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- ❖ YWCA Canada
- ❖ Barbara Schlifer Commemorative Clinic
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- ❖ Centre des Femmes de Longueuil
- ❖ Réseau des tables régionales de groupes de femmes du Québec
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- ❖ Regroupement des maisons pour femmes victimes de violence conjugale

Joint Brief: The Impact of Bill C-42 on Women's Safety

Brief to the
Standing Committee on Public Safety and National Security

May 2015

Overview

Since 2012, the federal government has introduced major changes that weaken firearms legislation. In response to these changes, leading injury prevention, public health, and public safety experts, as well as women's safety groups, have flagged the risks to public safety that arise. The amendments proposed in Bill C-42 would put Canadians' lives at further risk. This bill weakens controls and would make it easier for legal guns to be diverted to illegal markets. These measures increase the risk of gun-related domestic violence and suicide, particularly youth suicide, and could result in an increased number of gun deaths.

The changes brought about by Bill C-42 include:

- The addition of an automatic renewal period for licenses;
- The merging of the current two types of licenses into one (Possession-Only Licence – POL, Possession and Acquisition Licence – PAL), which would dilute screening requirements for risk factors, such as violence and psychiatric disorders, and weaken ex-spouse notification requirements;
- The weakening of the powers of provincial Chief Firearms Officers to restrict licenses, thus removing any scope at the provincial level to adapt regulations to local issues and conditions;
- The elimination of restrictions on the transportation of handguns and other restricted firearms;
- The lack of mandatory verification of a buyer's licence when purchasing a gun, and no requirement for dealers to maintain records of sale.

Firearms and Violence Against Women in Canada

Firearms figure prominently in domestic violence and access to firearms is a top risk factor. Every year in Canada, more than 100,000 women and children leave their homes to seek safety in a shelter. Firearms figure prominently in many of these cases, as guns are used for intimidation, control, assaults and homicide. Studies and coroner inquests have shown that rates of homicide in domestic violence situations increase significantly when there is a firearm in the home. Indeed access to a firearm is one of the leading predictors that a victim of domestic violence will be killed. Rates of murders of women generally and domestic homicide in particular are higher in rural areas and in Canada are correlated with rates of firearm ownership. "Long guns" – rifles and shotguns – are the guns most likely to be used in domestic violence situations.

Women's safety experts and front line women's organizations including – the Barbra Schlifer Commemorative Clinic, the Y des femmes Montreal, the Ottawa Coalition to End Violence Against Women (OCTEVAW), the Alberta Council of Women's Shelters, the Vancouver Rape Relief and Women's Shelter, the Institute for International Women's Rights, the Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre, the Transition House Association of Nova Scotia, the PEI Family Violence Prevention Services, the Provincial Association of Transition Houses and Services of Saskatchewan (PATHS) and the Yukon Status of Women Council have repeatedly testified about the importance of effective firearms control for women at risk of domestic violence. Improvements to the Firearms Acquisition Certificate, introduced with Bill C-17, (1991) and (1991) and the screening, licensing and registration provisions in Bill C-68 were introduced after extensive consultation with women's organizations, public health professionals and experts on preventing violence against women. While there were compromises made – for example, the introduction of the Possession Only License (POL) which had minimal screening and no verification by references – measures in the legislation included provisions aimed at addressing risk factors for domestic violence, suicide as well as crime and unintentional injury.

- 88% of Canadian women killed with guns are killed with a shotgun or rifle, the very guns that opponents of the law say are not the cause of gun violence;
- Access to guns is the fifth highest of 18 risk factors in spousal homicides;
- Inquests into domestic violence (Kassonde children, Arlene May, Vernon massacre) revealed flaws in old law and recommended the changes found in current law: better screening of applicant through detailed questions, two references, and spousal notification. Important information is not contained in police databases;

- 50% of family homicides end in the suicide of the murderer, indicating that the key to protecting women and children is thorough screening in licensing and licence renewals for gun owners; 80% of the gun deaths in Canada are suicides, most using a rifle or shotgun that was readily accessible;
- Although opposition to gun control is stronger where rates of gun ownership are higher (particularly in rural and western communities), women and children are particularly at risk from guns in the home in these areas;
- In Ontario alone 55 per cent of the perpetrators of domestic violence have access to guns.

Patterns of homicides with firearms compared to homicides without firearms for women are significantly different than the patterns of homicides with firearms compared to homicides without firearms for men. In the case of women, we have seen a significant decline in the number and rate of homicides with firearms compared to homicides without firearms when we compare the periods before and after the legislation was implemented. Specifically, while the average rate of women murdered by firearm has reduced by 46% for the 10 year period before and after the *Firearms Act* was implemented (from 0.37 per 100,000 females to 0.20 per 100,000 females), the average rate of women murdered without a firearm for the same period declined only by 25% (from 1.13 per 100,000 females to 0.85 per 100,000 females).

