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The Government's Action Plan on Firearms Control

Canada



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INTRODUCTION

The purpose of this document is to describe the legislative intentions of the Government of Canada in relation to firearms control in this country. It reflects decisions that have been made by Cabinet. It is being tabled in the House of Commons because the actual legislation is still in preparation, and will not be introduced until it is ready in February.

There is a long history in Canada of regulating the safe use and ownership of firearms. As early as 1877, justices of the peace were allowed to jail people in possession of a handgun without reasonable cause. *Criminal Code* controls have existed since 1892 when the first nation-wide permit system for the carrying of small arms was created. The registration of handguns began in 1932. The law was amended in 1969, 1976-77 and 1991 and reflects three fundamental policies: the deterrence of the misuse of firearms, general controls on persons given access to firearms and controls placed on specific types of firearms.

The decisions announced in this document have built on that history to achieve a comprehensive package of reforms. Through this package, the Government will be banning many firearms, cracking down on the criminal misuse of firearms, targeting firearms smuggling and improving public safety by promoting the safe use and ownership of firearms. Essential to these measures is a new national firearms registration system that will provide the foundation for effective border controls, enhanced criminal investigations and police work, and the enforcement of safety standards for firearms owners.

The Government intends to give legal force to this program by introducing legislation in February to amend the *Criminal Code*, *Customs Act*, *Customs Tariff*, *Export and Import Permits Act*, *National Defence Act*, *Young Offenders Act*, and related statutes and regulations.

Specifically, the government will proceed with:

- ◆ amendments and programs for controlling the import, export and domestic transit of firearms;
- ◆ amendments to the offence and sentencing provisions of the *Criminal Code* relating to the misuse of firearms, including mandatory minimum sentence provisions;
- ◆ the prohibition of specified firearms and expansion of the authority to prohibit by Order in Council;
- ◆ amendments to the *Criminal Code* and other statutes requiring the registration and tracking of all firearms and their owners;

- ◆ other necessary or consequential amendments to the *Criminal Code* and other statutes to simplify and clarify the legislation, and to improve cost-effectiveness at the federal, provincial and municipal levels.

I BANNED FIREARMS AND FURTHER CONTROLS

Introduction

Firearms that are particularly dangerous and/or have no legitimate uses will be prohibited under the proposed changes. Handguns are of special concern because they are small and easy to conceal. They are also subject to regular theft and are the preferred weapon for offences such as armed robbery. Those identified for prohibition are compact, low-calibre weapons, easily concealed and often cheaply-made, and are not considered suitable for organized target-shooting. Numbers affected are about 58% of the handguns presently owned in Canada. Existing owners will be allowed to keep (but not transfer) handguns, provided that they meet the same statutory criteria as other owners. Assault pistols will be prohibited completely.

Just over 1.2 million restricted weapons are presently in the hands of Canadians, about 1.15 million of them handguns. Nine hundred and fifty thousand handguns are registered to about 560,000 private individuals. Registration is limited to specific reasons, and most handguns are registered either for target-shooting (48%), or for gun collections (21%). However, only about 55,000 Canadians have carry permits to take a handgun to a shooting club for use, which suggests that a large number of handguns remain in the possession of Canadians who no longer use them for the purpose for which they were acquired and registered. Many owners have not fired their handguns within the previous year, and many of these have not done so within the previous five years. Handguns may only be registered for personal protection in the most extreme circumstances and numbers actually registered for that purpose are very small.

Prohibition of certain handguns

Several handguns based on submachinegun designs are being immediately prohibited by being added to the existing *Prohibited Weapons List* by Order in Council. Owners of these "assault pistols" are being given until January 1, 1995 to turn them in to the police, deactivate or otherwise dispose of them. Most assault pistols were prohibited in 1992 because they are particularly dangerous, but several new models have since been identified. There are not many of these firearms in Canada.

Small, compact, low-calibre handguns that are easily concealed and often cheaply-made, and are not considered to be suitable for organized target-shooting-- sometimes described as "pocket pistols" or "Saturday-night specials"-- will be prohibited by an amendment that will expand the statutory definition of "prohibited weapon" to include them. These include all .25 and .32 calibre handguns, as well as all handguns with a barrel length of 105mm (4.14") or less.

