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BUILDING A **SAFE AND RESILIENT CANADA**



Bill C-21

**An Act to amend certain Acts and to make
certain consequential amendments (firearms)**

May 30, 2022

Canada 

A comprehensive package of legislative measures to reduce firearms violence



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- New Bill C-21 re-introduces many elements of former Bill C-21, adds enhancements, removes non-permissive storage (to make buy back of prohibited assault-style firearms mandatory) and municipal handgun restrictions, and adds new provisions to:
 - Reduce firearm-related family violence and self-harm;
 - Prevent most individuals from buying, selling and transferring handguns;
 - Strengthen border controls and authorities to combat firearms smuggling, trafficking and related offences;
 - Establish new firearm-related offences and strengthened penalties;
 - Prohibit mid-power “replica” firearms; and
 - Enhance the security of federal entities and solidify the administration of firearms control.
- All provisions in the following slides are proposed changes to the *Firearms Act* unless otherwise noted.
- Annex A outlines the changes from former Bill C-21, and Annex B includes details on regulations and coming-into-force.



Reduce firearm-related family violence and self-harm



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The Bill contains five distinct measures to limit access to firearms by those who pose a risk of harm to themselves or others:

1. “Red flag” law: the *Criminal Code* would be amended to allow anyone to apply to a judge for an order to immediately remove firearms from an individual who may pose a danger to themselves or others. The judge can also issue an emergency order to ensure that a third party does not provide firearms to an individual who is prohibited from possessing them.
 - The order is for a period of 30 days.
 - Judges would have discretion to protect identity of applicant or anyone known to them.
2. “Yellow flag” law: Chief Firearms Officers (CFOs) could temporarily suspend an individual’s firearms licence if the CFO receives information calling into question their licence eligibility.
 - During the suspension, an individual would be prohibited from using firearms, and could not acquire new ones. This would provide a pause while CFOs assess whether to revoke the licence.
 - If the information calling into question their licence eligibility is eliminated prior to the end of the 30 days, the licence would be immediately reinstated.
3. Require surrender of firearms during a legal challenge of licence revocation, and measures to facilitate their safe disposal, if required.
 - Owners would no longer retain their firearms while appealing a revocation.



Reduce firearms-related family violence and self-harm (continued)



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4. Automatically revoke a licence when an individual is subject to a protection order or involved in an act of domestic violence or stalking.
 - Would include such orders as restraining orders and peace bonds, to be prescribed in regulations.
 - Domestic violence and stalking would involve physical, emotional, financial, sexual and other forms of abuse, and criminal harassment, as recognized by the courts.
 - Revocation would require disposal (e.g., sale, deactivation, surrender) of all of the individual's firearms.
 - Individuals could apply for a conditional licence if they need a firearm for sustenance hunting or for their employment. Government of Canada to consult Indigenous People on proposed regulations.

5. Licence refusal when an individual is or has been subject to a protection order.
 - Current and past protection orders, subject to some exceptions to be determined in regulations, would be automatically disqualifying.
 - Regulations would establish criteria individuals would need to meet in order to re-apply for a licence.



Prevent the transfer of handguns to most individuals (a “national freeze”)



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The Bill contains two measures to prevent most individuals from buying, selling or transferring handguns:

1. CFOs would be prevented from approving the transfer of a handgun to individuals.
 - Businesses could continue to sell to other businesses (e.g., movie/entertainment, museums) and to exempted individuals.
 - Exempted individuals will be those with an Authorization to Carry (e.g., valuable goods carriers) and elite sports shooters who compete or coach in a handgun discipline recognized by the International Olympic/Paralympic Committee.
2. The Registrar of Firearms and CFOs would be prevented from issuing registration certificates and Authorizations to Transport from a port of entry to prevent individuals from bringing a new handgun into Canada.
 - Individuals could re-import handguns they already own back into Canada.
 - These restrictions would not apply to businesses and exempted individuals.
- Individuals that already own handguns could continue to possess and use.
 - However, they would only be able to transfer them to businesses or exempted individuals, or otherwise lawfully dispose of them.



Strengthen border controls and authorities to combat firearms smuggling, trafficking and other offences



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The Bill contains five distinct measures to deter smuggling and strengthen border controls:

1. Impose stronger *Criminal Code* penalties for gun smuggling and trafficking and related offences.
 - Increase maximum penalties from 10 years to 14 years imprisonment.
2. Require presentation of a firearms licence to import ammunition so that individuals without a licence cannot obtain ammunition from abroad (e.g., for an illegal firearm).
3. Authorize the disclosure of information about firearms licence holders to Canadian law enforcement agencies when there are reasonable grounds to suspect the licence is being used for straw purchasing and firearms trafficking.
 - A reporting requirement will be added to the Annual Report of the Commissioner of Firearms to ensure transparency.