There was a 22% difference between the changes in homicide of women with and without firearms. In contrast, for the same periods, there were limited differences (<1%) between the changes in homicide of men with and without firearms. The average rate of homicide of men committed with firearms declined by 10% from 1.05 per 100,000 males to 0.94 per 100,000 males, while those committed by other means declined by 10%, from 1.89 per 100,000 males to 1.71 per 100,000 males.¹ More than two-thirds of police-reported family violence victims were female and women aged 30 to 34 experienced higher rates of police-reported family violence than any other age group, male or female.² Statistics Canada reported, in 2011, that female victims of spousal violence are more likely to be shot than male victims (26% versus 11%). However, since most domestic violence is ongoing and nonfatal, firearms are used in non-lethal ways (intimidating, threatening, coercing, and generally terrorizing women) in abusive relationships.³

In contrast, Bill C-42 has been developed in response to demands by gun owners with little attention to the concerns of violence prevention experts or the potential unintended consequences to public safety. Gender analysis of public opinion consistently shows that women remain concerned about gun violence and supporters of stronger controls.

Proposed Changes to the Law: Bill C-42 changes to licensing

The proposed changes weaken licensing. This change affects licences for all categories of firearms including for the possession of restricted and prohibited firearms. Bill C-42 includes provisions which weaken controls on restricted firearms including handguns.

1. Combining Possession and Acquisition License (PAL), the Possession Only License (POL)

Currently, there are three kinds of individual Firearms Licenses, the Possession and Acquisition License (PAL), the Possession Only License (POL) and the Minor's License. This Bill seeks to combine the POL and the PAL ostensible to simplify the system but has the effect of weakening controls by giving individuals who have never been thoroughly screened or vetted for risk factors the opportunity to purchase as many unrestricted rifles and shotguns as they wish. In 2001, Possession Only Licenses were originally given to firearms owners that possessed firearms but did not wish to acquire more. They were exempted from the Canada Firearms Safety

¹ Hung, K. Firearms Statistics Updated Tables. Research and Statistics Division. Department of Justice Canada. 2006. 44 p. Table 12 Gender of Victims of Firearms Homicide, 1974-2004 (Statistics Canada: Homicide Survey unpublished tables).; Perreaut, S. Homicide in Canada, 2011. Component of Statistics Canada catalogue no. 85-002-X Juristat. Canadian Centre for Justice Statistics. 2012. 36 p. Table 7, Homicide victims and accused persons, by sex, Canada, 2001 to 2011.; Statistics Canada. Description for Chart 8. Homicides by sex of victim, Canada, 1981 to 2011; Table 253-003 Homicide survey, victims and persons accused of homicide, by age group and sex (males/females), Canada (CANSIM).; Statistics Canada. Homicide survey. Victims of firearm-related homicides by type and gender, Canada, 1985-2011. (Statistics Canada: custom table)

² Statistics Canada, 2013. Family violence in Canada. Online: <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14114-eng.pdf>

³ Peter Jaffe, Ph.D., C.Psych. The Canadian Firearms Registry and Violence Against Women, Report for: Cavaluzzo Hayes Shilton McIntyre & Cornish LLP.

Course at that time and references were not required to verify their answers to questions aimed at assessing the risk of violence or suicide. Giving 1 million Possession Only Licence (POL) holders the opportunity to acquire guns without additional screening or verification, particularly in a context where no record is kept of gun sales and there is no registry poses a risk to public safety on several levels. Studies of the firearms law and recent inquiries, including the latest RCMP evaluation of Canadian Firearms Program in 2010, have argued that we need MORE screening of gun owners not less. The RCMP reported in its 2010 evaluation report that to-date more than 22,000 people have been denied the privilege of a license.⁴ In addition, there is evidence that added levels of rigour to screening processes, for example in the province of Quebec, are one factor accounting for lower rates of firearms injury and death. Based on our review of the evidence, merging POL and PAL licences without requiring rigorous screening poses a risk to public safety.

2. Automatic Renewal of License and Amnesty

This change affects licences **for all categories of firearms** including for the possession of restricted and prohibited firearms. The license renewal process is essential to allow for regular re-screening for risk factors of violence and suicide that are not in police databases, and to thus reducing the chance that dangerous people have access to guns. For example, a substantial proportion of individuals who kill their partners have treatment history of violence that may not be recorded in police databases but is known in the community. Violence risk factors also include recent relationship breakup, history of mental illness or substance abuse. The screening processes were designed to address these factors by requiring references to confirm that they are not aware of any risk factors and to allow for further investigation if there is reason to believe the applicant may pose a threat to themselves or any other person.

