

Senate of Canada  
Ottawa, Ontario,  
Canada  
K1A 0A6

Dear Senators,

We the undersigned are writing in our capacity as researchers, policy experts, and subject-matter experts to express our concerns with Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms).

This bill contradicts the existing evidence on the efficacy of gun control policies:

1. Policies targeting ‘assault-style weapons’ are not associated with a reduction in mass shootings<sup>1</sup> or homicide<sup>2</sup>.
2. The ‘red flag’ and nondiscretionary license revocation provisions in the legislation will not increase public safety and are vulnerable to abuses, especially against Indigenous and other marginalized populations.
3. The ‘freeze’ on handguns targets Canada’s licensed and highly-regulated community of gun owners to no appreciable public safety benefit, while guns continue to stream into Canada illegally from the United States.

C-21 will not help communities in need or those suffering the most from violent crime. Worse, they distract from meaningful, evidence-based efforts at amelioration.

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<sup>1</sup> RAND Corporation. “Effects of Assault Weapon and High-Capacity Magazine Bans on Mass Shootings”. Retrieved from Gun Policy in America (2023, January 10).

<https://www.rand.org/research/gunpolicy/analysis/ban-assault-weapons/mass-shootings.html>; Gius, Mark. “An Examination of the Effects of Concealed Weapons Laws and Assault Weapons Bans on State level Murder Rates.” *Applied Economics Letters* 21, no. 4 (2014): 265–67; Greene-Colozzi, & Silva, J. (2020). Contextualizing Firearms in Mass Shooting Incidents: A Study of Guns, Regulations, and Outcomes. *Justice Quarterly*, 39(4), 697-721.

<sup>2</sup> Schwartz, Noah S. “Aiming for Success: Toward an Evidence-Based Evaluation Framework for Gun Control Policies.” *World Affairs*, 185, no. 3 (2022): 442-470; Siegel, M., Pahn, M., Xuan, Z., Fleegler, E., & Hemenway, D. (2019). “The Impact of State Firearm Laws on Homicide and Suicide Deaths in the USA, 1991–2016”: a Panel Study. *J Gen Intern Med*, 34, 2021- 2028; Webster, D., McCourt, A., Crifasi, C., Booty, M., & Stuart, E. (2020). Evidence concerning the regulation of firearms design, sale, and carrying on fatal mass shootings in the United States. *Criminology & Public Policy*, 19, 171-212; Gius, Mark. “An Examination of the Effects of Concealed Weapons Laws and Assault Weapons Bans on Statelevel Murder Rates.” *Applied Economics Letters* 21, no. 4 (2014): 265–67; Gilmour, Stuart et al. “The Effect of the Australian National Firearms Agreement on Suicide and Homicide Mortality, 1978-2015.” *American journal of public health* vol. 108,11 (2018): 1511-1516; Blau, B., Gorry, D., & Wade, C. (2016). Guns, laws and public shootings in the United States. *Applied Economics*, 48(49), 4732-4746; Kalesan, Bindu, Matthew E. Mobily, Olivia Keiser, Jeffrey A. Fagan, and Sandro Galea. 2016. “Firearm Legislation and Firearm Mortality in the USA: A Cross-Sectional, State-Level Study.” *The Lancet* 387 (10030): 1847–55; Koper, Christopher S., and Jeffrey A. Roth. 2001. “The Impact of the 1994 Federal Assault Weapon Ban on Gun Violence Outcomes: An Assessment of Multiple Outcome Measures and Some Lessons for Policy Evaluation.” *Journal of Quantitative Criminology* 17 (1): 33–74.

C-21 does not meaningfully address the root causes of gun violence, or usefully stem the tide of illegally-smuggled firearms from the United States. Available data consistently demonstrates that smuggled firearms constitute the majority of firearms used in crimes in Canada<sup>3</sup>.

