

PolySeSouvient / PolyRemembers

Étudiants et diplômés de Polytechnique pour le contrôle des armes
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Preliminary analysis: Conservatives' platform on gun control

(August 17, 2021)

"While the Conservative platform contains a couple positive measures, the bulk of their proposals consists of tougher penalties that do little or nothing to prevent crime. They also propose to make assault weapons more accessible than ever and to seriously weaken Canada's already flawed licensing system"

"Bien que le programme des conservateurs contienne quelques mesures positives, la majeure partie de leurs propositions consiste en des peines plus sévères qui ne font rien ou presque pour prévenir le crime. Ils proposent également de rendre les armes d'assaut plus accessibles que jamais et d'affaiblir considérablement le système de permis déjà déficient du Canada. "

– PolySeSouvient / PolyRemembers

[PolySeSouvient's added comments are highlighted]

"Combating Gun Violence by Keeping Guns out of the Hands of Criminals":

"Canada's Conservatives will go after gun smugglers by:

- Cracking down on "straw purchasing" of firearms by:
 - Amending the Firearms Act so that an individual who, on three separate occasions during a calendar year, transfers a firearm for financial consideration must have a firearms business license. **[This can only apply to restricted firearms as there are no records kept for non-restricted; this is nevertheless a good measure.]**
 - Amending the Criminal Code to add the following aggravating factors on sentencing:
 - The number of firearms transferred
 - Whether financial consideration was exchanged



- The amount of monetary consideration

[Tougher penalties are not a deterrent to crime (only the likely hood of getting caught).]

- Amending the Criminal Code provisions on unauthorized importing so that:
 - It is an aggravating factor on sentencing if more than one firearm is imported otherwise than under the authority of the Firearms Act
 - A mandatory minimum penalty of three years applies where the unauthorized importing occurs for financial consideration.

[Tougher penalties are not a deterrent to crime (only the likely hood of getting caught). MMP have been deemed ineffective by the Supreme Court which has struck them down, including related to gun offenses]

- Supporting specialized enforcement against illegal firearms
 - CBSA and RCMP, working closely with American authorities in the United States, will target smuggling operations before illegal firearms reach the border, including by improving and expanding the RCMP contribution to the Integrated Border Enforcement Teams.

[Without specifics this means little. In most election campaigns, most party promises something like this, and little concrete ever changes.]

Canada's Conservatives have a plan to take action against criminal use of firearms by:

- Amending the Criminal Code provisions on possession of a weapon for a dangerous purpose to make it an aggravating factor on sentencing where an individual commits the offence while the subject of a prohibition order under the Firearms Act and had previously been convicted of an offence under that section or an offence against the person while in possession of a firearm.

- The offence will carry a sentence of from two to ten years.

- Amending the Criminal Code provisions on the unauthorized possession of a firearm by imposing a mandatory minimum sentence of two years if the person was the subject of a prohibition order at the time of the events giving rise to the conviction or had been previously convicted of an offence involving a firearm.

[Tougher penalties are not a deterrent to crime (only the likely hood of getting caught). MMP have been deemed ineffective by the Supreme Court who has struck them down, including for gun offenses]

- Partnering with the Ontario Provincial Police to expand the Firearms Tracing and Enforcement database nationally and taking steps to ensure that all crime guns are submitted for testing and analysis and inclusion in this database.
[Without new structural framework (ex: registration of all guns, private sales transaction records, easy access to commercial records, etc.) tracing will remain a challenge. The Conservatives abolished the long gun registry and promise to repeal C-71 which reinstates commercial sales records.]

Our focus will be on keeping firearms out of the hands of criminals. This contrasts with the Liberals, who have refused to take action against gangs while harassing hunters and sport shooters. Canada's Conservatives will improve the regulation of legal firearms to ensure that it is evidence-based and focuses on protecting public safety.

[Misleading and empty rhetoric]

We will start by repealing C-71 and the May 2020 Order in Council [that prohibited semi-automatic assault-style weapons] and conducting a review of the Firearms Act with participation by law enforcement, firearms owners, manufacturers, and members of the public. We will then update legislation by introducing a simplified classification system and codifying it in law so that it is clear what types of firearms fit into each category and classification decisions can be made quickly, and with the public and firearms owners having confidence that they are not arbitrary [The Conservative Party adopted in its 2016 Policy Declaration "the Simplified Classification System", a recommendation drafted and proposed by the Canadian Shooting Sports Association that would render all restricted firearms other than handguns (or those shorter than 660 mm by folding or telescoping) non restricted, including the AR-15 and other similar semi-automatic military style weapons.]. The legislation will also - for the first time - contain definitions of currently ambiguous terms like "variant."

Canada's Conservatives will further update and improve our firearms legislation by:

- Mandating the automatic surrender to law enforcement of firearms where an individual has been charged with an offence against the person while requiring law enforcement to return the firearms if the charge is dismissed. [This is partly already the case for the most serious crimes and discretionary for the rest; this would be an improvement.]
- Amending the Firearms Act to authorize a hospital, mental institute, psychiatric clinic, or medical professional to give notice to the Chief Firearms Officer if they provide treatment for a mental illness to a person whom they reasonably believe possesses a firearm and may pose a danger to themselves or others. [This is akin the

Quebec's "Anastasia's Law" of which the effectiveness is in question as it remains largely unknown and not utilized; questions remain whether this can be done on a federal level, as patient confidentiality issues usually fall under provincial jurisdiction.]

- Developing a suicide prevention strategy that encourages people – including legal firearms owners – to seek help when they need it. ["suicide prevention strategy": Impossible to assess without more details]
 - The current system adds to the stigma associated with mental health and discourages firearms owners from seeking help. [Pro-gun activists have argued that preventative removal of guns may discourage firearm owners from seeking help: it is unclear what the Conservatives are proposing as an alternative.]
 - Amending firearms laws to ensure that no administrative expiry could lead to criminal charges or the seizure of a licence holder's firearm(s). [This essentially transforms the five-year "Possession and Acquisition Permit" (PAL) into a lifelong possession permit. PAL renewals are a valuable process to reassess the eligibility of individuals to own guns. This would be a marked weakening of Canada's licensing system.]
 - Until an expired licence is renewed, it would remain illegal for licence holders to acquire, by any means, new firearms or ammunition [but these same individuals could still own guns]."
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