

Poly Remembers

Students and Graduates of
Polytechnique for Gun Control



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BILL C-71

“An Act to amend certain Acts and
Regulations in relation to firearms”

Brief presented to:
The Standing Committee on National Security and Defence
Senate of Canada

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Polysesouvient est un groupe de citoyens bénévoles, dont de nombreux témoins, survivants et familles des victimes du massacre du 6 décembre 1989, qui oeuvrent pour un meilleur contrôle des armes et dont les objectifs sont endossés par l'Association des Étudiants de Polytechnique, l'Association des étudiants aux cycles supérieurs de Polytechnique, le CA de l'Association des diplômés de Polytechnique, l'Ordre des ingénieurs du Québec, le Réseau des ingénieurs du Québec, l'École Polytechnique, l'École de technologie supérieure et plusieurs associations étudiantes de génie du Québec.

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Introduction

Poly Remembers (or PolySeSouvient) consists of students and graduates of the École Polytechnique as well as families and loved ones of the victims of the 1989 tragedy that support stricter gun control. We also collaborate with other survivors and families who have lost loved ones or been injured in shootings, such as those linked to the shootings at Dawson College and the Quebec Mosque.

Our mission is simple: to reduce the number of accidents, suicides, homicides, threats and other crimes carried out with firearms. Having witnessed or experienced the massive human suffering that a single firearm in the wrong hands can cause, we feel it is our duty to speak up in the gun control debate to defend every person's right to life and security. We are motivated by our firm determination to prevent other families from experiencing the pain and suffering caused by avoidable tragedies.

Although we are not experts, we offer the particular perspective of victims. Indeed, the whole purpose of gun control is to prevent citizens from becoming victims of the misuse of firearms, be it accidental, self-harm or harm to others. In addition, to the best of our ability our positions are based on the research and advice of experts in public safety and public health: police officers, suicide-prevention experts and people working to prevent domestic violence.

Firearms are designed for killing. While firearms on their own do not kill, they make it easier and more efficient to kill. *Guns don't kill people; people with guns kill people.* Owning a gun is not a right but a privilege, and this privilege must be governed by solid rules and must be accompanied by a range of responsibilities.

Access to guns is a primary risk factor for armed violent behaviour. The simple fact that a firearm is present in a home [increases the risks of violence and intimidation](#) for the women and children who live there. A [recent study](#) from the University of Texas [made public on February 6th](#) found that individuals who had gun access were approximately 18 times more likely to have threatened someone with a gun, compared to 3.5 for individuals with high hostility. Counter to public beliefs, the majority of mental health symptoms examined were not related to gun violence. Instead, access to firearms was the primary culprit. Access to guns in the home [triples the likelihood of homicide](#) and [multiplies the risk of suicide by five](#).

Although we often hear that a determined person will find a way to commit suicide, with or without a gun, research shows that access to firearms is a determining factor. For example, although women are 3 to 4 times more likely to *attempt* suicide, [men are more likely to accomplish the act](#) because they choose more lethal methods — such as guns.¹

By making sure guns are only sold to licensed individuals and allowing investigators to trace guns, controls on sales [reduce the possibility of undetected illegal sales](#) as well as larger diversions to the illegal market.

¹ "Although men are more likely to die by suicide, females are 3-4 times more likely to attempt to end their lives. In addition, women are hospitalized 1.5 times more often than males for suicide related behaviors. This discrepancy may be due to the fact that females tend to use less immediately lethal methods." **Canadian Association for Suicide Prevention**, *Suicide in Canada*. <https://www.suicideprevention.ca/understanding/suicide-in-canada/>

Finally, even though assault weapons are not often used in violent crimes, they nevertheless represent unreasonable and enormous risks for the entire population, allowing someone who wishes to do harm the power to kill dozens of people in mere minutes, simply with the pressure on a trigger. These weapons are able to pierce the armour and other protective equipment used by the police. The Polytechnique massacre and the shootings of police officers (four in [Mayerthorpe 2005](#), three in [Moncton, 2014](#), two in [Fredericton in 2018](#)) demonstrate the enormous destructive potential associated with civilian access to these types of weapons.

Reversal of trends: Firearm homicides

The most recent *Juristat* published by Statistics Canada demonstrate that the number of firearm-related homicides is trending upwards since the weakening of the law as of 2012, which includes:

- passage of Bill C-19 in 2012 that abolished registration of non-restricted firearms, mandatory verification of the validity of a buyers permits and sales ledgers for these weapons, and
- passage of Bill C-24 in 2015 weakening control over the transportation of restricted firearms, increasing access to assault weapons and allowing thousands of gun owners to acquire new weapons without screening (transformation of the Possession Only Licence held by owners before 1995 into a Possession and Acquisition Licence).

Indeed, according to the latest data from Statistics Canada², gun-related homicides increased in number and rate for the fourth year in a row (2014, 2015, 2016 and 2017). The number of firearm homicides rose 19% in 2014 from the previous year, 14% in 2015, 25% in 2016 and 19% in 2017, for an overall increase of 103% in four years (or of 70% since 2014 — for those who consider 2013 to be an outlie — although [Statistics Canada deems it an “inflection point”](#)). The *rate* of gun homicides increased by 95% in four years (or 64% since 2014) and currently represents “the highest rate of firearm-related homicides seen in Canada since 1992.”

This trend arrives after a long period of decline that started in the 80s (with a similar peak around 1991) and reached its lowest rate in 40 years in 2013³ with “much of the decline in firearm-related homicide since the early 1980's ... attributed to a decrease in homicides involving a rifle or shotgun.”⁴ Indeed, “the type of firearm used during the commission of homicides has changed over the past three decades. Prior to 1990, rifles or shotguns were used far more frequently than handguns.”⁵ In 2017, handguns were the most common weapon used in urban areas (63% of firearm homicides), while rifles or shotguns were most commonly used in rural areas (66%). Also notable is the fact that “rate of

² **Statistics Canada**, *Juristat* 2012, <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11882-eng.htm>; “As a result of the decline in shootings, the 2013 rate of firearm-related homicides was the lowest recorded by the Homicide Survey since comparable data became available in 1974 (0.37 per 100,000 population)”, *Juristat* 2013, <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14108-eng.htm> and <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14108/c-g/desc/desc04-eng.htm>; *Juristat* 2014, <http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14244-eng.htm>; *Juristat* 2016, <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/54879-eng.htm>; c

³ “As a result of the decline in shootings, the 2013 rate of firearm-related homicides was the lowest recorded by the Homicide Survey since comparable data became available in 1974 (0.37 per 100,000 population)”. **Statistics Canada**, *Juristat* 2013, <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14108-eng.htm> and <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14108/c-g/desc/desc04-eng.htm>

⁴ **Statistics Canada**, *Juristat* 2010, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2011001/article/11561-eng.htm#a4>

⁵ **Statistics Canada**, *Juristat* 2017, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54980-eng.htm>

firearm-related homicides higher in rural areas than urban areas”, and that “the national increase in homicides committed with a firearm ... increased 60% from the previous year” in rural areas.

Year	Firearms homicides	Firearms homicides (rate per 100,000 population)
2011 – Last complete year covered by Bills C-17 and C-68	158	0.46
2012 – Passage of C-19	172	0.49
2013 – First full year without controls on rifles and shotguns (registration) except in Quebec	131	0.37
2014	156	0.44
2015 – Passage of C-42 / registration ends in Quebec	178	0.55
2016	223	0.61
2017	266	0.72

This upward trend is due to an increase in both handgun as well as long gun homicides: The number of handgun homicides has increased 41% since 2014 (103 to 145) and 82% for those committed with a long gun (34 to 62).⁶ While there has been a stark increase in gang-related homicides, the number of gun-related gang homicides is comparable to gun-related non-gang homicides: "Compared to other types of homicide, gang-related homicides more often involve guns. Almost nine in ten (87%) of gang-related homicides in Canada were committed with a firearm (137 victims), usually a handgun, compared to 27% for homicides that were not related to gang activity (129 victims)."⁷

Finally, for the first time since 2012, shootings in 2016 and 2017 were the most common method of committing a homicide in Canada (38% / 41%), exceeding stabbings (30% / 31%).

From a public safety perspective, it is essential to reverse these trends following the weakening of legislation in recent years and to maintain the progress in reducing crimes and deaths that began after the 1991 and 1995 reforms.

We welcome the opportunity to comment on Bill C-71 and wish to provide the Senate Standing Committee on National Security and Defense the following analysis and recommendations.

