



Bureau du contrôleur des armes à feu du Québec

Date (yyyy-mm-dd)

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ADDRESSED TO

All firearms businesses in the Province of Québec that include gunsmith work among the activities authorized in their business firearms licence

SENT BY

Captain Éric Benoit
Chief Firearms Officer for Québec

SUBJECT

Deactivation of firearms

Process for examining and fulfilling the specific condition for the business firearms licence

INTRODUCTION

The Canadian Firearms Program (CFP), which seeks to improve regulatory supervision of the issuing of business firearms licences, has noted a certain number of activities requiring heightened vigilance for the sake of public safety. One of these activities is the deactivation of firearms.

Once a firearm has been deactivated, it is no longer deemed to be a firearm under the *Firearms Act* and the *Criminal Code*. To guarantee public safety and the integrity of the regulatory system:

- a deactivated firearm must be identified and recorded;
- regulatory supervision of firearms that have not been deactivated must be maintained.

A firearm cannot be partially deactivated. Within the meaning of the Act, a firearm remains a firearm so long as it has not been fully deactivated in a way that is permanent and irreversible, as indicated in the firearms deactivation standards provided for in the guidelines established by the CFP.

STATUS REPORT

Prior to January 2015, any firearms business that included gunsmith work among the activities authorized in its firearms licence was allowed to perform and report firearms deactivation under the guidelines. After receiving the deactivation report and the *Notice of Deactivation* form (RCMP 5645/CAFC 1023), the Registrar of Firearms modified the registration certificate to show that the firearm had been deactivated. Once the certificate was modified, the deactivated firearm no longer appeared in the Canadian Firearms Program's active files and was no longer subject to the provisions of the *Criminal Code*.

This approach raised two difficulties. First of all, some firearms were modified without being fully deactivated, even though a notice of deactivation had been filed. Also, a number of businesses authorized to deactivate firearms were not performing that activity because they were not interested or experienced in doing so, or lacked the necessary equipment to properly modify firearms.

As of January 2015, the CFP and the Chief Firearms Office developed a two-step process for managing firearms deactivation to ensure that all legal requirements are fulfilled. This process also takes into account the March 27, 2015 decision of the Supreme Court of Canada to authorize the destruction of Québec firearms data contained in the Canadian Firearms Registry (CFR) with no restrictions.

STEP 1 – PRELIMINARY PROCESS FOR FULFILLING THE SPECIFIC CONDITION

Determining the businesses authorized to deactivate firearms

Businesses authorized to perform gunsmith work and wishing to deactivate firearms must first give written notice to the Chief Firearms Officer for Québec of their intention to obtain that right. Notice may be faxed to 514 496-4256, emailed to sq.permis.entreprises@surete.qc.ca or mailed to the following address:

Service du contrôle des armes à feu et des explosifs
Division des entreprises
Sûreté du Québec
1701, rue Parthenais, UO3563
Montréal (Québec) H2K 3S7

After indicating that it wishes to add deactivation activities to its firearms licence, a business must then, at its own expense, submit at least one firearm that it has deactivated for examination by the Laboratoire de sciences judiciaires et médecine légale (LSJML). The firearm must be sent to the following address:

Laboratoire de sciences judiciaires et médecine légale
Direction de la criminalistique
Section balistique
1701, rue Parthenais, 12^e étage
Montréal (Québec) H2K 3S7

STEP 1 – PRELIMINARY PROCESS FOR FULFILLING THE SPECIFIC CONDITION

Along with the firearm, the business must also submit a duly completed copy of the *Notice of Deactivation* form (RCMP 5645/CAFC 1023) and a detailed information sheet describing the modifications made to the firearm for the purpose of deactivating it. If the firearm is the first one submitted by the business under this process, that fact must be indicated on the form.

