

Ammunition Regulation

Chief Firearms Office

ONTARIO

Presentation to the CFO Partners-in-Person Conference

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Ammunition Regulation - Why?

- Firearms crime in Ontario has been on the rise over last 5 years.
- Mainly among youth involved in gang activity.
- 2005 dubbed "The Year of the Gun" in Toronto.
- Political and Public pressure to "Ban" handguns in Ontario.
- Ammunition seen to be "readily available" to anyone.
- Existing laws that regulate ammunition are outdated, contradictory, ambiguous and in some areas, completely lacking
- Public safety depends upon proper regulation.

The catalyst - A move to Ban "Handgun Ammunition" in Ontario

- A Private Member's Bill was being proposed in February 2007 that suggested the following;
- Restrict "handgun" ammunition purchases to approved ranges only, or;
- via mail order but pickup could only be through local police station.
- Buyer must have PAL/ATT/ATC and supporting registration certificates and produce these before taking delivery.

The catalyst - A move to Ban "Handgun Ammunition" in Ontario

- All newly manufactured/imported handguns must be test fired and cartridge casing retained by the Manufacturer the CFO or the Police.
- All handguns brought to approved shooting ranges must be test fired and cartridge casing retained by range and turned over to CFO.
- All ammunition must be accounted for at the range and unused ammunition returned to the range Officer.
- It would be unlawful for persons to possess "handgun" ammunition anywhere but at the range.

Input Sought from CFO Ontario

- This Bill would not be workable due to the huge resource implications that it placed upon Approved Ranges, Police Services, CFO and Center for Forensic Sciences (Ontario)

- It did nothing to address the importation of ammunition.
- It did nothing to address individuals who were hand loading their own ammunition.
- Would only serve to inconvenience lawful firearms owners, the police and the regulatory authorities.

Input from CFO Ontario, continued

- Too many types (virtually all) ammunition, is interchangeable between handguns and long guns.
- Did nothing to address the black market that already exists regarding ammunition on the streets.
- What was achieved was;
- recognition in Ontario that more could be done to regulate and control the flow of ammunition for firearms, and
- Our current provincial legislation was out of date.

Resolution - Legislative Assembly of Ontario

- CFO Ontario has been requested by the Provincial Minister of Community Safety and Correctional Services to conduct a study into ways that ammunition can be better regulated in Ontario.
- Very timely, as the Ammunition Regulation Act of Ontario is a very outdated document.
- Aim is find ways, in Ontario, to further restrict or even prohibit, the unauthorized possession of "handgun" ammunition.
- "Except for police or peace officers, there is no valid reason for anyone on the streets to possess"

CFO Review to Entail

- Making it illegal for a person not authorized to possess or transport a firearm to be in possession of ammunition.
- Explore restricting possession and use of firearms ammunition to ranges and target shooting competitions.
- Restricting the sale of handgun ammunition to firing ranges
- Determine who is exempt from the regulations

CFO Review to Entail

5. How do you separate hand gun from long gun ammunition?
6. What do we do about people who hand load their own ammunition?
7. Ability to maintain a ballistic data bank
8. Improved record keeping regarding sales and purchases of ammunition

Client Concerns:

- CFO Ontario has received numerous complaints from in recent years from clients stating that;
- information collected by retailers under this provincial authority is too intrusive and jeopardizes their personal safety.
- provides a "shopping list" for would be home invaders and burglars.
- A rash of thefts of large numbers of firearms from residences have been used as example of this.

What Law Already Exists?

- Firearms Act, Section 25 - Transfer of Ammunition to Individuals
- Criminal Code - re possession of "prohibited" ammunition
- Explosives Act, C.R.C., c. 599 Federal Regulations
- Ammunition Regulation Act, S.O. 1994

Firearms Act:

- Section 108 - Authorized Possession of Ammunition - Every business commits an offence that possesses ammunition unless they hold a licence to do so.
- Section 25 - A person may transfer ammunition that is not prohibited ammunition to an individual only if the individual - "Holds a licence authorizing him/her to possess firearms".
- No offence for persons to possess ammunition.
- Firearms Act is clear on storage of ammunition when firearms are present.
- Silent on rules on storage of when no firearms involved