⁶ **Statistics Canada**, *Firearm-related homicides, by type of firearm, Canada, 1997 to 2017*, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54980/tbl/tbl05-eng.htm>

⁷ **Statistics Canada**, Juristat 2017, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54980-eng.htm>

In summary, we recommend the following key improvements:

- 1) Reinstate the former authorizations to transport restricted weapons that specify the specific locations to/from which the transport of a gun is permitted (such as the specific gun club of which the owner of a handgun is a member);
- 2) Include in the reinstated sales controls the obligation to report private sales as well, and ensure that the sales data is kept indefinitely;
- 3) Enable easy and timely access by police to gun sales data, as was the case from 1977 to 2012;
- 4) Further tighten the eligibility criteria and screening process to obtain, renew or keep possession and acquisition licenses.
- 5) In addition, we are asking senators to call on the current government to fulfill its election promise to “take action to get handguns and assault weapons off our streets” by:
 - Banning the private ownership of handguns and assault weapons (transitional measures, like buyback programs or grandfather clauses, are feasible options);
 - Limiting magazines to 5 cartridges;
 - Banning "pinned magazines" that can be converted to full capacity (ex: magazines originally designed for 30 rounds but where a rivet prevents more than 5 to be inserted).

1) Possession permits

Bill C-71 will require authorities to consider specific information from the person’s life history in determining whether a person is eligible for a firearms license, instead of limiting this period to the last five years. An [amendment passed in the House](#) expands the criteria that firearms officers must consider.

We support the expansion of the time period on which a license applicant’s eligibility evaluation can be based, as well as the additional criteria that a firearms officer must consider.

Under the current law, investigators could assess the application of a man who had committed no serious crimes in the previous five years, unaware that he had tried to kill his wife 9 years earlier. The [recent revelation](#) that a convicted mob killer was able to get a possession permit, despite the fact that 12 or 15 years ago he shot a man to death in the case of a debt collection and that he was considered by police throughout his adult life to be "a figure of significant power and authority within organized crime, specifically the Italian Mafia", demonstrates the need to eliminate any time limits for firearms officers when investigating an applicant’s background.

While we support this measure as well and the [expanded criteria](#) that a firearms office must consider when evaluating an application for a possession and acquisition permit, Bill C-71 fails to address many cases⁸ where authorities were already well aware of serious risk factors and where gun ownership was nevertheless permitted. The expansion of the time period would change nothing in those cases. The

⁸Some cases reproduced from the April 10 letter written by Michel LeRoux, with his permission.

added criteria may or may not have changed the granting of a license, since the decisions based on this criteria remains discretionary.

- [Corey Lewis](#) of Alberta was known to have been violent towards his family, to have suffered severe bouts of depression and to have experienced periods of wanting to kill himself. While he disclosed much of this information on his application, he was granted a license anyway, including for restricted weapons. In 2010, he assaulted his wife and stepson and then barricaded himself with his five legal guns. A tactical unit was called in to deal with the shotgun-wielding Lewis, a situation which ended with his “suicide by cop”. Even though he disclosed that he was under investigation for an alleged assault involving his stepson, [the licensing officer didn't](#) talk to Lewis' wife nor did he check publicly available court documents that would have detailed his issues with police.

The judge who authored the [fatality report](#) of Lewis’s death wrote that *“the screening process used to grant the gun licences to Mr. Lewis lacked diligence and common sense”* and called for major changes in the way licenses are granted, including mandatory standard operating procedures including a telephone interview with the applicant's partner, a review of all public court documents and an independent verification of criminal convictions, restraining orders or a history of depression, alcohol or substance abuse or allegations of violence.

- [Kevin Runke](#) of Manitoba was the subject of a restraining order, granted at the request of his estranged wife Camille Runke. That order did not include a prohibition to own guns, despite the fact that when she applied for the order, she noted that he had access to guns and she was afraid he would use them against her. He shot and killed Camille in October 2015 at her St. Boniface workplace. In reaction, the Manitoba government [considered](#) including a mandatory gun ban in all restraining orders in cases of domestic violence, but the [revised Manitoba Domestic Violence and Stalking Act](#) only makes such a ban optional.
- [Raymond Papatie](#) of Val-d’Or (Quebec) had a well-known history of violent and suicidal incidents spanning years. The police had had many interactions with Papatie and confiscated his weapons in late 2015. In fact, it was Thierry himself, on the orders of his superiors, who returned Papatie’s firearms to him, including the one that ended up killing him a few months later. Before the murder-suicide, Papatie had even acquired two new weapons, including an SKS assault rifle.
- [Bryce McDonald](#) from B.C. had a criminal conviction for uttering threats and suffered from a major head injury that erased all his childhood memories. Despite this, he was approved for a restricted firearms license and eventually purchased [49 restricted weapons, mostly handguns](#). He was arrested in 2013 and convicted various firearm offenses. At least five of his guns have been involved in [crimes in B.C. and Alberta](#).

These are only cases that ended in tragedy and that were covered by the media. There are without a doubt many lesser known cases, not to mention those that involve unacceptable risks but luckily haven’t ended in death or injury.

Apart from criminal convictions spelled out in [section 106 of the Criminal Code](#)⁹, the Firearms Act requires authorities to *consider* a relatively limited list of risk factors and other convictions¹⁰. Nothing in the law prevents judges or firearms officers, if they decide to do so, from allowing access to guns for people who clearly display serious risk factors included in this list. While there is need for discretion, there are too many cases that show the system is not working as it should.

There's no question that enforcement needs to be improved at all levels. Ensuring more rigorous enforcement is critical, but also a challenge, as it requires *sustained* investments and vigilance, two elements that can vary in time and by location, and that greatly depends on current political priorities and budgetary concerns. So in addition to better enforcement, we recommend strengthening the federal law wherever feasible.

As stated earlier, we represent victims of gun crimes and do not purport to be experts in law, among other specialized fields. Issues related to provincial versus federal jurisdiction are complex and require consultation with the proper legal authorities. While we are asking for improvements in the federal law, it may be the case that one or more of the following measures falls into provincial territory. And while some measures could be implemented on both levels, we prefer the reach and consistency of the federal law whenever possible.

RECOMMENDATIONS:

- **Expand the list of conditions that entail mandatory prohibitions to own guns.** For example, the United States [explicitly bans gun ownership](#)¹¹ for individuals subject to a restraining

⁹ An indictable offence involving violence that carry a minimum 10-year sentence, the use of a firearm in commission of a crime, firearm-related offences and drug trafficking: "109 (1) Where a person is convicted, or discharged under section 730, of (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, (a.1) an indictable offence in the commission of which violence was used, threatened or attempted against (i) the person's current or former intimate partner, (ii) a child or parent of the person or of anyone referred to in subparagraph (i), or (iii) any person who resides with the person or with anyone referred to in subparagraph (i) or (ii), (b) an offence under subsection 85(1) ([using firearm in commission of offence](#)), subsection 85(2) ([using imitation firearm in commission of offence](#)), 95(1) ([possession of prohibited or restricted firearm with ammunition](#)), 99(1) ([weapons trafficking](#)), 100(1) ([possession for purpose of weapons trafficking](#)), 102(1) ([making automatic firearm](#)), 103(1) ([importing or exporting knowing it is unauthorized](#)) or section 264 ([criminal harassment](#)), (c) an offence relating to the contravention of subsection 5(1) or (2), 6(1) or (2) or 7(1) of the Controlled Drugs and Substances Act, or (d) 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, any ammunition, any prohibited ammunition or an explosive substance and, at the time of the offence, the person was prohibited by any order made under this Act or any other Act of Parliament from possessing any such thing". Section 109 of the Criminal Code. <http://laws-lois.justice.gc.ca/eng/acts/C-46/FullText.html>

¹⁰ "(a) has been convicted or discharged under section 730 of the Criminal Code of (i) an offence in the commission of which violence against another person was used, threatened or attempted, (ii) an offence under this Act or Part III of the Criminal Code, (iii) an offence under section 264 of the Criminal Code (criminal harassment), or (iv) an offence relating to the contravention of subsection 5(1) or (2), 6(1) or (2) or 7(1) of the Controlled Drugs and Substances Act; (b) has been treated for a mental illness, whether in a hospital, mental institute, psychiatric clinic or otherwise and whether or not the person was confined to such a hospital, institute or clinic, that was associated with violence or threatened or attempted violence on the part of the person against any person; or (c) has a history of behaviour that includes violence or threatened or attempted violence on the part of the person against any person." Section 5(2) of the Firearms Act. <http://laws-lois.justice.gc.ca/eng/acts/F-11.6/FullText.html>

