

PROPOSED AMENDMENT TO BILL 4

Honourable Mike Farnworth to move, in Committee of the Whole, on
Bill 4

Firearm Violence Prevention Act

to amend as follows:

CLAUSE 5, by renumbering the proposed clause 5 as clause 5 (1) and by adding the following:

- (2) For certainty, this section must be construed in accordance with section 35 of the *Constitution Act, 1982*.

CLAUSE 10, by adding the underlined text as shown:

Exemptions for designated officials and prescribed exemptions

10 (1) In this section:

“**designated official**” means an individual who is any of the following:

- (a) a peace officer, other than a mayor, as described in paragraph (a), (b) or (c) of the definition of “peace officer” in section 29 [*expressions defined*] of the *Interpretation Act*;
- (b) a conservation officer within the meaning of section 1 (1) [*definitions*] of the *Environmental Management Act*;
- (c) a wildlife officer;
- (d) a park officer or park ranger within the meaning of section 1 [*definitions*] of the *Park Act*;
- (e) an employee of an armoured car guard service within the meaning of section 1 [*definitions*] of the *Security Services Act*;
- (f) a prescribed person;

“**wildlife officer**” means an individual who is any of the following:

- (a) an assistant director, director or regional manager within the meaning of section 1 (1) [*definitions and interpretation*] of the *Wildlife Act*;
- (b) a prescribed officer or employee of the government.

- (2) A designated official who carries out an action that would otherwise contravene any of the following provisions does not contravene the provision if the action is lawful for the purposes of exercising the designated official's powers or performing the designated official's duties:
- (a) section 3 *[prohibition against using, transporting, carrying or storing firearm in unsafe manner]*;
 - (b) section 4 (1) or (2) *[prohibition and requirement respecting firearm or imitation firearm in vehicle or boat]*;
 - (c) section 5 (1) *[prohibition against discharging firearm from vehicle or boat]*;
 - (d) section 6 (2) *[prohibition against operating vehicle if certain firearms, ammunition or devices in vehicle]*;
 - (e) section 8 (2) *[prohibition against causing public disturbance with low-velocity firearm or imitation firearm]*.
- (3) The regulations may establish exemptions in relation to a prohibition or requirement under section 3, 4, 5 (1), 6 (2), 8 (2) or 9 (2).

CLAUSE 62, by adding the underlined text as shown:

Power to arrest without warrant

- 62** A peace officer may arrest a person, without a warrant, if the peace officer reasonably believes that the person is committing an offence by contravening any of the following:
- (a) section 3 *[prohibition against using, transporting, carrying or storing firearm in unsafe manner]*;
 - (b) section 4 (1) or (2) *[prohibition and requirement respecting firearm or imitation firearm in vehicle or boat]*;
 - (c) section 5 (1) *[prohibition against discharging firearm from vehicle or boat]*;
 - (d) section 6 (2) *[prohibition against operating vehicle if certain firearms, ammunition or devices in vehicle]*;
 - (e) section 8 (2) *[prohibition against causing public disturbance with low-velocity firearm or imitation firearm]*;
 - (f) section 9 (2) *[prohibition against possessing low-velocity firearm or imitation firearm if subject to federal prohibition]*;
 - (g) section 11 (1), (2) or (3) *[prohibition against selling, renting or supplying low-velocity firearm, imitation firearm or ammunition to minor]*;
 - (h) section 15 (2) or (3) *[prohibition against minor discharging or possessing low-velocity firearm or imitation firearm in prohibited area]*;

- (i) section 18 *[prohibition against possessing firearm or imitation firearm in or on designated property]*;
- (j) section 32 (1) or (2) *[prohibition against using shooting range if identification or federal licence not produced]*;
- (k) section 57 (1) *[duty to permit peace officer to inspect certain weapons and things]*;
- (l) a prescribed provision of this Act or the regulations.

CLAUSE 65, by adding the underlined text as shown:

Higher penalty offences

- 65** (1) A person who contravenes any of the following commits an offence:
- (a) section 3 *[prohibition against using, transporting, carrying or storing firearm in unsafe manner]*;
 - (b) section 4 (1) or (2) *[prohibition and requirement respecting firearm or imitation firearm in vehicle or boat]*;
 - (c) section 5 (1) *[prohibition against discharging firearm from vehicle or boat]*;
 - (d) section 6 (2) *[prohibition against operating vehicle if certain firearms, ammunition or devices in vehicle]*;
 - (e) section 8 (2) *[prohibition against causing public disturbance with low-velocity firearm or imitation firearm]*;
 - (f) section 9 (2) *[prohibition against possessing low-velocity firearm or imitation firearm if subject to federal prohibition]*;
 - (g) section 11 (1), (2) or (3) *[prohibition against selling, renting or supplying low-velocity firearm, imitation firearm or ammunition to minor]*;
 - (h) section 18 *[prohibition against possessing firearm or imitation firearm in or on designated property]*;
 - (i) section 29 *[prohibition against providing false or misleading information in shooting range records]*;
 - (j) section 57 *[duty to permit peace officer to inspect certain weapons and things]*;
 - (k) section 63 *[prohibition against obstructing inspection, search, seizure or arrest]*;
 - (l) section 64 *[prohibition against providing false or misleading information to peace officer]*;
 - (m) a court order made under section 68 (1) *[court order to prohibit possession]*;

