

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

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For use by Office of Administrative Law (OAL) only			
RECEIVED DATE <b>JAN 23 '18</b>		PUBLICATION DATE <b>FEB 02 '18</b>	
Office of Administrative Law			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Justice			AGENCY FILE NUMBER (if any) DOJ-17-017

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Firearms: Identifying Info and the USNA Process		TITLE(S) 11	FIRST SECTION AFFECTED 5505	2. REQUESTED PUBLICATION DATE 02/02/2018
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Sundee Thind		TELEPHONE NUMBER (916) 227-7622
FAX NUMBER (Optional)				
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S)		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
		AMEND	
TITLE(S)		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
			E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Sean McCluskie, Chief Deputy to the Attorney General

For use by Office of Administrative Law (OAL) only

## California Code of Regulations

### Title 11, Division 5

#### Chapter 41 Firearms: Identifying Information and the Unique Serial Number Application Process for Self-Manufactured or Self-Assembled Firearms

##### **Article 1. General**

###### **§ 5505. Title and Scope.**

This chapter shall be known as the “Department of Justice Regulations for Firearms: Identifying Information and the Unique Serial Number Application Process for Self-Manufactured or Self-Assembled Firearms,” may be cited as such and is referred to herein as “these regulations.” The provisions of these regulations shall apply to an individual who owns a self-manufactured or self-assembled firearm before July 1, 2018 that is not recorded with the Department of Justice (Department), and shall also apply to an individual who intends to manufacture or assemble a firearm on or after July 1, 2018. The individual in each situation shall make a request to the Department to obtain a unique serial number for the individual’s unrecorded self-manufactured or self-assembled firearm. These regulations apply to self-manufactured or self-assembled firearms made from any material, including wood, metal, or plastic, and made through any process, including those produced by 3D printers. These regulations do not apply to a firearm that satisfies one or more criterion of Penal Code section 29181.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 11106, 16520, 23910, 29180, 29181, 29182, 29183 and 29184, Penal Code.

###### **§ 5506. Firearms for Which No Unique Serial Numbers Will Be Provided.**

The Department will not provide serial numbers for self-manufactured or self-assembled prohibited weapons pursuant to Penal Code section 16590, an assault weapon, a machine gun pursuant to Penal Code section 16880, a .50 BMG rifle pursuant to Penal Code section 30530, a destructive device pursuant to Penal Code section 16460, a short barreled rifle pursuant to Penal Code section 17170, or a short barreled shotgun pursuant to Penal Code section 17180.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 16460, 16590, 16880, 17170, 17180, 29180, 29182, 30510, 30515, and 30530, Penal Code.

##### **Article 2. Definitions**

###### **§ 5507. Definition of Key Terms.**

For the purposes of Penal Code Section 29180 and Chapter 41, the following definitions will apply:

(a) “Antique firearm” means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(b) “Barrel” means the tube, usually metal and cylindrical, through which a projectile or shot charge is fired. Barrels may have a rifled or smooth bore.

(c) “Barrel length” means the length of the barrel measured as follows: without consideration of any extensions or protrusions rearward of the closed bolt or breech-face. The approved procedure for measuring barrel length is to measure from the closed bolt (or breech-face) to the furthest end of the barrel or permanently attached muzzle device. Permanent methods of attachment include full fusion gas or electric steel-seam welding, high temperature (1100°F) silver soldering, or blind pinning with the pin head welded over. Barrels are measured by inserting a dowel rod into the barrel until the rod stops against the closed bolt or breech-face. The rod is then marked at the furthest end of the barrel or permanently attached muzzle device, withdrawn from the barrel, and measured.

(d) “Bore” means the interior of a firearm’s barrel excluding the chamber.

(e) “Bureau” means the Bureau of Firearms of the California Department of Justice.

(f) “Caliber” means the nominal diameter of a projectile of a rifled firearm or the diameter between lands in a rifled barrel. In the United States, caliber is usually expressed in hundredths of an inch; in Great Britain in thousandths of an inch; in Europe and elsewhere in millimeters.

(g) “CFARS” means California Firearms Application Reporting System.

(h) “Conspicuously” means that all required markings shall be placed in such a manner as to be wholly unobstructed from plain view.

(i) “Curios” or “relics” means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. These include firearms that were manufactured at least 50 years prior to the current date, but not including replicas of such firearms; firearms which are certified by the curator of a municipal, state, or federal museum which exhibits firearms to be curios or relics of museum interest; and any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event.

(j) “Department” means the California Department of Justice.

(k) “Firearms Eligibility Check” means a state and federal background check pursuant to Penal Code section 30105 that is used to determine an individual’s eligibility to possess a firearm.

(l) “Frame” means the term used to describe a pistol receiver.

(m) “FSC” means Firearm Safety Certificate as defined in Penal Code section 16540.

(n) “HSC” means Handgun Safety Certificate as defined in Penal Code section 16670.

(o) “Legibly marked” means using exclusively Roman letters (A, a, B, b, C, c, and so forth) and numbers.

(p) “Receiver” means the basic unit of a firearm which houses the firing and breech mechanisms and to which the barrel and stock are assembled.

(q) “Receiver, unfinished” means a precursor part to a firearm that is not yet legally a firearm. Unfinished receivers may be found in various levels of completion. As more finishing work is completed the precursor part gradually becomes a firearm. For example, some just have the shape of an AR-15 lower receiver, but are solid metal. Some have been worked on and the magazine well has been machined open.

(r) “Rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(s) “Self-assembled or “self-manufactured” firearm means a firearm fabricated or constructed by a person, or a firearm the component parts which were fit together by a person to construct a firearm, but does not include:

(1) A firearm assembled or manufactured by a firearms manufacturer licensed by the State of California and/or the Federal Government, or

(2) A firearm with a serialized receiver purchased from a California gun store and later assembled it into a functional firearm. In this case, a licensed Federal Firearms Licensee is the manufacturer of the firearm and has applied its own serial number to the firearm.

Note: Authority cited: Section 29182, Penal Code. Reference: Section 16520, 16535, 16670, 29180, 29181, 29182, 29183, 29184 and 30105, Penal Code.

### **Article 3. Self-assembled Firearms Not Affected by this Chapter.**

#### **§ 5508. Firearms Not Affected by This Chapter Pursuant to Penal Code Section 29181.**

The following firearms are not affected by these regulations and do not have to be recorded with the Department:

(a) A self-manufactured or self-assembled firearm containing a serial number assigned to it pursuant to Penal Code section 23910 or pursuant to Chapter 44 (commencing with Section 921) of Part 1 of Title 18 of the United States Code and the regulations issued pursuant thereto.

(b) A firearm that was self-manufactured or self-assembled prior to December 16, 1968, as long as the firearm is not a handgun.

(c) A firearm that was entered into the centralized registry with the Department prior to July 1, 2018, pursuant to Penal Code section 11106. Such a firearm contains a serial number or other mark of identification assigned by the individual who manufactured or assembled the firearm and reported the serial number or mark of identification to the Department so that it is on file with the Department.

(1) This serial number or mark of identification is typically one that was created by the individual who manufactured or assembled the firearm; therefore, it is not a serial number or mark of identification that was issued by the Department.

(2) This serial number or other mark of identification shall be engraved, cast, stamped (impressed), or permanently placed on the firearm in a conspicuous location.

(d) A firearm containing a serial number pursuant to Chapter 53 of Title 26 of the United States Code and regulations issued pursuant thereto. Hence, if the individual's firearm already has a serial number issued to it by a Federal Firearms Licensee, whether it is an already functionally complete firearm or just a receiver or frame by itself, the individual does not have to reapply for a Department-issued unique serial number.

(e) A firearm that is a curio, relic, or an antique firearm.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 11106, 23910, 29180, 29181 and 29182, Penal Code.

## **Article 4. Firearms Regulated by Penal Code Section 29180**

### **§ 5509. Persons Affected by These Regulations.**

This article applies to the following:

(a) An individual who owns a self-manufactured or self-assembled firearm as of July 1, 2018; and

(b) An individual who intends to manufacture or assemble a firearm on or after July 1, 2018.

Note: Authority cited: Section 29180, Penal Code. Reference: Section 29180, Penal Code.

### **§ 5510. Effective Dates.**

(a) An individual who owns a self-manufactured or self-assembled firearm that has not yet been recorded with the Department shall:

(1) Beginning on July 1, 2018, apply to the Department to request a unique serial number to record the firearm with the Department. The individual shall submit an electronic application to request a serial number for the self-manufactured or self-assembled firearm to the Department before January 1, 2019.

(b) As of July 1, 2018, no individual shall manufacture or assemble a firearm unless the individual applies to the Department for a unique serial number prior to manufacturing or assembling the firearm.

Note: Authority cited: Section 29182, Penal Code. Reference: Section 29180, Penal Code.

## **Article 5. CFARS Reporting of Self-Manufactured or Self-Assembled Firearms Pursuant to Section 29180.**

### **§ 5511. Online Reporting with CFARS.**

(a) The application to request a unique serial number to record ownership of a self-manufactured or self-assembled firearm that was built prior to July 1, 2018, or to request a unique serial number to record ownership for a firearm that has not yet been manufactured or assembled as of July 1, 2018, shall be filed electronically using the Department's California Firearms Application Reporting System (CFARS), at the following website:  
<https://cfars.doj.ca.gov/login.do>.

(b) The application will be located on CFARS under the link "Unique Serial Number Application."

(c) The application to request a unique serial number to record ownership of a self-manufactured or self-assembled firearm that was built prior to July 1, 2018 shall only be available on the Department's website until 11:59 p.m. of December 31, 2018. To be processed, all such applications shall be paid in full and submitted online before January 1, 2019.

Note: Authority cited: Section 29182, Penal Code. Reference: Section 29180, Penal Code.

### **§ 5512. CFARS Reporting Process.**

(a) To apply for a unique serial number, the applicant shall create a CFARS account online. To create a CFARS account, the applicant shall agree to the following conditions of use:

(1) Non-Liability: the Department is not responsible for, and will have no liability for, any hardware, software, information, or other items or any services provided by any persons other than the Department. Except as may be required by law, in no event shall

either party be liable to the other or any third party, under any theory of liability, including, but not limited to, any contract or tort claim for any cause whatsoever, for any indirect, incidental, special, or consequential damages, including loss of revenue or profits, even if aware of the possibility thereof.

(2) Authorization: the applicant is authorized to use CFARS for the purpose of reporting firearm information to the Department and/or submitting and managing a Certificate of Eligibility in order to comply with California firearm laws and regulations. If the applicant becomes aware of an unauthorized user obtaining access to the applicant's CFARS account, the applicant will notify the Bureau of Firearms immediately at (916) 227-7527, or via email at: [firearms.bureau@doj.ca.gov](mailto:firearms.bureau@doj.ca.gov).

(3) Fees: notwithstanding such notification, the applicant agrees the Department shall not be liable for transaction charges fraudulently incurred. It will be the applicant's responsibility to pay any charges. The Department will not provide refunds after the submission of a transaction.

(4) True and Accurate Information: all of the information the applicant submits to the Department through CFARS shall be true, accurate, and complete to the best of the applicant's knowledge.

(b) The following information shall be provided by the applicant to create a CFARS account:

(1) Full Name

(2) Email Address

(3) Selection of Three Security Questions and Answers

(4) Password

Note: Authority cited: Section 29182, Penal Code. Reference: Section 26710 and 29180, Penal Code.

**§ 5513. Applicant and Firearm Identification Information Entered into CFARS by Applicant and the Department's Privacy Notice.**

(a) After creating a CFARS account, the applicant shall provide certain identifying information to demonstrate that the applicant is not prohibited under either state or federal law from possessing a firearm before the Department issues a unique serial number to the applicant. The applicant shall provide the following identifying information:

(1) The applicant's full name, residence street address, email address, telephone number, date of birth, gender, military identification number (if applicable), California Driver License or Identification Card number, U.S. citizenship status, place of birth, country of citizenship, and alien registration number or I-94 (if applicable).

(A) The applicant shall be 18 years of age or older to apply for a unique serial number for a firearm that is not a handgun.

(B) The applicant shall be 21 years of age or older to apply for a unique serial number for a handgun.

(2) A description of the firearm that specifies: date of manufacture or the date its assembly will be complete, firearm type, make, caliber, firearm color, barrel length, type of material used to build the receiver (aluminum, steel, polymer plastic, or other), whether it is a frame or receiver only, all identification marks, and firearm city and state of origin.

(B) If the applicant specifies that the receiver of the firearm being reported is made from material "other" than aluminum, steel, or polymer plastic, the applicant shall provide a brief explanation of the type of material that was used to build the receiver.

(3) The applicant's Firearms Safety Certificate (FSC) or Handgun Safety Certificate (HSC) number. Instructions on obtaining a FSC can be found on: <https://oag.ca.gov/firearms/fscinfo>.

