



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 9

**An Act respecting the safety of persons
on certain premises and amending
the Act respecting safety in sports**

Introduction

**Introduced by
Mr. Jacques P. Dupuis
Minister of Public Security**

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EXPLANATORY NOTES

This bill prohibits the possession of firearms in the buildings and on the grounds of childcare facilities and educational institutions and in conveyances used for public transportation and school transportation. By government regulation, any other institution may be added to those listed in the bill.

The bill also regulates target shooting with restricted and prohibited firearms in shooting clubs and shooting ranges, in particular by requiring operators to obtain a licence. Compliance with safety regulations, and the keeping of a register of users' and members' frequentation of the facilities, are among the other requirements set forth in the bill. In addition, a person wishing to engage in target shooting must be a member of a shooting club, meet the conditions for continued membership and obtain an attestation of competency in the safe use of firearms.

Under this bill, the personnel of educational institutions, public transportation and school transportation drivers and admission attendants and persons responsible for shooting clubs and shooting ranges are required to report to police any behaviour indicating that an individual may endanger the safety of the individual or another person by the use of a firearm. Certain professionals are authorized to report such behaviour despite obligations of confidentiality and professional secrecy.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting safety in sports (R.S.Q., chapter S-3.1).

Bill 9

AN ACT RESPECTING THE SAFETY OF PERSONS ON CERTAIN PREMISES AND AMENDING THE ACT RESPECTING SAFETY IN SPORTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE SAFETY OF PERSONS ON CERTAIN PREMISES

1. The purpose of this Act is to protect persons who frequent the premises of a designated institution, including the grounds of the institution and the structures standing on those grounds.

The following are designated institutions:

(1) public and private childcare facilities, whether in a home, school, work or other setting; and

(2) pre-kindergartens and kindergartens, elementary schools, secondary schools, postsecondary colleges, general and vocational colleges, vocational training centres, adult education centres, and universities.

The Government may, by regulation, designate any other institution than those specified in the second paragraph or exempt certain premises from the application of this Act.

This Act also seeks to protect persons who use public transportation, with the exception of taxis, or who use school transportation.

2. No person may be in possession of a firearm within the meaning of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) on the premises of a designated institution. This also applies to public transportation and school transportation.

A person who contravenes the first paragraph is guilty of an offence and liable to a fine of \$500 to \$5,000.

3. Section 2 does not apply to public officers within the meaning of section 117.07 of the Criminal Code, to persons authorized to bear firearms for the protection of their own or another's life or for use in the course of their lawful professional activity, or to persons designated by government regulation, with regard to the responsibilities they assume or the activities they exercise and under the conditions determined in the regulation.

4. The Minister may exceptionally authorize an activity involving firearms to take place on the premises of a designated institution, in the cases, for the duration and under the conditions determined by the Minister.

5. A peace officer who has reasonable grounds to believe that a person is contravening or has contravened section 2 may, without a warrant, proceed immediately to seize the firearm that is or was in that person's possession.

A firearm thus seized may be detained for a period of 90 days. At the end of that period it must be given back to the owner unless that person is not in compliance with the Firearms Act (Statutes of Canada, 1995, chapter 39) or detention of the firearm is required for legal proceedings.

When a person is found guilty of an offence under section 2, the judge may, on application by the prosecuting party, declare the seized firearm to be confiscated.

The provisions of articles 129 to 141 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) that relate to the custody, detention and disposition of things seized, and are complementary to and not incompatible with this section, apply with the necessary modifications.

6. A teacher, professional or other person working at a designated institution who has reasonable grounds to believe that a person is contravening section 2, or that a firearm is on the premises of the institution, must advise the police of the situation immediately. This also applies to public transportation or school transportation admission attendants and drivers with regard to persons who use such transportation.

7. A teacher or a professional occupying a management position at a designated institution who has reasonable grounds to believe that a person on the premises of the institution is behaving in such a way as to compromise the safety of that person or another person by the use of a firearm, must report that behaviour to the police, providing the latter only with such information as is required to facilitate police intervention. This also applies to public transportation or school transportation admission attendants and drivers with regard to persons who use such transportation.

8. A professional referred to in the second paragraph who, in the course of exercising his or her profession, has reasonable grounds to believe that a person is behaving in such a way as to compromise the safety of that person or another person by the use of a firearm, is authorized to report that behaviour to the police, providing the latter only with such information as is required to facilitate police intervention, including information protected by professional secrecy and despite any provision binding the professional to maintain confidentiality, particularly in matters regarding health and social services.

