



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 20

Firearms Registration Act

Introduction

Introduced by
Mr. Stéphane Bergeron
Minister of Public Security

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EXPLANATORY NOTES

This bill establishes the requirement for owners of non-restricted firearms to obtain a registration certificate for each firearm they own, and sets out the rules governing the issue of such registration certificates by the Minister of Public Security. Under the bill, the Minister registers firearms by entering the information prescribed by government regulation regarding the firearm, its place of storage and its owner in the registry kept for that purpose.

Requirements are introduced for firearms businesses, including the requirement to keep a record of all transactions relating to the non-restricted firearms in their possession in any of their establishments in Québec. Powers of inspection are also provided for in connection with those requirements.

Lastly, presumptions are included regarding firearms already registered in the Canadian Firearms Registry, and penal and transitional provisions are introduced.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the conservation and development of wildlife (chapter C-61.1).

REGULATION AMENDED BY THIS BILL:

- Educational Childcare Regulation (chapter S-4.1.1, r. 2).

Bill 20

FIREARMS REGISTRATION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

PURPOSE AND SCOPE

1. The purpose of this Act is to establish the rules governing firearms registration, including in cases of transfer of ownership. A further purpose is to make it possible to identify firearms and, for purposes of public security and the administration of justice, to make it easier for public authorities to be aware of the presence of firearms, so as to support peace officers in their investigations and interventions. It is also intended to ensure the effective enforcement of court orders prohibiting the possession of firearms.

For the purposes of this Act, “firearm” means any firearm subject to the Firearms Act (Statutes of Canada, 1995, chapter 39), excluding those classified as prohibited firearms or restricted firearms.

The Government may, by regulation, in the cases and under the conditions it determines, exempt certain firearms and firearm owners from the application of this Act.

DIVISION II

REGISTRATION

2. A firearm owner must hold a firearms registration certificate issued by the Minister if

(1) the firearm owner has a residence or an establishment in Québec; or

(2) the firearm owner does not have a residence or an establishment in Québec, but stores such a weapon within the territory of Québec.

Subparagraph 2 of the first paragraph does not apply to firearm owners whose firearm remains within the territory of Québec for a period of 45 days or less or to firearm owners who store a firearm with a firearms business for the purpose of having it repaired, restored, maintained or altered.

In this Act, any person, partnership or other group of persons that, while not the owner of a firearm, nevertheless holds a real right in the firearm conferring on the person, partnership or group the right to use and enjoy it is considered to be an owner, and “transfer of ownership” of a firearm also refers to the transfer of such a real right.

For the purposes of this Act, “firearms business” means any person, partnership or other group of persons that engages in the manufacture, assembly, purchase, sale, rental, display, repair, restoration, maintenance, alteration, storage, pawnbroking or consignment sale of firearms.

3. Firearms registration applications must be addressed to the Minister subject to the conditions and according to the procedure prescribed by government regulation. The regulation may, among other things, prescribe the information the applicant must provide.

4. An application to register a firearm that has never been registered must include a firearms verification certificate stating that the information regarding the firearm, provided in support of the application, has been verified by an approved verifier.

The Minister may, on the conditions determined by the Minister, designate approved verifiers and determine the form and content of verification certificates.

The Minister may, at any time, require a firearm owner to have his or her firearm verified by an approved verifier and to obtain a verification certificate from the verifier.

5. A firearm owner who settles in Québec has 45 days to apply to register his or her firearm.

6. The Minister assigns a unique registration number for each firearm the Minister registers.

7. If the rules, conditions and procedure set out or provided for in this Act are complied with, the Minister issues to the applicant a registration certificate bearing the registration number assigned to the firearm and any other information the Minister may determine by regulation.

The registration certificate is not transferable.

8. The Minister registers a firearm by entering the information prescribed by government regulation regarding the firearm, the place it is stored and its owner in the registry kept by the Minister for that purpose.

9. Within 90 days after a registration number has been assigned to a firearm, the owner must, if the number is not already stamped or engraved indelibly and legibly on the firearm, affix it to the firearm in the manner prescribed by government regulation.

10. The holder of a firearms registration certificate must sign it on receiving it.

11. The holder of a firearms registration certificate must notify the Minister, within seven days and using the prescribed form, of any alteration to the firearm or of any change in the information provided to obtain the registration certificate.

12. Anyone who is about to transfer ownership of a firearm must notify the Minister using the prescribed form and must provide the name and contact information of the person to whom ownership is to be transferred and any other information prescribed by government regulation.

In any case involving a transfer of ownership of a firearm to a person who is subject to the requirement to hold a registration certificate for the firearm under this Act, the transfer of ownership is deferred until that person obtains a registration certificate number from the Minister for the firearm.

13. A person who has a firearm in his or her possession must have the registration certificate for the firearm or a copy of it with him or her, or be able to provide the firearm's registration certificate number on request.

14. A peace officer may require a person who has a firearm in his or her possession to show the registration certificate for the firearm or a copy of it, or to provide the firearm's registration certificate number. The peace officer may require the person to make the firearm available so that the peace officer can verify its compliance. The peace officer may also require the person to provide any other information conducive to identifying the firearm and its owner.

