that firearms which have been pre-emptively seized by police in Ontario, due for example to an incident involving domestic violence, must be stored for the duration of the prohibition order and cannot be forfeited or destroyed. Rather, police must wait for the conclusion of the prohibition order to return them to the individual or until the firearms are lawfully transferred.

CONSIDERATIONS

As a result of the *Roggie v. Ontario* decision, there are now challenges stemming from a lack of clarity in the law outside Ontario. Specifically, there is uncertainty as to when firearms should be considered forfeit under section 115 of the *Criminal Code*. Orders prohibiting the possession of firearms may be as long as a lifetime prohibition, requiring police departments in Ontario to indefinitely store seized firearms that are the subject of a prohibition order for possible return to the offenders at the expiration of the order. The *Roggie* decision has also created uncertainty as to whether the Registrar of Firearms has the authority to allow the transfer of seized firearms (in provinces other than Ontario) where court-ordered prohibitions are silent on disposal.

PROPOSAL

Amend the forfeiture provision under the *Criminal Code*, namely subsection 115(1), to clarify that:

Unless a prohibition order against a person specifies otherwise, every thing the possession of which is prohibited by the order is forfeited to Her Majesty if, on the commencement of the order, the thing is in the person's possession or has been seized and detained by, or surrendered to, a peace officer.

PART I: **Implementation: Coming into Force**

Provisions Which Come into Force on Royal Assent:

Clause 3(1) – provides the government with flexibility to grandfather by regulation within parameters similar to the current scheme already provided for in the *Act*

Clause 4(1) - authorizes Chief Firearms Officers to issue, at their discretion, an ATT to grandfathered CZ/SA owners as well as to those individuals the government may choose to grandfather, in future, by regulation. (Currently, the *Act* prohibits CFOs from issuing an Authorization to Transport (ATT) to a shooting club or range for prohibited firearms, with the exception of a prohibited handgun grandfathered under section 12(6.1) of the *Act*.)

Clause 12 - adds 117 (k.2) to the list of regulations to make it punishable to contravene the *Firearms Marking Regulations*

Clause 13(2) – provides authority to make regulations regarding the transmission of records (e.g., in future circumstances where a closed business has marking records, these records could be transmitted to a prescribed official

Clause 17 (*Criminal Code*): clarifies that firearms and other weapons that have been seized and are in the custody of law enforcement at the time that a firearms prohibition order is issued shall be forfeited to the Crown, unless specified otherwise in the order.

Provisions which come into force, thematically, by Order of the Governor in Council

Note: These provisions come into force by GIC due to informatics and other changes the RCMP must make prior to implementation.

- (1) Clauses 1, 3(2), 4(2), 16, 18-21: related to the repeal of the 'deeming' provisions and grandfathering affected owners
- (2) Clause 2 - removes the five-year limitation for mandatory consideration of the criteria set out in subsection 5(2) of the *Firearms Act*, so that chief firearms officers and provincial court judges are required to consider the criteria listed in subsection 5(2) of the *Act* regardless of the time period when the events occurred.
- (3) Clauses 4(3), 6, 8 and 15: related to the repeal of the requirement that Chief Firearms Officers automatically issue ATTs to certain places.
- (4) Clauses 5, 9-11 and 13(1): related to requirements to verify the licence of a transferee prior to the transfer of a non-restricted firearm.

(5) Clauses 7, 13(3) and 14 (not before (4) immediately above): related to requirements on business to keep records pertaining to non-restricted firearms.

Part 2:
ENDING THE LONG-GUN REGISTRY ACT (2012)

The *Firearms Act* was established in 1995 to set out requirements related to the possession, sale, transfer, storage, display and movement of all firearms in Canada. Central to the firearms control framework are requirements for universal licencing. It also required that every firearm, including non-restricted firearms (commonly referred to as long-guns) be registered.

The *Ending the Long-gun Registry Act* (ELRA), was introduced in Parliament on October 25, 2011 and received Royal Assent, therein coming into force, on April 5, 2012. The ELRA amended the *Firearms Act* to repeal the requirement to register non-restricted firearms and the associated penalty provisions for failing to do so. It also repealed the requirement for businesses and individuals, when transferring non-restricted firearms, to inform the Registrar of Firearms and obtain a registration certificate.

Further, the ELRA required that the Commissioner of Firearms ensure the destruction as soon as feasible of all records in the Canadian Firearms Registry related to the registration of non-restricted firearms and all copies of those records under his control. It also required the Chief Firearms Officer (CFO) to destroy all records related to the registration of non-restricted firearms and all copies of those records under the control of the CFO.

**Pages 972 to / à 975
are not relevant
sont non pertinentes**



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Questions and Answers

INFORMATION COMMISSIONER LITIGATIONS: JUDICIAL REVIEW AND CONSTITUTIONAL CHALLENGE

Judicial Review - Information Commissioner

Q1. What is the Judicial Review and why was it launched by the Information Commissioner?

A1. On March 26, 2015, the Information Commissioner recommended to the former Minister of Public Safety, the Honourable Steven Blaney, that he instruct the RCMP to provide additional responsive records to a request made under the *Access to Information Act* (ATIA) in March 2012 for registration records for non-restricted firearms. On April 30, 2015, former Minister Blaney declined. As a result, in May 2015, the Information Commissioner applied to Federal Court for a **judicial review** of the former Minister's decision.

Q2. What records are held by the RCMP and the Federal Court?

A2. Pursuant to a request from the Information Commissioner in March 2015, the RCMP made a snapshot copy of the Canadian Firearms Registry, as it was preserved in April 2015, exclusively to safeguard the subject matter of the Information Commissioner's investigation which culminated in the judicial review. The snapshot includes the registration records related to restricted and prohibited firearms from across Canada and the Quebec-related registration records of non-restricted firearms. These records are offline and are not being accessed or used by the RCMP. Additionally, a copy of the Quebec-related registration records for non-restricted firearms is held under seal by the Federal Court. Both these copies are subject to a preservation order dated June 22, 2015.

Q3. How would Bill C-71 affect the judicial review?

A3. Part 2 of the Bill would allow the Information Commissioner to view the offline copy of the Canadian Firearms Registry that was made in April 2015 in respect of the Quebec records prior to their destruction. This would facilitate the identification of records which the Information Commissioner considers responsive to the March 2012 ATIA request.

Questions and Answers

Q4. Why allow the Information Commissioner to view the copy of the Canadian Firearms Registry?

A4. The Information Commissioner would be allowed to consult the offline copy of the registry in support of reaching an out-of-court settlement of the judicial review.

Constitutional Challenge - Information Commissioner and a Named Requestor

Q5. What is the constitutional challenge of the *Ending the Long-gun Registry Act* brought by the Information Commissioner?

A5. The constitutional challenge was launched by the Information Commissioner and the original named ATIA requestor, to challenge the amendments made to the *Ending the Long-gun Registry Act* by the Economic Action Plan 2015 Act. The allegations are that the amendments violate the rule of law by eliminating the requestor's vested right to have access to information. It is also alleged that his right to freedom of expression under the *Charter* has been infringed, because he is precluded from engaging in meaningful commentary on issues such as gun control, violence against women, and other matters of public importance.

Q6. How would Bill C-71 affect the constitutional challenge?

A6. Part 2 of the Bill would facilitate reaching a settlement of the constitutional challenge by repealing Division 18 of the Economic Action Plan Act of 2015.

PART 2: **JUDICIAL REVIEW AND THE CONSTITUTIONAL CHALLENGE**

BACKGROUND

On March 27, 2012, the RCMP received a request under the *Access to Information Act* (ATIA) for all registration records for non-restricted firearms in the Canadian Firearms Registry (the Registry).

On March 26, 2015 the Information Commissioner (IC) wrote to the former Minister of Public Safety, the Honourable Steven Blaney, providing findings and recommendations resulting from an investigation into a complaint from the requestor as it pertained to fees (\$1,150). The IC's conclusion was that the RCMP failed to provide all information responsive to the request. In order to resolve the complaint, the IC recommended that the former Minister of Public Safety direct the RCMP to:

- *"Process the information relating to the registration of non-restricted firearms in the province of Quebec [64 fields] and include this information in a new response to the complainant.*
- *Process all images of the registration and transfer applications that still exist within the [Canadian Firearms Information System] pertaining to non-restricted firearms and include this information in a new response to the complainant; and*
- *Preserve these records until the conclusion of my investigation and any related proceedings."*

On April 30, 2015, the former Minister of Public Safety responded to the IC that, given the RCMP's assessment, he was of the view that the requestor had already received the responsive records, and no additional steps would be taken.

On May 14, 2015, the IC filed an application for **judicial review** before the Federal Court seeking a declaration that the Minister of Public Safety, as head of the RCMP, failed to provide access to responsive records, and seeking an order directing the Government to process the request.

On June 22, 2015, the Federal Court granted an injunction requiring that the remaining records for non-restricted firearms (the Quebec records) be preserved in their current form by the RCMP and that a hard-drive containing the records be held under seal with the Court until final disposition of the case.

On June 23, 2015, Division 18 of the *Economic Action Plan 2015 Act, No. 1* came into force amending the *Ending the Long-gun Registry Act* (ELRA) to remove the application of the *Access to Information Act* (ATIA) and the *Privacy Act* to registration records for non-restricted firearms and including immunity from liability provisions for destruction of the records and for acts or omissions under these acts.

Later that day, the IC **challenged the constitutionality** of the amendments, asserting that they infringe the requestor's section 2(b) *Charter* rights (freedom of expression) because the requestor is precluded from engaging in meaningful commentary on issues of public importance including gun control and violence against women. The IC also asserted that the amendments violate the rule of law by expunging the requestor's vested rights of access under the ATIA. The application is before the Ontario Superior Court (ONSC); the **judicial review is adjourned** pending a decision in the constitutional challenge to Division 18 of the *Economic Action Plan 2015 Act*. This was put on hold while both sides try to settle the matter out of court.

PROPOSAL

Part 2 of Bill C-71 would require that the Commissioner of Firearms allow the Information Commissioner to view the records in the Canadian Firearms Registry, as it was preserved on April 3, 2015, for the purpose of settling the judicial review.

Part 2 of Bill C-71 provides for the repeal of the amendments made to the ELRA by the *Economic Action Plan 2015 Act*, such that the applicability of the *Access to Information and Privacy Acts* to registration records for non-restricted firearms would be re-instated from October 25, 2011, the day the ELRA was introduced in Parliament, to the coming into force of Bill C-71.

It is anticipated that Part 2 of the Bill, if adopted, would facilitate the out-of-court resolution of the constitutional challenge and the judicial review.

Pages 980 to / à 981
are not relevant
sont non pertinentes



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Questions and Answers

SHARING RECORDS WITH QUEBEC

Q1. Why does the Government of Quebec want the remaining registration records of non-restricted firearms?

A1. The Quebec National Assembly passed the *Firearms Registration Act* which came into force on January 29, 2018, providing for the establishment of a provincial registry of non-restricted firearms. The provincial Minister of Public Security has expressed interest in learning about and receiving Quebec-related registration records for non-restricted firearms. Provincial officials are aware that the records have not been updated since March 27, 2015.

Q2. Why does legislation have to be amended to provide a copy of the registration records of non-restricted firearms to Quebec?

A2. It is the clear intent of Parliament in section 29 of the *Ending the Long-gun Registry Act* that the registration records on non-restricted firearms be destroyed, as soon as feasible. Therefore, the legislation has to be amended before the Government can share the Quebec-related records with the Quebec Minister of Public Security, if requested.

Q3. How do you justify the Government's support of a provincial registry for non-restricted firearms, when it made a commitment to not recreate the registry?

A3. The Government committed to not recreate the national registry of non-restricted firearms. The establishment of a provincial firearms registry is entirely under provincial jurisdiction. The Government will provide the Quebec-related registration records to Quebec, if requested.

Q4. Will the records being transferred to Quebec include personal information?

A4. If the Bill is adopted, the records of non-restricted firearms as they existed on April 3, 2015, including personal information, would be transferred to the Quebec Minister of Public Security, if requested.

Questions and Answers

Q5. Why is there a 120-day or 240-day notice period related to sharing the records with Quebec.

A5. The *Ending the Long-gun Registry Act* requires destruction of the records of non-restricted firearms as soon as feasible. Therefore, as soon as the Government's obligations under Bill C-71, should it be adopted, are fulfilled and provided there is no further or new litigation, the Government must destroy the records.

In the event that the Quebec Minister of Public Security is delayed in making a written request, Bill C-71 provides that, in the absence of a written request from Quebec when it becomes feasible to destroy the records, the Commissioner of Firearms would delay destruction for a period of 120 days, and provide notice to Quebec of the imminent destruction of the records. As a result, Quebec would have a final opportunity to make a formal request. Further, the Minister of Public Safety would have the authority to extend the period for an additional 120 days, if necessary.

**Pages 984 to / à 991
are not relevant
sont non pertinentes**

First Session, Forty-second Parliament,
64-65-66-67 Elizabeth II, 2015-2016-2017-2018

Première session, quarante-deuxième législature,
64-65-66-67 Elizabeth II, 2015-2016-2017-2018

HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-71

PROJET DE LOI C-71

An Act to amend certain Acts and
Regulations in relation to firearms

Loi modifiant certaines lois et un règlement
relatifs aux armes à feu

REPRINTED AS AMENDED BY THE STANDING COMMIT-
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COMMONS AT REPORT STAGE AND AS REPORTED TO
THE HOUSE ON JUNE 12, 2018

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COMME DOCUMENT DE TRAVAIL À L'USAGE DE LA
CHAMBRE DES COMMUNES À L'ÉTAPE DU RAPPORT ET
PRÉSENTÉ À LA CHAMBRE LE 12 JUIN 2018

MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS

MINISTRE DE LA SÉCURITÉ PUBLIQUE ET DE LA
PROTECTION CIVILE

SUMMARY

Part 1 of this Act amends the *Firearms Act* to, among other things,

- (a) remove the reference to the five-year period, set out in subsection 5(2) of that Act, that applies to the mandatory consideration of certain eligibility criteria for holding a licence;
- (b) require, when a non-restricted firearm is transferred, that the transferee's firearms licence be verified by the Registrar of Firearms and that businesses keep certain information related to the transfer; and
- (c) remove certain automatic authorizations to transport prohibited and restricted firearms.

Part 1 also amends the *Criminal Code* to repeal the authority of the Governor in Council to prescribe by regulation that a prohibited or restricted firearm be a non-restricted firearm or that a prohibited firearm be a restricted firearm and, in consequence, the Part

- (a) repeals certain provisions of regulations made under the *Criminal Code*; and
- (b) amends the *Firearms Act* to grandfather certain individuals and firearms, including firearms previously prescribed as restricted or non-restricted firearms in those provisions.

Furthermore, Part 1 amends section 115 of the *Criminal Code* to clarify that firearms and other things seized and detained by, or surrendered to, a peace officer at the time a prohibition order referred to in that section is made are forfeited to the Crown.

Part 2, among other things,

- (a) amends the *Ending the Long-gun Registry Act*, by repealing the amendments made by the *Economic Action Plan 2015 Act, No. 1*, to retroactively restore the application of the *Access to Information Act* and the *Privacy Act* to the records related to the registration of non-restricted firearms until the day on which this enactment receives royal assent;
- (b) provides that the *Access to Information Act* and the *Privacy Act* continue to apply to proceedings that were initiated under those Acts before that day until the proceedings are finally disposed of, settled or abandoned; and
- (c) directs the Commissioner of Firearms to provide the minister of the Government of Quebec responsible for public security with a copy of such records, at that minister's request.

SOMMAIRE

La partie 1 du texte modifie la *Loi sur les armes à feu* afin, notamment :

- a) de supprimer, au paragraphe 5(2) de cette loi, la mention de la période de cinq ans qui s'applique à la prise en compte obligatoire de certains critères d'admissibilité pour la délivrance d'un permis;
- b) d'exiger, d'une part, du directeur de l'enregistrement des armes à feu qu'il vérifie le permis de possession d'armes à feu du cessionnaire lorsqu'une arme à feu sans restriction est cédée et, d'autre part, des entreprises qu'elles conservent certains renseignements relatifs à la cession d'une arme à feu sans restriction;
- c) de retirer certaines autorisations automatiques de transporter une arme à feu prohibée et une arme à feu à autorisation restreinte.

Elle modifie également le *Code criminel* afin d'abroger le pouvoir du gouverneur en conseil de désigner, par règlement, une arme à feu prohibée ou une arme à feu à autorisation restreinte comme étant une arme à feu sans restriction, ou une arme à feu prohibée comme étant une arme à feu à autorisation restreinte et, en conséquence, la partie 1 :

- a) abroge certaines dispositions d'un règlement pris sous le régime du *Code criminel*;
- b) modifie la *Loi sur les armes à feu* pour accorder des droits acquis à certains particuliers à l'égard de certaines armes à feu, notamment des armes à feu auparavant désignées par les dispositions visées comme étant des armes à feu à autorisation restreinte ou sans restriction.

Elle modifie aussi l'article 115 du *Code criminel* afin de préciser que les armes à feu et autres objets saisis et retenus par un agent de la paix, ou remis à un tel agent, au moment où une ordonnance d'interdiction visée à cet article est rendue sont confisqués au profit de Sa Majesté.

La partie 2, notamment :

- a) modifie la *Loi sur l'abolition du registre des armes d'épaule*, en abrogeant les modifications apportées par la *Loi n° 1 sur le plan d'action économique de 2015*, afin de rétablir, rétroactivement, l'application de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels* aux registres et fichiers relatifs à l'enregistrement des armes à feu sans restriction, jusqu'à la date de sanction de la présente loi;
- b) prévoit que la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels* continuent de s'appliquer aux procédures commencées sous le régime de ces lois avant cette date jusqu'à ce qu'elles aient fait l'objet d'une décision définitive, d'un règlement ou d'un abandon;
- c) exige que le commissaire aux armes à feu fournisse au ministre du gouvernement du Québec responsable de la

An Act to amend certain Acts and Regulations in relation to firearms
SUMMARY

Loi modifiant certaines lois et un règlement relatifs aux armes à feu
SOMMAIRE

sécurité publique une copie de tels registres et fichiers, sur
demande de ce dernier.

1st Session, 42nd Parliament,
64-65-66-67 Elizabeth II, 2015-2016-2017-2018

HOUSE OF COMMONS OF CANADA

BILL C-71

An Act to amend certain Acts and Regulations in relation to firearms

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART 1

Amendments to the Firearms Act, the Criminal Code and the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted

1995, c. 39

Firearms Act

2015, c. 27, s. 2(2)

1 (1) Subsection 2(2) of the *Firearms Act* is replaced by the following:

Criminal Code

(2) Unless otherwise provided, words and expressions used in this Act have the meanings assigned to them by section 2 or 84 of the *Criminal Code*.

(2) Section 2 of the Act is amended by adding the following after subsection (3):

90859

1^{re} session, 42^e législature,
64-65-66-67 Elizabeth II, 2015-2016-2017-2018

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-71

Loi modifiant certaines lois et un règlement relatifs aux armes à feu

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

PARTIE 1

Modification de la Loi sur les armes à feu, du Code criminel et du Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction

1995, ch. 39

Loi sur les armes à feu

2015, ch. 27, par. 2(2)

1 (1) Le paragraphe 2(2) de la *Loi sur les armes à feu* est remplacé par ce qui suit :

Code criminel

(2) Sauf disposition contraire, les termes employés dans la présente loi s'entendent au sens des articles 2 ou 84 du *Code criminel*.

(2) L'article 2 de la même loi est modifié par adjonction, après le paragraphe (3), de ce qui suit :

*An Act to amend certain Acts and Regulations in relation to firearms/ Loi modifiant certaines lois
et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

Part 1

Amendments to the Firearms Act, the Criminal Code and the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted

Partie 1

Modification de la Loi sur les armes à feu, du Code criminel et du Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction

FIREARMS ACT / LOI SUR LES ARMES À FEU

**CLAUSE 1: Amendment to subsection 2(2)
– To be interpreted with *Criminal Code***

Subsection 2(2) provides that, unless a word or expression is defined in the *Firearms Act*, the interpretation in sections 2 or 84 of the *Criminal Code* apply. It also currently specifies that subsections 117.15(3) and (4) of the *Criminal Code* also apply to those words or expressions.

Clause 1(1) removes the reference in subsection 2(2) of the *Firearms Act* to subsections 117.15(3) and (4) of the *Criminal Code*. This reference is repealed from the Act as Clause 18 repeals these provisions from the *Criminal Code*.

Clause 1(2) creates subsection 2(4) to make it clear that nothing in the Act shall be construed to require the registration of non-restricted firearms.

Clause 1 comes into force by order of the Governor in Council.

**ARTICLE 1 : modification du
paragraphe 2(2) – *Code criminel***

Le paragraphe 2(2) prévoit que, sauf disposition contraire, les termes employés dans la *Loi sur les armes à feu* s'entendent au sens des articles 2 ou 84 du *Code criminel*. Il précise aussi présentement que les paragraphes 117.15(3) et (4) du *Code criminel* s'appliquent aussi à ces termes.

L'article 1(1) supprime la référence dans le paragraphe 2(2) de la *Loi sur les armes à feu* aux paragraphes 117.15(3) et (4) du *Code criminel*. Cette référence est abrogée de la Loi, car l'article 18 abroge ces dispositions du *Code criminel*.

Le paragraphe 1(2) crée le paragraphe 2(4) afin de préciser que la Loi ne permet pas l'enregistrement des armes à feu sans restriction.

L'article 1 entre en vigueur par décret du gouverneur en conseil.

An Act to amend certain Acts and Regulations in relation to firearms
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Non-Restricted
Firearms Act
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Loi modifiant certaines lois et un règlement relatifs aux armes à feu
PARTIE 1 Modification de la Loi sur les armes à feu, du Code criminel et du Règlement
désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs,
munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
Loi sur les armes à feu
Articles 1-3

For greater certainty

(4) For greater certainty, nothing in this Act shall be construed so as to permit or require the registration of non-restricted firearms.

2 (1) The portion of subsection 5(2) of the Act before paragraph (a) is replaced by the following: 5

Criteria

(2) In determining whether a person is eligible to hold a licence under subsection (1), a chief firearms officer or, on a reference under section 74, a provincial court judge shall have regard to whether the person

(2) Subsection 5(2) of the Act is amended by striking out "or" at the end of paragraph (b) and by replacing paragraph (c) with the following: 10

(c) has a history of behaviour that includes violence or threatened or attempted violence or threatening conduct on the part of the person against any person; 15

(d) is or was previously prohibited by an order — made in the interests of the safety and security of any person — from communicating with an identified person or from being at a specified place or within a specified distance of that place, and presently poses a threat or risk to the safety and security of any person; 20

(e) in respect of an offence in the commission of which violence was used, threatened or attempted against the person's intimate partner or former intimate partner, was previously prohibited by a prohibition order from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition; or 25

(f) for any other reason, poses a risk of harm to any person. 30

(3) Section 5 of the Act is amended by adding the following after subsection (2):

For greater certainty

(2.1) For greater certainty, for the purposes of paragraph (2)(c), threatened violence and threatening conduct include threats or conduct communicated by the person to a person by means of the Internet or other digital network. 35

3 (1) Section 12 of the Act is amended by adding the following after subsection (8): 40

Précision

(4) Il est entendu que la présente loi ne permet ni n'exige l'enregistrement des armes à feu sans restriction.

2 (1) Le passage du paragraphe 5(2) de la même loi précédant l'alinéa a) est remplacé par ce qui suit: 5

Critères d'admissibilité

(2) Pour l'application du paragraphe (1), le contrôleur des armes à feu ou, dans le cas d'un renvoi prévu à l'article 74, le juge de la cour provinciale tient compte des éléments suivants :

(2) L'alinéa 5(2)c) de la même loi est remplacé par ce qui suit : 10

c) l'historique de son comportement atteste la menace, la tentative ou l'usage de violence ou le comportement menaçant contre lui-même ou autrui;

d) il lui est ou lui a été interdit, au titre d'une ordonnance rendue pour la sécurité de toute personne, de communiquer avec une personne donnée ou de se trouver dans un lieu donné ou à une distance donnée de ce lieu, et il représente présentement une menace ou un risque pour la sécurité de toute personne; 20

e) au titre d'une ordonnance d'interdiction rendue relativement à une infraction commise avec usage, tentative ou menace de violence contre son partenaire intime ou un ancien partenaire intime, il lui a déjà été interdit la possession d'une arme à feu, d'une arbalète, d'une arme prohibée, d'une arme à autorisation restreinte, d'un dispositif prohibé ou de munitions prohibées; 25

f) pour toute autre raison, il pourrait causer un dommage à lui-même ou à autrui. 30

(3) L'article 5 de la même loi est remplacé par adjonction, après le paragraphe (2), de ce qui suit :

Précision

(2.1) Il est entendu que, pour l'application de l'alinéa (2)(c), la menace de violence et le comportement menaçant s'entendent notamment de la menace ou du comportement communiqués par la personne envers autrui par Internet ou un autre réseau numérique. 35

3 (1) L'article 12 de la même loi est modifié par adjonction, après le paragraphe (8), de ce qui suit: 40

*An Act to amend certain Acts and Regulations in relation to firearms/ Loi modifiant certaines lois
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Part 1

Amendments to the Firearms Act, the Criminal Code and the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted

Partie 1

Modification de la Loi sur les armes à feu, du Code criminel et du Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction

FIREARMS ACT / LOI SUR LES ARMES À FEU

**CLAUSE 1: Amendment to subsection 2(2)
– To be interpreted with *Criminal Code***

Subsection 2(2) provides that, unless a word or expression is defined in the *Firearms Act*, the interpretation in sections 2 or 84 of the *Criminal Code* apply. It also currently specifies that subsections 117.15(3) and (4) of the *Criminal Code* also apply to those words or expressions.

Clause 1(1) removes the reference in subsection 2(2) of the *Firearms Act* to subsections 117.15(3) and (4) of the *Criminal Code*. This reference is repealed from the Act as Clause 18 repeals these provisions from the *Criminal Code*.

Clause 1(2) creates subsection 2(4) to make it clear that nothing in the Act shall be construed to require the registration of non-restricted firearms.

Clause 1 comes into force by order of the Governor in Council.

**ARTICLE 1 : modification du
paragraphe 2(2) – *Code criminel***

Le paragraphe 2(2) prévoit que, sauf disposition contraire, les termes employés dans la *Loi sur les armes à feu* s'entendent au sens des articles 2 ou 84 du *Code criminel*. Il précise aussi présentement que les paragraphes 117.15(3) et (4) du *Code criminel* s'appliquent aussi à ces termes.

L'article 1(1) supprime la référence dans le paragraphe 2(2) de la *Loi sur les armes à feu* aux paragraphes 117.15(3) et (4) du *Code criminel*. Cette référence est abrogée de la Loi, car l'article 18 abroge ces dispositions du *Code criminel*.

Le paragraphe 1(2) crée le paragraphe 2(4) afin de préciser que la Loi ne permet pas l'enregistrement des armes à feu sans restriction.

L'article 1 entre en vigueur par décret du gouverneur en conseil.

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For greater certainty

(4) For greater certainty, nothing in this Act shall be construed so as to permit or require the registration of non-restricted firearms.

2 (1) The portion of subsection 5(2) of the Act before paragraph (a) is replaced by the following: 5

Criteria

(2) In determining whether a person is eligible to hold a licence under subsection (1), a chief firearms officer or, on a reference under section 74, a provincial court judge shall have regard to whether the person

(2) Subsection 5(2) of the Act is amended by striking out "or" at the end of paragraph (b) and by replacing paragraph (c) with the following: 10

(c) has a history of behaviour that includes violence or threatened or attempted violence or threatening conduct on the part of the person against any person; 15

(d) is or was previously prohibited by an order — made in the interests of the safety and security of any person — from communicating with an identified person or from being at a specified place or within a specified distance of that place, and presently poses a threat or risk to the safety and security of any person; 20

(e) in respect of an offence in the commission of which violence was used, threatened or attempted against the person's intimate partner or former intimate partner, was previously prohibited by a prohibition order from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition; or 25

(f) for any other reason, poses a risk of harm to any person. 30

(3) Section 5 of the Act is amended by adding the following after subsection (2):

For greater certainty

(2.1) For greater certainty, for the purposes of paragraph (2)(c), threatened violence and threatening conduct include threats or conduct communicated by the person to a person by means of the Internet or other digital network. 35

3 (1) Section 12 of the Act is amended by adding the following after subsection (8): 40

Précision

(4) Il est entendu que la présente loi ne permet ni n'exige l'enregistrement des armes à feu sans restriction.

2 (1) Le passage du paragraphe 5(2) de la même loi précédant l'alinéa a) est remplacé par ce qui suit: 5

Critères d'admissibilité

(2) Pour l'application du paragraphe (1), le contrôleur des armes à feu ou, dans le cas d'un renvoi prévu à l'article 74, le juge de la cour provinciale tient compte des éléments suivants :

(2) L'alinéa 5(2)c) de la même loi est remplacé par ce qui suit : 10

c) l'historique de son comportement atteste la menace, la tentative ou l'usage de violence ou le comportement menaçant contre lui-même ou autrui;

d) il lui est ou lui a été interdit, au titre d'une ordonnance rendue pour la sécurité de toute personne, de communiquer avec une personne donnée ou de se trouver dans un lieu donné ou à une distance donnée de ce lieu, et il représente présentement une menace ou un risque pour la sécurité de toute personne; 20

e) au titre d'une ordonnance d'interdiction rendue relativement à une infraction commise avec usage, tentative ou menace de violence contre son partenaire intime ou un ancien partenaire intime, il lui a déjà été interdit la possession d'une arme à feu, d'une arbalète, d'une arme prohibée, d'une arme à autorisation restreinte, d'un dispositif prohibé ou de munitions prohibées; 25

f) pour toute autre raison, il pourrait causer un dommage à lui-même ou à autrui. 30

(3) L'article 5 de la même loi est remplacé par adjonction, après le paragraphe (2), de ce qui suit :

Précision

(2.1) Il est entendu que, pour l'application de l'alinéa (2)c), la menace de violence et le comportement menaçant s'entendent notamment de la menace ou du comportement communiqués par la personne envers autrui par Internet ou un autre réseau numérique. 35

3 (1) L'article 12 de la même loi est modifié par adjonction, après le paragraphe (8), de ce qui suit: 40

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Clause by Clause Analysis / Analyse article par article

**CLAUSE 2: Amendment to subsection 5(2)
– Eligibility to Hold Licences – Criteria**

Section 5 sets out the general rules for eligibility to hold a licence authorizing the possession of firearms. Specifically, subsection 5(1) provides that a person is not eligible to hold a licence if it is desirable, in the interest of public safety, that the person not possess a firearm. Subsection 5(2) provides for a set of criteria that must be considered by Chief Firearms Officers and judges presiding over reference hearings in making a determination of eligibility under subsection (1). Currently, subsection 5(2) requires officials to consider certain events that occurred "within the previous five years".