While having no suppressive effect on criminal activity, these policies will severely harm hundreds of thousands of Canadian hunters, farmers, trappers, collectors, and sport shooters, many of them Indigenous. Negative consequences include:

1. The elimination of entire sports and sporting communities in Canada, including ISSF-, IPSC- and Olympic-recognized sports which provide healthy, safe recreation options to diverse communities nationwide.
2. The destruction of lawful businesses, many of them small and medium-sized enterprises serving rural and remote areas, which are relied on by hunters, farmers, and Indigenous peoples, and whose presence in local economies cannot be easily replaced.
3. A serious decline in social trust, which is critical to good governance and effective law enforcement, between these substantial communities and the government that presumes to represent them.
4. The elimination of market support for exempted users, such as trappers and Olympians, creating arbitrary obstacles to entry and involvement in legal and healthy activities.

The significant costs of implementing and enforcing these measures will squander public funds and divert attention and resources from law-enforcement activities. The billions of dollars the government proposes to spend on firearm confiscation, combined with reduced tax revenues and destroyed businesses and industries, is likely to do far more harm than good when financial, social, economic, and opportunity costs are considered.

We urge Parliament to pursue evidence-based solutions to the problem of violent crime, gang violence, and criminal misuse of firearms. We stand ready to work with the Government of Canada and other interested parties to shape and implement these policies.

The House of Commons had a responsibility to create a better piece of legislation and failed. It failed to adequately critique the flaws in the legislation and failed to adequately consider the consequences of the amendments it added. We hope the Senate will uphold its responsibility as a chamber of sober second thought.

Bill C-21 should not be passed. It risks undoing the effective gun control compromise Canada has achieved since Confederation. It will not have the effect on public safety we all desire and will have substantial negative effects on Canadians. If it must be passed, we respectfully ask that you consider the attached amendments to Bill C-21 to make this poor legislation more tolerable.

*Yours sincerely,*

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<sup>3</sup> "In fighting gun crime, Canada has an America problem". CTV News online. July 27, 2022. <https://www.ctvnews.ca/canada/in-fighting-gun-crime-canada-has-an-american-problem-1.6004198>

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# Recommended Amendments to C-21

## Emergency Prohibition Orders

### Suggested Senate Amendment

Remove from C-21 the addition to section 110 of the Criminal Code (s. 110.1) on emergency prohibition orders (Red Flag Laws).

### Rationale

#### **They are redundant.**

- Police already have the authority to confiscate firearms from an individual who may pose a threat by multiple methods (Criminal Code s. 117). Confiscation can even occur even before a warrant is secured.

#### **They are more difficult to use.**

- The new changes to the system will allow anonymous complainants to petition the court for a firearm license revocation and are not supported by many victim's groups and women's groups. These groups have noted that the new system will be even more complicated for victims to navigate. The Canadian Bar Association has called the existing laws "sufficient and preferable to the proposed changes"<sup>4</sup>.

#### **They are dangerous.**

- The changes to Canada's license revocation system will be vulnerable to abuses, especially against police officers and marginalized groups including Indigenous peoples. Because complaints are anonymous and court records sealed, this system could be vulnerable to false, trivial, or vexatious complaints that under the existing system could be investigated and dismissed by police.
- Indigenous Canadians, and those from other marginalized groups already disproportionately targeted by the criminal justice system, will likely suffer the most from this flawed and unnecessary new process<sup>5</sup>.

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<sup>4</sup> Bronskill, Jim. "Red-Flag Provision in Federal Firearms Bill Could Weaken Public Safety, Critics Say." CTV News. November 21, 2022.

<https://www.ctvnews.ca/politics/red-flag-provision-in-federal-firearms-bill-could-weaken-public-safety-critics-say-1.6162975>.

<sup>5</sup> Passifiume, Bryan. "Easier Revocation of Gun Licences Rammed through Committee by Liberals Called 'Concerning'." National Post. May 12, 2023.

<https://nationalpost.com/news/liberal-fast-track-gun-control-bill-unanswered-questions>.

# Semi-Automatic Firearm Ban

## Suggested Senate Amendment

Amend to strike Section 2 in its entirety. Section 2 amends the definition of a prohibited firearm to include semi-automatic centrefire long guns designed with a detachable cartridge magazine with a capacity of six cartridges or more.

## Rationale

### It won't work.

- Policies targeting 'assault-style weapons' are not associated with a reduction in mass shootings<sup>6</sup> or homicide<sup>7</sup>.
- Magazines designed for semi-automatic firearms are already limited by law to five rounds in Canada.