Such handguns are produced primarily for use as weapons, and lack the accuracy needed for competitive target shooting. Many are produced with barrels exactly 4" long, so the minimum length has been set slightly over that figure to include them. This category of handgun is substantial. Fifty-eight per cent of all handguns currently registered in Canada fall into the categories now banned (553,000 of 1.15 million). This includes about 40,500 .25 calibre guns, about 173,500 .32 calibre guns, and about 339,500 guns with barrels 105mm or shorter. Those who have these firearms registered when this measure is passed into law will be allowed to retain them for the remainder of their lives, subject to the controls described below, but not to transfer them.

Other Handgun Controls

Handguns, like all restricted weapons, can only be registered for specific purposes (eg: employment, collecting or target-shooting) but, under the present system, remain registered even if no longer needed for those purposes. The new law will require registrants to re-establish their reason for having their weapons every five years, failing which they will have to transfer or dispose of them. Since unregistered or unauthorized possession is an offence, the amendments will also provide for the advance notification of registrants prior to expiry, and afford a "grace period" for the disposal of restricted firearms.

Gun collecting is difficult to define and regulate. This is an issue of concern because gun collecting is the only basis permitted by law for possessing many non-sporting/military firearms, and because the difficulty in distinguishing between legitimate collectors and others leaves the category open to abuse. At present, collector status is determined by a local firearms registrar, who must indicate on each application whether the applicant is a genuine collector. To place further controls and national standardization on this practice, the determination of whether an applicant was a "genuine gun collector" within the definition will be made by a new (federal) Registrar of Firearms. He or she will act on advice and information provided by the local firearms officer to whom the application was made and according to uniform national standards. In addition, collections will be inspected at least once every five years, and will be subject to additional regulations.

A firearm safety course is currently required for all Firearms Acquisition Certificate applicants. The proposed changes would add a separate course

program for applicants for handguns and other restricted firearms. This would reflect the additional safety concerns and legal obligations for restricted weapons. It would also allow some reduction in the content of the existing courses.

Shooting clubs require provincial approval before their members can register restricted weapons for target-shooting on their premises. The proposed changes will establish regulatory requirements for the setting up and operation of shooting clubs and the activities which can be carried on there. These will include requirements for membership, record-keeping, national certification or affiliation, safety standards for constructing and operating firing-ranges, and similar matters. Obtaining provincial approval will require compliance with the regulations, and approval will be revoked where standards are not maintained. A handgun owner seeking renewal of registration for target shooting purposes will need to demonstrate active membership in an approved club. The new law will require the keeping of records that will make it possible to establish that fact.

Currently, a restricted weapon may be registered by any person 18 years of age or older on the basis that it is a "relic", which is defined by regulation as a "souvenir" or "keepsake". These provisions, often used in the past to register war-trophies, will be repealed, along with the corresponding regulations. This is consistent with the overall direction of these measures which is to limit carefully the reasons for having a handgun in private possession. Those who have restricted weapons registered as relics will be allowed to keep them until the end of their lives, but no transfers or further registrations will be permitted.

Controls on military and para-military firearms

Most military or paramilitary rifles and shotguns were prohibited or restricted by Order in Council in 1992. Other versions may be either non-restricted or restricted by the statute itself, depending on technical characteristics (e.g. barrel length). About 50-60,000 rifles and shotguns are already registered as restricted weapons.

Currently, weapons cannot be prohibited by Order in Council if they are "commonly used" for hunting or sporting purposes. In recent years, there has been a major growth in shooting competitions using military and paramilitary firearms which has meant that it has become increasingly difficult to use the present law in the way that was intended. Therefore, the law will be amended to permit the Governor in Council to prohibit weapons if it is of the opinion that they are "not reasonable" for use in hunting or for sporting purposes.

Once this authority is in place, additional weapons will be prohibited, including the Ruger "Mini-14" firearm -- used in the 1989 École Polytechnique murders -- and the Colt AR-15 -- the "civilian" version of the U.S. Army M-16 assault rifle. Those who own these weapons will be able to keep them for life, but will not be allowed to transfer them.

