

The History of Gun Control in Canada

PUBLIC PROCEEDING



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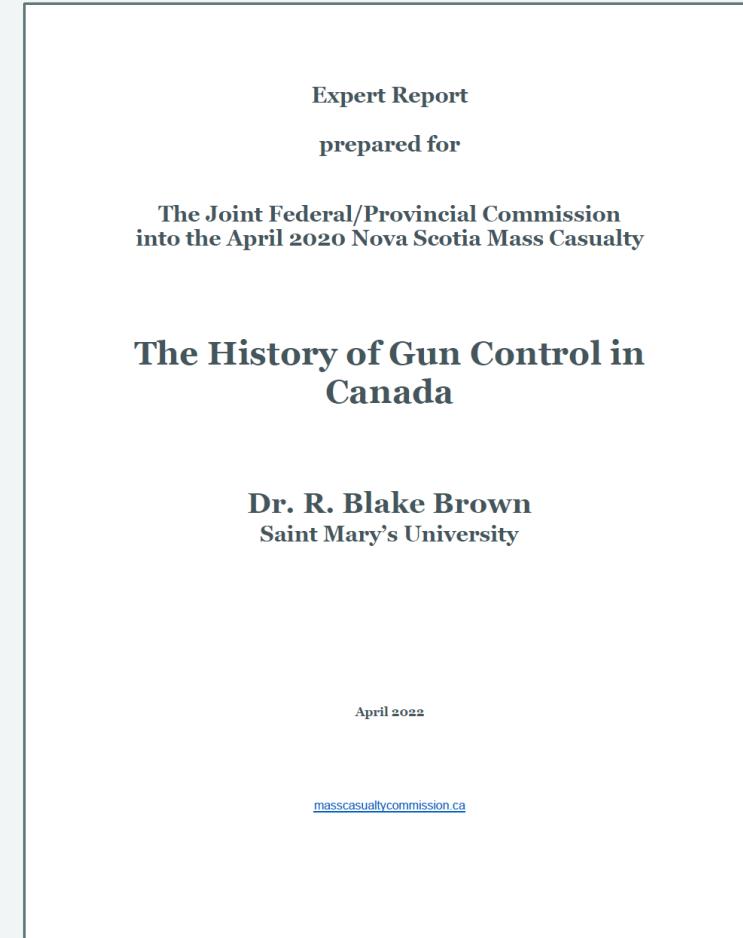
NOW SPEAKING

Jennifer Cox, QC

COMMISSION COUNSEL

Exhibits

- **Commissioned Report:**
The History of Gun Control in Canada



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Areas of research include:

- Canadian History
- Legal History
- History of Atlantic Canada

Expert Report

prepared for

The Joint Federal/Provincial Commission
into the April 2020 Nova Scotia Mass Casualty

**The History of Gun Control in
Canada**

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masscasualtycommission.ca

Subject Matter

AREAS OF FOCUS

- Report includes:
 - A history of the evolution of firearms technology
 - A legal history of firearms regulation in Canada
 - An overview of the historic influences on regulation