(b) If any part of the identifying information in subdivisions (a), (b), and (c) of this section is missing, the Department shall not approve the applicant's request for a unique serial number.

(c) The applicant shall agree to the following terms of the Department's Privacy Notice:

(1) Collection and Use of Personal Information: the Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information on this application pursuant to Penal Code sections 29180, 29181, 29182, 29183, and 29184. The Bureau of Firearms uses this information to process and assign a unique serial number(s) to a firearm(s) and to record firearm ownership for an applicant. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general private policy is available at: <http://oag.ca.gov/privacy-policy>.

(2) Providing Personal Information: all personal information on this application is mandatory. Failure to provide the mandatory personal information will result in the application not being processed.

(3) Access to Your Information: you may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act.

(4) Possible Disclosure of Personal Information: in order to process and assign a unique serial number(s) to a firearm(s) for an applicant, we may need to share the information the applicant provides us with any Bureau of Firearms representative or any other person



designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

(A) With other persons or agencies when necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations, licensing, certification, or regulatory purposes;

(B) To another government as required by state or federal law.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 11106, 16400, 16535, 16670, 27510, 28160, 29180 and 29182, Penal Code and Section 1798.17, Civil Code.

#### **§ 5514. Recording Fee for a Self-Manufactured or Self-Assembled Firearm.**

(a) The initial fee for submitting an application for a unique serial number is \$35.00. This fee will cover the \$20.00 cost for the firearms eligibility check conducted by the Department and the issuance of one unique serial number for one firearm. If the applicant has multiple self-manufactured or self-assembled firearms or intends to manufacture or assemble multiple firearms, the applicant may request multiple unique serial numbers during the same transaction. It will be an additional \$15.00 for each subsequent request for a unique serial number within the same transaction. There is no limit to the number of unique serial numbers that an applicant may request within a single transaction to record the applicant's self-manufactured or self-assembled firearms.

(b) The fee for the firearms eligibility check and the issuance of a unique serial number for the self-manufactured or self-assembled firearm, shall be paid online by debit or credit card at the time the application is submitted to the Department for processing. If the fee is not paid, the application will not be processed.

(c) Once the firearms eligibility check is completed, an electronic copy of the original determination letter will be available on the applicant's CFARS account for a limited time. It is the applicant's responsibility to print out and save the determination letter for the applicant's records. The Department will not mail a physical copy of the original determination letter to the applicant's residence after the firearm eligibility check is conducted.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 29182, 29183 and 30105, Penal Code.

#### **§ 5515. One Unique Serial Number Issued Per Firearm.**

(a) The Department shall assign each self-manufactured or self-assembled firearm its own unique serial number so that each firearm is distinguishable from any other self-manufactured or self-assembled firearm.

(b) If the applicant requests multiple unique serial numbers for multiple self-manufactured or self-assembled firearms during the same transaction on CFARS, each unique serial number

received by the applicant will differ from all other unique serial numbers received by the applicant as a part of that transaction or any other future transaction to obtain additional unique serial numbers. Each unique serial number shall be distinct to a particular firearm. If the applicant's request to obtain a unique serial number for multiple self-manufactured or self-assembled firearms is approved, the Department will inform the applicant which unique serial number is specifically assigned to each firearm.

Note: Authority cited: Section 29182 Penal Code. Reference: Sections 29180 and 29182, Penal Code.

**§ 5516. Firearms Eligibility Check Conducted by the Department Prior to Issuing a Unique Serial Number.**

(a) After the applicant pays for and submits an online application to request a unique serial number on CFARS, the Department will conduct a firearms eligibility check to determine that the applicant is not prohibited from possessing a firearm under either state or federal law. The Department will examine both state and federal records to ensure that neither state nor federal law prohibits the applicant from possessing a firearm.

(b) Once the Department processes the request application, it shall notify the applicant either that:

(1) The background check revealed that the applicant is eligible to own a firearm and it will assign a unique serial number to the applicant's firearm; or

(2) The background check revealed that the applicant is ineligible to own a firearm or that the background check could not generate a disposition for the applicant's criminal history. If the applicant is ineligible to own a firearm, the applicant shall not be issued a unique serial number.

(A) If an applicant is ineligible to own a firearm, the applicant will receive a denial notification, which will be sent to the applicant through the applicant's CFARS account. The denial notification will explain the reason and instructions on how to get a copy of the record that resulted in the denial of the application. There will also be instructions on how to dispute and correct the information in the applicant's record that the applicant believes is incorrect.

(c) The Department will notify the applicant of its determination electronically by email. The applicant's CFARS account will generate a generic email notification that will be sent to the applicant's personal email address when the Department makes its determination so that the applicant can log onto the applicant's CFARS account online to view the decision.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 29182, and 30105, Penal Code; Section 8104, Welfare and Institutions Code.

**§ 5517. 15 Day Period for the Department to Approve or Deny the Applicant's Request for a Unique Serial Number.**

The Department will grant or deny the applicant's request for a unique serial number within 15 calendar days after it receives the application. The 15-day decision timeframe will begin when the applicant's completed CFARS application has been paid for and is submitted to CFARS to commence the firearms eligibility check.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 29180, 29182 and 30105, Penal Code.

**Article 6. Deadlines, Instructions for Engraving the Unique Serial Number, and Instructions for Uploading Digital Images of Firearms.**

**§ 5518. Deadlines to Engrave the Unique Serial Number on the Firearm After Receiving the Electronic Approval Notice from the Department.**

(a) After the applicant submits an online application, the Department shall notify the applicant of its approval or denial electronically. An automated email will be sent to the applicant notifying the applicant to log on to the applicant's CFARS account to view the determination letter.

(b) If the applicant's request for a unique serial number is approved, the applicant shall do the following:

(1) The applicant owning a self-manufactured or self-assembled firearm prior to July 1, 2018 shall engrave, cast, stamp (impress), or permanently place in a conspicuous location on the receiver or frame of the firearm the unique serial number issued by the Department within 10 calendar days of receiving the unique serial number from the Department. The applicant's date of receipt of the unique serial number shall be the date on the email containing the electronic notice that tells the applicant to log into the applicant's CFARS account to view the electronic correspondence sent by the Department.

(A) To show that the applicant has complied with the 10-day deadline, the applicant shall upload digital images pursuant to section 5521 of these regulations.

(B) If the applicant fails to engrave, cast, stamp (impress), or permanently place the unique serial number in a conspicuous location on the receiver or frame of the firearm and upload the required digital images before the end of the tenth day, the unique serial number will become invalid. At that point, the applicant will have to reapply to the Department and request another unique serial number. The applicant shall complete the reapplication process by January 1, 2019, or the firearm will fail to comply with the law.

(2) An applicant intending to manufacture or assemble a firearm on or after July 1, 2018, shall engrave, cast, stamp (impress), or permanently place in a conspicuous location on the

receiver or frame of the firearm the unique serial number issued by the Department within 30 calendar days of receiving the unique serial number from the Department. The applicant's date of receipt of the unique serial number shall be the date on the email containing the electronic notice that tells the applicant to log into the applicant's CFARS account to view the electronic correspondence sent by the Department.

(A) The applicant shall only manufacture or assemble the firearm after the Department determines that the applicant is eligible to possess a firearm and issues the applicant a unique serial number.

(B) Within 10 calendar days of manufacturing or assembling the firearm, the applicant shall engrave, cast, stamp (impress), or permanently place in a conspicuous location on the receiver or frame of the firearm the unique serial number for the self-manufactured or self-assembled firearm. Hence, at the latest, the applicant shall finish manufacturing or assembling the firearm within 20 calendar days from the date the Department issued the applicant a unique serial number so that the applicant can complete the entire engraving process within the 30-day period prescribed by the Department.

(C) For firearms built on or after July 1, 2018, an applicant only has access to the Department-issued unique serial number for 30 days from the date of its issuance. If the applicant does not manufacture or assemble and engrave the firearm with its unique serial number within the 30 days provided by the Department, the unique serial number will become invalid and the applicant must reapply for a new unique serial number.

(D) If the applicant follows the procedure to record the firearm before the 30-day period expires, and the applicant improperly complies with the procedures set forth by these regulations, the applicant will have until the end of the thirtieth day to provide the missing information to the Department.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 29180 and 29182, Penal Code.

**§ 5519. Special Requirements for Engraving, Casting, Stamping (Impressing), or Placing the Unique Serial Number on a Self-Manufactured or Self-Assembled Firearm Made from Polymer Plastic.**

A firearm manufactured or assembled from polymer plastic shall contain its unique serial number on 3.7 ounces of material type 17-4 PH stainless steel. This stainless steel piece shall be embedded within the plastic receiver or frame upon the firearm's manufacture or assembly.

Note: Authority cited: Section 29180, Penal Code. Reference: Section 29180, Penal Code.

**§ 5520. Procedures to Engrave, Cast, Stamp (Impress), or Place the Unique Serial Number on the Self-Manufactured or Self-Assembled Firearm.**

(a) The Department shall issue a unique serial number to the applicant only if the applicant is eligible to possess or own a firearm. Once the Department issues a unique serial number it shall be applied to the self-manufactured or self-assembled firearm as follows:

(1) Upon receiving a Department-issued unique serial number, the applicant may contact a Federal Firearms Licensed Manufacturer (type 07) to have the unique serial number applied to the firearm in a manner consistent with this section and federal law. However, a Federal Firearms Licensee is under no obligation to perform this work. The applicant may also use an unlicensed party to apply the unique serial number and other required markings to the firearm; however, the owner of the firearm shall not leave the firearm unattended with an unlicensed party or the applicant will be in violation of Penal Code section 27545. Finally, the applicant may personally apply the unique serial number to the firearm if the applicant complies with the requirements set out below in subsection (2) of this section. Proof of the engraved unique serial number on the firearm shall be given to the Department in the form of digital images of the newly serialized firearm. These digital images shall be submitted on CFARS in accordance with the digital image requirement noted in section 5521 of these regulations.

(2) The applicant shall legibly and uniquely mark and identify each self-manufactured or self-assembled firearm as follows:

(A) By engraving, casting, stamping (impressing), or otherwise permanently placing in a conspicuous location on the receiver or frame of the firearm or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof the unique serial number. The unique serial number shall be placed in a manner not susceptible of being readily obliterated, altered, or removed, and shall not duplicate any serial number placed by the unlicensed manufacturer on any other firearm. The engraving, casting, or stamping (impressing) of the serial number shall be to a minimum depth of .003 inch and in a print no smaller than 1/16 inch; and

(B) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof certain additional information that is mentioned below. This information shall be placed in a manner not susceptible of being readily obliterated, altered, or removed. The additional information shall include:

(i) The model of the firearm, if such designation has been made;

(ii) The caliber or gauge of the firearm;

(iii) The manufacturer's first and last name as provided to the Department for recording purposes, when applicable; and

(iv) The city and state (or recognized abbreviation thereof) where the manufacturer made the firearm.

(3) The depth of all markings required by this section shall be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a)(2)(A) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

(4) The Department shall deny the applicant's unique serial number application if it determines the above described marking requirements have not been met.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 11106, 27545, 29180 and 29182, Penal Code.

**§ 5521. The Procedure to Submit Digital Images of the Self-Manufactured or Self-Assembled Firearm.**

(a) Once the applicant applies the unique serial number and additional information in a conspicuous location on the self-manufactured or self-assembled firearm as required by section 5520 of these regulations, the applicant shall upload, onto CFARS, a total of four clear digital images of the firearm. These digital images shall clearly depict the firearm and its newly engraved serial number. The four digital images shall be taken as follows:

(1) One digital image shall be a close-up image of the engraved, cast, stamped (impressed), or permanently placed unique serial number and additional information, which shall be located on the receiver or frame of the firearm. This image shall encompass the entire unique serial number, so the Department can easily read it when it reviews this image.

(2) One digital image shall depict the entire firearm. This image shall be photographed horizontally and taken directly from above in a way that it captures the entire firearm. The image shall encompass either of the following:

(A) If it is a long gun the image shall capture everything from the end of the barrel to the end of the stock; or

(B) If it is a pistol the image shall capture the pistol from the point furthest from the end of the barrel to the opposite end of the pistol; or

(C) If it is a receiver or frame only, the entire firearm shall be depicted.

(3) The other two digital images shall show the left side of the receiver or frame and the right side of the receiver or frame. These locations are typically where firearms are marked when manufacturing is complete. If necessary, at the discretion of the Department, these last two digital images shall be substituted for digital images of identification markings at other locations on the firearm.

Note: Authority cited: Section 29182, Penal Code. Reference: Section 29180, Penal Code.

**Article 8. Modifying the Firearm during the 30 Day Period after the Department Issues the Unique Serial Number.**

**§ 5522. Modifying the Firearm During the 30 day Period After the Department Issues the Unique Serial Number.**

If the applicant wishes to make changes to the configuration of the firearm while the applicant is manufacturing or assembling the firearm, the applicant may do so as long as all changes are made within the 30-day period following the date the Department issued the unique serial number to the applicant. The applicant shall record all changes made to the firearm in the applicant's original unique serial number application in CFARS when reporting the firearm to the Department. The uploaded digital images shall reflect the final version of the firearm, including any changes that were made to it by the applicant.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections: 29180 and 29182, Penal Code.