Clause 2(1) amends subsection 5(2) by removing "within the previous five years" to make it mandatory that Chief Firearms Officers and judges presiding over reference hearings, when determining eligibility to hold a firearms licence, consider certain events over the person's life history.

**ARTICLE 2 : modification du
paragraphe 5(2) – Critères d'admissibilité**

L'article 5 définit les règles générales d'admissibilité à un permis de possession d'armes à feu. Plus précisément, le paragraphe 5(1) prévoit que le permis ne peut être délivré lorsqu'il est souhaitable, dans l'intérêt public, que le demandeur n'ait pas en sa possession une arme à feu. Le paragraphe 5(2) prévoit un ensemble de critères d'admissibilité dont le contrôleur des armes à feu ou le juge qui préside une audience de renvoi doit tenir compte lorsqu'il détermine l'admissibilité en vertu du paragraphe (1). À l'heure actuelle, le paragraphe 5(2) exige que les représentants prennent en considération certains événements survenus au cours des « cinq ans précédant la date de la demande ».

L'article 2 modifie le paragraphe 5(2) en supprimant « pour les cinq ans précédant la date de la demande » afin d'obliger le contrôleur des armes à feu et le juge présidant une audience de renvoi de prendre en considération certains événements sur l'ensemble de la vie du demandeur lorsqu'il détermine son admissibilité à détenir un permis d'armes à feu.

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munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
Loi sur les armes à feu
Articles 1-3

For greater certainty

(4) For greater certainty, nothing in this Act shall be construed so as to permit or require the registration of non-restricted firearms.

2 (1) The portion of subsection 5(2) of the Act before paragraph (a) is replaced by the following: 5

Criteria

(2) In determining whether a person is eligible to hold a licence under subsection (1), a chief firearms officer or, on a reference under section 74, a provincial court judge shall have regard to whether the person

(2) Subsection 5(2) of the Act is amended by striking out "or" at the end of paragraph (b) and by replacing paragraph (c) with the following: 10

(c) has a history of behaviour that includes violence or threatened or attempted violence or threatening conduct on the part of the person against any person; 15

(d) is or was previously prohibited by an order — made in the interests of the safety and security of any person — from communicating with an identified person or from being at a specified place or within a specified distance of that place, and presently poses a threat or risk to the safety and security of any person; 20

(e) in respect of an offence in the commission of which violence was used, threatened or attempted against the person's intimate partner or former intimate partner, was previously prohibited by a prohibition order from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition; or 25

(f) for any other reason, poses a risk of harm to any person. 30

(3) Section 5 of the Act is amended by adding the following after subsection (2):

For greater certainty

(2.1) For greater certainty, for the purposes of paragraph (2)(c), threatened violence and threatening conduct include threats or conduct communicated by the person to a person by means of the Internet or other digital network. 35

3 (1) Section 12 of the Act is amended by adding the following after subsection (8): 40

Précision

(4) Il est entendu que la présente loi ne permet ni n'exige l'enregistrement des armes à feu sans restriction.

2 (1) Le passage du paragraphe 5(2) de la même loi précédant l'alinéa a) est remplacé par ce qui suit: 5

Critères d'admissibilité

(2) Pour l'application du paragraphe (1), le contrôleur des armes à feu ou, dans le cas d'un renvoi prévu à l'article 74, le juge de la cour provinciale tient compte des éléments suivants :

(2) L'alinéa 5(2)c) de la même loi est remplacé par ce qui suit : 10

c) l'historique de son comportement atteste la menace, la tentative ou l'usage de violence ou le comportement menaçant contre lui-même ou autrui;

d) il lui est ou lui a été interdit, au titre d'une ordonnance rendue pour la sécurité de toute personne, de communiquer avec une personne donnée ou de se trouver dans un lieu donné ou à une distance donnée de ce lieu, et il représente présentement une menace ou un risque pour la sécurité de toute personne; 20

e) au titre d'une ordonnance d'interdiction rendue relativement à une infraction commise avec usage, tentative ou menace de violence contre son partenaire intime ou un ancien partenaire intime, il lui a déjà été interdit la possession d'une arme à feu, d'une arbalète, d'une arme prohibée, d'une arme à autorisation restreinte, d'un dispositif prohibé ou de munitions prohibées; 25

f) pour toute autre raison, il pourrait causer un dommage à lui-même ou à autrui. 30

(3) L'article 5 de la même loi est remplacé par adjonction, après le paragraphe (2), de ce qui suit :

Précision

(2.1) Il est entendu que, pour l'application de l'alinéa (2)c), la menace de violence et le comportement menaçant s'entendent notamment de la menace ou du comportement communiqués par la personne envers autrui par Internet ou un autre réseau numérique. 35

3 (1) L'article 12 de la même loi est modifié par adjonction, après le paragraphe (8), de ce qui suit : 40

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Clause by Clause Analysis / Analyse article par article

Clause 2(2) amends subsection 5(2) by striking out 'or' at the end of paragraph (b), by amending paragraph 5(2)(c), and by creating paragraphs 5(2)(d), 5(2)(e), and 5(2)(f) to provide additional criteria for consideration, as follows:

- Has a history of threatening conduct;
- Was the subject of a no-contact order in relation to another person(s), or poses a threat to the safety of any person;
- Regarding an offence involving domestic violence, in which violence was used, threatened or attempted,
- was prohibited from possessing a firearm, other specified weapons, or ammunition; or
- For any other reason, poses a risk of harm to any person.

Clause 2(3) creates subsection 5(2.1) to specify that threatened violence and threatening conduct (paragraph 5(2)(c)) includes by means of the Internet or other digital network.

Clause 2 comes into force by order of the Governor in Council.

Le paragraphe 2(2) modifie le paragraphe 5(2) en supprimant le « or » à la fin de la version anglaise de l'alinéa b), en modifiant l'alinéa 5(2)c), et en créant les alinéas 5(2)d), 5(2)e) et 5(2)f) afin d'indiquer comme suit les autres critères à prendre en considération :

- La personne a des antécédents de comportement menaçant;
- La personne a fait l'objet d'une ordonnance d'interdiction de communication avec une autre personne, ou constitue une menace à la sécurité d'autrui;
- Concernant une infraction liée à la violence familiale, où il y a eu usage, tentative ou menace de violence, il a été interdit à la personne de posséder une arme à feu, d'autres armes précises ou des munitions;
- Pour toute autre raison, la personne représente un risque de préjudice à autrui.

Le paragraphe 2(3) crée le paragraphe 5(2.1) afin de préciser que la menace de violence et le comportement menaçant (alinéa 5(2)c)) s'entendent aussi de la menace ou du comportement communiqués par la personne envers autrui par Internet ou un autre réseau numérique.

L'article 2 entre en vigueur par décret du gouverneur en conseil

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 Loi sur les armes à feu
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For greater certainty

(4) For greater certainty, nothing in this Act shall be construed so as to permit or require the registration of non-restricted firearms.

2 (1) The portion of subsection 5(2) of the Act before paragraph (a) is replaced by the following: 5

Criteria

(2) In determining whether a person is eligible to hold a licence under subsection (1), a chief firearms officer or, on a reference under section 74, a provincial court judge shall have regard to whether the person

(2) Subsection 5(2) of the Act is amended by striking out "or" at the end of paragraph (b) and by replacing paragraph (c) with the following: 10

(c) has a history of behaviour that includes violence or threatened or attempted violence or threatening conduct on the part of the person against any person; 15

(d) is or was previously prohibited by an order — made in the interests of the safety and security of any person — from communicating with an identified person or from being at a specified place or within a specified distance of that place, and presently poses a threat or risk to the safety and security of any person; 20

(e) in respect of an offence in the commission of which violence was used, threatened or attempted against the person's intimate partner or former intimate partner, was previously prohibited by a prohibition order from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition; or 25

(f) for any other reason, poses a risk of harm to any person. 30

(3) Section 5 of the Act is amended by adding the following after subsection (2):

For greater certainty

(2.1) For greater certainty, for the purposes of paragraph (2)(c), threatened violence and threatening conduct include threats or conduct communicated by the person to a person by means of the Internet or other digital network. 35

3 (1) Section 12 of the Act is amended by adding the following after subsection (8): 40

Précision

(4) Il est entendu que la présente loi ne permet ni n'exige l'enregistrement des armes à feu sans restriction.

2 (1) Le passage du paragraphe 5(2) de la même loi précédant l'alinéa a) est remplacé par ce qui suit: 5

Critères d'admissibilité

(2) Pour l'application du paragraphe (1), le contrôleur des armes à feu ou, dans le cas d'un renvoi prévu à l'article 74, le juge de la cour provinciale tient compte des éléments suivants :

(2) L'alinéa 5(2)c) de la même loi est remplacé par ce qui suit: 10

c) l'historique de son comportement atteste la menace, la tentative ou l'usage de violence ou le comportement menaçant contre lui-même ou autrui;

d) il lui est ou lui a été interdit, au titre d'une ordonnance rendue pour la sécurité de toute personne, de communiquer avec une personne donnée ou de se trouver dans un lieu donné ou à une distance donnée de ce lieu, et il représente présentement une menace ou un risque pour la sécurité de toute personne; 20

e) au titre d'une ordonnance d'interdiction rendue relativement à une infraction commise avec usage, tentative ou menace de violence contre son partenaire intime ou un ancien partenaire intime, il lui a déjà été interdit la possession d'une arme à feu, d'une arbalète, d'une arme prohibée, d'une arme à autorisation restreinte, d'un dispositif prohibé ou de munitions prohibées; 25

f) pour toute autre raison, il pourrait causer un dommage à lui-même ou à autrui. 30

(3) L'article 5 de la même loi est remplacé par adjonction, après le paragraphe (2), de ce qui suit:

Précision

(2.1) Il est entendu que, pour l'application de l'alinéa (2)c), la menace de violence et le comportement menaçant s'entendent notamment de la menace ou du comportement communiqués par la personne envers autrui par Internet ou un autre réseau numérique. 35

3 (1) L'article 12 de la même loi est modifié par adjonction, après le paragraphe (8), de ce qui suit: 40

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**CLAUSE 3(1): Creation of Subsection 12(9)
– Grandfathered individuals -regulations**

Subsection 12(1) sets out the general rule that an individual who is eligible to hold a licence is not permitted to possess prohibited firearms. Subsections 12(2) to (8) set out exceptions to that general rule to provide that certain individuals may be grandfathered to possess certain prohibited firearms.

Clause 3(1) creates subsection 12(9) to set out that exceptions to the general rule may be made to allow for the grandfathering of prohibited firearms through regulations instead of only by statute. It provides that, akin to existing legislative parameters, regulations may authorize individuals to hold a licence authorizing the possession of prohibited firearms of a prescribed class if they possess the firearm as of a specified date and subsequently hold, and continuously hold, a registration certificate for it.

This provision provides the Government with increased flexibility to grandfather individuals and firearms, should circumstances warrant.

Clause 3(1) comes into force on Royal Assent.

**ARTICLE 3(1) : création du
paragraphe 12(9) – Particuliers avec droits
acquis - règlements**

Le paragraphe 12(1) établit la règle générale selon laquelle un particulier admissible au permis ne peut pas devenir titulaire d'un permis de possession d'armes à feu prohibées. Les paragraphes 12(2) à (8) établissent les exceptions à la règle générale où certains particuliers peuvent se prévaloir de droits acquis pour posséder certaines armes à feu prohibées.

L'article 3(1) crée le paragraphe 12(9) pour établir que des exceptions à la règle générale peuvent être faites, afin que des droits acquis pour les armes à feu prohibées puissent être accordées par un règlement plutôt que seulement par une loi. Il prévoit que, tout comme les paramètres législatifs actuels, un règlement peut autoriser un particulier à détenir un permis de possession d'armes prohibées d'une classe prescrite si certaines conditions sont remplies notamment : s'il possédait l'arme à feu à une date précise et qu'il a eu et continue d'avoir une certification d'enregistrement pour cette arme.

Cette disposition donne au gouvernement une plus grande flexibilité pour accorder des droits acquis à des particuliers et pour des armes à feu, si les circonstances le justifient.

L'article 3(1) entre en vigueur à l'octroi de la sanction royale.

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Grandfathered individuals — regulations

(9) An individual is eligible to hold a licence authorizing the individual to possess prohibited firearms of a prescribed class if the individual

- (a)** possesses one or more firearms of that class on a day that is prescribed with respect to that class; 5
- (b)** holds a registration certificate for one or more firearms of that class in the circumstances prescribed with respect to that class; and
- (c)** was continuously the holder of a registration certificate for one or more firearms of that class beginning on the day that is prescribed — or that is determined under the regulations — with respect to that class. 10

(2) Section 12 of the Act is amended by adding the following after subsection (9): 15

Grandfathered individuals — CZ rifle

(10) An individual is eligible to hold a licence authorizing the individual to possess one or more firearms referred to in subsection (11) if

- (a)** the individual possessed one or more such firearms on June 30, 2018; 20
- (b)** the individual
 - (i)** held on that day a registration certificate for one or more such firearms, in the case where at least one of those firearms was on that day a restricted firearm, or 25
 - (ii)** applies, before the first anniversary of the commencement day, for a registration certificate that is subsequently issued for a firearm referred to in subsection (11), in any other case; and
- (c)** the individual was continuously the holder of a registration certificate for one or more such firearms beginning on
 - (i)** June 30, 2018, in the case where at least one of those firearms was on that day a restricted firearm, or 35
 - (ii)** the day on which a registration certificate referred to in subparagraph (b)(ii) is issued to the individual, in any other case.

Grandfathered firearms — CZ rifle

(11) Subsection (10) applies in respect of a firearm that

Particuliers avec droits acquis : règlements

(9) Est admissible au permis autorisant la possession d'armes à feu prohibées d'une catégorie réglementaire le particulier qui remplit les conditions suivantes :

- a)** il en possédait une ou plusieurs à la date réglementaire prévue relativement à cette catégorie; 5
- b)** il est titulaire d'un certificat d'enregistrement pour de telles armes dans les situations prévues par règlement relativement à cette catégorie;
- c)** il a été sans interruption titulaire d'un certificat d'enregistrement pour de telles armes à compter de la date réglementaire — ou de celle déterminée conformément aux règlements — à l'égard de cette catégorie. 10

(2) L'article 12 de la même loi est modifié par adjonction, après le paragraphe (9), de ce qui suit : 15

Particuliers avec droits acquis : fusils CZ

(10) Est admissible au permis autorisant la possession d'armes à feu visées au paragraphe (11) le particulier qui remplit les conditions suivantes : 15

- a)** il en possédait une ou plusieurs le 30 juin 2018;
- b)** selon le cas :
 - (i)** à cette date, il était titulaire d'un certificat d'enregistrement pour une ou plusieurs de ces armes, dans le cas où au moins une de ces armes était, à cette date, une arme à feu à autorisation restreinte, 20
 - (ii)** il a présenté, avant le premier anniversaire de la date de référence, une demande de certificat d'enregistrement, qui a été délivré par la suite, pour une arme à feu visée au paragraphe (11), dans tout autre cas; 25
- c)** il a été sans interruption titulaire d'un certificat d'enregistrement pour de telles armes à compter : 30
 - (i)** du 30 juin 2018, dans le cas où au moins une des armes à feu était, à cette date, une arme à feu à autorisation restreinte,
 - (ii)** de la date où le certificat d'enregistrement visé au sous-alinéa b)(ii) lui a été délivré, dans tout autre cas. 35

Droits acquis : fusils CZ

(11) Le paragraphe (10) s'applique à l'égard d'une arme à feu qui, à la fois :

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et un règlement relatifs aux armes à feu*

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**CLAUSE 3(1): Creation of Subsection 12(9)
– Grandfathered individuals -regulations**

Subsection 12(1) sets out the general rule that an individual who is eligible to hold a licence is not permitted to possess prohibited firearms. Subsections 12(2) to (8) set out exceptions to that general rule to provide that certain individuals may be grandfathered to possess certain prohibited firearms.

Clause 3(1) creates subsection 12(9) to set out that exceptions to the general rule may be made to allow for the grandfathering of prohibited firearms through regulations instead of only by statute. It provides that, akin to existing legislative parameters, regulations may authorize individuals to hold a licence authorizing the possession of prohibited firearms of a prescribed class if they possess the firearm as of a specified date and subsequently hold, and continuously hold, a registration certificate for it.

This provision provides the Government with increased flexibility to grandfather individuals and firearms, should circumstances warrant.

Clause 3(1) comes into force on Royal Assent.

**ARTICLE 3(1) : création du
paragraphe 12(9) – Particuliers avec droits
acquis - règlements**

Le paragraphe 12(1) établit la règle générale selon laquelle un particulier admissible au permis ne peut pas devenir titulaire d'un permis de possession d'armes à feu prohibées. Les paragraphes 12(2) à (8) établissent les exceptions à la règle générale où certains particuliers peuvent se prévaloir de droits acquis pour posséder certaines armes à feu prohibées.

L'article 3(1) crée le paragraphe 12(9) pour établir que des exceptions à la règle générale peuvent être faites, afin que des droits acquis pour les armes à feu prohibées puissent être accordées par un règlement plutôt que seulement par une loi. Il prévoit que, tout comme les paramètres législatifs actuels, un règlement peut autoriser un particulier à détenir un permis de possession d'armes prohibées d'une classe prescrite si certaines conditions sont remplies notamment : s'il possédait l'arme à feu à une date précise et qu'il a eu et continue d'avoir une certification d'enregistrement pour cette arme.

Cette disposition donne au gouvernement une plus grande flexibilité pour accorder des droits acquis à des particuliers et pour des armes à feu, si les circonstances le justifient.

L'article 3(1) entre en vigueur à l'octroi de la sanction royale.

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Grandfathered individuals — regulations

(9) An individual is eligible to hold a licence authorizing the individual to possess prohibited firearms of a prescribed class if the individual

- (a)** possesses one or more firearms of that class on a day that is prescribed with respect to that class; 5
- (b)** holds a registration certificate for one or more firearms of that class in the circumstances prescribed with respect to that class; and
- (c)** was continuously the holder of a registration certificate for one or more firearms of that class beginning on the day that is prescribed — or that is determined under the regulations — with respect to that class. 10

(2) Section 12 of the Act is amended by adding the following after subsection (9):

Grandfathered individuals — CZ rifle

(10) An individual is eligible to hold a licence authorizing the individual to possess one or more firearms referred to in subsection (11) if

- (a)** the individual possessed one or more such firearms on June 30, 2018; 20
- (b)** the individual
 - (i)** held on that day a registration certificate for one or more such firearms, in the case where at least one of those firearms was on that day a restricted firearm, or 25
 - (ii)** applies, before the first anniversary of the commencement day, for a registration certificate that is subsequently issued for a firearm referred to in subsection (11), in any other case; and
- (c)** the individual was continuously the holder of a registration certificate for one or more such firearms beginning on
 - (i)** June 30, 2018, in the case where at least one of those firearms was on that day a restricted firearm, or 35
 - (ii)** the day on which a registration certificate referred to in subparagraph (b)(ii) is issued to the individual, in any other case.

Grandfathered firearms — CZ rifle

(11) Subsection (10) applies in respect of a firearm that

Particuliers avec droits acquis : règlements

(9) Est admissible au permis autorisant la possession d'armes à feu prohibées d'une catégorie réglementaire le particulier qui remplit les conditions suivantes :

- a)** il en possédait une ou plusieurs à la date réglementaire prévue relativement à cette catégorie; 5
- b)** il est titulaire d'un certificat d'enregistrement pour de telles armes dans les situations prévues par règlement relativement à cette catégorie;
- c)** il a été sans interruption titulaire d'un certificat d'enregistrement pour de telles armes à compter de la date réglementaire — ou de celle déterminée conformément aux règlements — à l'égard de cette catégorie. 10

(2) L'article 12 de la même loi est modifié par adjonction, après le paragraphe (9), de ce qui suit :

Particuliers avec droits acquis : fusils CZ

(10) Est admissible au permis autorisant la possession d'armes à feu visées au paragraphe (11) le particulier qui remplit les conditions suivantes :

- a)** il en possédait une ou plusieurs le 30 juin 2018;
- b)** selon le cas :
 - (i)** à cette date, il était titulaire d'un certificat d'enregistrement pour une ou plusieurs de ces armes, dans le cas où au moins une de ces armes était, à cette date, une arme à feu à autorisation restreinte, 20
 - (ii)** il a présenté, avant le premier anniversaire de la date de référence, une demande de certificat d'enregistrement, qui a été délivré par la suite, pour une arme à feu visée au paragraphe (11), dans tout autre cas; 25
- c)** il a été sans interruption titulaire d'un certificat d'enregistrement pour de telles armes à compter : 30
 - (i)** du 30 juin 2018, dans le cas où au moins une des armes à feu était, à cette date, une arme à feu à autorisation restreinte,
 - (ii)** de la date où le certificat d'enregistrement visé au sous-alinéa b)(ii) lui a été délivré, dans tout autre cas. 35

Droits acquis : fusils CZ

(11) Le paragraphe (10) s'applique à l'égard d'une arme à feu qui, à la fois :

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Clause by Clause Analysis / Analyse article par article

**CLAUSE 3(2): Creation of Subsections
12(10), (11), (12), and (13)- Grandfathered
individuals – Ceska Zbrojovka and SAN
Swiss Arms rifles**

Subsection 12(1) sets out the general rule that an individual who is eligible to hold a licence is not permitted to possess prohibited firearms. Subsections 12(2) to (8) set out exceptions to that general rule to provide that certain individuals may be grandfathered to possess certain prohibited firearms.

Clause 3(2) creates subsections 12(10), (11), and (12) to provide that individuals may be grandfathered to possess certain Ceska Zbrojovka (CZ) firearms if the individual:

- Possesses one or more of these models on June 30, 2018;
- Holds, on June 30, 2018, a registration certificate for models classified as restricted;
- In other cases, applies for a registration certificate before the first anniversary of the coming into force of this provision, and that registration certificate is subsequently issued; and
- Thereafter, once issued, continuously holds a registration certificate for one or more of the prohibited firearms listed in subsection (12) 11.

**ARTICLE 3(2) : création des
paragraphe 12(10), (11), (12) et (13) –
Particuliers avec droits acquis – fusils Ceska
Zbrojovka et SAN Swiss Arms**

Le paragraphe 12(1) établit la règle générale selon laquelle un particulier admissible au permis ne peut pas devenir titulaire d'un permis de possession d'armes à feu prohibées. Les paragraphes 12(2) à (8) établissent les exceptions à la règle générale où certains particuliers peuvent se prévaloir de droits acquis pour posséder certaines armes à feu prohibées.

L'article 3(2) crée les paragraphes 12(10), (11) et (12) afin de prévoir qu'un particulier peut se voir accorder des droits acquis pour posséder certains modèles des armes à feu Ceska Zbrojovka (CZ) s'il :

- possède un ou plusieurs de ces modèles en date du 30 juin 2018;
- détient, en date du 30 juin 2018, un certificat d'enregistrement pour les modèles classés restreints;
- présente, dans les autres cas, une demande de certificat d'enregistrement dans l'année suivant l'entrée en vigueur de la présente disposition et qu'un certificat d'enregistrement est subséquemment délivré;
- par la suite, détient sans interruption un certificat d'enregistrement pour l'une ou plusieurs des armes à feu prohibées énumérées au paragraphe 12(11).

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(a) is a

(i) Česká Zbrojovka (CZ) Model CZ858 Tactical-2P rifle,

(ii) Česká Zbrojovka (CZ) Model CZ858 Tactical-2V rifle, 5

(iii) Česká Zbrojovka (CZ) Model CZ858 Tactical-4P rifle, or

(iv) Česká Zbrojovka (CZ) Model CZ858 Tactical-4V rifle; and

(b) was registered as a restricted firearm on June 30, 10
2018 or, in the case of a firearm that was not a restricted
firearm on that day, is the subject of an application
made before the first anniversary of the commence-
ment day for a registration certificate that is subse- 15
quently issued.

For greater certainty

(12) For greater certainty, the firearms referred to in
subparagraphs (11)(a)(i) to (iv) include only firearms
that are prohibited firearms on the commencement day.

Grandfathered individuals — SAN Swiss Arms

(13) An individual is eligible to hold a licence authoriz-
ing the individual to possess one or more firearms re- 20
ferred to in subsection (14) if

(a) the individual possessed one or more such
firearms on June 30, 2018;

(b) the individual

(i) held on that day a registration certificate for one 25
or more such firearms, in the case where at least
one of those firearms was on that day a restricted
firearm, or

(ii) applies, before the first anniversary of the com-
mencement day, for a registration certificate that 30
was subsequently issued for a firearm referred to in
subsection (14), in any other case; and

(c) the individual was continuously the holder of a
registration certificate for one or more such firearms
beginning on 35

(i) June 30, 2018, in the case where at least one of
the firearms was on that day a restricted firearm, or

a) est l'une ou l'autre des armes à feu suivantes :

(i) un fusil Česká Zbrojovka (CZ), modèle CZ858
Tactical-2P,

(ii) un fusil Česká Zbrojovka (CZ), modèle CZ858
Tactical-2V, 5

(iii) un fusil Česká Zbrojovka (CZ), modèle CZ858
Tactical-4P,

(iv) un fusil Česká Zbrojovka (CZ), modèle CZ858
Tactical-4V;

b) était enregistrée comme arme à feu à autorisation 10
restreinte le 30 juin 2018 ou, dans le cas d'une arme à
feu qui, à cette date, n'était pas une arme à feu à au-
torisation restreinte, fait l'objet d'une demande de certi-
ficat d'enregistrement qui a été présentée avant le pre- 15
mier anniversaire de la date de référence, et le certifi-
cat a été délivré par la suite.

Précision

(12) Il est entendu que les armes à feu visées aux sous-
alinéas (11)a(i) à (iv) ne comprennent que les armes à
feu qui sont prohibées à la date de référence.

Particuliers avec droits acquis : armes SAN Swiss Arms

(13) Est admissible au permis autorisant la possession 20
d'armes à feu visées au paragraphe (14) le particulier qui
remplit les conditions suivantes :

a) il en possédait une ou plusieurs le 30 juin 2018;

b) selon le cas :

(i) à cette date, il était titulaire d'un certificat d'en- 25
registrement pour une ou plusieurs de ces armes,
dans le cas où au moins une de ces armes était, à
cette date, une arme à feu à autorisation restreinte,

(ii) il a présenté, avant le premier anniversaire de la
date de référence, une demande de certificat d'en- 30
registrement, qui a été délivré par la suite, pour une
arme à feu visée au paragraphe (14), dans tout
autre cas;

c) il a été sans interruption titulaire d'un certificat
d'enregistrement pour de telles armes à compter : 35

(i) du 30 juin 2018, dans le cas où au moins une des
armes à feu était, à cette date, une arme à feu à au-
torisation restreinte,

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Clause 3(2) also creates subsections 12(13) and (14) to provide that individuals may be grandfathered to possess SAN Swiss Arms rifles by applying the same criteria.

L'article 3(2) crée aussi les paragraphes 12(13) et (14) afin de prévoir qu'un particulier puisse se voir accorder des droits acquis pour posséder des fusils SAN Swiss Arms en fonction des mêmes critères.

This provision aims to limit the pool of authorized owners of prohibited CZ and SAN Swiss Arms firearms. This pool will, through attrition, diminish over time.

Cette disposition vise à limiter le bassin de propriétaires autorisés d'armes à feu prohibées CZ et SAN Swiss Arms. Ce bassin diminuera par attrition au fil du temps.

Clause 3(2) comes into force by order of Governor in Council.

L'article 3(2) entre en vigueur par décret du gouverneur en conseil.

**CLAUSE 4: Amendments to Section 19 -
Transporting and Using Prohibited Firearms
or Restricted Firearms**

**ARTICLE 4 : Modifications à l'article 19 -
Transport et usage d'armes à feu prohibées
ou d'armes à feu à autorisation restreinte**

Section 19, generally, sets out the circumstances in which a Chief Firearms Officer may issue an authorization to transport (ATT) restricted and prohibited firearms. Absent an ATT, the registered owner of a restricted or prohibited firearm must keep it in his or her dwelling house or at another place authorized by a Chief Firearms Officer. ATTs are not required for non-restricted firearms.

De façon générale, l'article 19 établit les circonstances où un contrôleur des armes à feu peut délivrer une autorisation de transport pour des armes à feu prohibées ou à autorisation restreinte. S'il n'y a pas une autorisation de transport, le propriétaire inscrit d'une arme à feu prohibée ou à autorisation restreinte doit garder celle-ci à sa maison d'habitation ou dans un autre endroit autorisé par un contrôleur des armes à feu. Une autorisation de transport n'est pas requise pour les armes à feu sans restriction.

Clause 4(1) amends subsections 19(1.1) and (2):

L'article 4(1) modifie les paragraphes 19(1.1) et (2) :

With respect to subsection 19(1.1), clause 4(1) maintains the requirement that Chief Firearms Officers must, when issuing an ATT for restricted firearms or handguns referred to in subsection 12(6.1) for the purpose of target practice or target shooting, automatically include all approved shooting clubs and ranges within the province. Clause 4(1) amends this subsection to create an exception; namely that an ATT issued for the purpose of target practice or shooting for a firearm grandfathered pursuant

Pour ce qui est du paragraphe 19(1.1), l'article 4(1) maintient l'exigence selon laquelle le contrôleur des armes à feu doit, lorsqu'il délivre une autorisation de transport pour une arme à feu à autorisation restreinte ou une arme de poing visée au paragraphe 12(6.1) à des fins de tir à la cible, automatiquement inclure tous les clubs et les champs de tir approuvés de la province. Or, l'article 4(1) modifie le paragraphe 19(1.1) afin de créer une exception, c'est-à-dire qu'une autorisation de transport

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(ii) the day on which a registration certificate referred to in subparagraph (b)(ii) is issued to the individual, in any other case.

(ii) de la date où le certificat d'enregistrement visé au sous-alinéa b)(ii) lui a été délivré, dans tout autre cas.