Given the elimination of registration of rifles and shotguns, the elimination of point of sale records of firearms sales and the destruction of the registry data, a valid firearms licence is the only information with which the police can determine that an individual may own non-restricted guns. The proposed six month amnesty would lead to further degradation of the CFRO data on all licensed gun owners - particularly the addresses of firearms owners - putting police officers, family members and the public at risk. In the 2007 killing of Laval Police officer Daniel Tessier during a home raid, the media reported that the owner of the legal handgun had not reported his change of address. The Auditor General noted the need to improve the integrity of the data and recommended in section 4.64 of the chapter entitled "Data quality needs to be addressed" of its 2006 audit that: "*Canada Firearms Centre should ensure that its new information system will be able to provide management with the performance information it needs to run the Canadian Firearms Registry*". This change would also hamper police investigations and in some cases prevent prosecution.

3. Provisions weakening the powers of the Chief Firearms Officers (CFO)

CFOs are responsible for the decision-making and administrative work related to licences, authorizations to transport and authorizations to carry, transfers of firearms by individuals and businesses, and record keeping.⁵ By reducing the powers of the Chief Firearms Officers, the federal government may make it difficult for provinces to adapt the national firearms program to better reflect local priorities as they can do now. Examples of measures that could be affected include licence screening, inspection of gun collections and businesses, range construction standards, etc. The language of the legislation was intended to provide wide reaching discretionary powers if in the opinion of the CFO it was not in the interests of the safety of the individual or any other person that the license be issued. There were ample opportunities for appeal but given that firearms ownership is not a right in Canada, the burden of proof was deliberately placed on the applicant for the firearms license (or renewal) to demonstrate that they did not pose a threat. Additionally, the CFO was given the discretion to respond to local needs and norms.

4. Prohibition Orders

One of the important measures introduced in 1995 was the registration of all firearms. This was explicitly added to ensure enforcement of licensing provisions, to support enforcement of safe storage and to support the enforcement of prohibition orders as well as investigations generally. While there are a wide range of grounds for issuing firearms prohibitions under existing law (e.g. violence against a person was used, threatened or attempted and for which the person may be sentenced to imprisonment for ten years or more) there have been

⁴ RCMP, 2010. Canadian Firearms Program Evaluation. Online: <http://www.rcmp-grc.gc.ca/pubs/fire-feu-eval/index-eng.htm>

⁵ RCMP, 2015. Chief Firearms Officers. Online: <http://www.rcmp-grc.gc.ca/cfp-pcaf/cfo-caf/index-eng.htm>

major problems in enforcing these orders particularly in emergency situations where there is insufficient time to obtain and execute a search warrant. Police reported multiple situations where they were called to domestic violence situations where guns were present but they had no idea of how many guns or the type that were on site. Another challenge with prohibition orders was the time between the issuing of the order and its execution. Arlene May was tragically killed when her intimate partner, Randy Joseph, who was prohibited from owning firearms and ordered to surrender them, bought a new gun and killed her. Existing legislation provides a range of crimes for which a prohibition order should be issued. We need more data in order to assess the value of mandatory prohibition orders (particularly in light of recent jurisprudence). Our assessment is more resources devoted to prevention and to enforcement of prohibition orders should be the first priority.

Recommendations

Based on our analysis, we do not support the provisions contained in Bill C-42. Rather we believe the Government should be focused on proven measures to strengthen controls over firearms and to reduce the risk to women and children of domestic violence. To this end we support some of the recommendations contained in the *RCMP Canadian Firearms Program: Program Evaluation*.⁶

General measures to strengthen the licensing process

For individuals wanting to renew a POL or to convert to a PAL:

- Require references to confirm the information entered in the screening questions
- Include spousal notification which requires applicants to provide contact information for current or previous (past 2 years) spouses or common-law partners, as well as their signature. The purpose of this provision is to notify the spouse of an individual's intent to acquire a firearm. Spousal consent is not required for acquisition, however if a spouse has concerns it will trigger a secondary review of the application.
- Require to complete the training program or pass the challenge. The PAL firearms training program includes safe handling of firearms but also a range of objectives related to awareness of suicide, domestic violence and unintentional injury. Given the risks associated with firearms, knowledge of the laws and the risks are critically important.

When looking at the profile of recent domestic violence perpetrators and suicide victims, one would see that many of them have had their firearms without incident for 15 years or more. While the current system allows for "continuous eligibility screening" through police reported incidents, it does not address many risk factors for domestic violence and suicide. The screening questions **verified by references**, are critical. **Public safety experts have always been clear that gun owners must be screened frequently for risk factors of suicide and domestic violence, and setting the renewals of the gun permit at five years was already a compromise.**

End the optional license verification

Restore the mandatory verification of license instead of the current having "no reason to believe" that a person is not authorized to possess that type of weapon that was removed by Bill C-19 (2012). While selling guns to an unlicensed person remains illegal, the ability for courts to hold them to account for the crime is now be greatly diminished. Thousands of private sales of guns happen across Canada between friends and acquaintances, through online sales or other means. Not all of these sellers will feel comfortable asking for proof of license status without being required to do so or will know how to detect a fraudulent license. Depression and domestic violence is still considered by too many to be a 'private matter.' A gun dealer will not know what a regular customer does between visits to his store. Individuals selling their guns may not know what is going on behind closed doors in the house down the street. They may feel uncomfortable asking questions of an acquaintance in a troubled relationship. They might think he is a good person who would never go that far.