## **NOTICE OF PROPOSED RULEMAKING**

The Department of Justice (Department) proposes to adopt Chapter 41, sections 5505 through 5522, to Title 11, Division 5 of the California Code of Regulations. Chapter 41 is titled “Firearms: Identifying Information and the Unique Serial Number Application Process for Self-Manufactured or Self-Assembled Firearms.” Commencing July 1, 2018, this new chapter explains the process the Department will use to regulate existing self-manufactured or self-assembled firearms and firearms that an individual intends to manufacture or assemble. This process enables the Department to conduct a firearm eligibility check on an individual prior to issuing a unique serial number for the individual’s firearm. By issuing a unique serial number for every self-manufactured or self-assembled firearm, the Department’s goal is to ensure that every individual in possession of a firearm is lawfully eligible to possess a firearm, and every self-manufactured or self-assembled firearm made after 1968 is uniquely identified.

### **PUBLIC HEARING**

The Department will hold a public hearing to receive public comments on the proposed regulatory action.

The hearing will be held on March 19, 2018, at 10:00 a.m. to 12:00 p.m., at the following location:

Resources Building Auditorium  
1416 9th Street  
Sacramento, California 95814

This auditorium is wheelchair accessible. There is no designated parking lot. Parking will need to be found nearby.

At the hearing, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony.

### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on March 19, 2018. Only comments received by the Department by that time will be considered. Written comments shall be submitted to:

Sundee Thind  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Phone: 916-227-7622  
Email: [AB857FirearmIDregs@doj.ca.gov](mailto:AB857FirearmIDregs@doj.ca.gov)



## AUTHORITY AND REFERENCE

The Legislature adopted an entire new chapter, “Chapter 3. Assembly of Firearms,” to Division 7 of Title 4 of Part 6 of the California Penal Code, which includes new Penal Code sections 29180, 29181, 29182, 29183, and 29184. Penal Code section 29182(f) states that the “the department shall adopt regulations to administer this chapter.” Hence, the Legislature authorized the Department to write and adopt regulations for this entire chapter. The proposed regulations implement, interpret, and made specific Penal Code sections 29180, 29181, 29182, 29183, and 29184.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Prior to adopting California Penal Code sections 29180, 29181, 29182, 29183, and 29184, there were no provisions in existing law that addressed a non-prohibited person from manufacturing a firearm for personal use. Since a person purchasing an unfinished receiver does not have to undergo a background check, any person, even a person prohibited from possessing a firearm, can make a firearm at home. If the Legislature did not enact this law, any person prohibited from owning a firearm could easily circumvent the law by manufacturing or assembling a firearm that could potentially be used in the commission of a crime.

In addition, presently, self-manufactured or self-assembled firearms generally have no serial number and are not tracked by the Department’s automated firearm system. New technology makes it very easy to manufacture untraceable firearms which has created a public safety concern. These untraceable firearms are showing up at crime scenes, found in the hands of violent criminals, and criminal organizations are manufacturing these guns for criminal activity and profit.

The Legislature adopted California Penal Code sections 29180, 29181, 29182, 29183, and 29184 to regulate the ownership of self-manufactured or self-assembled firearms. The Legislature delegated authority to the Department to write regulations to interpret, and make specific Penal Code sections 29180, 29181, 29182, 29183, and 29184. These regulations are beneficial as they create a unique serial number application process; one that every individual shall undergo if the individual owns a self-manufactured or self-assembled firearm or intends to manufacture or assemble a firearm. Through this process, the Department can allow those who are lawfully eligible to possess a firearm, to retain their self-manufactured or self-assembled firearm while later disarming prohibited persons who have a self-manufactured or self-assembled firearm in their possession.

These regulations describe the mandatory reporting process the Department is putting into effect for the owner of a self-manufactured or self-assembled firearm, making it easy for such owners to report their firearms to the Department. Once given effect, these regulations will increase public safety by forcing individuals to demonstrate that they are not prohibited from owning firearms while allowing law-abiding individuals to maintain their firearm building hobbies. Furthermore, these regulations benefit the state as they may enable the Department to seize an unreported self-manufactured or self-assembled firearm that has no engraved serial number, once the period to engrave a serial number and record the ownership of a self-manufactured or self-assembled firearm has expired. As a result, the number of unlawful and untraceable firearms circulating within the state will decrease.

The California Code of Regulations, title 11, division 5, Chapter 41, interprets and details the specifics of these laws as follows:

Section 5505 specifies the scope of the new chapter, the regulation of self-manufactured and self-assembled firearms. The chapter applies to (1) those who own self-manufactured or self-assembled firearms as of July 1, 2018 that are not recorded with the Department or (2) those who intend to manufacture or assemble firearms on or after July 1, 2018.

Section 5506 specifies that an individual shall not build any prohibited firearm, including an assault weapon, a machine gun, a .50 BMG rifle, a destructive device, a short barreled rifle, or a short barreled shotgun.

Section 5507 defines all firearm-related words used throughout this new chapter so that the Department and members of the public can apply the same definitions to the firearm-related terminology used in the regulations to understand what the Department requires of them.

Section 5508 specifies the types of firearms that are not affected by the new Penal Code sections.

Section 5509 specifies the two groups of people who the new Penal Code sections affect: (1) individuals who own self-manufactured or self-assembled firearms as of July 1, 2018, and (2) individuals who intend to manufacture or assemble a firearm on or after July 1, 2018.

Section 5510 specifies the effective dates of the new Penal Code sections. Self-manufactured or self-assembled firearms shall be reported to the Department on or after July 1, 2018, but before January 1, 2019. An individual intending to manufacture or assemble a firearm on or after July 1, 2018, shall request a unique serial number before the individual builds the firearm.

Section 5511 specifies that unique serial number applications shall be submitted online on California Firearms Application Reporting System (CFARS) and instructs where to find the application.

Section 5512 specifies how to create a CFARS account (prior to completing a unique serial number application) and the terms the applicant shall accept before creating the account.

Section 5513 specifies the applicant and firearm identification information the applicant shall enter into CFARS. Also, it informs the applicant of the Department's Privacy Notice and requires the applicant to agree to the release of the applicant's personal information to representatives of the Department in order for the unique serial number application to be processed.

Section 5514 establishes the reporting fee to file a unique serial number application.

Section 5515 specifies that only one unique serial number will be issued per firearm.

Section 5516 describes the firearm eligibility check that the Department conducts on the applicant before determining if the applicant is eligible to possess a firearm. It also specifies that the Department will notify the applicant of its determination of eligibility electronically by email.

Section 5517 specifies that the Department shall make a decision, within 15 calendar days, to grant or deny the applicant's request for a unique serial number.

Section 5518 identifies the different deadlines that an individual has to engrave, cast, stamp (impress), or permanently place the unique serial number in a conspicuous location on the receiver or frame of the firearm, after the Department issues a unique serial number to the individual.

Section 5519 explains that any firearm manufactured or assembled from polymer plastic shall contain its unique serial number on 3.7 ounces of material type 17-4 PH stainless steel, and the stainless steel piece shall be embedded within the plastic receiver or frame.

Section 5520 specifies the proper procedure and the information that shall be engraved, cast, stamped (impressed), or permanently placed on the firearm. The unique serial number shall be to a minimum depth of .003 inch and in a print no smaller than 1/16 inch. This ensures that the unique serial number will fit on the firearm and be legible to the Department.

Section 5521 specifies that the applicant shall upload four digital images of the self-manufactured or self-assembled firearm for approval by the Department. It also establishes the procedure to submit digital images of the self-manufactured or self-assembled firearm.

Section 5522 establishes that self-manufactured or self-assembled firearms, which are built on or after July 1, 2018, may be modified by the manufacturer or assembler as long as it is done within the 30 day period after the Department issues the unique serial number.

#### ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The Department anticipates that these regulations will benefit the health and welfare of California residents because they will protect those who manufacture or assemble a firearm, especially if the firearm is stolen and used to commit a crime by a prohibited person. These regulations will increase the number of traceable firearms, making it more effective for law enforcement to identify the root of any firearm that is potentially used in any firearm-related criminal activities. If a self-manufactured or self-assembled firearm that is recorded with the Department is stolen, its owner can immediately notify law enforcement of its identification by presenting proof of it having a unique serial number so that law enforcement can return the firearm to its lawful owner upon discovery. Additionally, if law enforcement uncovers any unreported firearms once the period to report self-manufactured or self-assembled firearms has concluded, those firearms will be taken off the streets and placed into custody, away from prohibited persons. Moreover, these regulations enable the Department to conduct a firearm eligibility check on every person who owns or intends to own a self-manufactured or self-assembled firearm, so the Department can ensure the individual is lawfully eligible to possess that firearm.

#### EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

Pursuant to Government Code 11346.5, subdivision (a)(3)(D), the Department shall evaluate whether the proposed regulation is inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has reviewed existing regulations pertaining to firearms within California

Code of Regulations (“CCR”) title 11, division 5, and determined that these proposed regulations are not inconsistent or incompatible. This determination is based on the fact that the proposed regulations specify new legislation that was enacted recently and are unconnected to any previous regulations.

#### COMPARABLE FEDERAL REGULATIONS

The proposed regulations are not mandated by federal statute or regulation.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which shall be reimbursed in accordance with government code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on Private Person or Business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: None.

Small business determination: The Department has determined that the proposed regulation will not affect the creation or elimination of businesses because it does not require small businesses to assist an individual with the unique serial number application process. However, there may be a positive impact on small businesses that currently conduct engraving, casting, or stamping (impressing) business in California because individuals who manufacture or assemble a firearm may seek the engraving services of a small business or a Federal Firearms Licensee (FFL) to engrave the Department issued unique serial number on the firearm.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Assessment regarding effect on jobs/businesses: Adoption of the proposed regulation will create four jobs within the Department—three full-time limited term positions and one full-time permanent position. Adoption of the proposed regulations will not:

- (1) Create or eliminate jobs within California, with the exception of the four jobs that will be created within the Department to process the unique serial number applications that will be submitted by the process proposed by these regulations;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

In addition, these proposed regulations are beneficial to the health and welfare of California's residents because they create a unique serial number application process, which will require each individual owning or intending to own a self-manufactured or self-assembled firearm to obtain a unique serial number for the firearm. Hence, the firearm will be uniquely identified and traceable. Additionally, these proposed regulations are beneficial to the welfare of California residents because they will require an individual to undergo a firearms eligibility check to ensure that the individual is not prohibited from owning a firearm before the Department issues a unique serial number to the individual. Presently, no laws mandate an individual who manufactures or assembles a firearm to undergo a background check, so it is easy for prohibited individuals to manufacture and assemble firearms. Furthermore, these regulations will benefit the welfare of California residents because they enable the Department to trace self-manufactured or self-assembled firearms, resulting in a decrease in the number of unlawful and untraceable firearms circulating within the state.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to:

Sundeep Thind  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Phone: (916) 227-7622  
Email: [AB857FirearmIDregs@doj.ca.gov](mailto:AB857FirearmIDregs@doj.ca.gov)

The back-up contact person for these inquiries is:

Jacqueline Dosch  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Phone: (916) 227-5419  
Email: [AB857FirearmIDregs@doj.ca.gov](mailto:AB857FirearmIDregs@doj.ca.gov)

#### AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulation (the “express terms”), the initial statement of reasons, and the information upon which the proposed rulemaking is based are available at the Department’s website at <http://oag.ca.gov/firearms/regs>. Copies may also be obtained by contacting Sundeep Thind.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before the Department adopts the regulations. Copies of any modified text will be available on the Department’s website at <http://oag.ca.gov/firearms/regs>. A written copy of any modified text may be obtained by contacting Sundeep Thind.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the final statement of reasons will be available on the Department’s website at <http://oag.ca.gov/firearms/regs>. You may also obtain a written copy of the final statement of reasons by contacting Sundeep Thind.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format, as well as the Final Statement of Reasons once completed, are available on the Department’s website at <http://oag.ca.gov/firearms/regs>.

## **INITIAL STATEMENT OF REASONS**

### **PROBLEM STATEMENT**

The Legislature adopted California Penal Code sections 29180, 29181, 29182, 29183, and 29184 to regulate the possession of self-manufactured or self-assembled firearms. Prior to adopting the above-mentioned Penal Code sections, there were no provisions in existing law that addressed a non-prohibited person from manufacturing a firearm for personal use. Since a person purchasing an unfinished receiver does not have to undergo a background check, any person, even a person prohibited from possessing a firearm, can make a firearm at home. If the Legislature did not enact this law, any person prohibited from owning a firearm could easily circumvent the law to build a firearm that could potentially be used in the commission of a crime.

