

BILL C-21:

WHAT IT ALL MEANS



On February 16, 2021, [Bill C-21](#), *An Act to amend certain Acts and to make certain consequential amendments (firearms)*, was introduced to the House of Commons.

RED FLAG LAW: Would allow anyone to apply to a judge for an order to immediately remove an individual's firearms. Currently this can only be done by a police officer, firearms officer, or Chief Firearms Officer (CFO). **Concerns --** This provides more opportunity for abuse of the system through unfounded claims. Although this is the nature of our justice system, the new Emergency Prohibition Order (EPO) is a criminal sanction and has more immediate consequences. The individual who the order is sought against is not notified until after the order is issued, and they would need to go through common law to fight the order because there is no appeal process. The EPO would empower the police to enter the individual's home without warrant and seize their firearms. The EPO would also result in notification of the CFO who could immediately suspend the individual's firearm licence. Although it is a temporary prohibition, the EPO could trigger other sections of the Criminal Code, meaning that the individual's licence and registrations could be cancelled and guns forfeited.

YELLOW FLAG LAW: Would allow a CFO to temporarily suspend an individual's firearms licence and prohibit an individual from using their firearms (and acquire new ones) based on receiving information (from anyone) calling into question licence eligibility. **Concerns --** Having this available to anyone provides more opportunity for abuse of the system (unfounded claims), no notice to the individual, and more immediate consequences.

REPLICA FIREARMS: The intent is to close the gap in the Criminal Code regarding 'replica' firearms by prohibiting the importation, exportation and sale of all non-regulated airguns that visually look like modern firearms (i.e., exactly resemble make and model of existing firearm). The replica firearms designation does not currently apply to airguns shooting 366-500 fps. **Concerns --** The onus is on owners to determine if they have a replica firearm, but the government has not committed to providing a detailed list. Additionally, replica firearms remain available for use and transport, but have limited long-term value because they cannot be sold or bequeathed as family heirlooms.

LICENCE REVOCATION: Would require the surrender of firearms during a legal challenge of licence revocation (i.e., owners would no longer retain firearms during appeal). Currently, a decision to revoke the licence must be made before removing an individual's firearms. **Concerns --** Many appeals are successful because key facts may be initially left out or misrepresented. This would cause individual hardship to those wrongfully accused, and result in considerable burden on already strained police service and justice system capacity.

NEW GRANDFATHERING APPROACH: Bill C-21 makes the buyback of OIC-prohibited firearms voluntary. **Concerns --** Unlike previous grandfathering, the OIC-prohibited firearms are subject to non-permissive storage – no permitted use, no import, no further acquisition, no sale, no bequeathal. This would also require owners of previously non-restricted firearms to attain a Restricted PAL, register the firearm(s), and comply with stricter storage conditions.

NEW OFFENCE FOR ALTERING A CARTRIDGE MAGAZINE: The current maximum magazine capacity for firearms sold or imported into Canada is 10 cartridges for most handguns, and five for most semi-automatic, centre-fire long guns. There is currently no specific offence for 'unpinning' a magazine; Bill C-21 would make it a specific offence to alter a cartridge magazine to exceed its lawful capacity. ***This new offence actually targets criminals purposely breaking this law.***

INCREASE IN MAXIMUM PENALTIES: Would increase maximum penalties for firearm trafficking, smuggling, and related offences from 10 to 14 years. ***This is another positive example of a policy change that targets criminals instead of law-abiding firearms owners.***

IDENTIFYING STRAW PURCHASING: Would amend the Firearms Act to 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 weapons trafficking. This would enable it, but the government needs to create a comprehensive strategy to assist in identifying irregular and/or suspicious purchasing habits while investing in the systems currently in place to better coordinate the existing tools between government, police, and agencies/retailers. ***This is something the OFAH has been asking for, as it is a much more direct and effective policy instrument to address straw purchasing than banning firearms from law-abiding Canadians.***

MUNICIPAL BYLAWS: Bill C-21 includes provisions that would make compliance with municipal handgun storage and transport restrictions through bylaws a condition of federal firearms licence. **Concerns** -- Some of the potential concerns include: policy redundancy because handguns are already highly regulated; creating confusion and enforcement issues resulting from a patchwork of storage and transport restrictions; small business impacts because of restrictions on retailers and ranges; community club impacts because firearm range services often help fund other club activities (e.g. conservation); loss of enforcement training facilities because ranges may not be viable without public members; implementation (e.g. available or willing businesses to store firearms) and enforcement (e.g. cost to local and provincial police, as well as CFO capacity) challenges; and individual hardship on lifelong law-abiding citizens who may be required to move or give up their firearms.

DETAILED ANALYSIS ON MUNICIPAL FIREARMS BYLAWS can be found in the [OFAH Backgrounder: What the 'municipal' section of Bill C-21 could mean for Ontario](#).

MORE INFORMATION ON BILL C-21: Please see the [OFAH's Bill C-21 FAQ](#).

INVESTMENT IN GUN CRIME CRACKDOWN AND ANTI-GANG

PROGRAMMING: When Bill C-21 was introduced, the government committed \$250 million in funding over five years (starting in 2021-2022) to municipalities and Indigenous communities to support anti-gang programming and prevention programs for youth-at-risk. In March 2021, the government announced that Canada Border Services Agency (CBSA) would be leading efforts to create a joint Canada-United States cross-border task force to address gun smuggling and trafficking. ***These are positive investments and actions that will actually enhance public safety.***

Previously, the federal government pledged \$327.6 million over five years on anti-gang initiatives and gun crime crackdown, with an intention to spend \$100 million annually once the first five years is up (November 2017). The federal government also announced \$86 million in funding to help the RCMP and CBSA combat gun and gang violence, including \$51.5 million over five years for investments in an all-weather detector dog training facility, new dog teams at key highway crossings, expanded x-ray technology at postal centers and air cargo facilities, and enhanced training on the detection of concealed goods in vehicles crossing Canada's borders. \$34.5 million over five years will be used to enhance the RCMP's new Integrated Criminal Firearms Initiative (ICFI) to build capacity for investigations, training, inspections, technology, and intelligence. ***These are positive investments to enhance public safety.***

THE TAKE-HOME

Some elements of Bill C-21, including the creation of a new offence for altering a magazine and increases in the maximum penalties for firearms trafficking, smuggling, and related offences, as well as funding for anti-gang programming are positive, but overshadowed by the unnecessary and inappropriate policies targeting law-abiding firearms owners.

The convoluted and confusing proposals for municipal firearm bylaws, and lack of checks and balances in the proposed red flag laws, yellow flag laws, and licence revocations do not respect Canada's licensed firearms owners.

The buyback of OIC-prohibited firearms will cost taxpayers hundreds of millions of dollars and will not provide sufficient compensation for many firearms owners. This money could have been used to support actions that directly address gun violence.

More evidence-based, direct, and value-added actions and investments are needed to tackle illegal firearms and actually enhance public safety, rather than have them as a 'throw in' or footnote to make political policy promises seem more palatable.

The Government of Ontario should fully examine municipal bylaw-making authority with an intent to provide more structured guidance and/or provincial oversight to ensure evidence-based decision making and consistency across the province.

Municipalities should reject the downloading of the implementation of bad federal policy. The proposals will create significant issues for municipalities without the benefit of enhanced public safety.