Examine the impact of the elimination of registration on enforcement of licensing and prohibition orders and explore alternatives

Registration reinforces licensing, as it holds gun owners accountable for their firearms and reduces the chances that their guns will be diverted to unlicensed owners. That link between licensing of firearm owners and the

⁶ RCMP, 2010. Canadian Firearms Program Evaluation. Online: <http://www.rcmp-grc.gc.ca/pubs/fire-feu-eval/index-eng.htm>

registration of their firearms was affirmed by the Supreme Court of Canada in a unanimous decision on the constitutionality of the Firearms Act in 2000. Firearm registration allows firearms to be traced to their legal owners. As a consequence it increases accountability and discourages legal gun owners from giving their guns to unlicensed individuals or storing them carelessly. The elimination of registration, the destruction of the registry records on 7 million rifles and shotguns and the elimination of the records of firearms sales (in place since 1977) has eroded the mechanisms in place to reduce the risk legal firearms will be misused or diverted to illegal markets. Registration also helps enforce prohibition orders by providing information about the firearms police should remove. Physicians, crisis workers and police have provided anecdotal evidence of specific cases where the registry was useful in removing firearms from potentially deadly situations. Without information about who owns guns and what guns they own, we cannot prevent dangerous people from getting access to guns.

In addition, more resources must be provided to thoroughly vet firearm license applicants including more community checks and support for implementation of the law. Also, more resources must be provided to raise awareness of the risks of access to firearms in the context of domestic violence among first responders, health care professionals and front line shelter workers. Ensure that questions about access to firearms are part of all risk assessment protocols and that staff are aware of the procedures to lawfully and safely remove firearms from situations where there is a potential risk.

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Appendix 2 – Legislative tables

1.1 Provisions weakening controls on restricted firearms including handguns

	Firearms Act (as of Apr 5, 2012)	Bill C-42 (1st reading version)
AUTHORIZED TRANSPORTATION OF FIREARMS	<p>Transporting and using prohibited firearms or restricted firearms</p> <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, without restricting the generality of the foregoing,</p> <p>(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>(a.1) to provide instructions in the use of firearms as part of a restricted firearms safety course that is approved by the federal Minister; or</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 the firearm to a gun show.</p> <p><u>(2) Notwithstanding subsection (1), an individual may not be authorized to transport a prohibited firearm, other than a handgun referred to in subsection 12(6.1), under that subsection, except for the purposes referred to in paragraph (1)(b).</u></p> <p>Non-residents</p> <p>(3) A non-resident may be authorized to transport a particular restricted firearm between specified places in accordance with sections 35 and 35.1.</p>	<p>6. Subsection 19(2) of the Act is replaced by the following:</p> <p>Target practice or competition</p> <p>(1.1) <u>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.</u></p> <p>Exception for prohibited firearms other than prohibited handguns</p> <p>(2) <u>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)</u></p> <p>Automatic authorization to transport – licence renewal</p> <p>(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) <u>to and from all shooting clubs and shooting ranges that are approved under section 29;</u></p> <p>(b) <u>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>;</u></p> <p>(c) <u>to and from a business that holds a licence authorizing it to repair or appraise prohibited firearms or restricted firearms;</u></p> <p>(d) <u>to and from a gun show; and</u></p> <p>(e) <u>to a port of exit in order to take them outside Canada, and from a port of entry.</u></p> <p>Automatic authorization to transport – transfer</p> <p><u>(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</u></p> <p>(a) <u>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</u></p> <p>(b) <u>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).</u></p> <p>Exceptions</p> <p>(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) <u>a prohibited firearm, other than a handgun referred to in subsection 12(6.1); and</u> <u>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.</u></p>