¹¹ "Federal Restrictions on Gun Ownership by Convicted Felons", <http://www.shestokas.com/general-law/federal-restrictions-on-gun-ownership-by-convicted-felons/> ; "It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person-- (1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; (2) is a fugitive from justice; (3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); (4) has been adjudicated as a mental defective or has been committed to any mental institution; (5) who, being an alien... (6) who has been discharged from the Armed Forces under dishonorable conditions; (7) who, having been a citizen of the United States, has renounced his citizenship; (8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child ... or (9) has been convicted in any court of a misdemeanor crime of domestic violence." 18 U.S.C. § 922 - U.S. Code, <http://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-922.html>

order involving an [intimate partner](#) (with good reason: [abused women are](#) five times more likely to be killed if their abuser owns a firearm, and domestic violence assaults involving a gun are 12 times more likely to end in death than assaults with other weapons or physical harm). Federal US law also bans gun ownership for people [who have been committed to a mental institution](#), while [many states go further](#) by prohibiting gun ownership for anyone who has a history of abusing alcohol or drugs, or for anyone who suffers from a mental disorder and has a history of violent behavior against themselves or others.¹²

- ▶ **Expand the list of risk factors that judges and courts must consider.** Some improvements have been achieved through an [amendment to C-71](#) in the House of Commons. However, these could be further improved, for example by adding to the list of criteria to consider mental illness that is not necessarily characterized by violence. Most people who suffer from schizophrenia, Alzheimer's or alcoholism are not violent, but many probably shouldn't own firearms. These ailments should at the very least be part of the factors that must be *considered*. In addition, given the [increasing concern](#) over the secondary effects on suicidal and even violent behavior of certain antidepressants (as in the case of [Alexandre Bissonnette](#)), the fact that someone is taking antidepressants should also be part of the list of risk factors that should be taken into account.
- ▶ **Require mandatory follow-up and independent verification with a health professional when an applicant or reference indicates a history of mental illness**, as recommended by the [fatality report](#) of Corey Lewis's death. [According to the brother of Adrian Clavier](#), Bill C-71 wouldn't have saved Adrian, since the new legislation doesn't make it mandatory for the RCMP to follow up with a professional if a person indicates that they suffer from mental illness, nor does it require officers to follow up on concerns raised by family members. *"If there's no mandatory follow-up, then we're no further ahead. Adrian would still be dead."* The process should also take into account that a health professional can only deem a candidate not a risk *at the time that they make that assessment* and that a candidate can relapse any time after that.
- ▶ **Require a mandatory in-person assessment of an applicant for the acquisition or renewal of a license.** Meeting in person provides a better opportunity to question and assess an applicant. The application process in Quebec already [involves at least one in-person contact](#). This should be mandatory across the country.
- ▶ **Require a mandatory follow-up telephone interview with the applicant's partner**, as recommended by the [fatality report](#) of Corey Lewis's death, **as well as both references**. In its [2010 evaluation](#) of the Canadian Firearms Program, the RCMP pointed to *"several instances where applicants falsified the names and signatures of references, as well as instances where references indicate they signed forms under duress by the applicant. Others have confided that even if they signed the form, some circumstances have changed which caused them to change their minds or they believed the applicant should never*

¹² It is always possible to include a process in which applicants can convince the courts to lift the prohibition for a defined and renewable period — as mental illness is rarely completely "cured" — for example with a certification from a doctor or psychiatrist — with the burden of proof falling on the applicant.

possess a firearm.” In and of itself this revelation justifies a follow up with all listed references.

- **Require the mandatory review of any court or police documents** in relation to past criminal convictions, allegations of violence, peace bonds and restraining orders, as recommended by the [fatality report](#) of Corey Lewis’s death. Court and police documents involving mental health or violence issues, even when there is no conviction, should be preserved indefinitely for this purpose.
- **Ensure that the eligibility criteria for the possession of restricted weapons are continuous** as is the case in Quebec, rather than only at the time an application is made. For example, holders of restricted weapons permit for the purpose of target shooting should provide evidence on a yearly basis to show they are a member of a gun club (like their yearly membership).
- **Eliminate the six-month grace period for those who do not renew their licenses.** The accuracy of the information in the licensing system is always paramount. One has only to recall the murder of Officer Daniel Tessier of Laval during a raid on a Laval residence to demonstrate the importance for police to have access to updated data related to possession permits. According to the [Occupational Health and Safety Commission](#)¹³, the murderer had not reported his change of address and the police, having consulted the system based on the residence’s address, were not able to be informed of the presence of firearms. [Oscar Arfmann](#), the man charged with the first-degree 2017 murder of Constable John Davidson of Abbotsford (B.C.), had an expired license.

OTHERS RECOMMENDATIONS:

As thoroughly described in [a recent investigative report](#)¹⁴ regarding the ease of obtaining a gun license, major improvements at the implementation level are required, including those recommended in the RCMPs [2010 evaluation](#)¹⁵ of the Canadian Firearms Program. While the federal government [has announced](#) a substantial investment of \$327.6 million over five years and \$100 million annually thereafter to tackle illegal gangs and guns, there has been no comparable commitment to support better enforcement of the law.

- **Provide major investments for enforcement activities aimed at ensuring more rigorous screening.** Actions are needed to better identify at-risk individuals and carry out preventative actions. These efforts should include better education about potential risks for judges, police, communities and health practitioners, as well as their role and responsibilities as pertains to crime and suicide prevention, in addition to more rigorous screening procedures.

¹³ *Le Devoir*, “Décès du policier Daniel Tessier à Laval - Les policiers avaient mal évalué le risque, selon la CSST », Oct. 23, 2016.

<http://www.ledevoir.com/societe/justice/212098/deces-du-policier-daniel-tessier-a-laval-les-policiers-avaient-mal-evalue-le-risque-selon-la-csst>

¹⁴ *Le Devoir*, « Obtenir un permis d’armes à feu est d’une facilité désarmante », May 4th 2018.

<https://www.ledevoir.com/politique/canada/526953/obtenir-un-permis-d-arme-a-feu-est-d-une-facilite-desarmante>

¹⁵ RCMP, “RCMP Canadian Firearms Program - Program Evaluation”, February 2010. <http://www.rcmp-grc.gc.ca/pubs/fire-feu-eval/eval-eng.pdf>

- **Repeal the 2012 and 2019 cuts to forensic labs that trace guns.** These cuts have reduced the RCMP's ability to trace crime guns, leading to long delays in investigations. The latest directive means that guns seized by Canada Border Services Agency officers from suspected smugglers, or firearms taken by police during investigations of suicides, attempted suicides or incidents of domestic violence won't be sent to be examined.

2) License verification

Bill C-71 proposes mandatory verification of the validity of the firearms license of the person seeking to acquire a non-restricted firearm with the Canadian Firearms Program (CFP), including private sellers. The Registrar will then issue a reference number that is valid for a prescribed period, repealing the section of the law that prohibits the Registrar from maintaining a record of the verification. Records will exclude information about the actual firearm being transferred.

When Bill C-19 amended the Firearms Act in the spring of 2012, it also eliminated the requirement for a seller to verify the validity of the license held by a potential buyer in the case of a long gun. The 1995 law required the vendor ("transferor") to inform the Registrar of an imminent transfer of a non-restricted weapon, and the Registrar, after validating the buyer's license and other relevant information, authorized the transfer.¹⁶

However, Bill C-19 amended the Firearms Act¹⁷ to say that the vendor may ask the RCMP to verify a license. In fact, the vendor only needs to believe that the purchaser has a license. [According to constitutional and police experts](#),¹⁸ including the [Quebec Bar Association](#)¹⁹, this renders the legal transfer of a firearm conditional on the good faith of the vendor, relies on a subjective evaluation, and makes it nearly impossible for the police to prove that the vendor did not believe the buyer had a valid license. Bill C-19 also forbade the Registrar to retain any records of requests for verification (section 23.1(2)), meaning the RCMP cannot document the fact that a license verification request was made and rejected, to report this to the provinces or the police. This limitation is totally nonsensical from a public safety perspective.

We therefore strongly support this measure.