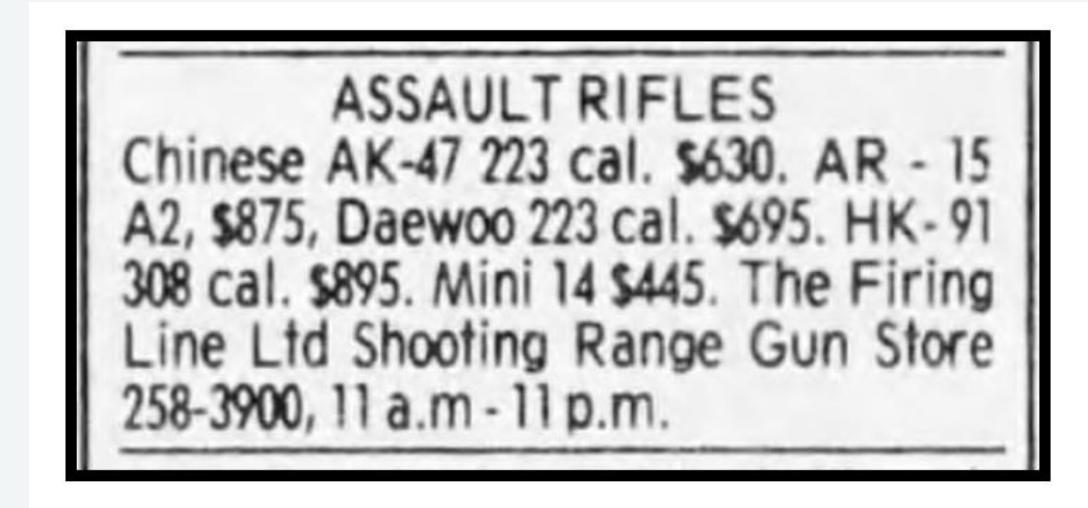
Evolution of Firearms Technology

Long Guns

- Report provides an overview of the evolution of firearms technology from the 1800s to present.
- **Early 1800s:** “long guns were generally single-shot, smooth-bore firearms loaded through the muzzle, which were slow to load, inaccurate beyond approximately 100 metres, and often misfired.”
- **Late 1800s:** First semi-automatic rifles developed, although the Canadian military and civilians still continued to use bolt-action rifle designs well into the 20th Century.
- **1950s-1980s:** Canadian military issues C1A1 semi-automatic rifle as standard infantry weapon.
- **Mid 1980s:** Canadian military adopts C7 with “select fire” capability as standard infantry weapon; able to be used in single-fire, semi-automatic or fully automatic modes.

Long Guns cont.

- **1970s:** semi-automatic, centre-fire rifles that accepted large-capacity magazines often based on military designs (without a select fire capability), enter the civilian market e.g. AR-15
- **1970s-1980s:** Canadian retailers and gun owners often referred to firearms such as the AR-15, Mini-14 and FN-FAL as “assault rifles.”
- “....Assault rifle was a semi-automatic, centre-fire firearm capable of receiving a large-capacity magazine that was often a civilian version of a gun originally designed for military service.”



FIRING LINE LTD. SHOOTING RANGE GUN STORE
(CALGARY) ADVERTISEMENT FOR “ASSAULT RIFLES”
(1986)

Source: *Calgary Herald*, 11 May 1986, 43.

Long Guns cont.

- **Early 1990s:** Firearms community adopts the term “modern sporting rifles”
 - 1989: École Polytechnique massacre
 - 1994: US Congress passed “assault weapons ban”
- Number of “modern sporting rifles” in Canada is unknown because many classified as non-restricted firearms and not registered; estimates between 150,000 to 518,000, out of a total ~12.7 million legal and non-legal firearms

Handguns

- Like long guns, handguns have also evolved from relatively simple manual weapons at the start of the 1800s to modern semi-automatic weapons.
- **Late 1800s:**
 - Development of semi-automatic handguns “substantially increased the rate of fire of handguns, allowed handguns to carry more ammunition, and made them faster to reload”.
 - Around the same time, “Inexpensive, mass-produced revolvers entered the Canadian market in large numbers.....no legal limits on who could buy a handgun and few limits on when they could be carried.”



Timeline of Firearms Legislation

Key Legal Terms & Concepts

Prohibited device

Prohibited firearm

Restricted firearm

Non-restricted firearm

Key Legal Terms & Concepts cont.

Registration	Centralized registry system for firearms created through legislation.
Firearms Acquisition Certificate (FAC)	Bill C-51 (1977) required all gun purchasers to have a formal background check to acquire a FAC, and a registration certificate for a handgun could only be issued if the applicant had a FAC.
Legislation / Orders in Council (OIC)	Legislation are the laws passed by Parliament. Orders in Council are issued by the Governor General

Timeline of Firearms Legislation

- **1877-1934:** Concerns about handguns (accessible and easily concealed) led to series of legislative restrictions, culminating in 1934 legislation creating handgun registration system (tracking owner data, firearm type and purpose); system not centralized.

1951: RCMP centralized registry system for handguns created

REGISTRATION

“Parliament amended the Criminal Code to require the Commissioner of the RCMP to create and maintain a centralized registry system for handguns. Minister of Justice Stuart Garson emphasized that handguns were particularly dangerous firearms and thus needed to be regulated closely.”

Timeline of Firearms Legislation

1969: Parliament passed an omnibus criminal law reform bill that included provisions related to the use and classification of firearms

CLASSIFICATION

- Created a classification system for all firearms:
 - Firearms (non-restricted)
 - Restricted weapon (capable of firing bullets in rapid succession during one pressure of the trigger)
 - Prohibited weapons
- Governor in Council could declare firearms as restricted or prohibited by issuing an Order in Council – (OIC).

Timeline of Firearms Legislation

1977: *Criminal Law Amendment Act*

LICENSING

- Firearms Acquisition Certificate (FAC) now required to purchase handguns; FAC required a formal background check.

CLASSIFICATION

- Restricted weapon definition included a weapon not prohibited with a barrel length of less than 18.5 inches and capable of discharging centre-fire ammunition in a semi-automatic manner.
- All automatic weapons prohibited except for grandfathering.
- Power of the Governor in Council expanded.

- **1977:** OIC restrict five semi-automatic firearms including AR-15.
- **1979 & 1980:** OIC's reduced the list of restricted weapons from 1977.

