



SUPREME COURT OF CANADA RULES THAT AIR GUNS ARE "FIREARMS"

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CANADA'S NATIONAL FIREARMS ASSOCIATION MEDIA RELEASE SUPREME COURT OF CANADA RULES THAT AIR GUNS ARE "FIREARMS"

On Wednesday, November 5, 2014 the Supreme Court of Canada issued its ruling *R. v. Dunn*, finding that most air guns are considered "firearms" for all purposes in the *Criminal Code* except for licensing and registration.

The Court affirmed the previous decision of the Ontario Court of Appeal, which itself had overruled a decade of its own jurisprudence in finding that air guns are "firearms". Prior to this case, the courts had held that air guns are not treated as "firearms" unless they are used for some offensive or unlawful purpose.

This decision applies to all air guns that are capable of causing serious bodily injury or death. Most courts have found that any air gun with a velocity of more than 214 feet-per-second meets this threshold. The vast majority of air guns sold across the country are capable of such a velocity.

This decision will have numerous significant impacts on those who buy and use air guns lawfully in Canada.

First of all, the *Criminal Code* provisions regarding careless storage, use and transportation of firearms now apply to air guns. Therefore, it is an offence to store or transport an air gun in a "careless" manner. However, because the ordinary firearms Storage Regulations do not apply to air guns, air gun owners are left with absolutely no guidance as to what precisely constitutes careless storage of an air gun.

It will be left up to police, prosecutors and courts to determine what charges will be laid, which will be prosecuted and ultimately who will be found guilty of this nebulous and ambiguous offence.

Moreover, as air gun owners do not require a license or a firearms safety course to possess these items, law-abiding Canadians will not be put on notice of the new legal requirements for air gun use, storage, transportation, etc.

Secondly, the offence of "carrying a concealed weapon" now applies to air guns, regardless of whether or not the air gun owner acts in an otherwise lawful manner. Placing an air gun in a backpack, a pocket or other concealed place will now be a criminal offence.

As the Supreme Court has ruled on this issue, the only route forward is through legislative amendment. Canada's National Firearms Association has been extremely active on this front and will continue to pressure the government and provide all assistance in order to see that this decision be responded to by Parliament.

Canada's National Firearms Association is this country's largest and most effective advocacy organization representing the interests of firearms owners and users.