

	Royal Canadian Mounted Police	Gendarmerie royale du Canada	ES&ML No: 11-02-014 No. des SE&LM: Pages: 2	Security Classification : Classification sécuritaire Protected « A »
BRIEFING NOTE TO THE MINISTER OF PUBLIC SAFETY			NOTE D'INFORMATION AU MINISTRE DE LA SÉCURITÉ PUBLIQUE	
ISSUE: to provide information on an on-going issue with the classification of the Smith and Wesson M&P 15-22 rifle and the sale and distribution of the Smith and Wesson 25 shot cartridge magazine.				
BACKGROUND				
<p>In 2009, Smith and Wesson introduced the M&P 15-22 rifle, followed by the introduction of the Smith and Wesson M&P 15-22 pistol in early 2010. The Smith and Wesson M&P 15-22 rifle was recently inspected by the RCMP's Canadian Firearm Program and is considered a restricted firearm because it is a variant of the M-16 assault rifle. Prohibited and restricted firearms are defined under Part III of the <i>Criminal Code</i>, including specific models and variants classified under the <i>Regulations Prescribing Certain Firearms and other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted</i> (Regulations). These Regulations are under the purview of the Minister of Justice, and were last updated in 1995. The Smith and Wesson M&P 15-22 handgun is considered a restricted firearm because the barrel length exceeds 105 mm.</p> <p>Smith and Wesson produces 25 and 10 shot magazines that can be used in both the M&P 15-22 rifle and the M&P 15-22 pistol. Both the rifle and the pistol are commercially sold with 25 shot magazines and are advertised with the 25 shot cartridge magazines.</p> <p>These Regulations specify that the 25 shot cartridge magazine is a prohibited device because it is designed and manufactured for use in a semi-automatic handgun. Handgun magazines are regulated to a limit of a 10 shot cartridge capacity.</p>				
CURRENT STATUS				
<p>A total of 1,120 M&P 15-22 rifles with the standard issue 25 shot cartridge magazines have been imported into Canada; 572 of these rifles are owned by individuals and 548 are owned by at least two Canadian businesses. A total of 5 M&P 15-22 pistols have been imported into Canada. At least two businesses have imported the rifles and accompanying 25 shot cartridge magazines and have distributed them to other businesses and individuals. The 25 shot cartridge magazines were imported without the RCMP having had the opportunity to inspect them. The vast majority of the Smith and Wesson 15-22 rifles with a magazine capacity of 25 shots were imported by one firearms business in Ontario.</p>				
STRATEGIC CONSIDERATIONS				
<p>The Canadian businesses that imported these magazines are established companies and are expected to be familiar with the maximum permitted magazine capacity of cartridge magazines that can be used in semi-automatic pistols. When businesses are unsure of the legal classification of a firearm or magazine, they can submit a sample of the magazine they are planning to import to the RCMP's Canadian Firearms Program for an opinion. In this instance, the businesses did not submit a sample prior to importation.</p>				
<p>Should any issue with respect to criminal or civil liability arise, the businesses should assume the liability associated with the prohibited 25 shot magazines.</p>				

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An information bulletin is being prepared by the Canadian Firearms Program, and will be sent to businesses as a reminder of the maximum permitted capacity of cartridge magazines designed and manufactured for use in more than one kind of firearm. The businesses will have the option of exchanging the 25 shot magazines for 10 shot magazines at their own expense or recalling and pinning the 25 shot magazines to 10 shots.

It is anticipated that there will be complaints from Canadian businesses and firearm owners once they are notified that these magazines are prohibited. Both businesses that imported the magazines are aware of the prohibited classification of the 25 shot magazine. One of the businesses, Questar, published a statement in a popular firearms bulletin board, "GunNutz", on November 30, 2010 agreeing with the determination.

The Canada Border Services Agency has been notified of the issue, and will require businesses importing the firearms and magazines to produce documentation establishing whether the 25 shot or 10 shot magazines are being imported. There is one business, North Sylva, licenced for prohibited devices, that could still import them. The Regulations, however, do not contain any provisions allowing individuals with firearm licences with prohibited privileges to acquire and possess any magazines that are considered prohibited devices.

The RCMP's Canadian Firearms Program will work with businesses, manufacturers, and importers to mitigate risk and facilitate compliance with the Regulations. The RCMP's position on this issue is supported by the Department of Justice.

Prepared by : Rédigée par :	Recommended by : Recommandée par :		Approved by : Approuvée par :	Date
Original Signed by : Pierre Perron, C/Supt. Director General	Original Signed by: Joe Buckle on behalf of Line Carbonneau, D/Commr. Policing Support Services	R.R. (Rod) Knecht, D/Commr. Senior Deputy Commissioner	William J.S. Elliott Commissioner	9-02-2011

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CANADIAN FIREARMS PROGRAM ISSUES

ISSUE: To provide information on the sharing of firearms importation information held by the Canada Border Services Agency

BACKGROUND:

The 1995, the *Firearms Act* included a number of provisions establishing new requirements for individuals and businesses wishing to import or export firearms. In March 1998, the *Importation and Exportation of Firearms Regulations* were drafted, specifying the criteria under which authorizations to import or export could be issued by the Registrar of Firearms. To date, only certain sections, pertaining to the importation of firearms by individuals, have been brought into force. The remaining provisions of the *Firearms Act* and associated Regulations regarding the importation and exportation of firearms by businesses have never been implemented. This has raised public safety concerns over the possibility that firearms may be illegally diverted to illicit markets once they have been imported into Canada by businesses.