### It will harm and endanger hunters, sports shooters, farmers, and rural Canadians.

- Hunters, farmers, sport shooters, and those requiring wilderness protection will be harmed by removing access to firearms that are either necessary or simply the most effective for those purposes.

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<sup>6</sup> RAND Corporation. "Effects of Assault Weapon and High-Capacity Magazine Bans on Mass Shootings". Retrieved from Gun Policy in America (2023, January 10).

<https://www.rand.org/research/gunpolicy/analysis/ban-assault-weapons/mass-shootings.html>; Gius, Mark. "An Examination of the Effects of Concealed Weapons Laws and Assault Weapons Bans on State level Murder Rates." *Applied Economics Letters* 21, no. 4 (2014): 265–67; Greene-Colozzi, & Silva, J. (2020). Contextualizing Firearms in Mass Shooting Incidents: A Study of Guns, Regulations, and Outcomes. *Justice Quarterly*, 39(4), 697-721.

<sup>7</sup> Schwartz, Noah S. "Aiming for Success: Toward an Evidence-Based Evaluation Framework for Gun Control Policies." *World Affairs*, 185, no. 3 (2022): 442-470; Siegel, M., Pahn, M., Xuan, Z., Fleegler, E., & Hemenway, D. (2019). "The Impact of State Firearm Laws on Homicide and Suicide Deaths in the USA, 1991–2016": a Panel Study. *J Gen Intern Med*, 34, 2021- 2028; Webster, D., McCourt, A., Crifasi, C., Booty, M., & Stuart, E. (2020). Evidence concerning the regulation of firearms design, sale, and carrying on fatal mass shootings in the United States. *Criminology & Public Policy*, 19, 171-212; Gius, Mark. "An Examination of the Effects of Concealed Weapons Laws and Assault Weapons Bans on Statelevel Murder Rates." *Applied Economics Letters* 21, no. 4 (2014): 265–67; Gilmour, Stuart et al. "The Effect of the Australian National Firearms Agreement on Suicide and Homicide Mortality, 1978-2015." *American journal of public health* vol. 108,11 (2018): 1511-1516; Blau, B., Gorry, D., & Wade, C. (2016). Guns, laws and public shootings in the United States. *Applied Economics*, 48(49), 4732-4746; Kalesan, Bindu, Matthew E. Mobily, Olivia Keiser, Jeffrey A. Fagan, and Sandro Galea. 2016. "Firearm Legislation and Firearm Mortality in the USA: A Cross-Sectional, State-Level Study." *The Lancet* 387 (10030): 1847–55; Koper, Christopher S., and Jeffrey A. Roth. 2001. "The Impact of the 1994 Federal Assault Weapon Ban on Gun Violence Outcomes: An Assessment of Multiple Outcome Measures and Some Lessons for Policy Evaluation." *Journal of Quantitative Criminology* 17 (1): 33–74.

- Though current models are not impacted by the legislation, most future semi-automatic models designed abroad will be. New models are often designed in Europe or the United States where these restrictions will not apply. This will prevent the replacement of existing firearms by future models when they cease production.
- These firearms are especially useful for potentially dangerous pests and predators like wolves, coyotes, boar, and bears, where even a single animal attacking a person, property, or livestock may require multiple rapid shots to dispatch safely. This is a use case widely acknowledged by federal and provincial governments. For example, the government of B.C. recently issued their conservation officers now-prohibited semi-automatic firearms with detachable magazines<sup>8</sup> out of concern for their safety.

**It is vague.**

- There is a significant lack of clarity around what constitutes a “design” and the timing of a design.
- The Government of Canada has signaled its intent to engage in a backward-looking firearms prohibition in addition to the forward-looking amendment. Combined, this means that there is little clarity as to what will be legal and many users may be left entirely without viable, legal firearm options for years.

## Handgun Freeze

### Suggested Senate Amendment

Remove section 12.2 “A registration certificate for a handgun must not be issued to an individual” in its entirety.