Criminal Code:

- Section 99, Weapons trafficking,
- Section 100, Possession for the purpose of trafficking, and;
- Section 101, Transfer without lawful authority.
- All create offences for transferring ammunition to a person without a licence

Explosives Act

- Divides explosives into 7 classifications
- Class #1 - Gunpowder
- Class #6 - Ammunition
- Further breaks ammunition class into 3 divisions:
 1. Safety cartridges (firearm ammunition)
 2. Safety fuses, and;
 3. Percussion caps.
- No requirement to have a Firearms Licence to possess or purchase safety cartridges or powder

Explosives Act, Part IV Manufacturing Explosives S. 35

- Allows for persons to hand load ammunition;
- At a place other than a licenced factory,
- As long as cartridges are not for sale or commercial use
- Not more than 2 kg of explosives or other safety cartridges are kept in the place
- Other rules are followed regarding incandescent lighting, open fires, smoking, matches etc., etc.

Explosives Act, Part IV, Manufacturing Explosives S. 36

- Allows for any person to hand load ammunition for the purpose of sale and for any commercial, industrial or business use if;
- The place, quality controls and operational procedures have approved by the "Chief Inspector"
- The Chief Inspector will authorize the maximum quantity of explosives to be kept on hand
- Other rules are followed regarding incandescent lighting, open fires, smoking, matches etc., etc.

Explosives Act, Parts III & VI- Storage & Transportation.

- No person shall keep explosives in excess of 25 kg in a place other than a licenced magazine.
- This equates to enough gun powder to hand load approx. 500,000 rounds of 9m.m. !
- Vehicle carrying more than 25 kg of explosives must have a fire extinguisher.
- No more than 75 kg of explosives may be transported in a vehicle primarily designed to carry passengers.
- Not more than 3 kg may be carried on public transit

Ontario - Ammunition Regulation Act, S.O. 1994

Restricts the purchase of ammunition to:

Persons 18 years of age, who;

Must present valid ID that has his or her photo and age or date of birth, or other valid ID prescribed by regulation.

Person may be under 18 years and purchase ammunition if in possession of a "permit" issued by the CPFO (outdated)

ID may not have a photo if withheld for religious reasons and signed off on "permit" by the CPFO (outdated)

Offence for anyone to "knowingly" sell to an individual without proof of ID.

What Constitutes "Valid" Identification?

Must be issued by - the *Government of Canada*;

the *Government of a province or territory*;

a *Municipality in Canada*;

an agency board or commission of a government or municipality described above; or

a foreign government or agency of a foreign government

Conflicts with the *Firearms Act* which asks for firearms licence to possess
firearms

This is because it was written before the *Firearms Act* came into force.

Record Keeping Requirements Under this Act

■ Must record;

1. date and time of purchase

2. name, age and address of purchaser

3. type of identification and permit
serial numbers. produced and their

4. the calibre and quantity of ammunition purchased

■ CFO has right to inspect these records

■ Offence to obstruct CFO Inspector

■ This requirement is a source of constant complaints from clients.

So What is Everyone Else Doing?

■ All CFO's were canvassed regarding:

■ What (if any) Provincial Law regulates ammunition?

■ What Concerns are there regarding the way that the *Firearms Act* and the
Criminal Code currently regulates ammunition?

■ What remedies can be suggested?

Newfoundland & Labrador

■ No provincial legislation governing Ammunition sales and possession

■ No real concerns regarding this issue.

■ Notes a "disconnect" between the *Firearms Act* and the *Explosives Act*
regarding the purchase and storage of ammunition.

■ These Acts should be more supportive of each other

Nova Scotia

✓ No provincial legislation governing ammunition sales and possession

✓ Ammo sales and transfers between individuals should be restricted to only those
firearms classifications allowed on purchasers licence

✓ Should define what is a "reasonable" quantity to possess

✓ Persons in excess must explain/justify such quantities

- ✓ Minors have a condition allowing purchase of ammunition placed on their licence

Prince Edward Island

- There is no provincial legislation re: ammo
- *Firearms Act* - Business regulations need to be specific about how ammunition stored, displayed and secured in businesses.
- Individuals should only be allowed to purchase ammunition for the classification of firearm indicated on their licence.
- Create a criminal offence for possession of ammunition without a licence.
- Laws as to who can obtain ammunition definitely need to be tightened.