In addition, presently, self-manufactured or self-assembled firearms generally have no serial number that is stored in the Department's automated firearms system. New technology makes it very easy to manufacture untraceable firearms, which has created a public safety concern. These untraceable firearms are showing up at crime scenes, are found in the hands of violent criminals, and criminal organizations are manufacturing these guns for criminal activity and profit. Pursuant to Penal Code section 29182, subdivision (f), the Legislature authorized the Department of Justice ("Department" or "DOJ") to adopt regulations to administer and enforce the newly created Penal Code sections.

### **BENEFITS**

These regulations are beneficial because they create a unique serial number application process; one that every individual shall undergo if the individual owns a self-manufactured or self-assembled firearm or intends to manufacture or assemble a firearm. Through this process, the Department can allow those who are lawfully eligible to possess a firearm to retain their self-manufactured or self-assembled firearm while disarming prohibited persons who own a self-manufactured or self-assembled firearm.

These regulations describe the mandatory reporting process the Department is putting into effect for the owner of a self-manufactured or self-assembled firearm, making it easy for such owners to report their firearms to the Department. Once given effect, these regulations will increase public safety by forcing individuals to demonstrate that they are not prohibited from owning firearms while allowing law-abiding individuals to maintain their firearm building hobbies. Furthermore, these regulations benefit the state because they enable the Department to seize an unreported self-manufactured or self-assembled firearm that has no engraved serial number, once the period to engrave a unique serial number and record the ownership of a self-manufactured or self-assembled firearm has expired. As a result, the number of unlawful and untraceable firearms circulating within the state will decrease.

## PURPOSE & NECESSITY

### **§ 5505. Title and Scope.**

This regulation establishes the scope of the new chapter—Chapter 41, named “The Department of Justice Regulations for Firearms: Identifying Information and the Unique Serial Number Application Process for Self-Manufactured or Self-Assembled Firearms.” This entire chapter is devoted to the regulation of homemade, self-manufactured, or self-assembled firearms. The Department’s objective, in enacting these regulations, is to create a system that will enable the Department to record each self-manufactured or self-assembled firearm in the Department’s database so that each self-manufactured or self-assembled firearm is traceable. This section clarifies that these regulations apply to two groups of individuals: (1) those who presently own self-manufactured or self-assembled firearms that are not recorded with the Department or (2) those who intend to manufacture or assemble firearms on or after July 1, 2018. This regulation is necessary because it explains who is required to report a self-manufactured or self-assembled firearm to the Department and how that individual can report it to the Department. Furthermore, this regulation is necessary because the Department has an interest to protect the public by ensuring that every individual who owns a firearm, which was not purchased through a Federal Firearms Licensee, is eligible to possess it.

### **§ 5506. Firearms that Will Not Be Recorded Pursuant to these Regulations Under Section 29180.**

This regulation specifies that an individual shall not build an assault weapon, a machine gun, a .50 BMG rifle, a destructive device, a short barreled rifle, or a short barreled shotgun. This regulation is necessary because it notifies an individual who has built or intends to build a firearm whether it is lawful to own that particular type of firearm in the state of California. It also informs an individual who intends to manufacture or assemble a firearm to not build a dangerous weapon and expect the Department to issue a unique serial number for it.

### **§ 5507. Definition of Key Terms.**

Subdivisions (a) through (s) of this regulation define all firearm-related words used throughout this new chapter. This section is necessary because it clarifies commonly used firearm-related vocabulary. This way the Department and members of the public can apply the same definitions to the firearm-related terminology used in this Chapter and understand what the Department requires of them. The following definitions will be utilized:

Subdivision (a) establishes that an “antique firearm” means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade. The year 1898 is specifically used here as



the cutoff date because Penal Code section 16170 states that an “antique firearm” means any firearm manufactured before January 1, 1899.

Subdivision (b) establishes that “barrel” means the tube, usually metal and cylindrical, through which a projectile or shot charge is fired. Barrels may have a rifled or smooth bore.

Subdivision (c) establishes that “barrel length” means the length of the barrel measured as follows: without consideration of any extensions or protrusions rearward of the closed bolt or breech-face. The approved procedure for measuring barrel length is to measure from the closed bolt (or breech-face) to the furthestmost end of the barrel or permanently attached muzzle device. Permanent methods of attachment include full fusion gas or electric steel-seam welding, high temperature (1100° F) silver soldering, or blind pinning with the pin head welded over. Barrels are measured by inserting a dowel rod into the barrel until the rod stops against the closed bolt or breech-face. The rod is then marked at the furthestmost end of the barrel or permanently attached muzzle device, withdrawn from the barrel, and measured.

Subdivision (d) establishes that “bore” means the interior of a firearm’s barrel excluding the chamber.

Subdivision (e) establishes that “Bureau” means the Bureau of Firearms of the California Department of Justice.

Subdivision (f) establishes that “caliber” means the nominal diameter of a projectile of a rifled firearm or the diameter between lands in a rifled barrel. In the United States, caliber is usually expressed in hundreds of an inch; in Great Britain in thousandths of an inch; in Europe and elsewhere in millimeters

Subdivision (g) establishes that “CFARS” means California Firearms Application Reporting System.

Subdivision (h) establishes that “conspicuously” means that all required markings shall be placed in such a manner as to be wholly unobstructed from plain view.

Subdivision (i) establishes that “curios” or “relics” mean firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. These include firearms that were manufactured at least 50 years prior to the current date, but not including replicas of such firearms; firearms which are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; and any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event.

Penal Code section 29181, subdivision (e) provides that the terms “curio” or “relic” should be defined pursuant to section 479.11 of Title 27 of the Code of Federal Regulations, but neither “curio” nor “relic” is defined in that section. Hence, the definition of “curio” or “relic” used here

is from section 478.11 of Title 27 of the Code of Federal Regulations because that section provides a clear definition of “curio” or “relic.”

Subdivision (j) establishes that “Department” means the California Department of Justice.

Subdivision (k) establishes that “Firearms Eligibility Check” means a state and federal background check pursuant to Penal Code section 30105 that is used to determine an individual’s eligibility to possess a firearm.

Subdivision (l) establishes that “frame” means the receiver of a pistol.

Subdivision (m) establishes that “FSC” means Firearm Safety Certificate as defined in Penal Code section 16540.

Subdivision (n) establishes that “HSC” means Handgun Safety Certificate as defined in Penal Code section 16670.

Subdivision (o) establishes that “legibly marked” means using exclusively Roman letters (A, a, B, b, C, c, and so forth) and numbers.

Subdivision (p) establishes that a “receiver” means the basic unit of a firearm which houses the firing and breech mechanisms and to which the barrel and stock are assembled.

Subdivision (q) establishes that a “receiver, unfinished” means a precursor part to a firearm that is not yet legally a firearm. Unfinished receivers may be found in various levels of completion. As more finishing work is completed the precursor part gradually becomes a firearm. For example, some just have the shape of an AR15 lower receiver, but are solid metal. Some have been worked on and the magazine well has been machined open.

Subdivision (r) establishes that a “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Subdivision (s) establishes that a “self-assembled,” or “self-manufactured” firearm means a firearm fabricated or constructed by a person, or a firearm the component parts of which were fit together by a person to construct a firearm, but does not include:

(1) A firearm assembled or manufactured by a firearms manufacturer licensed by the State of California and/or the Federal Government, or

(2) A firearm with a serialized receiver purchased from a California gun store and later assembled it into a functional firearm. In this case, a licensed Federal Firearms Licensee is the manufacturer of the firearm and has applied its own serial number to the firearm.

#### **§ 5508. Firearms Not Affected by This Chapter Pursuant to Penal Code Section 29181.**

Subdivision (a) establishes that a self-manufactured or self-assembled firearm that already has a serial number assigned to it by the Department pursuant to Penal Code section 23910 is recorded with the Department and its owner does not need to apply for a unique serial number for that firearm. This subdivision is necessary because it clarifies that a firearm containing a serial number pursuant to Penal Code section 23910 or pursuant to Chapter 44 (commencing with Section 921) of Part I of Title 18 of the United States Code and the regulations issued pursuant thereto is exempt from following the procedures set forth by these regulations.

Subdivision (b) establishes that an owner in possession of a firearm that was self-manufactured or self-assembled before December 16, 1968, does not have to apply for a unique serial number from the Department unless the firearm is a handgun. This subdivision is necessary because it clarifies that a firearm built before December 16, 1968, is exempt from the unique serial number requirement set forth by these regulations as long as the firearm is not a handgun.

Subdivision (c) establishes that a firearm that has already been entered into the centralized registry prior to July 1, 2018, is recorded with the Department and its owner does not have to apply for a unique serial number under these regulations. This subdivision also explains that the serial number recorded in the central registry is not one issued by the Department, but it is one that was created by the individual and input into the centralized registry so that the firearm is recorded. The subdivision is necessary because it clarifies that anyone possessing a self-manufactured or self-assembled firearm that is already recorded with the central registry in this way is exempt from the unique serial number requirement set forth by these regulations.

Subdivision (d) establishes that a firearm containing a serial number already issued to it by a Federal Firearms Licensee is exempt from the unique serial number requirement. This subdivision is necessary because it makes it clear that a firearm purchased from a Federal Firearms Licensee, even if is a receiver or frame by itself, is lawfully recorded with the Department and the individual possessing it does not have to re-record it with the Department pursuant to these regulations.

Subdivision (e) establishes that a firearm that is a curio, relic, or an antique firearm does not need to be recorded pursuant to these regulations. This subdivision is necessary because it makes it clear that curios, relics, or antique firearms are exempt and from being recorded with the Department pursuant to these regulations.

#### **§ 5509. Persons Affected by These Regulations.**

Subdivision (a) clarifies that these regulations apply to an individual who owns a self-manufactured or self-assembled firearm as of July 1, 2018. This subdivision is necessary because it states who is being regulated. The Department seeks to record the existence of all self-manufactured or self-assembled firearms that currently exist in the state of California. This subdivision is necessary to indicate the Department's intent to the public of its objective to record all self-manufactured or self-assembled firearms in California.

Subdivision (b) clarifies that these regulations also apply to individuals who intend to manufacture or assemble a firearm on or after July 1, 2018. This subdivision is necessary because it states the Department's intention to regulate the building of new firearms once Penal Code sections 29180, 29181, 29182, 29183, and 29184 become effective on July 1, 2018. The Department mandates that an individual intending to build a firearm on or after July 1, 2018, submit an application before constructing the firearm so that the Department can conduct a firearms eligibility check to ensure that the individual is not prohibited from possessing a firearm.

#### **§ 5510. Effective Dates.**

Subdivision (a) directs an individual who owns an unreported self-manufactured or self-assembled firearm, as of July 1, 2018, to request a unique serial number for the firearm from the Department before January 1, 2019. This subdivision is necessary because it establishes that it will be illegal to own an unreported self-manufactured or self-assembled firearm beginning on January 1, 2019. Furthermore, it is necessary because it notifies the public that it has six months, from July 1, 2018, to January 1, 2019, to request a unique serial number for the firearm from the Department before it becomes illegal to possess such a firearm.

Subdivision (b) prohibits an individual from manufacturing or assembling a firearm any time after July 1, 2018, without first requesting a unique serial number and undergoing a firearms eligibility check from the Department. This subdivision is necessary because the Department does not want an individual to possess a firearm without undergoing and passing a firearms eligibility check. Additionally, it will keep firearms out of the hands of prohibited persons so that the Department can effectively protect the public.

#### **§ 5511. Online Reporting with CFARS.**

Subdivision (a) establishes that a request for a unique serial number shall only be submitted online and it provides the link to the online application. This subdivision is necessary because it tells the public that the entire application shall be available online and it provides the link so that the applicant can easily access it. No paper version of the application is available. An online application will make it easier for the Department to efficiently collect information pertaining to self-manufactured or self-assembled firearms and keep all components of the unique serial number application in one location, on one database.

Subdivision (b) informs the applicant which application shall be used. The "Unique Serial Number Application" shall be used to request a unique serial number for either a self-manufactured or self-assembled firearm built before July 1, 2018 or a firearm that an individual intends to manufacture or assemble on or after July 1, 2018. This subdivision is necessary because it specifies the name of the application— which is the "Unique Serial Number Application." Moreover, it is necessary because it clarifies that the unique serial number application process, whether it is to report a self-manufactured or self-assembled firearm or to request permission to build a firearm, shall be completed using the same application.

Subdivision (c) refers specifically to an applicant who currently owns a self-manufactured or self-assembled firearm. This subdivision informs an applicant that the unique serial number application to request a unique serial number and record ownership of a self-manufactured or self-assembled firearm is only available until 11:59 p.m. on December 31, 2018. An application will only be considered timely if it is properly completed and the application fee is paid in full online by 11:59 p.m. on December 31, 2018. This subdivision is necessary because it provides a submission deadline for the unique serial number application for an individual who currently owns a self-manufactured or self-assembled firearm. If the application is not submitted and paid for in full by this deadline, any unreported self-manufactured or self-assembled firearms will not be recorded by the Department and will become illegal contraband as of January 1, 2019.

