

BRIEF TO THE  
SENATE STANDING COMMITTEE ON CONSTITUTIONAL AND LEGAL AFFAIRS

41<sup>ST</sup> Parliament, 1<sup>ST</sup> Session

An Act to amend the Criminal Code and the Firearms Act

Bill C-19

By the Canadian Criminal Justice Association

March, 2012

### **Background of Canadian Criminal Justice Association**

The Canadian Criminal Justice Association (CCJA) welcomes the opportunity to present this brief to the Standing Committee on Public Safety and National Security regarding Bill C-19, *An Act to amend the Criminal Code and the Firearms Act*.

The CCJA is one of the longest serving non-governmental organizations of professionals and individuals interested in criminal justice issues in Canada, having begun its work in 1919 and having testified before this committee on numerous occasions. Our association consists of nearly 800 members and publishes the **Canadian Journal of Criminology and Criminal Justice**, the **Justice Report**, the **Justice Directory of Services**, and the **Directory of Services for Victims of Crime**. We also organize the “Canadian Congress on Criminal Justice” every two years.

### **History & Relevant Issues Pertaining to the Legislation**

In 1977 several major changes to the firearms control provisions of the Criminal Code of Canada were enacted with The Criminal Law Amendment Act and were implemented in 1978. These laws were designed to reduce criminal and other irresponsible use of guns.

The majority of gun owners and users – Canada’s responsible hunters and target shooters – would continue to enjoy their legitimate pastimes without significant hindrance. They were made aware however of those provisions regarding safe handling of firearms and ammunition and, effective January 1 1979, of the requirements needed to obtain a Firearms Acquisition Certificate (FAC) for purchasing or acquiring firearms.

In May 1990, Bill C-80 was introduced. The bill’s intent was to improve the FAC screening process, define safe storage, and ban some types of military weapons and large-capacity magazines. Before third reading it was sent to a Special Committee, which issued its report in February 1991. In March 1991, the bill died on the order paper as a result of prorogue in Parliament.

May 1991, in response to public demand for effective gun-control laws following the massacre that occurred at École Polytechnique in Montreal, Justice Minister Kim Campbell introduced Bill C-17. Bill C-17 resembled Bill C-80 in many respects and incorporated some of the

recommendations contained in the Special Committee's report. This legislation, among other things, imposed a mandatory 28-day waiting period for a FAC, a mandatory requirement for safety training, and an expansion of the background information and identification required in an application. The bill also raised the minimum age for an FAC from 16 to 18, defined the safe storage required for firearms, prohibited select-fire assault weapons and some semi-automatic weapons, as well as large-capacity magazines. Bill C-17 received Senate approval and Royal Assent on December 5<sup>th</sup> 1991, with provisions coming into force between 1992 and 1994.

On February 14<sup>th</sup> 1995, Bill C-68, An Act Respecting Firearms and Other Weapons, was introduced. This bill expanded on previous gun-control legislation by implementing a new central licensing system to replace the FAC system, requiring the registration for all firearms and firearm license holders. The bill banned short-barreled and small calibre handguns, "grandfathering" in previous owners. It also made it a requirement to possess a license in order to buy ammunition. After significant struggle, Bill C-68 received Assent on December 5<sup>th</sup> 1995, with most provisions coming into force in 1998 and the registration of long-guns becoming mandatory in 2003.

In 2006, Bill C-21, An Act to Amend the Criminal Code and the Firearms Act, was tabled. The bill intended to repeal the requirement to register non-restricted, non-prohibited firearms (long-guns). Bill C-21 was debated at first reading before dying on the order paper. It was then re-introduced as Bill C-24 in 2007, only to again die on the order paper in September 2008. In 2009, Bill C-391, a Conservative private members bill, was introduced. This bill again proposed amending legislation to repeal the registration requirements. It was sent to committee in November 2009 and after studying by the House of Commons' Public Safety Committee it was recommended that the bill not be proceeded with, on the grounds that it will "dismantle a tool and enhancement that promotes public security and the safety of Canadian police officers."

