

## EXPLANATORY NOTES

### B I L L

No. 42

#### **An Act to amend *The Saskatchewan Firearms Act***

#### **Clause of Bill**

1 *The Saskatchewan Firearms Amendment Act, 2025*

2 *The Saskatchewan Firearms Act*

3 **Existing Provision**

#### **Definitions**

1-2 In this Act:

...

“**commissioner**” means the Saskatchewan firearms commissioner designated pursuant to section 2-2;

...

“**non-restricted firearm**” means a non-restricted firearm as defined in section 84 of the *Criminal Code*;

...

2023, c8, s.1-2.

#### **Explanation**

The definition of “commissioner” is amended to include any deputy commissioner or assistant commissioner.

The new definition of “owner” clarifies that a reference to a firearm owner in the Act also includes their heirs, executors, administrators and other legal representatives.

**4**     **Existing Provision**

**Saskatchewan firearms commissioner**

**2-2(1)** The minister may designate an individual as the Saskatchewan firearms commissioner.

(2) The minister may delegate to the commissioner the exercise of any of the powers given to, or the fulfilment of any of the responsibilities imposed on, the minister pursuant to this Act and the regulations.

(3) The minister may impose any terms and conditions on a delegation pursuant to this section that the minister considers appropriate.

(4) A decision or action of the commissioner in relation to the exercise or performance of any power or responsibility delegated to the commissioner pursuant to subsection (2) is deemed to be a decision or action of the minister.

2023, c8, s.2-2.

**Explanation**

The amendment to section 2-2 clarifies the minister’s authority to designate deputy commissioners or assistant commissioners. These individuals can further be delegated authority to carry out the minister’s duties under the Act, subject to any restrictions established by the minister.

**5**     **Existing Provision**

**Importing or exporting knowing it is unauthorized**

**3-12** No business shall import or export a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited device, any prohibited ammunition or any component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm otherwise than pursuant to the authority of the *Firearms Act* (Canada) or any other Act of the Parliament of Canada.

2023, c8, s.3-12.

**Explanation**

The amendment to section 3-12 expands the prohibition against illegal imports or exports of firearms by businesses to cover all persons.

**6**     **Existing Provision**

**Offences under Division**

**3-16**(1) Subject to subsection (2), any person who contravenes any provision of this Division or any regulations made with respect to this Division is guilty of an offence and liable on summary conviction to:

(2) A person is not guilty of an offence pursuant to this Division if that person would not be guilty of an offence pursuant to the *Criminal Code* or the *Firearms Act* (Canada) pursuant to sections 117.07 to 117.09 of the *Criminal Code*.

2023, c8, s.3-16.

**Explanation**

Section 3-16 is amended to extend the general offence provisions from Division 2 of Part 3 to all of Part 3.

**7**     **Existing Provision**

**Alternative measures**

**3-17**(2) Alternative measures may be used to deal with a person alleged to have committed an offence pursuant to this Division if the following conditions are met:

...

2023, c8, s.3-17.

**Explanation**

Section 3-17 is amended to extend the alternative measures provisions from Division 2 of Part 3 to all of Part 3.

**8**     **Existing Provision**

**Alternative penalties**

**3-18** A court that convicts a person of an offence may, in addition to any other penalty imposed, or in substitution of any other penalty the court may impose, and having regard to the nature of the offence and the circumstances surrounding its commission, make one or more of the following orders in the prescribed form:

2023, c8, s.3-18.

**Explanation**

The amendment clarifies that a person who fails to comply with an order commits an offence.

**9 Existing Provision****Offence by corporate officers, etc.**

**3-19** If a corporation commits an offence pursuant to this Division or any regulations made with respect to this Division, any officer or director 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 penalties provided by this Division whether or not the corporation has been prosecuted or convicted.

2023, c8, s.3-19.

**Explanation**

Section 3-19 is amended to extend the corporate offence provisions from Division 2 of Part 3 to all of Part 3.

**10 Existing Provision**

None.

**Explanation**

New Division 3 of Part 3 clarifies the Chief Firearms Officer's authority to conduct inspections of shooting clubs or shooting ranges that are operating in Saskatchewan.

