

## **Licensing and Firearms Paperwork**

In Canada, the ownership, use and possession of firearms and ammunition is primarily governed by two federal statutes – *The Canadian Firearms Act* and *The Criminal Code*, as well as the Regulations found under both of these pieces of legislation.

There are three categories that firearms can fall into under these statutes – Non-Restricted, Restricted and Prohibited.

**Non-Restricted firearms** are the most common type of firearm in Canada, consisting mainly of those long arms that have not been declared Restricted by the federal government. Hunting rifles and shotguns as well as most target rifles and shotguns fall into this category.

A Possession and Acquisition License (PAL) is required to purchase, borrow, own or possess a Non-Restricted firearm, as well as to purchase ammunition for use in a Non-Restricted firearm. Licensed firearms dealers must view and record the PAL number of any purchaser. In sales between private citizens, the seller is expected to view the PAL of the purchaser to ensure that the individual is legally entitled to take possession of the firearm. There is no legal requirement for the seller to retain a record of the purchaser's PAL, but it is not a bad idea.

To obtain a PAL, an individual must take the Canadian Firearms Safety Course (CFSC), which is a minimum of eight hours in class, followed by a written and then a practical examination. Those who successfully pass the course make an application to the RCMP and if they pass the background screening process, they will be granted a PAL, which will entitle them to purchase Non-Restricted firearms and ammunition, as well as to possess and use those firearms in accordance with the law.

As the name suggests, the primary focus of the CFSC is safety. The class involves the handling of deactivated firearms as well as deactivated ammunition. Unfortunately, the class does not include any live-firing of firearms.

**Restricted firearms** as those firearms determined by the federal government to be Restricted (for instance, the AR-15 style of rifles) and handguns that are not Prohibited. Handguns with a barrel length greater than 4-1/8" (105 mm) and are not either .25 or .32 calibre are generally Restricted. In general terms, most handguns – such as a Glock 9 mm pistol - are Restricted. Restricted firearms can only be possessed at a specific location and can only be discharged at an approved firearms facility. Ownership, possession, movement and use of Restricted firearms is heavily regulated and more onerous than for Non-Restricted firearms.

Those wanting to own a Restricted firearm are required to successfully pass the Canadian Restricted Firearm Safety Course (CRFSC), which is only available to those who have already successfully completed the CFSC. The length of the course is

contingent upon the time that has elapsed since the student has completed the CFSC. Where the CFSC has been completed in the seven days before the CRFSC, the student is required to take a minimum of four hours of class time. If the time elapsed since the CFSC is greater than seven days, the student must have a minimum of six hours of class time. In either case, the CRFSC student must also pass a written and a practical exam before they can apply for a PAL that entitles them to purchase all Non-Restricted and Restricted firearms and ammunition in Canada.

**Prohibited firearms** are those firearms and devices that the federal government has declared undesirable and are generally unavailable to the Canadian public. A partial list of Prohibited items includes handguns of .25 or .32 calibre, fully automatic firearms (eg: machine guns), and various martial arts weapons. A Prohibited Device is any device declared prohibited by the government, and includes such items as a magazine that exceeds the maximum legal capacity for cartridges (ten rounds for a handgun and five rounds for a semi-automatic centre-fire rifle or shotgun) and such attachments as suppressors (colloquially known as 'silencers'). Businesses and individuals who require these devices for their legitimate business activities are generally the only ones who are able to obtain a Prohibited firearm or device. In most cases, those who are able to possess and use Prohibited firearms and devices are authorized under the terms of a Business Firearms License as opposed to an individual license.

There is no CFSC-type training program that would entitle an individual to possess a Prohibited item. There are a limited number of individuals who have a Restricted PAL who have been grandfathered in to the Prohibited category. These individuals were in possession of a Restricted firearm at the time the federal government declared those firearms to be Prohibited. They can possess those Prohibited firearms and trade them amongst other individuals who hold a Prohibited PAL, but eventually, all those firearms will be destroyed or deactivated when the Prohibited PAL holders have all passed on.

**Traveling with a firearm** is not a complicated process, there are however specific requirements which must be met.

If travelling by motor vehicle within Canada with firearms, the firearms must be unloaded and should be stored out of sight. For Non-Restricted firearms, there is no requirement for the guns to be locked in a case, or for a disabling device (such as a trigger lock) to be attached to the firearm as long as the individual responsible for the firearm has control of the firearm. If the firearm is to be left in the vehicle unattended, and therefore out of the control of the responsible individual, the gun must be stored out of sight separate from the ammunition in a locked vehicle. A trigger lock is not a bad idea if the firearm is to be left for any length of time unattended. Restricted firearms require the individual has the registration certificates as well as an Authorization to Transport for the firearms in their possession. Any Restricted firearms must be unloaded, have a disabling device attached and be stored in a locked, opaque case.

Flying with a firearm within Canada is also relatively easy, provided the firearm is unloaded and stored in a suitable case. The usual process involves an airline employee completing a form that the responsible individual declares the firearm and confirms that it is not loaded nor being shipped with any ammunition. The form is inserted into the case with the firearm and the case locked. Most airlines require the locked case to be handled in the Oversize Baggage area. Federal regulations allow the responsible individual to travel with up to 5 kg of ammunition, provided it is stored in its original factory packaging.

Travel to the United States requires a Form 6 NIA, a form issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (BIAF). The form is typically downloaded from the Internet (<http://www.losttarget.com/form6.html>), completed by the responsible individual before being sent to the BIAF. The form, if approved, is presented to US Customs and Border Protection at the border. If everything is in order, the individual and the firearms are allowed to enter the US. It is advisable to declare the firearms to the Canadian Customs folks before leaving Canada – it may prevent some turbulence when returning to Canada when the individual can prove they left with the guns, rather than having to deal with the assumption by Canada Customs that the firearms were acquired outside of Canada.

### **Using a firearm without a PAL**

Individuals who do not have a PAL are not legally able to possess or use a firearm unless they are in the company and directly supervised by another individual holding a valid PAL. The individual with the PAL must supervise the individual with the firearm and must be in control at all times. This is generally interpreted as being within arms reach of the individual and having the ability to intervene immediately. The individual with the PAL is ultimately responsible for everyone's safety. Firearms used by an individual without proper supervision are subject to seizure and there are potentially several criminal offences that may have been committed, both for the individual using the firearm as well as the owner of the firearm.

A criminal conviction for a firearms-related offence or an offence of violence will most likely result in the loss of the firearm, the individual's PAL as well as a period of prohibition from owning, possessing or using firearms. Those who have been through criminal proceedings and who have received such penalties are required to start over with the CFSC after the period of prohibition has lapsed.

More information on the RCMP's Canadian Firearms Program can be found at <http://www.rcmp-grc.gc.ca/cfp-pcaf/index-eng.htm>