A number of currently restricted weapons are being declared prohibited effective January 1, 1995 through Order in Council. These include: all variants of the Kalashnikov (AK-47, AK-74) assault rifle not already prohibited as automatic weapons, the FN-FAL and its variants, as well as a number of other paramilitary and military firearms. Once again, those who own such firearms at present will be able to keep them until they die, but not to transfer them.

A number of firearms that are not used for any sporting purposes will be prohibited effective January 1, 1995, with no right to keep them. These include variants of the Intratec "Tec-9" assault pistol not already prohibited, the Franchi "Spas-15" combat shotgun, the Benelli "M-1", "M-3", "B-4" and "B-4B" combat shotguns, any variants or modified versions of those firearms as well as several others.

The provision which authorizes Attorneys General to designate competitions for which large capacity magazines may be used and to certify individuals who may be permitted to possess these magazines for such purposes will be repealed.

Controls on weapons other than firearms

The misuse of replica or imitation firearms will be addressed by including them within the present *Criminal Code* (s.85) offence and minimum sentencing provision, and through a ban on manufacture, import and sale.

Crossbows will be dealt with by subjecting them to the same screening controls as firearms, and bringing them within the provisions for court prohibition orders. Compact or single-hand crossbows, which have no legitimate recreational applications or historical importance, will be prohibited by Order in Council effective January 1, 1995.

Airguns are already "firearms" for the purposes of offence provisions, but only require licenses if above a minimum muzzle velocity (500 ft, or 152.4m per second). Concerns about injuries and property damage have been raised, but some airguns are used for legitimate shooting activities. Over the coming months, the government will consult public health groups, firearms groups and other interested parties to identify effective and appropriate methods of reducing the health and safety risk associated with airguns.

Flexibility to control access to other weapons, such as capsicum "tear gas" sprays, will be created by splitting the existing category of "restricted weapon" into "restricted weapon" and "restricted firearm". The first class would contain only non-firearms, for which a permit would be required, while the second, dealing with firearms, would be subject to the full registration requirements.

II CRIMINAL PENALTIES & PROHIBITION MEASURES

Introduction

Criminal misuse of firearms will be addressed through a number of measures, including the creation of new, hard-hitting offences and penalties. Longer minimum sentences are proposed for use of firearms in the commission of specified serious offences. New offences and stiff penalties relating to trafficking and illegal possession are also proposed, as are expansions to the powers of the courts to prohibit persons from possessing firearms.

Use of firearms to commit offences (*Criminal Code* s.85 and others)

The *Criminal Code* will be amended to enhance the deterrence of crimes committed with firearms and other offensive weapons; expand the term "firearm" in s.85 of the *Criminal Code* to include imitation firearms; and apply a longer unified mandatory minimum sentence where violent offences are committed using a firearm.

Section 85 of the *Criminal Code* provides for a minimum one year sentence for using a firearm to commit an indictable offence. This sentence is to be served consecutively to the sentence for the underlying offence. Although it was intended as a strong deterrent measure to discourage the use of firearms in crime, there is evidence that s. 85 is not achieving its purpose. Recent research by the Justice Department suggests the following:

- In up to 2/3 of the cases where s. 85 charges are laid, convictions do not result since the charges are either dismissed, stayed or withdrawn by the prosecutor. Reasons include evidentiary or other problems and plea negotiation.
- It is difficult to prove that the weapon used was a real "firearm" (a requirement under s.85) unless it is discharged or the accused is caught in the act and it is seized.
- The most common underlying offence was armed robbery (62% of cases).

- Sentences tend to be at the minimum end of the 1-14 year range, averaging about 16.4 months, which is in addition to the punishment imposed for the underlying offence.
- Some judges apply the "totality principle", reducing the sentence for the underlying offence because of the s.85 term.

Rather than increasing the length of the term to be served under s. 85, the new law will propose a different approach. Section 85 will be retained as a general provision, and (as mentioned) expanded to include the use of an imitation firearm. New sections will be added, providing that when a person is alleged to have committed certain serious offences with a firearm, mandatory minimum sentences of four years in prison will be imposed -- in addition to a mandatory lifetime prohibition from possessing a restricted weapon. This will apply to the following 10 violent offences committed with a firearm:

- attempted murder (s.239),
- manslaughter (s.236),
- criminal negligence causing death (s.220),
- robbery (s.344),
- kidnapping (s.279),
- hostage-taking (s.279.1),
- sexual assault with a weapon (s.272),
- aggravated sexual assault (s.273),
- extortion (s.346),
- discharge firearm with intent to cause harm etc.(s.244).