### **Overview of Bill Amendments**

Bill C-19 proposes to (1) amend the Criminal Code and the Firearms Act to remove the requirement to register firearms that are neither prohibited nor restricted; (2) destroy existing records currently held in the Canadian Firearms Registry that relate to the registration of said firearms.

#### *Discussion*

In the opinion of the CCJA, the dismantling of the long-gun registry and the destruction of existing records associated with it represent a threat to public safety. In our view, the registry is central to the safety of both the police – who need to know who owns firearms – as well as the community. The preponderance of research suggests a significant relationship between the level of gun ownership, the strictness of gun control and fatalities and crime involving firearms (Killias, 1993; McDowall, 1991; Miller, Azrael, & Hemenway, 2002a; Miller, Azrael, & Hemenway, 2002b; Miller, Azrael, Hepburn, Hemenway, & Lippman, 2006; Sproule & Kennett, 1989). Since 1995, when the central licensing system was implemented, there has been a downward trend in Canadians killed with firearms, Canadians committing suicide with firearms, murders with rifles and shotguns, and robberies with firearms. Should Bill C-19 be passed, it will be much easier for dangerous or suicidal individuals to purchase firearms, as the bill removes the need for registration of a firearm upon transfer of ownership. Furthermore, this makes it very

difficult to track firearms in Canada, leading to an inability to monitor individuals stockpiling weapons or determine an accurate figure as to the number of firearms in Canada.

The Canadian Association of Chiefs of Police, the Canadian Police Association and the Canadian Association of Police Boards have all voiced their support for the long-gun registry. A 2010 RCMP evaluation of the Canadian Firearms Program found that the Firearms Registry is a useful tool for providing officer safety, investigative support and improving public safety. The report recommended “That the existing full registry be maintained as part of the Canadian Firearms Program...” (RCMP, 2010) In eliminating the registry, officers will no longer be able to determine whether there are licensed firearms on the premises when responding to incidents, it will make it more problematic to enforce prohibition orders on individuals and increase the difficulty in tracing firearms used in crime to their source.

Furthermore, the costs associated with continuing to run the registry are minimal. The RCMP has estimated that the annual cost-savings of eliminating the registry in the range of \$1.57-\$4.03 million and has stated that to dismantle what is now an effective system would be a waste (RCMP, 2010). The realized cost-savings would be substantially lowered by the increased cost of investigations into gun crime as a result of the loss of this important firearm tracing tool. The substantial cost of establishing the long-gun registry is a sunk-cost; it will not be recovered and should not be used as reasoning for the elimination of a valuable, and cost-effective, tool.

### *Recommendations & Conclusion*

Based on the discussion and reasoning provided above, the CCJA recommends not proceeding with this legislation. The discontinuation of the long-gun registry and the destruction of the data associated with it present an unnecessary and unwarranted threat to public safety. The police associations have put their support behind the registry because it provides a useful tool for investigations, assists in keeping firearms out of the hands of dangerous individuals and puts some accountability on owners for firearms diverted to the streets.

Recognizing that it is unlikely that this legislation will not be passed, the CCJA recommends amending the bill to allow for the data to be shared with provincial governments to aid in the creation of provincial registries. Privacy Commissioner Jennifer Stoddart has already stated that nothing in the Privacy Act prevents sharing the personal information collected in the registry with the provinces (MacCharles, Campion-Smith, & Talaga, 2011). Furthermore, precedent for this type of sharing has already been set in 2004 by Bill C-16, the Sex Offender Information Registration Act. Bill C-16 retroactively included all sex offenders registered under the provincial Ontario Sex Offender Registry Act into the new federal registry. The CCJA recommends amending the current legislation to retain the data already collected and allow for sharing of the information to aid in the establishment of provincial registries.

We would be happy to provide further information, at the request of the committee, or to appear in person to answer questions about this legislation and our brief.

### **References and Supporting Documents**

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