

increased to a three year minimum for first offences, and a five year minimum for subsequent offences. The Committee is thus recommending a tripling of the mandatory jail term for a first offence involving a firearm. Sentencing under this provision must continue to be consecutive to any other sentences arising out of the same events. We stress that such sentence increases are an essential component of our overall firearms control package.

Finally, we note that the federal government has been considering general parole and sentencing issues since 1987, when the Canadian Sentencing Commission reported. Since then, the Standing Committee on Justice and Solicitor General has studied and reported on these issues, and the government, in response, published a Green Paper in 1990. The Special Committee urges the federal government to proceed as soon as possible to act upon the Standing Committee's report. Sentencing law and practice must be improved to assure better public protection from all types of criminal acts.

RECOMMENDATION 29

The Special Committee recommends that with respect to section 85 of the Criminal Code, the minimum mandatory sentences therein be increased to three and five years respectively (from one and three respectively) and that these sentences retain their consecutive feature relative to other sentences imposed as a result of the same event or series of events. The Special Committee further recommends that the Minister of Justice work with the provincial Attorneys General in establishing a set of firm directives for Crown Attorneys which would require the laying of section 85 charges whenever firearms are used in the commission of criminal offences. Moreover, the consent of the provincial Attorney General would be required before a section 85 charge could be withdrawn.

3. PROHIBITION ORDERS

Prohibition orders attempt to prevent the criminal or unsafe use of firearms by making it illegal for those subject to them to be in possession of firearms or ammunition. They are mandatory in some cases, and discretionary in others, and are imposed on those convicted of offences involving violence, and offences involving the use, carrying, possession, handling, shipping and storing of a firearm or ammunition. They also apply when a judge upholds a firearms officer's refusal to issue an FAC.

Section 100(1) of the Criminal Code presently provides for a mandatory order prohibiting the possession of a firearm or ammunition by anyone convicted of an indictable offence involving violence, for which the offender may be sentenced to ten years or more. It also applies to instances of an offence committed under section 85 of the Code. Bill C-80 proposes to grant the sentencing judge the discretion not to impose a prohibition order where it is not desirable in the interests of the safety of the offender or any other person that the order be made, and the circumstances are such that it would not be appropriate to make such an order. In considering whether the circumstances render a prohibition order inappropriate, the judge is directed to consider whether the offender needs a firearm for sustenance or that of his or her family, and whether the order would constitute a virtual prohibition against employment in the only vocation open to the offender. The bill further provides that any court exercising this discretion, and not imposing a prohibition order, must provide reasons for so doing.