In addition to these changes to the law, more will be done to encourage police, prosecutors and the courts to use these provisions effectively. Provincial Attorneys General have already been asked to urge prosecutors to use s.85 effectively and many have developed prosecutorial guidelines to this effect.

Trafficking offences (firearms and ammunition) and punishments

Offences relating to illegal transfers of firearms will be reinforced and condensed into new offences to support the proposed firearm registration system. The range of offences includes large-scale criminal trafficking, possession for the purposes of trafficking and relatively minor situations where a firearm is transferred without the proper acquisition or registration documents. For this reason, there will be no minimum punishment applied to summary prosecution cases; the normal maximum penalties of 6 months or a \$2,000 fine will apply. A minimum punishment of one year will apply where the offence is prosecuted on indictment. Where the person receiving the firearm does not obtain the necessary permits, a five year maximum punishment would apply with no specified minimum.

On a first indictable conviction for any of these offences, a court could, at its discretion, prohibit the offender from possessing any firearms for up to 10 years. On a subsequent indictable conviction, a mandatory prohibition order would be imposed prohibiting the offender from owning a restricted firearm for life and any other firearm for 10 years.

Additional offences of possessing stolen or smuggled firearms will be created and made punishable by a mandatory minimum term of imprisonment of one year, when proceeded with by indictment.

An offence of transferring ammunition to any person under 18, except the holder of a minors' permit, will be moved from the *Explosives Regulations*, and the transfer or acquisition of ammunition where the purchaser does not have proof of registration under the new system will become a *Criminal Code* offence. The use of other identification prescribed by regulation will also be allowed until the registration system is fully implemented.

Unauthorized/unregistered possession of firearms

To deter illegal possession of firearms, restricted or prohibited weapons, several new offences will be created. One of these will be applicable in cases where the accused is in possession of any firearm not authorized by a permit or certificate, or where the accused is authorized, but the firearm has not been registered. This offence will apply in cases where the breach of the possession or registration requirements was, or might have been, inadvertent. It will be punishable on summary conviction by a maximum \$2,000 fine and six months in jail, or on indictment by up to five years' imprisonment.

A second, more serious offence will apply in the same factual circumstances, but where the accused knew that he or she did not have the necessary registration or authorization, and intentionally evaded these requirements. Where knowledge or intent was proven, the new offence will also require a minimum one year sentence on the second conviction.

Finally, anyone who, without the necessary permits, carries a restricted or prohibited firearm when it is loaded, or when there is ammunition readily accessible, commits an offence punishable by a one year mandatory minimum prison term, if prosecuted on indictment.

Other offences, "proceeds of crime" provisions

Other specific offences proposed include failing to report losses or thefts of firearms, and making false or misleading reports in that regard. Smuggling,

trafficking and related conspiracy offences will also be added to the list of "enterprise crime offences" in Part XII.2 of the *Criminal Code*, making possible the confiscation of property, such as vehicles, as "proceeds and instruments of crime".

PROHIBITION MEASURES

Introduction

Section 100 of the *Criminal Code* requires the courts to impose a minimum 10 year prohibition on the possession of firearms for those convicted of a serious offence involving the use, the threat or an attempt of violence or a s.85 offence of using a firearm to commit an indictable offence. Courts are also required to consider prohibitions up to 10 years for less serious violent offences and other firearms offences, and may prohibit even if no offence has been committed where an application is made by police and a danger to safety exists. The 1991 amendments doubled the lengths of prohibition orders and provided limited discretion not to make mandatory orders in exceptional cases. The new provisions will impose a mandatory lifetime prohibition against possession of a restricted firearm when an individual is convicted of a listed, serious, violent offence and will include the authority to impose prohibition orders in other circumstances.