### Rationale

**The freeze won’t work.**

- The handgun ‘freeze’ has had no appreciable public safety benefit. There is no reliable research demonstrating that continuing or entrenching it will have an impact.
- The overwhelming majority of misused crime guns continue to stream into Canada illegally from the United States. Scholarly studies<sup>9</sup>, government reports<sup>10</sup>, and public data

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<sup>8</sup> Chiu, Joanna. “Conservation officers are using semi-automatic guns...” Toronto Star, Nov. 18, 2022. <https://www.thestar.com/news/canada/2022/11/18/conservation-officers-are-using-semi-automatic-guns-are-they-trying-to-shoot-10-bears-at-once.html>

<sup>9</sup> Leuprecht, Christian, and Andrew Aulthouse. “Guns for Hire: North America’s Intra-Continental Gun Trafficking Networks.” *Criminology, Crim. Just. L & Soc’y* 15 (2014): 57–74; Morselli, Carlo, and Dominik Blais. “The mobility of stolen guns in Quebec.” *European journal on criminal policy and research* 20 (2014): 379-397; Cook, Philip J., Wendy Cukier, and Keith Krause. “The illicit firearms trade in North America.” *Criminology & Criminal Justice* 9, no. 3 (2009): 265-286.

<sup>10</sup> “Firearms, Accidental Deaths, Suicide and Violent Crime: An Updated Review of the Literature with Special Reference to the Canadian Situation.” Department of Justice, 2022. [https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/wd98\\_4-dt98\\_4/p2.html](https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/wd98_4-dt98_4/p2.html).; Heemskert, Tony, and Eric Davies. “A Report on the Illegal Movement of Firearms in British Columbia.” Victoria, BC, 2008.

and testimony from police forces and civil servants<sup>11</sup> consistently demonstrate that the majority, and in large metropolitan areas a supermajority in excess of 80-90% of crime handguns, are sourced illegally from the United States.

- Given the high demand, large potential for profits, the already-minuscule numbers of crime handguns sourced from Canada, and comparatively easy access to alternative sources, it is unlikely that the supply of crime guns to criminals and gang members will be meaningfully disrupted by C-21.

#### **Handguns are tightly regulated.**

- Handguns in Canada are strictly controlled. They are restricted firearms, requiring registration, a unique license with a restricted endorsement, compliance with stringent transport restrictions, and are limited in most cases to range use.
- Preventing these regulated users from legally transferring their existing firearms among themselves is illogical.
- Handgun ownership has already been strictly limited in Canada by past governments under the guise of compromise.

#### **It will harm the economy.**

- The 'freeze' will have economic impacts that have not been substantively studied by the House and that require study to responsibly gauge the effects.
- Handgun owners are a disproportionately large customer base for the hunting, sporting, and outdoor industries. Without their subsidy market effects may result in significantly higher prices for remaining firearm users' ammunition, firearms, range time, and sporting goods, which could price Indigenous and subsistence hunters, farmers, and those *requiring* firearms to survive out of the necessities of life.
- The 'freeze' will force the eventual closure of approved firing ranges. Private range memberships are disproportionately held by restricted firearm owners, mainly handgun owners, who require a range membership to shoot or own their firearms in most provinces. Approved firearm ranges are usually non-profit, volunteer societies with limited budgets that derive most revenue from memberships. If range memberships decline as individuals have no reason to hold a membership, many ranges may become economically unviable and closed.

#### **It will impact public safety, police & military training.**

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<https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/independent/special-report-illegal-movement-firearms.pdf>;

<sup>11</sup> "Testimony of David Bertrand, Chief Inspector SPVM." 2022.

<https://www.ourcommons.ca/Content/Committee/441/SECU/Reports/RP11706338/secup03/secup03-e.pdf>.; "Testimony from Kellie Paquette, DG, Canadian Firearms Program." 2021.

<https://www.ourcommons.ca/Content/Committee/441/SECU/Reports/RP11706338/secup03/secup03-e.pdf>.; "Testimony from Kellie Paquette, DG, Canadian Firearms Program." 2021.

<https://www.ourcommons.ca/Content/Committee/441/SECU/Reports/RP11706338/secup03/secup03-e.pdf>..

