

**DIRECTIVE OF THE ATTORNEY GENERAL OF QUÉBEC  
ON THE DISPOSITION OF FIREARMS, IMITATION FIREARMS,  
AMMUNITION AND PROHIBITED DEVICES FORFEITED  
UNDER THE *CRIMINAL CODE***

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Considering the provisions of the *Criminal Code* (R.S.C. 1985, c. C-46, sections 115, 117.03 and 491) providing, *inter alia*, that firearms, imitation firearms, ammunition and prohibited devices (hereinafter "firearms and other specified items") forfeited to the State are to be disposed of or otherwise dealt with as the Attorney General directs;

Considering section 21 of the *Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity* (R.S.Q., c. C-52.2) providing that, if the public interest so requires, the Attorney General may destroy forfeited property or alienate it free of charge in favour of such parties as police forces for research or training purposes, or in favour of non-profit bodies for historical or educational purposes;

Considering that it is in the public interest to reduce the number of firearms and other specified items in circulation for the security and safety of Québec citizens;

Considering that it is also in the public interest that certain firearms and other specified items be preserved because they are of interest for purposes of research, training, or expert examination, or for the purposes of the administration of justice, or because of their historical value;

Considering lastly the interest in not compromising criminal prosecutions, which are conducted by the Director of Criminal and Penal Prosecutions, by disposing of certain firearms or other specified items;

I order that firearms and other specified items forfeited to the State under the *Criminal Code* are to be disposed of or dealt with as follows:

1. Unless they are of interest for purposes relating to the administration of justice, such as investigations or criminal or civil proceedings, the firearms and other specified items are to be transferred to the chief firearms officer for Québec:
  - (a) after the conclusion of the appeal process, if there is an appeal in the proceedings that led to the forfeiture, or, if there is no appeal, 60 days after the expiry of appeal time limits; or
  - (b) if the firearm or other specified item was used in the commission of an offence and is part of the evidence of the offence, one year after the conclusion of the

appeal process or, if there is no appeal, one year after the expiry of appeal time limits.

The chief firearms officer is to destroy those firearms and other specified items, or have them destroyed, under conditions necessary to ensure public safety, unless the firearm or other specified item:

- (a) is of interest for purposes of research, training, or expert examination by the *Laboratoire de sciences judiciaires et de médecine légale*, the chief firearms officer, or the *École nationale de police du Québec*; or
  - (b) has historical value and, if it is intended for a non-profit body with historical purposes, the firearm or item can be permanently deactivated.
2. The foregoing does not preclude the issuing of a special directive when warranted by circumstances.
  3. For the purpose of the annual report tabled by the Minister in the National Assembly pursuant to the *Act respecting the Ministère de la Justice* (R.S.Q., c. M-19), and as required by the second paragraph of section 27 of the *Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity*, the chief firearms officer for Québec is to report to the Minister of Justice, within 30 days after the end of each fiscal year, on the disposition of the firearms and specified items during the fiscal year.
  4. This directive is effective from the date of signing and also applies to firearms and other specified items forfeited before that date.

Signed at Montréal, this 22nd day of September, 2008.

Jacques P. Dupuis  
Attorney General