

As for the amendment with respect to penalties for violation of the act, in my opinion it is more likely to protect criminals than honest citizens — farmers or hunters — who own long guns and fail to register them.

To violate the clauses relating to licencing and registration in Bill C-68 is considered a criminal offence, which was already the case for any violation of the requirements for restricted firearms in the legislation currently in effect. Considering the very real problem of gun smuggling and the wrongful use of unlawfully acquired firearms; the fact that some people have already stated they intend to ignore the act; and taking into account the discretionary powers already available to the police, governments and the courts to exercise leniency, it seems to us that the penalties provided in Bill C-68 are entirely appropriate. There are, of course, other solutions such as confiscating firearms, but we believe it is important to maintain the option of criminal proceedings.

Bill C-68 does not constitute an undue burden for gun owners, and it protects their legitimate activities while ensuring that public safety is not at risk. Although certain weapons associations advocate breaking the law, as evidenced by the *Firearms Digest*, we should not give in to this sort of threat any more than we would to tax fraud or the contravention of laws on drunk driving.

Clearly, when the law is inadvertently broken, there must be room for leniency. The police already have discretion in such circumstances. Thus, in the context of the present legislation, we have to admit that we do not often hear about seniors being arrested and charged for having failed to register their handguns. The police would ask them instead to register them, or to turn them in for destruction.

There are, nevertheless, a million restricted firearms in Canada, and the Criminal Code provides penalties for those who have failed to register such weapons. I defy anyone, however, to give me examples of honest citizens being subject to severe penalties for having broken this law. Accusations may certainly be made in particular circumstances, for example, in the case of a weapon that is improperly used or unsafely stored. We should point out that legal action for possession of unregistered handguns is for the most part accompanied by other charges, such as armed robbery. Similarly, criminal proceedings relating to matters of storage are rare, except where death or injury is involved. Generally speaking, the police will simply ask the owner to correct the situation. There is nothing to indicate that they will behave differently once the provisions in Bill C-68 on registration and licencing apply.

This is why I continue to believe that, thanks to the discretionary powers of the police, the administration and the courts, honest citizens run little risk of being accused of committing a criminal act in failing to register their long gun. Furthermore, since clause 112 provides for a lesser charge in the case of a first offence, it therefore gives another option to police still wanting to lay a charge in a case that is not serious.

On the other hand, failure to obtain a licence is, in my opinion, a more serious offence, for which adequate provision is made in sections 91 and 92 of the Criminal Code. It is essential to be able to lay criminal charges if a person fails to comply with these provisions, even if it is a first offence.

When it is clearly established that a person deliberately tries to get around the law, either because he does not approve of the legislation or is involved in criminal activities, more stringent sanctions are provided. Clause 92 provides for penalties when a person knowingly fails to register a weapon or obtain a licence; these penalties may be imposed if there is clear evidence of civil disobedience or concealment of possession of a weapon. However, the mandatory penalty under clause 92 applies only in the case of a second conviction. Considering the serious nature of trafficking in prohibited weapons, this is entirely justified.

Make no mistake: So-called honest citizens who do not pay their taxes can become criminals, just like those who receive welfare or unemployment insurance benefits and fail to declare their income. Why should it be otherwise for so-called honest citizens who own firearms? If they do not want to become criminals, all they have to do is obey the law, like any other Canadian.

The legislation must have enough teeth to have an impact on the worst offenders, while allowing for sufficient flexibility in dealing with those who break the law through ignorance or pure negligence.

The proposed amendment goes well beyond that. It not only abolishes the offence of failing to register a long gun, it also abolishes the mandatory penalty for failing to register prohibited or restricted weapons. The majority of prohibited or restricted weapons are handguns or automatic weapons, so why get rid of minimum sentences for possession of non-registered handguns or automatic weapons when such weapons are largely used to commit crimes?

Honourable senators, it is our duty to make improvements in the bills entrusted to us after they are passed by the House of Commons. In the case of concern to us here, this last amendment, like all the others recommended by the majority report from the Senate Standing Committee on Legal and Constitutional Affairs, does nothing to improve Bill C-68, calling for more severe controls over firearm possession and use. When the time comes for us to vote to adopt or reject this report, when we have to endorse or reject the proposed amendments, I implore you, honourable senators, to leave aside any partisan spirit, to think of making this a final tribute to the fourteen women who fell victim to a mad killer at the École polytechnique de Montréal on December 6, 1989, and to the 1,400 other victims who are shot to death each year in Canada. I implore you to think of their right to live in peace and happiness. I implore you to pass Bill C-68 without further delay, as it stands, and to reject the proposed amendments. We owe as much to Canada, which is still one of the best countries of the world in which to live.