

**Date:** 2021-03-03

**Subject:** **Proposed Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms) Information Report**

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**Report Number:** Legislative Services-2021-305

**Recommendations:**

1. That the report titled: **Proposed Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms)**, to the Committee of Council meeting of March 31, 2021, be received.

**Overview:**

- On February 16, 2021, the Federal Government introduced *Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms)* (“Bill C-21”) in the House of Commons, currently in second reading.
- Under the proposed amendments to the *Firearms Act*, municipalities would be able to pass a by-law to prohibit storage and restrict transport of federally licensed handguns within their municipal boundaries. The Federal Government would in turn create conditions attached to individual firearms licence as compliance criteria.
- Non-compliance with these conditions would result in a maximum penalty of two years imprisonment and possible revocation of a firearms licence or a registration certificate.
- Bill C-21 also proposes to increase the maximum penalty for firearms trafficking, smuggling and other firearms offences (e.g., possession of a loaded prohibited or restricted firearm or possession of a weapon obtained by the commission of an offence) from 10 to 14 years imprisonment.

## **Background:**

On February 16, 2021, the Federal Government introduced [Bill C-21, An Act to amend certain Acts and to make certain consequential amendments \(firearms\)](#) (“Bill C-21”) in the House of Commons, currently in second reading. The omnibus bill contains proposed amendments to four different statutes, including the *Criminal Code*, the *Firearms Act*, the *Nuclear Safety and Control Act* and the *Immigration and Refugee Protection Act*.

At the February 24, 2021 Committee of Council meeting, Committee requested staff to report back on the ability of municipalities to ban handguns in their jurisdictions, and to include information on key timelines and considerations, legally owned handguns versus illegal handguns, and the number of illegal guns that come over the border.

This report provides an overview of the proposed legislative changes on municipal handgun ban provisions, gun trafficking penalties and status of the legislative process.

## **Current Situation:**

### Firearms Licensing and Regulation

All firearms in Canada are regulated by the *Firearms Act* and Part III of the *Criminal Code of Canada*. The Canadian Firearms Program (CFP) is a federal government program within the Royal Canadian Mounted Police (RCMP) that oversees firearms licences and regulations.

In Canada, an individual must possess a valid firearms licence to be authorized to acquire, use, or own a firearm, as well as to acquire ammunition. A registration certificate identifies a firearm and links the firearm to its owner.

The 2019 Commissioner of Firearms Report stated that:

- 2,219,344 individuals were licensed across Canada, which includes both Possession and Acquisition Licence (PAL) holders and individuals who hold a Minor’s Licence; and
- 1,235,914 restricted or prohibited firearms were registered to individuals or businesses in Canada.

In Ontario, there were 628,714 individual firearms licences issued (Table 1) and 473,765 restricted or prohibited firearms registered, as of December 31, 2019 (Table 2). The report did not identify firearms licensing and registration by municipality.

**Table 1: Individual firearms licences by type in Canada and Ontario**

| Jurisdiction | PAL       | Minor's Licence | Total     |
|--------------|-----------|-----------------|-----------|
| Canada       | 2,209,906 | 9,438           | 2,219,344 |
| Ontario      | 624,939   | 3,775           | 628,714   |

**Table 2: Firearms registered to individuals or businesses by class in Canada and Ontario**

| Jurisdiction | Restricted | Prohibited | Total     |
|--------------|------------|------------|-----------|
| Canada       | 1,057,418  | 178,496    | 1,235,914 |
| Ontario      | 401,319    | 72,446     | 473,765   |

2019 Commissioner of Firearms Report is available online at <https://www.rcmp-grc.gc.ca/en/firearms/2019-commissioner-firearms-report>

## Bill C-21

### *Enabling Municipalities to Pass a Handgun By-law*

Section 119 of the Municipal Act, 2001, enables municipalities to enact by-laws related to the discharge of firearms:

#### *Discharge of weapons*

119 Without limiting sections 9, 10 and 11, a local municipality may, for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon. 2001, c. 25, s. 119; 2006, c. 32, Sched. A, s. 60.