Grandfathered firearms — SAN Swiss Arms

Droits acquis : armes SAN Swiss Arms

(14) Subsection (13) applies in respect of a firearm that

(14) Le paragraphe (13) s'applique à l'égard d'une arme à feu qui :

(a) is a

a) d'une part, est l'une ou l'autre des armes à feu suivantes :

(i) SAN Swiss Arms Model Classic Green rifle,

(i) un fusil SAN Swiss Arms, modèle Classic Green,

(ii) SAN Swiss Arms Model Classic Green carbine,

(ii) une carabine SAN Swiss Arms, modèle Classic Green,

(iii) SAN Swiss Arms Model Classic Green CQB rifle,

(iii) un fusil SAN Swiss Arms, modèle Classic Green CQB,

(iv) SAN Swiss Arms Model Black Special rifle,

(iv) un fusil SAN Swiss Arms, modèle Black Special,

(v) SAN Swiss Arms Model Black Special carbine,

(v) une carabine SAN Swiss Arms, modèle Black Special,

(vi) SAN Swiss Arms Model Black Special CQB rifle,

(vi) un fusil SAN Swiss Arms, modèle Black Special CQB,

(vii) SAN Swiss Arms Model Black Special Target rifle,

(vii) un fusil SAN Swiss Arms, modèle Black Special Target,

(viii) SAN Swiss Arms Model Blue Star rifle,

(viii) un fusil SAN Swiss Arms, modèle Blue Star,

(ix) SAN Swiss Arms Model Heavy Metal rifle,

(ix) un fusil SAN Swiss Arms, modèle Heavy Metal,

(x) SAN Swiss Arms Model Red Devil rifle,

(x) un fusil SAN Swiss Arms, modèle Red Devil,

(xi) SAN Swiss Arms Model Swiss Arms Edition rifle,

(xi) un fusil SAN Swiss Arms, modèle Swiss Arms Edition,

(xii) SAN Swiss Arms Model Classic Green Sniper rifle,

(xii) un fusil SAN Swiss Arms, modèle Classic Green Sniper,

(xiii) SAN Swiss Arms Model Ver rifle,

(xiii) un fusil SAN Swiss Arms, modèle Ver,

(xiv) SAN Swiss Arms Model Aestas rifle,

(xiv) un fusil SAN Swiss Arms, modèle Aestas,

(xv) SAN Swiss Arms Model Autumnus rifle, or

(xv) un fusil SAN Swiss Arms, modèle Autumnus,

(xvi) SAN Swiss Arms Model Hiemis rifle; and

(xvi) un fusil SAN Swiss Arms, modèle Hiemis;

(b) was registered as a restricted firearm on June 30, 2018 or, in the case of a firearm that was not a restricted firearm on that day, is the subject of an application made before the first anniversary of the commencement day for a registration certificate that is subsequently issued.

b) d'autre part, était enregistrée comme arme à feu à autorisation restreinte le 30 juin 2018 ou, dans le cas d'une arme à feu qui, à cette date, n'était pas une arme à feu à autorisation restreinte, fait l'objet d'une demande de certificat d'enregistrement qui a été présen-

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et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

Clause 3(2) also creates subsections 12(13) and (14) to provide that individuals may be grandfathered to possess SAN Swiss Arms rifles by applying the same criteria.

This provision aims to limit the pool of authorized owners of prohibited CZ and SAN Swiss Arms firearms. This pool will, through attrition, diminish over time.

Clause 3(2) comes into force by order of Governor in Council.

CLAUSE 4: Amendments to Section 19 - Transporting and Using Prohibited Firearms or Restricted Firearms

Section 19, generally, sets out the circumstances in which a Chief Firearms Officer may issue an authorization to transport (ATT) restricted and prohibited firearms. Absent an ATT, the registered owner of a restricted or prohibited firearm must keep it in his or her dwelling house or at another place authorized by a Chief Firearms Officer. ATTs are not required for non-restricted firearms.

Clause 4(1) amends subsections 19(1.1) and (2):

With respect to subsection 19(1.1), clause 4(1) maintains the requirement that Chief Firearms Officers must, when issuing an ATT for restricted firearms or handguns referred to in subsection 12(6.1) for the purpose of target practice or target shooting, automatically include all approved shooting clubs and ranges within the province. Clause 4(1) amends this subsection to create an exception; namely that an ATT issued for the purpose of target practice or shooting for a firearm grandfathered pursuant

L'article 3(2) crée aussi les paragraphes 12(13) et (14) afin de prévoir qu'un particulier puisse se voir accorder des droits acquis pour posséder des fusils SAN Swiss Arms en fonction des mêmes critères.

Cette disposition vise à limiter le bassin de propriétaires autorisés d'armes à feu prohibées CZ et SAN Swiss Arms. Ce bassin diminuera par attrition au fil du temps.

L'article 3(2) entre en vigueur par décret du gouverneur en conseil.

ARTICLE 4 : Modifications à l'article 19 – Transport et usage d'armes à feu prohibées ou d'armes à feu à autorisation restreinte

De façon générale, l'article 19 établit les circonstances où un contrôleur des armes à feu peut délivrer une autorisation de transport pour des armes à feu prohibées ou à autorisation restreinte. S'il n'y a pas une autorisation de transport, le propriétaire inscrit d'une arme à feu prohibée ou à autorisation restreinte doit garder celle-ci à sa maison d'habitation ou dans un autre endroit autorisé par un contrôleur des armes à feu. Une autorisation de transport n'est pas requise pour les armes à feu sans restriction.

L'article 4(1) modifie les paragraphes 19(1.1) et (2) :

Pour ce qui est du paragraphe 19(1.1), l'article 4(1) maintient l'exigence selon laquelle le contrôleur des armes à feu doit, lorsqu'il délivre une autorisation de transport pour une arme à feu à autorisation restreinte ou une arme de poing visée au paragraphe 12(6.1) à des fins de tir à la cible, automatiquement inclure tous les clubs et les champs de tir approuvés de la province. Or, l'article 4(1) modifie le paragraphe 19(1.1) afin de créer une exception, c'est-à-dire qu'une autorisation de transport

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désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs,
munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
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2015, c. 27, s. 6

**4 (1) Subsections 19(1.1) and (2) of the Act are re-
placed by the following:**

Target practice or competition

(1.1) In the case of an authorization to transport issued
for a reason referred to in paragraph (1)(a) within the
province where the holder of the authorization resides, 5
the specified places must — except in the case of an au-
thorization that is issued for a prohibited firearm re-
ferred to in subsection 12(9) — include all shooting clubs
and shooting ranges that are approved under section 29
and that are located in that province. 10

**Exception for prohibited firearms other than
prohibited handguns**

(2) Despite subsection (1), an individual must not be au-
thorized to transport a prohibited firearm — other than a
handgun referred to in subsection 12(6.1) or a prohibited
firearm referred to in subsection 12(9) — between speci- 15
fied places except for the purposes referred to in para-
graph (1)(b).

**(2) Subsections 19(1.1) and (2) of the Act are re-
placed by the following:**

Target practice or competition

(1.1) In the case of an authorization to transport issued
for a reason referred to in paragraph (1)(a) within the 20
province where the holder of the authorization resides,
the specified places must — except in the case of an au-
thorization that is issued for a prohibited firearm re-
ferred to in subsection 12(9), (11) or (14) — include all
shooting clubs and shooting ranges that are approved un- 25
der section 29 and that are located in that province.

**Exception for prohibited firearms other than
prohibited handguns**

(2) Despite subsection (1), an individual must not be au-
thorized to transport a prohibited firearm — other than a
handgun referred to in subsection 12(6.1) or a prohibited
firearm referred to in subsection 12(9), (11) or (14) — be- 30
tween specified places except for the purposes referred to
in paragraph (1)(b).

2015, c. 27, s. 6

**(3) Subsections 19(2.1) to (2.3) of the Act are re-
placed by the following:**

tée avant le premier anniversaire de la date de référé-
rence, et le certificat a été délivré par la suite.

2015, ch. 27, art. 6

**4 (1) Les paragraphes 19(1.1) et (2) de la même loi
sont remplacés par ce qui suit :**

Tir à la cible ou compétition de tir

(1.1) Dans le cas d'une autorisation de transport délivrée 5
pour l'une des raisons mentionnées à l'alinéa (1)a) pour
la province de résidence du titulaire de l'autorisation, les
lieux qui y sont précisés comprennent tous les clubs de
tir et tous les champs de tir de cette province agréés
conformément à l'article 29, sauf s'il s'agit d'une autorisa- 10
tion de transport délivrée pour une arme à feu prohibée
visée au paragraphe 12(9).

**Exception : armes à feu prohibées autres que les
armes de poing prohibées**

(2) Malgré le paragraphe (1), le particulier ne peut être
autorisé à transporter une arme à feu prohibée — autre 15
qu'une arme de poing visée au paragraphe 12(6.1) ou une
arme à feu prohibée visée au paragraphe 12(9) — entre
des lieux précis que pour les raisons visées à l'alinéa
(1)b).

**(2) Les paragraphes 19(1.1) et (2) de la même loi
sont remplacés par ce qui suit :** 20

Tir à la cible ou compétition de tir

(1.1) Dans le cas d'une autorisation de transport délivrée
pour l'une des raisons mentionnées à l'alinéa (1)a) pour
la province de résidence du titulaire de l'autorisation, les
lieux qui y sont précisés comprennent tous les clubs de 25
tir et tous les champs de tir de cette province agréés
conformément à l'article 29, sauf s'il s'agit d'une autorisa-
tion de transport délivrée pour une arme à feu prohibée
visée aux paragraphes 12(9), (11) ou (14).

**Exception : armes à feu prohibées autres que les
armes de poing prohibées**

(2) Malgré le paragraphe (1), le particulier ne peut être
autorisé à transporter une arme à feu prohibée — autre 30
qu'une arme de poing visée au paragraphe 12(6.1) ou
qu'une arme à feu prohibée visée aux paragraphes 12(9),
(11) ou (14) — entre des lieux précis que pour les raisons
visées à l'alinéa (1)b).

2015, ch. 27, art. 6

**(3) Les paragraphes 19(2.1) à (2.3) de la même loi 35
sont remplacés par ce qui suit :**

*An Act to amend certain Acts and Regulations in relation to firearms/ Loi modifiant certaines lois
et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

Clause 3(2) also creates subsections 12(13) and (14) to provide that individuals may be grandfathered to possess SAN Swiss Arms rifles by applying the same criteria.

This provision aims to limit the pool of authorized owners of prohibited CZ and SAN Swiss Arms firearms. This pool will, through attrition, diminish over time.

Clause 3(2) comes into force by order of Governor in Council.

**CLAUSE 4: Amendments to Section 19 -
Transporting and Using Prohibited Firearms
or Restricted Firearms**

Section 19, generally, sets out the circumstances in which a Chief Firearms Officer may issue an authorization to transport (ATT) restricted and prohibited firearms. Absent an ATT, the registered owner of a restricted or prohibited firearm must keep it in his or her dwelling house or at another place authorized by a Chief Firearms Officer. ATTs are not required for non-restricted firearms.

Clause 4(1) amends subsections 19(1.1) and (2):

With respect to subsection 19(1.1), clause 4(1) maintains the requirement that Chief Firearms Officers must, when issuing an ATT for restricted firearms or handguns referred to in subsection 12(6.1) for the purpose of target practice or target shooting, automatically include all approved shooting clubs and ranges within the province. Clause 4(1) amends this subsection to create an exception; namely that an ATT issued for the purpose of target practice or shooting for a firearm grandfathered pursuant

L'article 3(2) crée aussi les paragraphes 12(13) et (14) afin de prévoir qu'un particulier puisse se voir accorder des droits acquis pour posséder des fusils SAN Swiss Arms en fonction des mêmes critères.

Cette disposition vise à limiter le bassin de propriétaires autorisés d'armes à feu prohibées CZ et SAN Swiss Arms. Ce bassin diminuera par attrition au fil du temps.

L'article 3(2) entre en vigueur par décret du gouverneur en conseil.

**ARTICLE 4 : Modifications à l'article 19 -
Transport et usage d'armes à feu prohibées
ou d'armes à feu à autorisation restreinte**

De façon générale, l'article 19 établit les circonstances où un contrôleur des armes à feu peut délivrer une autorisation de transport pour des armes à feu prohibées ou à autorisation restreinte. S'il n'y a pas une autorisation de transport, le propriétaire inscrit d'une arme à feu prohibée ou à autorisation restreinte doit garder celle-ci à sa maison d'habitation ou dans un autre endroit autorisé par un contrôleur des armes à feu. Une autorisation de transport n'est pas requise pour les armes à feu sans restriction.

L'article 4(1) modifie les paragraphes 19(1.1) et (2) :

Pour ce qui est du paragraphe 19(1.1), l'article 4(1) maintient l'exigence selon laquelle le contrôleur des armes à feu doit, lorsqu'il délivre une autorisation de transport pour une arme à feu à autorisation restreinte ou une arme de poing visée au paragraphe 12(6.1) à des fins de tir à la cible, automatiquement inclure tous les clubs et les champs de tir approuvés de la province. Or, l'article 4(1) modifie le paragraphe 19(1.1) afin de créer une exception, c'est-à-dire qu'une autorisation de transport

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munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
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2015, c. 27, s. 6

4 (1) Subsections 19(1.1) and (2) of the Act are replaced by the following:

Target practice or competition

(1.1) In the case of an authorization to transport issued for a reason referred to in paragraph (1)(a) within the province where the holder of the authorization resides, the specified places must — except in the case of an authorization that is issued for a prohibited firearm referred to in subsection 12(9) — include all shooting clubs and shooting ranges that are approved under section 29 and that are located in that province.

Exception for prohibited firearms other than prohibited handguns

(2) Despite subsection (1), an individual must not be authorized to transport a prohibited firearm — other than a handgun referred to in subsection 12(6.1) or a prohibited firearm referred to in subsection 12(9) — between specified places except for the purposes referred to in paragraph (1)(b).

(2) Subsections 19(1.1) and (2) of the Act are replaced by the following:

Target practice or competition

(1.1) In the case of an authorization to transport issued for a reason referred to in paragraph (1)(a) within the province where the holder of the authorization resides, the specified places must — except in the case of an authorization that is issued for a prohibited firearm referred to in subsection 12(9), (11) or (14) — include all shooting clubs and shooting ranges that are approved under section 29 and that are located in that province.

Exception for prohibited firearms other than prohibited handguns

(2) Despite subsection (1), an individual must not be authorized to transport a prohibited firearm — other than a handgun referred to in subsection 12(6.1) or a prohibited firearm referred to in subsection 12(9), (11) or (14) — between specified places except for the purposes referred to in paragraph (1)(b).

2015, c. 27, s. 6

(3) Subsections 19(2.1) to (2.3) of the Act are replaced by the following:

tée avant le premier anniversaire de la date de référence, et le certificat a été délivré par la suite.

2015, ch. 27, art. 6

4 (1) Les paragraphes 19(1.1) et (2) de la même loi sont remplacés par ce qui suit :

Tir à la cible ou compétition de tir

(1.1) Dans le cas d'une autorisation de transport délivrée pour l'une des raisons mentionnées à l'alinéa (1)a) pour la province de résidence du titulaire de l'autorisation, les lieux qui y sont précisés comprennent tous les clubs de tir et tous les champs de tir de cette province agréés conformément à l'article 29, sauf s'il s'agit d'une autorisation de transport délivrée pour une arme à feu prohibée visée au paragraphe 12(9).

Exception : armes à feu prohibées autres que les armes de poing prohibées

(2) Malgré le paragraphe (1), le particulier ne peut être autorisé à transporter une arme à feu prohibée — autre qu'une arme de poing visée au paragraphe 12(6.1) ou une arme à feu prohibée visée au paragraphe 12(9) — entre des lieux précis que pour les raisons visées à l'alinéa (1)b).

(2) Les paragraphes 19(1.1) et (2) de la même loi sont remplacés par ce qui suit :

Tir à la cible ou compétition de tir

(1.1) Dans le cas d'une autorisation de transport délivrée pour l'une des raisons mentionnées à l'alinéa (1)a) pour la province de résidence du titulaire de l'autorisation, les lieux qui y sont précisés comprennent tous les clubs de tir et tous les champs de tir de cette province agréés conformément à l'article 29, sauf s'il s'agit d'une autorisation de transport délivrée pour une arme à feu prohibée visée aux paragraphes 12(9), (11) ou (14).

Exception : armes à feu prohibées autres que les armes de poing prohibées

(2) Malgré le paragraphe (1), le particulier ne peut être autorisé à transporter une arme à feu prohibée — autre qu'une arme de poing visée au paragraphe 12(6.1) ou qu'une arme à feu prohibée visée aux paragraphes 12(9), (11) ou (14) — entre des lieux précis que pour les raisons visées à l'alinéa (1)b).

2015, ch. 27, art. 6

(3) Les paragraphes 19(2.1) à (2.3) de la même loi sont remplacés par ce qui suit :

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et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

to Clause 3(1) (above), need not include all approved shooting clubs or ranges within the province. The effect of this change is to allow Chief Firearms Officers to issue an ATT for these grandfathered prohibited firearms to specific clubs or ranges only (i.e., not province wide).

délivrée pour le tir à la cible pour une arme à feu visée par un droit acquis conformément à l'article 3(1) (susmentionné) n'a pas besoin d'inclure tous les clubs et les champs de tir approuvés de la province. Ce changement a pour effet de permettre au contrôleur des armes de délivrer une autorisation de transport pour ces armes prohibées visées par un droit acquis, vers des clubs et des champs de tir précis seulement (et non dans l'ensemble de la province).

With respect to subsection 19(2), clause 4(1) maintains the general prohibition that Chief Firearms Officers cannot issue an ATT for prohibited firearms for the purpose of target practice or shooting (except for subsection 12(6.1) prohibited handguns). Clause 4(1) amends this subsection to create an exception; namely to permit Chief Firearms Officers to issue an ATT for the purpose of target practice or shooting for prohibited firearms grandfathered pursuant to Clause 3(1).

Pour ce qui est du paragraphe 19(2), l'article 4(1) maintient l'interdiction générale selon laquelle le contrôleur des armes à feu ne peut pas délivrer une autorisation de transport pour des armes à feu prohibées à des fins de tir à la cible (sauf pour les armes de poing prohibées visées au paragraphe 12(6.1)). L'article 4(1) modifie ce paragraphe afin de créer une exception, c'est-à-dire permettre au contrôleur des armes à feu de délivrer une autorisation de transport pour les armes à feu prohibées visées par un droit acquis conformément à l'article 3(1).

Clause 4(1) comes into force on Royal Assent, to correspond with the coming into force of Clause 3(1).

L'article 4(1) entre en vigueur à l'octroi de la sanction royale, en concomitance avec l'article 3(1).

Clause 4(2) also amends subsections 19(1.1) and (2). It is meant to replace Clause 4(1) at a later date to correspond with the coming into force of Clause 3(2).

L'article 4(2) modifie aussi les paragraphes 19(1.1) et (2). Il vise à remplacer l'article 4(1) à une date ultérieure qui correspondra à l'entrée en vigueur de l'article 3(2).

Clause 4(2) is identical to Clause 4(1) except that it includes additional references to prohibited firearms grandfathered pursuant to Clause 3(2). The effect of this change is to also allow Chief Firearms Officers to issue an ATT for the purpose of practice or target shooting for firearms grandfathered under Clause 3(2). Chief

L'article 4(2) est identique à l'article 4(1), sauf qu'il inclut des références additionnelles aux armes à feu prohibées visées par un droit acquis conformément à l'article 3(2). Ce changement a aussi pour effet de permettre au contrôleur des armes à feu de délivrer une autorisation de transport à des fins de tir à la cible pour les

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2015, c. 27, s. 6

**4 (1) Subsections 19(1.1) and (2) of the Act are re-
placed by the following:**

Target practice or competition

(1.1) In the case of an authorization to transport issued
for a reason referred to in paragraph (1)(a) within the
province where the holder of the authorization resides, 5
the specified places must — except in the case of an au-
thorization that is issued for a prohibited firearm re-
ferred to in subsection 12(9) — include all shooting clubs
and shooting ranges that are approved under section 29
and that are located in that province. 10

**Exception for prohibited firearms other than
prohibited handguns**

(2) Despite subsection (1), an individual must not be au-
thorized to transport a prohibited firearm — other than a
handgun referred to in subsection 12(6.1) or a prohibited
firearm referred to in subsection 12(9) — between speci- 15
fied places except for the purposes referred to in para-
graph (1)(b). 15

**(2) Subsections 19(1.1) and (2) of the Act are re-
placed by the following:**

Target practice or competition

(1.1) In the case of an authorization to transport issued
for a reason referred to in paragraph (1)(a) within the 20
province where the holder of the authorization resides,
the specified places must — except in the case of an au-
thorization that is issued for a prohibited firearm re-
ferred to in subsection 12(9), (11) or (14) — include all 25
shooting clubs and shooting ranges that are approved un-
der section 29 and that are located in that province. 25

**Exception for prohibited firearms other than
prohibited handguns**

(2) Despite subsection (1), an individual must not be au-
thorized to transport a prohibited firearm — other than a
handgun referred to in subsection 12(6.1) or a prohibited
firearm referred to in subsection 12(9), (11) or (14) — be- 30
tween specified places except for the purposes referred to
in paragraph (1)(b). 30

2015, c. 27, s. 6

**(3) Subsections 19(2.1) to (2.3) of the Act are re-
placed by the following:**

tée avant le premier anniversaire de la date de réfé-
rence, et le certificat a été délivré par la suite.

2015, ch. 27, art. 6

**4 (1) Les paragraphes 19(1.1) et (2) de la même loi
sont remplacés par ce qui suit :**

Tir à la cible ou compétition de tir

(1.1) Dans le cas d'une autorisation de transport délivrée 5
pour l'une des raisons mentionnées à l'alinéa (1)a) pour
la province de résidence du titulaire de l'autorisation, les
lieux qui y sont précisés comprennent tous les clubs de
tir et tous les champs de tir de cette province agréés
conformément à l'article 29, sauf s'il s'agit d'une autorisa- 10
tion de transport délivrée pour une arme à feu prohibée
visée au paragraphe 12(9). 10

**Exception : armes à feu prohibées autres que les
armes de poing prohibées**

(2) Malgré le paragraphe (1), le particulier ne peut être
autorisé à transporter une arme à feu prohibée — autre 15
qu'une arme de poing visée au paragraphe 12(6.1) ou une
arme à feu prohibée visée au paragraphe 12(9) — entre
des lieux précis que pour les raisons visées à l'alinéa
(1)b). 15

**(2) Les paragraphes 19(1.1) et (2) de la même loi
sont remplacés par ce qui suit :** 20

Tir à la cible ou compétition de tir

(1.1) Dans le cas d'une autorisation de transport délivrée
pour l'une des raisons mentionnées à l'alinéa (1)a) pour 20
la province de résidence du titulaire de l'autorisation, les
lieux qui y sont précisés comprennent tous les clubs de
tir et tous les champs de tir de cette province agréés 25
conformément à l'article 29, sauf s'il s'agit d'une autorisa-
tion de transport délivrée pour une arme à feu prohibée
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**Exception : armes à feu prohibées autres que les
armes de poing prohibées**

(2) Malgré le paragraphe (1), le particulier ne peut être
autorisé à transporter une arme à feu prohibée — autre 30
qu'une arme de poing visée au paragraphe 12(6.1) ou
qu'une arme à feu prohibée visée aux paragraphes 12(9),
(11) ou (14) — entre des lieux précis que pour les raisons
visées à l'alinéa (1)b). 30

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**(3) Les paragraphes 19(2.1) à (2.3) de la même loi 35
sont remplacés par ce qui suit :**

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Firearms Officers would also have the discretion to limit transport of these firearms to specific ranges or clubs only (i.e., not province-wide).

armes à feu visées par un droit acquis conformément à l'article 3(2). Le contrôleur des armes à feu aurait aussi le pouvoir discrétionnaire de limiter le transport de ces armes à feu pour vers des clubs et des champs de tir précis seulement (et non pas dans l'ensemble de la province).

Clause 4(2) comes into force by order of the Governor in Council, akin to clause 3(2).

L'article 4(2) entre en vigueur par décret du gouverneur en conseil, comme l'article 3(2).

Clause 4(3) amends subsections 19(2.1) to 19(2.3):

L'article 4(3) modifie les paragraphes 19(2.1) à 19(2.3) :

Subsection 19(2.1) currently provides that upon renewal of a licence with restricted or prohibited privileges, a Chief Firearms Officer must, subject to the exceptions in 19(2.3), automatically issue an ATT to and from the following places within the province:

Selon le paragraphe 19(2.1) actuel, sous réserve des exceptions prévues au paragraphe 19(2.3), lors du renouvellement d'un permis de possession d'armes à feu prohibées ou d'armes à feu à autorisation restreinte, le contrôleur des armes à feu doit délivrer une autorisation de transport automatique (ATA) qui permet au titulaire de les transporter, dans sa province de résidence :

- (a) all shooting clubs and ranges that are approved under section 29 of the Act;
- (b) a peace officer, firearms officer or chief firearms officer for verification, registration or disposal;
- (c) a business that holds a licence authorizing it to repair or appraise prohibited firearms or restricted firearms;
- (d) a gun show; and
- (e) a Canadian port of exit/entry.

- (a) vers tout club de tir et tout champ de tir agréés conformément à l'article 29, et à partir de ceux-ci;
- (b) vers tout lieu où se trouve un agent de la paix, un préposé aux armes à feu ou un contrôleur des armes à feu pour enregistrement, vérification ou disposition;
- (c) vers une entreprise titulaire d'un permis l'autorisant à réparer et à évaluer les armes à feu prohibées ou les armes à feu à autorisation restreinte, et à partir de celle-ci;
- (d) vers une exposition d'armes à feu, et à partir de celle-ci;
- (e) vers un port de sortie afin de les emporter à l'extérieur du Canada, et à partir d'un port d'entrée.

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Automatic authorization to transport — licence renewal

(2.1) An individual who holds a licence authorizing the individual to possess restricted firearms or handguns referred to in subsection 12(6.1) must, if the licence is renewed, be authorized to transport them within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29. However, the authorization does not apply to a restricted firearm or a handgun referred to in subsection 12(6.1) whose transfer to the individual was approved, in accordance with subparagraph 28(b)(ii), for the purpose of having it form part of a gun collection.

Automatic authorization to transport — transfer

(2.2) If a chief firearms officer has authorized the transfer of a prohibited firearm or a restricted firearm to an individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms, the individual must be authorized to transport the firearm within the individual's province of residence from the place where they acquire it to the place where they may possess it under section 17.

Automatic authorization to transport — transfer

(2.3) If a chief firearms officer has authorized the transfer of a restricted firearm or a handgun referred to in subsection 12(6.1) to an individual who holds a licence authorizing the individual to possess a restricted firearm or such a handgun, the individual must be authorized to transport their restricted firearm or handgun within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29, unless the transfer of the restricted firearm or handgun was approved, in accordance with subparagraph 28(b)(ii), for the purpose of having it form part of a gun collection.

2012, c. 6, s. 11; 2015, c. 27, s. 7

5 Sections 23 and 23.1 of the Act are replaced by the following:

Authorization to transfer non-restricted firearms

23 (1) A person may transfer one or more non-restricted firearms if, at the time of the transfer,

- (a) the transferee holds a licence authorizing the transferee to acquire and possess a non-restricted firearm;
- (b) the Registrar has, at the transferor's request, issued a reference number for the transfer and provided it to the transferor; and
- (c) the reference number is still valid.

Autorisation automatique de transport : renouvellement

(2.1) Le particulier titulaire d'un permis de possession d'armes à feu à autorisation restreinte ou d'armes de poing visées au paragraphe 12(6.1) doit, si son permis est renouvelé, être autorisé à les transporter, dans sa province de résidence, vers tout club de tir et tout champ de tir agréés conformément à l'article 29, et à partir de celui-ci. Toutefois, l'autorisation ne s'applique pas à l'arme à feu à autorisation restreinte ou à l'arme de poing dont la cession au particulier a été autorisée, en application du sous-alinéa 28b)(ii), à des fins de collection.

Autorisation automatique de transport : cession

(2.2) Si un contrôleur des armes à feu autorise la cession d'une arme à feu prohibée ou d'une arme à feu à autorisation restreinte à un particulier titulaire d'un permis de possession d'armes à feu prohibées ou d'armes à feu à autorisation restreinte, le particulier doit, dans sa province de résidence, être autorisé à transporter cette arme à feu du lieu de son acquisition au lieu où elle peut être gardée en vertu de l'article 17.

Autorisation automatique de transport : cession

(2.3) Si un contrôleur des armes à feu autorise la cession d'une arme à feu à autorisation restreinte ou d'une arme de poing visées au paragraphe 12(6.1) à un particulier titulaire d'un permis de possession d'armes à feu à autorisation restreinte ou d'une telle arme de poing, le particulier doit, dans sa province de résidence, être autorisé à transporter cette arme à feu vers tout club de tir et tout champ de tir agréés conformément à l'article 29, et à partir de ceux-ci, sauf si la cession de l'arme à feu à autorisation restreinte ou de l'arme de poing a été autorisée, en application du sous-alinéa 28b)(ii), à des fins de collection.

2012, ch. 6, art. 11; 2015, ch. 27, art. 7

5 Les articles 23 et 23.1 de la même loi sont remplacés par ce qui suit :

Cession d'armes à feu sans restriction

23 (1) La cession d'une ou de plusieurs armes à feu sans restriction est permise si, au moment où elle s'opère :

- a) le cessionnaire est effectivement titulaire d'un permis l'autorisant à acquérir et à posséder une arme à feu sans restriction;
- b) sur demande du cédant, le directeur a attribué un numéro de référence à la cession et a informé le cédant de ce numéro;
- c) le numéro de référence est toujours valide.

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Clause by Clause Analysis / Analyse article par article

Clause 4(3) replaces subsection 19(2.1) to require Chief Firearms Officers, upon renewing a licence authorizing the possession of restricted firearms or handguns referred to in subsection 12(6.1), to continue to automatically issue an ATT to and from all approved shooting clubs and ranges within the province for firearms acquired for the purpose of target practice or shooting. It also incorporates an exception that is currently included in subsection 19(2.3); namely that firearms acquired for gun collection are not eligible for automatic transport privileges to shooting clubs or ranges. Clause 4(3) also repeals the requirement to automatically authorize transport to the places listed in paragraphs 19(2.1) (b) to (e).

Subsection 19(2.2) currently provides that upon authorizing the transfer of a restricted or prohibited firearm, the Chief Firearms Officer must automatically issue an ATT, within the province:

- (a) from the place of acquisition to where they may possess it (e.g., dwelling house); and,
- (b) subject to the exceptions set out in subsection 19(2.3), to and from the places listed in paragraphs 19(2.1)(a) to (e) (see above).

L'article 4(3) remplace le paragraphe 19(2.1) et exige des contrôleurs des armes à feu, lors du renouvellement d'un permis autorisant la possession d'une arme à feu à autorisation restreinte ou une arme de poing visée au paragraphe 12(6.1), qu'ils continuent de délivrer une ATA vers les clubs de tir ou champs de tir agréés dans la province de résidence et à partir de ceux-ci, pour ce qui est des armes à feu acquises pour le tir à la cible. L'article 4(3) incorpore en outre une exception qui est actuellement prévue au paragraphe 19(2.3) : les armes à feu acquises à des fins de collection ne sont pas admissibles aux privilèges de transport automatique vers les clubs de tir ou champs de tir et à partir de ceux-ci. L'article 4(3) vient également abroger l'exigence selon laquelle le transport automatique vers les lieux énumérés aux alinéas 19(2.1)(b) à (e) et à partir de ceux-ci doit être autorisé.

Le paragraphe 19(2.2) prévoit actuellement qu'au moment d'autoriser la cession d'une arme à feu prohibée ou d'une arme à feu à autorisation restreinte, le contrôleur des armes à feu doit délivrer au particulier une ATA, qui lui permet de transporter cette arme à feu dans sa province de résidence :

- (a) du lieu de son acquisition au lieu où le particulier peut l'avoir en sa possession (p. ex. sa maison d'habitation ou tout lieu autorisé par le contrôleur des armes à feu);
- (b) sous réserve des exceptions énoncées au paragraphe 19(2.3), vers les lieux visés par les alinéas 19(2.1)(a) à (e) (voir ci-dessus), et à partir de ceux-ci.

