

2023 Bill 8

Fourth Session, 30th Legislature, 1 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 8

ALBERTA FIREARMS ACT

THE MINISTER OF JUSTICE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 8

2023

ALBERTA FIREARMS ACT

(Assented to , 2023)

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Preamble

WHEREAS the Government of Alberta is committed to advancing public safety while respecting the property and civil rights of law-abiding Albertans;

WHEREAS the Government of Alberta recognizes the need for an evidence-based firearms program in Alberta that respects the values of Alberta’s lawful firearms owners;

WHEREAS the federal and provincial governments share jurisdiction over the regulation of firearms in Canada;

WHEREAS federal jurisdiction over firearms is governed by the *Firearms Act* (Canada) and the *Criminal Code* (Canada), and the Government of Canada operates the Canadian Firearms Program to oversee its regulatory framework relating to firearms;

WHEREAS a province may opt in to administering the Canadian Firearms Program by designating a chief firearms officer;

WHEREAS the *Firearms Act* (Canada) gives a province that designates a chief firearms officer the flexibility to administer the Canadian Firearms Program in accordance with the specific needs and circumstances of the province; and

WHEREAS in 2021, the Government of Alberta, following the recommendations of the Fair Deal Panel, designated a chief firearms officer for Alberta to administer the Canadian Firearms Program in Alberta in a manner that respects the values and priorities of Albertans;

THEREFORE HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

- 1 In this Act,

- (a) “Chief Firearms Officer” means the chief firearms officer for Alberta designated under the *Firearms Act* (Canada);
- (b) “firearms matters” means matters relating to
 - (i) the manufacture, ownership, transfer, display, use, storage, transportation and servicing of firearms, ammunition, accessories and parts, and
 - (ii) the regulation of the use and ownership of firearms, ammunition, accessories and parts under this Act, the *Firearms Act* (Canada) and the *Criminal Code* (Canada);
- (c) “firearms officer” means a firearms officer designated as a firearms officer for Alberta under the *Firearms Act* (Canada);
- (d) “fiscal year” means the period beginning on April 1 of one year and ending on March 31 of the next year;
- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) “prescribed” means prescribed by the regulations;
- (g) “specified enactment” means
 - (i) a regulation made under section 117.15 of the *Criminal Code* (Canada) on or after May 1, 2020, that prescribes
 - (A) any firearm as a restricted firearm or prohibited firearm,
 - (B) any device as a prohibited device, or
 - (C) any ammunition as prohibited ammunition,and
 - (ii) any other prescribed enactment of Canada.

Part 1 Office of the Chief Firearms Officer

Office of the Chief Firearms Officer

2(1) The Office of the Chief Firearms Officer is established as part of the Minister's department.

(2) The Office of the Chief Firearms Officer consists of the following individuals appointed in accordance with the *Public Service Act*:

- (a) the Chief Firearms Officer;
- (b) firearms officers;
- (c) any other employees necessary for the administration of this Act.

Responsibilities of Chief Firearms Officer

3 The Chief Firearms Officer, with respect to firearms matters in Alberta,

- (a) shall develop and implement policies, procedures and strategies,
- (b) shall identify and conduct studies of specific issues or a specific subject-matter and may publish the results of those studies,
- (c) shall review the programs and policies of the governments of other jurisdictions that may affect individuals as firearms users and owners,
- (d) shall consult with and provide support to stakeholders,
- (e) shall engage in advocacy for and outreach to Alberta's firearms community,
- (f) shall provide information and advice to all levels of government,
- (g) shall develop and implement initiatives in coordination with other departments,

- (h) shall recommend the establishment of advisory boards or advisory committees by the Minister with respect to specific issues or a specific subject-matter,
- (i) shall inform and educate Albertans, and
- (j) shall carry out any other prescribed responsibilities.

Shooting clubs and shooting ranges

4(1) In this section, “operator”, “shooting club” and “shooting range” have the same meanings as in the *Shooting Clubs and Shooting Ranges Regulations* (Canada) (SOR/98-212) made under the *Firearms Act* (Canada).

(2) Subject to the *Firearms Act* (Canada) and the regulations made under that Act, the Chief Firearms Officer may establish rules and requirements in respect of shooting clubs and shooting ranges.

(3) The operator and each user of a shooting club or shooting range shall comply with the rules and requirements established under subsection (2).

Licences, approvals and authorizations

5(1) Subject to the *Firearms Act* (Canada) and the regulations made under that Act, the Chief Firearms Officer may establish rules and requirements in respect of licences, approvals and authorizations under the *Firearms Act* (Canada) that relate to

- (a) public safety, and
- (b) any other prescribed matters.