- Many on-duty police and federal and provincial officers currently train and qualify at private ranges at low costs<sup>12</sup>. Individual police officers also use ranges for extra training on their own time<sup>13</sup>. Police will have more limited locations to train and qualify, and will need to build, buy, or pay to maintain ranges currently provided by the private sector, or pay for member travel to training locations, dramatically increasing costs and limiting officer availability.
- Other government organizations, including Cadets Canada and units of the Canadian Forces such as Canadian Rangers, often practice at private ranges due to a lack of feasible alternative options in remote or rural areas.
- Ranges are the safest location for hunters to sight in rifles for hunting seasons.
- These potential impacts on policing, national defense, and public safety have not been adequately studied, discussed, or addressed and could lead to severe unintended consequences.

#### **Alleged “exemptions” are ineffective.**

- Those who fall under the limited exemptions to the ‘freeze’ will not have a market to effectively and affordably partake in these exemptions, a concern raised by the Fur Institute of Canada on behalf of trappers<sup>14</sup> and Lynda Kiejko on behalf of Olympians<sup>15</sup>.

#### **It will needlessly destroy communities.**

- Communities of historical reenactors and cowboy enthusiasts, who compete with historical firearms, including some single-shot, muzzle-loading, black powder pistols will slowly see their sport disappear. There is zero demonstrated or theoretical public safety benefit to prohibiting single-shot black powder pistols.

#### Alternative Amendment

Institute a “sunset” clause so that the provision will be automatically repealed unless renewed, allowing for the academic study of any impact.

#### Rationale

##### **Allows for evidence-based analysis.**

- The ‘freeze’ is not evidence-based and is out of step with international best practices. Most equivalent western democracies permit the regulated purchase and ownership of handguns. Existing laws in Canada reflect these established international best practices.

<sup>12</sup> Government of British Columbia, *Provincial Policing Standards*. Victoria, BC. 2017. <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/standards/1-1-2-firearms-training-and-qualification.pdf>

<sup>13</sup> “Standing Committee on Public Safety and National Security 041, *Evidence*.” Ottawa, ON, 2022. <https://www.ourcommons.ca/DocumentViewer/en/44-1/SECU/meeting-41/evidence>.

<sup>14</sup> Chiasson, Doug. *Canada’s Trappers and Bill C-21*. Fur Institute of Canada. Ottawa, ON. 20 <https://www.ourcommons.ca/Content/Committee/441/SECU/Brief/BR12286927/br-external/FurInstituteOfCanada-e.pdf>

<sup>15</sup> Testimony of Lynda Kiejko, Canadian Olympian. 2022. <https://www.ourcommons.ca/DocumentViewer/en/44-1/SECU/meeting-41/evidence>



- England, Wales, and Scotland are rare examples of western democracies who prohibit handguns. Even these countries allow black powder and long-barrelled handguns. Northern Ireland and the Isle of Man permit civilian handgun ownership.
- Australia and New Zealand permit handgun ownership under similar conditions to Canada.
- If Parliament wishes for Canada to be the international test case for these measures, Parliament should institute a ‘sunset’ clause to be renewed in the event that the measures had a demonstrable effect and allow the legislation to expire if the effect cannot be demonstrated.
- It is unjust to use the private property and valued inheritances of individuals as a ‘test’ without leaving a mechanism to undo this if the test fails.

### Alternative Amendment

During the handgun ‘freeze,’ allow individuals to inherit handguns from immediate relatives and include an exemption for collectors.

### Rationale

#### **The freeze is delayed confiscation.**

- The ‘freeze’ is a delayed prohibition without compensation, a fact explicitly admitted by federal government MPs before SECU<sup>16</sup>.
- This uncompensated prohibition removes almost all reasonable avenues for individuals to recoup invested value, pass on valued heirlooms or even just to sell their firearms, including those that they may have acquired as investment pieces. It represents a 100% inheritance tax on the property in question.
- The existing ‘freeze’ is currently subject to litigation on this basis<sup>17</sup>.

### Alternative Amendment

Broaden exemptions for competitive sport shooters by permitting those participating or seeking to participate in IPSC or ISSF-recognized disciplines to acquire handguns.

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<sup>16</sup> Standing Committee on Public Safety and National Security, 067, *Evidence*. Ottawa, ON, 2023. [https://publications.gc.ca/collections/collection\\_2023/parl/xc76-1/XC76-1-2-441-67-eng.pdf](https://publications.gc.ca/collections/collection_2023/parl/xc76-1/XC76-1-2-441-67-eng.pdf): pg. 41.