Strengthen border controls and authorities to combat firearms smuggling, trafficking and other offences (continued)



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4. Improve the ability of the CBSA to manage inadmissibility to Canada when foreign nationals commit regulatory offences upon entry to Canada, including firearm-related offences.
 - Technical amendments to *Immigration and Refugee Protection Act* would clarify that the existing regulation-making power may prescribe specific offences, whether in acts or regulations, as applicable for this inadmissibility ground.
 - Concurrent regulatory amendments are under development which would better focus the inadmissibility on the most serious cross-border offences and provide officers at ports of entry the authority to issue removal orders for the most straightforward offences, such as importing a firearm without a permit.

5. Transfer policy responsibility for transborder criminality from the Minister of Immigration, Refugees and Citizenship to the Minister of Public Safety.
 - Better aligns with the Minister of Public Safety's existing policy responsibilities with respect to border management, immigration enforcement, and criminal law enforcement.



Establish new firearm-related offences and strengthened penalties



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- Create a new *Criminal Code* offence for altering a cartridge magazine to hold more than its lawful capacity.
 - Maximum penalty of five years imprisonment on indictment or punishable on summary conviction.
- Add two firearms offences to the list of *Criminal Code* offences eligible for wiretapping.
 - To better investigate gang violence, add “possession of an unauthorized firearm” (section 92) and “*unauthorized possession of a loaded prohibited or restricted firearm*” (section 95) to the list of firearms and other offences already eligible for wiretapping.
- Create an offence for a business that promotes or depicts violence against a person in firearms advertising.
 - Maximum penalty of two years imprisonment, in the case of a first offence, and five years for each subsequent offence.



Prohibit mid-power “replica” firearms



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- Close the gap in the *Criminal Code* regarding “replica” firearms by ensuring the prohibition on importation, exportation and sale applies to all unregulated airguns that look like regulated firearms.
 - Unregulated airguns that look like modern firearms and fire a projectile below 366 feet per second (fps) are already considered replicas and are prohibited.
 - This amendment will close a gap so that air guns firing a projectile between 366 and 500 fps are also considered replicas if they look like modern firearms.
 - Airguns and other “firearm-like” weapons were used in 23% of firearm-related violent crime in 2020 (second-highest rate behind handguns, tied with rifles/shotguns).
 - Current owners will be allowed to keep and use those they already own, but they cannot transfer them to another person.
 - Manufacturers/retailers will be able to continue to sell airguns, but will need to adjust designs so they do not look like modern firearms.
 - Government of Canada will consult with industry and law enforcement on how to implement the law.



Enhance the security of federal entities and solidify the administration of firearms control



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- Enhance the security of certain federal entities:
 - Update the definition of public officers in the *Criminal Code* to include security personnel of the Bank of Canada, Royal Canadian Mint and other individuals prescribed by the Governor In Council (GIC); and
 - Grant limited peace officer status to security personnel at Canada's nuclear facilities and provide independent review of their actions.
- Enhance the administration of the firearms control regime:
 - Repeal the ability in the *Criminal Code* of the GIC to downgrade the classification of a firearm despite technical characteristics;
 - Automatically expire registration certificates subsequent to a change in a firearm's classification;
 - Amend provisions for Authorizations to Carry (ATC) for personal protection to allow only the Commissioner of Firearms to approve, and formalize the approval requirements in regulations; and
 - Make other technical amendments.



Annex A: Changes to former Bill C-21



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Removed from former Bill C-21

- The non-permissive storage regime for prohibited assault-style firearms
- Provisions to allow municipalities to implement federal storage and transportation handgun restrictions

Enhancements and new measures included in New Bill C-21

- Victim and applicant protections to “red flag” laws
- Licence revocations due to protection orders and domestic violence, and ineligibility for a licence due to protection orders
- Restrictions on the transfer of handguns to individuals
- Repealing the Governor in Council (GiC) ability to downgrade firearms classification
- Automatic expiry of registration certificates after a re-classification of a firearm
- Adding two new firearms offences to the list of offences eligible for wiretapping

Complementary measures (not in New Bill C-21)

- Create a new program to promote awareness about the family violence/self-harm provisions (i.e., how to use and make them accessible to all)
- Future regulations to address commitments on Large Capacity Magazines: to require the permanent alteration of long gun magazines so that they can never hold more than five rounds, and prohibit the sale and transfer of magazines capable of holding more than the legal number of bullets



Annex B: Coming into Force



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- Most elements would come into force upon Royal Assent, but regulations or a delayed coming-into-force would be required for certain measures:
 - **Revocation for Protection Orders/Domestic Violence:** regulations to prescribe what constitutes a protection order, what criteria an individual will have to meet to be eligible to hold a licence, and in what circumstances a conditional licence may be issued.
 - **The “yellow flag” licence suspension regime:** delayed coming into force to allow time for necessary IT changes.
 - **Defining elite sports shooters:** regulations to further clarify the criteria that professional sports shooters will need to meet to be exempt from handgun restrictions.
 - **Requiring a firearms licence to import ammunition:** regulations to prescribe information an individual must provide in their declaration form.
 - **Centralizing approval of Authorizations to Carry (ATC):** regulations to be amended to strengthen circumstances in which individuals may be granted an ATC for protection of life.
 - **Granting limited peace officer status to nuclear security officers:** regulations to prescribe designation requirements, limits on powers, and complaints review process.
- These elements will come into force on completion of regulations/IT changes.