(2) The holder of a licence, approval or authorization under the *Firearms Act* (Canada) shall comply with the applicable rules and requirements established under subsection (1).

(3) The Chief Firearms Officer may revoke a licence, approval or authorization under the *Firearms Act* (Canada) if the holder of the licence, approval or authorization fails to comply with the applicable rules and requirements established under subsection (1).

Annual report

6(1) The Chief Firearms Officer shall submit to the Minister, as soon as practicable after the end of each fiscal year, a report summarizing the activities of the Office of the Chief Firearms Officer during that fiscal year and setting out any recommendations relating to firearms matters that the Chief Firearms Officer considers appropriate.

(2) The Minister shall lay a copy of the report before the Legislative Assembly as soon as practicable if the Legislative Assembly is sitting or, if it is not sitting, within 15 days after the commencement of the next sitting.

(3) The Minister shall publish the report on the website of the Minister's department within 30 days after it is laid before the Legislative Assembly.

Part 2 Seizure of Firearms, Ammunition, Accessories and Parts

Definitions

7 In this Part,

- (a) "compensation program" means a program established under section 11 with respect to the payment of compensation relating to the seizure of firearms, ammunition, accessories and parts;
- (b) "licence" means a licence issued under section 8;
- (c) "testing program" means a program established under section 12 with respect to the forensic and ballistic testing of seized firearms, ammunition, accessories and parts.

Licensing of seizure agents or persons providing seizure agents

8(1) The Minister, in accordance with the regulations, may issue a licence to an applicant authorizing the applicant to

- (a) act as a seizure agent, or
- (b) engage in the business of providing seizure agents.

(2) A licensee has the powers, duties and functions set out in the regulations.

(3) The Minister may renew, amend, suspend or cancel a licence in accordance with the regulations.

Licence terms and conditions

9(1) The Minister may impose terms and conditions on a licence in accordance with the regulations.

(2) A licensee shall comply with any terms and conditions imposed by the Minister on the licence.

Prohibitions

10(1) No person shall act as a seizure agent without holding a valid licence.

(2) No person shall engage in the business of providing seizure agents without holding a valid licence.

Compensation relating to seized firearms, ammunition, accessories and parts

11 The Minister may establish and operate a program in accordance with the regulations with respect to the payment of compensation relating to firearms, ammunition, accessories and parts seized under or for the purposes of a specified enactment.

Testing of seized firearms, ammunition, accessories and parts

12 The Minister may establish and operate a program in accordance with the regulations with respect to the forensic and ballistic testing of firearms, ammunition, accessories and parts seized under or for the purposes of a specified enactment.

Offences and penalties

13(1) A person who contravenes section 10(1) or (2) is guilty of an offence and liable to a fine of

(a) not more than

(i) \$20 000 in the case of an individual, or

(ii) \$100 000 in the case of a corporation,

or

(b) not more than 3 times the amount that the person acquired as a result of the offence.

(2) A person who contravenes or fails to comply with any of the following is guilty of an offence and liable to a prescribed fine:

(a) a prescribed provision of this Part or the regulations made under this Part;

(b) a prescribed term or condition of a licence.

Offence by corporate officer, director or agent

14 If a corporation commits an offence under this Part or the regulations made under this Part, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on conviction to the penalty provided for the offence, whether or not the corporation has been prosecuted for or convicted of that offence.

Regulations

15 The Lieutenant Governor in Council may make regulations

- (a) establishing types or classes of licences;
- (b) prescribing types or classes of firearms, ammunition, accessories and parts in respect of which this Part and the regulations made under this Part apply;
- (c) prescribing persons or classes of persons who are required to hold a licence;
- (d) prescribing persons or classes of persons who are not required to hold or are prohibited from holding a licence;
- (e) prescribing activities that licensees are authorized to carry out and prohibiting the carrying out of those activities without a licence;
- (f) respecting the powers, duties and functions of licensees;

- (g) respecting applications for the issuance and renewal of licences;
- (h) respecting application fees, including regulations
 - (i) authorizing the Minister to charge application fees, and
 - (ii) fixing the amount of those fees;
- (i) respecting the requirements that must be met for the issuance or renewal of licences;
- (j) respecting the circumstances in which the Minister may refuse to issue or renew licences;
- (k) respecting terms and conditions that the Minister may impose on licences;
- (l) respecting the term of licences;
- (m) respecting the amendment, suspension and cancellation of licences;
- (n) respecting the requirement to return expired, suspended, cancelled or otherwise invalid licences;
- (o) respecting requirements that licensees must meet as a condition of holding a licence;
- (p) respecting records and other documents that licensees are required to keep for the purposes of this Part and the manner in which such records and documents are to be kept;
- (q) respecting the prohibition, regulation and control of advertising by licensees;
- (r) respecting complaints relating to licensees;
- (s) respecting inspections and investigations relating to licensees, including regulations
 - (i) authorizing the Minister to appoint inspectors and investigators,