1.2 Changes to licencing

1.2.1 Automatic renewal of all licence

	<i>Firearms Act (as of Apr 5, 2012)</i>	Bill C-42 (1st reading version)
Extension period	<p>Term of licences</p> <p>64. (1) A licence that is issued to an individual who is eighteen years old or older expires on the earlier of</p> <ul style="list-style-type: none"> (a) five years after the birthday of the holder next following the day on which it is issued, and (b) the expiration of the period for which it is expressed to be issued. <p>Extension of term □</p> <p><u>(1.1) Despite subsection (1), a chief firearms officer may, until January 1, 2005, with respect to any licence referred to in that subsection that is issued before December 31, 2001, extend the period for which the licence is expressed to be issued by an additional period of up to four years.</u></p> <p>Minors □</p> <p>(2) A licence that is issued to an individual who is less than eighteen years old expires on the earlier of</p> <ul style="list-style-type: none"> (a) the day on which the holder attains the age of eighteen years, and (b) the expiration of the period for which it is expressed to be issued. <p>Businesses □</p> <p>(3) A licence that is issued to a business other than a business referred to in subsection (4) expires on the earlier of</p> <ul style="list-style-type: none"> (a) three years after the day on which it is issued, and (b) the expiration of the period for which it is expressed to be issued. <p>Businesses that sell only ammunition □</p> <p>(4) A licence that is issued to a business that sells ammunition but is not authorized to possess firearms, prohibited weapons, restricted weapons, prohibited devices or prohibited ammunition expires on the earlier of</p> <ul style="list-style-type: none"> (a) five years after the day on which it is issued, and (b) the expiration of the period for which it is expressed to be issued. <p>(5) and (6) [Repealed before coming into force, 2008, c. 20, s. 3]</p> <p>Notice to holder □</p> <p>(7) The chief firearms officer shall give notice of every extension under this section to the holder of the licence.</p>	<p>14. Subsection 64(1.1) of the Act is replaced by the following:</p> <p>Extension period</p> <p><u>(1.1) Despite subsection (1), if a licence for firearms is not renewed before it expires, the licence is extended for a period of six months beginning on the day on which it would have expired under that subsection.</u></p> <p>No use or acquisition</p> <p><u>(1.2) The holder of a licence that is extended under subsection (1.1) must not, until the renewal of their licence, use their firearms or acquire any firearms or ammunition.</u></p> <p>Authorizations — no extension</p> <p><u>(1.3) The extension of a licence under subsection (1.1) does not result in the extension of any authorization to carry or authorization to transport beyond the day on which the licence would have expired under subsection (1).</u></p> <p>Authorizations — issuance</p> <p><u>(1.4) During the extension period, the following authorizations must not be issued to the holder of the licence:</u></p> <ul style="list-style-type: none"> <u>(a) an authorization to carry; and</u> <u>(b) an authorization to transport, unless it is issued</u> <ul style="list-style-type: none"> <u>(i) for a reason referred to in subparagraph 19(1)(b)(i) or (ii), or</u> <u>(ii) because the holder wishes to transport a firearm for disposal through sale or exportation.</u>
Authorizations	<p>Regulations</p> <p>117. The Governor in Council may make regulations</p> <p>(...)</p> <ul style="list-style-type: none"> (j) regulating the possession and use of restricted weapons; <p>(...)</p> <p>Reference to s. 64(1.1):</p> <p>Term of licences</p> <p>64. (1) A licence that is issued to an individual who is eighteen years old or older expires on the earlier of</p> <ul style="list-style-type: none"> (a) five years after the birthday of the holder next following the day on which it is issued, and (b) the expiration of the period for which it is expressed to be issued. <p>Extension of term □</p> <p><u>(1.1) Despite subsection (1), a chief firearms officer may, until January 1, 2005, with respect to any licence referred to in that subsection that is issued before December 31, 2001, extend the period for which the licence is expressed to be issued by an additional period of up to four years. (...)</u></p>	<p>16. Section 117 of the Act is amended by adding the following after paragraph (j):</p> <p><u>(j.1) respecting the possession and transportation of firearms during the extension period referred to in subsection 64(1.1):</u></p>

1.2.2 Merge of POL and PAL

	Firearms Act (as of Apr 5, 2012)	Bill C-42 (1st reading version)
Conversion of possession only licence	<p><i>For reference:</i></p> <p>Successful completion of safety course</p> <p>7. (1) An individual is eligible to hold a licence only if the individual</p> <ul style="list-style-type: none"> (a) successfully completes the Canadian Firearms Safety Course, as given by an instructor who is designated by a chief firearms officer, and passes the tests, as administered by an instructor who is designated by a chief firearms officer, that form part of that Course; (b) except in the case of an individual who is less than eighteen years old, passes the tests, as administered by an instructor who is designated by a chief firearms officer, that form part of that Course; (c) successfully completed, before January 1, 1995, a course that the attorney general of the province in which the course was given had, during the period beginning on January 1, 1993 and ending on December 31, 1994, approved for the purposes of section 106 of the former Act; or (d) passed, before January 1, 1995, a test that the attorney general of the province in which the test was administered had, during the period beginning on January 1, 1993 and ending on December 31, 1994, approved for the purposes of section 106 of the former Act. <p>Restricted firearms safety course</p> <p>(2) An individual is eligible to hold a licence authorizing the individual to possess prohibited firearms or restricted firearms only if the individual</p> <ul style="list-style-type: none"> (a) successfully completes a restricted firearms safety course that is approved by the federal Minister, as given by an instructor who is designated by a chief firearms officer, and passes any tests, as administered by an instructor who is designated by a chief firearms officer, that form part of that course; or (b) passes a restricted firearms safety test, as administered by an instructor who is designated by a chief firearms officer, that is approved by the federal Minister. <p>(...)</p> <p>Exceptions</p> <p>(4) Subsections (1) and (2) do not apply to an individual who</p> <p>(...)</p> <p><u>(c) on the commencement day, possessed one or more firearms and does not require a licence to acquire other firearms;</u> (...)</p>	<p>Conversion of possession only licence</p> <p>37. A licence that is issued under the <i>Firearms Act</i> and that is held by an individual referred to in paragraph 7(4)(c) of that Act, as it read immediately before the day on which this section comes into force, authorizes the holder to acquire any firearms that they are authorized to possess under the licence and that are acquired by the holder on or after that day and before the expiration or revocation of the licence.</p>

