



Canadian Association of Chiefs of Police
Association canadienne des chefs de police

Presentation to the Standing Senate Committee on National Security, Defence and Veterans Affairs

C-21 - An Act to amend certain Acts and to make certain consequential
amendments (firearms)

Remarks by: Deputy Chief Bill Fordy
(Co-Chair, CACP Special Purpose Committee on Firearms)

Canadian Association of Chiefs of Police

November 20, 2023

Good afternoon and thank you for the opportunity to address this committee on behalf of the Canadian Association of Chiefs of Police.

The CACP supports Bill C-21 and believes this law is introducing essential provisions to the *Criminal Code* and *Firearms Act*.

Ghost Guns

First, we support the new provisions aimed at addressing privately made firearms, also known as ghost guns. This is why the CACP is strongly in favour of:

1. the expansion of the definition of “prohibited firearm” to include “any unlawfully manufactured firearm regardless of the means or method of manufacture”;
2. the addition of the definition of ‘firearm part’ to section 84(1) of the *Criminal Code* and the addition of this terminology to other provisions in the Code pertaining to prohibition orders, offences, and exemptions;
3. the creation of an offence for possessing or distributing computer data that would allow the illegal manufacturing of ghost guns;
4. the creation of an offence for altering a cartridge magazine from one that is not prohibited to one that is; and
5. the new requirement to hold a firearms license to acquire a cartridge magazine.

Replica Firearms

The CACP agrees with prohibitions related to replica firearms, specifically those that are a likeness to real firearms and are indistinguishable from the genuine articles from near or far, or that can be altered to convert them into deadly weapons. We welcome additional language in the bill related to likeness and discharge including muzzle velocity and muzzle energy.

However, imitation firearms remain largely unregulated, and users can acquire them easily without proof of age, licence, or competency.

Firearms smuggling and trafficking

The CACP continues to maintain that restricting lawful firearm ownership will not meaningfully address the issue of illegal firearms obtained from the United States. This is why we support all legislative amendments focused on addressing border integrity, smuggling, and trafficking priorities.

Mandatory crime gun tracing

Of significant concern is the absence of data to help understand the pathways crime guns take before they are seized as part of a criminal investigation in Canada. In 2022, the CACP passed a resolution calling for the mandatory tracing of all crime guns in Canada. At the moment, only Ontario has made it mandatory.

Firearms tracing creates a chain of custody, from the manufacturer to the licensed dealer, to the purchaser. It can enhance our ability to identify trends and patterns, to identify and stop the sources of illegal firearms used to commit crimes in Canada, and to reduce gun violence in this country.

In the absence of legislation to mandate that police agencies across Canada collect firearms data in a consistent and regular manner, we will continue to struggle in this domain.

Reducing firearms-related deaths in cases of family violence and self-harm

The CACP also supports the new regime for emergency prohibition orders, also known as the red flag law, and the requirement to surrender firearms and relevant documents such as firearms licenses to help reduce gender-based violence, intimate partner violence, and self-harm by limiting access to firearms by those who pose a risk of harm to themselves or others.

The CACP supports the addition of clause 16 in the *Firearms Act* indicating that an individual is not eligible to hold a firearms licence if they are or were subject to a protection order and that their license can be revoked if they have been convicted of an offence that involved the use, threat, or attempted violence against their intimate partner or any member of their family.

Bail Reform

The CACP is also concerned with how repeat violent offenders and those charged with offences involving firearms are being managed by Canada's justice system. Many individuals who pose a significant threat to public and officer safety are being released back into the community without the appropriate care or restrictions required while they await trial.

We ask the committee to consider adding the following legislative amendments to the *Criminal Code*:

1. Require that bail hearings for the most serious firearms offences be heard by a judge of a superior court of criminal jurisdiction or a judge as defined in section 552 of the *Criminal Code*, or a provincial court judge and that alleged breaches of a judicial release order be heard by a judge of the same level of court that granted the initial release.
2. Provide sentencing judges with the discretionary ability to increase parole ineligibility to two-thirds of a custodial sentence when the court finds that an offender has discharged a firearm in a congregate setting in committing the offence, and that this discretionary ability on sentencing be extended to those who are found to be parties to such offences.
3. Create an additional route to automatic consideration of First-Degree Murder under Section 231(4) of the *Criminal Code*, by including a death that results from the discharge of a firearm in a congregate setting.

Conclusion

In conclusion, it is important to remember that, in Canada, ownership of a firearm is not a right, it is a privilege. Legislation must strike an appropriate balance between the rights of the accused and those of victims, survivors, communities, officers, and public safety to help mitigate the impact of the worst outcomes of firearms.