Military Personnel

Prohibition orders apply to *Criminal Code* convictions, but do not extend to the *National Defence Act*, which uses *Criminal Code* offences but has its own punishment provisions. The *National Defence Act* and the *Criminal Code* would be amended to create discretionary powers for Courts Martial to prohibit offenders. In addition, military courts would have the option of prohibiting the accused except in the course of duties as a member of the Canadian Forces, in order to avoid the automatic discharge of every member who is prohibited. The *Criminal Code* amendment would deem military prohibitions to be *Criminal Code* prohibitions, so that civilian authorities could enforce the orders and continue them even if the subject leaves the Canadian Forces before the order expires.

Young Offenders

Prohibition orders are available to youth courts, but are discretionary instead of mandatory. The proposal would amend the *Young Offenders Act* to subject young offenders to the same firearms prohibitions as adults for a given offence. The general policy of the *Young Offenders Act* is to mitigate the punishment of young offenders for reasons of diminished capacity and prospects for rehabilitation. These policy objectives are not affected by lack of access to a firearm. Other changes would allow access to records or other information protected by the *Young*

Offenders Act where an offender later seeks to obtain a firearm, or where the Crown is seeking to seize firearms or deny access to them.

"Stalking" and drug offences

The 1993 "stalking" (criminal harassment) offence provides specific powers to prohibit persons released on bail from possessing a firearm, but those convicted are subject only to discretionary prohibition under s.100(2). The 1991 amendments extended prohibitions to drug smuggling and trafficking offences, but on a discretionary basis only. The expansion of narcotics-related prohibition orders was a Liberal Party "Red Book" campaign commitment. The proposed changes would extend mandatory prohibitions to those convicted or released on bail for all of these offences, except where the court finds that access to a firearm would not endanger the safety of any person (including the subject him/herself), and provides reasons why prohibition was not imposed.

"Proactive" orders, co-habitants or associates.

Proactive prohibition orders may now be made where there is a danger to any person, but no offence has been committed. Under this proposal, the grounds for firearm seizures and prohibitions will be expanded to include danger arising from the reasonable likelihood that a prohibited person who resides or associates with the subject will have access to a firearm. The order will be limited to the length of the order made against the associate or co-resident, and a person subject to such an order could seek relief where the conditions under which it was made no longer applied. This would make it possible to prohibit, if necessary, an entire household from having firearms where any single resident was dangerous and prohibited from possessing a firearm.

Partial prohibition for "sustenance" firearm users

Prohibition orders can create exceptional hardship for a person who requires a firearm for sustenance. Limited discretion not to prohibit in such cases was added to the statute in the 1991 amendments, but the change gave the courts only an "all or nothing" power to prohibit completely, or make no order at all. The proposed amendment would create an additional option of partial prohibitions to allow limited access for use in hunting or trapping. Courts could make an order fit the specific circumstances of the accused where the accused would face exceptional hardships otherwise and public safety is not endangered. This change will allow courts to take account of traditional aboriginal lifestyles.

III BORDER CONTROLS

Introduction

Canada's relatively strict legislation and the easier availability of firearms in the United States raise concerns about smuggling, and past Parliamentary committees and the Auditor General of Canada have both recommended legislative and administrative controls. Thus, tighter border controls and inspection procedures are proposed, the costs of which will be recovered from firearms importers and exporters. Modern data-processing and telecommunications technology will be used to reduce administrative costs. The measures include the tracking of firearms under a national registration system, new offence provisions, and the forfeiture of vehicles used in smuggling, shipments containing contraband, and proceeds of smuggling and illegal trafficking. A number of measures have already been taken by Canada Customs under existing powers to increase surveillance and seize illegal imports.

Import/export and the proposed registration system

Existing import-export controls are based on the premise that firearms are a commodity, and subject to the same trade controls (e.g. taxes and duties) as other commodities. The proposed changes include a fundamental re-orientation of this approach, by recognizing that firearm imports also have important consequences in terms of public safety and crime-control. For every firearm that enters or leaves Canada, the person responsible will be required to have either an import/export permit for commercial use, or a Customs declaration for personal use, so that the movement of all firearms crossing the border can be tracked. The issuance procedure for commercial permits will ensure that crime-control, trade and foreign-policy interests are all considered.

