

3. About Gun Owner Complaints

Q — Why penalize rural gun owners for big city problems?

Answer:

We believe that the legislation balances public safety concerns and the legitimate needs of farmers, hunters and sports shooters. As Alberta's Chief Justice Catherine Fraser wrote the new law is "*About the protection of public safety from the misuse of ordinary firearms. This is to be accomplished through a simple but compelling concept - individual responsibility and accountability for one's ordinary firearms. This is a small price to pay for the privilege of being allowed to possess and use a dangerous weapon*".¹

In spite of perceptions that guns are an urban problem, where there are more guns, and thus more opposition to gun control, there are also higher rates of firearm death and injury.

While illegal handguns, drug related crime and organized crime are certainly important problems, most murders in Canada involve people who know one another. Guns are the weapon of choice in domestic violence and rifles and shotguns, the guns more common in rural areas, are also the guns most often used when women and children are killed in domestic violence.

A survey of 26 middle-upper income countries by the Centers for Disease Control showed that Canada is fifth among industrialized countries in the rate of children under 14 years killed with guns, following the US, Finland, Northern Ireland and Israel. The rates of children killed with guns vary considerably within Canada. Although the numbers are very small some patterns emerge. Ontario has the lowest rate (0.2 per 100,000 compared to the national average of 0.4 per 100,000). Those of Saskatchewan (1.0 per 100,000), Alberta (0.9 per 100,000) and Manitoba (0.6 per 100,000) are considerably higher. These provinces also have higher rates of gun ownership and have hunter apprenticeship programs.²

A study from the Canadian Paediatric Society revealed some interesting facts about youth and firearms. Among other things, they noted that:

- In 2002, 67 youth under the age of 20 died from unintentional (accidental) and intentional injuries (suicides and homicides) caused by firearms.
- In 2002, 13% of the Canadian deaths from unintentional firearms injuries were in youth age 19 or under
- The majority of Canadian adolescent firearms deaths are suicides, accounting for 75% of all firearms deaths in 15 to 19 year-olds.
- Most Canadian firearms owners own a rifle or shotgun; only 12% own a handgun.
- A Statistics Canada study of family violence between 1991 and 1999 found that the majority of Canadian child and adolescent homicide victims are killed by family members.³

Q — What is the financial "burden" on gun owners?

Answer:

The requirements for registration and licensing are reasonable, given the risks associated with guns. You may obtain more information on the program on the Canadian Firearms Program (CFP) website at www.rcmp-grc.gc.ca/cfp-pcaf/index-eng.htm. The *Possession and Acquisition Licence* carries a fee of \$60 and is renewable every five years. Fees for renewing the licence is currently waived. Registration is a one time only procedure unless the firearm is sold or transferred and fees associated to it are also waived. Clearly, the benefits outweigh the inconvenience.

Q — Will registration lead to confiscation?

Answer:

Gun control is not gun abolition and claims that it will lead to confiscation are not based in fact. In the vast majority of cases where specific types of firearms were prohibited because they were not deemed appropriate for hunting or target shooting, the owners were grand-fathered. This enabled them to keep those guns until their death and in the case of short-barrelled handguns, owners became a restricted class and were allowed to trade amongst themselves.

Q — Does the law give police power to conduct warrantless searches?

Answer:

The inspection powers in the law are consistent with inspection powers under other legislation. The law

does not allow police to enter their homes without their permission or a warrant. Police inspection powers are restricted to owners of prohibited or restricted weapons or those with 10 firearms or more, and they must provide advance notice and obtain the owner's permission. Otherwise, a police warrant is needed. The legislation is also subject to the Charter. The claims about the abuse of police power appear to be attempts to fuel opposition to the law.

Q — What about claims gun owners will not register their guns?

Answer:

Some gun owners say that they will bury their guns or register fictitious weapons but "law abiding" gun owners will obey the law. Many people did not support the GST or the seatbelt legislation but ultimately most Canadians are law abiding. An overwhelming majority complied with the law and applied for a firearms licence. Deliberate efforts to undermine the system should not be tolerated, any more than we should tolerate tax evasion.

Q — Do you really want to turn law-abiding gun owners into criminals?

Answer:

First time offenders may be charged with a summary of conviction, with fines up to \$2,000 and/or 6 months in jail. While we are concerned about not unduly penalizing inadvertent non-compliance, strong legislation is required to stem the illegal gun trade and criminal sanctions are essential. Police always have discretion about whether or not to lay charges. The crown also has the discretion about whether or not to prosecute. The courts have the option of conditional and unconditional discharges.

Q — Don't civilians need guns to protect themselves?

Answer:

As the US example has shown all too well, arming for self protection does not work, it only serves to escalate violence. While murder rates without guns are roughly comparable between our two countries, the firearm homicide rate in the US is 6 times greater and handgun homicide 7 times higher than in Canada.⁴ Uncontrolled access to guns puts officers at risk - the more guns that widely accessible, the greater the risk to police.

Q — What about the National Firearms Association's "Practical Firearms Control System"⁵?

Answer:

This proposed system would put public safety at risk. It focuses only on training while the principal risk to public safety is not that people do not know how to use guns but that individuals intentionally misuse firearms in homicide, suicide and crime. The NFA plan eliminates the careful screening process which was developed to keep guns from those who present a risk to themselves or others. It relies on firearms instructors to approve licences with a criminal record check as the only screening measure. It removes restrictions on weapons such as military assault rifles suggesting gun owners should have access to any guns they are trained to use. The NFA also encourages arming for self-protection and promotes "Gun Proofing" children rather than safe storage of firearms. Police are in a better position to assess the risks an individual may pose to themselves or others.

¹ Alberta Chief Justice Catherine Fraser, Alberta Court of Appeal, Decision, October 1998.

² Centers for Disease Control, "Rates of Homicide, Suicide and Firearm-Related Death Among Children in 26 Industrialized Countries" (1997).

³ Frappier, J-Y, Leonard, K, Sacks, D. "Youth and Firearms in Canada", Canadian Pediatric Society, Paediatric and Child Health, 2005.

⁴ US Department of Justice, "2008 Crime statistics, Expanded Homicide Data," September 2009. Table 20. http://www.fbi.gov/ucr/cius2008/data/table_20.html US Department of Justice, "2008 Crime statistics, Expanded Homicide Data," September 2009. Table 1.

http://www.fbi.gov/ucr/cius2008/data/table_01.html Sarah Beattie. "Homicide in Canada 2008," Statistics Canada. Juristat, vol. 29, no. 4, October 2009.

⁵ The National Firearms Association. Practical Firearms Control System. <http://www.nfa.ca/files/pfcsenglish.pdf>