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Automatic authorization to transport — licence renewal

(2.1) An individual who holds a licence authorizing the individual to possess restricted firearms or handguns referred to in subsection 12(6.1) must, if the licence is renewed, be authorized to transport them within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29. However, the authorization does not apply to a restricted firearm or a handgun referred to in subsection 12(6.1) whose transfer to the individual was approved, in accordance with subparagraph 28(b)(ii), for the purpose of having it form part of a gun collection.

Automatic authorization to transport — transfer

(2.2) If a chief firearms officer has authorized the transfer of a prohibited firearm or a restricted firearm to an individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms, the individual must be authorized to transport the firearm within the individual's province of residence from the place where they acquire it to the place where they may possess it under section 17.

Automatic authorization to transport — transfer

(2.3) If a chief firearms officer has authorized the transfer of a restricted firearm or a handgun referred to in subsection 12(6.1) to an individual who holds a licence authorizing the individual to possess a restricted firearm or such a handgun, the individual must be authorized to transport their restricted firearm or handgun within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29, unless the transfer of the restricted firearm or handgun was approved, in accordance with subparagraph 28(b)(ii), for the purpose of having it form part of a gun collection.

2012, c. 6, s. 11; 2015, c. 27, s. 7

5 Sections 23 and 23.1 of the Act are replaced by the following:

Authorization to transfer non-restricted firearms

23 (1) A person may transfer one or more non-restricted firearms if, at the time of the transfer,

- (a)** the transferee holds a licence authorizing the transferee to acquire and possess a non-restricted firearm;
- (b)** the Registrar has, at the transferor's request, issued a reference number for the transfer and provided it to the transferor; and
- (c)** the reference number is still valid.

Autorisation automatique de transport : renouvellement

(2.1) Le particulier titulaire d'un permis de possession d'armes à feu à autorisation restreinte ou d'armes de poing visées au paragraphe 12(6.1) doit, si son permis est renouvelé, être autorisé à les transporter, dans sa province de résidence, vers tout club de tir et tout champ de tir agréés conformément à l'article 29, et à partir de celui-ci. Toutefois, l'autorisation ne s'applique pas à l'arme à feu à autorisation restreinte ou à l'arme de poing dont la cession au particulier a été autorisée, en application du sous-alinéa 28b)(ii), à des fins de collection.

Autorisation automatique de transport : cession

(2.2) Si un contrôleur des armes à feu autorise la cession d'une arme à feu prohibée ou d'une arme à feu à autorisation restreinte à un particulier titulaire d'un permis de possession d'armes à feu prohibées ou d'armes à feu à autorisation restreinte, le particulier doit, dans sa province de résidence, être autorisé à transporter cette arme à feu du lieu de son acquisition au lieu où elle peut être gardée en vertu de l'article 17.

Autorisation automatique de transport : cession

(2.3) Si un contrôleur des armes à feu autorise la cession d'une arme à feu à autorisation restreinte ou d'une arme de poing visées au paragraphe 12(6.1) à un particulier titulaire d'un permis de possession d'armes à feu à autorisation restreinte ou d'une telle arme de poing, le particulier doit, dans sa province de résidence, être autorisé à transporter cette arme à feu vers tout club de tir et tout champ de tir agréés conformément à l'article 29, et à partir de ceux-ci, sauf si la cession de l'arme à feu à autorisation restreinte ou de l'arme de poing a été autorisée, en application du sous-alinéa 28b)(ii), à des fins de collection.

2012, ch. 6, art. 11; 2015, ch. 27, art. 7

5 Les articles 23 et 23.1 de la même loi sont remplacés par ce qui suit :

Cession d'armes à feu sans restriction

23 (1) La cession d'une ou de plusieurs armes à feu sans restriction est permise si, au moment où elle s'opère :

- a)** le cessionnaire est effectivement titulaire d'un permis l'autorisant à acquérir et à posséder une arme à feu sans restriction;
- b)** sur demande du cédant, le directeur a attribué un numéro de référence à la cession et a informé le cédant de ce numéro;
- c)** le numéro de référence est toujours valide.

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et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

Clause 4(3) replaces subsection 19(2.2) to require Chief Firearms Officers, upon authorizing the transfer of a prohibited or restricted firearm, to continue to automatically issue an ATT within the province from the place of acquisition to where the person may possess it, such as their dwelling house.

L'article 4(3) remplace le paragraphe 19(2.2) : le contrôleur des armes à feu doit, au moment d'autoriser la cession d'une arme à feu prohibée ou d'une arme à feu à autorisation restreinte, continuer de délivrer une ATA dans la province de résidence du titulaire du permis du lieu de son acquisition au lieu où le particulier peut l'avoir en sa possession, comme sa maison d'habitation.

Clause 4(3) also replaces subsection 19(2.3) to require Chief Firearms Officers, upon authorizing the transfer of a restricted firearm or a prohibited handgun described in subsection 12(6.1) for use in target practice or shooting, to continue to automatically issue an ATT within the province to and from all approved shooting clubs and ranges.

L'article 4(3) remplace également le paragraphe 19(2.3) et oblige le contrôleur des armes à feu, au moment d'autoriser la cession d'une arme à feu à autorisation restreinte ou d'une arme de poing prohibée décrite au paragraphe 12(6.1) pour le tir à la cible ou une compétition de tir, à continuer de délivrer une ATA dans la province de résidence, qui autorise le titulaire à transporter l'arme vers tous les clubs de tir ou champs de tir agréés et à partir de ceux-ci.

Clause 4(3) comes into force by order of the Governor in Council.

L'article 4(3) entre en vigueur par décret du gouverneur en conseil.

The effect of the amendments to subsections 19(2.1) to (2.3) made by clause 4(3) is to repeal the requirement that a Chief Firearms Officer, when authorizing the transfer of a restricted or prohibited firearm or renewing a licence for individuals in possession of such firearms, automatically issue an ATT to and from:

L'incidence des modifications aux paragraphes 19(2.1) à (2.3) par l'article 4(3) est l'annulation de l'exigence selon laquelle les contrôleurs des armes à feu, lorsqu'ils autorisent la cession d'une arme à feu prohibée ou d'une arme à feu à autorisation restreinte ou renouvellent un permis pour les personnes en possession de ces types d'arme à feu, doivent délivrer une ATA vers :

- a business licenced by the CFO to repair or appraise restricted or prohibited firearms;
- a gun show;

- une entreprise titulaire d'un permis l'autorisant à réparer et à évaluer les armes à feu prohibées ou les armes à feu à autorisation restreinte;
- une exposition d'armes à feu, et à partir de celle-ci;
- un port de sortie afin de les emporter à

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Automatic authorization to transport — licence renewal

(2.1) An individual who holds a licence authorizing the individual to possess restricted firearms or handguns referred to in subsection 12(6.1) must, if the licence is renewed, be authorized to transport them within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29. However, the authorization does not apply to a restricted firearm or a handgun referred to in subsection 12(6.1) whose transfer to the individual was approved, in accordance with subparagraph 28(b)(ii), for the purpose of having it form part of a gun collection.

Automatic authorization to transport — transfer

(2.2) If a chief firearms officer has authorized the transfer of a prohibited firearm or a restricted firearm to an individual who holds a licence authorizing the individual to possess prohibited firearms or restricted firearms, the individual must be authorized to transport the firearm within the individual's province of residence from the place where they acquire it to the place where they may possess it under section 17.

Automatic authorization to transport — transfer

(2.3) If a chief firearms officer has authorized the transfer of a restricted firearm or a handgun referred to in subsection 12(6.1) to an individual who holds a licence authorizing the individual to possess a restricted firearm or such a handgun, the individual must be authorized to transport their restricted firearm or handgun within the individual's province of residence to and from all shooting clubs and shooting ranges that are approved under section 29, unless the transfer of the restricted firearm or handgun was approved, in accordance with subparagraph 28(b)(ii), for the purpose of having it form part of a gun collection.

2012, c. 6, s. 11; 2015, c. 27, s. 7

5 Sections 23 and 23.1 of the Act are replaced by the following:

Authorization to transfer non-restricted firearms

23 (1) A person may transfer one or more non-restricted firearms if, at the time of the transfer,

- (a) the transferee holds a licence authorizing the transferee to acquire and possess a non-restricted firearm;
- (b) the Registrar has, at the transferor's request, issued a reference number for the transfer and provided it to the transferor; and
- (c) the reference number is still valid.

Autorisation automatique de transport : renouvellement

(2.1) Le particulier titulaire d'un permis de possession d'armes à feu à autorisation restreinte ou d'armes de poing visées au paragraphe 12(6.1) doit, si son permis est renouvelé, être autorisé à les transporter, dans sa province de résidence, vers tout club de tir et tout champ de tir agréés conformément à l'article 29, et à partir de celui-ci. Toutefois, l'autorisation ne s'applique pas à l'arme à feu à autorisation restreinte ou à l'arme de poing dont la cession au particulier a été autorisée, en application du sous-alinéa 28b)(ii), à des fins de collection.

Autorisation automatique de transport : cession

(2.2) Si un contrôleur des armes à feu autorise la cession d'une arme à feu prohibée ou d'une arme à feu à autorisation restreinte à un particulier titulaire d'un permis de possession d'armes à feu prohibées ou d'armes à feu à autorisation restreinte, le particulier doit, dans sa province de résidence, être autorisé à transporter cette arme à feu du lieu de son acquisition au lieu où elle peut être gardée en vertu de l'article 17.

Autorisation automatique de transport : cession

(2.3) Si un contrôleur des armes à feu autorise la cession d'une arme à feu à autorisation restreinte ou d'une arme de poing visées au paragraphe 12(6.1) à un particulier titulaire d'un permis de possession d'armes à feu à autorisation restreinte ou d'une telle arme de poing, le particulier doit, dans sa province de résidence, être autorisé à transporter cette arme à feu vers tout club de tir et tout champ de tir agréés conformément à l'article 29, et à partir de ceux-ci, sauf si la cession de l'arme à feu à autorisation restreinte ou de l'arme de poing a été autorisée, en application du sous-alinéa 28b)(ii), à des fins de collection.

2012, ch. 6, art. 11; 2015, ch. 27, art. 7

5 Les articles 23 et 23.1 de la même loi sont remplacés par ce qui suit :

Cession d'armes à feu sans restriction

23 (1) La cession d'une ou de plusieurs armes à feu sans restriction est permise si, au moment où elle s'opère :

- a) le cessionnaire est effectivement titulaire d'un permis l'autorisant à acquérir et à posséder une arme à feu sans restriction;
- b) sur demande du cédant, le directeur a attribué un numéro de référence à la cession et a informé le cédant de ce numéro;
- c) le numéro de référence est toujours valide.

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- a Canadian point of entry or exit; and
- a peace officer, firearms officer or the CFO for verification, registration or disposal.

l'extérieur du Canada, et à partir d'un port d'entrée;

- tout lieu où se trouve un agent de la paix, un préposé aux armes à feu ou un contrôleur des armes à feu pour enregistrement, vérification ou disposition, et à partir de celui-ci.

The amendments re-instate the requirement for an individual to make separate applications seeking authority to the transport restricted and prohibited firearms to and from the above-listed places.

Les modifications viennent rétablir l'exigence selon laquelle les particuliers doivent présenter des demandes distinctes pour obtenir l'autorisation de transporter des armes à feu prohibées et des armes à feu à autorisation restreinte vers les lieux susmentionnés et à partir de ceux-ci.

CLAUSE 5: Amendments to sections 23 and 23.1 - Authorization to transfer non-restricted firearms

ARTICLE 5 : Modifications aux articles 23 et 23.1 – Cession d'armes à feu sans restriction

Section 23 provides that a business or individual may transfer a non-restricted firearm if the transferee (individual acquiring the firearm) holds a licence and the transferor (individual or businesses selling/giving the firearm) "has no reason to believe" the transferee is not authorized to acquire and possess that type of firearm.

Selon l'article 23, une entreprise ou un particulier peut céder une arme à feu sans restriction si le cessionnaire (le particulier qui acquiert l'arme à feu) est titulaire d'un permis et que le cédant (particulier ou entreprise vendant ou donnant l'arme à feu) « n'a aucun motif de croire » que le cessionnaire n'est pas autorisé à acquérir et à posséder une telle arme à feu.

Clause 5 amends section 23 to clarify that the section refers to the transfer of "one or more non-restricted firearms".

L'article 5 modifie l'article 23 pour préciser que celui-ci vise la cession « d'une ou plusieurs armes à feu ».

Section 23.1 provides that a transferor may make a voluntary request to the Registrar of Firearms regarding the status of a transferee's licence.

Selon l'article 23.1, le cédant peut présenter une demande volontaire au directeur de l'enregistrement des armes à feu concernant l'état du permis du cessionnaire.

Clause 5 replaces section 23 and section 23.1 to require businesses and individuals transferring non-restricted firearms to ensure that the person acquiring the firearm has a valid licence which has been verified by the Registrar of Firearms.

L'article 5 remplace les articles 23 et 23.1 pour exiger que les entreprises et les particuliers qui cèdent des armes à feu sans restriction s'assurent que la personne qui acquiert l'arme à feu est titulaire d'un permis valide vérifié par le directeur de l'enregistrement des armes à feu.

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Information — transferee's licence

(2) The transferee shall provide to the transferor the prescribed information that relates to the transferee's licence, for the purpose of enabling the transferor to request that the Registrar issue a reference number for the transfer.

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Reference number

(3) The Registrar shall issue a reference number if he or she is satisfied that the transferee holds and is still eligible to hold a licence authorizing them to acquire and possess a non-restricted firearm.

Period of validity

(4) A reference number is valid for the prescribed period.

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Registrar not satisfied

(5) If the Registrar is not satisfied as set out in subsection (3), he or she may so inform the transferor.

2015, c. 27, s. 11

6 Subsection 54(1) of the Act is replaced by the following:

Applications

54 (1) A licence, registration certificate or authorization, other than an authorization referred to in subsection 19(2.1), (2.2) or (2.3), may be issued only on application made in the prescribed form — which form may be in writing or electronic — or in the prescribed manner. The application must set out the prescribed information and be accompanied by payment of the prescribed fees.

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7 The Act is amended by adding the following after section 58:

Conditions — licence issued to business

58.1 (1) A chief firearms officer who issues a licence to a business must attach the following conditions to the licence:

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(a) the business must record and, for the prescribed period, keep the prescribed information that relates to the business' possession and disposal of non-restricted firearms;

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(b) the business must record and — for a period of 20 years from the day on which the business transfers a non-restricted firearm, or for a longer period that may be prescribed — keep the following information in respect of the transfer:

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Renseignements liés au permis du cessionnaire

(2) Le cessionnaire fournit au cédant les renseignements réglementaires liés à son permis afin que ce dernier puisse demander au directeur d'attribuer un numéro de référence à la cession.

Numéro de référence

(3) Le directeur attribue un numéro de référence s'il est convaincu que le cessionnaire est titulaire d'un permis l'autorisant à acquérir et à posséder une arme à feu sans restriction et y est toujours admissible.

Période de validité

(4) Le numéro de référence est valide pour la période réglementaire.

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Directeur pas convaincu

(5) Si le directeur n'est pas convaincu de ce qui est prévu au paragraphe (3), il peut en informer le cédant.

2015, ch. 27, art. 11

6 Le paragraphe 54(1) de la même loi est remplacé par ce qui suit :

Dépôt d'une demande

54 (1) La délivrance des permis, des autorisations — autres que celles visées aux paragraphes 19(2.1), (2.2) ou (2.3) — et des certificats d'enregistrement est subordonnée au dépôt d'une demande présentée en la forme réglementaire — écrite ou électronique — ou selon les modalités réglementaires et accompagnée des renseignements réglementaires, et à l'acquittement des droits réglementaires.

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7 La même loi est modifiée par adjonction, après l'article 58, de ce qui suit :

Conditions : permis délivré à une entreprise

58.1 (1) Le contrôleur des armes à feu qui délivre un permis à une entreprise assortit ce permis des conditions suivantes :

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a) l'entreprise est tenue de noter et de conserver, pendant la période réglementaire, les renseignements réglementaires liés à la possession d'armes à feu sans restriction et à leur disposition;

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b) l'entreprise est tenue de noter et de conserver, pendant vingt ans ou pour une période supérieure prévue par règlement à compter de la date de la cession d'une arme à feu sans restriction, les renseignements suivants :

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Clause by Clause Analysis / Analyse article par article

Clause 5 explicitly requires that:

- a person wishing to acquire the non-restricted firearm provide the transferor with their licence information;
- the Registrar issue a reference number where the licence is confirmed as valid;
- a person may transfer a non-restricted firearm if the Registrar has issued the transferor a reference number; and the reference number is still valid (validity period to be prescribed).

Clause 5 also provides that where the Registrar is not satisfied that the licence is valid, the Registrar may inform the transferor.

This provision ensures that only those authorized to possess non-restricted firearms have lawful access to such firearms.

Clause 5 comes into force by order of Governor in Council.

CLAUSE 6: Amendment to Subsection 54(1) - Applications

Subsection 54(1) sets out that authorizations, in most cases, may only be issued on application made in the prescribed form or prescribed manner.

L'article 5 exige explicitement :

- qu'une personne qui souhaite acquérir une arme à feu sans restriction fournisse au cédant les renseignements relatifs à son permis;
- que le directeur transmette un numéro de référence confirmant la validité du permis;
- qu'une personne soit autorisée à céder une arme à feu sans restriction si le directeur lui a transmis un numéro de référence, et que ce numéro de référence est toujours valide (période de validité à prescrire par règlement).

L'article 5 prévoit également que dans l'éventualité où le directeur ne serait pas convaincu de la validité du permis, il peut en informer le cédant.

Il s'agit d'une disposition qui fait en sorte que seules les personnes autorisées à être en possession d'une arme à feu sans restriction aient un accès légitime à ce type d'arme à feu par voie de cession.

L'article 5 entre en vigueur par décret du gouverneur en conseil.

ARTICLE 6 : Modification au paragraphe 54(1) – Demandes

Le paragraphe 54(1) établit que les autorisations, dans la plupart des cas, ne peuvent être délivrées que si une demande est présentée en la forme réglementaire ou selon les modalités réglementaires.

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Information — transferee's licence

(2) The transferee shall provide to the transferor the prescribed information that relates to the transferee's licence, for the purpose of enabling the transferor to request that the Registrar issue a reference number for the transfer.

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Reference number

(3) The Registrar shall issue a reference number if he or she is satisfied that the transferee holds and is still eligible to hold a licence authorizing them to acquire and possess a non-restricted firearm.

Period of validity

(4) A reference number is valid for the prescribed period.

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Registrar not satisfied

(5) If the Registrar is not satisfied as set out in subsection (3), he or she may so inform the transferor.

2015, c. 27, s. 11

6 Subsection 54(1) of the Act is replaced by the following:

Applications

54 (1) A licence, registration certificate or authorization, other than an authorization referred to in subsection 19(2.1), (2.2) or (2.3), may be issued only on application made in the prescribed form — which form may be in writing or electronic — or in the prescribed manner. The application must set out the prescribed information and be accompanied by payment of the prescribed fees.

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7 The Act is amended by adding the following after section 58:

Conditions — licence issued to business

58.1 (1) A chief firearms officer who issues a licence to a business must attach the following conditions to the licence:

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(a) the business must record and, for the prescribed period, keep the prescribed information that relates to the business' possession and disposal of non-restricted firearms;

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(b) the business must record and — for a period of 20 years from the day on which the business transfers a non-restricted firearm, or for a longer period that may be prescribed — keep the following information in respect of the transfer:

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Renseignements liés au permis du cessionnaire

(2) Le cessionnaire fournit au cédant les renseignements réglementaires liés à son permis afin que ce dernier puisse demander au directeur d'attribuer un numéro de référence à la cession.

Numéro de référence

(3) Le directeur attribue un numéro de référence s'il est convaincu que le cessionnaire est titulaire d'un permis l'autorisant à acquérir et à posséder une arme à feu sans restriction et y est toujours admissible.

Période de validité

(4) Le numéro de référence est valide pour la période réglementaire.

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Directeur pas convaincu

(5) Si le directeur n'est pas convaincu de ce qui est prévu au paragraphe (3), il peut en informer le cédant.

2015, ch. 27, art. 11

6 Le paragraphe 54(1) de la même loi est remplacé par ce qui suit :

Dépôt d'une demande

54 (1) La délivrance des permis, des autorisations — autres que celles visées aux paragraphes 19(2.1), (2.2) ou (2.3) — et des certificats d'enregistrement est subordonnée au dépôt d'une demande présentée en la forme réglementaire — écrite ou électronique — ou selon les modalités réglementaires et accompagnée des renseignements réglementaires, et à l'acquittement des droits réglementaires.

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7 La même loi est modifiée par adjonction, après l'article 58, de ce qui suit :

Conditions : permis délivré à une entreprise

58.1 (1) Le contrôleur des armes à feu qui délivre un permis à une entreprise assortit ce permis des conditions suivantes :

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a) l'entreprise est tenue de noter et de conserver, pendant la période réglementaire, les renseignements réglementaires liés à la possession d'armes à feu sans restriction et à leur disposition;

30

b) l'entreprise est tenue de noter et de conserver, pendant vingt ans ou pour une période supérieure prévue par règlement à compter de la date de la cession d'une arme à feu sans restriction, les renseignements suivants :

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Clause 6, due to the restructuring of section 19 under clause 4, makes a technical amendment to except, from the requirement for an application, an authorization to transport that is automatically issued by a Chief Firearms Officer when authorizing a transfer of a firearm for the purpose of target practice or shooting.

L'article 6, en raison de la restructuration de l'article 19 sous l'article 4 des présentes, apporte une modification technique pour exempter, l'autorisation de transporter délivrée automatiquement par le contrôleur des armes à feu au moment de l'autorisation d'une cession pour le tir à la cible ou la participation à une compétition de tir, de l'exigence qu'une telle demande soit faite sous la forme réglementaire.

Clause 6 comes into force by order of Governor in Council.

L'article 6 entre en vigueur par décret du gouverneur en conseil.

**CLAUSE 7: Creation of Section 58.1 –
Conditions – licence issued to business**

**ARTICLE 7 : Création de l'article 58.1 –
Conditions – permis délivré à une entreprise**

Section 58 sets out that a Chief Firearms Officer who issues a licence...may attach any reasonable condition that he or she considers desirable in the circumstances and in the interests of public safety.

Selon l'article 58, le contrôleur des armes à feu qui délivre un permis peut préciser des conditions qu'il juge souhaitables dans les circonstances et dans l'intérêt de la sécurité publique.

Clause 7 creates section 58.1 to set out the scheme under which businesses will be required by a Chief Firearms Officer, as a condition on their business licence, to record and retain information pertaining to non-restricted firearms.

L'article 7 des présentes vient créer l'article 58.1, qui établira le régime selon lequel les entreprises se verront obligées par le contrôleur des armes à feu, en fonction des conditions assorties à leur permis d'entreprise, d'enregistrer et de conserver certains renseignements sur les armes à feu sans restriction.

Clause 7 makes subsection 58.1(1) to obligate a Chief Firearms Officer who issues a licence to a business, to require that the business, as a condition on their licence, record prescribed information related to the non-restricted firearms in its inventory and the manner in which it disposes of such firearms. Where the business transfers ownership of a firearm, the business must record for a minimum period of 20 years:

L'article 7 fait en sorte que le paragraphe 58.1(1) oblige le contrôleur des armes à feu qui délivre un permis à une entreprise à exiger que l'entreprise, en fonction d'une condition précisée sur son permis, enregistre certains renseignements sur l'arme à feu sans restriction dans son inventaire et sur la façon de disposer de ce type d'armes à feu. Dans les cas où une entreprise cède une arme à feu, celle-ci doit conserver, pendant une période minimale de 20 ans :

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- (i) the reference number issued by the Registrar,
- (ii) the day on which the reference number was issued,
- (iii) the transferee's licence number, and
- (iv) the firearm's make, model and type and, if any, its serial number; and

(c) the business must, unless otherwise directed by a chief firearms officer, transmit any records containing the information referred to in paragraph (a) or (b) to a prescribed official if it is determined that the business will cease to be a business. 10

Destruction of records

(2) The prescribed official may destroy the records transmitted to them under paragraph (1)(c) at the times and in the circumstances that may be prescribed.

2015, c. 27, s. 13(1)

8 Subsection 61(3.1) of the Act is replaced by the following: 15

Automatic authorization to transport

(3.1) An authorization to transport referred to in subsection 19(1.1), (2.1), (2.2) or (2.3) must take the form of a condition attached to a licence.

9 Paragraph 70(1)(a) of the Act is amended by 20 adding the following after subparagraph (i):

- (i.1) transfers, as defined in section 21, a non-restricted firearm other than in accordance with section 23,

10 (1) The portion of subsection 85(1) of the 25 French version of the Act before subparagraph (a)(i) is replaced by the following:

Autres registres du directeur

85 (1) Le directeur établit un registre :

- a) des armes à feu acquises ou détenues par les personnes précisées ci-après et utilisées par celles-ci dans le cadre de leurs fonctions : 30

- (i) le numéro de référence attribué par le directeur,
- (ii) la date à laquelle le numéro de référence a été attribué,
- (iii) le numéro de permis du cessionnaire,
- (iv) la marque, le modèle et le type de l'arme à feu et, s'il y a lieu, son numéro de série;

c) l'entreprise est tenue de transmettre, à moins d'instructions contraires du contrôleur des armes à feu, tout registre ou fichier contenant les renseignements visés aux alinéas a) ou b) à la personne désignée par règlement s'il est déterminé que l'entreprise cessera d'en être une. 10

Destruction des registres et fichiers

(2) La personne désignée par règlement peut détruire les registres et fichiers qui lui sont transmis au titre de l'alinéa (1)c) selon les modalités de temps et dans les situations prévues par règlement. 15

2015, ch. 27, par. 13(1)

8 Le paragraphe 61(3.1) de la même loi est remplacé par ce qui suit :

Autorisation automatique de transport

(3.1) Les autorisations de transport visées aux paragraphes 19(1.1), (2.1), (2.2) ou (2.3) prennent la forme d'une condition d'un permis. 20

1895, ch. 39, al. 137b)

9 L'alinéa 70(1)a) de la même loi est remplacé par ce qui suit :

- a) le titulaire soit ne peut plus ou n'a jamais pu être titulaire du permis ou de l'autorisation, soit cède, au sens de l'article 21, une arme à feu sans restriction autrement que conformément à l'article 23, soit enfreint une condition du permis ou de l'autorisation, soit encore a été déclaré coupable ou absous en application de l'article 730 du *Code criminel* d'une infraction visée à l'alinéa 5(2)a); 30

10 (1) Le passage du paragraphe 85(1) de la 25 version française de la même loi précédant le sous-alinéa a)(i) est remplacé par ce qui suit :

Autres registres du directeur

85 (1) Le directeur établit un registre :

- a) des armes à feu acquises ou détenues par les personnes précisées ci-après et utilisées par celles-ci dans le cadre de leurs fonctions : 35

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| <ul style="list-style-type: none">• the reference number issued by the Registrar (confirming the transferee's licence is valid) and the day on which the reference number was issued (as required per Clause 5 - above);• the transferee's licence number; and• the make, model, type and, if available its serial number. | <ul style="list-style-type: none">• le numéro de référence délivré par le directeur (confirmant que le permis du cessionnaire est valide) et la date à laquelle le numéro de référence a été délivré (en vertu de l'article 5, ci-dessus);• le numéro de permis du cessionnaire; et• la marque, le modèle et le type de l'arme à feu, ainsi que son numéro de série, s'il est accessible. |
|--|---|

Further, to ensure that records are not lost when a business closes, the business will be required, as a condition on their licence, to submit these records to a prescribed official unless directed otherwise by a Chief Firearms Officer.

Par ailleurs, pour faire en sorte que les dossiers ne soient pas perdus au moment de la fermeture d'une entreprise, celle-ci sera tenue, en fonction d'une condition précisée sur son permis, de soumettre ces dossiers à un représentant désigné, à moins d'indication contraire du contrôleur des armes à feu.

Clause 7 also makes subsection 58.1(2) to add that the prescribed official who is charged with keeping any records it receives from a closed business may destroy the records in circumstances that may be prescribed.

L'article 7 ajoute au paragraphe 58.1(2) la précision que l'agent désigné chargé de la conservation des dossiers reçus d'une entreprise qui cesse ses activités peut détruire les dossiers dans les situations prévues par règlement.

Clause 7 comes into force by order of Governor in Council.

L'article 7 entre en vigueur par décret du gouverneur en conseil.

CLAUSE 8: Amendment to Subsection 61(3.1) – Automatic authorization to transport

ARTICLE 8 : Modifications au paragraphe 61(3.1) – Autorisation de transport automatique

Subsection 61(3) sets out that an authorization to transport may take the form of a condition attached to a licence.

Le paragraphe 61(3) prévoit que les autorisations de transport peuvent prendre la forme d'une condition d'un permis.

Clause 8 makes a technical amendment, given the restructuring of section 19 under clause 4, to ensure that an authorization to transport that is automatically issued by a Chief Firearms Officer takes the form of a condition attached to a licence.

L'article 8 apporte une modification de forme, en raison de la restructuration de l'article 19 en vertu de l'article 4 des présentes, pour s'assurer que l'autorisation de transport qui est automatiquement délivrée par le contrôleur des armes à feu prend la forme d'une condition d'un permis.

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- (i) the reference number issued by the Registrar,
- (ii) the day on which the reference number was issued,
- (iii) the transferee's licence number, and
- (iv) the firearm's make, model and type and, if any, 5 its serial number; and

(c) the business must, unless otherwise directed by a chief firearms officer, transmit any records containing the information referred to in paragraph (a) or (b) to a prescribed official if it is determined that the business 10 will cease to be a business.

Destruction of records

(2) The prescribed official may destroy the records transmitted to them under paragraph (1)(c) at the times and in the circumstances that may be prescribed.

2015, c. 27, s. 13(1)

8 Subsection 61(3.1) of the Act is replaced by the 15 following:

Automatic authorization to transport

(3.1) An authorization to transport referred to in subsection 19(1.1), (2.1), (2.2) or (2.3) must take the form of a condition attached to a licence.

9 Paragraph 70(1)(a) of the Act is amended by 20 adding the following after subparagraph (i):

- (i.1) transfers, as defined in section 21, a non-restricted firearm other than in accordance with section 23,

10 (1) The portion of subsection 85(1) of the 25 French version of the Act before subparagraph (a)(i) is replaced by the following:

Autres registres du directeur

85 (1) Le directeur établit un registre :

- a) des armes à feu acquises ou détenues par les personnes précisées ci-après et utilisées par celles-ci dans 30 le cadre de leurs fonctions :

- (i) le numéro de référence attribué par le directeur,
- (ii) la date à laquelle le numéro de référence a été attribué,
- (iii) le numéro de permis du cessionnaire,
- (iv) la marque, le modèle et le type de l'arme à feu 5 et, s'il y a lieu, son numéro de série;

c) l'entreprise est tenue de transmettre, à moins d'instructions contraires du contrôleur des armes à feu, tout registre ou fichier contenant les renseignements visés aux alinéas a) ou b) à la personne désignée par 10 règlement s'il est déterminé que l'entreprise cessera d'en être une.

