

1. About the 1995 Firearms Act

Q — Why do we need this law?

Answer:

Information is the lifeblood of policing and information about who owns guns and the guns that they own is one more tool to support crime prevention, investigations and prosecution. Since January 1, 2001, the law requires firearm owners to obtain a licence (renewable every 5 years) and since January 1, 2003, they need to register their firearms (one-time only). Licensing provides information on gun owners while registration supply details on the firearms they own. This system is comparable to driver's licences and car registration.

Q — How will the new law help fight crime?

Answer:

Ensuring effective screening of applicants. The law requires that all gun owners obtain licences and be carefully screened. These licences must be renewed every five years. Under the old system, 2/3 of firearm owners did not have valid FACs (Firearm Acquisition Certificate) because the old law only required an FAC to acquire a gun and not to possess one. As of December 2009, 1,843,913 valid firearms licences have been issued representing 90% of gun owners, and in 2008, a total of 389,221 licences were renewed or issued.¹

Enforcing prohibition orders. According to the RCMP, as of 2008, 254,036 individuals have been prohibited from possessing firearms through prohibition orders (cumulative data).² Licensing and registration will provide the information needed to enforce them.

Taking preventative action. Public inquests have repeatedly recommended licensing and registration to help reduce the risk of dangerous people having access to guns (the inquests into: the suicide of Jonathan Yeo who killed Nina de Villiers and Karen Marquis, the murder of Brian Smith, the murder of the Kassonde children, the Vernon Massacre, the murder of Arlene May). Fully integrated databases and a central processing system also provide access to information through Canadian Police Information Center (CPIC) to take preventive measures (i.e. removing firearms in situations of domestic violence). When a new violent incident is logged at the local level, the system searches the database for the licence holder and alerts authorities. Unlike the old stand alone provincial system, the integrated, national information system provides police with continuous, real-time access to information to help remove firearms from those who are a risk to themselves or others.

Helping curb the illegal gun trade. Under the old system, an individual could buy as many guns as he or she wanted over a five year period, with little or no accountability because only handguns and restricted weapons were registered. These loopholes created a huge potential for illegal trading. Combined, registration and licensing will help enforce the requirement that guns only be sold to licenced individuals because it will be possible to trace them back to their owner. Already we have seen impressive results – In May 2000, the firearm registry played a pivotal role in uncovering what is alleged to be one of the largest and most sophisticated firearm smuggling rings in North America. Likely destined for the black market, nearly 23,000 firearms and their components were seized.

Reducing gun theft. Every year approximately 3000 firearms are reported stolen, lost or missing, by definition falling into the wrong hands. Without information on who owns the guns, existing safe storage regulations are very difficult to enforce. With registration, gun owners will be held accountable for their firearms, which will encourage compliance with safe storage.

Improving officer safety. While police always assume a firearm may be present in any call, more information will be an added advantage. Most police officers killed in the line of duty are done so by rifles and shotguns.

Providing critical information for police investigations. Rifles and shotguns are the firearms most often recovered in crime. Registration assists in criminal investigations by allowing firearms to be traced back to their original owner. It also allows police to prove legal ownership of firearms, assisting in prosecuting gun theft and illegal possession.

Q — Why not just punish the criminals who use firearms?

Answer:

The law already includes a mandatory minimum sentence of 4 years for 10 violent crimes committed with firearms: 1) criminal negligence causing death, 2) manslaughter, 3) attempted murder, 4) causing bodily harm with intent, 5) sexual assault with a weapon, 6) aggravated sexual assault, 7) kidnapping, 8) hostage taking, 9) robbery and 10) extortion). This legislation is a balance between prevention and deterrence. Minimum sentencing alone is simply not enough because it applies after the fact, which is why we also need to focus on prevention.

¹ "Facts and Figures (October-December 2009), Canadian Firearms Program". Available at : <http://www.rcmp-grc.gc.ca/cfp-pcaf/facts-faits/index-eng.htm> . Accessed January 20, 2010.

² "Facts and Figures (October-December 2009), Canadian Firearms Program". Available at : <http://www.rcmp-grc.gc.ca/cfp-pcaf/facts-faits/index-eng.htm> . Accessed January 20, 2010.; RCMP-GRC, Commissioner of Firearms, 2008 Report. Table 3. Available at : <http://www.rcmp-grc.gc.ca/cfp-pcaf/rep-rap/2008-comm-rpt/2008-eng.pdf>