RECOMMENDATION:

- **Ensure mandatory notification of provincial Chief Firearms Officers when a verification reveals that a potential buyer has no license, has a false license, or has one that is expired or revoked.** If someone without a license or a revoked license (including for public safety reasons) tries to buy a gun, it is in the public's interest for the local police to know this as soon as possible.

¹⁶ *Firearms Act*, version in force between Dec. 12, 2005 and April 4, 2012. <https://www.canlii.org/en/ca/laws/stat/sc-1995-c-39/32509/sc-1995-c-39.html>

¹⁷ **Government of Canada**, *Firearms Act*, version in force since Oct. 31, 2016. <https://www.canlii.org/en/ca/laws/stat/sc-1995-c-39/latest/sc-1995-c-39.html>

¹⁸ *Expert witnesses discussing eliminating verification of licenses in C-19*, 2012. http://polysesouvient.ca/Documents/MINU_12_03_29_Testimony_Licences.pdf

¹⁹ **Barreau du Québec**, Communication with Nicole Dufour, Attorney and Secretary of the Committee on Criminal Law, 2012. http://polysesouvient.ca/Documents/MEMO_12_03_29_Senat_BarreauQuebec_AvisC19_ANNOTE.pdf

3) Inventory and sales records

Bill C-71 will require businesses, excluding private sellers, to keep records of their inventory as well as the sale of all non-restricted firearms and their purchasers. Only businesses will hold these sales records, and they will be available to law enforcement “only with judicial authority, as appropriate”.

The importance of tracing guns in order to deter illegal sales and trafficking is indisputable. Tracing the history of a gun allows police to identify the circumstances in which they “crossed over” into illegality, whether through theft or through illegal sales: *“Tracing provides potential evidence on the sources of specific crime guns. It also develops strategic and tactical intelligence. Strategic intelligence provides understanding of the sources of illegal firearms and other vulnerabilities as well as patterns related to type and make, smuggling and traffickers,”* as explains the 2017 [BC Task Force on Illegal Guns](#).

While not as effective as the registration of all guns, commercial inventories and sales ledgers help monitor commercial gun sales to make sure they are only sold to licensed individuals, help investigators trace guns that are seized in crimes and reduce the possibility of undetectable [diversions of guns to the illegal market](#)²⁰. Regulated inventories and sales records were in place since the late 1970s.

Many Provincial Firearms Officers and chiefs of police opposed their elimination in 2012, predicting that *“the elimination of the ledgers will result in more firearms being sold by businesses to criminals and unlicensed persons”*.²¹

Since their elimination, law enforcement agencies throughout Canada have reported an increase of domestically-sourced illegal guns — including in [British Columbia](#), [Toronto](#), [Alberta](#), [Regina](#) — as well as [unprecedented spikes in firearm seizures](#) and gun thefts (including a [105 per cent jump in Alberta between 2012 and 2015](#), with [over 10,000 guns listed as missing or stolen](#)). Many jurisdictions say domestic guns now represent the *majority* of guns seized by police.

As for the source of these guns, the [BC Task Force on Illegal Guns](#) explains in its November 2017 report that *“domestically sourced firearms may be stolen in residential and commercial break-ins or legally acquired by ‘straw purchasers’ and diverted to illegal use. (...) A straw purchaser is someone with no criminal record, criminal history or association, who has a possession and acquisition license (PAL) and legally purchases firearms on behalf of others who have no PAL. (...) In some cases, they acquire firearms specified by others who cannot legally possess them. In other cases, they buy several firearms of the same type and calibre and sell them at a profit to criminals.”*

Authorities point to the constantly evolving methods of organized crime that exploit vulnerabilities in the law. For example, in order to prevent the ability of police to trace their weapons, some organized crime gang members use PALs to purchase untraceable non-restricted firearms, including various military-style assault weapons. [A 2016 Toronto police memo says](#) that since the long-gun registry was

²⁰ CBC, “3 men charged with unlawful sale of firearms near Miramichi”, 2014. <http://www.cbc.ca/news/canada/new-brunswick/3-men-charged-with-unlawful-sale-of-firearms-near-miramichi-1.2718448>

²¹ Superintendent Chris Wyatt, Chief Firearms Officer, Ontario Provincial Police, quote from PolySeSouvient, *Relevant Testimony Regarding Sales Records*, 2012. http://polysesouvient.ca/Documents/MINU_12_06_20_Testimony_Ledgers.pdf

abolished by the federal Conservatives in 2012, there is increasing use of shotguns and rifles by the criminal element.

We therefore endorse the Task Force's recommendation to reinstate commercial sales records, as proposed by Bill C-71, as well as its further determination that *"the requirement should include private sales and sales at gun shows or trade shows"* in order to minimize critical information gaps.

RECOMMENDATIONS:

- ▶ **Ensure that police have easy and timely access to these records, without any procedural obstacles, including search warrants.** Procedural obstacles like obtaining a warrant or any other type of "judicial authority" contravene one of the main purposes of sales and inventory records: the prevention of criminal activities through normal and periodic inspections, as well as the ability to analyze data for research and policy purposes. [According to the Chief Firearms Officer in Saskatchewan](#)²², sales and inventory data were routinely inspected to make sure various laws were respected: *"A firearm business inspection involves a 100 per cent manual count of all firearms on site. As part of the inspection, the firearms business ledgers — which are a business tool and the property of the business — are consulted on site and compared to the results of the manual count. If the numbers from the manual count and business ledgers do not match, a follow-up investigation may be conducted to determine why the numbers are different and to determine the whereabouts of the business firearms."* Procedural prerequisites risk limiting investigations of crimes to those that have already been, or are about to be, committed, and may prevent routine inspections to ensure compliance and data analysis for research purposes.
- ▶ **Extend the requirement to keep records of sales to private sellers.** In the case of an illegal weapon or a gun found on the scene of a crime, the most relevant information is the *most recent* legal transaction associated with the firearm, that is, the last legal owner who sold the gun, *whether private or commercial*. A third of all transfers of unrestricted firearms are private sales ([at least in Québec](#)).²³ This is why the [BC Task Force on Illegal Guns](#) recommends tracking all private gun sales, in addition to commercial ones. Two recent polls show, respectively, that [85% of Canadians agree](#) "the Canadian government should reinstate the requirement for commercial gun sellers to keep records of sales and require private sellers to report gun transfers to the authorities".
- ▶ **Ensure that all records of sales/transfers be kept indefinitely, not 20 years.** Firearms are not perishable goods. They can change hands every ten years and remain fully operational. If police want to trace the most recent transaction involving a firearm, they must be able to do so *no matter when* that last transfer took place. The rifle used in the October 2014 shooting on Parliament Hill was not a modern gun but a [ubiquitous hunting rifle](#) that could

²² PolySeSouvient, *Relevant Testimony Regarding Sales Records*, 2012.
http://polysesouvient.ca/Documents/MINU_12_06_20_Testimony_Ledgers.pdf

²³ Sûreté du Québec, data on transfers by type of purchaser, 2016.
http://polysesouvient.ca/Documents/STAT_16_04_07_Cessions_Entreprises_Particuliers_SQ.pdf

have been more than 20 years old. (Its source is still unknown, as police were [unable to trace it](#).)

- **Implement a system that centralizes sales records.** It is hard to see how the proposed system is supposed to “[support effective police work](#)” when police will be left to guess which stores to investigate when trying to locate the commercial source of a gun... By visiting all the gun stores in the vicinity of the scene of a gun crime? Given that there are [about 2,000 gun dealers in Canada](#),²⁴ a non-centralized system would be impractical, costly and counter to the stated goals of facilitating police work. Imagine how locally isolated sales records would impede an investigation like the one seeking to [trace Michael Zehaf-Bibeau’s illegally acquired rifle](#)? What stores would police know to investigate? Those in Ottawa, where he resided at the time? Those in Burnaby B.C., where he lived up to a few weeks before the shooting? The person who provided him the gun could have purchased it anywhere.

Various political leaders, [including the Mayor of Toronto](#), have called for a system that allows police to flag the purchasing of large quantity of guns. Since Bill C-17 proposes to keep sales information with individual stores, it is hard to see how police will be able to spot high volume purchases, at least with respect to non-restricted guns. It is only by combining the data from many or all stores that such patterns can be detected. In 2016, police only discovered [approximately 500 guns and thousands of rounds of ammunition](#) because they happen to be on a house call to check in a 72 year-old Pickering (Ontario) man who was known to have previous medical issues. [Close to 8 out of 10 Canadians support](#) “creating a national database tracking all gun sales

4) Transportation of restricted and prohibited weapons

Bill C-71 would maintain the automatic authorization to transport (ATT) to an owner’s home following a purchase as well as to any approved shooting club or range within the province of residence, for the holder of a license to acquire a restricted or prohibited weapon. 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).

