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CREE NATION OF EASTMAIN

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CREE NATION OF EASTMAIN BY-LAW NO. 122, RESPECTING THE CONTROL OF FIREARMS

WHEREAS the Eastmain Band (hereinafter the “Cree Nation of Eastmain”) deems it is necessary to control the use of firearms in order to ensure public peace and safety within the Community;

THEREFORE:

PURSUANT to Section 45 and subsections 45. (1) (d) and (d) ii of the *Cree-Naskapi (of Québec) Act*, S.C. 1983-84, c.18 (the AAct@), the Cree Nation of Eastmain, acting through its Council at a meeting of the said Council held in Eastmain on the 29th day of October, 2009, hereby enacts the present By-Law respecting the firearms control:

1. Interpretation

1.1 Unless otherwise indicated by express terms or necessary implication, the words and expressions used in this By-law shall have the same meaning as in the *Cree-Naskapi (of Québec) Act*, S.C. 1983-84, c.18, and the Criminal Code, R.S.C., 1985, c. C-46; in case of conflict between the Criminal Code and the *Cree-Naskapi (of Québec) Act*, the latter shall prevail.

1.2 In this By-law, the following words and expressions shall mean:

“*Ammunition*”: means a cartridge containing a projectile designed to be discharged from a firearm and, without restricting the generality of the foregoing, includes a caseless cartridge and a shot shell;

“*Dwelling house*”: A building or structure or a part thereof kept or occupied as a permanent or temporary residence, and a building or a structure or a part thereof connected to it by a doorway or by a covered and enclosed passageway; this includes any outhouse, tent, teepee, or structure found around the building occupied or kept as a residence;

“*Firearm*”: Any barreled weapon from which any shot, pellet, bullet or other projectile can be discharged and that is capable of causing bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm;

"Loaded Firearm": A firearm having an unfired cartridge in the chamber, charger or magazine if the latter is attached to the firearm or, in the case of a muzzle-loading firearm, having powder and a projectile in the chamber and a cap in the barrel sleeve or powder in the pan;

"Minor": A person under 18 years of age;

"Motor Vehicle": A motorized means of land transportation primarily adapted for the transportation of persons or property that is capable of transporting, hauling and/or pushing persons or property.

2. Applicability

2.1 This By-law applies on Category IA Lands of the Cree Nation of Eastmain.

3. Use of Firearms

3.1 No person, with the exception of on duty police officers and specially authorized persons designated by resolution shall carry or discharge, within Category IA land, a firearm, unless it is done with care and reasonable precautions as part of the New Years' celebration and/or during the annual carnival festivities.

3.2 Section 3.1 does not have the effect of prohibiting a person to carry a firearm while crossing Category 1A lands for the sole purpose of going hunting outside those lands.

3.3 No person shall carry or use a firearm while impaired by alcohol or drugs.

3.4 No person, with the exception of specially authorized persons designated by resolution of the Band Council and persons crossing Category 1A lands for the sole purpose of going hunting outside Category IA lands, shall transport, within Category IA Lands, a firearm, unless it is unloaded and placed in a closed case or in the trunk of a vehicle or the hold of an aircraft.

3.5 No person shall carry a firearm in any public building or while attending a public meeting.

3.6 No person shall be in possession, in a dwelling house, of a loaded firearm.

3.7 Every person who keeps a firearm and/or ammunition in his dwelling house, shall store them in a locked place, where a locked place to that effect is available; where no such place is available, firearms shall be secured with a trigger locking device or, when this is impossible, be rendered inoperable such as by removing the bolt.

4. **Minors**

- 4.1 A minor who is between 14 and 18 years of age may carry or use a firearm and/or ammunition in accordance with the terms of the present By-law only with the written authorization of a person having parental authority or if he is under the immediate supervision of the said person.
- 4.2 No minor under the age of 14 may carry or discharge a firearm within Category 1A land.
- 4.3 The person accompanying a minor in accordance with Section 4.1 of the present By-law shall not leave the said minor without supervision.
- 4.4 No person shall sell, transfer or lend firearms and/or ammunition of any sort to a minor without the prior authorization of the person having parental authority on the said minor.
- 4.5 A person having parental authority over a minor is responsible for any offence committed by this minor under the present By-law;

5. **Penal Provision**

- 5.1 Every person who contravenes any of the provisions of this By-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00) or to imprisonment for a term not exceeding six (6) months or to both such fine and imprisonment.

6. **Coming Into Force**

- 6.1 This By-law shall come into force upon its approval by the electors of the Band, in accordance with the terms of the *Cree-Naskapi (of Québec) Act*.


Chairman


Secretary