1.2.3 Mandatory safety course

	Firearms Act (as of Apr 5, 2012)	Bill C-42 (1st reading version)
AUTHORIZED POSSESSION – General rules	<p>Successful completion of safety course</p> <p>7. (1) An individual is eligible to hold a licence only if the individual</p> <ul style="list-style-type: none"> (a) successfully completes the Canadian Firearms Safety Course, as given by an instructor who is designated by a chief firearms officer, and passes the tests, as administered by an instructor who is designated by a chief firearms officer, that form part of that Course; (b) except in the case of an individual who is less than eighteen years old, passes the tests, as administered by an instructor who is designated by a chief firearms officer, that form part of that Course; (c) successfully completed, before January 1, 1995, a course that the attorney general of the province in which the course was given had, during the period beginning on January 1, 1993 and ending on December 31, 1994, approved for the purposes of section 106 of the former Act; or (d) passed, before January 1, 1995, a test that the attorney general of the province in which the test was administered had, during the period beginning on January 1, 1993 and ending on December 31, 1994, approved for the purposes of section 106 of the former Act. <p>Restricted firearms safety course</p> <p>(2) An individual is eligible to hold a licence authorizing the individual to possess prohibited firearms or restricted firearms only if the individual</p> <ul style="list-style-type: none"> (a) successfully completes a restricted firearms safety course that is approved by the federal Minister, as given by an instructor who is designated by a chief firearms officer, and passes any tests, as administered by an instructor who is designated by a chief firearms officer, that form part of that course; or <u>(b) passes a restricted firearms safety test, as administered by an instructor who is designated by a chief firearms officer, that is approved by the federal Minister.</u> <p>After expiration of prohibition order •</p> <p>(3) An individual against whom a prohibition order was made</p> <ul style="list-style-type: none"> (a) is eligible to hold a licence only if the individual has, after the expiration of the prohibition order, <ul style="list-style-type: none"> (i) successfully completed the Canadian Firearms Safety Course, as given by an instructor who is designated by a chief firearms officer, and (ii) passed the tests, as administered by an instructor who is designated by a chief firearms officer, that form part of that Course; and (b) is eligible to hold a licence authorizing the individual to possess restricted firearms only if the individual has, after the expiration of the prohibition order, <ul style="list-style-type: none"> (i) successfully completed a restricted firearms safety course that is approved by the federal Minister, as given by an instructor who is designated by a chief firearms officer, and (ii) passed any tests, as administered by an instructor who is designated by a chief firearms officer, that form part of that course. <p>Exceptions •</p> <p>(4) Subsections (1) and (2) do not apply to an individual who</p> <ul style="list-style-type: none"> (a) in the prescribed circumstances, has been certified by a chief firearms officer as meeting the prescribed criteria relating to the safe handling and use of firearms and the laws relating to firearms; (b) is less than eighteen years old and requires a firearm to hunt or trap in order to sustain himself or herself or his or her family; <u>(c) on the commencement day, possessed one or more firearms and does not require a licence to acquire other firearms;</u> (d) requires a licence merely to acquire cross-bows; or <u>(e) is a non-resident who is eighteen years old or older and by or on behalf of whom an application is made for a sixty-day licence authorizing the non-resident to possess firearms that are neither prohibited firearms nor restricted firearms.</u> <p>Further exception •</p> <p>(5) Subsection (3) does not apply to an individual in respect of whom an order is made under section 113 of the Criminal Code (lifting of prohibition order for sustenance or employment) and who is exempted by a chief firearms officer from the application of that subsection.</p>	<p>4. (2) Paragraph 7(1)(b) of the Act is replaced by the following:</p> <p style="padding-left: 40px;"><u>(b) passed, before the commencement day, the tests, as administered by an instructor who is designated by a chief firearms officer, that form part of that Course;</u></p> <p>(4) Subsection 7(1) of the Act is amended by striking out “or” at the end of paragraph (c), by adding “or” at the end of paragraph (d) and by adding the following after that paragraph:</p> <p style="padding-left: 40px;"><u>(e) on the commencement day, was an individual referred to in paragraph 7(4)(c) as it read immediately before that day and held a licence.</u></p> <p>(6) Paragraph 7(2)(b) of the Act is replaced by the following:</p> <p style="padding-left: 40px;"><u>(b) passed, before the commencement day, a restricted firearms safety test, as administered by an instructor who is designated by a chief firearms officer, that is approved by the federal Minister.</u></p> <p>(7) Subsection 7(2) of the Act is amended by striking out “or” at the end of paragraph (a), by adding “or” at the end of paragraph (b) and by adding the following after that paragraph:</p> <p style="padding-left: 40px;"><u>(c) on the commencement day, was an individual referred to in paragraph 7(4)(c) as it read immediately before that day and held a licence authorizing the individual to possess prohibited firearms or restricted firearms.</u></p> <p>(8) Paragraph 7(4)(c) of the Act is repealed.</p> <p>(9) Paragraph 7(4)(e) of the Act is replaced by the following:</p> <p style="padding-left: 40px;"><u>(e) is a non-resident who is 18 years old or older and by or on behalf of whom an application is made for a 60-day licence authorizing the non-resident to possess <u>non-restricted</u> firearms.</u></p>