Destruction des registres et fichiers

(2) La personne désignée par règlement peut détruire les registres et fichiers qui lui sont transmis au titre de l'alinéa (1)c) selon les modalités de temps et dans les situa- 15 tions prévues par règlement.

2015, ch. 27, par. 13(1)

8 Le paragraphe 61(3.1) de la même loi est rem- 15 placé par ce qui suit :

Autorisation automatique de transport

(3.1) Les autorisations de transport visées aux paragraphes 19(1.1), (2.1), (2.2) ou (2.3) prennent la forme 20 d'une condition d'un permis.

1995, ch. 39, al. 137b)

9 L'alinéa 70(1)a) de la même loi est remplacé 20 par ce qui suit :

- a) le titulaire soit ne peut plus ou n'a jamais pu être titulaire du permis ou de l'autorisation, soit cède, au 25 sens de l'article 21, une arme à feu sans restriction autrement que conformément à l'article 23, soit enfreint une condition du permis ou de l'autorisation, soit encore a été déclaré coupable ou absous en application de l'article 730 du *Code criminel* d'une infraction visée 30 à l'alinéa 5(2)a);

10 (1) Le passage du paragraphe 85(1) de la ver- 25 sion française de la même loi précédant le sous-alinéa a)(i) est remplacé par ce qui suit :

Autres registres du directeur

85 (1) Le directeur établit un registre :

- a) des armes à feu acquises ou détenues par les personnes précisées ci-après et utilisées par celles-ci dans 35 le cadre de leurs fonctions :

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Clause 8 comes into force by order of Governor in Council.

L'article 8 entre en vigueur par décret du gouverneur en conseil.

**CLAUSE 9: Amendment to section 70 –
Revocation of licence or authorization**

**ARTICLE 9 : Modification à l'article 70 –
Révocation : permis et autorisations**

Subsection 70(1) sets out that a Chief Firearms Officer has the discretion to revoke a licence or an authorization for any good and sufficient reason, including, among other reasons, where the holder

Le paragraphe 70(1) prévoit qu'un contrôleur des armes à feu a l'autorité de révoquer un permis ou une autorisation pour toute raison valable, notamment lorsque le titulaire

- is no longer or never was eligible to hold the licence or authorization; or
- contravenes any condition attached to the licence or authorization.

- ne peut plus ou n'a jamais pu être titulaire du permis ou de l'autorisation; ou
- enfreint une condition du permis ou de l'autorisation.

Clause 9 adds subparagraph 70(1)(a)(i.1) to make it explicit that a Chief Firearms Officer is authorized to revoke a licence where the holder contravenes the transfer requirements for a non-restricted firearm set out in Clause 5 (above).

L'article 9 ajoute le sous-alinéa 70(1)(a)(i.1) pour préciser que le contrôleur des armes à feu est autorisé à révoquer un permis lorsque le titulaire enfreint les exigences liées à la cession d'une arme à feu sans restriction énoncées à l'article 5 ci-dessus.

Clause 9 comes into force by order of Governor in Council.

L'article 9 entre en vigueur par décret du gouverneur en conseil.

**CLAUSE 10: Amendments to Section 85 –
Other records of the Registrar**

**ARTICLE 10 : Modifications à l'article 85 –
Autres registres du directeur**

Section 85 requires that the Registrar of Firearms maintain records as they relate to firearms that are in the possession of public agencies (e.g., police forces, departments of the Government of Canada).

L'article 85 exige que le directeur établisse un registre des armes à feu qui sont détenues par les organismes publics (p. ex. services de police, ministères du gouvernement du Canada).

Clauses 10(1) and (2) make clarifying amendments to paragraphs 85(1)(a) and (b) in the French version of the *Firearms Act* to align with the English.

Les articles 10(1) et (2) apportent des modifications de clarification aux alinéas 85(1)(a) et (b) de la version française afin qu'elle corresponde à la version anglaise.

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(2) Paragraph 85(1)(b) of the French version of the Act is replaced by the following:

b) des armes à feu acquises ou détenues par des particuliers sous les ordres et pour le compte des forces policières ou d'un ministère fédéral ou provincial; 5

(3) Subsection 85(1) of the Act is amended by striking out "and" at the end of paragraph (a) and by adding the following after paragraph (b):

(c) every request for a reference number made to the Registrar under section 23 and, if the request is refused, the reasons for refusing the request; and 10

(d) every reference number that is issued by the Registrar under subsection 23(3) and, with respect to each reference number, the day on which it was issued and the licence numbers of the transferor and transferee. 15

(4) Subsection 85(2) of the Act is replaced by the following:

Reporting of acquisitions and transfers

(2) A person referred to in paragraph (1)(a) or (b) who acquires or transfers a firearm shall have the Registrar informed of the acquisition or transfer. 20

2012, c. 6, s. 25

11 Section 90.1 of the Act is repealed.

12 The portion of section 109 of the Act before paragraph (a) is replaced by the following:

Punishment

109 Every person who commits an offence under section 106, 107 or 108, who contravenes subsection 29(1) or who contravenes a regulation made under paragraph 117(d), (e), (f), (g), (i), (j), (k.2), (l), (m) or (n) the contravention of which has been made an offence under paragraph 117(o) 25

13 (1) Section 117 of the Act is amended by adding the following after paragraph (c): 30

(c.1) regulating, for the purpose of issuing a reference number under section 23, the provision of information by a transferor, a transferee and the Registrar;

(2) Paragraph 117(m) of the Act is replaced by the following: 35

(m) regulating the keeping, transmission and destruction of records in relation to firearms, prohibited

(2) L'alinéa 85(1)b) de la version française de la même loi est remplacé par ce qui suit :

b) des armes à feu acquises ou détenues par des particuliers sous les ordres et pour le compte des forces policières ou d'un ministère fédéral ou provincial; 5

(3) Le paragraphe 85(1) de la même loi est modifié par adjonction, après l'alinéa b), de ce qui suit :

c) des demandes d'attribution de numéro de référence que reçoit le directeur au titre de l'article 23 et, si la demande est refusée, les raisons du refus; 10

d) des numéros de référence attribués par le directeur au titre du paragraphe 23(3) et, à l'égard de chaque numéro de référence attribué, la date à laquelle le numéro de référence a été attribué et les numéros de permis du cédant et du cessionnaire, 15

(4) Le paragraphe 85(2) de la même loi est remplacé par ce qui suit :

Signalement des acquisitions ou cessions

(2) Toute personne visée aux alinéas (1)a) ou b) fait notifier au directeur toute acquisition ou tout transfert d'armes à feu qu'elle effectue. 20

2012, ch. 6, art. 25

11 L'article 90.1 de la même loi est abrogé.

12 Le passage de l'article 109 de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

Peine

109 Quiconque contrevient aux articles 106, 107 ou 108 ou au paragraphe 29(1) ou à un règlement d'application des alinéas 117d), e), f), g), i), j), k.2), l), m) ou n) dont la contravention est devenue une infraction aux termes de l'alinéa 117o) est coupable : 25

13 (1) L'article 117 de la même loi est modifié par adjonction, après l'alinéa c), de ce qui suit : 30

c.1) régir, aux fins de l'attribution d'un numéro de référence au titre de l'article 23, la fourniture des renseignements par le cédant, le cessionnaire et le directeur;

(2) L'alinéa 117m) de la même loi est remplacé par ce qui suit : 35

m) régir la tenue, la transmission et la destruction de registres ou fichiers sur les armes à feu, les armes

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Clause 10 also amends section 85 to require that the Registrar maintain records as they relate to requests for a reference number made pursuant to Clause 5 (above).

Specifically, Clause 10(3) amends subsection 85(1) by adding paragraph 85(1)(c) to require the Registrar to maintain a record of every request for a reference number and the reasons for any refusals. It also adds paragraph 85(1)(d) to require the Registrar to record the date on which a reference number is issued and the licence numbers of the transferee and transferor.

Clause 10(1), (2) and (3) come into force by order of Governor in Council.

CLAUSE 11: Repeal of Section 90.1 – Right of access – subsection 23.1(1)

Section 90.1 provides that the person responding to a voluntary request under 23.1(1) has a right of access to records kept by a Chief Firearms Officer under section 87 of the Act, only for the purpose of subsection 23.1(1).

Clause 11 repeals section 90.1 given that clause 5 repeals subsection 23.1(1).

Clause 11 comes into force by order of Governor in Council.

L'article 10 modifie également l'article 85 pour exiger que le directeur établisse des registres pour les demandes de numéro de référence présentées en vertu de l'article 5 des présentes.

Plus précisément, l'article 10(3) modifie le paragraphe 85(1) en y ajoutant l'alinéa 85(1)(c) pour exiger que le directeur établisse un dossier pour chaque demande de numéro de référence et consigne les raisons du rejet de la demande, le cas échéant. Il ajoute aussi l'alinéa 85(1)(d) pour exiger que le directeur indique la date sur chaque numéro de référence délivré ainsi que les numéros de permis du cessionnaire et du cédant.

Les paragraphes 10(1), (2) et (3) entrent en vigueur par décret du gouverneur en conseil.

ARTICLE 11 : Abrogation de l'article 90.1 – Droit d'accès – paragraphe 23.1(1)

L'article 90.1 stipule que la personne qui donne suite à une demande présentée conformément au paragraphe 23.1(1) a accès aux registres tenus par le contrôleur des armes à feu en vertu de l'article 87 de la *Loi sur les armes à feu*, seulement aux fins du paragraphe 23.1(1).

L'article 11 abroge l'article 90.1, puisque l'article 5 des présentes abroge le paragraphe 23.1(1).

L'article 11 entre en vigueur par décret du gouverneur en conseil.

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(2) Paragraph 85(1)(b) of the French version of the Act is replaced by the following:

b) des armes à feu acquises ou détenues par des particuliers sous les ordres et pour le compte des forces policières ou d'un ministère fédéral ou provincial; 5

(3) Subsection 85(1) of the Act is amended by striking out "and" at the end of paragraph (a) and by adding the following after paragraph (b):

(c) every request for a reference number made to the Registrar under section 23 and, if the request is refused, the reasons for refusing the request; and 10

(d) every reference number that is issued by the Registrar under subsection 23(3) and, with respect to each reference number, the day on which it was issued and the licence numbers of the transferor and transferee. 15

(4) Subsection 85(2) of the Act is replaced by the following:

Reporting of acquisitions and transfers

(2) A person referred to in paragraph (1)(a) or (b) who acquires or transfers a firearm shall have the Registrar informed of the acquisition or transfer. 20

2012, c. 6, s. 25

11 Section 90.1 of the Act is repealed.

12 The portion of section 109 of the Act before paragraph (a) is replaced by the following:

Punishment

109 Every person who commits an offence under section 106, 107 or 108, who contravenes subsection 29(1) or who contravenes a regulation made under paragraph 117(d), (e), (f), (g), (i), (j), (k.2), (l), (m) or (n) the contravention of which has been made an offence under paragraph 117(o) 25

13 (1) Section 117 of the Act is amended by 30 adding the following after paragraph (c):

(c.1) regulating, for the purpose of issuing a reference number under section 23, the provision of information by a transferor, a transferee and the Registrar;

(2) Paragraph 117(m) of the Act is replaced by the following:

(m) regulating the keeping, transmission and destruction of records in relation to firearms, prohibited

(2) L'alinéa 85(1)b) de la version française de la même loi est remplacé par ce qui suit :

b) des armes à feu acquises ou détenues par des particuliers sous les ordres et pour le compte des forces policières ou d'un ministère fédéral ou provincial; 5

(3) Le paragraphe 85(1) de la même loi est modifié par adjonction, après l'alinéa b), de ce qui suit :

c) des demandes d'attribution de numéro de référence que reçoit le directeur au titre de l'article 23 et, si la demande est refusée, les raisons du refus; 10

d) des numéros de référence attribués par le directeur au titre du paragraphe 23(3) et, à l'égard de chaque numéro de référence attribué, la date à laquelle le numéro de référence a été attribué et les numéros de permis du cédant et du cessionnaire. 15

(4) Le paragraphe 85(2) de la même loi est remplacé par ce qui suit :

Signalement des acquisitions ou cessions

(2) Toute personne visée aux alinéas (1)a) ou b) fait notifier au directeur toute acquisition ou tout transfert d'armes à feu qu'elle effectue. 20

2012, ch. 6, art. 25

11 L'article 90.1 de la même loi est abrogé.

12 Le passage de l'article 109 de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

Peine

109 Quiconque contrevient aux articles 106, 107 ou 108 25 ou au paragraphe 29(1) ou à un règlement d'application des alinéas 117d), e), f), g), i), j), k.2), l), m) ou n) dont la contravention est devenue une infraction aux termes de l'alinéa 117o) est coupable :

13 (1) L'article 117 de la même loi est modifié par adjonction, après l'alinéa c), de ce qui suit :

c.1) régir, aux fins de l'attribution d'un numéro de référence au titre de l'article 23, la fourniture des renseignements par le cédant, le cessionnaire et le directeur;

(2) L'alinéa 117m) de la même loi est remplacé 35 par ce qui suit :

m) régir la tenue, la transmission et la destruction de registres ou fichiers sur les armes à feu, les armes

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**CLAUSE 12: Amendments to Section 109 -
Punishment**

Section 109 sets out the penalties for numerous offences under the *Firearms Act* and for contravening offences contained in the regulations made under subsections 117(d), (e), (f), (g), (i), (j), (l), (m) or (n). Currently, section 109 omits, from the list of regulations, subsection 117(k.2) - respecting the marking of firearms manufactured in Canada or imported into Canada and the removal, alteration, obliteration and defacing of those markings.

Clause 12 makes an amendment to add subsection 117(k.2) to the list of regulations in section 109 in order to provide the authority to make it punishable to contravene the regulations respecting markings.

Clause 12 comes into force on Royal Assent.

**CLAUSE 13: Amendment to section 117 -
Regulations**

Section 117 sets out the regulation-making powers under the *Firearms Act*.

Clause 13(1) creates paragraph 117(c.1) to regulate the provision of information for the purposes of obtaining a reference number under clause 5 in order to confirm whether the firearms licence of a transferee is valid.

Clause 13(2) amends paragraph 117(m) to provide for the ability to regulate the transmission of other records in regulations, as may be required.

**ARTICLE 12 : Modifications à l'article 109 -
Peine**

L'article 109 énonce les peines pour de nombreuses infractions à la *Loi sur les armes à feu* et pour les infractions énumérées dans les règlements pris en vertu des alinéas 117d), e), f), g), i), j), l), m) ou n). À présent, l'article 109 omet, de la liste des règlements, l'alinéa 117(k.2) - régir le marquage des armes à feu fabriquées ou importées au Canada et l'enlèvement, la modification, l'oblitération et le maquillage des marques.

L'article 12 apporte une modification en ajoutant l'alinéa 117(k.2) à la liste des règlements énoncés à l'article 109 afin de conférer le pouvoir de rendre punissables les contraventions au règlement concernant le marquage.

L'article 12 entre en vigueur à la sanction royale.

**ARTICLE 13 : Modifications à l'article 117 -
Règlements**

L'article 117 établit le pouvoir du gouverneur en conseil de prendre des règlements en vertu de la *Loi sur les armes à feu*.

L'article 13(1) crée l'alinéa 117c.1) afin de réglementer la présentation d'information pour obtenir un numéro de référence en vertu de l'article 5 des présentes afin de vérifier si le permis d'armes à feu du cessionnaire est valide.

L'article 13(2) modifie l'alinéa 117m) pour prévoir la capacité de réglementer la transmission de dossiers visés par un règlement, au besoin.

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weapons, restricted weapons, prohibited devices and prohibited ammunition;

(3) Section 117 of the Act is amended by adding the following after paragraph (n):

(n.1) regulating the transmission of records under 5 paragraph 58.1(1)(c) by a business to a prescribed official;

14 The Act is amended by adding the following after section 126:

Licence of business — deemed conditions

126.1 Every licence of a business that is valid on the 10 commencement day is deemed to include the conditions set out in paragraphs 58.1(1)(a) to (c).

15 The Act is amended by adding the following after section 135:

Revocation of authorization to transport

135.1 All of the following authorizations to transport a 15 prohibited firearm or a restricted firearm are revoked:

(a) authorizations issued under any of paragraphs 19(2.1)(b) to (e), as those paragraphs read immediately before the commencement day; and

(b) authorizations issued under paragraph 19(2.2)(b), 20 as that paragraph read immediately before the commencement day, in respect of transportation to and from the places referred to in any of the paragraphs that are set out in paragraph (a).

R.S., c. C-46

Criminal Code

2015, c. 27, s. 18

16 The definition *non-restricted firearm* in subsection 84(1) of the *Criminal Code* is replaced by the following: 25

non-restricted firearm means a firearm that is neither a prohibited firearm nor a restricted firearm; (*arme à feu sans restriction*) 30

1995, c. 39, s. 139

17 Subsection 115(1) of the Act is replaced by the following:

Forfeiture

115 (1) Unless a prohibition order against a person specifies otherwise, every thing the possession of which is

prohibées, les armes à autorisation restreinte, les dispositifs prohibés et les munitions prohibées;

(3) L'article 117 de la même loi est modifié par adjonction, après l'alinéa n), de ce qui suit :

n.1) régir la transmission de registres ou fichiers visés 5 à l'alinéa 58.1(1)c) par une entreprise à une personne désignée par règlement;

14 La même loi est modifiée par adjonction, après l'article 126, de ce qui suit :

Permis délivrés aux entreprises : conditions réputées

126.1 Les permis délivrés aux entreprises qui sont va- 10 lides à la date de référence sont réputés être assortis des conditions visées aux alinéas 58.1(1)a) à c).

15 La même loi est modifiée par adjonction, après l'article 135, de ce qui suit :

Révocation de l'autorisation de transport

135.1 Toute autorisation de transport d'armes à feu 15 prohibées ou d'armes à feu à autorisation restreinte est révoquée dans les cas suivants :

a) elle a été délivrée en application de l'un ou l'autre des alinéas 19(2.1)b) à e), dans leur version antérieure à la date de référence; 20

b) elle a été délivrée en application de l'alinéa 19(2.2)b), dans sa version antérieure à la date de référence, à l'égard du transport vers les lieux visés à l'un ou l'autre des alinéas visés à l'alinéa a) et à partir de ceux-ci. 25

L.R., ch. C-46

Code criminel

2015, ch. 27, art. 18

16 La définition de *arme à feu sans restriction*, au paragraphe 84(1) du *Code criminel*, est remplacée par ce qui suit :

arme à feu sans restriction Arme à feu qui n'est ni une arme à feu prohibée ni une arme à feu à autorisation res- 30 treinte. (*non-restricted firearm*)

1995, ch. 39, art. 139

17 Le paragraphe 115(1) de la même loi est remplacé par ce qui suit :

Confiscation

115 (1) Sauf indication contraire de l'ordonnance d'in- 35 terdiction, les objets visés par celle-ci sont confisqués au

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Clause 13(3) creates paragraph 117(n.1) to regulate the transmission of records to a prescribed official by a business, which ceases to be a business, as they relate to non-restricted firearms.

L'article 13(3) crée l'alinéa 117(n.1) pour réglementer la transmission de dossiers sur les armes à feu sans restriction à l'agent désigné, par une entreprise qui cesse ses activités.

Clauses 13(1) to (3) come into force by order of Governor in Council.

Les articles 13(1) à (3) entrent en vigueur par décret du gouverneur en conseil.

**CLAUSE 14: Creation of section 126.1 –
Licence of business – deemed conditions**

**ARTICLE 14 : Création de l'article 126.1 –
Permis d'entreprise – conditions réputées**

Clause 14 creates a transitional provision to ensure that a business licence that is valid on the day that Clause 7 comes into force is deemed to include the conditions set out in that clause.

L'article 14 crée une disposition transitoire afin que le permis d'entreprise qui est valide à la date d'entrée en vigueur de l'article 7 soit réputé inclure les conditions énoncées à cet article.

Clause 14 comes into force by order of Governor in Council.

L'article 14 entre en vigueur par décret du gouverneur en conseil.

**CLAUSE 15: Creation of section 135.1 –
Revocation of authorization to transport**

**ARTICLE 15 : Création de l'article 135.1 –
Révocation de l'autorisation de transport**

Clause 15 creates a transitional provision to ensure that on the day that clause 4(3) comes into force, which repeals certain authorities to transport restricted and prohibited firearms, all existing authorizations to transport which were issued pursuant to those authorities (i.e., to a peace officer, a gunsmith, gun show, border), are revoked.

L'article 15 crée une disposition transitoire afin qu'à la date d'entrée en vigueur de l'article 4(3), qui abroge certaines autorisations de transport d'armes à feu prohibées et à autorisation restreinte, toutes les autorisations de transport existantes et délivrées en vertu de ces autorisations (agent de la paix, armurier, foire d'armes, frontière) soient révoquées.

Clause 15 comes into force by order of Governor in Council.

L'article 15 entre en vigueur par décret du gouverneur en conseil.

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weapons, restricted weapons, prohibited devices and
prohibited ammunition;

**(3) Section 117 of the Act is amended by adding
the following after paragraph (n):**

(n.1) regulating the transmission of records under 5
paragraph 58.1(1)(c) by a business to a prescribed offi-
cial;

**14 The Act is amended by adding the following
after section 126:**

Licence of business — deemed conditions

126.1 Every licence of a business that is valid on the 10
commencement day is deemed to include the conditions
set out in paragraphs 58.1(1)(a) to (c).

**15 The Act is amended by adding the following
after section 135:**

Revocation of authorization to transport

135.1 All of the following authorizations to transport a 15
prohibited firearm or a restricted firearm are revoked:

(a) authorizations issued under any of paragraphs
19(2.1)(b) to (e), as those paragraphs read immediat-
ely before the commencement day; and

(b) authorizations issued under paragraph 19(2.2)(b), 20
as that paragraph read immediately before the com-
mencement day, in respect of transportation to and
from the places referred to in any of the paragraphs
that are set out in paragraph (a).

R.S., c. C-46

Criminal Code

2015, c. 27, s. 18

**16 The definition *non-restricted firearm* in subsec- 25
tion 84(1) of the *Criminal Code* is replaced by the
following:**

non-restricted firearm means a firearm that is neither a
prohibited firearm nor a restricted firearm; (*arme à feu*
sans restriction) 30

1995, c. 39, s. 139

**17 Subsection 115(1) of the Act is replaced by the
following:**

Forfeiture

115 (1) Unless a prohibition order against a person
specifies otherwise, every thing the possession of which is

prohibées, les armes à autorisation restreinte, les dis-
positifs prohibés et les munitions prohibées;

**(3) L'article 117 de la même loi est modifié par ad-
jonction, après l'alinéa n), de ce qui suit :**

n.1 régir la transmission de registres ou fichiers visés 5
à l'alinéa 58.1(1)c) par une entreprise à une personne
désignée par règlement;

**14 La même loi est modifiée par adjonction,
après l'article 126, de ce qui suit :**

Permis délivrés aux entreprises : conditions réputées

126.1 Les permis délivrés aux entreprises qui sont va- 10
lides à la date de référence sont réputés être assortis des
conditions visées aux alinéas 58.1(1)a) à c).

**15 La même loi est modifiée par adjonction,
après l'article 135, de ce qui suit :**

Révocation de l'autorisation de transport

135.1 Toute autorisation de transport d'armes à feu 15
prohibées ou d'armes à feu à autorisation restreinte est
révoquée dans les cas suivants :

a) elle a été délivrée en application de l'un ou l'autre
des alinéas 19(2.1)b) à e), dans leur version antérieure
à la date de référence; 20

b) elle a été délivrée en application de l'alinéa
19(2.2)b), dans sa version antérieure à la date de réf-
érence, à l'égard du transport vers les lieux visés à l'un
ou l'autre des alinéas visés à l'alinéa a) et à partir de
ceux-ci. 25

L.R., ch. C-46

Code criminel

2015, ch. 27, art. 18

**16 La définition de *arme à feu sans restriction*, au
paragraphe 84(1) du *Code criminel*, est rempla-
cée par ce qui suit :**

arme à feu sans restriction Arme à feu qui n'est ni une
arme à feu prohibée ni une arme à feu à autorisation res- 30
treinte. (*non-restricted firearm*)

1995, ch. 39, art. 139

**17 Le paragraphe 115(1) de la même loi est rem-
placé par ce qui suit :**

Confiscation

115 (1) Sauf indication contraire de l'ordonnance d'in- 35
terdiction, les objets visés par celle-ci sont confisqués au

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CRIMINAL CODE / CODE CRIMINEL

**CLAUSE 16: Amendments to Subsection
84(1) – Definitions**

Subsection 84(1) sets out the definitions that are used in *Part III – Firearms and Other Weapons* of the *Criminal Code*, and includes definitions of prohibited, restricted and non-restricted firearms.

Pursuant to subsection 84(1), the definition of non-restricted firearm means

- (a) a firearm that is neither a prohibited firearm nor a restricted firearm, or
- (b) a firearm that is prescribed to be a non-restricted firearm.

Clause 16 repeals part (b) of the above definition, given that clause 18 (below) repeals the authority of the Governor in Council to prescribe a firearm to be non-restricted.

Clause 16 comes into force by order of Governor in Council.

**CLAUSE 17: Amendment to Subsection
115(1) – Forfeiture**

Subsection 115(1) of the *Criminal Code* provides that unless a prohibition order states otherwise, any firearm or other weapon, the possession of which is prohibited by the order and is in the possession of the person at the time the order is made, is forfeited to Her Majesty to be dealt with as the Attorney General directs.

Clause 17 clarifies that firearms and other items, which have been seized and are in the custody of law enforcement at the time that a prohibition order is issued, shall also be forfeited to the Crown, unless the order specifies otherwise.

**ARTICLE 16 : Modifications au
paragraphe 84(1) – Définitions**

Le paragraphe 84(1) énonce les définitions utilisées à la partie III – Armes à feu et autres armes, *Code criminel*, et comprend les définitions d'arme prohibée, d'arme à feu à autorisation restreinte et d'arme à feu sans restriction.

D'après le paragraphe 84(1), une *arme à feu sans restriction* est une arme à feu qui, selon le cas :

- (a) n'est ni une arme à feu prohibée ni une arme à feu à autorisation restreinte;
- (b) est désignée comme telle par règlement.

L'article 16 abroge la partie (b) de la définition ci-dessus, puisque l'article 18 des présentes abroge le pouvoir du gouverneur en conseil de désigner par règlement une arme à feu comme étant sans restriction.

L'article 16 entre en vigueur par décret du gouverneur en conseil.

**ARTICLE 17 : Modification au
paragraphe 115(1) – Confiscation**

D'après le paragraphe 115(1) du *Code criminel*, sauf indication contraire de l'ordonnance d'interdiction, toute arme à feu ou autre arme, dont la possession est interdite par l'ordonnance et qui est en la possession de l'intéressé à la date de l'ordonnance, est confisquée au profit de Sa Majesté selon les instructions du procureur général.

L'article 17 précise que les armes à feu et autres objets, qui ont été saisis et qui sont retenus par un agent de la paix ou remis à un agent de la paix au moment où l'ordonnance d'interdiction est rendue, seront aussi confisqués au profit de Sa

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prohibited by the order is forfeited to Her Majesty if, on the commencement of the order, the thing is in the person's possession or has been seized and detained by, or surrendered to, a peace officer.

2015, c. 27, s. 34

18 Subsections 117.15(3) and (4) of the Act are repealed.

SOR/98-462; SOR/2015-213, s. 1

Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted

19 The title of the *Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted* is replaced by the following:

Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted

20 Sections 3.1 and 3.2 of the Regulations are repealed.

21 Part 2.1 of the schedule to the Regulations is repealed.

Coming into Force

Order in council

22 (1) Section 1, subsections 3(2) and 4(2) and sections 16 and 18 to 21 come into force on a day to be fixed by order of the Governor in Council.

Order in council

(2) Section 2 comes into force on a day to be fixed by order of the Governor in Council.

Order in council

(3) Subsection 4(3) and sections 6, 8 and 15 come into force on a day to be fixed by order of the Governor in Council.

profit de Sa Majesté si, à la date de l'ordonnance, ils sont en la possession de l'intéressé ou ils ont été saisis et retenus par un agent de la paix ou remis à un tel agent.

2015, ch. 27, art. 34

18 Les paragraphes 117.15(3) et (4) de la même loi sont abrogés.

DORS/98-462; DORS/2015-213, art. 1

Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction

19 Le titre du *Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction* est remplacé par ce qui suit :

Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés ou à autorisation restreinte

20 Les articles 3.1 et 3.2 du même règlement sont abrogés.

21 La partie 2.1 de l'annexe du même règlement est abrogée.

Entrée en vigueur

Décret

22 (1) L'article 1, les paragraphes 3(2) et 4(2) et les articles 16 et 18 à 21 entrent en vigueur à la date fixée par décret.

Décret

(2) L'article 2 entre en vigueur à la date fixée par décret.

Décret

(3) Le paragraphe 4(3) et les articles 6, 8 et 15 entrent en vigueur à la date fixée par décret.

*An Act to amend certain Acts and Regulations in relation to firearms/ Loi modifiant certaines lois
et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

	Majesté, sauf indication contraire de l'ordonnance.
Clause 17 comes into force on Royal Assent.	L'article 17 entre en vigueur à la date d'octroi de la sanction royale.
CLAUSE 18: Repeal of Subsections 117.15(3) and (4)	ARTICLE 18 : Abrogation des paragraphes 117.15(3) et (4)
Subsection 117.15(1) gives authority to the Governor in Council to make regulations prescribing anything that may be prescribed in Part III of the <i>Criminal Code</i> .	Le paragraphe 117.15(1) confère au gouverneur en conseil le pouvoir de prendre, par règlement, toute mesure réglementaire pouvant être prévue à la partie III du <i>Code criminel</i> .
Subsection 117.15(3) provides that when the Governor in Council prescribes a firearm as a non-restricted firearm, it is deemed not be a prohibited firearm or a restricted firearm, even if it meets the definitions for a prohibited firearm or restricted firearm under the <i>Criminal Code</i> .	D'après le paragraphe 117.15(3), si le gouverneur en conseil désigne par règlement une arme à feu comme étant sans restriction, celle-ci est réputée ne pas être une arme à feu prohibée ni une arme à feu à autorisation restreinte, en vertu du <i>Code criminel</i> .
Subsection 117.15(4) provides that when the Governor in Council prescribes a firearm as a restricted firearm, it is deemed not to be a prohibited firearm, even if it meets the definition for a prohibited firearm.	D'après le paragraphe 117.15(4), si le gouverneur en conseil désigne par règlement une arme à feu comme étant à autorisation restreinte, celle-ci est réputée ne pas être une arme à feu prohibée, même si elle répond à la définition d'arme à feu prohibée.
Clause 18 repeals subsections 117.15(3) and (4) to repeal the authority of the Governor in Council to deem firearms to be of a less restrictive class, despite meeting the definition of a more restrictive class.	L'article 18 abroge les paragraphes 117.15(3) et (4) pour abroger le pouvoir du gouverneur en conseil de désigner par règlement une arme à feu comme appartenant à une catégorie moins restrictive, même si elle répond à la définition d'une classe plus restrictive.
The result of this provision is that the Governor in Council may no longer deem a firearm to be of a classification that does not meet the definitions in the <i>Criminal Code</i> .	En conséquence de cette disposition, le gouverneur en conseil ne pourra plus déterminer, par règlement, qu'une arme à feu appartient à une catégorie qui ne correspond pas aux définitions du <i>Code criminel</i> .
Clause 18 comes into force by order of Governor in Council.	L'article 18 entre en vigueur par décret du gouverneur en conseil.