New Brunswick

- No Provincial legislation in New Brunswick regulating ammunition.
- Need to have a link between firearms registered to the purchaser and the ammunition purchased by the licence holder
- Otherwise, no real concerns with ammunition regulation in New Brunswick
- Resources are more focused on firearms licencees, and licenced firearms businesses rather than ammunition purchases

QUEBEC

- No provincial/territorial legislation regulating ammo.

Manitoba & Nunavut

- No provincial/territorial legislation
- Can see the value to vendors of ammunition keeping track of purchaser information
- Recognizes concern with importation of ammunition not an offence as no licence required to possess
- Firearms licence should have magnetic strip for swiping by retailers
- Patterns of purchases could be tracked and investigated re trafficking offences.

Saskatchewan:

- No provincial legislation governing sale/possession of ammunition
- No requirement for ammunition only businesses to be inspected by CFO
- Border crossers not required to have a licence to purchase in the USA and do not require a licence to possess in Canada.
- Presents a problem for CBSA
- No concerns in Saskatchewan regarding ammunition

Alberta & NWT

- No provincial/territorial legislation regulating ammo.
- Most common complaint is the sale of ammunition by businesses to people who do

not produce a firearms licence.

- Many businesses hire teens (16 & 17 years) who end up handling the ammunition.
- There is no requirement for these employees to have a firearms licence
- Some businesses ask to record information from the buyers licence, but this is a self imposed "best practice" and not a condition of the licence

British Columbia

- Individuals must have a valid firearms licence and purchase ammo from a licenced firearms business.
- Explosives Act Regulations speak to the importation, manufacturer and sale of components used in manufacture of ammunition.
- The Firearms Act focuses on "Prohibited" ammo & should do more to control all ammunition.
- The criminal Code should do more to address ammunition offences, not just prohibited ammo
- The CFSC manual could be more specific re ammo handling, storage and display if laws were clear.

Firearms Act - Amendments to Consider:

- Create an offence for persons importing and/or possessing ammunition without a firearms licence.
- Individuals only allowed ammunition for firearms of classification noted on their licence.
- Individuals must produce a valid licence when purchasing or receiving ammunition.
- Must possess a Firearms licence to possess components for producing ammunition, i.e.; gunpowder, cartridge cases, primers, bullets.
- Seller to record buyer's name and licence number

Firearms Act - Amendments to Consider:

- Minors purchasing ammunition can only do so if stipulated on their licence, as a condition.
- Establish "reasonable" quantities of ammunition to be possessed by individuals.
- Police Officers given search authorities to include ammunition kept at individual residences, where;
 - grounds to believe the ammunition is not possessed in accordance with *Firearms Act*.
- Regulations need to address safe storage of ammunition when firearms are absent.

Explosives Act - Amendments to Consider:

- Must have a firearms licence to purchase/possess components for manufacturing safety cartridges
- Must be 18 years of age and have taken and passed an approved course of

instruction on how to hand load ammunition.

- Set more realistic maximums for quantities of explosives on site re - individuals hand loading.
- Develop safe storage regulations for reloaded safety cartridges and explosive components complimentary to the Firearms Act.

Conclusion

- The Ontario Ammunition Regulation Act was a well intended piece of legislation that has become outdated.
- The control of Firearms and Firearms Licences is a federal mandate.
- It would stand to reason that the controls over ammunition manufactured, imported and used in these firearms is also a federal mandate, which it is.
- The Firearms Act could do more to regulate ammo.

Conclusion continued;

- The *Firearms Act*, the *Explosives Act* and the regulations attached thereto need to be more specific regarding how individuals can:
 - acquire ammunition,
 - possess and store ammunition,
 - manufacture ammunition,
 - what lawful quantities may be acquired, manufactured and possessed
 - tighten up how ammunition is transported.

Thank you, Merci.

Questions?

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