1.3 Granting the Minister final decisional power over classification

	Criminal Code (as of July 11, 2014)	Bill C-42 (1st reading version)
FIREAMRS AND OTHER WEAPONS - General	<p>Regulations 117.15 (1) Subject to subsection (2), the Governor in Council may make regulations prescribing anything that by this Part is to be or may be prescribed.</p> <p>Restriction (2) In making regulations, the Governor in Council may not prescribe any thing to be a prohibited firearm, a restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or prohibited ammunition if, in the opinion of the Governor in Council, the thing to be prescribed is reasonable for use in Canada for hunting or sporting purposes.</p>	<p>34. Section 117.15 of the Act is amended by adding the following after subsection (2):</p> <p>(3) Despite the definitions “prohibited firearm” and “restricted firearm” 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><u>(4) Despite the definition “prohibited firearm” in subsection 84(1), a firearm that is prescribed to be a restricted firearm is deemed not to be a prohibited firearm.</u></p>
FIREAMRS AND OTHER WEAPONS - INTERPRETATION	<p>84. (1) In this Part, (...) “prohibited firearm” means</p> <p>(a) a handgun that</p> <p>(i) has a barrel equal to or less than 105 mm in length, or</p> <p>(ii) is designed or adapted to discharge a 25 or 32 calibre cartridge,</p> <p>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,</p> <p>(b) a firearm that is adapted from a rifle or shotgun, whether by sawing, cutting or any other alteration, and that, as so adapted,</p> <p>(i) is less than 660 mm in length, or</p> <p>(ii) is 660 mm or greater in length and has a barrel less than 457 mm in length,</p> <p>(c) an automatic firearm, whether or not it has been altered to discharge only one projectile with one pressure of the trigger, or</p> <p>(d) any firearm that is prescribed to be a prohibited firearm;</p> <p>(...)</p> <p>“restricted firearm” means</p> <p>(a) a handgun that is not a prohibited firearm,</p> <p>(b) a firearm that</p> <p>(i) is not a prohibited firearm,</p> <p>(ii) has a barrel less than 470 mm in length, and</p> <p>(iii) is capable of discharging centre-fire ammunition in a semi-automatic manner,</p> <p>(c) a firearm that is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise, or</p> <p>(d) a firearm of any other kind that is prescribed to be a restricted firearm;</p>	<p>18. Subsection 84(1) of the <i>Criminal Code</i> is amended by adding the following in alphabetical order:</p> <p>“<u>non-restricted firearm</u>” means</p> <p>(a) a firearm that is neither a prohibited firearm nor a restricted firearm, or <u>a firearm that is prescribed to be a non-restricted firearm;</u></p>

1.4 Provisions weakening the powers of the Chief Firearms Officers (CFO)

	Firearms Act (as of April 5, 2012)	Bill C-42 (1st reading version)
LICENCES, REGISTRATION CERTIFICATES AND AUTHORIZATIONS - ISSUANCE	<p>Conditions</p> <p>58. (1) A chief firearms officer who issues a licence, an authorization to carry or an authorization to transport may attach any reasonable condition to it that the chief firearms officer considers desirable in the particular circumstances and in the interests of the safety of the holder or any other person.</p>	<p>12. (1) Section 58 of the Act is amended by adding the following after subsection (1):</p> <p><u>Exception-licence or authorization</u></p> <p>(1.1) However, a chief firearms officer's power to attach a condition to a licence, an authorization to carry or an authorization to transport is subject to the regulations.</p>