Authorizations to transport restricted weapons has [existed in Canada since 1913](#); under Bill C-68 and its regulations, an authorization for the transportation of handguns and other restricted or prohibited weapons was required to move restricted guns between an owner’s home and his or her gun club, for example. By integrating the authorization to transport into the possession licenses, Bill C-42 allowed restricted firearms to be transported at any time and without a specific pre-authorized destination, to and from a list of pre-determined places including many that have no connection with the owner nor

²⁴ **RCMP**, 2015 *Commissioner of Firearms report*, “As of December 31, 2015, there were 4,522 firearms businesses in Canada licensed under the *Firearms Act*, not including carriers and museums. Of these, 2,117 were licensed to sell only ammunition.” <http://www.rcmp-grc.gc.ca/en/2015-commissioner-firearms-report>

the weapon (e.g. a shooting club at the other end of the province of which the owner is not a member).

We do not consider this measure to be at all “consistent” with the Liberals’ promise, which committed to “[repeal changes made by Bill C-42 that allow restricted and prohibited weapons to be freely transported without a permit](#)”. Bill C-71 only *reduces* the number of types of places that are automatically authorized, and the concrete impact of this change will be minimal. The owner of a restricted weapon could still transport a handgun anywhere between his home and any one of the approved shooting club or range within his province. These trips represent 96% of transportation purposes [according to officials](#), meaning the election promise would be minimally (4%) implemented. Historically, ATTs allowed the transportation of a restricted weapons solely between a gun owner’s home and a specific place where there was a legitimate reason to have the gun, sur as the gun club of which the owner is a member.

There are an estimated [1,400 shooting ranges in Canada](#)²⁵. Provided an owner and his handgun is located between his residence and one of dozens or hundreds (depending on the province) of shooting ranges or gun clubs in the province, he will be complying with the law. Just like under C-42, there will be very few places that are not covered by this “authorization”. For all practical purposes, Bill C-71 will continue to allow the transportation of restricted weapons in places where they have no legitimate reason to be.

RECOMMENDATION:

- Repeal the changes brought in by Bill C-42 by requiring an authorization to transport a restricted weapons for each legitimate trajectory (e.g. between the residence and the gun club of which the gun owner is a member).

5) Classification

C-71 would repeal measures allowing the Governor in Council (GIC) to downgrade the classification of a firearm despite meeting higher criteria prescribed in 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. The GIC would be given authority to grandfather (but not downgrade) in future cases, if required.

We support the reinstatement of the proper classification of the Swiss Arms and CZ-858 families of weapons.

However, this measure does nothing to address the continued availability of semi-automatic military-style assault weapons in Canada. In fact, given the recent mass shootings in Canada involving *legal*

²⁵ RCMP, 2016 Commissioner of Firearms report, 2016. <http://www.rcmp-grc.gc.ca/en/2016-commissioner-firearms-report>

assault weapons (the murder of three RCMP officers in Moncton²⁶, the PQ election night shooting²⁷, the Dawson College massacre²⁸ and the tragedy at the Quebec City Mosque²⁹), we are utterly shocked and disappointed that Bill C-71 fails to include *any* step towards banning the private possession of assault weapons. Victims of gun violence have been calling for a ban on assault weapons for years.

There is no rational reason to justify private ownership of firearms designed to kill humans, as reiterated by a member of the Liberal cabinet, while commenting on the availability of semi-automatic weapons like the one used to shoot down 20 children in Connecticut (referring to the AR-15): the goal should be "*putting them out of circulation, not allowing them to be used.*"³⁰

All firearms are dangerous but some are more than others. Studies show that semi-automatic rifles wound and kill twice as many people as those using weapons that don't self-load in active shooter situations³¹ and fatality rates gunshot injury increase significantly with the caliber of the firearm³².

Moreover, the RCMP repeatedly alerted the federal Minister of Public Safety as to the risk posed by the availability of these weapons to public safety:³³

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

In addition, the vast majority of Canadians (81%) support a ban on assault weapons according to a recent Environics Research poll³⁴, with support predominant in all regions of the country including western provinces (the lowest: 72% in Saskatchewan). Even a majority of gun owners (63%) support the measure, and support is the same in urban as in rural areas.

Assault weapons do not figure prominently in gun crime and homicide, but it just takes *one* in the wrong hands to enable a massacre, as we have witnessed here and especially south of the border.

²⁶ Royal Canadian Mounted Police, *Independent Review - Moncton Shooting - June 4, 2014*, 2015. <http://www.rcmp-grc.gc.ca/en/independent-review-moncton-shooting-june-4-2014>

²⁷ La Presse, « Bain possédait légalement toutes ses armes » (Bain was in legal possession of all his weapons), June 29, 2016. <http://www.lapresse.ca/actualites/justice-et-affaires-criminelles/proces/201606/29/01-4996503-bain-possedait-legalement-toutes-ses-armes.php>

²⁸ Coroner's Office, *Fusillade au Collège Dawson : Conclusions et recommandations du Coroner*, (Dawson College Shooting : Coroner's report and recommendations), Sept. 4, 2008. <http://www.newswire.ca/fr/news-releases/fusillade-au-college-dawson---conclusions-et-recommandations-du-coroner-536574571.html>

²⁹ La Presse, « L'arme abandonnée par Bissonnette: un modèle inspiré de l'AK-47 », April 13th, 2018. <http://www.lapresse.ca/actualites/dossiers/attentat-a-quebec/201804/13/01-5160883-larme-abandonnee-par-bissonnette-un-modele-inspire-de-lak-47.php>

³⁰ CBC, *Liberal Marc Garneau floats assault weapon ban*, Dec. 18, 2012. <http://www.cbc.ca/news/politics/liberal-marc-garneau-floats-assault-weapon-ban-1.1228904>

³¹ JAMA, *Lethality of Civilian Active Shooter Incidents With and Without Semiautomatic Rifles in the United States*, September 11, 2018. <https://jamanetwork.com/journals/jama/article-abstract/2702134>; National Post, *Active shooter study: Semi-automatic rifles more deadly*, September 11, 2018. <https://nationalpost.com/pmnlife-pmnl/active-shooter-study-semi-automatic-rifles-more-deadly>

³² JAMA, *The Association of Firearm Caliber With Likelihood of Death From Gunshot Injury in Criminal Assaults*, <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2688536>

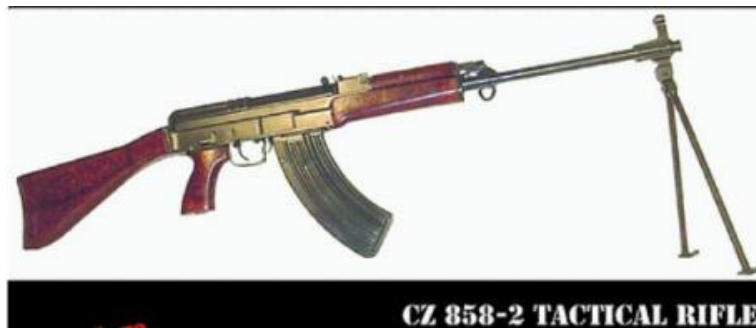
³³ RCMP, "Classification of Firearms", 2012. http://polysesouvient.ca/Documents/DOCU_12_00_00_RCMC_BriefingNote_AssaultWeapons.PDF

³⁴ Environics Research, for PolyRemembers/PolySeSouvient, conducted online from March 6 to 8 2018 among 1510 Canadians aged 18 years and over. Results : http://polysesouvient.ca/Documents/STATS_18_03_08_Environics_Poll_Results.pdf; methodology : http://polysesouvient.ca/Documents/1_ERG_Online_Methodology_n1510_March%208_2018.pdf

- Justin Bourque used a legal semi-automatic rifle (a Winchester 308 M305) to shoot three RCMP officers in Moncton in June 2014. This weapon is a Chinese semiautomatic version of the American military's M14, a favorite of military weapons collectors. Bourque legally possessed this weapon.³⁵



- Richard Bain had in his possession ten legal CZ-858, one of which he used with a (modified) 30-round magazine in the attack against Premier Pauline Marois in September 2012. If the weapon had not jammed while trying to shoot a police officer³⁶, things would have turned out much worse (one person was killed, stagehand Denis Blanchette). According to an academic expert, the Czech CZ-858 is similar to the AK-47, with only a few differences: the CZ is more powerful but known to be less reliable.³⁷ We welcome its new prohibited classification.