#### **§ 5512. CFARS Reporting Process.**

Subdivision (a) mandates that an applicant for a unique serial number shall create a CFARS account. This subdivision notifies an applicant that the applicant cannot log into CFARS as a guest user to request a unique serial number from the Department. Moreover, this subdivision provides information concerning the conditions of use on CFARS. It indicates the following:

- (1) Non-Liability: the Department is not responsible for and will have no liability for any hardware, software, information, or other items or any services provided by any persons other than the Department. Except as may be required by law, in no event shall either party be liable to the other or any third party, under any theory of liability, including, but not limited to, any contract or tort claim for any cause whatsoever, for any indirect, incidental, special, or consequential damages, including loss of revenue or profits, even if aware of the possibility thereof.
- (2) Authorization: the applicant is authorized to use CFARS for the purpose of reporting firearm information to the Department and/or submitting and managing a Certificate of Eligibility in order to comply with California firearm laws and regulations. If the applicant becomes aware of an unauthorized user obtaining access to the applicant's CFARS account, the applicant will notify the Bureau of Firearms immediately at (916) 227-7527, or via email at: [firearms.bureau@doj.ca.gov](mailto:firearms.bureau@doj.ca.gov).
- (3) Fees: notwithstanding such notification, the applicant agrees the Department shall not be liable for transaction charges fraudulently incurred. It will be the applicant's responsibility to pay any charges. The Department will not provide refunds after the submission of a transaction.
- (4) True and Accurate Information: all of the information the applicant submits to the Department through CFARS shall be true, accurate, and complete to the best of the applicant's knowledge.

This subdivision is necessary because when an applicant creates a CFARS account it enables the Department to keep a lasting record of the information provided by the applicant. Additionally, as a part of the application process, the Department requires each applicant to submit four digital images of the firearm after the applicant receives and applies the unique serial number to the

receiver or frame of the firearm. CFARS does not have the functionality to allow guest users to upload images, so the Department would have to find another method to obtain the digital images. Hence, the Department would be forced to spend additional time, money, and employee labor to tie the required four digital images (which would be submitted in the second part of the process) to the firearm information initially submitted by the user. Furthermore, the conditions of use information presented in this subdivision is necessary so that the CFARS user is aware of them before creating an account.

Subdivision (b) establishes that the applicant shall provide the following to create a CFARS account—full name, email address, a selection of three security questions and answers, and a password. This subdivision is necessary because it tells the applicant which information is necessary to create a CFARS account. It also shows the applicant that CFARS is a secure site because it uses an applicant's personal information to maintain the privacy of the account and prevent any third parties from easily accessing the applicant's account.

### **§ 5513. Applicant and Firearm Identification Information Entered into CFARS by Applicant and the Department's Privacy Notice.**

Subdivision (a) identifies all of the information that an applicant shall add to the applicant's CFARS account, such as personal information, a description of the firearm(s), and the applicant's valid firearm safety certificate (FSC) number or a handgun safety certificate (HSC) number. This subdivision is necessary because it gives the Department enough information to conduct a firearms eligibility check to determine if the applicant is eligible to possess a firearm. Presently, the Department does not require that an applicant undergo a firearms eligibility check prior to manufacturing or assembling a firearm. Hence, a prohibited person is capable of manufacturing or assembling and owning a firearm illegally. The intent of the Department is to decrease firearm-related violence, and one way to do this is to ensure that a prohibited person does not have access to a firearm. Moreover, this subdivision is necessary because the Department needs a description of the firearm(s) to determine whether the applicant's self-manufactured or self-assembled firearm comports with the law and does not belong to a class of the firearms prohibited by Penal Code section 29182, subdivision (e). Furthermore, this subdivision is necessary because the law requires anyone who possesses a firearm to have either a FSC or a HSC. If the applicant does not have either a FSC or a HSC, the applicant cannot lawfully possess a firearm. Thus, this subdivision is necessary to inform the applicant that the Department will not grant a unique serial number for a firearm to the applicant if the applicant fails to obtain a FSC or HSC prior to submitting a request for a unique serial number.

Subdivision (b) notifies the applicant that if the application is missing any information, the Department will deny the applicant's request for a unique serial number. This subdivision is necessary because it warns the applicant of an immediate basis for denial. This subdivision serves to encourage the applicant to take the time to gather all of the necessary information and carefully input it into the unique serial number application.

Subdivision (c) identifies the Department's Privacy Notice and requires that the applicant agree to its terms. This subdivision is necessary because it informs the applicant that the applicant shall

permit the Department to release the applicant's personal information to its representatives as needed or else the unique serial number application cannot be processed and will be denied.

#### **§ 5514. Recording Fee for a Self-Manufactured or Self-Assembled Firearm.**

Subdivision (a) authorizes the Department to charge a total of \$35.00 for a unique serial number application. The \$35.00 fee comprises of a \$20.00 fee for the firearms eligibility check and a \$15.00 fee for the issuance of one unique serial number. The \$20.00 fee for the firearms eligibility check consists of a: \$14.00 fee to reimburse the Department for costs associated with conducting the background check (Pen. Code, § 28225); \$5.00 for the Firearms Safety and Enforcement Fee (Pen. Code, § 28300); and \$1.00 for the Firearm Safety Fee (Pen. Code, § 23690). Any subsequent unique serial numbers that are requested as a part of the first transaction will cost an additional \$15.00 each. Penal Code section 29183 provides the Department with the authority to charge an applicant a fee for each unique serial number it issues in an amount sufficient to reimburse it for actual costs associated with the issuance of each unique serial number. The Department projects that 50,000 to 75,000 self-manufactured or self-assembled firearms will be reported to the Department within one year of the commencement of the unique serial number application process. Following the first year, the Department estimates that 2,000 self-manufactured or self-assembled firearms will be reported each subsequent year thereafter. Due to the heavy volume of applications during the first year, the Department anticipates that it will require three Analysts and one Program Technician II, to process the applications. Once the initial volume of applications are processed, the Department will require only one Analyst to process unique serial number applications submitted during subsequent years. In this way, the Department has decided that charging a fee of \$15.00 per unique serial number will be sufficient to reimburse the Department of its actual costs for processing the unique serial number applications. The \$15.00 fee collected from each unique serial number application will go towards covering the salaries of the staff involved in processing the applications. The Department calculated the fee by taking into account the time the analyst will spend to process each application by performing tasks such as: conducting and analyzing the background check, analyzing pictures of each firearm, and communicating with the applicant regarding the application throughout the recordation process. Thus, this subdivision is necessary because it informs the applicant of the fee, how the fee will be used, and why the Department is charging this fee.

Subdivision (b) authorizes the applicant to pay for the unique serial number application by credit card at the time the application is submitted to the Department. This is necessary so the applicant knows that payment will only be accepted online via credit card. Furthermore, it notifies the applicant that the application will not be processed if the fee is not paid.

Subdivision (c) establishes that the applicant's determination letter will be available online on the applicant's CFARS account for a limited time. This subdivision is necessary because it notifies the applicant that it is the applicant's responsibility to log onto CFARS and to either print or save the determination letter for the applicant's personal records.

#### **§ 5515. One Unique Serial Number Issued Per Firearm.**

Subdivision (a) is necessary to explain that the Department will only assign one unique serial number per self-manufactured or self-assembled firearm so that the owner of the firearm is easily identifiable.

Subdivision (b) is necessary because it explains that if an applicant owns multiple self-manufactured or self-assembled firearms, or intends to manufacture or assemble multiple firearms, the applicant may request multiple unique serial numbers. There is no limit to the number of firearms that can be reported to the Department in one transaction. A non-identical unique serial number shall be assigned to each firearm.

#### **§ 5516. Firearms Eligibility Check Conducted by the Department Prior to Issuing a Unique Serial Number.**

Subdivision (a) establishes that a firearms eligibility check shall be conducted by the Department for the applicant once the applicant submits a request for a unique serial number and pays the corresponding fee. This subdivision is necessary to ensure that no prohibited person obtains a unique serial number. This subdivision explains that an applicant shall undergo and pass the firearms eligibility check before the Department approves the request for a unique serial number. The Department will check both state and federal databases to determine that the applicant is not a person prohibited from possessing a firearm.

Subdivision (b) establishes that once the Department processes an application for a unique serial number, it will conduct a firearms eligibility check on the applicant to determine whether the applicant is eligible to possess a firearm. If the applicant's firearms eligibility check reveals that the applicant is not prohibited from possessing a firearm, the applicant shall be issued a unique serial number. If the applicant's firearms eligibility check reveals that the applicant is prohibited from possessing a firearm, or if the applicant's background check is unclear, the applicant shall be denied and shall not be issued a unique serial number. Moreover, this subdivision explains that the applicant's determination of eligibility letter will be accessible on CFARS. This subdivision is necessary because it reveals that the Department's decision-making process to issue a unique serial number is not arbitrary; rather, the Department relies on the results of the firearms eligibility check to determine the applicant's eligibility to possess a firearm. This subdivision will help the applicant understand how the Department made its determination regarding the request to obtain a unique serial number.

Subdivision (c) indicates that all approval or denial notifications issued by the Department will be sent electronically through CFARS. The Department will not issue and mail a physical letter of its determination to each applicant. This subdivision is necessary because it explains that the determination letter will be uploaded to the applicant's CFARS account, not sent via postal mail. CFARS will generate an email informing the applicant to check the applicant's CFARS account to view the determination letter when the Department uploads the letter into CFARS.



**§ 5517. 15 Day Period for the Department to Approve or Deny the Applicant's Request for a Unique Serial Number.**

This regulation states that the Department shall make a decision, within 15 days, to grant or deny the applicant's request for a unique serial number. The Legislature authorized the Department in Penal Code section 29182 to have a period of 15 calendar days to perform the background check and to make a determination of eligibility. Furthermore, it clarifies that the 15 calendar day period will begin once the applicant's unique serial number application is completed, paid, and submitted to the Department to conduct the firearms eligibility check.

**§ 5518. Deadlines to Engrave the Unique Serial Number on the Firearm After Receiving the Electronic Approval Notice from the Department.**

Subdivision (a) establishes that the Department will notify the applicant of its determination of eligibility electronically through CFARS. This subdivision is necessary because it clarifies that the Department's preferred mode of communication for the entire unique serial number application process is electronic. This is necessary so that the applicant is aware the Department will not accept unique serial number applications by mail and it will not mail out any physical copies of the determination letters. All correspondence will occur through the applicant's CFARS account. Whenever a new notification is sent to the applicant on CFARS, the applicant will receive an email informing the applicant to login to CFARS to view the message. This is beneficial because neither the applicant nor the Department will have to pay postage for correspondence because the entire process will be conducted online. Furthermore, it will be easier for the Department to track all application requests because they will be linked to each specific applicant's online account.

Subdivision (b) describes what the applicant shall do once the Department approves the applicant's request for a unique serial number. This subdivision is necessary because it guides the applicant through the step-by-step process of applying the unique serial number to the firearm and reporting it to the Department.

Subsection (1) pertains to self-manufactured or self-assembled firearms owned by an individual, but not recorded with the Department. This subsection establishes that the unique serial number shall either be engraved, cast, stamped (impressed), or permanently placed on the receiver or frame in a conspicuous location on the firearm within 10 days after the Department's issuance of the unique serial number. This subsection is necessary because it instructs the applicant how to apply the unique serial number on to the firearm and within 10 days, as required by Penal Code section 29180.

Subpart (A) is necessary because it explains that the applicant shall upload digital images of the self-manufactured or self-assembled firearm within 10 days of receiving the unique serial number. The Department can only comply with this 10 day requirement, which is set by Penal Code section 29180, if it receives digital images of the firearm. The digital images will prove that the applicant applied the unique serial number to the firearm within the required time period and in the proper manner. Furthermore, the Department requires the applicant to upload digital

images of the firearm because they are necessary to determine that the type of firearm built is legal and that the unique serial number was truly and properly engraved on the firearm.

Subpart (B) warns the applicant that if the entire process of applying the unique serial number to the firearm and uploading the required pictures is not completed within 10 days, pursuant to Penal Code section 29180, the unique serial number will expire and the applicant will have to reapply for a new unique serial number. This section is necessary because it notifies the applicant that the issued unique serial number will not be valid indefinitely and that the applicant is responsible for completing the entire process within 10 days. Otherwise, if the applicant does not comply with the 10-day requirement, the applicant will have to reapply, which means that the applicant will have to pay another \$35.00 fee to undergo another background check to obtain another a unique serial number.