The permits and declarations will form the first stage in the registration of imported firearms, allowing Canada to accurately monitor the types and quantities of weapons which flow through the country. Import declarations and permits will only be issued to individuals and companies who have the necessary permits to possess the firearms while they are in Canada. The costs and scrutiny involved will discourage the use of Canada as a "touch-down" point for those using multiple transfers to mask the source of illegal shipments or to avoid foreign end-user controls.

Commercial and personal imports or exports will be treated differently. For personal use firearms, the owner will obtain a Customs declaration form at the border, from any Canada Customs facility in Canada or abroad or from tourist businesses and/or hunting outfitters. The completed form will identify the owner and the firearm, and will be used to record the entry or exit of the firearm when it occurs.

Where a non-Canadian brings the gun into Canada, the declaration, once stamped by Customs at the border, will also serve as a temporary permit to possess the firearm for up to 60 days. Additional permits will still be required for restricted weapons.

Commercial and other imports or exports will require a permit, available only to applicants who already have the appropriate Canadian business permit for the type(s) of firearm involved. No export permit will be issued unless the applicant has a permit to import the firearms into the recipient country. Shipments into Canada will be inspected to ensure that the registry information is accurate, and firearms will be tracked until they leave Canada or are registered to a private owner.

The import inspection and registration process will be operated by Canada Customs officials who will ensure that accurate information is entered into the registration system as firearms enter or leave Canada. In the commercial context, they will also conduct inspections of firearms to control and deter careless or dishonest labelling or packing of shipments. The costs involved will be recovered from the importer or exporter involved, and automated pre-clearance options will allow importers to minimize costs where possible without compromising the integrity of the information. To further reduce costs and improve the quality of inspections, commercial shipments will be required to enter Canada at a limited number of inspection points where trained inspectors will be available.

The *Export and Import Permits Act* authorizes Orders in Council barring strategic exports where the export would raise security concerns for Canada, but not where the concerns relate to the public safety of another country. The proposed amendment will create a new delegated authority to include these situations. Where a foreign government asks, and the export would create public safety problems abroad, firearm exports from Canada could be quickly stopped by Order in Council. The orders would be made on a joint submission from the Attorney General of Canada and the Minister of Foreign Affairs.

Offences and penalties

The existing *Criminal Code* offence provisions in relation to smuggling and other border offences will be revised and combined. An import-export permit for commercial use, or a Customs declaration for personal use, will be required for all transactions, and any import or export without these documents will be an offence under the new provisions. The offence will carry a mandatory minimum of one year imprisonment, if prosecuted on indictment, and the same prohibition orders as apply to trafficking offences will also apply here. Possessing a smuggled or stolen firearm will also become a new offence, punishable by a minimum one-year term, where prosecuted on indictment.

The power to seize and forfeit conveyances or other instruments used for smuggling (e.g. vehicles, shipments) will be expanded to include trafficking. This will provide a major compliance incentive for the proposed registration system, as it will apply to conveyances used to transport unregistered firearms, and will be phased in as the system is implemented. Existing powers and increased fines and penalties will be used to ensure that importers accurately describe shipments and maintain high levels of security for weapons passing through Canada or before delivery to retailers or customers.

IV REGISTRATION

Introduction

Essential to all of the elements of this Firearms Control Policy is an effective system for registering and tracking all firearms in Canada. Such a system already exists for 1.2 million restricted weapons, but the technology used is outmoded and inefficient, creating unnecessary difficulties for firearms owners and police. The proposed system will identify and track all firearms through retail and private transfers, imports and exports. It will also be designed to overcome problems in the existing system and reduce red tape and time delays. Fees will be set by regulation, and adjusted as necessary to achieve cost-recovery, and all fee regulations will be subject to Parliamentary (committee) review under subsection 116(2) of the *Criminal Code*. The proposed changes will also delegate power to make regulations governing the operation of the system.

Entering the system - the screening of applicants

The proposed amendments will change the present system, which licenses the acquisition of all firearms and registers only restricted weapons, to one that registers and tracks all firearms as they are imported, exported, sold at retail and transferred from one owner to another. The existing screening procedure for Firearms Acquisition Certificate applicants was enhanced in 1991, and will not be significantly changed, although some further enhancements and technical improvements are proposed. Instead, the system will be included as the screening component for the proposed registration system in respect of applicants seeking acquisition rights. Those who already have firearms will be screened as they enter the new system, but under an expedited process to reduce costs and encourage compliance. In these cases, the use of only a basic police check is sufficient, as these individuals already have firearms, and in many cases, will have been previously screened as Firearms Acquisition Certificate applicants. Firearms Acquisition Certificate owners will switch to an FPC when their FAC is renewed.