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Loi modifiant certaines lois et un règlement relatifs aux armes à feu
PARTIE 1 Modification de la Loi sur les armes à feu, du Code criminel et du Règlement
désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs,
munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
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prohibited by the order is forfeited to Her Majesty if, on the commencement of the order, the thing is in the person's possession or has been seized and detained by, or surrendered to, a peace officer.

2015, c. 27, s. 34

18 Subsections 117.15(3) and (4) of the Act are repealed. 5

SOR/98-462; SOR/2015-213, s. 1

Regulations Prescribing Certain
Firearms and Other Weapons,
Components and Parts of Weapons,
Accessories, Cartridge Magazines,
Ammunition and Projectiles as
Prohibited, Restricted or Non-
Restricted

19 The title of the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted is replaced by the following: 10

Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted 15

20 Sections 3.1 and 3.2 of the Regulations are repealed.

21 Part 2.1 of the schedule to the Regulations is repealed. 20

Coming into Force

Order in council

22 (1) Section 1, subsections 3(2) and 4(2) and sections 16 and 18 to 21 come into force on a day to be fixed by order of the Governor in Council.

Order in council

(2) Section 2 comes into force on a day to be fixed by order of the Governor in Council. 25

Order in council

(3) Subsection 4(3) and sections 6, 8 and 15 come into force on a day to be fixed by order of the Governor in Council.

profit de Sa Majesté si, à la date de l'ordonnance, ils sont en la possession de l'intéressé ou ils ont été saisis et retenus par un agent de la paix ou remis à un tel agent.

2015, ch. 27, art. 34

18 Les paragraphes 117.15(3) et (4) de la même loi sont abrogés. 5

DORS/98-462; DORS/2015-213, art. 1

Règlement désignant des armes à
feu, armes, éléments ou pièces
d'armes, accessoires, chargeurs,
munitions et projectiles comme étant
prohibés, à autorisation restreinte ou
sans restriction

19 Le titre du Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction est remplacé par ce qui suit: 10

Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés ou à autorisation restreinte

20 Les articles 3.1 et 3.2 du même règlement sont abrogés. 15

21 La partie 2.1 de l'annexe du même règlement est abrogée. 20

Entrée en vigueur

Décret

22 (1) L'article 1, les paragraphes 3(2) et 4(2) et les articles 16 et 18 à 21 entrent en vigueur à la date fixée par décret.

Décret

(2) L'article 2 entre en vigueur à la date fixée par décret. 25

Décret

(3) Le paragraphe 4(3) et les articles 6, 8 et 15 entrent en vigueur à la date fixée par décret. 25

*An Act to amend certain Acts and Regulations in relation to firearms/ Loi modifiant certaines lois
et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

**CLAUSE 19: Amendment to title of the
Regulations Prescribing Certain Firearms and
Other Weapons, Components and Parts of
Weapons, Accessories, Cartridge Magazines,
Ammunition and Projectiles as Prohibited,
Restricted or Non-restricted**

Clause 19 removes "or Non-restricted" from the
above title.

Clause 19 comes into force by order of Governor
in Council.

**CLAUSE 20: Amendments to sections 3.1 and
3.2 of the Regulations**

Section 3.1 and 3.2 of the Regulations prescribe
certain firearms listed in Part 2.1 of the schedule
to be either restricted or non-restricted,
respectively. These sections of the Regulations
were made by the Governor in Council pursuant
to their authority under subsections 117.15(3) and
(4) of the *Criminal Code*. Clause 18 (above)
repeals the prescription authority of the Governor
in Council.

Clause 20 therefore repeals sections 3.1 and 3.2 of
the Regulations.

Clause 20 comes into force by order of Governor
in Council.

**CLAUSE 21 – Amendments to Part 2.1 of the
schedule to the Regulations**

Part 2.1 of the Regulations list the firearms
prescribed by the Governor in Council to be either
restricted or non-restricted.

Clause 21 repeals Part 2.1 of the schedule to the
Regulations.

**ARTICLE 19 : Modifications au titre du
Règlement désignant des armes à feu, armes,
éléments ou pièces d'armes, accessoires,
chargeurs, munitions et projectiles comme étant
prohibés, à autorisation restreinte ou sans
restriction**

L'article 19 supprime les termes « ou sans
restriction » du titre ci-dessus.

L'article 19 entre en vigueur par décret du
gouverneur en conseil.

**ARTICLE 20 : Modifications aux articles 3.1
et 3.2 du Règlement**

Les articles 3.1 et 3.2 du *Règlement* désignent
certaines armes à feu énumérées à la partie 2.1 de
l'annexe comme étant *des armes à feu à
autorisation restreinte* ou *des armes à feu sans
restriction*, respectivement. Ces articles du
Règlement ont été établis par le gouverneur en
conseil en vertu du pouvoir que lui confèrent les
paragraphe 117.15(3) et (4) du *Code criminel*.
L'article 18 des présentes abroge le pouvoir de
désignation du gouverneur en conseil.

Par conséquent, l'article 20 abroge les articles 3.1
et 3.2 du *Règlement*.

L'article 20 entre en vigueur par décret du
gouverneur en conseil.

**ARTICLE 21 – Modifications à la partie 2.1 de
l'annexe du Règlement**

La partie 2.1 du *Règlement* énumère les armes à
feu désignées par le gouverneur en conseil comme
étant à *autorisation restreinte* ou *sans restriction*.

L'article 21 abroge la partie 2.1 de l'annexe du
Règlement.

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Criminal Code
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Loi modifiant certaines lois et un règlement relatifs aux armes à feu
PARTIE 1 Modification de la Loi sur les armes à feu, du Code criminel et du Règlement
désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs,
munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
Code criminel
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prohibited by the order is forfeited to Her Majesty if, on the commencement of the order, the thing is in the person's possession or has been seized and detained by, or surrendered to, a peace officer.

2015, c. 27, s. 34

18 Subsections 117.15(3) and (4) of the Act are repealed.

SOR/98-462; SOR/2015-213, s. 1

Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted

19 The title of the *Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted* is replaced by the following:

Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted

20 Sections 3.1 and 3.2 of the Regulations are repealed.

21 Part 2.1 of the schedule to the Regulations is repealed.

Coming into Force

Order in council

22 (1) Section 1, subsections 3(2) and 4(2) and sections 16 and 18 to 21 come into force on a day to be fixed by order of the Governor in Council.

Order in council

(2) Section 2 comes into force on a day to be fixed by order of the Governor in Council.

Order in council

(3) Subsection 4(3) and sections 6, 8 and 15 come into force on a day to be fixed by order of the Governor in Council.

profit de Sa Majesté si, à la date de l'ordonnance, ils sont en la possession de l'intéressé ou ils ont été saisis et retenus par un agent de la paix ou remis à un tel agent.

2015, ch. 27, art. 34

18 Les paragraphes 117.15(3) et (4) de la même loi sont abrogés.

DORS/98-462; DORS/2015-213, art. 1

Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction

19 Le titre du *Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction* est remplacé par ce qui suit:

Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés ou à autorisation restreinte

20 Les articles 3.1 et 3.2 du même règlement sont abrogés.

21 La partie 2.1 de l'annexe du même règlement est abrogée.

Entrée en vigueur

Décret

22 (1) L'article 1, les paragraphes 3(2) et 4(2) et les articles 16 et 18 à 21 entrent en vigueur à la date fixée par décret.

Décret

(2) L'article 2 entre en vigueur à la date fixée par décret.

Décret

(3) Le paragraphe 4(3) et les articles 6, 8 et 15 entrent en vigueur à la date fixée par décret.

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et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

Clause 21 comes into force by order of Governor
in Council.

L'article 21 entre en vigueur par décret du
gouverneur en conseil.

CLAUSE 22: Coming into Force

ARTICLE 22 : Entrée en vigueur

Clause 22(1) provides that clauses 1, 3(2), 4(2),
16 and 18 to 21, related to the repeal of the
deeming provisions and grandfathering affected
owners, come into force on a day to be fixed by
order of the Governor in Council.

L'article 22(1) stipule que les articles 1, 3(2),
4(2), 16 et 18 à 21 qui portent sur l'abrogation des
dispositions de présomption et les droits acquis
des propriétaires touchés, entrent en vigueur à la
date fixée par décret par le gouverneur en conseil.

Clause 22(2) provides that clause 2 comes into
force on a day to be fixed by order of the
Governor in Council

L'article 22(2) stipule que l'article 2 entre en
vigueur à la date fixée par décret par le
gouverneur en conseil.

Clause 22(3) provides that clauses 4(3), 6, 8 and
15, related to authorizations to transport, come
into force on a day to be fixed by order of the
Governor in Council.

L'article 22(3) prévoit que les articles 4(3), 6, 8
et 15, qui portent sur les autorisations de transport,
entrent en vigueur à la date fixée par décret par le
gouverneur en conseil.

Clause 22(4) provides that clauses 5, 9 to 11 and
13(1), related to requirements to verify the licence
of a transferee prior to the transfer of a non-
restricted firearm, will come into force on a day to
be fixed by order of the Governor in Council.

L'article 22(4) stipule que les articles 5, 9 à 11
et 13(1), qui portent sur les exigences de vérifier
la validité du permis du cessionnaire avant la
cession d'une arme sans restriction, entreront en
vigueur à la date fixée par décret par le
gouverneur en conseil.

Clause 22(5) provides that clauses 7, 13(3) and
14, related to requirements on businesses to keep
records related to non-restricted firearms, will
come into force on a day to fixed by order of the
Governor in Council, but not before the day
referred to in clause 22(4) related to licence
verification.

L'article 22(5) stipule que les articles 7, 13(3)
et 14, qui portent sur l'obligation pour les
entreprises de conserver un registre des armes à
feu sans restriction, entreront en vigueur à la date
fixée par décret par le gouverneur en conseil, mais
pas avant la date indiquée à l'article 22(4) pour la
vérification du permis.

All other clauses will come into force upon the
Royal Assent of this bill.

Tous les autres articles entrent en vigueur à la date
d'octroi de la sanction royale du projet de loi.

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Coming into Force
Sections 22-25

Loi modifiant certaines lois et un règlement relatifs aux armes à feu
PARTIE 1 Modification de la Loi sur les armes à feu, du Code criminel et du Règlement
designant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs,
munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
Entrée en vigueur
Articles 22-25

Order in council

(4) Sections 5 and 9 to 11 and subsection 13(1) come into force on a day to be fixed by order of the Governor in Council.

Order in council

(5) Section 7, subsection 13(3) and section 14 come into force on a day to be fixed by order of the Governor in Council, but that day must not be before the day referred to in subsection (4).

PART 2

2012, c. 6

Ending the Long-gun Registry Act

Amendments to the Act

2015, c. 36, s. 230

23 (1) Subsection 29(3) of the *Ending the Long-gun Registry Act* is deemed never to have been amended by section 230 of the *Economic Action Plan 2015 Act, No. 1*.

2015, c. 36, s. 230

(2) Subsections 29(4) to (7) of the *Ending the Long-gun Registry Act* are deemed never to have come into force and are repealed.

2015, c. 36, s. 231

24 Section 30 of the *Ending the Long-gun Registry Act* is deemed never to have come into force and is repealed.

Transitional Provisions

Definitions

25 The following definitions apply in this section and in sections 26 to 28.

commencement day means the day on which this Act receives royal assent. (*date d'entrée en vigueur*)

copy means a copy referred to in subsection 29(1) or (2) of the *Ending the Long-gun Registry Act*. (*copie*)

Décret

(4) Les articles 5 et 9 à 11 et le paragraphe 13(1) entrent en vigueur à la date fixée par décret.

Décret

(5) L'article 7, le paragraphe 13(3) et l'article 14 entrent en vigueur à la date fixée par décret, laquelle ne peut être antérieure à la date visée au paragraphe (4).

PARTIE 2

2012, ch. 6

Loi sur l'abolition du registre des armes d'épaule

Modification de la loi

2015, ch. 36, art. 230

23 (1) Le paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'avoir jamais été modifié par l'article 230 de la *Loi n° 1 sur le plan d'action économique de 2015*.

2015, ch. 36, art. 230

(2) Les paragraphes 29(4) à (7) de la *Loi sur l'abolition du registre des armes d'épaule* sont réputés n'être jamais entrés en vigueur et sont abrogés.

2015, ch. 36, art. 231

24 L'article 30 de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'être jamais entré en vigueur et est abrogé.

Dispositions transitoires

Définitions

25 Les définitions qui suivent s'appliquent au présent article et aux articles 26 à 28.

copie Copie visée aux paragraphes 29(1) ou (2) de la *Loi sur l'abolition du registre des armes d'épaule*. (*copy*)

date d'entrée en vigueur La date de sanction de la présente loi. (*commencement day*)

procédure désignée Toute procédure — notamment les demandes, plaintes, enquêtes, recours en révision, révisions judiciaires ou appels — qui

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Clause by Clause Analysis / Analyse article par article

Clause 21 comes into force by order of Governor
in Council.

L'article 21 entre en vigueur par décret du
gouverneur en conseil.

CLAUSE 22: Coming into Force

ARTICLE 22 : Entrée en vigueur

Clause 22(1) provides that clauses 1, 3(2), 4(2),
16 and 18 to 21, related to the repeal of the
deeming provisions and grandfathering affected
owners, come into force on a day to be fixed by
order of the Governor in Council.

L'article 22(1) stipule que les articles 1, 3(2),
4(2), 16 et 18 à 21 qui portent sur l'abrogation des
dispositions de présomption et les droits acquis
des propriétaires touchés, entrent en vigueur à la
date fixée par décret par le gouverneur en conseil.

Clause 22(2) provides that clause 2 comes into
force on a day to be fixed by order of the
Governor in Council

L'article 22(2) stipule que l'article 2 entre en
vigueur à la date fixée par décret par le
gouverneur en conseil.

Clause 22(3) provides that clauses 4(3), 6, 8 and
15, related to authorizations to transport, come
into force on a day to be fixed by order of the
Governor in Council.

L'article 22(3) prévoit que les articles 4(3), 6, 8
et 15, qui portent sur les autorisations de transport,
entrent en vigueur à la date fixée par décret par le
gouverneur en conseil.

Clause 22(4) provides that clauses 5, 9 to 11 and
13(1), related to requirements to verify the licence
of a transferee prior to the transfer of a non-
restricted firearm, will come into force on a day to
be fixed by order of the Governor in Council.

L'article 22(4) stipule que les articles 5, 9 à 11
et 13(1), qui portent sur les exigences de vérifier
la validité du permis du cessionnaire avant la
cession d'une arme sans restriction, entreront en
vigueur à la date fixée par décret par le
gouverneur en conseil.

Clause 22(5) provides that clauses 7, 13(3) and
14, related to requirements on businesses to keep
records related to non-restricted firearms, will
come into force on a day to fixed by order of the
Governor in Council, but not before the day
referred to in clause 22(4) related to licence
verification.

L'article 22(5) stipule que les articles 7, 13(3)
et 14, qui portent sur l'obligation pour les
entreprises de conserver un registre des armes à
feu sans restriction, entreront en vigueur à la date
fixée par décret par le gouverneur en conseil, mais
pas avant la date indiquée à l'article 22(4) pour la
vérification du permis.

All other clauses will come into force upon the
Royal Assent of this bill.

Tous les autres articles entrent en vigueur à la date
d'octroi de la sanction royale du projet de loi.

An Act to amend certain Acts and Regulations in relation to firearms
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Loi modifiant certaines lois et un règlement relatifs aux armes à feu
PARTIE 1 Modification de la Loi sur les armes à feu, du Code criminel et du Règlement
désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs,
munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
Entrée en vigueur
Articles 22-25

Order in council

(4) Sections 5 and 9 to 11 and subsection 13(1) come into force on a day to be fixed by order of the Governor in Council.

Order in council

(5) Section 7, subsection 13(3) and section 14 come into force on a day to be fixed by order of the Governor in Council, but that day must not be before the day referred to in subsection (4).

PART 2

2012, c. 6

Ending the Long-gun Registry Act

Amendments to the Act

2015, c. 36, s. 230

23 (1) Subsection 29(3) of the *Ending the Long-gun Registry Act* is deemed never to have been amended by section 230 of the *Economic Action Plan 2015 Act, No. 1*.

2015, c. 36, s. 230

(2) Subsections 29(4) to (7) of the *Ending the Long-gun Registry Act* are deemed never to have come into force and are repealed.

2015, c. 36, s. 231

24 Section 30 of the *Ending the Long-gun Registry Act* is deemed never to have come into force and is repealed.

Transitional Provisions

Definitions

25 The following definitions apply in this section and in sections 26 to 28.

commencement day means the day on which this Act receives royal assent. (*date d'entrée en vigueur*)

copy means a copy referred to in subsection 29(1) or (2) of the *Ending the Long-gun Registry Act*. (*copie*)

Décret

(4) Les articles 5 et 9 à 11 et le paragraphe 13(1) entrent en vigueur à la date fixée par décret.

Décret

(5) L'article 7, le paragraphe 13(3) et l'article 14 entrent en vigueur à la date fixée par décret, laquelle ne peut être antérieure à la date visée au paragraphe (4).

PARTIE 2

2012, ch. 6

Loi sur l'abolition du registre des armes d'épaule

Modification de la loi

2015, ch. 36, art. 230

23 (1) Le paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'avoir jamais été modifié par l'article 230 de la *Loi n° 1 sur le plan d'action économique de 2015*.

2015, ch. 36, art. 230

(2) Les paragraphes 29(4) à (7) de la *Loi sur l'abolition du registre des armes d'épaule* sont réputés n'être jamais entrés en vigueur et sont abrogés.

2015, ch. 36, art. 231

24 L'article 30 de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'être jamais entré en vigueur et est abrogé.

Dispositions transitoires

Définitions

25 Les définitions qui suivent s'appliquent au présent article et aux articles 26 à 28.

copie Copie visée aux paragraphes 29(1) ou (2) de la *Loi sur l'abolition du registre des armes d'épaule*. (*copy*)

date d'entrée en vigueur La date de sanction de la présente loi. (*commencement day*)

procédure désignée Toute procédure — notamment les demandes, plaintes, enquêtes, recours en révision, révisions judiciaires ou appels — qui

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et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

PART 2

Ending the Long-gun Registry Act

CLAUSE 23(1): Repeal.

Subsection 29(3) of the *Ending the Long-gun Registry Act* (ELRA), which came into force on April 5, 2012, provided that sections 12 and 13 of the *Library and Archives of Canada Act* and subsections 6(1) and 6(3) of the *Privacy Act* do not apply to the destruction of the registration records of non-restricted firearms.

Section 230 of the *Economic Action Plan 2015 Act, No. 1*, which came into force on June 23, 2015, amends subsection 29(3) of the ELRA to remove the provision concerning subsections 6(1) and 6(3) of the *Privacy Act*.

Clause 23(1) of this Bill provides that subsection 29(3) of the ELRA is deemed never to have been amended by section 230 of the *Economic Action Plan 2015 Act, No. 1*.

CLAUSE 23(2): Repeal.

Subsection 29(1) of the ELRA provides that the Commissioner of Firearms shall ensure the destruction as soon as feasible of all records in the Canadian Firearms Registry related to the registration of non-restricted firearms and all copies of those records under the Commissioner's control.

PARTIE 2

Loi sur l'abolition du registre des armes d'épaule

ARTICLE 23(1) : Abrogation

Le paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule* (LARA), qui est entrée en vigueur le 5 avril 2012, prévoit que les articles 12 et 13 de la *Loi sur la Bibliothèque et les Archives du Canada* et les paragraphes 6(1) et 6(3) de la *Loi sur la protection des renseignements personnels* ne s'appliquent pas relativement à la destruction des fichiers d'enregistrement des armes à feu sans restriction.

L'article 230 de la *Loi no. 1 sur le plan d'action économique de 2015*, qui est entrée en vigueur le 23 juin 2015, modifie le paragraphe 29(3) de la LARA afin de supprimer la disposition concernant les paragraphes 6(1) et 6(3) de la *Loi sur la protection des renseignements personnels*.

L'article 23(1) du présent projet de loi prévoit que le paragraphe 29(3) de la LARA est réputé n'avoir jamais été modifié par l'article 230 de la *Loi no. 1 sur le plan d'action économique de 2015*.

ARTICLE 23(2) : Abrogation

Le paragraphe 29(1) de la LARA prévoit que le commissaire aux armes à feu veille à la destruction, dès que possible, de tous les registres et fichiers et de toute copie de ceux-ci se rapportant à l'enregistrement des armes à feu sans restriction figurant dans le Registre canadien des armes à feu et sous le contrôle du commissaire.

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munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
Entrée en vigueur
Articles 22-25

Order in council

(4) Sections 5 and 9 to 11 and subsection 13(1) come into force on a day to be fixed by order of the Governor in Council.

Order in council

(5) Section 7, subsection 13(3) and section 14 come into force on a day to be fixed by order of the Governor in Council, but that day must not be before the day referred to in subsection (4).

PART 2

2012, c. 6

Ending the Long-gun Registry Act

Amendments to the Act

2015, c. 36, s. 230

23 (1) Subsection 29(3) of the *Ending the Long-gun Registry Act* is deemed never to have been amended by section 230 of the *Economic Action Plan 2015 Act, No. 1*.

2015, c. 36, s. 230

(2) Subsections 29(4) to (7) of the *Ending the Long-gun Registry Act* are deemed never to have come into force and are repealed.

2015, c. 36, s. 231

24 Section 30 of the *Ending the Long-gun Registry Act* is deemed never to have come into force and is repealed.

Transitional Provisions

Definitions

25 The following definitions apply in this section and in sections 26 to 28.

commencement day means the day on which this Act receives royal assent. (*date d'entrée en vigueur*)

copy means a copy referred to in subsection 29(1) or (2) of the *Ending the Long-gun Registry Act*. (*copie*)

Décret

(4) Les articles 5 et 9 à 11 et le paragraphe 13(1) entrent en vigueur à la date fixée par décret.

Décret

(5) L'article 7, le paragraphe 13(3) et l'article 14 entrent en vigueur à la date fixée par décret, laquelle ne peut être antérieure à la date visée au 5 paragraphe (4).

PARTIE 2

2012, ch. 6

Loi sur l'abolition du registre des armes d'épaule

Modification de la loi

2015, ch. 36, art. 230

23 (1) Le paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'avoir jamais été modifié par l'article 230 de la *Loi n° 1 sur le plan d'action économique de 2015*. 10

2015, ch. 36, art. 230

(2) Les paragraphes 29(4) à (7) de la *Loi sur l'abolition du registre des armes d'épaule* sont réputés n'être jamais entrés en vigueur et sont abrogés.

2015, ch. 36, art. 231

24 L'article 30 de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'être jamais entré en vigueur et est abrogé. 15

Dispositions transitoires

Définitions

25 Les définitions qui suivent s'appliquent au présent article et aux articles 26 à 28.

copie Copie visée aux paragraphes 29(1) ou (2) de la *Loi sur l'abolition du registre des armes d'épaule*. (*copy*)

date d'entrée en vigueur La date de sanction de la présente loi. (*commencement day*)

procédure désignée Toute procédure — notamment les demandes, plaintes, enquêtes, recours en révision, révisions judiciaires ou appels — qui

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Clause by Clause Analysis / Analyse article par article

Subsection 29(2) of the ELRA provides that each chief firearms officer shall ensure the destruction as soon as feasible of all records under their control related to the registration of non-restricted firearms and all copies of those records under their control.

The *Economic Action Plan 2015 Act, No. 1* amended the ELRA to add new subsections 29(4) to 29(7) which are described below:

Subsection 29(4) specifies that the *Access to Information Act* does not apply, as of October 25, 2011, with respect to the records, including copies, related to the registration of non-restricted firearms referred to in subsections 29(1) and (2) of the ELRA, or with respect to destruction of those records. For greater certainty, subsection 29(4) also makes specific reference to the following sections of the *Access to Information Act*, to make very clear that they do not apply:

- right of access to information (section 4);
- investigation of complaints (section 30);
- investigative powers of the Information Commissioner (section 36);
- the power of a person who is refused access to information to seek review by the Federal Court (section 41);
- the power of the Information Commissioner to apply to, or appear in, Federal Court (section 42);
- the power of the Court to examine any information of a government institution in the course of proceedings under sections 41 and 42 (section 46);
- offence of obstruction of the Information

Le paragraphe 29(2) de la LARA prévoit que chaque contrôleur des armes à feu veille à la destruction, dès que possible, de tous les registres et fichiers et de toute copie de ceux-ci se rapportant à l'enregistrement des armes à feu sans restriction sous leur contrôle.

La *Loi no. 1 sur le plan d'action économique de 2015* a modifié la LARA afin d'ajouter les nouveaux paragraphes 29(4) à (7) décrits ci-dessous :

Le paragraphe 29(4) précise que la *Loi sur l'accès à l'information* ne s'applique pas, à compter du 25 octobre 2011, aux fichiers et aux copies de ceux-ci se rapportant à l'enregistrement des armes à feu sans restriction visés aux paragraphes 29(1) et 29(2) de la LARA ou à leur destruction. Pour plus de certitude, le paragraphe 29(4) fait également un renvoi précis aux articles de la *Loi sur l'accès à l'information*, afin d'indiquer clairement qu'ils ne s'appliquent pas :

- droit d'accès à l'information (article 4);
- enquête sur les plaintes (article 30);
- pouvoir du Commissaire à l'information pour la tenue des enquêtes (article 36);
- pouvoir d'une personne qui s'est vu refuser l'accès à l'information d'exercer un recours en révision devant la Cour fédérale (article 41);
- pouvoir du Commissaire à l'information d'exercer un recours ou de comparaître devant la Cour fédérale (article 42);
- pouvoir de la Cour d'examiner tout information d'une institution du gouvernement dans le cours d'une instance engagée en vertu des articles 41 et 42 (article 46);
- infraction visant à entraver l'action du

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munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
Entrée en vigueur
Articles 22-25

Order in council

(4) Sections 5 and 9 to 11 and subsection 13(1) come into force on a day to be fixed by order of the Governor in Council.

Order in council

(5) Section 7, subsection 13(3) and section 14 come into force on a day to be fixed by order of the Governor in Council, but that day must not be before the day referred to in subsection (4).

PART 2

2012, c. 6

Ending the Long-gun Registry Act

Amendments to the Act

2015, c. 36, s. 230

23 (1) Subsection 29(3) of the *Ending the Long-gun Registry Act* is deemed never to have been amended by section 230 of the *Economic Action Plan 2015 Act, No. 1*.

2015, c. 36, s. 230

(2) Subsections 29(4) to (7) of the *Ending the Long-gun Registry Act* are deemed never to have come into force and are repealed.

2015, c. 36, s. 231

24 Section 30 of the *Ending the Long-gun Registry Act* is deemed never to have come into force and is repealed.

Transitional Provisions

Definitions

25 The following definitions apply in this section and in sections 26 to 28.

commencement day means the day on which this Act receives royal assent. (*date d'entrée en vigueur*)

copy means a copy referred to in subsection 29(1) or (2) of the *Ending the Long-gun Registry Act*. (*copie*)

Décret

(4) Les articles 5 et 9 à 11 et le paragraphe 13(1) entrent en vigueur à la date fixée par décret.

Décret

(5) L'article 7, le paragraphe 13(3) et l'article 14 entrent en vigueur à la date fixée par décret, laquelle ne peut être antérieure à la date visée au paragraphe (4).

PARTIE 2

2012, ch. 6

Loi sur l'abolition du registre des armes d'épaule

Modification de la loi

2015, ch. 36, art. 230

23 (1) Le paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'avoir jamais été modifié par l'article 230 de la *Loi n° 1 sur le plan d'action économique de 2015*.

2015, ch. 36, art. 230

(2) Les paragraphes 29(4) à (7) de la *Loi sur l'abolition du registre des armes d'épaule* sont réputés n'être jamais entrés en vigueur et sont abrogés.

2015, ch. 36, art. 231

24 L'article 30 de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'être jamais entré en vigueur et est abrogé.

Dispositions transitoires

Définitions

25 Les définitions qui suivent s'appliquent au présent article et aux articles 26 à 28.

copie Copie visée aux paragraphes 29(1) ou (2) de la *Loi sur l'abolition du registre des armes d'épaule*. (*copy*)

date d'entrée en vigueur La date de sanction de la présente loi. (*commencement day*)

procédure désignée Toute procédure — notamment les demandes, plaintes, enquêtes, recours en révision, révisions judiciaires ou appels — qui

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Commissioner (section 67); the offence of obstructing access (section 67.1).

Commissaire à l'information (article 67); infraction visant à entraver l'accès à l'information (article 67.1).

Subsection 29(5) of the ELRA stipulates that the *Privacy Act* does not apply, as of October 25, 2011, with respect to the records, including copies, related to the registration of non-restricted firearms, or with respect to disposal of that information. For greater certainty, subsection 29(5) also makes specific reference to the following sections of the *Privacy Act*, to make very clear that they do not apply:

Le paragraphe 29(5) de la LARA stipule que la *Loi sur la protection des renseignements personnels* ne s'applique pas, à compter du 25 octobre 2011, aux fichiers et aux copies de ceux-ci se rapportant à l'enregistrement des armes à feu sans restriction, ou à la disposition des renseignements personnels. Pour plus de certitude, le paragraphe 29(5) fait également un renvoi précis aux articles de la *Loi sur la protection des renseignements personnels*, afin d'indiquer clairement qu'ils ne s'appliquent pas :

- | | |
|--|--|
| <ul style="list-style-type: none"> • retention of personal information used for an administrative purpose (subsection 6(1)) and disposal of personal information (subsection 6(3)); • right of access (section 12); • investigation of complaints (section 29); • investigative powers of the Privacy Commissioner (section 34); • the power of an individual who is refused access to the individual's personal information to seek review by the Federal Court (section 41); • the power of the Privacy Commissioner to apply to, or appear in, Federal Court (section 42); • the power of the Court to examine any information of a government institution in the course of proceedings under sections 41 and 42 (section 45); and | <ul style="list-style-type: none"> • conservation des renseignements personnels utilisés à des fins administratives (paragraphe 6(1)) et disposition des renseignements personnels (paragraphe 6(3)); • droit d'accès (article 12); • enquête sur les plaintes (article 29); • pouvoir d'enquête du Commissaire à la protection de la vie privée (article 34); • pouvoir d'un individu qui s'est vu refuser l'accès à des renseignements personnels d'exercer un recours en révision de refus devant la Cour fédérale (article 41); • pouvoir d'enquête du Commissaire à la protection de la vie privée d'exercer un recours ou de comparaître devant la Cour fédérale (article 42); • pouvoir de la Cour d'examiner des renseignements d'une institution du gouvernement dans le cours d'une instance engagée en vertu des articles 41 et 42 |
|--|--|

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munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
Entrée en vigueur
Articles 22-25

Order in council

(4) Sections 5 and 9 to 11 and subsection 13(1) come into force on a day to be fixed by order of the Governor in Council.

