

FREQUENTLY ASKED QUESTIONS

Frequently Asked Questions (FAQs) about Red Flag laws in Canada, *according to federal guidance and the official Public Safety Canada resource.*

1. **What is a Red Flag law?**

A Red Flag law allows any individual to apply for an emergency court order to prohibit someone from possessing or accessing firearms if there is a safety risk.

2. **What is an emergency prohibition order?**

It's a court order issued by a judge when an individual poses a safety risk to themselves or others, resulting in the temporary removal of their firearms, licence, and ownership documents for up to 30 days.

3. **Who can apply for an emergency prohibition order?**

Anyone, including family, friends, neighbours, or colleagues, can apply for this order if they believe someone is a safety risk.

4. **Does applying for an emergency prohibition order require a lawyer?**

No, a lawyer is not required, but social support services may be able to assist with the application process.

5. **What evidence is needed to obtain an emergency prohibition order?**

Applicants should present information such as personal notes, police call records, testimonies from others, and evidence of threats or violence.

6. **Is the person at risk notified before an emergency prohibition order is issued?**

No, the process is *ex parte*, meaning the person is not notified or present at the initial hearing.

7. **What happens if the order is granted?**

Police will remove or seize the person's firearms and related documents for up to 30 days, and the respondent is notified afterward.

8. **Can the emergency prohibition order become long-term?**

Yes, a hearing can be set to consider a long-term prohibition order of up to five years.

9. **What if a person needs their firearm for hunting or work?**

The person may ask the court for authorization if they can prove the need for sustenance hunting or employment; restrictions may still apply.

10. **Can the respondent challenge the order?**

Yes, the person subject to the order can apply to have it cancelled or changed before it expires.

11. **Does an emergency prohibition order give the person a criminal record?**
No, unless the person violates the order and is convicted of that offence.
12. **What happens when an emergency prohibition order expires?**
The firearms, licence, and documents are returned unless a long-term prohibition hearing is set; another application can be made if safety concerns continue.
13. **Can a firearms licence be revoked after an order expires?**
Yes, a Chief Firearms Officer can still revoke a licence if the person is deemed ineligible.
14. **What is an emergency limitations on access order?**
This order restricts how another person stores or uses their firearms if there is a risk someone prohibited from having firearms could access them.
15. **Who can apply for an emergency limitations on access order?**
Anyone concerned about unauthorized access to firearms can apply for this order.
16. **How long does an emergency limitations on access order last?**
It usually lasts up to 30 days, with the option for a longer-term hearing.
17. **Are the restrictions automatically imposed under a limitations order?**
No, the judge determines the least intrusive restrictions; if compliance isn't possible, items may be temporarily removed.
18. **Does getting a limitations on access order create a criminal record?**
No, unless the person breaches the order and is convicted as a result.
19. **Can applicants be protected during the process?**
Yes, judges can order identifying details be withheld from public documents, hold private hearings, or seal documents for up to 30 days.
20. **When is the respondent notified of a limitations or prohibition order?**
Only after the court grants the order is the respondent notified.
21. **What support exists for applicants?**
Support may include public legal education organizations (eg. CLEA) and victims' services, which can assist with applications.
22. **Where do applicants file these applications?**
Applications are made through local provincial or territorial courts. For Manitoba provincial court, check out: <http://www.manitobacourts.mb.ca/provincial-court/>
23. **What if there are ongoing risks after an order ends?**
Anyone can reapply for another prohibition or limitations order if risks persist.

24. What happens at the hearing for these orders?

Applicants present information explaining why the respondent poses a risk; judges can consider various evidence.

25. Can the respondent attend a follow-up hearing?

If a second hearing is set for a long-term order, the judge decides if the respondent may attend.

26. Does the law cover risks to others besides the applicant?

Yes, protection can cover anyone at risk, including family and friends.

27. What types of firearms or weapons can be seized?

Any firearms, firearm licences, other weaponry, and related ownership documents may be seized under these orders.

28. Can the applicant remain anonymous?

Judges may take steps to protect the applicant's identity in the process.

29. What if there is an urgent or life-threatening situation?

Call 911 or the local emergency police line immediately if the situation is urgent.

30. Where can I get more information?

Visit the Public Safety Canada website or contact local victim services and the provincial court for resources and further assistance.

<https://www.publicsafety.gc.ca/cnt/cntrng-crm/frms/rd-flg-lws-en.aspx>