DIVISION III

POWERS OF SEIZURE

15. A peace officer who has reasonable grounds to believe that a firearm owner is contravening section 2 may seize the firearm concerned.

16. A seized firearm must be returned to its owner if 90 days have elapsed since the seizure and no penal proceedings have been instituted or if, before that period has elapsed, the seizer is of the opinion that no offence was committed under section 2 or that the owner of the firearm has complied with this Act since the seizure.

The period of seizure may be extended in accordance with the applicable provisions of the Code of Penal Procedure (chapter C-25.1).

17. The provisions of the Code of Penal Procedure regarding the custody, detention and disposition of things seized that are not incompatible with this Act apply, with the necessary modifications.

If a seized firearm must be returned to its owner under any provision of the Code of Penal Procedure, the firearm is returned provided the owner has complied with this Act.

DIVISION IV

TRANSACTIONS OF FIREARMS BUSINESSES

18. A firearms business must establish and keep up to date a record of all transactions relating to the firearms in its possession in any of its establishments within the territory of Québec.

The information that the record must contain is prescribed by government regulation.

19. The Minister or any person the Minister authorizes to carry out an inspection may enter any establishment of a firearms business at any reasonable hour to verify whether the business is complying with the requirements set out in section 18.

The person carrying out the inspection may require that excerpts from the record of transactions be made available for examination or copying purposes and require any relevant document or information. The person may also examine the firearms, open any container on the premises or require any person to open any container to examine the firearms and verify the accuracy of the information in the record.

A person having custody, possession or control of the firearms, containers or documents referred to in the second paragraph must make them available to the person carrying out the inspection and facilitate their examination.

20. A person carrying out an inspection must, on request, identify himself or herself and show the document issued by the Minister attesting the person's capacity.

DIVISION V

PENAL PROVISIONS

21. Anyone who contravenes any of sections 2, 9, 11, 12 and 18 is guilty of an offence and is liable to a fine of

- (1) \$500 to \$1,000 in the case of a natural person; and
- (2) \$1,000 to \$5,000 in all other cases.

22. Anyone who contravenes section 10 or 13 is guilty of an offence and is liable to a fine of \$100 to \$300.

23. Anyone who makes a false declaration, hinders or attempts to hinder a peace officer in the performance of his or her duties under this Act or a person authorized to carry out an inspection, in particular by misleading the peace officer or person by means of false statements or by concealing, destroying or refusing to provide information or documents the peace officer or person is authorized to demand or examine, is guilty of an offence and is liable to a fine of

(1) \$500 to \$1,000 in the case of a natural person; and

(2) \$1,000 to \$5,000 in all other cases.

24. In the case of a subsequent offence, the fines under this division are doubled.

25. In any proceedings instituted under this Act, an excerpt from the Firearms Reference Table (FRT) established by the Royal Canadian Mounted Police is proof, in the absence of any evidence to the contrary, that the firearm concerned by the proceedings is subject to this Act.

26. On finding a person guilty of contravening section 2, a judge may order the confiscation of the firearm concerned if the firearm owner still does not hold, for that firearm, a registration certificate issued by the Minister.

The Minister prescribes the manner in which anything seized under this section is to be disposed of.

DIVISION VI

AMENDING PROVISIONS

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

27. Section 5 of the Act respecting the conservation and development of wildlife (chapter C-61.1) is amended by adding the following subparagraph after subparagraph 9 of the first paragraph:

“(10) the Firearms Registration Act (*insert the year and chapter number of this Act*) and the regulations under it.”

EDUCATIONAL CHILDCARE REGULATION

28. Section 60 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended by replacing paragraph 14 by the following paragraph:

“(14) a copy of the registration certificate issued under the Firearms Act (Statutes of Canada, 1995, chapter 39) or the Firearms Registration Act (*insert*

the year and chapter number of this Act) for any firearm kept in the residence where the childcare is to be provided.”

DIVISION VII

PRESUMPTIONS AND TRANSITIONAL AND FINAL PROVISIONS

29. If a registration certificate was issued for a firearm under the Firearms Act (Statutes of Canada, 1995, chapter 39) and the information attested by the certificate is still accurate on (*insert the date preceding the date of coming into force of this section*), the certificate is deemed to be a registration certificate issued under and in accordance with this Act.

Such a presumption ceases to have effect when the Minister issues a new registration certificate for the firearm in accordance with this Act.

For the purposes of the issue of a new registration certificate, the prospective certificate holder must, at the Minister’s request, provide the information the Minister considers necessary within the period prescribed by the Minister, failing which the presumption under this section ceases to have effect.

30. If a registration number was established for a firearm in accordance with the Firearms Act and that number was still valid on (*insert the date preceding the date of coming into force of this section*), the number is deemed to be the firearm’s registration number for the purposes of this Act.

31. The Government may, by a regulation made within 12 months after the date of coming into force of section 2, enact any transitional provision compatible with this Act to ensure its application.

32. The Minister may generally or specially delegate to any person the exercise of the powers conferred on the Minister by this Act.

33. The Minister of Public Security is responsible for the administration of this Act.

34. The provisions of this Act come into force on the date or dates to be set by the Government.