The City currently has two by-laws associated with firearms:

- 1) **Discharge of Firearm By-law 93-2005** regulates and prohibits the discharge of firearms within the City of Brampton. (<https://www.brampton.ca/EN/City-Hall/Bylaws/Archive/093-2005.pdf>)
- 2) **Replica of Firearm By-law 48-92** prohibits the manufacture, display, marketing for sale or sale of a replica of a firearm in the City of Brampton (<https://www.brampton.ca/EN/City-Hall/Bylaws/All%20Bylaws/firearm-replica.pdf>)

According to the proposed amendments to the *Firearms Act* outlined in Bill C-21, the federal government would create conditions on an individual's federal firearms licence ("licence") to restrict handgun storage and transport in the municipalities that pass by-laws to these effects.

Any municipality would have the ability to pass a by-law that:

- Prohibits storage at home (i.e. licenced handguns must be stored at a licensed business that is authorized to store prohibited firearms or restricted firearms);
- Prohibits storage anywhere within municipal boundaries; and
- Restricts transport only to or from a place where a peace officer, firearms officer or chief firearms officer is located, to a port of exit in order to take it outside Canada, or from a port of entry in order to bring it inside Canada.

After the by-law is passed, the municipality would be required to notify and provide a copy of the by-law to the federal Minister. A list of municipalities with such a by-law would be maintained by the Commissioner of Firearms and be made available to the public.

Licence holders who reside and/or store handguns in the municipality with such a by-law would be notified by the Registrar of Firearms and be given 180 days to comply with these conditions.

Failure to comply would carry a maximum penalty of two years imprisonment and possible revocation of a firearms licence or a registration certificate.

However, such conditions would not apply to a handgun:

- a) that has been declared by an individual who holds a licence authorizing the individual to possess the handgun to be necessary for their training for a prescribed sporting competition;
- b) for which an individual holds an authorization to carry; or
- c) in the prescribed circumstances or for a prescribed purpose (yet to be defined).

It is important to note that passing of a handgun ban by-law in the municipality would create conditions attached to an individual's federal firearms licence. Enforcement of the by-law and compliance to licence conditions are outside of municipal jurisdiction. In addition, the by-law would not address banning of illegal handguns in the City as the proposed amendments in Bill C-21 pertains to the *Firearms Act*, which deals with legal firearms. Matters on legalization of handguns and illegal gun offences are best spoken to by the appropriate authorities, namely RCMP and/or Peel Regional Police.

It is also not clear at this time what role, if any, the Province will play in this matter since municipal jurisdiction and authority is derived from provincial statute and regulation. This will need to be explored further as more information becomes available regarding the proposed federal legislation and the municipal jurisdiction to enact a by-law enabling or prohibiting licenced handgun storage and/or transportation.

## *Increasing Maximum Penalties for Gun-related Offences*

In an effort to deter individuals committing gun-related crime, Bill C-21 proposes amendments to the *Criminal Code* that would increase the maximum imprisonment from 10 to 14 years for the following gun-related offences:

- a) Possession of prohibited or restricted firearm with ammunition
- b) Possession of weapon obtained by commission of offence
- c) Firearm trafficking
- d) Possession for purpose of firearm trafficking
- e) Unauthorized import and export of firearms

## Timeline

Bill C-21 is currently in second reading, open for debate at the House of Commons. Changes and amendments may be adopted along the various stages of the legislative process. Staff do not have sufficient information at this point to provide a timeline on when Bill C-21 will come into force. Staff will continue to monitor the legislation and provide updates to Committee as appropriate.

If, or when, the Bill becomes law, and an opportunity may exist for a municipality to take action, Council may wish to consider public consultation as part of its deliberative process to consider passing such a by-law as enabled by this legislation.

## **Corporate Implications:**

### Financial Implications:

There are no financial implications resulting from this report.

### Other Implications:

There are no other implications resulting from this report.

## **Term of Council Priorities:**

This report achieves the Term of Council Priority of Brampton as a Healthy and Safe City by providing information on the proposed amendments to various federal legislations in an effort to combat gun violence.

## **Conclusion:**

Bill C-21, currently in second reading, proposes changes and amendments to the *Criminal Code*, the *Firearms Act*, the *Nuclear Safety and Control Act* and the *Immigration and Refugee Protection Act*. Potential provisions would enable

municipalities to create handgun ban by-law within their jurisdictions to prohibit storage and restrict transport. Such conditions would be attached to individual federal firearms licence. In addition, this legislation proposes changes to the maximum penalties from 10 years to 14 years for various gun-related offences in an effort to deter individuals from committing these illegal activities. Staff will continue to monitor the legislation and provide updates to Committee as appropriate.

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