- (ii) prescribing the circumstances in which inspections and investigations may be or are required to be carried out,
- (iii) respecting the powers, duties and functions of inspectors and investigators,
- (iv) respecting procedural and evidentiary matters relating to inspections and investigations,
- (v) respecting the production of records, documents, objects and information, and
- (vi) respecting entry and searches of premises;
- (t) respecting the seizure by licensees of firearms, ammunition, accessories and parts;
- (u) respecting the rights of persons from whom firearms, ammunition, accessories and parts are seized to make written representations;
- (v) respecting the transportation by licensees of seized firearms, ammunition, accessories and parts;
- (w) respecting the storage by licensees of seized firearms, ammunition, accessories and parts;
- (x) respecting the modification, destruction and deactivation by licensees of seized firearms, ammunition, accessories and parts;
- (y) respecting identification and uniforms for licensees;
- (z) respecting safety requirements for licensees;
- (aa) respecting the reporting of incidents involving the use of force or other unusual interventions;
- (bb) respecting the establishment, implementation and operation of a compensation program;
- (cc) respecting the payment of compensation, including regulations respecting the circumstances in which compensation is payable and by whom it is payable;

- (dd) respecting the factors to be considered for the payment of compensation;
- (ee) respecting the determination of the fair market value of firearms, ammunition, accessories and parts for the purposes of the payment of compensation, including regulations respecting methods to be used to determine fair market value;
- (ff) respecting information and documents that the Chief Firearms Officer may request for the purposes of determining the fair market value of firearms, ammunition, accessories and parts;
- (gg) respecting firearms compensation committees, including regulations respecting
 - (i) the establishment and composition of firearms compensation committees,
 - (ii) the reimbursement of members of firearms compensation committees for expenses, and
 - (iii) the powers, duties and functions of firearms compensation committees;
- (hh) respecting exemptions from the requirement to pay compensation or circumstances in which the payment of compensation is prohibited;
 - (ii) respecting the establishment, implementation and operation of a testing program;
 - (jj) respecting the submission of seized firearms, ammunition, accessories and parts to a testing program;
 - (kk) respecting the forensic and ballistic testing of seized firearms, ammunition, accessories and parts;
 - (ll) respecting the designation by the Chief Firearms Officer of approved testing facilities;
- (mm) respecting the powers, duties and functions of approved testing facilities;

- (nn) respecting the powers, duties and functions of the Chief Firearms Officer and the Minister for the purposes of this Part;
- (oo) prescribing provisions of this Part or the regulations made under this Part or terms and conditions of licences for the purposes of section 13(2);
- (pp) prescribing penalties for the purposes of section 13(2).

Part 3 General

Federal funding

16 A municipal entity, police service or police commission must meet the requirements in the regulations before

- (a) entering into an agreement with the Government of Canada that includes funding to support the enforcement of a specified enactment, or
- (b) accepting a grant or any other form of financial assistance from the Government of Canada to support the enforcement of a specified enactment.

Immunity

17 No action or proceeding lies or shall be commenced against the Crown, the Minister, the Chief Firearms Officer, a firearms officer, a member of a firearms compensation committee or any employee of the Crown, if that person is acting under the authority of this Act or the regulations, for anything done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons under or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

Regulations

18 The Lieutenant Governor in Council may make regulations

- (a) prescribing enactments of Canada for the purposes of section 1(g)(ii);

- (b) prescribing other responsibilities of the Chief Firearms Officer for the purposes of section 3(j);
- (c) prescribing matters for the purposes of section 5(1)(b);
- (d) prescribing requirements that must be met for the purposes of section 16;
- (e) respecting the collection, use and disclosure of information, including personal information, for the purposes of this Act and the regulations;
- (f) respecting the confidentiality of information collected under or for the purposes of this Act and the regulations;
- (g) respecting the exemption from the application of all or any provision of this Act or the regulations of
 - (i) any person or class of persons, and
 - (ii) any firearm, ammunition, accessory or part or class of firearms, ammunition, accessories or parts;
- (h) varying the application of all or any provision of this Act or the regulations to
 - (i) any person or class of persons, and
 - (ii) any firearm, ammunition, accessory or part or class of firearms, ammunition, accessories or parts;
- (i) defining, for the purposes of this Act, any word or phrase used but not defined in this Act;
- (j) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the purposes of this Act.

Coming into force

19(1) Section 6 comes into force on April 1, 2025.

(2) Part 2 comes into force on Proclamation.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To