<sup>17</sup> “Canadian Shooting Sports Association Launches Multi-Pronged Lawsuit Against Trudeau Government over Handgun Freeze.” Canadian Shooting Sports Association, 2022. <https://cssa-cila.org/cssa-lawsuit/>; Federal Court of Canada, *Application for Judicial Review: Handgun Freeze*, T-2398-22, by Anthony Bernardo et al. <https://s3.us-east-1.amazonaws.com/CSSA/PDF/CSSA-Application-for-Judicial-Review---Handgun-Freeze.pdf>

## Rationale

### **Current exemptions are a stay of execution, not protection.**

- Sports governed by IPSC and the ISSF will be unable to recruit new participants. These organizations are both Global Association of International Sports Federations members. Their sports are practiced by over 4000 active members in Canada. As equipment deteriorates and needs to be replaced, athletes will be forced to quit the sport. Olympic-style target shooters, who compete with low-powered rimfire handguns, will face a similar situation.
- The current model proposed by C-21 will result in the effective phase-out of all handgun sports in Canada, including Canadian Olympic handgun shooting, despite the narrow exemptions.

## Handgun Definition

### Suggested Senate Amendment

Amend C-21 to expand the definition of antique firearms (currently under SOR/98-464) to include replica single-shot black powder flintlock and caplock handguns manufactured after 1898.

## Rationale

### **These firearms have a legitimate use.**

- Single-shot black powder pistols are used by reenactors, living-history enthusiasts, and the muzzle-loading shooting community for a variety of recreational activities. These firearms must be loaded from the muzzle, much like a musket. Given the limited supply of authentic antique firearms, many participants choose to purchase reproductions, which are functionally identical.

### **They pose little risk to public safety.**

- Given their difficulty of use, glacial pace to reload, relative inaccuracy compared to modern handguns, and the time needed to learn to use them, they pose virtually zero public safety risk. These firearms are legal even in countries such as the United Kingdom. These firearms will be prohibited under Bill C-21 if manufactured after 1898, which is out of step with international best practices.

# License Eligibility and Revocations

## Current Status

C-21 removes Chief Firearms Officer discretion by creating permanent license ineligibility for those who have ever been convicted of an offence related to domestic violence or stalking. Domestic violence is an important issue and it is critical to prevent high-risk individuals from obtaining firearms, but the way the government proposes to do this is heavy-handed and creates significant unintended consequences.

## Suggested Senate Amendment

Strike 6.1 following the word “order.”

## Alternative Amendment

Strike 70.3 following the word “70.2.” This would not fully address the injustices of the proposed system, but would expand the ability of the Chief Firearms Officer to issue conditional licenses for all existing reasons for which an individual may be eligible for a license, rather than limiting it to sustenance hunting.

## Rationale

### **The changes are not necessary.**

- The CFO already has the power to deny a license when they believe it is not in the interest of the safety of that person or another person.

### **They will harm vulnerable Canadians.**

- Individuals who due to the lack of resources, representation, or other vulnerable circumstances have taken a plea deal such as a peace bond to avoid a costly trial would become permanently ineligible to hold a license, even if they did not actually commit the offence and can provide clear evidence to the CFO that they do not represent a danger to themselves or to the public.
- Rehabilitation is fundamental to the Canadian justice system. Permanent ineligibility goes against the principle of rehabilitation. Under C-21’s system, even an individual who was convicted decades ago and had reformed would be ineligible for a license.
- These problems will disproportionately impact poor and Indigenous individuals, who are more likely to be hurt by these circumstances and who may have more difficulty in navigating the conditional license system.
- These problems would result in the immediate, uncompensated loss of firearms for current license holders, especially those holding restricted licenses, with no effective recourse. This is needlessly punitive.

- There is no evidence that these cases cannot be effectively handled by the discretion of the Chief Firearms Officer. The bill itself acknowledges that CFO discretion can be appropriate. No reasons were given for its sudden limitation.

## Unlawful Manufacturing and Possession

### Current Status

The unlawful manufacture of firearms is a serious problem that will continue to grow. While these 'ghost guns' have been used as a sales pitch for the bill, C-21 does not meaningfully address the issue and these provisions are insufficient reasons to pass a bad bill.