Subsection (2) pertains specifically to an applicant who intends to manufacture or assemble a firearm after July 1, 2018. It is necessary because it informs the applicant that the applicant is required to undergo a firearms eligibility check and obtain a unique serial number from the Department before the applicant may build a firearm. Moreover, it is necessary because it tells the applicant that the applicant shall have 30 calendar days to manufacture or assemble a firearm, apply the Department-issued serial number to the firearm, and upload the digital images of the firearm on CFARS to show that the applicant conformed to all of the requirements. The Department has mandated that the applicant manufacture or assemble the firearm within 30 days because the applicant's background check, within the Department's system, expires after 30 days. If the Department permits the applicant more than 30 days to manufacture or assemble a firearm after issuing a unique serial number, the applicant's background check will not be current and it will fail to reflect any recent offenses the applicant may have incurred that may prohibit the applicant from owning a firearm.

Subpart (A) is necessary because it clarifies that the applicant shall only manufacture or assemble a firearm after the Department has determined that the applicant is eligible to own a firearm. It is also necessary because it indicates that an applicant is prohibited from building a firearm before the Department issues a unique serial number or if the Department determines that the applicant is ineligible to possess a firearm.

Subpart (B) is necessary because it explains that the applicant has 10 days to engrave, cast, stamp (impress), or permanently place the unique serial number in a conspicuous location on the receiver or frame of the firearm after manufacturing or assembling the firearm. The 10-day time period is set by Penal Code section 29180. This subpart is necessary because it recommends that the applicant complete the manufacture or assembly of the firearm within 20 days after the issuance of the unique serial number, at the latest. This way, the applicant shall have a full 10 days to engrave, cast, stamp (impress), or permanently place the unique serial number on the receiver or frame of the firearm. The applicant may manufacture or assemble the firearm later than the twentieth day after the unique serial number is issued, but the applicant is expected to complete the application of the unique serial number to the firearm within the 30-day period after the unique serial number is issued.

Subpart (C) warns the applicant that the unique serial number will expire if the applicant does not manufacture or assemble the firearm and apply the unique serial number to the firearm within 30 days of the serial number's issuance. Once the unique serial number expires, the applicant will have to reapply to the Department for another unique serial number. This section is necessary because it notifies the applicant that the issued unique serial number will not remain valid indefinitely and that the applicant is responsible to complete the entire process within 30 calendar days. The unique serial number is only valid for 30 calendar days because the Department's background check is only valid for 30 days. If the applicant does not comply with the 30-day requirement, the applicant shall have to reapply, which means that the applicant will have to pay another \$35.00 fee to undergo another background check and to obtain another unique serial number.

Subpart (D) is necessary because it permits the applicant to manufacture or assemble the firearm and apply the unique serial number to the firearm before the termination of the 30 calendar day period set by the Department. If the applicant completes the unique serial number process before the thirtieth day but the application is incomplete, the applicant shall have until the end of the thirtieth day to provide any missing information to the Department. This is necessary because it encourages the applicant to record the applicant's firearm with the Department as soon as possible in case the applicant did not properly conform to the procedures set out by the Department. Thus, the applicant will not have to face the risk and cost of having to reapply for a unique serial number.

**§ 5519. Special Requirements for Engraving, Casting, Stamping (Impressing), or Placing the Unique Serial Number on a Self-Manufactured or Self-Assembled Firearm Made from Polymer Plastic.**

This section reiterates the requirement set by Penal Code section 29180, which requires a firearm manufactured or assembled from polymer plastic to contain its unique serial number on 3.7 ounces of material type 17-4 PH stainless steel, and the stainless steel piece shall be embedded within the plastic receiver or frame. This is necessary because a plastic firearm will not be detected if it is transported into a building secured by metal detectors, unless it is embedded with the required stainless steel slab. It is necessary to restate this in the regulations so that any individual who manufactures or assembles a firearm from polymer plastic is aware of this requirement and knows not to engrave, cast, stamp (impress), or place the unique serial number on the plastic portion of the firearm.

**§ 5520. Procedures to Engrave, Cast, Stamp (Impress), or Place the Unique Serial Number on the Self-Manufactured or Self-Assembled Firearm.**

Subdivision (a)(1) is necessary because it explains who may apply the unique serial number to a self-manufactured or self-assembled firearm. An applicant may contact a Federal Firearms Licensed Manufacturer (type 07) or an unlicensed party to engrave, cast, stamp (impress), or permanently place the unique serial number on a conspicuous location on the receiver or frame of the firearm. The applicant may also personally apply the serial number to the firearm as long as it conforms with the Department's requirements. This subsection is necessary because it explains that pursuant to Penal Code section 27545 the applicant cannot leave the firearm

unattended with an unlicensed party. However, the applicant may leave a firearm in the care of a Federal Firearms Licensed Manufacturer if the Federal Firearms Licensed Manufacturer is willing to apply the unique serial number to the receiver or frame of the firearm.

Subsection (2) is necessary because it describes how the unique serial number should be engraved, cast, stamped (impressed), or permanently placed in a conspicuous location on the frame or receiver of a firearm.

Subpart (A) is necessary because it clarifies that the unique serial number shall be placed in a way that cannot be obliterated, altered, or removed. It also states that the unique serial number shall be to a minimum depth of .003 inch and in a print no smaller than 1/16 inch. This ensures that the unique serial number will fit on the firearm and be legible to the Department.

Subpart (B) is necessary because it states the information that an applicant shall apply to the firearm in addition to the unique serial number. This information is necessary because it will help law enforcement trace the firearm back to its owner if it is used in the commission of a crime. The following information shall be engraved onto the firearm: the model of the firearm (if such designation has been made), the caliber or gauge of the firearm, the manufacturer's first and last name as provided to the Department for recording purposes, and the city and state where the manufacturer made the firearm.

Subsection (3) is necessary because it defines that the depths of all markings required by this section shall be measured from the flat surface of the metal and not the peaks or ridges. This subsection is necessary because it distinguishes that the height of the unique serial number will be measured as the distance between the latitudinal ends of the character impression bottoms (bases). This notifies the applicant of how the Department measures the depths of the markings so that the applicant can conform with the Department's engraving, casting, or stamping (impressing) requirements.

Subsection (4) is necessary because it authorizes the Department to deny the applicant's unique serial number application if the marking requirements have not been met. This subsection also notifies the applicant that the Department has the ability to deny the application if the unique serial number marking requirements have not been met.

#### **§ 5521. The Procedure to Submit Digital Images of the Self-Manufactured or Self-Assembled Firearm.**

Subdivision (a) directs the applicant to upload four digital images of the self-manufactured or self-assembled firearm. This subdivision is necessary because it instructs the applicant to upload four digital images of the firearm as proof that the applicant complied with the requirements set out by the Department. It explains what each digital image shall depict and how it shall be taken.

Subsection (1) is necessary because it describes that the first image uploaded by the applicant shall be of the serial number. This is necessary because the subsection clarifies that this image shall contain the entire serial number and it shall be easy to read by the Department.

Subsection (2) is necessary to explain to the applicant that the second uploaded image shall depict the entire firearm. It describes that the firearm shall be photographed horizontally in a way that captures the entire firearm. Additionally, it is necessary because it instructs the applicant to stand over the firearm looking down from above with the firearm laying flat on the floor, on its side. Hence, this digital image shall be taken from either a top down or bird's-eye view.

Subpart (A) is necessary because it instructs that if the firearm is a long gun, the image shall capture everything from the end of the barrel to the end of the stock.

Subpart (B) is necessary because it instructs that if the firearm is a pistol the image shall capture the pistol from the point furthest from the end of the barrel to the opposite end of the pistol.

Subpart (C) is necessary because it instructs that if the firearm is a receiver or frame only, the entire firearm shall be depicted.

Subsection (3) is necessary because it explains to the applicant that the third and fourth images shall each respectively show the right side of the receiver or frame and the left side of the receiver or frame. Both of these images are necessary because the Department will use these two images to identify the firearm by any markings it may have other than the unique serial number. The Department reserves the discretion to substitute these two digital images for images of other parts of the firearm. This is necessary because the Department has an interest in viewing all identifiable markings on the firearm, even those that are not visible on those parts of the firearm that are depicted in the images uploaded by the applicant.

#### **§ 5522. Modifying the Firearm During the 30 day Period After the Department Issues the Unique Serial Number.**

This section applies to a firearm that is manufactured or assembled on or after July 1, 2018. It allows the applicant to make changes to the configuration of the firearm as long as the applicant makes all of the changes within the 30-day period following the issuance of the unique serial number and reports all changes to the Department by stating them on the unique serial number application. This time period was set by the Department to mirror the amount of time that an applicant's background check will remain valid. Hence, the firearm shall be completely built and serialized before the background check expires even if the applicant makes changes to the firearm's configuration. This section is necessary because the Department understands that the applicant may construct the firearm differently due to the potential unavailability of certain materials, once manufacture or assembly begins, but after the applicant submits a description of the projected firearm to the Department.

#### **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.**

National Rifle Association, "NRA Institute for Legislative Action Glossary," December 6, 2016, (attached for reference).

U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, “ATF Guidebook – Importation & Verification of Firearms, Ammunition, and Implements of War, Firearms Verification,” (attached for reference).

Apart from those listed above, the Department did not rely upon any other any technical, theoretical, or empirical studies or reports when writing these regulations. The Department primarily relied upon its own experience and expertise when writing these regulations.

### ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department determines that these regulations will not have a significant impact on the creation or elimination of jobs within the State of California. The Department has determined that these regulations will not affect job creation or elimination in the private sector because the Department does not require small businesses to assist an individual with the unique serial number application process in any way. However, there may potentially be a positive impact on small businesses that currently conduct engraving, casting, or stamping (impressing) business in California because individuals who manufacture or assemble a firearm may seek the engraving services of a small business or a Federal Firearms Licensee (FFL) to engrave the Department issued unique serial number on the firearm. The Department does not project that this positive impact on small businesses will be substantial enough to cause an increase in the number of jobs in the private sector.

Additionally, in regards to the public sector, four jobs will be created within the Department by the process proposed in these regulations. The jobs will pertain to the processing of the unique serial number applications. The Department is charging an initial fee of \$35.00 for each unique serial number application. Unique serial numbers for additional self-manufactured or self-assembled firearms will cost \$15.00 each, and each self-manufactured or self-assembled firearm is required to have its own unique serial number. The proceeds received from the unique serial number application process will pay the salaries of the jobs created within the Department. The Department projects that 50,000 to 75,000 self-manufactured or self-assembled firearms will be reported to the Department within one year of the commencement of the unique serial number application process. Following the first year, the Department estimates that 2,000 self-manufactured or self-assembled firearms will be reported each subsequent year thereafter. Due to the heavy volume of applications during the first year, the Department anticipates that it will require three Analysts and one Program Technician II, to process the applications. Once the initial volume of applications are processed, the Department will require only one Analyst to process unique serial number applications submitted during subsequent years.

The Department determines that no creation of new businesses or elimination of existing businesses will occur within the state of California because of these regulations. However, there may be some positive economic impact on businesses that currently conduct engraving, casting or stamping (impressing) business in the State of California because manufacturers of self-manufactured or self-assembled firearms may seek the engraving services of either Federal Firearms Licensees (FFL) or other small businesses. Although it is not required for a FFL to aid the manufacturer of a firearm in applying a unique serial number to a firearm, some FFLs (and small business owners) may choose to advertise services for engraving, casting, stamping

(impressing), or permanently placing the unique serial number and other required identifying information on a firearm. Some FFLs presently advertise that they will sell engraved unfinished receivers for as low as \$30.00, but there is no indication as to whether they will extend these services to private individuals who manufacture or assemble their own firearms. If these services are extended to private manufacturers of firearms, these businesses will experience an increase in their yearly profit margin. Hence, there may be a positive impact on the engraving, casting or stamping (impressing) businesses belonging to FFLs and other small businesses.

Finally, these proposed regulations are beneficial to the health and welfare of California's residents because they create a unique serial number application process, which will require each individual owning or intending to own a self-manufactured or self-assembled firearm to obtain a unique serial number for the firearm. Hence, the firearm will be uniquely identified and traceable. Additionally, these proposed regulations are beneficial to the welfare of California residents because they will require an individual to undergo a firearms eligibility check to ensure that the individual is not prohibited from owning a firearm before the Department issues a unique serial number to the individual. Presently, no laws mandate an individual who manufactures or assembles a firearm to undergo a background check, so it is easy for prohibited individuals to manufacture and assemble firearms. Furthermore, these regulations will benefit the welfare of California residents because they enable the Department to trace self-manufactured or self-assembled firearms, resulting in a decrease in the number of unlawful and untraceable firearms circulating within the state.

#### EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department finds that these regulations would not have statewide adverse economic impact on businesses because these regulations seek to regulate individuals who are not a part of a functioning business.

#### REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other reasonable alternatives were presented to, or considered by, the Department that would be either more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome.

#### DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS

The Department determines that these regulations are not duplicative or pose a conflict with federal regulations.



## GLOSSARY

### Assault Rifle

By U.S. Army definition, a selective-fire rifle chambered for a cartridge of intermediate power. If applied to any semi-automatic firearm regardless of its cosmetic similarity to a true assault rifle, the term is incorrect.

