

Bill C-21 — What police services need to know

[Bill C-21](#) received Royal Assent on December 15, 2023. It includes measures to combat firearms crime, codifies the national handgun “freeze”, brings increased penalties for firearms smuggling and trafficking, and provisions to better address the role of firearms in intimate partner and gender-based violence. This information sheet highlights new tools and legislative changes of direct interest to police services that are now in force.

Maximum penalty for smuggling/trafficking and possession of weapon (sections 95, 96, 99, 100 and 103 of the *Criminal Code*)

The maximum penalties for firearms smuggling, trafficking and other related *Criminal Code* offences increased from 10 to 14 years.

Altering a cartridge magazine offence (section 104.1 of the *Criminal Code*)

A specific criminal offence was added for altering a cartridge magazine to exceed its lawful capacity. The offence is punishable by:

- up to a maximum of five (5) years imprisonment on indictment; and
- up to a maximum of two (2) years less a day of imprisonment and/or up to a maximum fine of \$5,000 on summary conviction.

Violence in firearms marketing offence (subsection 112(1) of the *Firearms Act*)

It is now a criminal offence for a business to advertise a firearm in a manner that depicts, counsels or promotes firearms violence against a person, with a maximum of two (2) years imprisonment for a first offence and five (5) years for each subsequent offence.

Firearms offences eligible for wiretapping (section 183 of the *Criminal Code*)

Two firearms offences were added to the list *Criminal Code* offences eligible for wiretapping — sections 92 (possession of firearm knowing its possession is unauthorized) and 95 (possession of prohibited or restricted firearm with ammunition).

Computer data offences (subsection 102.1(1) and section 102.2 of the *Criminal Code*)

C-21 established two new offences. First, the possession of computer data relating to a firearm that can be used with a computer system (e.g., a 3D printer) for the purposes of unlawfully manufacturing or trafficking a firearm. Second, the distribution of such data knowing it is to be used to unlawfully traffic or manufacture a firearm.

Classification of 3D printed firearms as “prohibited” (subsection 84(1) of the *Criminal Code*)

Unlawfully manufactured firearms, including “ghost guns”, are now prohibited firearms and subject them to increased penalties.

Disclosure of information to law enforcement related to trafficking (section 88.1 of the *Firearms Act*)

The Commissioner of Firearms, the Registrar of Firearms and CFOs are now permitted to disclose information about a licence holder as specified in the Act (e.g., name, address, list of restricted and prohibited firearms) to law enforcement agencies if there are reasonable grounds to suspect an individual is using or has used a past or current licence to purchase a firearm for illegal trafficking or “straw purchasing” (i.e., sections 99 and 100 of the *Criminal Code*).

Surrender of firearms during legal challenge of a licence revocation (section 72 of the *Firearms Act*)

Individuals commencing a reference hearing are now required to deliver or dispose of their firearm within 24 hours or, if that is not possible, within an extended period established by a Chief Firearms Officer after they refer to matter to a provincial court.

“Red flag” emergency prohibition order application (subsection 110.1(1) of the *Criminal Code*)

The “red flag” law creates a new regime for any person (over and above a peace officer or Chief Firearms Officer/Firearms Officer) to apply for an emergency prohibition order. Any person may make an ex parte (without the other party present) application for an emergency prohibition order to a provincial court judge that would prohibit another person from possession of any firearms. The duration for the order will not exceed 30 days.

Handgun freeze (section 12.2 of the *Firearms Act*)

On October 21, 2022, a freeze on the sale, purchase or transfer of handguns by individuals within Canada, and on bringing newly acquired handguns into Canada came into force by regulations. Individuals can continue to possess and use their registered handguns and can sell or transfer their registered handguns to exempted individuals or businesses. Exempted individuals include:

- Anyone who holds an Authorization to Carry (ATC) for personal protection or lawful occupation, (remote wilderness hunting and/or trapping)
- Individuals who train, compete or coach in a handgun shooting discipline that is on the programme of the International Olympic Committee or the International Paralympic Committee.

New definition of “prohibited firearm” (subsection 84(1) of the *Criminal Code*)

Firearms that meet the technical characteristics and requirements of the new definition of “prohibited firearm”, including that they are designed and manufactured on or after Royal Assent are prohibited.

The definition applies to a firearm that is not a handgun and that:

- discharges centre fire ammunition in a semi-automatic manner;
- was originally designed with a detachable magazine with a capacity of six cartridges or more; and
- is designed and manufactured on or after Royal Assent of the legislation (December 15, 2023).

This is a forward-looking definition and does not affect existing firearms in Canada before Royal Assent of the legislation (December 15, 2023).

ATCs for the temporary storage of handguns for mental health or related illness
(paragraph 19(1)(b) of the *Firearms Act*)

CFOs may now issue an Authorization to Transport to allow an individual to transport a prohibited or restricted firearm to another individual or business who has a valid licence authorizing them to possess such firearm for purposes of storage while the individual is addressing a mental health issue or similar problem.

Authorization to transfer a cartridge magazine to individuals (subsection 25(1) of the *Firearms Act*)

An individual may transfer cartridge magazine that is not deemed prohibited only if the transferee possesses a valid firearms licence.

Other measures

To permit time for additional consultations and for operational readiness, other measures will come into force through an Order in Council, including: the review of existing **ATCs for protection of life** for renewal or revocation by the Commissioner of Firearms, new **licence revocation** authorities for protection orders and in cases of domestic violence, a temporary licence suspension “yellow flag” regime and new licence requirements to import and transfers firearm parts (barrels and handgun slides).

Associated links

- [C-21 \(44-1\) - LEGISinfo - Parliament of Canada](#)
- [A comprehensive strategy to address gun violence and strengthen gun laws in Canada \(publicsafety.gc.ca\)](#)
- [Legislation to reduce gun violence receives Royal Assent - Canada.ca](#)
- [www.rcmp-grc.gc.ca/en/firearms](#)