New Division 4 of Part 3 allows medical professionals to share information respecting persons who are suffering from a condition that makes it dangerous to possess and use a firearm with the Saskatchewan Firearms Commissioner, Chief Firearms Officer or a peace officer.

New Division 5 of Part 3 allows the Chief Firearms Officer to designate firearm safety instructors in Saskatchewan, and to revoke a designation for any reason. The Chief Firearms Officer is also allowed to adopt policies or guidelines for the purposes of designating instructors. Any person who instructs a firearm safety course without a designation, or who fails to comply with a policy or guideline of the Chief Firearms Officer, or any other prescribed rules, is guilty of an offence.

**11 Existing Provision**

**Definitions and interpretation for Part**

**4-1(2)** The following persons are not seizure agents for the purposes of this Part:

(a) Not yet in force.

(b) Not yet in force.

...

2023, c8, s.4-1.

**Explanation**

Current subsection 4-1(2) lists persons who are deemed not to be seizure agents for the purposes of the Act, including the Saskatchewan Firearms Commissioner and any prescribed persons. The amendments remove exemptions for the chief firearms officer, and firearms officers, which are not in force.

**12 Existing Provision**

**Compliance with Part**

**5-2** A person, including a seizure agent, who conducts the physical seizure of a firearm is responsible for ensuring compliance with this Part.

2023, c8, s.5-2.

**Explanation**

New Division 5 of Part 5 allows the Saskatchewan Firearms Commissioner to take possession of individuals' firearms while those owners secure compensation. The amendment to section 5-2 clarifies that the Commissioner is not responsible for providing compensation when taking possession of a firearm for this purpose.

**13 Existing Provision**

**Testing of firearms for criminal history**

**5-8** If a firearm is seized from an owner pursuant to or for the purposes of enforcing a specified law, the person who conducts the seizure of the firearm must submit the firearm for forensic and ballistic testing in accordance with this Division in order to:

...

2023, c8, s.5-8.

**Explanation**

The amendment to section 5-8 clarifies that the requirement to test seized firearms for a criminal history does not apply where a firearm has never been owned by an individual.

**14** **Existing Provision**

None.

**Explanation**

New Division 5 of Part 5 respecting Deemed Seizures is added.

Current Part 5 of the Act requires a person who seizes a firearm pursuant to a specified federal law to provide fair market compensation to the owner, as determined by the Saskatchewan Firearms Commissioner.

New section 5-14 deems a firearm to be seized if:

- the firearm is subject to a specified law; and
- the owner does not receive full, fair market compensation in accordance with this Part within 12 months after the specified law comes into force.

If a firearm is deemed to be seized, the owner may submit a request for fair market valuation under this Part and the Government of Canada is required to pay the owner full compensation for the fair market value of the firearm.

Section 5-15 allows the Saskatchewan Firearms Commissioner to store a firearm on behalf of an owner, if the owner submits a request for fair market value under this Division. The Commissioner, in their discretion, may arrange for forensic and ballistic testing on the firearm while storing it.

This section also allows the Commissioner to contract with other persons to collect and store firearms for the purposes of this Division.

Both the Commissioner and contractors are exempt from the requirement to pay fair market value for the firearm to the owner if they take possession of and store a firearm in accordance with this section or section 5-16.

Section 5-16 requires an owner who receives full payment for a firearm under this Division to provide written notice to the Saskatchewan Firearms Commissioner.

On receiving notice of full payment, the Commissioner may:

- arrange for the destruction or deactivation of the firearm if the Commissioner is storing the firearm for the owner; or
- provide direction to the owner respecting the destruction or deactivation of the firearm if the Commissioner is not storing the firearm for the owner.

**15**     **Existing Provision**

**Regulations**

**6-9** The Lieutenant Governor in Council may make regulations:

...

(e) prescribing the form of an order for the purposes of section 3-18;

...

(k) prescribing requirements for an approved testing facility for the purposes of section 5-12;

...

2023, c8, s.6-9.

**Explanation**

Section 6-9 is amended to add regulation-making powers related to the new provisions above.

**16**     Coming into force.