

Legislative
Assembly
of Ontario



Assemblée
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de l'Ontario

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Bill 52

An Act to enact the Stopping Illegal Handgun Smuggling Act, 2021

Co-sponsors:

Mr. P. Tabuns

Ms S. Morrison

Ms R. Berns-McGown

Ms D. Begum

Private Members' Bill

1st Reading November 18, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Stopping Illegal Handgun Smuggling Act, 2021*. The Act requires the Minister to develop an illegal handgun litigation plan in consultation with specified communities and professionals. In developing the plan, the Minister is required to undertake research on various matters, including the entry of illegal handguns into Ontario and the grounds for bringing legal action against gun manufacturers that manufacture handguns in the United States of America. Depending on the results of the research, the Minister may be required to take steps to commence such legal action and, if the Minister considers it in the public interest to do so, to develop legislation.

An Act to enact the Stopping Illegal Handgun Smuggling Act, 2021

Preamble

Handgun crime is a real and growing problem across Ontario. The availability of illegal handguns has led to many tragedies across the Province. These illegal handguns manufactured in America show up on Ontario streets leading to gun and gang violence. In 2018, approximately 70 per cent of all guns seized by the Toronto Police Service were sourced from the United States of America.

Canada and Ontario spend millions of dollars each year to stop the smuggling of guns into Canada and to find and seize illegal guns already in the country. The Mexican government is presently engaged in legal action against American gun manufacturers who the Mexican government alleges are knowingly involved in practices that result in large numbers of guns showing up in Mexico despite the aggressive gun control regime in that country. If similar practices are feeding the smuggling of handguns into Ontario, the Government of Ontario should consider following the example of the Mexican government.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1 In this Act,

“Minister” means the Attorney General or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*.

Illegal handgun litigation plan

2 (1) Within one year after this section comes into force, the Minister shall develop an illegal handgun litigation plan to stop illegal handguns from entering Ontario.

Contents of the plan

(2) The plan shall include the following:

1. The results of the Minister’s research and investigations under section 3.
2. The Minister’s plan to stop illegal handguns from entering Ontario.

Consultation

(3) In developing the plan, the Minister shall consult with,

- (a) communities affected by illegal handguns;
- (b) the legal community involved with any litigation against manufacturers of tobacco or pharmaceutical products; and
- (c) law enforcement and border security professionals.

Publication

(4) The Minister shall publish the plan on a Government of Ontario website.

Research re illegal handguns

3 In developing the illegal handgun litigation plan, the Minister shall undertake research and make investigations respecting,

- (a) the entry of illegal handguns into Ontario and the sales of such handguns within Ontario;
- (b) approaches, including litigation approaches, to address the entry of illegal handguns into Ontario;
- (c) the grounds for bringing legal action against gun manufacturers that manufacture handguns in the United States of America; and
- (d) the likelihood that such legal action would compel the gun manufacturing industry to make changes that would lead to greater protection for Ontarians.

Legal and legislative action

4 If the Minister determines that legal action against manufacturers of handguns is reasonably likely to compel the gun manufacturing industry to make changes that would lead to greater protection for Ontarians, the Minister shall,

- (a) take steps to commence such legal action within six months after the illegal handgun litigation plan is developed; and
- (b) develop legislation respecting the legal action, if the Minister considers it in the public interest to do so.

Report

5 (1) Within six months after the illegal handgun litigation plan is developed, the Minister shall prepare a report on the plan and table the report in the Assembly.

Same

(2) The annual report required under subsection (1) shall include,

- (a) if the Minister determines that legal action against manufacturers of handguns is reasonably likely to compel the gun manufacturing industry to make changes that would lead to greater protection for Ontarians, information about the Minister's strategy for such litigation; or
- (b) if the Minister determines that legal action against manufacturers of handguns is not reasonably likely to compel the gun manufacturing industry to make changes that would lead to greater protection for Ontarians, the reasons the Minister made this determination.

Commencement

6 This Act comes into force on the day it receives Royal Assent.

Short title

7 The short title of this Act is the *Stopping Illegal Handgun Smuggling Act, 2021*.