While not generally harmful, the provisions aimed at the unlawful manufacture of firearms create some consequences of which the Senate Committee should be aware.

### Suggested Senate Amendment

Strike, from the definition of a prohibited firearm, "*any unlawfully manufactured firearm regardless of the means or method of manufacture.*"

### Rationale

#### **More study is needed.**

- This provision requires significant further study of its implications before it should be codified into law.
- It can be extremely difficult to prove that a firearm was manufactured lawfully. Many older firearms can be difficult to positively identify and may be mistaken as unlawfully manufactured firearms. This is evidenced by the Canadian Firearm Registry, which shows many makes and models listed as "unknown." This vagueness and lack of clarity perpetuates the existing problem with vague language in the *Firearms Act* (e.g. "variant") and could risk individuals reliant on these firearms coming before the courts.

## Variants

### Current Status

The term "variant" is critical in Canadian firearms law. When firearms are designated as prohibited, the prohibition often applies to all "variants" of that firearm. However, there is no definition of "variant" in Canadian law. The question of "variant" is determined by the RCMP, who also lack a consistent and coherent internal definition of "variant" and do not proactively release that information publicly.

## Suggested Senate Amendment

The Senate should add a comprehensive definition of the term “variant” in law. This may take the form proposed by Bill C-230 (1st Session, 42nd Parliament, 64-65 Elizabeth II, 2015-2016): *“variant, in respect of a firearm, means a firearm that has the unmodified frame or receiver of another firearm.”*

## Rationale

### **Clarity is needed around the term “variant”.**

- Whether a firearm is a variant of a prohibited firearm is a question that is administratively determined by the RCMP. There is no public or even internal RCMP definition of “variant.” The RCMP instead considers variants on a “continuum.” This lack of clarity means that factors such as simple appearance or even advertisements can contribute to determining if a firearm is a variant of another, even if the action of that firearm has no commonality with a prohibited firearm.

### **Lack of clarity harms owners and legitimate businesses.**

- This lack of clarity in the rules means that firearm owners and manufacturers have no reasonable way of knowing if their firearms will be prohibited. As the Government of Canada has prohibited multiple models of firearms and their variants by Order in Council in 2020 and has pledged to do so again in the fall of 2023, resolving the question of what constitutes a variant is an urgent matter for lawmakers to avoid uncertainty and the potential for opaque administrative decisions leading to criminal consequences for firearm owners.

## Review of Measures

### Suggested Senate Amendment

Repeal and replace s. 14(2) with a comprehensive review of the efficacy of Canadian firearm legislation. The amendment should ask the House of Commons Committee with recommending measures to change or repeal for inconsistency or inefficacy.

## Rationale

### **The current system is complex, illogical, and harmful.**

- Firearm law in Canada has become difficult to interpret and unpredictable. C-21 adds to this unpredictability by creating increasingly difficult and confusing rules and definitions which have been detailed above.
- The definition of ‘prohibited firearm’ works in concert with the rest of Canadian firearm law and must be studied in that context.

- While additions may be made to firearm laws in cases where a positive impact can be shown, it is inarguable that laws can also have negative economic, social, legal, and other repercussions for individuals<sup>18</sup>. Firearm laws are no exception. Therefore, any Committee studying firearm laws should also examine where specific rules have had no demonstrable impact or even a negative impact, and recommend where they may be safely and beneficially removed.
- The history of conservation policy in North America has shown that when firearms owners are collectively treated as valued partners in policy development and implementation rather than as antagonists, enduring compromises can be made which can help the government achieve stated policy goals<sup>19</sup>.

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<sup>18</sup>Schwartz, Noah S. "Aiming for Success: Toward an Evidence-Based Evaluation Framework for Gun Control Policies." *World Affairs* 185, no. 3 (2022): 442–70. <https://doi.org/10.1177/00438200221107412>.

<sup>19</sup> Mahoney, Shane P, and John J Jackson III. "Enshrining Hunting as a Foundation for Conservation—the North American Model." *International Journal of Environmental Studies* 70, no. 3 (2013): 448–59.