### Assault Weapon

Any weapon used in an assault (see WEAPON).

### Automatic

A firearm designed to feed cartridges, fire them, eject their empty cases and repeat this cycle as long as the trigger is depressed and cartridges remain in the feed system. Examples: machine guns, submachine guns, selective-fire rifles, including true assault rifles.

### Automatic Pistol

A term used often to describe what is actually a semi-automatic pistol. It is, technically, a misnomer but a near-century of use has legitimized it, and its use confuses only the novice.

### Ball

Originally a spherical projectile, now generally a fully jacketed bullet of cylindrical profile with round or pointed nose. Most commonly used in military terminology.

### Blackpowder

The earliest type of firearms propellant that has generally been replaced by smokeless powder except for use in muzzleloaders and older breechloading guns that demand its lower pressure levels.



### Blank Cartridge

A round loaded with blackpowder or a special smokeless powder but lacking a projectile. Used mainly in starting races, theatrical productions, troop exercises and in training dogs.

### Bolt-Action

A gun mechanism activated by manual operation of the breechblock that resembles a common door bolt.

### Bore

The interior of a firearm's barrel excluding the chamber.

### Brass

A synonym for expended metallic cartridge cases.

### Bullet

The projectile expelled from a gun. It is not synonymous with cartridge. Bullets can be of many materials, shapes, weights and constructions such as solid lead, lead with a jacket of harder metal, round-nosed, flat-nosed, hollow-pointed, etc.

### Caliber

The nominal diameter of a projectile of a rifled firearm or the diameter between lands in a rifled barrel. In this country, usually expressed in hundreds of an inch; in Great Britain in thousandths; in Europe and elsewhere in millimeters.

### Carbine

A rifle with a relatively short barrel. Any rifle or carbine with a barrel less than 16" long must be registered with the Bureau of Alcohol, Tobacco and Firearms. Shotguns with barrels less than 18" long fall into the same category.

### Cartridge

A single, complete round of ammunition.

### Case, Casing

The envelope (container) of a cartridge. For rifles and handguns it is usually of brass or other metal; for shotguns it is usually of paper or plastic with a metal head and is more often called a "shell."

### Center-Fire

A cartridge with its primer located in the center of the base of the case.

### Chamber

The rear part of the barrel that is formed to accept the cartridge to be fired. A revolver employs a multi-chambered rotating cylinder separated from the stationary barrel.

### Choke

A constriction at or near the muzzle of a shotgun barrel that affects shot dispersion.

### Clip

A device for holding a group of cartridges. Semantic wars have been fought over the word, with some insisting it is not a synonym for "detachable magazine." For 80 years, however, it has been so used by manufacturers and the military. There is no argument that it can also mean a separate device for holding and transferring a group of cartridges to a fixed or detachable magazine or as a device inserted with cartridges into the mechanism of a firearm becoming, in effect, part of that mechanism.

### Cop-Killer Bullet

An inflammatory phrase having neither historical basis nor legal or technical meanings.

### Cylinder

The drum of a revolver that contains the chambers for the ammunition.

### Derringer

A small single-shot or multi-barrelled (rarely more than two) pocket pistol.

### Detonate

To explode with great violence. It is generally associated with high explosives e.g. TNT, dynamite, etc., and not with the relatively slow-burning smokeless gunpowders that are classed as propellants.

### Double-Action

A handgun mechanism where pulling the trigger retracts and releases the hammer or firing pin to initiate discharge.

### Dum-Dum Bullet

A British military bullet developed in India's Dum-Dum Arsenal and used on India's North West Frontier and in the Sudan in 1897 and 1898. It was a jacketed .303 cal. British bullet with the jacket nose left open to expose the lead core in the hope of increasing effectiveness. Improvement was not pursued, for the Hague Convention of 1899 (not the Geneva Convention of 1925, which dealt largely with gas warfare) outlawed such bullets for warfare. Often "dum-dum" is misused as a term for any soft-nosed or hollow-pointed hunting bullet.

### Exploding Bullet

A projectile containing an explosive component that acts on contact with the target. Seldom found and generally ineffective as such bullets lack the penetration necessary for defense or hunting.

### Explosive

Any substance (TNT, etc.) that, through chemical reaction, detonates or violently changes to gas with accompanying heat and pressure. Smokeless powder, by comparison, deflagrates (burns relatively slowly) and depends on its confinement in a gun's cartridge case and chamber for its potential as a propellant to be realized.

### Firearm

A rifle, shotgun or handgun using gunpowder as a propellant. By federal definition, under the 1968 Gun Control Act, antiques are excepted. Under the National Firearms Act, the word designates machine guns, etc. Airguns are not firearms.

#### Fixed Ammunition

A complete cartridge of several obsolete types and of today's rimfire and center-fire versions.

#### Flash Hider/Flash Suppressor

A muzzle attachment intended to reduce visible muzzle flash caused by the burning propellant.

#### Gauge

The bore size of a shotgun determined by the number of round lead balls of bore diameter that equals a pound.

#### Gun

The British restrict the term in portable arms to shotguns. Here it is properly used for rifles, shotguns, handguns and airguns, as well as cannon.

#### Gunpowder

Chemical substances of various compositions, particle sizes, shapes and colors that, on ignition, serve as a propellant. Ignited smokeless powder emits minimal quantities of smoke from a gun's muzzle; the older blackpowder emits relatively large quantities of whitish smoke.

#### Handgun

Synonym for pistol.

#### High-Capacity Magazine

An inexact, non-technical term indicating a magazine holding more rounds than might be considered "average."

#### Hollow-Point Bullet

A bullet with a concavity in its nose to increase expansion on penetration of a solid target.

### Jacket

The envelope enclosing the core of a bullet.

### Lever-Action

A gun mechanism activated by manual operation of a lever.

### Machine Gun

A firearm of military significance, often crew-served, that on trigger depression automatically feeds and fires cartridges of rifle size or greater. Civilian ownership in the U.S. has been heavily curtailed and federally regulated since 1934.

### Magazine

A spring-loaded container for cartridges that may be an integral part of the gun's mechanism or may be detachable. Detachable magazines for the same gun may be offered by the gun's manufacturer or other manufacturers with various capacities. A gun with a five-shot detachable magazine, for instance, may be fitted with a magazine holding 10, 20, or 50 or more rounds. Box magazines are most commonly located under the receiver with the cartridges stacked vertically. Tube or tubular magazines run through the stock or under the barrel with the cartridges lying horizontally. Drum magazines hold their cartridges in a circular mode. A magazine can also mean a secure storage place for ammunition or explosives.

### Magnum

A term indicating a relatively heavily loaded metallic cartridge or shotshell and, by extension, a gun safely constructed to fire it.

### Multi-Barreled

A gun with more than one barrel, the most common being the double-barreled shotgun.

### Mushroomed Bullet

A description of a bullet whose forward diameter has expanded after penetration.

### Muzzle

The open end of the barrel from which the projectile exits.

### Muzzle Brake

An attachment to or integral part of the barrel intended to trap and divert expanding gasses and reduce recoil.

### Muzzleloader

The earliest type of gun, now also popular as modern-made replicas, in which blackpowder and projectile(s) are separately loaded in through the muzzle. The term is often applied to cap-and-ball revolvers where the loading is done not actually through the muzzle but through the open ends of the cylinder's chambers.

### Pellet Gun

A rifle or pistol using compressed air or CO2 to propel a skirted pellet as opposed to a spherical BB. Not a firearm.

### Pellets

Small spherical projectiles loaded in shotshells and more often called "shot." Also the skirted projectiles used in pellet guns.

### Pistol

Synonymous with "handgun." A gun that is generally held in one hand. It may be of the single-shot, multi-barrel, repeating or semi-automatic variety and includes revolvers.

### Pistol Grip

The handle of a handgun or protrusion on the buttstock or fore-end of a shoulder-operated gun that resembles the grip or handle of a handgun. A "semi-pistol grip" is one less pronounced than normal; a "vertical pistol grip" is more pronounced than normal.

### Plinking

Informal shooting at any of a variety of inanimate targets. The most often practiced shooting sport in this country.

### Primer

The ignition component of a cartridge, generally made up of a metallic fulminate or (currently) lead styphnate.

### Propellant

In a firearm the chemical composition that is ignited by the primer to generate gas. In air or pellet guns, compressed air or CO<sub>2</sub>.

### Pyrodex

A trade name for a blackpowder substitute, the only such safe substitute known at this time.

### Receiver

The housing for a firearm's breech (portion of the barrel with chamber into which a cartridge or projectile is loaded) and firing mechanism.

### Revolver

A gun, usually a handgun, with a multi-chambered cylinder that rotates to successively align each chamber with a single barrel and firing pin.

### Rifle

A shoulder gun with rifled bore.

### Rifling

Spiral grooves in a gun's bore that spin the projectile in flight and impart accuracy. Rifling is present in all true rifles, in most handguns and in some shotgun barrels designed for increasing the accuracy potential of slugs (a slug is a single projectile rather than the more common "shot".)

### Rimfire

A rimmed or flanged cartridge with the priming mixture located inside the rim of the case. The most famous example is the .22 rimfire. It has been estimated that between 3-4 billion .22 cartridges are loaded in the U.S. each year.



## Round

Synonym for a cartridge.

## Sabot

A lightweight carrier surrounding a heavier projectile of reduced caliber, allowing a firearm to shoot ammunition for which it is not chambered. For example, a hunter could use his .30-30 deer rifle to shoot small game with .22 centerfire bullets.

## Saturday Night Special

A catchy phrase having no legal or technical meaning.

## Sawed-Off Shotgun (Rifle)

Common term for federally restricted "short-barreled shotgun (rifle)" i.e. a conventional shotgun with barrel less than 18" (rifle less than 16") or overall length less than 26."

## Selective-Fire

A firearm's ability to be fired fully automatically, semi-automatically or, in some cases, in burst-fire mode at the option of the firer.

## Semi-Automatic

A firearm designed to fire a single cartridge, eject the empty case and reload the chamber each time the trigger is pulled.

## Shotgun

A shoulder gun with smooth-bored barrel(s) primarily intended for firing multiple small, round projectiles, (shot, birdshot, pellets), larger shot (buck shot), single round balls (pumpkin balls) and cylindrical slugs. Some shotgun barrels have rifling to give better accuracy with slugs or greater pattern spread to birdshot.

## Shotshell

The cartridge for a shotgun. It is also called a "shell," and its body may be of metal or plastic or of plastic or paper with a metal head. Small shotshells are also made for rifles and handguns and are often used for vermin control.



### Silencer

A strictly regulated device for attachment to a gun's muzzle for reducing (not silencing) the report. Better terms would be "sound suppressor" or "sound moderator."

### Single-Shot

A gun mechanism lacking a magazine where separately carried ammunition must be manually placed in the gun's chamber for each firing.

### Slide-Action

A gun mechanism activated by manual operation of a horizontally sliding handle almost always located under the barrel. "Pump-action" and "trombone" are synonyms for "slide-action."

### Snub-Nosed

Descriptive of (usually) a revolver with an unusually short barrel.

### Submachine Gun

An automatic firearm commonly firing pistol ammunition intended for close-range combat.

### Teflon

Trade name for a synthetic sometimes used to coat hard bullets to protect the rifling. Other synthetics, nylon for instance, have also been used as bullet coatings. None of these soft coatings has any effect on lethality.

### Weapon

Webster defines it as "an instrument of offensive or defensive combat." Thus an automobile, baseball bat, bottle, chair, firearm, fist, pen knife or shovel is a "weapon," if so used.



# ATF Guidebook - Importation & Verification of Firearms, Ammunition, and Implements of War

## Firearms Verification

# Firearms Verification Overview

## Marking Requirements

Licensed Importer – 18 U.S.C. § 923(i) and 27 CFR § 478.92  
26 U.S.C. § 5842 and 27 CFR § 479.102

### 1. SERIAL NUMBER

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame or receiver
- The serial number cannot duplicate the serial number appearing on any other firearm the importer previously imported
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch

### 2. NAME of MANUFACTURER

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the serial number must be to a minimum depth of .003 inch

### 3. COUNTRY of ORIGIN

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the country of origin must be to a minimum depth of .003 inch

### 4. MODEL DESIGNATION (If assigned)

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the model designation must be to a minimum depth of .003 inch

### 5. CALIBER OR GAUGE

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the caliber or gauge must be to a minimum depth of .003 inch

### 6. NAME of IMPORTER

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide

For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the importer's name must be to a minimum depth of .003 inch

## **7. CITY & STATE of the IMPORTER**

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the importer's city and state must be to a minimum depth of .003 inch

**NOTE:** The importer must ensure that these marks of identification appear on each firearm. If the manufacturer did not mark them, the importer must place the required markings on the firearm **within 15 days** after their release from Customs and Border Protection custody. The Director, Bureau of Alcohol, Tobacco, Firearms and Explosives may authorize other means of firearms identification upon receipt of a letter application from the importer, submitted in duplicate, showing that such other means of identification is reasonable and will not hinder the effective administration of the regulations.

