

CHAPTER 3

TYPES OF FIREARMS

1. AUTOMATIC FIREARMS CONVERTED TO SEMI-AUTOMATIC MODE

A. The Prohibition

In 1977, when the present firearms control regime was established, fully-automatic weapons were prohibited, subject to a provision which allowed those automatics (then restricted weapons) which were properly registered and held by "bona fide gun collectors" as of January 1, 1978 (when the prohibition came into force) to be retained. These "grandfathered" automatics, approximately 5,000 of them, are the only legal fully-automatic firearms which have been in Canada since 1978, and they can only be traded among those who legally possessed such a gun when the grandfathering provision took effect.

From that point on, the only automatic weapons which could enter Canada were those which had been converted to fire only in a semi-automatic mode. A great deal of interest eventually developed in these converted automatics, and the Special Committee heard evidence that an estimated 50,000 or more such firearms have entered Canada since 1978, although it is not clear how many of these guns remain in the country.

The Special Committee heard a great deal of evidence on the issue of the extent to which these converted firearms could be reconverted back to fully-automatic fire. It was the evidence of Mr. Murray Smith, a firearms expert with the R.C.M.P., that while these firearms can be altered so as to make them difficult to reconvert, their design is such that no form of alteration can make them impossible to reconvert to fully-automatic fire.

Moreover, it was demonstrated by a firearms expert with the Ontario Provincial Police that many conversions involved little more than cosmetic or easily reversible alterations, so that with a minimum of tools and knowledge they could be reconverted to fully-automatic in a matter of minutes. The danger presented by the use of converted automatics has been addressed in recent case law, which has found many of these "converted" firearms to be prohibited under the ban instituted in 1978 because, given the relative ease with which they can be reconverted, it was determined that they have never really lost the "capability" of fully-automatic fire.

In response to the growing concern in this regard, the government is now proposing in Bill C-80 to prohibit all converted automatics entirely, subject only to a grandfathering provision. Clause 2(3) of the bill would add to the definition of "prohibited weapons" in section 84(1) of the Criminal Code those firearms manufactured as automatics, but converted to semi-automatic fire. Clause 2(5) of the bill would preserve those converted firearms already in the hands of "genuine gun collectors" if registered as "restricted weapons" by a certain date.

Many of the witnesses who appeared before the Special Committee supported the proposed prohibition of these weapons. Even those who opposed banning all of these firearms agreed that many of these conversions did pose a serious danger of reversion, and, with a single exception,