- Alexandre Bissonnette had a Czech .223 calibre semi-automatic [Small Arms VZ58 Sportster rifle](#) (pictured here) and [two illegally modified 30-cartridge magazines](#) containing 29 cartridges. He also had [a handgun and five 10-bullet magazines](#). According to the media reports, he legally owned [at](#)

³⁵ RCMP, "Independent Review – Moncton Shooting – June 4, 2014", <http://www.rcmp-grc.gc.ca/en/independent-review-moncton-shooting-june-4-2014>: "Justin Bourque had five non-restricted firearms on June 4 ***** He carried an M305 semi-automatic .308 Winchester (7.62x51mm) rifle with one five round magazine and two prohibited twenty round magazines as well as a 12 gauge pump action shotgun throughout the incident. ... The M305 rifle Bourque used is a Chinese made semi-automatic version of the American M14 service rifle which was originally adopted in 1959. While there are several model names for the civilian market versions, many colloquially refer to them as "M14s." It is a relatively large and heavy rifle that is popular primarily with target shooters and military firearms collectors. Bourque claims to have known a method of converting this rifle to automatic fire and reportedly attempted to do so, without success. ... One of his magazines was specifically manufactured to hold five cartridges and the other two were originally 20 round magazines (the standard size for this rifle) that had been pinned to hold no more than five cartridges, in keeping with Canadian law. It appears that the magazine modifications were removed by Bourque so that the magazines could hold 20 cartridges; turning them into prohibited devices in Canada. Myriad American online sellers of 20 shot magazines offer these for about \$20." ; <http://www.cbc.ca/news/canada/new-brunswick/justin-bourque-latest-revelations-about-man-charged-in-moncton-shooting-1.2665900>

³⁶ Radio-Canada : « On a également appris que Richard Bain avait en sa possession, outre un fusil semi-automatique, un chargeur de 30 balles contenant 26 balles. ... Il avait aussi un pistolet qu'il aurait pointé en direction du sergent Stéphane Champagne. Cette arme s'est toutefois enrayée quand il a tenté de tirer sur l'agent, qui a alors pu l'arrêter. Lors d'une perquisition à son domicile dans les Laurentides, la police a saisi une vingtaine d'armes, toutes enregistrées à son nom, mais aussi une perceuse, qui a servi à modifier le chargeur de son fusil. » <http://ici.radio-canada.ca/regions/montreal/2014/11/28/003-richard-bain-attentat-metropolis-requete-remise-liberte.shtml>

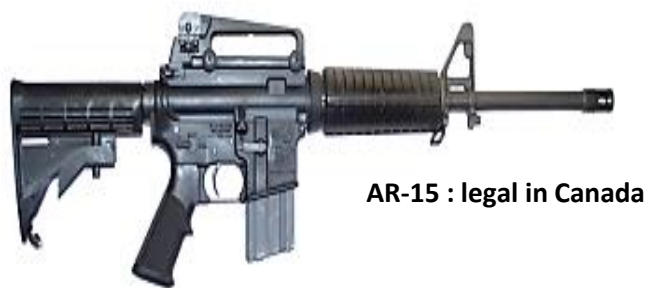
³⁷ John Hipwell, owner of Wolverine Supplies in Manitoba, and Rémi Landry, associate professor at the Université de Sherbrooke, quoted in *The Gazette*, "Gun used in rampage is popular alternative to prohibited AK-47", Sept. 7, 2012. <https://www.pressreader.com/canada/montreal-gazette/20120907/281625302487734>

least six guns. By a stroke of luck, the VZ58 jammed on the first shot, preventing him from using it further. He subsequently used his handgun, virtually emptying all magazines (48 bullets) and, leaving behind six dead, five wounded and dozens of worshippers including children traumatized for life, left less than two minutes after he entered the Mosque.



- Canadians have been horrified by the succession of mass shootings south of the border that have taken the lives of teenagers, movie-goers, elementary school children, church-goers and country music fans. However, a closer look at the weapons that were used to destroy so many lives so quickly and efficiently reveals that virtually all of the weapons are legal to own in Canada:

⇒ **Parkland, Florida, February 14, 2018:** 17 killed (including 14 teenagers) and as many wounded in a shooting that occurred in Stoneman Douglas High School, making it one of the world's deadliest school massacres. 19-year old Nikolas Cruz was armed with an **AR-15** style semi-automatic rifle (a restricted weapons in Canada) and multiple magazines when he indiscriminately fired at students and teachers.



AR-15 : legal in Canada

⇒ **Tehama, California, November 14, 2017:** 5 dead and 10 wounded in various locations, including a 5-minute shooting spree at a primary school building in which the killer, fortunately, was unable to enter. Kevin Neal was carrying four weapons; two handguns and two **AR-15** semi-automatic rifles.

⇒ **Utherland Springs, Texas, November 5, 2017**: 26 dead and 20 wounded; all the victims, aged 5 to 72, were inside a Baptist church. Devin Patrick Kelley used a gun of the **AR-15 type**, a **Ruger AR-556** semi-automatic rifle (a restricted weapon in Canada³⁸).



AR-556 : legal in Canada

⇒ **Las Vegas, October 1, 2017**: The most deadly mass shooting in the United States: 58 people killed and over 500 wounded when Stephen Paddock opened fire on a crowd at a country music festival. The killer had an arsenal of some 25 guns, including one handgun, four **DDM4** rifles (restricted firearms in Canada³⁹), three **FN-15** (restricted firearms in Canada⁴⁰), one **AR-15** (restricted firearm in Canada⁴¹), one **AR-10** (restricted in Canada⁴²), one **AK-47** (prohibited in Canada) and an **LMT** brand rifle (LMT is a manufacturer of military weapons that offers several limited models in Canada⁴³).



DDMA : legal in Canada



FN-15 : legal in Canada



AR-10 : legal in Canada

⇒ The second largest mass shooting in the United States was the massacre at a dance club in **Orlando, Florida** on June 12, 2016, where 49 people were killed and 28 wounded. Omar Mateen was in possession of a **SIG Sauer MCX**, a weapon that is also legal in Canada as a restricted weapon.⁴⁴



**Sig Sauer MCX :
legal in Canada**

³⁸ Internet advertising, seen Nov. 16 2017, <http://gonefishinshop.com/product/ruger-ar-556-5-56-nato-rifle-16-restricted/>

³⁹ Internet advertising, seen Nov. 16 2017, <https://www.gotenda.com/shop/firearms/restricted-rifles/daniel-defense-m4-v7-pro-5-56-nato-18-s2w-barrel/>

⁴⁰ Internet advertising, seen Nov. 16 2017, <https://gun-shop.ca/product/fn-america-fn-15-dmr-ii-w-timney-trigger-5-56mm/>

⁴¹ Internet advertising, seen Nov. 16 2017, <http://frontierfirearms.ca/armalite-m-15-defensive-carbine/>

⁴² Internet advertising, seen Nov. 16 2017, https://www.wolverinesupplies.com/ProductDetail/AMLAR103GN18_Armalite-AR-10-3-Gun-Rifle-7-62x51mm-308-18-Competition-Rifle-

⁴³ Internet advertising, seen Nov. 16 2017, <https://shopquestar.com/shopping65/shopexd.asp?id=2369&bc=no>

⁴⁴ <https://www.thestar.com/news/world/2016/06/15/semi-automatic-rifle-used-in-florida-mass-shooting-is-restricted-in-canada.html>

Despite the Public Safety Minister's mandate to "Take action to get ... assault weapons off our streets"⁴⁵, the RCMP continues to approve the sale of new models of assault rifles⁴⁶ (including two described as "submachine guns" by their manufacturers^{47,48} and some classified as a non-restricted weapon).