Order in council

(5) Section 7, subsection 13(3) and section 14 come into force on a day to be fixed by order of the Governor in Council, but that day must not be before the day referred to in subsection (4).

PART 2

2012, c. 6

Ending the Long-gun Registry Act

Amendments to the Act

2015, c. 36, s. 230

23 (1) Subsection 29(3) of the *Ending the Long-gun Registry Act* is deemed never to have been amended by section 230 of the *Economic Action Plan 2015 Act, No. 1*.

2015, c. 36, s. 230

(2) Subsections 29(4) to (7) of the *Ending the Long-gun Registry Act* are deemed never to have come into force and are repealed.

2015, c. 36, s. 231

24 Section 30 of the *Ending the Long-gun Registry Act* is deemed never to have come into force and is repealed.

Transitional Provisions

Definitions

25 The following definitions apply in this section and in sections 26 to 28.

commencement day means the day on which this Act receives royal assent. (*date d'entrée en vigueur*)

copy means a copy referred to in subsection 29(1) or (2) of the *Ending the Long-gun Registry Act*. (*copie*)

Décret

(4) Les articles 5 et 9 à 11 et le paragraphe 13(1) entrent en vigueur à la date fixée par décret.

Décret

(5) L'article 7, le paragraphe 13(3) et l'article 14 entrent en vigueur à la date fixée par décret, laquelle ne peut être antérieure à la date visée au 5 paragraphe (4).

PARTIE 2

2012, ch. 6

Loi sur l'abolition du registre des armes d'épaule

Modification de la loi

2015, ch. 36, art. 230

23 (1) Le paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'avoir jamais été modifié par l'article 230 de la *Loi n° 1 sur le plan d'action économique de 2015*.

2015, ch. 36, art. 230

(2) Les paragraphes 29(4) à (7) de la *Loi sur l'abolition du registre des armes d'épaule* sont réputés n'être jamais entrés en vigueur et sont abrogés.

2015, ch. 36, art. 231

24 L'article 30 de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'être jamais entré en vigueur et est abrogé.

Dispositions transitoires

Définitions

25 Les définitions qui suivent s'appliquent au présent article et aux articles 26 à 28.

copie Copie visée aux paragraphes 29(1) ou (2) de la *Loi sur l'abolition du registre des armes d'épaule*. (*copy*)

date d'entrée en vigueur La date de sanction de la présente loi. (*commencement day*)

procédure désignée Toute procédure — notamment les demandes, plaintes, enquêtes, recours en révision, révisions judiciaires ou appels — qui

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et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

(article 45);

- the offence of obstruction of the Privacy Commissioner (section 68).

- infraction visant à entraver l'action du Commissaire à la protection de la vie privée (article 68).

Subsection 29(6) of the ELRA provides that, for greater certainty, any request, complaint, investigation, application, judicial review, appeal or other proceedings under the *Access to Information Act* or the *Privacy Act*, existing on or after October 25, 2011, with respect to anything referred to in subsections 29(4) or (5), is to be determined as if those Acts did not apply to the records, including copies, related to the registration of non-restricted firearms under the Commissioner's or chief firearms officer's control, referred to in subsections 29(1) and (2).

Pour plus de certitude, le paragraphe 29(6) de la LARA prévoit qu'une demande, plainte, enquête, requête, révision judiciaire, qu'un appel ou qu'une autre instance en vertu de la *Loi sur l'accès à l'information* ou la *Loi sur la protection des renseignements personnels* en vigueur à compter du 25 octobre 2011, concernant des éléments visés au paragraphe 29(4) ou (5), doit être déterminé comme si ces lois ne s'appliquent pas aux fichiers et aux copies se rapportant à l'enregistrement des armes à feu sans restriction visés aux paragraphes 29(1) et (2), qui sont sous le contrôle du commissaire ou du contrôleur des armes à feu.

Subsection 29(7) of the ELRA provides that, in the event of an inconsistency with any other Act of Parliament, subsections 29(1) and (2) will prevail to the extent of the inconsistency, and the destruction of the records and copies shall take place despite any requirement to retain them.

Le paragraphe 29(7) de la LARA prévoit qu'en cas d'une incompatibilité avec une autre loi du Parlement, les paragraphes 29(1) et (2) l'emporteraient sur l'étendue du problème d'incompatibilité, et que les fichiers et les copies de ceux-ci devraient être détruits malgré toute exigence visant leur conservation.

Clause 23(2) of this Bill provides that subsections 29(4) to (7) of the ELRA are deemed never to have come into force and are repealed.

L'article 23(2) du présent projet de loi prévoit que les paragraphes 29(4) à (7) de la LARA sont réputés n'être jamais entrés en vigueur, et ils sont abrogés.

CLAUSE 24: Repeal

ARTICLE 24 : Abrogation

The *Economic Action Plan 2015 Act, No. 1* amended the ELRA to add section 30 which is described below:

La *Loi no 1 sur le plan d'action économique de 2015* a modifié la LARA afin d'ajouter l'article 30 décrit ci-dessous :

Subsection 30(1) of the ELRA provides that there can be no administrative, civil or criminal proceedings against the Crown, a Crown servant,

Le paragraphe 30(1) de la LARA prévoit qu'aucune procédure administrative, civile ou pénale ne peut être intentée contre l'État, un

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désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs,
munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction
Entrée en vigueur
Articles 22-25

Order in council

(4) Sections 5 and 9 to 11 and subsection 13(1) come into force on a day to be fixed by order of the Governor in Council.

Order in council

(5) Section 7, subsection 13(3) and section 14 come into force on a day to be fixed by order of the Governor in Council, but that day must not be before the day referred to in subsection (4).

PART 2

2012, c. 6

Ending the Long-gun Registry Act

Amendments to the Act

2015, c. 36, s. 230

23 (1) Subsection 29(3) of the *Ending the Long-gun Registry Act* is deemed never to have been amended by section 230 of the *Economic Action Plan 2015 Act, No. 1*.

2015, c. 36, s. 230

(2) Subsections 29(4) to (7) of the *Ending the Long-gun Registry Act* are deemed never to have come into force and are repealed.

2015, c. 36, s. 231

24 Section 30 of the *Ending the Long-gun Registry Act* is deemed never to have come into force and is repealed.

Transitional Provisions

Definitions

25 The following definitions apply in this section and in sections 26 to 28.

commencement day means the day on which this Act receives royal assent. (*date d'entrée en vigueur*)

copy means a copy referred to in subsection 29(1) or (2) of the *Ending the Long-gun Registry Act*. (*copie*)

Décret

(4) Les articles 5 et 9 à 11 et le paragraphe 13(1) entrent en vigueur à la date fixée par décret.

Décret

(5) L'article 7, le paragraphe 13(3) et l'article 14 entrent en vigueur à la date fixée par décret, laquelle ne peut être antérieure à la date visée au 5 paragraphe (4).

PARTIE 2

2012, ch. 6

Loi sur l'abolition du registre des armes d'épaule

Modification de la loi

2015, ch. 36, art. 230

23 (1) Le paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'avoir jamais été modifié par l'article 230 de la *Loi n° 1 sur le plan d'action économique de 2015*.

2015, ch. 36, art. 230

(2) Les paragraphes 29(4) à (7) de la *Loi sur l'abolition du registre des armes d'épaule* sont réputés n'être jamais entrés en vigueur et sont abrogés.

2015, ch. 36, art. 231

24 L'article 30 de la *Loi sur l'abolition du registre des armes d'épaule* est réputé n'être jamais entré en vigueur et est abrogé.

Dispositions transitoires

Définitions

25 Les définitions qui suivent s'appliquent au présent article et aux articles 26 à 28.

copie Copie visée aux paragraphes 29(1) ou (2) de la *Loi sur l'abolition du registre des armes d'épaule*. (*copy*)

date d'entrée en vigueur La date de sanction de la présente loi. (*commencement day*)

procédure désignée Toute procédure — notamment les demandes, plaintes, enquêtes, recours en révision, révisions judiciaires ou appels — qui

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et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

the Commissioner of Firearms, or a chief firearms officer, or any person acting on their behalf or under their direction with respect to the destruction, on or after April 5, 2012, of the records, including copies, related to the registration of non-restricted firearms under the Commissioner's or a chief firearms officer's control, referred to in subsections 29(1) and (2) of the ELRA.

fonctionnaire de l'État, le commissaire aux armes à feu ou un contrôleur des armes à feu, ou contre toute personne agissant en son nom ou sous sa direction concernant la destruction, à compter du 5 avril 2012, des fichiers et des copies de ceux-ci se rapportant à l'enregistrement des armes à feu sans restriction visés aux paragraphes 29(1) et (2) de la LARA, et qui sont sous le contrôle du commissaire ou du contrôleur des armes à feu.

Subsection 30(2) of the ELRA provides that there can be no administrative, civil or criminal proceedings against the Crown, a Crown servant, the Commissioner of Firearms, or a chief firearms officer, a government institution or the head of a government institution, or any person acting on their behalf or under their direction, for any act or omission done between October 25, 2011 and the date of the coming into force of subsection 30(2) (June 23, 2015), concerning the application of the *Access to Information Act* or the *Privacy Act* in relation to the records, including copies, related to the registration of non-restricted firearms, referred to in subsections 29(1) and (2).

Le paragraphe 30(2) de la LARA prévoit qu'aucune procédure administrative, civile ou pénale ne peut être intentée contre l'État, un fonctionnaire de l'État, le commissaire aux armes à feu ou un contrôleur des armes à feu, les institutions fédérales et les responsables d'institution fédérale ou contre toute personne agissant en son nom ou sous sa direction pour tout acte ou toute omission commis entre le 25 octobre 2011 et la date de l'entrée en vigueur du paragraphe 30(2) (le 23 juin 2015), quant à l'application de la *Loi sur l'accès à l'information* ou de la *Loi sur la protection des renseignements personnels* concernant les fichiers et les copies de ceux-ci se rapportant à l'enregistrement des armes à feu sans restriction visés aux paragraphes 29(1) et (2).

Subsection 30(3) specifies that "government institution" and "head" in subsection 30(2) have the same meanings as in the *Access to Information Act* or the *Privacy Act*.

Le paragraphe 30(3) précise que les expressions « institution fédérale » et « responsable d'institution fédérale » figurant au paragraphe 30(2) ont la même signification que celle établie dans la *Loi sur l'accès à l'information* ou dans la *Loi sur la protection des renseignements personnels*.

Clause 24 provides that section 30 of the ELRA is deemed never to have come into force and is repealed.

L'article 24 prévoit que l'article 30 de la LARA est réputé n'être jamais entré en vigueur et il est abrogé.

CLAUSE 25: Definitions for the purpose of this clause and clauses 26 to 27.

ARTICLE 25 : Énonce les définitions applicables à cet article et aux articles 26 à 28.

personal information means any **personal information**, as defined in section 3 of the *Privacy Act*, that is contained in a record or copy. (**renseignements personnels**)

record means, other than in section 28, a record referred to in subsection 29(1) or (2) of the *Ending the Long-gun Registry Act*. (**registres**)

specified proceeding means any request, complaint, investigation, application, judicial review, appeal or other proceeding under the *Access to Information Act* or the *Privacy Act* that is with respect to a record or copy or to personal information and that

(a) was made or initiated on or before June 22, 2015 and was not concluded, or in respect of which no decision was made, on or before that day; or

(b) was made or initiated after June 22, 2015 but before the commencement day. (**procédure désignée**)

Non-application — *Access to Information Act*

26 (1) Subject to section 27, the *Access to Information Act* does not apply as of the commencement day with respect to records and copies.

Non-application — *Privacy Act*

(2) Subject to section 27, the *Privacy Act*, other than its subsections 6(1) and (3), does not apply as of the commencement day with respect to personal information.

Non-application — subsections 6(1) and (3) of the *Privacy Act*

(3) For greater certainty, by reason of subsection 29(3) of the *Ending the Long-gun Registry Act*, subsections 6(1) and (3) of the *Privacy Act* do not apply as of April 5, 2012 with respect to personal information.

Continued application

27 (1) The *Privacy Act*, other than its subsections 6(1) and (3), and the *Access to Information Act* continue to apply with respect to any specified proceeding and to any complaint,

est engagée sous le régime de la *Loi sur l'accès à l'information* ou de la *Loi sur la protection des renseignements personnels*, qui est relative aux registres, copies ou renseignements personnels et qui, selon le cas :

a) a été introduite ou a débuté au plus tard le 22 juin 2015 et n'a pas été conclue ou à l'égard de laquelle aucune décision n'a encore été prise à cette date;

b) a été introduite ou a débuté après le 22 juin 2015 mais avant la date d'entrée en vigueur. (**specified proceeding**)

registres Registres et fichiers visés aux paragraphes 29(1) ou (2) de la *Loi sur l'abolition du registre des armes d'épaule*. (**record**)

renseignements personnels Les renseignements personnels, au sens de l'article 3 de la *Loi sur la protection des renseignements personnels*, versés dans les registres et copies. (**personal information**)

Non-application — *Loi sur l'accès à l'information*

26 (1) Sous réserve de l'article 27, la *Loi sur l'accès à l'information* ne s'applique pas, à compter de la date d'entrée en vigueur, relativement aux registres et copies.

Non-application — *Loi sur la protection des renseignements personnels*

(2) Sous réserve de l'article 27, la *Loi sur la protection des renseignements personnels*, à l'exception de ses paragraphes 6(1) et (3), ne s'applique pas, à compter de la date d'entrée en vigueur, relativement aux renseignements personnels.

Non-application — paragraphes 6(1) et (3) de la *Loi sur la protection des renseignements personnels*

(3) Il est entendu qu'en application du paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule*, les paragraphes 6(1) et (3) de la *Loi sur la protection des renseignements personnels* ne s'appliquent pas, à compter du 5 avril 2012, relativement aux renseignements personnels.

Application continue

27 (1) La *Loi sur la protection des renseignements personnels*, à l'exception de ses paragraphes 6(1) et (3), et la *Loi sur l'accès à l'information* continuent de s'appliquer relativement à

*An Act to amend certain Acts and Regulations in relation to firearms/ Loi modifiant certaines lois
et un règlement relatifs aux armes à feu*

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Commencement day means the day on which the Bill receives Royal Assent.

Date d'entrée en vigueur signifie la date de la sanction royale du présent projet de loi.

Copy means a copy of records in the Canadian Firearms Registry related to the registration of non-restricted firearms under the control of the Commissioner of Firearms; or, copies of records under the control of a chief firearms officer related to the registration of non-restricted firearms.

Copie signifie copie des registres ou fichiers du Registre canadien des armes à feu associés à l'enregistrement des armes à feu sans restriction sous la responsabilité du commissaire aux armes à feu; ou copies des registres ou fichiers sous la responsabilité des contrôleurs des armes à feu associés à l'enregistrement des armes à feu sans restriction.

Personal information means any *personal information*, as defined in section 3 of the *Privacy Act* that is contained in a record or a copy. The *Privacy Act* defines *personal information* in section 3 as, among other information:

Renseignements personnels signifie les renseignements personnels, au sens de l'article 3 de la *Loi sur la protection des renseignements personnels*, versés dans les registres et fichiers et les copies. Ladite loi contient une définition de *renseignements personnels* concernant un individu à l'article 3, laquelle comprend notamment :

- information relating to the race, national or ethnic origin, colour, religion, age or marital status of the individual;
- any identifying number, symbol or other particular assigned to the individual; and,
- the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual.

- les renseignements relatifs à sa race, à son origine nationale ou ethnique, à sa couleur, à sa religion, à son âge ou à sa situation de famille;
- tout numéro ou symbole, ou toute autre indication identificatrice, qui lui est propre;
- son nom lorsque celui-ci est mentionné avec d'autres renseignements personnels le concernant ou lorsque la seule divulgation du nom révélerait des renseignements à son sujet.

Record means a record in the Canadian Firearms Registry related to the registration of non-restricted firearms under the Commissioner's control; or, a record under the control of a chief firearms officer related to the registration of non-restricted firearms.

Registres signifie registres et fichiers du Registre canadien des armes à feu associés à l'enregistrement des armes à feu sans restriction sous la responsabilité du commissaire aux armes à feu; ou registres et fichiers sous la responsabilité des contrôleurs des armes à feu associés à l'enregistrement des armes à feu sans restriction.

personal information means any **personal information**, as defined in section 3 of the *Privacy Act*, that is contained in a record or copy. (**renseignements personnels**)

record means, other than in section 28, a record referred to in subsection 29(1) or (2) of the *Ending the Long-gun Registry Act*. (**registres**)

specified proceeding means any request, complaint, investigation, application, judicial review, appeal or other proceeding under the *Access to Information Act* or the *Privacy Act* that is with respect to a record or copy or to personal information and that

(a) was made or initiated on or before June 22, 2015 and was not concluded, or in respect of which no decision was made, on or before that day; or

(b) was made or initiated after June 22, 2015 but before the commencement day. (**procédure désignée**)

Non-application — *Access to Information Act*

26 (1) Subject to section 27, the *Access to Information Act* does not apply as of the commencement day with respect to records and copies.

Non-application — *Privacy Act*

(2) Subject to section 27, the *Privacy Act*, other than its subsections 6(1) and (3), does not apply as of the commencement day with respect to personal information.

Non-application — subsections 6(1) and (3) of the *Privacy Act*

(3) For greater certainty, by reason of subsection 29(3) of the *Ending the Long-gun Registry Act*, subsections 6(1) and (3) of the *Privacy Act* do not apply as of April 5, 2012 with respect to personal information.

Continued application

27 (1) The *Privacy Act*, other than its subsections 6(1) and (3), and the *Access to Information Act* continue to apply with respect to any specified proceeding and to any complaint,

est engagée sous le régime de la *Loi sur l'accès à l'information* ou de la *Loi sur la protection des renseignements personnels*, qui est relative aux registres, copies ou renseignements personnels et qui, selon le cas :

a) a été introduite ou a débuté au plus tard le 22 juin 2015 et n'a pas été conclue ou à l'égard de laquelle aucune décision n'a encore été prise à cette date;

b) a été introduite ou a débuté après le 22 juin 2015 mais avant la date d'entrée en vigueur. (**specified proceeding**)

registres Registres et fichiers visés aux paragraphes 29(1) ou (2) de la *Loi sur l'abolition du registre des armes d'épaule*. (**record**)

renseignements personnels Les renseignements personnels, au sens de l'article 3 de la *Loi sur la protection des renseignements personnels*, versés dans les registres et copies. (**personal information**)

Non-application — *Loi sur l'accès à l'information*

26 (1) Sous réserve de l'article 27, la *Loi sur l'accès à l'information* ne s'applique pas, à compter de la date d'entrée en vigueur, relativement aux registres et copies.

Non-application — *Loi sur la protection des renseignements personnels*

(2) Sous réserve de l'article 27, la *Loi sur la protection des renseignements personnels*, à l'exception de ses paragraphes 6(1) et (3), ne s'applique pas, à compter de la date d'entrée en vigueur, relativement aux renseignements personnels.

Non-application — paragraphes 6(1) et (3) de la *Loi sur la protection des renseignements personnels*

(3) Il est entendu qu'en application du paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule*, les paragraphes 6(1) et (3) de la *Loi sur la protection des renseignements personnels* ne s'appliquent pas, à compter du 5 avril 2012, relativement aux renseignements personnels.

Application continue

27 (1) La *Loi sur la protection des renseignements personnels*, à l'exception de ses paragraphes 6(1) et (3), et la *Loi sur l'accès à l'information* continuent de s'appliquer relativement à

*An Act to amend certain Acts and Regulations in relation to firearms/ Loi modifiant certaines lois
et un règlement relatifs aux armes à feu*

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Specified Proceeding means any request, complaint, investigation, application, judicial review, appeal, or other proceeding under the *Access to Information Act* or the *Privacy Act* that is with respect to a record or copy or to personal information and that:

- (a) was made or initiated on or before June 22, 2015, which is the day before the coming into force of the Economic Action Plan 2015 Act, No. 1, and was not concluded, or in respect of which no decision is made, on or before that day; or
- (b) was made or initiated after June 22, 2015, but before the commencement day, which is the day the Bill receives Royal Assent.

CLAUSE 26(1): Non-application - Access to Information Act

Subject to clause 27, as of the day the Bill receives Royal Assent, the *Access to Information Act* does not apply to records or copies of records in the Canadian Firearms Registry related to the registration of non-restricted firearms under the Commissioner's control or, to records or copies of records, under the control of a chief firearms officer related to the registration of non-restricted firearms.

Procédure désignée signifie toute procédure – notamment toute demande, toute plainte, toute enquête, tout recours en révision, toute révision judiciaire ou tout appel – qui est engagée sous le régime de la *Loi sur l'accès à l'information* ou de la *Loi sur la protection des renseignements personnels*, qui est relative aux registres, copies ou renseignements personnels et qui, selon le cas :

- (a) a été introduite ou a débuté au plus tard le 22 juin 2015, le jour précédent l'entrée en vigueur de la *Loi no 1 sur le plan d'action économique de 2015*, et n'a pas été conclue ou à l'égard de laquelle aucune décision n'a encore été prise à cette date;
- (b) a été introduite ou a débuté après le 22 juin 2015, mais avant la *date d'entrée en vigueur*, à savoir la date de la sanction royale du projet de loi.

ARTICLE 26(1) : Non-application - Loi sur l'accès à l'information

Sous réserve de l'article 27, à compter de la date de la sanction royale du projet de loi, la *Loi sur l'accès à l'information* ne s'appliquera pas aux registres et fichiers du Registre canadien des armes à feu, et les copies de ceux-ci, associés à l'enregistrement des armes à feu sans restriction sous la responsabilité du commissaire aux armes à feu. Il en est de même pour les registres et fichiers, et les copies de ceux-ci, associés à l'enregistrement des armes à feu sans restriction, sous la responsabilité des contrôleurs des armes à feu.

personal information means any **personal information**, as defined in section 3 of the *Privacy Act*, that is contained in a record or copy. (*renseignements personnels*)

record means, other than in section 28, a record referred to in subsection 29(1) or (2) of the *Ending the Long-gun Registry Act*. (*registres*)

specified proceeding means any request, complaint, investigation, application, judicial review, appeal or other proceeding under the *Access to Information Act* or the *Privacy Act* that is with respect to a record or copy or to personal information and that

(a) was made or initiated on or before June 22, 2015 and was not concluded, or in respect of which no decision was made, on or before that day; or

(b) was made or initiated after June 22, 2015 but before the commencement day. (*procédure désignée*)

Non-application — *Access to Information Act*

26 (1) Subject to section 27, the *Access to Information Act* does not apply as of the commencement day with respect to records and copies.

Non-application — *Privacy Act*

(2) Subject to section 27, the *Privacy Act*, other than its subsections 6(1) and (3), does not apply as of the commencement day with respect to personal information.

Non-application — subsections 6(1) and (3) of the *Privacy Act*

(3) For greater certainty, by reason of subsection 29(3) of the *Ending the Long-gun Registry Act*, subsections 6(1) and (3) of the *Privacy Act* do not apply as of April 5, 2012 with respect to personal information.

Continued application

27 (1) The *Privacy Act*, other than its subsections 6(1) and (3), and the *Access to Information Act* continue to apply with respect to any specified proceeding and to any complaint,

est engagée sous le régime de la *Loi sur l'accès à l'information* ou de la *Loi sur la protection des renseignements personnels*, qui est relative aux registres, copies ou renseignements personnels et qui, selon le cas :

a) a été introduite ou a débuté au plus tard le 22 juin 2015 et n'a pas été conclue ou à l'égard de laquelle aucune décision n'a encore été prise à cette date;

b) a été introduite ou a débuté après le 22 juin 2015 mais avant la date d'entrée en vigueur. (*specified proceeding*)

registres Registres et fichiers visés aux paragraphes 29(1) ou (2) de la *Loi sur l'abolition du registre des armes d'épaule*. (*record*)

renseignements personnels Les renseignements personnels, au sens de l'article 3 de la *Loi sur la protection des renseignements personnels*, versés dans les registres et copies. (*personal information*)

Non-application — *Loi sur l'accès à l'information*

26 (1) Sous réserve de l'article 27, la *Loi sur l'accès à l'information* ne s'applique pas, à compter de la date d'entrée en vigueur, relativement aux registres et copies.

Non-application — *Loi sur la protection des renseignements personnels*

(2) Sous réserve de l'article 27, la *Loi sur la protection des renseignements personnels*, à l'exception de ses paragraphes 6(1) et (3), ne s'applique pas, à compter de la date d'entrée en vigueur, relativement aux renseignements personnels.

Non-application — paragraphes 6(1) et (3) de la *Loi sur la protection des renseignements personnels*

(3) Il est entendu qu'en application du paragraphe 29(3) de la *Loi sur l'abolition du registre des armes d'épaule*, les paragraphes 6(1) et (3) de la *Loi sur la protection des renseignements personnels* ne s'appliquent pas, à compter du 5 avril 2012, relativement aux renseignements personnels.

Application continue

27 (1) La *Loi sur la protection des renseignements personnels*, à l'exception de ses paragraphes 6(1) et (3), et la *Loi sur l'accès à l'information* continuent de s'appliquer relativement à

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et un règlement relatifs aux armes à feu*

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CLAUSE 26(2): Non-application - *Privacy Act*

Subject to clause 27, as of the day the Bill receives Royal Assent, the *Privacy Act* (excepting subsections 6(1) and (3)) does not apply to records or copies of records in the Canadian Firearms Registry related to the registration of non-restricted firearms under the Commissioner's control or, to records or copies of records, under the control of a chief firearms officer related to the registration of non-restricted firearms

CLAUSE 26(3): Non-application - subsections 6(1) and (3) of the *Privacy Act*

This clause clarifies that subsections 6(1) and (3) of the *Privacy Act* have not applied to personal information in the records or copies since the coming into force of the ELRA on April 5, 2012.

CLAUSE 27(1): Continued application

The *Privacy Act*, with the exception of subsections 6(1) and 6(3), and the *Access to Information Act* continue to apply with respect to specified proceedings, and to any complaint, investigation, application, judicial review or appeal that results from a specified proceeding.

ARTICLE 26(2) : Non-application - *Loi sur la protection des renseignements personnels*

Sous réserve de l'article 27, à compter de la date de la sanction royale du projet de loi, la *Loi sur la protection des renseignements personnels* ne s'appliquera pas aux registres et fichiers du Registre canadien des armes à feu (à l'exception des paragraphes 6(1) et 6(3)), et les copies de ceux-ci, associés à l'enregistrement des armes à feu sans restriction sous la responsabilité du commissaire aux armes à feu. Il en est de même pour les registres et fichiers, et les copies de ceux-ci, associés à l'enregistrement des armes à feu sans restriction, sous la responsabilité des contrôleurs des armes à feu.

ARTICLE 26(3) : Non-application - paragraphes 6(1) et 6(3) de la *Loi sur la protection des renseignements personnels*

Cet article précise que les paragraphes 6(1) et (3) de la *Loi sur la protection des renseignements personnels* ne s'appliquent pas aux renseignements personnels contenus dans les registres et fichiers et les copies, et ce, depuis l'entrée en vigueur de la LARA en date du 5 avril 2012.

ARTICLE 27(1) : Application continue

La *Loi sur la protection des renseignements personnels*, à l'exception de ses paragraphes 6(1) et (3), et la *Loi sur l'accès à l'information* continuent de s'appliquer relativement aux procédures désignées et à toute plainte, toute enquête, tout recours en révision, toute révision judiciaire ou tout appel qui découle d'une procédure désignée.

investigation, application, judicial review or appeal that results from a specified proceeding.

Period running on June 22, 2015 restarts

(2) A time limit, or other period of time, under the *Access to Information Act* or the *Privacy Act* that was running on June 22, 2015 with respect to a specified proceeding described in paragraph (a) of the definition of that expression in section 25 is deemed to restart, from the beginning, on the commencement day.

Specified proceeding initiated after June 22, 2015

(3) A specified proceeding described in paragraph (b) of the definition of that expression in section 25 is deemed to be made or initiated on the commencement day.

For greater certainty

(4) For greater certainty, no destruction of records or copies that are the subject of proceedings referred to in subsection (1) is to occur until all proceedings referred to in that subsection are finally disposed of, settled or abandoned.

Permission to view records

28 The Commissioner of Firearms shall permit the Information Commissioner to view — for the purpose of settling the Federal Court proceeding *Information Commissioner of Canada v. Minister of Public Safety and Emergency Preparedness*, bearing court file number T-785-15 — any record that was in the Canadian Firearms Registry on April 3, 2015.

Copy to Government of Quebec

29 (1) The Commissioner of Firearms shall — for the purpose of the administration and enforcement of the *Firearms Registration Act*, chapter 15 of the *Statutes of Quebec, 2016* — provide the Quebec Minister with a copy of all records that were in the Canadian Firearms Registry on April 3, 2015 and that relate to firearms registered, as at that day, as non-restricted firearms, if the Quebec Minister provides the Commissioner with a written request to that effect before the end of the 120th day after the day on which the Commissioner sends written notice under subsection (2).

toute procédure désignée et aux plaintes, enquêtes, recours en révision, révisions judiciaires ou appels qui découlent d'une procédure désignée.

Recommencement des délais en cours le 22 juin 2015

(2) Le délai — ou la période — prévu sous le régime de la *Loi sur l'accès à l'information* ou de la *Loi sur la protection des renseignements personnels*, en cours le 22 juin 2015 relativement à une procédure désignée visée à l'alinéa a) de la définition de ce terme à l'article 25 est réputé recommencer à zéro à la date d'entrée en vigueur.

Procédure désignée introduite après le 22 juin 2015

(3) Toute procédure désignée visée à l'alinéa b) de la définition de ce terme à l'article 25 est réputée être introduite ou avoir débuté à la date d'entrée en vigueur.

Précision

(4) Il est entendu que les registres ou copies faisant l'objet de toute procédure visée au paragraphe (1) ne peuvent être détruits avant le prononcé d'une décision définitive à l'égard de l'ensemble des procédures qui y sont visées ou le règlement ou l'abandon de celles-ci.

Permission de voir des documents

28 Le commissaire aux armes à feu permet au Commissaire à l'information de voir — en vue du règlement de l'affaire *Commissaire à l'information du Canada c. Ministre de la Sécurité publique et de la Protection civile*, dont le numéro de dossier à la Cour fédérale est T-785-15 — tout document qui se trouvait dans le Registre canadien des armes à feu le 3 avril 2015.