A copy of the *Notice of Deactivation* form (RCMP 5645/CAFC 1023) must also be transmitted to the Canadian Firearms Registry by fax at 1 877 699-4928, by email at caqa-mcaq@rcmp-grc.gc.ca or by mail at the address given below, as well as to the Chief Firearms Officer for Québec using the same contact information given on the preceding page. On the copies transmitted, the business must indicate that the form has also been submitted to the LSJML for verification of a firearm.

Canadian Firearms Registry
Canadian Firearms Program
Royal Canadian Mounted Police
73 Leikin Drive, PO Box 6
Ottawa, Ontario K1A 0R2

The LSJML representatives will examine the firearm submitted and, if they confirm that in fact it has been deactivated, they will so inform the Chief Firearms Officer. In the case of a restricted or prohibited firearm, the Chief Firearms Officer will inform the Registrar of Firearms, who can then modify the registration certificate to indicate that the firearm has been deactivated. Only then does the Chief Firearms Officer modify the business firearms licence to include deactivation as an authorized activity.

If the LSJML representatives find that the firearm submitted was not deactivated in accordance with the guidelines, they so inform the Chief Firearms Officer, providing details on the shortcomings of the deactivation process, and they return the firearm to the business. The Chief Firearms Officer is thus able to transmit the information obtained by the LSJML to the business. In the case of a restricted or prohibited firearm, the registration certificate of the firearm submitted for examination remains unchanged. Deactivation is not added to the activities included in the business firearms licence.

If it does not succeed in completing the preliminary process, the business then has two options. It can modify the firearm again and resubmit it to the LSJML for examination, or notify the Chief Firearms Officer of its decision to cease deactivating firearms and withdraw from the process. If it chooses the first option and the LSJML representatives confirm on re-examination that the firearm has been deactivated in accordance with the guidelines, the registration certificate (in the case of a restricted or prohibited firearm) and the business firearms licence are modified accordingly.

STEP 2 – MODEL FOR SUPERVISION OF BUSINESSES AUTHORIZED TO DEACTIVATE FIREARMS

When a business transmits to the Registrar of Firearms and to the Chief Firearms Officer the *Notice of Deactivation* form (RCMP 5645/CAFC 1023) further to the deactivation of a firearm, it must retain the deactivated firearm for a period of five (5) days following transmission of the notice, since it may be asked by the Registrar of Firearms or the Chief Firearms Officer to send the firearm to the LSJML for examination. If no such request is made by the end of the five-day period, the Registrar of Firearms will, in the case of a restricted or prohibited firearm, modify the registration certificate to indicate that the firearm has been deactivated.

When an examination of the firearm has been requested and the LSJML representative judge that the firearm has not been deactivated in accordance with the guidelines, they so inform the Chief Firearms Officer, providing details on the shortcomings of the deactivation process, and they return the firearm to the business. The Chief Firearms Officer informs the business and the Registrar of Firearms of the information obtained by the LSJML. Deactivation of firearms is immediately withdrawn from the activities included in the business firearms licence and, in the case of a restricted or prohibited firearm, the registration certificate is not modified.

As with the preliminary process (step 1), the business has the same two options. It can modify the firearm again and resubmit it to the LSJML for examination, or notify the Chief Firearms Officer of its decision to cease deactivating firearms and abandon that activity for good. If it chooses the first option and the LSJML representatives confirm on re-examination that the firearm has been deactivated in accordance with the guidelines, the registration certificate (in the case of a restricted or prohibited firearm) and the business firearms licence are modified accordingly.

IN CONCLUSION

A business authorized to deactivate firearms may decide at any time to cease that activity and ask the Chief Firearms Officer to modify its firearms licence by withdrawing the specific conditions authorizing it to deactivate firearms.

For any question or comment on this matter, please contact Denise Robitaille by telephone at 1 800 731-4000, extension 7031.

We thank you for your usual cooperation.

Yours truly,

Original signed by

Éric Benoit, Captain
Chief Firearms Officer for Québec