Models approved by the RCMP:

CZ SCORPION EVO 3 S1



SIG SAUER MPX



↩ Restricted ↗

KEL-TEC RDB



K&M Arms M17SC



↩ Non-restricted ↗

⁴⁵ Justin Trudeau, Prime Minister of Canada, Minister of Public Safety and Emergency Preparedness Mandate Letter, 2015. <https://pm.gc.ca/eng/minister-public-safety-and-emergency-preparedness-mandate-letter>

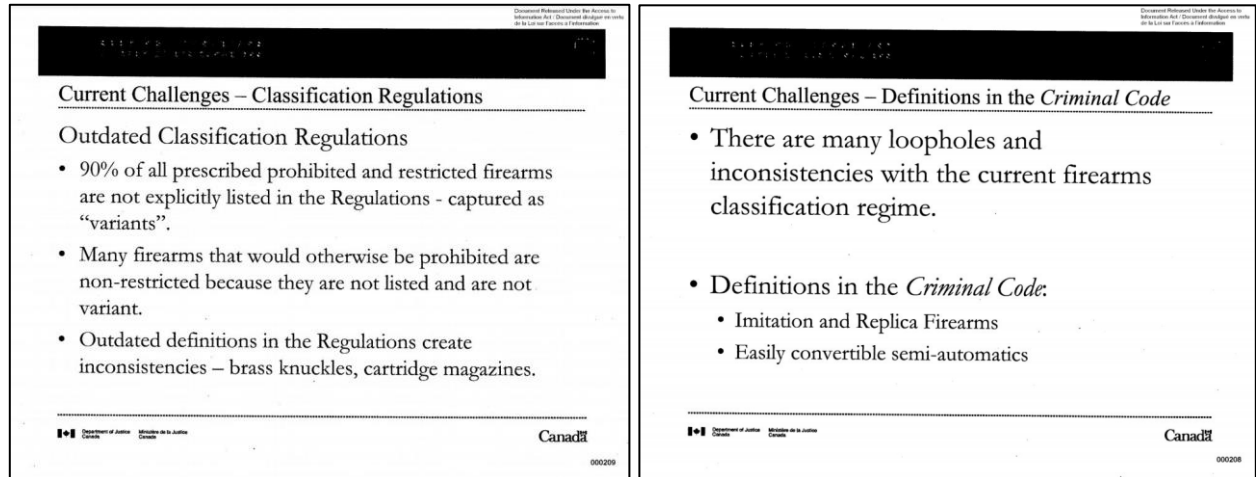
⁴⁶ Le Journal de Québec, « D'autres fusils d'assaut en vente », May 25, 2017. <http://www.journaldequebec.com/2017/05/24/dautres-fusils-dassaut-en-vente>

⁴⁷ Czub.cz, Submachine Gun, consulted June 5, 2017. <http://www.czub.cz/en/produkty/samopaly.html>

⁴⁸ Sig Sauer, Sig MPX SBR, consulted June 5, 2017. <https://www.sigsauer.com/store/sig-mpx-sbr.html>

When questioned on this topic, the Minister's press secretary stated: "*the government will not intervene in weapons classifications decisions made by police forces, because they are the experts in technical decisions*".⁴⁹ However, as clearly emphasized by the RCMP's reply to this statement, the RCMP doesn't actually "decide" what classification to give a gun: they are bound by the definitions contained in the Criminal Code. In other words, their role is limited to interpreting the law. These definitions are established by the government, and the current ones allow assault weapons to be legal.

RECOMMENDATIONS:



- **Revise the criteria in the law for prohibited weapons in order to better reflect the risks to public safety.** Canadian law does not define the term "assault weapons". Instead, it defines the categories of "restricted" and "prohibited" weapons according to certain criteria.⁵⁰ Unfortunately, this system results in classifications that are not consistent with the risks of many weapons. Indeed, despite the general objective of banning assault weapons of both 1991 and 1995 legislative reforms, weapons designed for military purposes have become more accessible.

There are many other legislative models than Canada's. For example, the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) identifies specific characteristics to distinguish "military configuration" rifles from traditional "sporting" rifles, including physical features like the ability to accept a detachable magazine, folding/telescoping stocks, separate pistol grips (to keep a long gun stable during rapid fire), ability to accept a bayonet, flash suppressors, bipods, grenade launchers and night sights.⁵¹ Both Maryland and Massachusetts ban assault weapons,

⁴⁹ [Translation] *Le Journal de Québec*, « D'autres fusils d'assaut en vente », 25 mai 2017. <http://www.journaldequebec.com/2017/05/24/dautres-fusils-dassaut-en-vente>

⁵⁰ Royal Canadian Mounted Police, *Classes of firearms*, 2016 <http://www.rcmp-grc.gc.ca/cfp-pcaf/fs-fd/clas-eng.htm>

⁵¹ US Department of the Treasury, "Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles", 1998, page 1. <https://www.atf.gov/resource-center/docs/guide/departement-treasury-study-sporting-suitability-modified-semiautomatic/download>

both defining them as all center-fired semiautomatic rifles that can accept detachable magazines and have two or more other military features.⁵²

According to [another recent investigative report](#)⁵³, the non-restricted semi-automatic SKS rifle falls under the definition of an assault weapon under the American 1994 Federal Assault Weapon Ban. There is no reason why Canada can't also have a law that bans "assault weapons".

- **Update the regulations to ban variants of prohibited models.** Regulations containing the lists of restricted and prohibited weapons were supposed to be updated on a regular basis.⁵⁴ Maintaining updated lists of restricted and prohibited weapons is particularly urgent given [gun manufacturers' practice](#) of circumventing the intent of Parliament through minor changes to formerly restricted or prohibited military-style weapons, in order for the new models to earn a less severe classification.⁵⁵

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

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

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

In fact, the coroner who conducted the investigation into the tragedy at Dawson College [rightly criticized the federal government](#) for failing in its responsibility to properly classify the weapon that was used, saying that if the spirit of law had been applied, the CX4 Storm Beretta would have been prohibited.⁵⁶ Worse, due to slight modifications introduced by the manufacturer in

⁵² *The Trace*, "Assault Weapons Are Not Protected By the Second Amendment, Appeals Court Rules", 2017.

<https://www.thetrace.org/2017/02/assault-weapons-not-protected-second-amendment-maryland/> ; Attorney General of Massachusetts, "Assault Weapons Ban Enforcement", <http://www.mass.gov/ago/public-safety/awbe.html>

⁵³ « UNE FERVEUR QUI PREND D'ASSAUT LE QUÉBEC », *La Presse*, May 5th 2018. http://plus.lapresse.ca/screens/2d80b295-00e9-41b9-afba-24d23523b239_7C__0.html

⁵⁴ RCMP, "Classification of Firearms", 2012. http://polysessouvent.ca/Documents/DOCU_12_00_00_RCMP_BriefingNote_AssaultWeapons.PDF

⁵⁵ [Translation] « Firearms and ballistics expert Alan Voth explained that gun manufacturers study the laws of each country and create adapted versions to suit the laws in each market, to increase sales opportunities », *La Presse*, Tragédie de Dawson: l'arme du tueur plus accessible qu'il y a dix ans (The Dawson College Tragedy : killer's weapon easier to get than a decade ago), 2016. <http://www.lapresse.ca/actualites/justice-et-affaires-criminelles/faits-divers/201609/12/01-5019503-tragedie-de-dawson-larme-du-tueur-plus-accessible-qu'il-y-a-dix-ans.php> (translation)

⁵⁶ "[Translation] The legislator did not foresee the development and subsequent popularity of the "bullpup" design when it adopted the Regulations Prescribing Certain Firearms and other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted. The spirit of the Firearms Act intended that the firearms, such as the CX4 Storm Beretta used by Mr. Gill, be prohibited rather than restricted." **Coroner's Office**, *Fusillade au Collège Dawson : Conclusions et recommandations du*

2013, it is now available as a non-restricted weapon. Many other assault weapons are non-restricted.