1.5 Exchange of information at import

	Firearms Act (as of April 5, 2012)	Bill C-42 (1st reading version)
CANADIAN FIREARMS REGISTRATION SYSTEM – RECORDS OF THE REGISTRAR	<p>Canadian Firearms Registry</p> <p>83. (1) The Registrar shall establish and maintain a registry, to be known as the Canadian Firearms Registry, in which shall be kept a record of</p> <p>(a) every licence, every registration certificate for a prohibited firearm or a restricted firearm and every authorization that is issued or revoked by the Registrar;</p> <p>(b) every application for a licence, a registration certificate for a prohibited firearm or a restricted firearm or an authorization that is refused by the Registrar;</p> <p>(c) every transfer of a firearm of which the Registrar is informed under section 26 or 27;</p> <p>(d) every exportation from or importation into Canada of a firearm of which the Registrar is informed under section 42 or 50;</p> <p>(e) every loss, finding, theft or destruction of a firearm of which the Registrar is informed under section 88; and</p> <p>(f) such other matters as may be prescribed.</p> <p>Operation</p> <p>(2) The Registrar is responsible for the day-to-day operation of the Canadian Firearms Registry.</p>	<p>15. Subsection 83(1) of the Act is amended by adding the following after paragraph (d):</p> <p><u>(d.1) all information provided to the Registrar under section 42.2;</u></p> <p>(Refer to s. 10 of Bill C-42 below)</p> <p>10. The Act is amended by adding the following before section 43:</p> <p><i>Obligation to provide information</i></p> <p><u>42.2 (1) A business may import a prohibited firearm or a restricted firearm only if the business completes the prescribed form containing the prescribed information and provides it by electronic or other means to the Registrar before the importation and to a customs officer before or at the time of the importation.</u></p> <p><i>Information sharing</i></p> <p><u>(2) The Registrar and a customs officer may provide each other with any form or information that they receive under subsection (1).</u></p>

1.6 Supplementary Sanctions

	Criminal Code (as of July 11, 2014)	Bill C-42 (1st reading version)
	<p><i>Mandatory prohibition order</i></p> <p>109. (1) Where a person is convicted, or discharged under section 730, of</p> <p style="padding-left: 40px;">(a) an indictable offence in the commission of which violence against a person was used, threatened or attempted and for which the person may be sentenced to imprisonment for ten years or more,</p> <p style="padding-left: 40px;">(...)</p> <p style="padding-left: 40px;">the court that sentences the person or directs that the person be discharged, as the case may be, shall, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, make an order prohibiting the person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition and explosive substance during the period specified in the order as determined in accordance with subsection (2) or (3), as the case may be.</p>	<p>30. Subsection 109(1) of the Act is amended by adding the following after paragraph (a):</p> <p style="padding-left: 20px;">(a.1) an indictable offence in the commission of which violence was used, threatened or attempted against</p> <p style="padding-left: 40px;"><u>(i) the person's current or former intimate partner,</u></p> <p style="padding-left: 40px;">(ii) a child or parent of the person or of anyone referred to in subparagraph (i), or</p> <p style="padding-left: 20px;">(iii) any person who resides with the person or with anyone referred to in subparagraph (i) or (ii).</p>

	<p><i>Discretionary prohibition order</i></p> <p>110. (1) Where a person is convicted, or discharged under section 730, of</p> <p><u>(a) an offence, other than an offence referred to in any of paragraphs 109(1)(a), (b) and (c), in the commission of which violence against a person was used, threatened or attempted, or</u></p> <p>(b) an offence that involves, or the subject-matter of which is, a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, ammunition, prohibited ammunition or an explosive substance and, at the time of the offence, the person was not prohibited by any order made under this Act or any other Act of Parliament from possessing any such thing,</p> <p>the court that sentences the person or directs that the person be discharged, as the case may be, shall, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, consider whether it is desirable, in the interests of the safety of the person or of any other person, to make an order prohibiting the person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all such things, and where the court decides that it is so desirable, the court shall so order.</p> <p><i>Duration of prohibition order</i> □</p> <p>(2) An order made under subsection (1) against a person begins on the day on which the order is made and ends not later than ten years after the person's release from imprisonment after conviction for the offence to which the order relates or, if the person is not then imprisoned or subject to imprisonment, after the person's conviction for or discharge from the offence.</p>	<p>31. (1) Paragraph 110(1)(a) of the Act is replaced by the following:</p> <p>(a) an offence, other than an offence referred to in any of paragraphs 109(1)(a) to (c), in the commission of which violence against a person was used, threatened or attempted, or</p> <p>(2) Section 110 of the Act is amended by adding the following after subsection (2):</p> <p><i>Exception</i></p> <p><u>(2.1) Despite subsection (2), an order made under subsection (1) may be imposed for life or for any shorter duration if, in the commission of the offence, violence was used, threatened or attempted against</u></p> <p><u>(a) the person's current or former intimate partner;</u></p> <p><u>(b) a child or parent of the person or of anyone referred to in paragraph (a); or</u></p> <p><u>(c) any person who resides with the person or with anyone referred to in paragraph (a) or (b).</u></p>
<p>Definition of "intimate partner"</p>		<p>32. The Act is amended by adding the following after section 110:</p> <p><i>Definition of "intimate partner"</i></p> <p>110.1 <u>In sections 109 and 110, "intimate partner" includes a spouse, a common-law partner and a dating partner.</u></p>