



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 64

(2016, chapter 15)

Firearms Registration Act

Introduced 3 December 2015
Passed in principle 10 May 2016
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Assented to 10 June 2016

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EXPLANATORY NOTES

This Act provides that all non-restricted firearms present in Québec must be registered, determines the rules for filing a registration application and provides that the Minister of Public Security is to register firearms by recording the information prescribed by government regulation in a file the Minister keeps for that purpose. The Minister will assign a unique number to each firearm not previously registered and a registration number for each firearm the Minister registers.

The Act introduces a new requirement for firearms businesses to keep a table to monitor all operations relating to firearms they own or have in their possession. Powers of inspection are also granted in connection with that requirement.

Lastly, penal provisions are introduced for offences under these new provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the conservation and development of wildlife (chapter C-61.1);
- Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001).

Bill 64

FIREARMS REGISTRATION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

PURPOSE AND SCOPE

1. The purpose of this Act is to establish rules to govern firearms registration. A further purpose of the Act is to enable public authorities to know where firearms are present in the territory of Québec with a view to supporting peace officers in their investigations and interventions, including their preventive 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 a non-restricted firearm within the meaning assigned to that expression by subsection 84(1) of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).

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

DIVISION II

REGISTRATION

2. All firearms present in the territory of Québec must be registered.

The first paragraph does not apply to a firearm that is present in the territory of Québec for 45 days or less or that is entrusted to a firearms business for the purpose of having it repaired, restored, maintained or altered if the firearm owner does not have a residence or business establishment in Québec.

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 in Québec.

3. A firearm owner must apply to the Minister for its registration, subject to the conditions and according to the procedure prescribed by government regulation.

The registration application must be filed on taking possession of the firearm or as soon as the firearm is present in the territory of Québec. However, a firearm owner who settles in Québec has 45 days after settling there to file the application.

4. The Minister registers a firearm by recording, in a file the Minister keeps for that purpose, the information prescribed by government regulation. The Minister puts measures in place to ensure the integrity of the information in the file.

The registration remains valid as long as it is for the same firearm and the same firearm owner.

5. The Minister assigns a unique firearm number to each firearm not previously registered and a registration number for each firearm the Minister registers.

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

The firearm owner must ensure that the unique firearm number remains inscribed or affixed indelibly and legibly on the firearm.

7. The owner of a registered firearm must, within the time and in the manner prescribed by government regulation, notify the Minister of any change in the information provided for registration purposes or of the loss of the unique firearm number or the registration number.

As soon as the owner of a registered firearm transfers ownership of the firearm, he or she must notify the Minister in the manner prescribed by government regulation. The regulation must also prescribe the terms for transferring ownership of a firearm.

8. A person who has a firearm in his or her possession must be able to provide the firearm's registration number on request.

9. A peace officer may require a person who has a firearm in his or her possession to provide the firearm's registration number. The peace officer may require the person to make the firearm available so 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

POWER OF SEIZURE

10. A peace officer who has reasonable grounds to believe that an offence has been committed under section 2 may seize the firearm concerned.

11. 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).

12. 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

OPERATIONS OF FIREARMS BUSINESSES

13. A firearms business must establish and keep up to date a table to monitor all operations relating to firearms it owns or has in its possession in any of its establishments in the territory of Québec.

The firearms business must send the table to the Minister on request.

The information that must be included in such a table is prescribed by government regulation.

14. A peace officer 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 its obligations under section 13.

The person carrying out the inspection may examine or copy the operations monitoring table 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 operations monitoring table.

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

15. A person authorized to carry out an inspection must, on request, produce identification and show the document issued by the Minister attesting the person's capacity.

DIVISION V**PENAL PROVISIONS**

16. Whoever contravenes any of sections 2, 3, 6, 7 and 13 is guilty of an offence and is liable to a fine of

- (1) \$500 to \$5,000 in the case of a natural person; and
- (2) \$1,500 to \$15,000 in all other cases.

17. Whoever contravenes section 8 is guilty of an offence and is liable to a fine of \$50 to \$100.

18. Whoever 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 \$5,000 in the case of a natural person; and
- (2) \$1,500 to \$15,000 in all other cases.

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

20. 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.

21. On a finding of guilty for an offence under section 2, a judge may order the confiscation of the firearm concerned if it is still unregistered.

The Minister prescribes the manner in which a confiscated firearm is to be disposed of.

DIVISION VI

AMENDING PROVISIONS

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

22. 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) section 9 of the Firearms Registration Act (2016, chapter 15).”

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE AND THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

23. Section 57.2 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) is amended by inserting the following paragraph after the first paragraph:

“In addition, the registrar of civil status may exercise the powers delegated to the registrar by the Minister of Public Security under the Firearms Registration Act (2016, chapter 15). However, the registrar does not exercise those powers as a public officer.”

DIVISION VII

TRANSITIONAL AND FINAL PROVISIONS

24. A person who owns a firearm on the date of coming into force of section 2 has one year after that date to apply for its registration.

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

26. No tariff may be set for the purposes of this Act.

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

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