- (n) section 75 *[prohibition against providing false or misleading information about low-velocity firearms];*
 - (o) section 76 *[prohibition against producing false or misleading identification];*
 - (p) section 77 *[prohibition against producing false or misleading federal licence or authorization].*
- (2) Unless subsection (3) applies, a person who commits an offence under subsection (1) is liable,
- (a) if the person is an individual, to one or both of the following:
 - (i) a fine of not more than \$5 000;
 - (ii) imprisonment for not more than 12 months, or
 - (b) if the person is not an individual, to a fine of not more than \$100 000.
- (3) If a person who commits an offence under subsection (1) has, within the previous 5 years, committed the same offence or another offence under that subsection, the person is liable,
- (a) if the person is an individual, to one or both of the following:
 - (i) a fine of not more than \$7 500;
 - (ii) imprisonment for not more than 18 months, or
 - (b) if the person is not an individual, to a fine of not more than \$200 000.

CLAUSE 80, by adding the underlined text as shown:

Regulations in relation to firearms and imitation firearms

- 80** (1) For the purposes of section 10 (3) *[exemptions for designated officials and prescribed exemptions]*, the Lieutenant Governor in Council may make regulations establishing full or partial exemptions in relation to a prohibition or requirement under any of the following:
- (a) section 3 *[prohibition against using, transporting, carrying or storing firearm in unsafe manner];*
 - (b) section 4 *[prohibition and requirement respecting firearm or imitation firearm in vehicle or boat];*
 - (c) section 5 (1) *[prohibition against discharging firearm from vehicle or boat];*
 - (d) section 6 (2) *[prohibition against operating vehicle if certain firearms, ammunition or devices in vehicle];*
 - (e) section 8 (2) *[prohibition against causing public disturbance with low-velocity firearm or imitation firearm];*
 - (f) section 9 (2) *[prohibition against possessing low-velocity firearm or imitation firearm if subject to federal prohibition].*

- (2) A regulation under subsection (1) may do any of the following:
 - (a) specify purposes for which or circumstances in which an exemption applies;
 - (b) establish criteria, conditions, requirements or obligations that must be met or complied with in relation to an exemption;
 - (c) specify how a person or entity may or must prove or establish that an exemption applies.

CLAUSE 86, by adding the underlined text as shown:

Wildlife Act transition

- 86** (1) In this section:
- “**effective date**” means the date on which section 87 of this Act comes into force;
 - “**former Act**” means the *Firearm Act*, R.S.B.C. 1996, c. 145;
 - “**pre-existing permit**” means a permit under the *Wildlife Act* that
 - (a) exists immediately before the effective date, and
 - (b) exempts a person from a requirement under section 9 (1) [*offence*] of the former Act.
- (2) A reference in a pre-existing permit to an exemption from a requirement under section 9 of the former Act is deemed to be a reference to an exemption from the corresponding requirement under any of the following provisions of this Act:
- (a) section 4 [*prohibition and requirement respecting firearm or imitation firearm in vehicle or boat*];
 - (b) section 5 (1) [*prohibition against discharging firearm from vehicle or boat*].
- (3) Section 24 (8) (d) [*suspension and cancellation of licences*] of the *Wildlife Act*, as it read immediately before its repeal by section 96 of this Act, applies in respect of a person who
- (a) is alleged to have committed, before the effective date, an offence under section 3 [*exercise of care for safety of others*] of the former Act, and
 - (b) is convicted, after the effective date, of the offence referred to in paragraph (a) of this subsection.
- (4) Section 85 (1) (a) [*failure to pay fine*] of the *Wildlife Act*, as it read immediately before its amendment by section 98 of this Act, applies in respect of a person who, on the effective date, has not yet paid a fine imposed as a result of the person’s conviction, before the effective date, for an offence under the former Act.

CLAUSE 94, by adding the underlined text as shown:

94 *Section 83 (2) (c) is repealed and the following substituted:*

(c) section 3, 4 or 5 (1) of the *Firearm Violence Prevention Act*, .

CLAUSE 95, by adding the underlined text as shown:

95 *Section 19 (3) of the Wildlife Act, R.S.B.C. 1996, c. 488, is repealed and the following substituted:*

(3) If a regional manager issues a permit respecting the use of firearms, the regional manager may

(a) exempt a person from section 4 or 5 (1), in whole or in part, of the *Firearm Violence Prevention Act*, and

(b) specify the conveyance or type of conveyance to which the permit is limited.

CLAUSE 101, by adding the underlined text as shown:

101 *Section 108 (3) is amended by adding the following paragraph:*

(d.1) in respect of a regulation under paragraph (d) of this subsection, exempting a person from section 4 or 5 (1), in whole or in part, of the *Firearm Violence Prevention Act*; .

The Honourable Mike Farnworth