Applicants will be screened according to the following categories:

- **first-time applicants** who currently do not own firearms but who wish to acquire them will be required to meet the full (enhanced) screening process, including the required safety course or test;
- **first-time applicants who have firearms or a Firearms Acquisition Certificate** will only require a basic police record check, but police would have discretion to investigate further, if needed, and owners would be fully screened in future if they wish to acquire more firearms;
- **applicants who have passed the Canadian Firearm Safety Course** will not have to re-take it.

The development and implementation of a Canada-wide registration system for all firearms is a major project that will involve the initial registration or re-registration of about 6-7 million existing firearms to their approximately 3 million owners. Once initial implementation is complete, the system will handle up to 500,000 transactions (import/export, acquisition, transfer, disposal, etc.) per year, as well as queries for information from police agencies.

The advantages of universal registration

Registration will bring a greater degree of overall firearms control, and with it a number of direct benefits:

- deter and control theft, diversion and smuggling of firearms;
- ensure individual and business compliance with transfer and safe storage requirements;
- assistance in police investigations;
- enable police in domestic violence situations to better prepare themselves where they know a firearm is present in the home;
- enable police to enforce court prohibition orders by ensuring that all firearms owned by the individuals have been turned in;
- license access to ammunition (further deterring illegal acquisition and smuggling);
- monitor firearm traffic through Canada, assisting international small-arms controls; and

- gather accurate statistical information about firearm numbers and ownership patterns.

Transitional and implementation provisions

The development of the necessary programs will begin as soon as possible, and will be done jointly by the Department of Justice and the RCMP, in close co-operation with provincial officials and local police agencies, who will operate much of the new system. The system will be co-ordinated with other changes presently being made to the Canadian Police Information Computer (CPIC) system. Implementation of the national firearms registration system will be carried out in two overlapping phases:

- **phase one**, the registration of owners, beginning shortly after Royal Assent, and
- **phase two**, the registration of firearms, beginning two years after the start of phase one.

To encourage existing firearm owners to come forward and register their guns, a number of compliance incentives are proposed. These will include a total or partial waiver of fees, where applications are made early, an expedited screening process where the applicant already has firearms or a Firearms Acquisition Certificate, and recognition of the existing Canadian Firearm Safety Course. Offences dealing with unregistered transfers and possession, ammunition and other matters will also take effect in stages, where necessary, during the implementation period.

Identification of firearms and owners

Firearms will be identified by make, model, serial number and other identifiers when they enter Canada, are manufactured here, or if already in the possession of a gun owner, when they are first registered on the system. A firearms identification number will be assigned and used to track the firearm within the system. This may be attached to the firearm or alternatively, for commercial purposes, to the shipment container in a machine-readable form. This latter option will improve accuracy and reduce the cost of tracking commercial imports and transfers, especially where quantities of firearms are transferred at once.

Owners will be identified on the system, and linked to the types of firearm (if non-restricted firearms) or individual firearms (if restricted firearms) which could lawfully be possessed. For non-restricted firearms, businesses will be able to enter sales onto the system automatically, and verify that the purchaser was entitled to acquire and possess the firearm. For restricted firearms the purchaser's eligibility

would still have to be determined by the Registrar of Firearms, but the information and issuance, refusal or registration would be transmitted electronically, thereby reducing processing delays. Police agencies would be able to easily obtain information about firearms and owners, and to trace found or recovered firearms.

Screening and Access requirements:

The new program is not intended to re-invent the screening system, which was extensively changed by the 1991 amendments, but several enhancements of the system are proposed. As indicated above, the enhanced Firearms Acquisition Certificate screening process will become the screening component for first time firearms possessors entering the Canadian Firearms Registration System.