For the purposes of this section, a professional is

- (1) a physician;
- (2) a psychologist;
- (3) a vocational guidance counsellor;
- (4) a nurse; or
- (5) a social worker.

9. A person cannot be prosecuted for acts performed in good faith in accordance with sections 6 to 8.

No person may divulge or be compelled to divulge the identity of a person who acts in accordance with those sections, despite section 88 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

10. The clerk of the Court of Québec must inform the chief firearms officer immediately of an application referred to in article 778 of the Code of Civil Procedure (R.S.Q., chapter C-25) relating to a person whose mental state presents a danger to that person or to other persons and provide the chief firearms officer with the name, address and date of birth of the person and with the court file number. The chief firearms officer must verify whether the person is in possession of a firearm, has access to a firearm or holds a licence to acquire a firearm. If the verification proves negative, the chief firearms officer must destroy the information.

At the request of the chief firearms officer, the clerk confirms whether or not a person identified by the officer and applying for a licence or authorization under the Firearms Act has previously been the subject of an application referred to in article 778 of the Code of Civil Procedure. If so, the clerk provides the chief firearms officer with the court file number relating to the application.

The chief firearms officer is the person designated by the Minister of Public Security to act as such in Québec under the Firearms Act.

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

ACT RESPECTING SAFETY IN SPORTS

12. The Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by inserting the following chapter after Chapter V.2:

“CHAPTER V.3

“TARGET SHOOTING

“DIVISION I

“SHOOTING CLUB AND SHOOTING RANGE

“**46.24.** No person may operate a shooting club or shooting range without a licence from the Minister of Public Security.

A shooting club is a sports body whose activities consist in target shooting, or the holding of target shooting competitions, with restricted or prohibited firearms.

A shooting range is a place designed and adapted for safe target shooting with restricted or prohibited firearms on a regular and structured basis, but does not include a shooting range exempted from the obligation to be approved under the Firearms Act (Statutes of Canada, 1995, chapter 39) or the regulations.

The terms “restricted firearm” and “prohibited firearm” have the meanings assigned to them by section 84 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).

“**46.25.** The Minister issues a shooting club licence, covering the shooting ranges that the club is authorized to operate, or a shooting range licence to a person that meets the conditions and pays the duties and fees prescribed by government regulation. Only a non-profit body may be issued a shooting club licence.

The Minister may refuse to issue a licence if, in the Minister’s view, it is in the interest of public safety to do so.

“**46.26.** A licence is issued for a five-year period; it may be renewed for the same period, if the conditions for the issuance of the initial licence are met and the duties and fees prescribed by government regulation are paid.

Where special circumstances justify it, the Minister may determine that a licence is to be valid for a shorter period.

“**46.27.** Shooting club licences and shooting range licences cannot be transferred.

“**46.28.** Licence holders must keep a register of the use made of their premises by the members and users. This register must contain the dates and times of arrival and departure of each member and user, as well as any other information prescribed by government regulation.

On being requested to do so, licence holders must send to the Minister any information contained in the register the latter may require, within the time specified by the Minister.

“46.29. Holders of a shooting club licence must revoke or refuse to renew the membership of a person who, for more than a year, has not frequented the shooting range to which membership gives access, unless the person shows a new attestation to the effect that the person has passed a competency test in the safe use of restricted firearms or prohibited firearms, or shows proof of having regularly or assiduously frequented another shooting range in the course of the year. This also applies when a member of a shooting club does not renew his or her membership on its expiry.

Licence holders must inform the Minister immediately of the identity of any person whose membership is revoked or not renewed.

“46.30. A licence holder must ensure compliance with the requirements set out in sections 46.41 and 46.42.

“46.31. A licence holder or person responsible for a shooting club or shooting range must immediately report to the police any behaviour of a member or user that may compromise the safety of that person or another person, providing the police only with such information as is required to facilitate police intervention.

A person cannot be prosecuted for acts performed in good faith in accordance with this section.

No person may divulge or be compelled to divulge the identity of a person who acts in accordance with this section, despite section 40 of the Act respecting the protection of personal information in the private sector (chapter P-39.1).

“46.32. The Minister may appoint the inspectors required to verify compliance with this chapter and the regulations under this chapter.

Inspectors thus appointed may, in the exercise of their duties,

(1) enter a shooting club or shooting range at any reasonable time in order to run tests, take photographs, make recordings or examine the equipment and installations occupying the premises or used for competitions;

(2) examine and copy the licence holder’s books, registers, accounts, files and other documents;

(3) demand any information relating to the application of this chapter and the regulations under this chapter;

(4) require a person to prove his or her membership in a shooting club; and

(5) require a person on the premises to give reasonable assistance and to accompany the inspector on the inspection.