- ▶ **Consider banning all firearms that are not specifically authorized, instead of the other way around.** Currently, any firearm that does not fall under the restricted or prohibited definition or are not specifically designated as such by regulations are by default non restricted. On the contrary, all new models should be prohibited unless having been subject to mandatory physical inspection and properly classified by the RCMP before being allowed on the market.
- ▶ **Revise the measures banning large-capacity magazines in order to eliminate the loophole created by the previous government that allows magazines to surpass the 1991 5/10 limit.** The 1991 law (Bill C-17) imposed a limit of 5 cartridges for long guns and 10 cartridges handguns. This was universally accepted and repeated by many official sources, including the firearms safety manual⁵⁷. However, in March of 2011 under the previous Conservative government, the RCMP put forward a new interpretation of these restrictions: [a special bulletin](#) said the limits only apply to magazines inserted in firearms for which that magazine is designed, not other models that happen to accommodate them⁵⁸. In other words, semi-automatic long gun X can be equipped with a magazine with more than five cartridges, provided that it was designed for gun Y, even if gun Y is prohibited in Canada, and even though the magazine contains 10 rounds or more. Thus, it is considered legal to use a magazine filled with 15 cartridges (5.56 caliber) designed for a "Beowulf" rifle (50 caliber), a prohibited weapon in Canada, in a semi-automatic rifle as long as that rifle is not a Beowulf, as confirmed the RCMP in response to a reporter's question.⁵⁹ Such a configuration is illegal in at least six U.S. states.
- ▶ **Ban large capacity magazines that can be converted to their full capacity by means that are readily available to ordinary citizens.** Large capacity magazines continue to be shipped to Canada, but in order to comply with the law they have a rivet installed that [“blocks the magazine from holding more than the legal limit. However, the actual magazine is still built to hold what it was originally designed to hold.”](#) These are commonly called "pinned magazines", for example a “5/30 pinned magazine” is a magazine originally designed for 30 rounds but

Coroner, (Dawson College Shooting : Coroner's report and recommendations), Sept. 4, 2008. <http://www.newswire.ca/fr/news-releases/fusillade-au-college-dawson---conclusions-et-recommandations-du-coroner-536574571.html>

⁵⁷ **John Dixon**, Senior policy adviser to Kim Campbell, *“I think it's nuts, and I'm shocked to hear it,” said Dixon, who helped craft these laws 20-plus years ago. “What the hell is Parliament doing?”*, “Packing heat: How gun law loopholes tripled Canada's rifle magazine limits”, **Global News**, June 11, 2013. <http://globalnews.ca/news/619165/packing-heat-how-gun-law-loopholes-tripled-canadas-rifle-magazine-limits/> ; “That's news to John Dixon, senior policy adviser on gun control in then-Justice Minister Kim Campbell's office when the laws were being designed. “None of us dreamt of such a loophole. Period,” he says. “Nobody was thinking about anything like this.” “RCMP says magazine loophole was intended; law's author disagrees”, **Global News**, Jan. 28, 2014. <http://globalnews.ca/news/1043355/rcmp-wrong-on-rifle-magazine-loopholes-back-story-campbell-advisor-argues/>

⁵⁸ *“The maximum permitted capacity of a magazine is determined by the kind of firearm it is designed or manufactured for use in and not the kind of firearm it might actually be used in. As a consequence, the maximum permitted capacity remains the same regardless of which firearm it might be used in. Example: The Marlin model 45 (Camp Carbine) rifle chambered for 45 Auto caliber uses magazines designed and manufactured for the Colt 1911 handgun, therefore the seven round and eight round capacities are permitted”*. **Royal Canadian Mounted Police, Maximum Permitted Magazine Capacity — Special Bulletin for Businesses No. 72**, 2011. <http://www.rcmp-grc.gc.ca/cfp-pcaf/bulletins/bus-ent/20110323-72-eng.htm>

⁵⁹ *“As for the second question, a spokesperson for the federal Justice Department confirmed to Global News that using a Beowulf magazine as a higher-capacity magazine for a lighter-calibre semi-automatic rifle is legal.”*, **Global News**, June 11, 2013. <http://globalnews.ca/news/619165/packing-heat-how-gun-law-loopholes-tripled-canadas-rifle-magazine-limits/>


where a rivet prevents more than 5 to be inserted. The RCMP found that it was fairly easy to convert a magazine to its full capacity.⁶⁰

and para-military firearms are promoted, some of which remain in circulation among private owners. Large capacity magazines are widely available for the military and para-military firearms, and although limited in capacity by law and generally reduced to five shots by a pin or similar modification, the original capacity is typically readily restorable. The materials required for improvised full automatic fire are ordinary everyday products.

In the cases of the tragedies in Moncton, at the Quebec Mosque and during the PQ election night celebrations, the perpetrators had modified their magazines so they could hold more than the legal limit of cartridges.

As the details of many mass shootings clearly demonstrate, there are colossal risks associated with large capacity magazines. Yet today in Canada, one can buy a “pinned” 5/100 dual drum magazine over the Internet.

AR 15 Dual Drum Magazine



Price: **\$249.99**
SKU: 1416
Brand: **KCI**
Shipping: Calculated at checkout
Quantity: **ADD TO CART**

Includes:
100/5 Round Dual Drum
Speed Loader
1 Graphite Tube
Heavy Duty Nylon Black Pouch
Pinned to legal 5 round Canadian
compliant capacity!
Product of South Korea

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AR-15/M-16 Drum Magazine (CK) [MAG-137] \$199.00 - In Stock Add to Cart
Price includes Marstar's Ironclad Guarantee

Accessories / Magazines, Stripper Clips & Belts / Magazines / Rifles/Long Guns / AR-15 & M-16
 Accessories / Specific Firearm Parts and Accessories / Rifles / AR15/M16/M4 / AR15/M16 Magazines & Stripper Clips
 Accessories / Magazines, Stripper Clips & Belts / Magazines / KCI Magazines
 Specials / Pistols & Rifles Magazines Sale



CALIBER	CAPACITY	CONDITION
5.56x45mm/.223	100/5	New

100 round (5/100rds) twin drum magazine* for your favorite .223 caliber AR rifle.
 Superior quality plastic construction.
 Clear cover allows round count at any time.
 Includes high quality Nylon carry case which is Molle compatible.
 *Certain high capacity magazines for the AR platform rifles may require some final fitting due to tolerance variances between producers and series.

⁶⁰ **Royal Canadian Mounted Police, Feasibility and Practicality of Improvised Full Automatic Fire, 2014.**
http://polysesouvent.ca/Documents/RAPP_14_11_28_RCMP_AutomaticFire.pdf ; **CBC, Rifles converted to automatic fire an increasing risk,**
RCMP internal report warns, 2016. <http://www.cbc.ca/beta/news/politics/rcmp-rifle-upgrades-semi-automatic-1.3400423>

6) Transfer of Quebec data

Bill C-71 would retroactively restore the applicability of the Access to Information Act and the Privacy Act to the Quebec records of the former long gun registry, held under seal by the Federal Court, which would allow their transfer to the government of Quebec.

We fully support this measure.

7) Training

Since June of 2015, attending safety training courses became mandatory. However, as this new approach came into effect, it appears that those who offer such courses began using methods that not only encourage participants to recruit others, but also encourage people to obtain a restricted license, when the original intent may have been to obtain a non-restricted license only.

For example, both restricted and non-restricted courses are often offered at the same time (over one weekend for example),⁶¹ organizers offer discounts for those taking both courses and organizers often offer group discounts, including a free course for someone bringing a certain number of participants. This may partly explain the sharp increase of permits for restricted weapons, by more than 50% in five years.^{62,63}

RECOMMENDATION:

- **Ban marketing practices that encourage concomitant training for non-restricted and restricted weapons**, including through the recruitment of more participants through rebates or other incentives.

Ads found on the internet:

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

⁶¹ "Part of the increase," says Andrew Somerset, author of a 2015 book on Canadian and U.S. gun culture, "is related to the safety course would-be gun owners have to take. The first part qualifies someone to own most rifles and shotguns, and an optional second part qualifies them to own handguns and restricted rifles. Many people come in to do the first part and are upsold to do both parts. When you have a firearms safety course and a restricted firearms safety course, and there's a possibility to do them as a one-shot deal or over a weekend, a lot of people say 'Hey, why not do it all in one shot?'" "After the 2015 federal election, Canadian handgun sales broke records". *Global News*, "After the 2015 federal election, Canadian handgun sales broke records", April 6, 2017. <http://globalnews.ca/news/3356614/after-the-2015-federal-election-canadian-handgun-sales-broke-records/>

⁶² "The number of restricted firearms — a category made up predominantly of handguns — owned by Canadians has shot up nearly 50 per cent over the last five years, climbing to 795,854 in 2015 from just under 532,000 in 2011." *The Spectator*, "Restricted firearms owned by Canadians rose 50 per cent over the last five years", November 20, 2016. <http://www.thespec.com/news-story/6976744-restricted-firearms-owned-by-canadians-rose-50-per-cent-over-the-last-five-years/>

⁶³ "More and more Canadians own handguns — restricted handguns owned by individuals increased by 46 per cent in just five years, from 467,146 in 2012 to 684,152 in early 2017." *Global News*, "After the 2015 federal election, Canadian handgun sales broke records", April 6, 2017. <http://globalnews.ca/news/3356614/after-the-2015-federal-election-canadian-handgun-sales-broke-records/>

Gift Certificates available!

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

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