Copie au gouvernement du Québec

29 (1) Le commissaire aux armes à feu fournit au ministre du Québec, aux fins de l'exécution et du contrôle d'application de la *Loi sur l'immatriculation des armes à feu*, chapitre 15 des *Lois du Québec (2016)*, une copie des registres et fichiers qui se trouvaient dans le Registre canadien des armes à feu le 3 avril 2015 et qui concernent les armes à feu qui, à cette date, étaient enregistrées en tant qu'arme à feu sans restriction, si le ministre du Québec en fait la demande par écrit au commissaire au plus tard le cent vingtième jour suivant la date de l'envoi de l'avis écrit au titre du paragraphe (2).

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**CLAUSE 27(2): Period running on
June 22, 2015 restarts**

Any time period that was running on June 22, 2015, with respect to a specified proceeding, will restart from the beginning on the day the bill receives Royal Assent.

**ARTICLE 27(2) : Recommencement des
délais en cours le 22 juin 2015**

Tout délai en cours le 22 juin 2015 relativement à une *procédure désignée* recommencera à zéro à compter de la date de la sanction royale du projet de loi.

**CLAUSE 27(3): Specified proceeding
initiated after June 22, 2015.**

Clause 27(3) deems any specified proceeding initiated after June 22, 2015 to be made or initiated on the day of the coming into force of this Bill.

**ARTICLE 27(3) : Procédure désignée
introduite après le 22 juin 2015**

Selon l'article 27(3), toute *procédure désignée* introduite après le 22 juin 2015 sera considérée comme ayant été introduite ou commencée le jour de l'entrée en vigueur du présent projet de loi.

**CLAUSE 27(4): For greater certainty -
destruction of records.**

The records or copies may not be destroyed until all the specified proceedings, and any proceeding stemming from specified proceedings, are finally disposed of, settled or abandoned.

**ARTICLE 27(4) : Précision – destruction des
fichiers**

Les registres, les fichiers ou les copies ne sont pas détruits avant que toutes les *procédures désignées* ou toutes les procédures découlant de *procédures désignées* n'aient fait l'objet d'une décision définitive, d'un règlement ou d'un abandon.

CLAUSE 28: Permission to view the records

The Commissioner of Firearms shall allow the Information Commissioner to view records that were in the Canadian Firearms Registry on April 3, 2015. This is for the purpose of settling a judicial review in Federal Court, brought by the Information Commissioner, concerning an access to information request for the registration records of non-restricted firearms made in March 2012.

ARTICLE 28 : Permission de voir des fichiers

Le commissaire aux armes à feu permet au Commissaire à l'information de consulter tout document figurant au Registre canadien des armes à feu le 3 avril 2015. Ceci est permis en vue d'un règlement dans le cadre d'une révision judiciaire en Cour fédérale, au sujet d'une demande d'accès à l'information relative à des fichiers associés à l'enregistrement des armes à feu sans restriction faite en mars 2012, plus précisément en vue du règlement de l'affaire Commissaire à l'information du Canada c. Ministre de la Sécurité publique et de la Protection civile, dont le numéro de dossier à la Cour fédérale est T-785-15.

investigation, application, judicial review or appeal that results from a specified proceeding.

Period running on June 22, 2015 restarts

(2) A time limit, or other period of time, under the *Access to Information Act* or the *Privacy Act* that was running on June 22, 2015 with respect to a specified proceeding described in paragraph (a) of the definition of that expression in section 25 is deemed to restart, from the beginning, on the commencement day.

Specified proceeding initiated after June 22, 2015

(3) A specified proceeding described in paragraph (b) of the definition of that expression in section 25 is deemed to be made or initiated on the commencement day.

For greater certainty

(4) For greater certainty, no destruction of records or copies that are the subject of proceedings referred to in subsection (1) is to occur until all proceedings referred to in that subsection are finally disposed of, settled or abandoned.

Permission to view records

28 The Commissioner of Firearms shall permit the Information Commissioner to view — for the purpose of settling the Federal Court proceeding *Information Commissioner of Canada v. Minister of Public Safety and Emergency Preparedness*, bearing court file number T-785-15 — any record that was in the Canadian Firearms Registry on April 3, 2015.

Copy to Government of Quebec

29 (1) The Commissioner of Firearms shall — for the purpose of the administration and enforcement of the *Firearms Registration Act*, chapter 15 of the Statutes of Quebec, 2016 — provide the Quebec Minister with a copy of all records that were in the Canadian Firearms Registry on April 3, 2015 and that relate to firearms registered, as at that day, as non-restricted firearms, if the Quebec Minister provides the Commissioner with a written request to that effect before the end of the 120th day after the day on which the Commissioner sends written notice under subsection (2).

toute procédure désignée et aux plaintes, enquêtes, recours en révision, révisions judiciaires ou appels qui découlent d'une procédure désignée.

Recommencement des délais en cours le 22 juin 2015

(2) Le délai — ou la période — prévu sous le régime de la *Loi sur l'accès à l'information* ou de la *Loi sur la protection des renseignements personnels*, en cours le 22 juin 2015 relativement à une procédure désignée visée à l'alinéa a) de la définition de ce terme à l'article 25 est réputé recommencer à zéro à la date d'entrée en vigueur.

Procédure désignée introduite après le 22 juin 2015

(3) Toute procédure désignée visée à l'alinéa b) de la définition de ce terme à l'article 25 est réputée être introduite ou avoir débuté à la date d'entrée en vigueur.

Précision

(4) Il est entendu que les registres ou copies faisant l'objet de toute procédure visée au paragraphe (1) ne peuvent être détruits avant le prononcé d'une décision définitive à l'égard de l'ensemble des procédures qui y sont visées ou le règlement ou l'abandon de celles-ci.

Permission de voir des documents

28 Le commissaire aux armes à feu permet au Commissaire à l'information de voir — en vue du règlement de l'affaire *Commissaire à l'information du Canada c. Ministre de la Sécurité publique et de la Protection civile*, dont le numéro de dossier à la Cour fédérale est T-785-15 — tout document qui se trouvait dans le Registre canadien des armes à feu le 3 avril 2015.

Copie au gouvernement du Québec

29 (1) Le commissaire aux armes à feu fournit au ministre du Québec, aux fins de l'exécution et du contrôle d'application de la *Loi sur l'immatriculation des armes à feu*, chapitre 15 des Lois du Québec (2016), une copie des registres et fichiers qui se trouvaient dans le Registre canadien des armes à feu le 3 avril 2015 et qui concernent les armes à feu qui, à cette date, étaient enregistrées en tant qu'arme à feu sans restriction, si le ministre du Québec en fait la demande par écrit au commissaire au plus tard le cent vingtième jour suivant la date de l'envoi de l'avis écrit au titre du paragraphe (2).

*An Act to amend certain Acts and Regulations in relation to firearms/ Loi modifiant certaines lois
et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

**CLAUSE 29(1): Copy to Government of
Quebec**

The Commissioner of Firearms will provide a copy of the registration records related to Quebec, as they were on April 3, 2015, and that were registered as non-restricted on that date, to the Quebec Minister, if the Quebec Minister provides a written request prior to the end of the 120th day after a written notice is sent under subsection 29(2). The purpose of the transfer will be the administration and enforcement of the Quebec *Firearms Registration Act*.

CLAUSE 29(2): Notice

If the Quebec Minister has not provided a written request for the records mentioned in subsection 8(1) before the Commissioner of Firearms is in a position to destroy them, the Commissioner will send written notice to the Quebec Minister that he/she is in such a position.

CLAUSE 29(3): Destruction of records

The Commissioner of Firearms will only destroy the records if he/she has provided a copy of the records to Quebec or, in any other case, after the end of the 120th day after the day on which the Commissioner has sent a written notice under Clause 8(2).

**CLAUSE 29(4): Definition of *Quebec
Minister***

Quebec Minister means the minister of the Government of Quebec responsible for public security.

**ARTICLE 29(1) : Copie au gouvernement du
Québec**

Le commissaire aux armes à feu donnera au ministre du Québec une copie des fichiers d'enregistrement concernant le Québec, tels qu'ils étaient en date du 3 avril 2015, relatifs aux armes à feu qui, à cette date, étaient enregistrées en tant qu'arme à feu sans restriction pourvu que le ministre du Québec en fait la demande par écrit avant la fin du 120^{ième} jour suivant l'envoi de l'avis écrit conformément au paragraphe 29(2). Ceci servira aux fins de l'administration et de l'exécution de la *Loi sur l'immatriculation des armes à feu* du Québec.

ARTICLE 29(2) : Avis

Si le ministre du Québec n'a pas fait de demande écrite pour obtenir une copie des fichiers mentionnés au paragraphe 29(1) avant que le commissaire aux armes à feu ne soit prêt à les détruire, le commissaire aux armes à feu lui fait parvenir un avis écrit pour lui indiquer qu'il est prêt à les détruire, conformément à l'article 29(3).

ARTICLE 29(3) : Destruction des fichiers

Le commissaire aux armes à feu ne détruit les registres et fichiers que s'il a donné une copie de ces fichiers au ministre du Québec ou, dans tout autre cas, après la fin du 120^{ième} jour suivant la date à laquelle il a envoyé l'avis écrit dont il est question au paragraphe 29(2).

**ARTICLE 29(4) : Définition de *ministre du
Québec***

ministre du Québec signifie le ministre du gouvernement du Québec responsable de la sécurité publique.

Notice

(2) If no request is provided under subsection (1) before the Commissioner is in a position to proceed with ensuring the destruction of the records referred to in that subsection, the Commissioner shall, as soon as he or she is in that position, send written notice to the Quebec Minister of that fact. 5

Destruction of records

(3) Despite subsection 29(1) of the *Ending the Long-gun Registry Act*, the Commissioner shall proceed with ensuring the destruction of the records referred to in subsection (1) only after 10

(a) he or she provides the Quebec Minister with a copy of the records, in the case where that Minister provides a written request in accordance with subsection (1); or 15

(b) the end of the 120th day after the day on which the Commissioner sends written notice under subsection (2), in any other case.

Definition of Quebec Minister

(4) In this section, *Quebec Minister* means the minister of the Government of Quebec responsible for public security. 20

Extension

30 The Minister of Public Safety and Emergency Preparedness may, during the 120-day period referred to in subsection 29(1), make an order extending that period for another 120 days, and in that case the references in subsections 29(1) and (3) to "the 120th day" are to be read as references to "the 240th day". 25

Avis

(2) Si la demande visée au paragraphe (1) n'est pas faite avant que le commissaire soit en mesure de veiller à la destruction des registres et fichiers visés à ce paragraphe, ce dernier envoie un avis écrit au ministre du Québec dès qu'il est prêt à veiller à la destruction des registres et fichiers visés. 5

Destruction des registres et fichiers

(3) Malgré le paragraphe 29(1) de la *Loi sur l'abolition du registre des armes d'épaule*, le commissaire aux armes à feu ne veille à la destruction des registres et fichiers visés au paragraphe (1) qu'après : 10

a) avoir fourni une copie des registres et fichiers au ministre du Québec, dans le cas où ce ministre en fait la demande écrite conformément à ce paragraphe; 15

b) le cent vingtième jour suivant la date de l'envoi de l'avis écrit au titre du paragraphe (2), dans tout autre cas.

Définition de ministre du Québec

(4) Au présent article, *ministre du Québec* s'entend du ministre du gouvernement du Québec responsable de la sécurité publique. 20

Prolongation

30 Le ministre de la Sécurité publique et de la Protection civile peut, par arrêté, pendant la période de cent vingt jours visée au paragraphe 29(1), prolonger celle-ci d'une période additionnelle de cent vingt jours. Le cas échéant, la mention «cent vingtième jour» aux paragraphes 29(1) et (3) vaut mention de «deux cent quarantième jour». 25 30

*An Act to amend certain Acts and Regulations in relation to firearms/ Loi modifiant certaines lois
et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

**CLAUSE 29(1): Copy to Government of
Quebec**

The Commissioner of Firearms will provide a copy of the registration records related to Quebec, as they were on April 3, 2015, and that were registered as non-restricted on that date, to the Quebec Minister, if the Quebec Minister provides a written request prior to the end of the 120th day after a written notice is sent under subsection 29(2). The purpose of the transfer will be the administration and enforcement of the Quebec *Firearms Registration Act*.

CLAUSE 29(2): Notice

If the Quebec Minister has not provided a written request for the records mentioned in subsection 8(1) before the Commissioner of Firearms is in a position to destroy them, the Commissioner will send written notice to the Quebec Minister that he/she is in such a position.

CLAUSE 29(3): Destruction of records

The Commissioner of Firearms will only destroy the records if he/she has provided a copy of the records to Quebec or, in any other case, after the end of the 120th day after the day on which the Commissioner has sent a written notice under Clause 8(2).

**CLAUSE 29(4): Definition of *Quebec
Minister***

Quebec Minister means the minister of the Government of Quebec responsible for public security.

**ARTICLE 29(1) : Copie au gouvernement du
Québec**

Le commissaire aux armes à feu donnera au ministre du Québec une copie des fichiers d'enregistrement concernant le Québec, tels qu'ils étaient en date du 3 avril 2015, relatifs aux armes à feu qui, à cette date, étaient enregistrées en tant qu'arme à feu sans restriction pourvu que le ministre du Québec en fait la demande par écrit avant la fin du 120^{ième} jour suivant l'envoi de l'avis écrit conformément au paragraphe 29(2). Ceci servira aux fins de l'administration et de l'exécution de la *Loi sur l'immatriculation des armes à feu* du Québec.

ARTICLE 29(2) : Avis

Si le ministre du Québec n'a pas fait de demande écrite pour obtenir une copie des fichiers mentionnés au paragraphe 29(1) avant que le commissaire aux armes à feu ne soit prêt à les détruire, le commissaire aux armes à feu lui fait parvenir un avis écrit pour lui indiquer qu'il est prêt à les détruire, conformément à l'article 29(3).

ARTICLE 29(3) : Destruction des fichiers

Le commissaire aux armes à feu ne détruit les registres et fichiers que s'il a donné une copie de ces fichiers au ministre du Québec ou, dans tout autre cas, après la fin du 120^{ième} jour suivant la date à laquelle il a envoyé l'avis écrit dont il est question au paragraphe 29(2).

**ARTICLE 29(4) : Définition de *ministre du
Québec***

ministre du Québec signifie le ministre du gouvernement du Québec responsable de la sécurité publique.

Notice

(2) If no request is provided under subsection (1) before the Commissioner is in a position to proceed with ensuring the destruction of the records referred to in that subsection, the Commissioner shall, as soon as he or she is in that position, send written notice to the Quebec Minister of that fact. 5

Destruction of records

(3) Despite subsection 29(1) of the *Ending the Long-gun Registry Act*, the Commissioner shall proceed with ensuring the destruction of the records referred to in subsection (1) only after 10

(a) he or she provides the Quebec Minister with a copy of the records, in the case where that Minister provides a written request in accordance with subsection (1); or 15

(b) the end of the 120th day after the day on which the Commissioner sends written notice under subsection (2), in any other case.

Definition of Quebec Minister

(4) In this section, *Quebec Minister* means the minister of the Government of Quebec responsible for public security. 20

Extension

30 The Minister of Public Safety and Emergency Preparedness may, during the 120-day period referred to in subsection 29(1), make an order extending that period for another 120 days, and in that case the references in subsections 29(1) and (3) to "the 120th day" are to be read as references to "the 240th day". 25

Avis

(2) Si la demande visée au paragraphe (1) n'est pas faite avant que le commissaire soit en mesure de veiller à la destruction des registres et fichiers visés à ce paragraphe, ce dernier envoie un avis écrit au ministre du Québec dès qu'il est prêt à veiller à la destruction des registres et fichiers visés. 5

Destruction des registres et fichiers

(3) Malgré le paragraphe 29(1) de la *Loi sur l'abolition du registre des armes d'épaule*, le commissaire aux armes à feu ne veille à la destruction des registres et fichiers visés au paragraphe (1) qu'après : 10

a) avoir fourni une copie des registres et fichiers au ministre du Québec, dans le cas où ce ministre en fait la demande écrite conformément à ce paragraphe; 15

b) le cent vingtième jour suivant la date de l'envoi de l'avis écrit au titre du paragraphe (2), dans tout autre cas.

Définition de ministre du Québec

(4) Au présent article, *ministre du Québec* s'entend du ministre du gouvernement du Québec responsable de la sécurité publique. 20

Prolongation

30 Le ministre de la Sécurité publique et de la Protection civile peut, par arrêté, pendant la période de cent vingt jours visée au paragraphe 29(1), prolonger celle-ci d'une période additionnelle de cent vingt jours. Le cas échéant, la mention « cent vingtième jour » aux paragraphes 29(1) et (3) vaut mention de « deux cent quarantième jour ». 25 30

*An Act to amend certain Acts and Regulations in relation to firearms/ Loi modifiant certaines lois
et un règlement relatifs aux armes à feu*

Clause by Clause Analysis / Analyse article par article

CLAUSE 30: Extension

The Minister of Public Safety and Emergency Preparedness may, during the 120-day period set out in subsection 8(1), make an order extending that period for another 120 days.

ARTICLE 30 : Prolongation

Durant la période de 120 jours mentionnée au paragraphe 29(1), le ministre de la Sécurité publique et de la Protection civile peut, par arrêté, prolonger la période d'une période additionnelle de 120 jours

Pages 1073 to / à 1081
are not relevant
sont non pertinentes

STAKEHOLDER PERSPECTIVES Bill C-71:

PUBLIC COMMENTARY:

The following organizations' spokespersons have made public statements regarding Bill C-71:

Canadian Association of Chiefs of Police (supporting):

"CACP policing leadership is encouraged by the positive direction taken by Public Safety Canada and Ralph Goodale towards sensible firearms legislation enhancing the tools available to policing to ensure public safety." (March 20, 2018)

The CACP's twitter has 6,298 followers. This tweet received 32 retweets and 34 likes.

John Tory, Mayor of Toronto (supporting):

"This is a good start for a national discussion on improving our gun laws and I hope to see the government look at further strengthening the rules to keep guns off our streets. It is long past time to take bold action to fight domestic gun trafficking." (March 20, 2018)

John Tory's twitter has 261,000 followers. This tweet received 22 retweets and 85 likes.

National Firearms Association (opposed):

"This bill is an all-out attack on firearms owners and users, and just like we led the charge against the failed long-gun registry and won, we will lead the charge again against this seriously misguided legislation." (March 20, 2018)

Canadian Coalition for Firearms Rights (opposed):

"Bill C-71 has no mention of working on crime, no mention of combatting the ever-growing gang violence that plagues our nation. It quite literally is directly targeting legal gun owners. This lack of serious leadership and governance is dangerous to the safety of Canadians." (March 29, 2018)

CCFR's Facebook has 13,308 followers. This post was liked 247 times and shared 117 times.

PolySeSouvient (mixed):

"The measures contained in the bill consist of the very bare minimum. It seems very clear to us that the primary intent is not to maximize public safety but to minimize the ire of the gun lobby while looking like they are doing something." (March 20, 2018)

PolySeSouvient's twitter has 509 followers. This tweet received 5 retweets and 4 likes.

Nathalie Provost, Vice-Chair of CFAC and PolySeSouvient spokesperson (mixed):

"Despite our disappointment, we do not want to see this legislation fail. The bill may be extremely weak, but it is still a step in the right direction. We hope that in the coming days and weeks our group can work with the Minister and members of the Standing Committee on Public Safety to substantially improve Bill C-71, to a point where we can applaud the government for doing the right thing." (March 20, 2018)

Coalition for Gun Control (mixed):

“Bill C-71 does not go far enough to remove assault weapons in Canada. The bill needs strengthening, not more accommodations for the gun lobby. Finding ‘balance’ should mean prioritizing public health and safety, not pleasing the gun lobby.” (April 10, 2018)

CGC’s twitter has 2,615 followers. This tweet received 6 retweets and 4 likes.

PUBLIC REPORTS AND BRIEFS:

The following organizations have publicly released analyses of Bill C-71, highlighting their criticisms of the proposed legislation.

PolySeSouvient (March 20, 2018):

- Background checks: The enhancements proposed fail to adjust the broad and problematic discretion of the courts, who must only “take into consideration” a list of risk factors. There have been many cases of people that had a history of risky behavior from the currently identified list who were allowed to keep their firearms (e.g., case of Thierry LeRoux’s killer, who had a suicidal and violent history).
- Business record-keeping: The proposed does not apply to private sales, which represent approximately one third of all firearms transfer in Quebec. The access requirements for law enforcement (i.e., judicial authorizations, where appropriate) represent an unnecessary and substantial procedural obstacle, which does not exist even in the United States. This precludes any routine controls to verify compliance.
- Classification: The proposed legislation does not adjust the classification criteria that the RCMP must apply, which consequently allows assault weapons to remain legal. Some firearms classifications will be corrected, but current owners may keep them via grandfathering. The loophole allowing large capacity magazines which can be used in firearms they were not designed for remains open.
- Authorizations to Transport (ATTs): Proposed changes fail to associate an ATT with a specific location, instead allowing an owner of a restricted weapon to go to any of dozens or hundreds of gun clubs or shooting ranges.

National Firearms Association (March 22, 2018):

- Licence verification: Bill C-71 recreates a back-door registry and would require extensive investment of resources to confirm licence eligibility. The process will be detrimental to the gun-show industry unless reference numbers can be acquired instantaneously. Denials of a reference number are not listed as decisions reviewable upon reference under s.74 of the *Firearms Act*, which means a more expensive legal process would be required to challenge the decision. Failure to obtain a reference number may result in a criminal prosecution for transfer without authority. As there is no proposed amnesty program, this

will encourage black market transactions to avoid criminal sanctions by firearms owners who forget to file paperwork and end up with expired licences.

- **Business record keeping:** The records of business will be open to inspection by police and the Chief Firearms Officer of jurisdiction.
- **Repeal of the deeming provision:** Removing the authority of the Governor in Council to fix mistakes opens the door to arbitrary actions by the RCMP. The return of the CZ-858 and Swiss Arms firearms to prohibited status is another example of quasi-expropriation without compensation. In view of the decline in value associated with the prohibited status, some individuals may be tempted to sell their firearms on the black market instead of registering their firearms as prohibited.
- **Forfeiture:** This is confiscation without compensation. Problematically, it will apply to all types of prohibition orders, even when no wrongdoing has taken place (e.g., preventative orders for mental health issues). Those most vulnerable (i.e., mentally ill individuals) are the least likely to fight and could be adversely affected.
- **ATTs:** The proposed changes will clutter the system with administrative paperwork and take up resources that could be applied to real crime. These changes will potentially create additional paper criminals, as people will be prosecuted for a lack of paperwork when nothing morally reprehensible has occurred.
- **Subsumed Bill C-52 provisions:** These provisions disregard the privacy rights of firearms owners.

Canadian Shooting Sports Association (March 23, 2018):

- **Background checks:** The potential for abuse may outweigh the benefits of mental health checks. Provisions that go back throughout a person's lifetime might be difficult for our veterans and first responders, some of which have had difficult personal struggles as a result of their service. There is no established evidence that such checks will enhance public safety.
- **Business record keeping:** The proposed requirement for businesses to keep records is a gun registry, and the government will take possession of the data should the business cease to operate.
- **Repeal of the deeming provision:** This proposed change removes the ability of the government to reverse classification mistakes made by the RCMP.
- **Grandfathering:** The CSSA is concerned that subsection 12(9) of the *Firearms Act* may be broadly utilized to ban more models of firearms.

- **Licence verification:** The proposed licence verification process is not itself a registry, but it is a registry that would identify active firearms users.
- **ATTs:** The proposed changes do not enhance public safety, as ATTs for restricted firearms to any section 29 approved shooting club or range within a person's province of residence would remain in place. This represents the longest ranging permission that can be granted via an automatic ATT. If there are no public safety concerns for this wide-ranging purpose, why would trips to gun shows or gun smiths require this?

Canadian Coalition for Firearms Rights (March 23, 2018):

- **Background checks:** This provision represents a privacy concern and a discriminatory risk. The information would now be accessible in government records by large groups of people and could be used for other purposes. As we already have continuous eligibility screening, this measure is unnecessary. Applicants who have been treated for mental health issues in the distant past may face unfair discrimination.
- **Repeal of the deeming provision:** The RCMP classifies firearms, this is done under the oversight of elected officials to ensure mistakes can be corrected. The removal of this government oversight is antithetical to our system because it places law enforcement's authority over that of elected government officials.
- **Licence verification:** The proposed requirement to obtain permission and a reference number from the Registrar of firearms constitutes a registry. The only deviation is the omission of a requirement to provide the identifying information on the firearm. The infrastructure required to accomplish this is the same as the long-gun registry that cost Canadian taxpayers two billion dollars.
- **ATTs:** There is no evidence that is forthcoming to indicate that any significant issues associated with ATTs have been experienced by law enforcement. There is no demonstrable ATT-related risk to public safety and therefore this measure is unnecessary.

British Columbia Wildlife Federation (March 22, 2018):

- **Enhanced background checks:** It is unclear what agency would review doctors reports for this purpose and how the agency would ensure patient confidentiality. We also do not know what the criteria are for patient evaluation and what triggers an investigation. The last thing we want is for people to be scared to talk to their doctor about a mental health issue. Law abiding firearms owners may be reluctant to approach a doctor for fear of losing their firearms.
- **Business record keeping:** This provision forces businesses to create a gun registry system on behalf of the government. This is contrary to the government's election promise and represents an indirect tax on firearms owners by driving up the costs for businesses.

- Repeal of the deeming provision: We urge the government to rethink their decision to repeal measures that give the Governor in Council the authority to reverse arbitrary decisions made by the RCMP until the RCMP implements a fair and transparent process for classifying firearms.
- Grandfathering: Subsection 12(9) of the Firearms Act sets the stage for future firearms prohibitions. The RCMP will enforce this provision, while also maintaining the authority to decide which firearms should be prohibited, there needs to be a separation of power here.
- Licence verification: How would the data be stored, where, and who could access it?
- ATTs: There is no evidence the transportation activities that would no longer be granted automatically have created a public safety issue and therefore the automatic ATTs should remain in place.
- *Firearms Marking Regulations*: These regulations duplicate current manufacturers' markings and would result in a significant increase in the cost of firearms in Canada and a negative impact on the industry.

Ontario Federation of Anglers and Hunters (March 26, 2018):

- Licence verification: It is currently unclear what avenues will be available to verify a licence (e.g., telephone, online?). Additionally, we do not know if these services will be available 365 days a year, or whether there will be sufficient human and financial resources available to ensure the volume of sales won't affect service times.
- Business record-keeping: What safeguard will be in place to ensure only the records of the individual being investigated are released? Who will the prescribed officials be in the event that a business ceases to exist and must transfer over all existing files they have on record?
- ATTs: What is the evidence that the changes to the ATT regime would reduce crime? Where is the evidence that says the presence of ATTs is such a significant public safety issue?
- Bill C-52 provisions: It appears that all records will be given to Quebec, not just the Quebec records, all records. The point is all of these records still exist today, despite what has been previously told to Canadians.

UNCLASSIFIED

ISSUES RAISED BY THE OPPOSITION

Bill C-71 (*An Act to amend certain Acts and Regulations in relation to firearms*)

The **Conservative Party** opposed Bill C-71 throughout the media, Second Reading and during Committee.

The Conservatives argue that the Bill's requirement for businesses and retailers to register firearm serial numbers for sale transactions is creating a 'backdoor' long-gun registry. They argue the Bill targets law-abiding gun owners and store owners who are legally selling firearms instead of those who are obtaining firearms for criminal intent. They argue that those who purchase firearms for criminal intent do so through illegal avenues and not through reputable businesses. As such, the Bill is creating an unfair onus on legal business owners to keep records of sale. They further argue that the accidental mismanagement of information or keeping of proper records by businesses could result in unfair criminal sanctions against them. During SECU hearings on Bill C-71, Conservative Members of Parliament expressed concern regarding access to these business records, specifically that a Chief Firearms Officer could walk into businesses and request to see transaction records.

The Conservatives also have the perception that Bill C-71 does nothing to combat organized crime. They argue Bill C-71 is more of a regulatory bill rather than a public safety bill.

Conservatives questioned the effectiveness of extending the timeframe of background checks for possession and acquisition licenses from the previous five years to a person's lifetime, arguing that the government daily checks the registry, automatically, for criminal charges laid against licensees. The Conservatives asked what sorts of mental health factors would make someone ineligible for a firearms licence, and more broadly, they addressed concerns about reasonable limits for assessing and monitoring these factors throughout someone's lifetime. These concerns were further expressed when, during the SECU hearings, Conservative members moved a number of amendments that would have shortened the length of time from a lifetime to ten, twenty and fifty years respectively when considering applications to possess a firearm.

Additionally, the Conservatives criticized the lack of information on financial and resource costs for implementation of Bill C-71. The new licence verification regime and reference number requirements for businesses would require additional resources in order to adequately ensure there are no backlogs in sale, and the Conservative members feel that the Government has failed to provide a comprehensive overview on the costing details and implementation plan.

In terms of grandfathering, during SECU hearings, Conservatives felt that giving businesses until June 30, 2018, to make plans and decisions regarding their inventory was arbitrary, and that the date would be well before the coming into force of the provisions, should the Bill be passed.

Also at SECU hearings, Conservative members indicated that the 'straw purchases' of firearms is a major concern which the Bill, in their opinion, does not address.

The **New Democratic Party (NDP)** has been generally supportive of Bill C-71.

The NDP is supportive of the Bill's amendments to provisions regarding eligibility to hold a firearms licence, specifically to subsection 5(2) of the *Firearms Act* removing "within the previous five years" to make the period of the background check extend to a person's life. This new change, they argue, brings

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the law in line with ongoing precedents set by courts in which, courts have deemed it appropriate, legal, lawful, and respectful of charter rights to go all the way back in a lifetime examination for one's background check, whether it is criminal records or other pieces that are looked at as part of the firearms process.

Additionally, the NDP saw no issue with providing Quebec with the former registry's records involving its population, the only data left from the registry. They argue Quebec's National Assembly is entitled to continue the process as it sees fit and in accordance with the principle of asymmetrical federalism.

Overall, the NDP stated that the changes the Bill would make are both appropriate and fundamental in ensuring public safety, therefore warranting their support.

The **Green Party of Canada** has been generally supportive of Bill C-71.

During its appearance before SECU, the Green Party of Canada indicated support for lifetime background checks when considering applications to possess a firearm. However, the party did bring forward amendments to this aspect of the Bill, in terms of additional risk factors that should be considered by a Chief Firearms Officer (CFO). Specifically, the party wished to see a consideration of past violence against an intimate partner before the issuance of a firearms licence. This amendment was not supported, due to the similar amendment brought by the Liberal Party of Canada which added an additional risk factor that will be considered by a CFO: whether an individual was previously prohibited by a prohibition order from possessing a firearm or other weapons in respect of an offence in the commission of which violence was used, threatened or attempted against the person's intimate partner or former intimate partner.