



Just Facts

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Research and Statistics Division

Firearm-Related Offences Subject to a Mandatory Minimum Penalty, 2014/2015 to 2019/2020

This fact sheet presents information on criminal court cases where the most serious offence in the case is a firearm-related offence subject to a mandatory minimum penalty (MMP).¹ Data were obtained through a request to the Canadian Centre for Justice and Community Safety Statistics (CCJCSS) and cover the period from 2014/2015 to 2019/2020.²

Most firearms offences with an MMP were originally given mandatory minimum penalties in the *Firearms Act*, implemented in 1995. The *Tackling Violent Crime Act* was later enacted in 2008 to amend the minimum and maximum penalties for certain offences.

All firearm-related offences subject to an MMP during the period from 2014/2015 to 2019/2020 were included in the study's dataset, namely:

- s. 85, use of a firearm in the commission of an offence (28% of all firearm-related offences included in the dataset);
- s. 344, robbery, use of a firearm (27%);
- s. 244.2, discharging a firearm recklessly (9%);
- s. 244, discharging a firearm with intent (8%);
- s. 95, possession of a prohibited or restricted firearm with ammunition (7%);
- s. 99, weapons trafficking (7%);
- s. 239, attempt to commit murder (4%);
- s. 100, possession of a firearm for the purpose of trafficking (3%); and,

¹There are five offence groups subject to an MMP: firearm-related offences, child-related sexual offences, drug offences, impaired-driving offences, and other offences such as murder and treason offences.

²Please refer to the 2016 version of this JustFacts for an examination of firearm-related offences subject to an MMP from 2000/2001 to 2013/2014. Retrieved from: <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2016/dec04.html>.



- s. 279, kidnapping (2%).

The remaining firearm-related *Criminal Code* offences subject to an MMP (sections 92, 96, 102, 103, 220, 236, 272, 273, 279.1 and 346) are also included in this dataset and each made up 1% or less of all cases with a firearm-related offence subject to an MMP.

The number of cases³ with a firearm-related offence subject to an MMP increased steadily, but represents a small proportion of all cases involving offences subject to an MMP

The number of cases with a firearm-related offence subject to an MMP increased by 43% over the course of the study period, from 580 in 2014/2015 to 829 in 2019/2020. Of note, 2018/2019 had the highest number of cases (881) over the course of the study period.

From 2014/2015 to 2019/2020, cases with a firearm-related offence subject to an MMP as the most serious offence in the case comprised 2% of all cases with an MMP (most serious in the case).

The proportion of cases with a firearm-related offence subject to an MMP with a guilty decision⁴ decreased, while those with a withdrawn or stay of proceedings decision increased

Over the course of the study period, the most common type of decision in cases with a firearm-related offence subject to an MMP was a finding of guilt. The proportion of cases with a guilty decision decreased from 46% in 2014/2015 to 40% in 2019/2020.

Withdrawn decisions were the second most common type of decision in cases with a firearm-related offence subject to an MMP. The proportion of cases with a withdrawn decision decreased slightly from 33% in 2014/2015 to 30% in 2016/2017, before trending upward until the end of the study period, reaching 37% in 2019/2020. Similarly, between 2016/2017 and 2019/2020, there was an increase in the proportion of cases with a firearm-related offence subject to an MMP that were stayed (from 14% to 17%, respectively).

The proportion of cases with a firearm-related offence subject to an MMP with a guilty decision receiving a custodial sentence remained relatively stable

Custody was the most common sentence⁵ for cases with a firearm-related offence subject to an MMP with a finding of guilt during the study period. Each year, the proportion of guilty cases with a custodial sentence was 90% or higher. From 2014/2015 to 2019/2020, the proportion of guilty cases receiving a

³ Data are based on cases, not single offences. One case can include multiple offences. A case was included only when the firearms offence subject to an MMP was the most serious offence in the case.

⁴ Guilty decisions include both findings of guilt by the court and guilty pleas, since the current data do not allow for the examination of guilty pleas on their own.

⁵ These findings are based on the most serious sentence in a case.



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custodial sentence decreased slightly from 95% to 91%, while the proportion of cases receiving a probation sentence increased slightly from 3% to 5%.

The most common custodial sentence length for cases with a firearm-related offence subject to an MMP was over 4 years

The highest proportion of cases with a firearm-related offence subject to an MMP sentenced to custody fell within the “over 4 year” sentence length range, with an average of 28% of cases over the six-year study period. This proportion remained stable between 2014/2015 to 2019/2020. The next most common sentence length ranges were “over 1 to 2 year” and “over 2 to 4 year” ranges (27% and 25% of cases, respectively). From 2014/2015 to 2019/2020, the proportion of cases in the “over 2 to 4 year” sentence length range decreased from 32% to 21%.

The median⁶ custodial sentence length for firearm-related offences subject to an MMP dropped 27% from 1,000 days (or 2.7 years) in 2014/2015 to 730 days (or 2 years) in 2017/2018, but remained stable until the end of the study period (2019/2020).

The time to case resolution decreased slightly, but overall averaged around 10 months

The median case processing time (i.e., how long it takes a case to be resolved)⁷ for cases with a firearm-related offence subject to an MMP decreased slightly over the course of the study period. In 2014/2015, the median case processing time was 305 days (or 10 months). By 2019/2020, the median case processing time had decreased by 7% to 283 days (or 9.3 months).

⁶The median is the halfway point in a distribution of counted figures: half of all counted figures lie above the median and half of all counted figures lie below the median.

⁷The median elapsed time (in days) from a first court appearance to final decision in the case; or the sentencing date for cases that result in a finding of guilt.

