

A similar discretionary element would be added to section 100(7) of the Code when a judge upholds a firearms officer's refusal to issue an FAC. The Special Committee acknowledges the concerns expressed by some of the witnesses who appeared before us that such prohibition orders should be mandatory. The Committee believes, however, that the discretionary powers accorded a sentencing judge pursuant to Bill C-80 are carefully circumscribed and thus ensure a principled and balanced approach to this area.

The Special Committee believes, however, that the duration of prohibition orders should be much longer where the person is guilty of an offence that gives reasonable ground to fear that the person is likely to abuse the privilege of firearms possession. The Committee thus recommends that the duration of the prohibition order imposed under section 100(1), now five years in the case of a first conviction and ten years in the case of subsequent convictions, should be extended to ten years and a life prohibition respectively.

### **RECOMMENDATION 30**

**The Special Committee recommends that the duration of a prohibition order under section 100(1) of the Criminal Code be extended to ten years in the case of a first conviction and for life in any other case. The Special Committee does not oppose the addition of an element of discretion in section 100(1) and (7) of the Code as proposed in Bill C-80.**

## **4. IMPORTATION**

The enactment of more effective firearms laws in Canada will be of limited value if border controls are not sufficient to keep illegal firearms out of the country. The Special Committee heard disturbing testimony that present resources and controls do not allow for effective screening of firearms legally imported into Canada, much less provide for any effective deterrent or control that would limit the smuggling of firearms through clandestine operations or even as part of commercial importations.

The President of the Customs Union stated that the Department of National Revenue, Customs & Excise, suffers from staff shortages and inadequate training of customs officers. He suggested that at least 1000 more customs officers were needed, and that all customs officers require more training in regard to Canada's firearms laws. Officials from the Department also appeared before the Special Committee. Although they did not directly agree with these assertions, or confirm the number suggested in regard to the shortage of staff, they did not seriously challenge the primary thrust of the evidence that the Department does not have enough resources to deal adequately with the challenge presently before it.

The Union President also expressed concern about the lack of any roving border patrol that could interdict smuggling between points of entry, and of the problem of unarmed customs officers challenging those they believe may be smuggling firearms or may be in possession of firearms that are not legal in Canada. He suggested that officers in such a position are at great personal risk and should be armed. Staff Inspector Crampton also suggested that officers on night duty or stationed at lonely border posts should be armed. The Special Committee is concerned about the risk to customs