Timeline of Firearms Legislation

1991 – *Criminal Code* Amendment

- more background information required for FAC
- storage & transportation guidelines of firearms

Timeline of Firearms Legislation

1994: Bill c-17 – Criminal Code amendment (in response to Montreal Massacre)

LICENSING

- Strengthened background checks, imposed a mandatory 28-day waiting period for a Firearms Acquisition Certificate (FAC).

CLASSIFICATION

- Prohibited large-capacity cartridge magazines for rifles.

- 1992: OIC expand number of restricted and prohibited weapons.
- 1994: OIC prohibits another 23 firearms designed to imitate army and police firearms.

Timeline of Firearms Legislation

1995-*Criminal Code amendments*

PENALTIES

- Increased for certain crimes using a firearm.

CLASSIFICATION

- Expanded Governor in Council prohibition authority in section 117.15 of the *Criminal Code* to allow the opinion of the Governor in Council to determine if something was “reasonable for use in Canada for hunting or sporting purposes.”

Timeline of Firearms Legislation

1995 - *The Firearms Act*

LICENSING

- Introduced universal licensing system.

REGISTRATION

- Required long guns to be registered (in addition to hand guns).

Timeline of Firearms Legislation

2012: Bill C-19

REGISTRATION

- Long gun registry eliminated

- 2015: OIC removes two semi-automatic rifles from the prohibited list.

Timeline of Firearms Legislation

2015: *Common Sense Firearms Licensing Act*

CLASSIFICATION

- Amended the *Criminal Code* to allow changes to the statutory definition of restricted and prohibited firearms to permit firearms prescribed by OIC as either non-restricted or restricted.

2019: *An Act to Amend Certain Acts and Regulations in Relation to Firearms*

CLASSIFICATION

- Repealed portions of the *Common Sense Firearms Licensing Act*.

Timeline of Firearms Legislation

- **2020:** OIC banning several specific models of semi-automatic centre-fire firearms
 - Criteria to prohibit:
 1. Semi-automatic action with sustained rapid-fire capability (tactical/military design with large magazine capacity).
 2. Are of modern design.
 3. Present in large volumes in the Canadian market.



Influences on Regulation

Influences on Regulation

Public concern over semi-automatic firearms and handguns on the rise since the 1970s.

- **1970s:** FLQ possession of semi-automatic rifles raised concerns
- **1976:** 13-year-old boy mail ordered AR-15 semi-automatic rifle from an Edmonton gun dealer; Alberta columnist wrote “We don’t need AR-15 rifles around any more than we need tanks for the people”.
- Criminal use of semi-automatic rifles in Canada
 - **1989:** A Ruger Mini-14 semi-automatic rifle at the École Polytechnique in Montreal (fourteen women killed and more than a dozen others injured).
 - **2005:** a HK-91 semi-automatic rifle in Myerthorpe Alberta (four members of the RCMP killed).
 - **2017:** a semi-automatic Vz 58 rifle and a 9mm semi-automatic pistol at the Islamic Cultural Centre of Quebec City (six people killed).

Influences on Regulation

- Criminal use of semi-automatic rifles outside of Canada
 - **2012:** Sandy Hook Elementary School shooting, Connecticut (27 fatalities). Shooter possessed an AR-15-type rifle.
 - **2016:** Orlando Nightclub shooting, Florida (49 fatalities). Shooter possessed a Sig Sauer MCX semi-automatic rifle.
 - **2017:** Las Vegas music festival shooting, Nevada (58 fatalities). Shooter possessed 24 firearms, including AR-15-type rifles and AR-10-type rifles.
 - **2011:** 22 July shooting, Norway (67 fatalities). Shooter possessed a semi-automatic Ruger Mini-14 rifle.
 - **2019:** Christchurch mosque shooting, New Zealand (51 fatalities). Shooter possessed several firearms, including two semi-automatic rifles.
- Public Opinion
 - From 1973- 2020 various public opinion polls conducted related to guns.

Terminology Debate

- Substantial ongoing debate about what to call assault-style firearms
- Report uses the term ““assault-style rifle” to refer to semi-automatic, centre-fire rifles that can receive a detachable magazine and that often originated from a military design. In the debates about gun control in Canada, however, these firearms have at various times been referred to as “paramilitary” rifles, “military-style” rifles, “modern sporting rifles,” “black rifles,” “assault weapons,” and “assault rifles.””

Conclusion

- Firearms technology has evolved since the early 1800s from simple manual weapons to modern semi-automatic and automatic weapons.
- Over time, Canadian governments have tended towards enacting legislation and OICs to bring about stronger controls governing firearms regulations, licensing and classification.
- Government decisions concerning firearms legislation have been influenced by a range of factors including advances in technology, criminal events and public opinion.

Note

- This Commissioned Report is available to read in full at masscasualtycommission.ca under Documents → Research and Commissioned Reports

