

# Amendments to *Criminal Code* and *Firearms Act*



BUILDING A **SAFE AND RESILIENT CANADA**

New measures on firearms 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; and,
- Respect law-abiding firearms owners.

The Government of Canada will not bring back the federal long-gun registry.



# Eligibility to hold a firearms licence



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- In determining whether a person is eligible for a firearms licence, authorities will be required to consider specific information from the person's life history, including whether he or she:
  - has been convicted or discharged of certain offences (e.g., criminal harassment; drug or firearms trafficking; offences under the *Firearms Act* such as contravening a condition of licence);
  - has been treated for a mental illness that was associated with violence or threatened or attempted violence;
  - has a history of behaviour that includes violence or threatened or attempted violence;
- Current requirement is that they must consider the above from the previous five years.





- Anyone selling or giving a non-restricted firearm, including private sellers, will 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 will be provided to the CFP.

# Record-keeping by vendors



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- Businesses, excluding private sellers, will be required to keep records of the sale of all firearms and their purchasers.
- Only businesses and not the Government will hold these sales records.
- This is a return to due diligence practices that were in place prior to the establishment of the *Firearms Act*, since 1979.
- Sales records will provide police with a tool to track systematically a firearm used in the commission of a crime. Such records will be available to law enforcement with judicial authority, as appropriate.





# Transportation of restricted and prohibited firearms

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- 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 approved shooting clubs or ranges within the province of residence.
- 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 better means by which they can challenge those who are unlawfully transporting firearms (e.g., not by a reasonably direct route).
- ATTs are not required for non-restricted firearms.





## Consistent approach to classification

- Currently, measures 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 in 2015; these now 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; during this time, are not subject to criminal liability.
- The GIC would be given authority to grandfather (but not downgrade) in future cases, if required.



# Clarifying amendments



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- Clarify that it is punishable to contravene any regulations respecting the marking of firearms, just as it is for other regulations made under the *Firearms Act*.
- Clarify that court orders to take firearms out of the hands of criminals and unsafe persons include any of the firearms already held by law enforcement.





# Amendments to the *Ending the Long-gun Registry Act*

- Restore retroactively the applicability of the *Access to Information Act* and the *Privacy Act* to the Quebec-related records, held under seal by the Federal Court, of the now defunct long-gun registry.
  - would facilitate reaching a settlement of a legal challenge by the Information Commissioner.
- Allow the Information Commissioner to view records relevant to her proceedings in support of reaching an out-of-court settlement.
- Provide for the transfer of remaining Quebec-related records for non-restricted firearms to the province, if requested.
- These amendments were previously introduced as Bill C-52, *Supporting Vested Rights Under Access to Information Act*, in June 2017.