CURRENT STATUS:

The RCMP supports bringing the importation and exportation (businesses) provisions and Regulations into force. In the absence of the un-proclaimed provisions, the Canadian Firearms Program is working with Public Safety Canada, the Department of Foreign Affairs and International Trade, and the Canada Border Services Agency to seek administrative avenues to allow for appropriate information sharing and to reduce the risk of the diversion of firearms.

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CANADIAN FIREARMS PROGRAM ISSUES

ISSUE: To provide information on the status of the Memorandum of Understanding between the RCMP and the Canada Border Services Agency.

BACKGROUND:

The Canadian Firearms Program and the Canada Border Services Agency have entered into a Memorandum of Understanding whereby the Canada Border Services Agency has committed to administer certain elements of the *Firearms Act* and associated regulations pursuant to Part III of the *Criminal Code* at Canada's ports of entry. In accordance with the Memorandum of Understanding, the Canada Border Services Agency assesses and confirms Non-Resident Firearm Declarations and collects associated fees at ports of entry. The Canada Border Services Agency also ensures that Canadian residents importing firearms into Canada possess a valid firearms licence and registration certificate for their firearms, and an Authorization to Transport a restricted firearm. The annual funding provided by the RCMP to the Canada Border Services Agency under this Memorandum of Understanding is \$1.7 million.

CURRENT STATUS:

A new Memorandum of Understanding is being finalized and will be in effect for two years. It is anticipated that future discussions will establish a mechanism to permanently transfer funding to the Canada Border Services Agency, eliminating the requirement for a Memorandum of Understanding.



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CANADIAN FIREARMS PROGRAM ISSUES

ISSUE: To provide information on the status of *Firearms Act* Compliance Measures.

BACKGROUND:

The *Firearms Act* compliance measures comprise the license renewal fee waiver, the new Possession Only Licence measure, and the firearms amnesty. These measures were introduced with the intention of increasing licensing compliance. Licensed individuals are subject to continuous eligibility screening, which ensures that any known high-risk behaviour on their part is automatically brought to the attention of Chief Firearms Officers and law enforcement. Authorities can then take appropriate action, which can include the revocation of a licence and seizure of a firearm.

CURRENT STATUS:

On March 24, 2011, the Government approved an extension of two years, until May 2013, of two elements of the firearms compliance measures:

- the amnesty protects non-compliant, non-restricted firearms owners from criminal liability while they are taking steps to comply with the licensing and registration requirements of the *Firearms Act*; and,
- the new Possession Only Licence measure, enabling former Possession Only Licence holders to obtain a new Possession Only Licence without having to apply for a Possession and Acquisition Licence (and attending the associated safety training course).

On April 9, 2011, in Part I of the *Canada Gazette*, the proposed fee waiver was published for a public consultation period of 15 days.

STRATEGIC CONSIDERATIONS:

Should the fee waiver not be extended, all individuals seeking to renew their Possession and Acquisition Licences, Possession Only Licences, and Minors Licences will be required to pay the associated fees effective May 17, 2011. This represents approximately 350,000 individuals per year.

s.21(1)(a)

Immediate action is required to ensure individuals are not required to pay firearms licensing fees commencing May 17, 2011.

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CANADIAN FIREARMS PROGRAM ISSUES

ISSUE:

To provide information on the requirement for renewed firearms funding contribution agreements between "opt-in" provincial governments and the Government of Canada.

BACKGROUND:

Section 95 of the *Firearms Act* authorizes the Minister of Public Safety to enter into agreements with provincial governments for the ongoing administration and delivery of certain elements of the Canadian Firearms Program, subject to approval from the Governor in Council through an Order in Council, which currently extends until March 31, 2016.

Five provinces (British Columbia, Alberta, Saskatchewan, Manitoba, and Newfoundland and Labrador) have chosen not to appoint a Chief Firearms Officer; as such, RCMP employees have been appointed by the federal Minister of Public Safety. The five "opt-in" provinces (Nova Scotia, New Brunswick, Prince Edward Island, Ontario and Quebec) each have a provincially appointed Chief Firearms Officer. Under the *Firearms Act*, "opt-in" provinces claim reimbursement from the Government of Canada through negotiated multi-year contribution agreements. Funding is from the RCMP's Grants and Contributions Vote.

CURRENT STATUS:

Renewed firearms funding contribution agreements between the governments of the "opt-in" provinces and the Government of Canada will soon require Ministerial approval.

While four of the "opt-in" provinces have been reimbursed up to March 31, 2011, the most recent agreement with the Government of Quebec expired in 2006,

In 2008, Quebec

In the absence of a contribution agreement, reimbursements for eligible expenses have not been made; however, program delivery has continued unabated in Quebec and funding has been set aside by the RCMP in an accrual account.

The 2004-2006 and 2006-2010

s.14(a)

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