Provincial officials, regulatory bodies and professional organizations will be consulted on a proposal to allow health-care practitioners to disclose patient information where there is a belief that allowing the patient access to a firearm would endanger safety (including that of the patient him/herself). Such information could be used to refuse certificates or permits, or to prohibit the patient from having firearms.

The Canadian Firearm Safety Course, developed and implemented between 1991-94, will be extended to applicants for "minors' permits", which allow those between 12-18 to acquire or possess specific firearms for use in recreational applications. Minors' permits are also available for sustenance. The amendments will allow access to information protected by the *Young Offenders Act*, where it concerns a person who has applied for a firearm-related certificate or permit.

The safety courses required to qualify for firearms acquisition will be subject to new criteria set in federal regulations to ensure national consistency. The authority to approve the courses will be extended to the Attorney General of Canada, in addition to the Attorneys General of the provinces.

The creation of a separate safety course for handguns and other restricted weapons will also permit the reduction of course content for other guns. The Attorney General of Canada will have the authority to approve courses on a province-by-province basis, allowing for some flexibility, particularly to incorporate additional materials where requested by the Yukon and Northwest Territories (e.g. wilderness survival information, aboriginal languages).

The administration of the full screening program is often quite different in remote and aboriginal communities and major urban centres. The legislation and existing provisions will allow as much flexibility as possible to meet differing needs. The *Criminal Code* already permits the appointment of local residents (who need not be police officers) as firearm officers, and further resources will be committed to

assisting these communities in developing and administering the program in aboriginal languages and accessible formats.

Controls on Ammunition

Three major changes are proposed to control access to ammunition and ammunition components. As noted above, existing offences of transferring ammunition to a minor who does not have a permit for a firearm will be shifted from the *Explosives Regulations* to the *Criminal Code*, to emphasize their significance and permit ready enforcement by provincial and local police. The age limit will be brought into line with the 1993 increase of the age for Firearms Acquisition Certificate applicants from 16 to 18. As part of the proposed registration system, a registration or possession document will be required in order to purchase ammunition. Until the system is fully implemented, however, not every legitimate firearm owner will have these documents, and during the implementation period, existing documents (Firearms Acquisition Certificate, registration certificates, minors permits etc.) will still be used, and regulations will be amended to include other forms of common identification. The authority to regulate the "storage, display, handling and transportation" of firearms under the *Criminal Code* will also be extended to ammunition, and the regulations will be expanded to set the same standards for storing ammunition as now apply to firearms.

Responsibility for system operation

Central functions of the existing system are managed by the RCMP, with local and regional matters dealt with by police agencies and the chief provincial firearms officers. The proposed changes are intended to preserve effective federal co-ordination of the system, while improving efficiency and according the provinces more influence in the setting of national policy. The authority to prescribe statutory instruments such as certificates and permits will be transferred from the RCMP Commissioner to the Attorney General. An individual will be appointed as Registrar of Firearms, to take full-time responsibility for managing the registration system. The Registrar will be appointed by the Commissioner of the RCMP.

Police and military firearms

Canadian Forces firearms and firearms possessed by visiting foreign forces are already tracked by the Department of National Defence and will be excluded from the system. These include regular service weapons, those in authorized military museums, and those in the hands of foreign military personnel seconded to the Canadian Forces or in Canada under the *Visiting Forces Act*. Police service firearms will also be tracked, but by a separate system maintained by the RCMP. This requirement, now optional, will become mandatory. Firearms temporarily in police hands (e.g. evidence firearms, seizures, surrendered guns etc.) will be

entered onto the registration system, to ensure that system searches are able to trace them. Those who possess firearms on behalf of the Department of National Defence or the police (e.g. suppliers, repair contractors) will be tracked by either the Department of National Defence or police system and opted out of the main registry.

Local advisory council

The administration of the legislation raises particular concerns in remote northern and aboriginal communities, where municipal or band council members may be more aware of community circumstances than the firearms officer, who is often a police officer from outside the community. An effort will be made to increase the use of local officials as firearm officers, who need not be police officers under the statute. Where this is not practicable, however, this proposed change would allow the Attorney General of Canada to appoint a local advisory council to function as a liaison between the firearms officer and the community.

In addition, aboriginal communities will be consulted on all aspects of the program's implementation, to ensure that their aboriginal and treaty rights are respected.