“46.33. The Minister may also appoint persons to investigate offences against this chapter and the regulations under this chapter.

“46.34. Persons carrying out an inspection or investigation must, on request, show a certificate of authority signed by the Minister.

“46.35. It is forbidden to hinder an inspector in the exercise of his or her duties in any way, to mislead an inspector by concealment or false statements, or to refuse to provide documents or information an inspector may require under this division or a regulation under this division. This also applies in the case of an investigator.

“46.36. Inspectors and investigators cannot be prosecuted for acts performed in good faith in the exercise of their duties.

“46.37. The Minister may modify, suspend, cancel, revoke or refuse to renew the licence of a licence holder who

(1) has been found guilty of an offence against this division or a regulation under this division;

(2) no longer meets the conditions for a licence to be issued;

(3) does not meet the requirements set out in sections 46.28 to 46.31;

(4) is not ensuring compliance with a safety regulation under this Act;

(5) is no longer approved under the Firearms Act (Statutes of Canada, 1995, chapter 39);

(6) has ceased operations permanently or for at least 12 months; or

(7) represents, in the Minister’s view, a risk to public safety.

“46.38. Except in emergency situations, the Minister must, before modifying, suspending, cancelling, revoking or refusing to issue or renew a licence, notify the applicant or licence holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and grant the applicant or licence holder at least 10 days to submit observations.

The Minister gives written notice of the decision, including reasons, to the applicant or licence holder.

“46.39. The application of sections 20 and 21, 27 to 30 and 47 to 53 with regard to the sport of target shooting is under the authority of the Minister of Public Security, with the necessary modifications.

“46.40. With the exception of the power to adopt or amend a regulation, the Minister may entrust all or part of the Minister’s responsibilities under this division to any person the Minister designates.

“DIVISION II

“MEMBERS OF A SHOOTING CLUB AND USERS OF A SHOOTING RANGE

“46.41. No person may frequent a shooting range to use a restricted firearm or a prohibited firearm without being a member of a shooting club or being invited under the immediate supervision of a member.

This section does not apply to public officers within the meaning of section 117.07 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).

“46.42. To be a member of a shooting club, an applicant must provide the operator with an attestation showing that the applicant has passed a competency test in the safe use of restricted firearms or prohibited firearms, prescribed by regulation of the Minister.

The applicant must provide such an attestation every five years thereafter, or after a shorter period determined by regulation of the Minister.

The Minister may, by regulation, require members to take and successfully complete any other form of training, at the times determined by the Minister.

“46.43. A member of a shooting club or user of a shooting range must immediately report to the licence holder or person responsible any behaviour of another member or user that may compromise the safety of that person or another person.

A person cannot be prosecuted for acts performed in good faith in accordance with this section.

No person may divulge or be compelled to divulge the identity of a person who acts in accordance with this section, despite section 40 of the Act respecting the protection of personal information in the private sector (chapter P-39.1).”

13. Section 53.1 of the Act is amended

(1) by replacing “in section 46” by “in section 46 or 46.25” and “in section 46.1” by “in section 46.1 or 46.37”;

(2) by adding the following paragraph:

“When assessing the facts or the law, the Tribunal may not substitute its assessment for that made by the Minister of Public Security in making a decision under section 46.25 or 46.37.”

14. Section 73 of the Act is amended by replacing “Chapter V” by “Chapters V and V.3”.

TRANSITIONAL AND FINAL PROVISIONS

15. An operator of a shooting club or shooting range in operation on the date of coming into force of section 46.24 of the Act respecting safety in sports, enacted by section 12 of this Act, may continue operations provided the operator obtains, in accordance with this Act, a shooting club licence or shooting range licence within one year of the date of coming into force of the regulation provided for in section 46.25 of the Act respecting safety in sports, enacted by section 12 of this Act.

16. Members of shooting clubs have one year as of the coming into force of the regulation provided for in section 46.42 of the Act respecting safety in sports, enacted by section 12 of this Act, to provide a shooting club operator with an attestation to the effect that they have passed a competency test in the safe use of restricted firearms or prohibited firearms.

17. Any target shooting safety regulation approved by the Minister of Education, Recreation and Sports under the Act respecting safety in sports is deemed to be approved by the Minister of Public Security.

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