### Identification of Firearms

## **MARKING REQUIREMENTS – FIREARMS (27 CFR 478.92)**

### **Sec. 478.92 How must licensed manufacturers and licensed importers identify firearms, armor piercing ammunition?**

**(a)(1)** Firearms. You, as a licensed manufacturer or licensed importer of firearms, must legibly identify each firearm manufactured or imported as follows:

**(i)** By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm. For firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch; and

**(ii)** By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered, or removed. For firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of this information must be to a minimum depth of .003 inch. The additional information includes:

- (A)** The model, if such designation has been made;
- (B)** The caliber or gauge;
- (C)** Your name (or recognized abbreviation) and also, when applicable, the name of the foreign manufacturer;
- (D)** In the case of a domestically made firearm, the city and State

(or recognized abbreviation thereof) where you as the manufacturer maintain your place of business; and

(E) In the case of an imported firearm, the name of the country in which it was manufactured and the city and State (or recognized abbreviation thereof) where you as the importer maintain your place of business. For additional requirements relating to imported firearms, see Customs regulations at 19 CFR part 134.

(2) Firearm frames or receivers. A firearm frame or receiver that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

(3) **Special markings for semiautomatic assault weapons, effective July 5, 1995.** In

the case of any semiautomatic assault weapon manufactured after September 13, 1994, you must mark the frame or receiver "**RESTRICTED LAW**

**ENFORCEMENT/GOVERNMENT USE ONLY**" or, in the case of weapons manufactured for export, "**FOR EXPORT ONLY**," in a manner not susceptible of being readily obliterated, altered, or removed. For weapons manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the special markings prescribed in this paragraph (a)(3) must be to a minimum depth of .003 inch.

**NOTE: SECTION 478.92(a)(3) REPEALED ON SEPTEMBER 13, 2004**

(4) **Exceptions:**

(i) **Alternate means of identification.** The Director may authorize other means of identification upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

(ii) **Destructive devices.** In the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of a letter application from you, submitted in duplicate, showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable.

(iii) **Machine guns, silencers, and parts.** Any part defined as a machine gun, firearm muffler, or firearm silencer in Sec. 478.11, that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you, must be identified as required by this section. The Director may authorize other means of identification of parts defined as machine guns other than frames or receivers and parts defined as mufflers or



silencers upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

**(5) Measurement of height and depth of markings.** The depth of all markings required by this section will be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a)(1)(i) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

**(b) Armor piercing ammunition.**

**(1) Marking of ammunition.** Each licensed manufacturer or licensed importer of armor piercing ammunition shall identify such ammunition by means of painting, staining or dyeing the exterior of the projectile with an opaque black coloring. This coloring must completely cover the point of the projectile and at least 50 percent of that portion of the projectile which is visible when the projectile is loaded into a cartridge case.

**(2) Labeling of packages.** Each licensed manufacturer or licensed importer of armor piercing ammunition shall clearly and conspicuously label each package in which armor piercing ammunition is contained, e.g., each box, carton, case, or other container. The label shall include the words "ARMOR PIERCING" in block letter at least 1/4 inch in height. The lettering shall be located on the exterior surface of the package which contains information concerning the caliber or gauge of the ammunition. There shall also be placed on the same surface of the package in block lettering at least 1/8 inch in height the words "FOR GOVERNMENTAL ENTITIES OR EXPORTATION ONLY." The statements required by this subparagraph shall be on a contrasting background.

**(c) Large capacity ammunition feeding devices manufactured after September 13, 1994.**

**(1)** Each person who manufactures or imports any large capacity ammunition feeding device manufactured after September 13, 1994, shall legibly identify each such device with a serial number. Such person may use the same serial number for all large capacity ammunition feeding devices produced.

**(i)** Additionally, in the case of a domestically made large capacity ammunition feeding device, such device shall be marked with the name, city and State (or recognized abbreviation thereof) of the manufacturer;

**(ii)** And in the case of an imported large capacity ammunition feeding device, such device shall be marked:

- (A) With the name of the manufacturer, country of origin, and,
- (B) Effective July 5, 1995, the name, city and State (or recognized abbreviation thereof) of the importer.

(iii) Further, large capacity ammunition feeding devices manufactured after September 13, 1994, shall be marked "**RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY**" or, in the case of devices manufactured or imported for export, effective July 5, 1995, "**FOR EXPORT ONLY.**"

(2) All markings required by this paragraph (c) shall be cast, stamped, or engraved on the exterior of the device. In the case of a magazine, the markings shall be placed on the magazine body.

### (3) Exceptions -

(i) **Metallic links.** Persons who manufacture or import metallic links for use in the assembly of belted ammunition are only required to place the identification marks prescribed in paragraph (c)(1) on this section on the containers used for the packaging of the links

(ii) **Alternate means of identification.** The Director may authorize other means of identifying large capacity ammunition feeding devices upon receipt of a letter application, in duplicate, from the manufacturer or importer showing that such other identification is reasonable and will not hinder the effective administration of this part

**NOTE: SECTION 478.92(c) REPEALED ON SEPTEMBER 13, 2004**

## MARKING REQUIREMENTS – NFA FIREARMS (27 CFR § 479.102)

### Section 479.102 How must firearms be identified?

(a) You, as a manufacturer, importer, or maker of a firearm, must legibly identify the firearm as follows:

(1) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm. For firearms manufactured, imported, or made on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch; and

(2) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered or removed. For firearms manufactured, imported, or made on and after January 30, 2002, the engraving, casting, or stamping (impressing) of this information must be to a minimum depth of .003 inch. The additional information includes:

- (i) The model, if such designation has been made;
- (ii) The caliber or gauge;
- (iii) Your name (or recognized abbreviation) and also, when applicable, the same of the foreign manufacturer or maker;
- (iv) In the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) where you as the manufacturer maintain your place of business, or where you, as the maker, made the firearm; and
- (v) In the case of an imported firearm, the name of the country in which it was manufactured and the city and State (or recognized abbreviation thereof) where you as the importer maintain your place of business. For additional requirements relating to imported firearms, see Customs regulations at 19 CFR part 134.

**(b)** The depth of all markings required by this section will be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a) (1) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

**(c)** The Director may authorize other means of identification upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

**(d)** In the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of a letter application from you, submitted in duplicate, showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable.

**(e)** A firearm frame or receiver that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

**(f)(1)** Any part defined as a machine gun, muffler, or silencer for the purposes of this part that is not a component part of a complete firearm at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

**(2)** The Director may authorize other means of identification of parts defined as machine guns other than frames or receivers and parts defined as mufflers or silencers upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

## ATF Rulings

### ATF Ruling 2002-6

The Bureau of Alcohol, Tobacco and Firearms (ATF) has been asked by State and local law enforcement officials to trace firearms that are marked, in part, with non-Roman letters and/or non-Arabic numbers. Specifically, ATF received a request to trace a Makarov type pistol made in Bulgaria. The original manufacturer marking was IM 18 355. Because the importer did not stamp the firearm with a unique identifier that could be recognized by either ATF or a State or



local law enforcement official, and because the marking contained a Cyrillic character, the firearm was not properly recorded, resulting in a failed trace of the weapon.

Because markings with non-Roman characters or non-Arabic are not easily recorded or transmitted through means by importers, dealers, or distributors, many firearm traces have proved unsuccessful. In some cases, an importer attempts to translate portions of the markings into Roman letters and Arabic numbers and re-marks the weapon with the serial number ДМ7639И. The importer translated the marking as LM7639i but rather than restamp the entire number merely added the letters "L" and "i" below the original markings. This practice often results in failed traces because those required to record the markings (importers, dealers, or distributors) may record only the translated portions or both sets of markings. Moreover, law enforcement recovering a firearm with such markings may submit a trace request lacking some portion of the markings, further impeding efforts to successfully trace the firearm.

In addition, ATF has found that some traces have failed because the required markings on the firearms barrel were wholly partially obstructed from plain view by a flash suppressor or bayonet mount, resulting in the Federal Firearms Licensee creating an inaccurate record. ATF has been unable to trace hundreds of firearms as a result of nonstandard or obscured markings.

As a result of these practices, some licensed importers may not be in compliance with the marking requirements set forth in **27 CFR 178.92\*** and **27 CFR 179.102\*** because they have marked using non-Roman letters (such as Greek or Russian letters, Δ or Д) or non-Arabic numbers (e.g., XXV).

The above regulations require markings that legibly identify each item or package and require that such markings be conspicuous. ATF has consistently taken the position that "legibly" marked means using exclusively Roman letters, (A, a, B, b, C, c, and so forth) and "conspicuous" means that all required markings must be placed in such a manner as to be wholly unobstructed from plain view. These regulations apply to licensed manufacturers and licensed importers relative to firearms, armor piercing ammunition, and large capacity ammunition feeding devices, and to makers of National Firearms Act firearms.

Firearms, armor piercing ammunition and large capacity ammunition feeding devices which contain required markings or labels using non-Roman letters (such as Greek or Russian letters, Δ or Д) or non-Arabic letter (e.g., XXV), must be completely remarked or relabeled with a new serial number or other required markings that satisfy the legibility requirements described above. It is not sufficient to simply add an additional Roman letter or Arabic numeral to a nonconforming marking; a new and unique marking using Roman letters and Arabic numerals is required. When feasible, the new markings should be placed directly above the non-compliant markings.

Similarly, firearms and large capacity ammunition feeding devices which contain required markings obstructed in whole or in part from plain view must be remarked with required markings that satisfy the conspicuousness requirements described above. For example, required markings may not be placed on a portion of the barrel where the markings would be wholly or partially obstructed from view by another part of the firearm, such as a flash suppressor or bayonet mount.

In certain unavoidable circumstances owing mainly to firearms of unusual design or other limiting factor(s) which would limit the ability of the manufacturer or importer to comply with the above legibility and conspicuousness requirements, alternate means of identification may be authorized as described in **27 CFR 178.92(a)(3)(i), (ii), or (iii)\*** and **27 CFR 178.92(c)(3)(iii)\***.

**Held**, a Makarov type pistol imported from Bulgaria utilizing Cyrillic letters or non-Arabic numbers is not marked in accordance with **27 CFR 178.92\*** and **27 CFR 179.102\***.

**Held further**, an imported firearm with any part of the required marking partially or wholly obstructed from plain view is not marked in accordance with section **27 CFR 178.92\*** and **27 CFR 179.102\***.

Date signed: November 5, 2002

\* New provisions are under Parts 478 and 479, not 178 and 179.

## Firearms Verification - Marking Requirements

### ATF Ruling 75-28

The Bureau has determined that in some cases, the serial number placed on a firearm by a foreign manufacturer is adequate to provide the identification number by **27 CFR § 178.928\***. See also **27 CFR § 178.22(a)\***.

**Held**, where a serial number has been placed on the frame or receiver of a firearm by a foreign manufacturer in the manner contemplated by **27 CFR § 178.92\***, and such serial number does not duplicate a number previously adopted or assigned by the import to any other firearm, the importer may adopt the serial number of the foreign manufacturer.

**Provided**, the importer shall in all cases place his name and address (city and state or recognized abbreviation thereof), and any other marks necessary to comply with the identification requirements of **27 CFR § 178.92\***, on such imported firearms.

\* New provisions are under Parts 478 and 479, not 178 and 179.

## Firearms Verification - Marking Requirements

### Industry Circular

#### Industry Circular 77-20

#### DUPLICATION OF SERIAL NUMBERS BY LICENSED IMPORTERS

ATF has noted cases where some licensed importers have adopted the same serial number for more than one firearm. These instances of duplication have generally occurred when firearms are received from more than one source.

**Title 27 CFR § 178.92\*** requires that the serial number affixed to a firearm must not duplicate the number affixed to any other firearm that you import into the United States. Those of you who import destructive devices are under the same requirement due to the inclusion of destructive devices in the definition of firearm as used in **27 CFR § 178.11\***. **ATF Ruling 75-28** also reminds you of the other identifying marks required by **27 CFR § 178.92\***. In addition to a unique serial number, each firearm must be marked to show the model (if any); the caliber or gauge; the name of the manufacturer and importer, or recognizable abbreviations; the country of manufacture; and the city and State (or recognized abbreviations) in which your licensed premises are located.

**NOTE:** All cited references to regulation and statutes in the foregoing ATF rulings and industry circular use identifiers and section indicators in effect at the time the rulings and industry circular were approved. On January 24, 2003, ATF was part of a reorganization of government which placed it under the Department of Justice (DOJ). This transition resulted in certain changes within the numbering system and identification of ATF's regulations now issued and referenced under the authority of DOJ.

\* New provision us under Part 478, not 178.

 [ATF Internet](#)



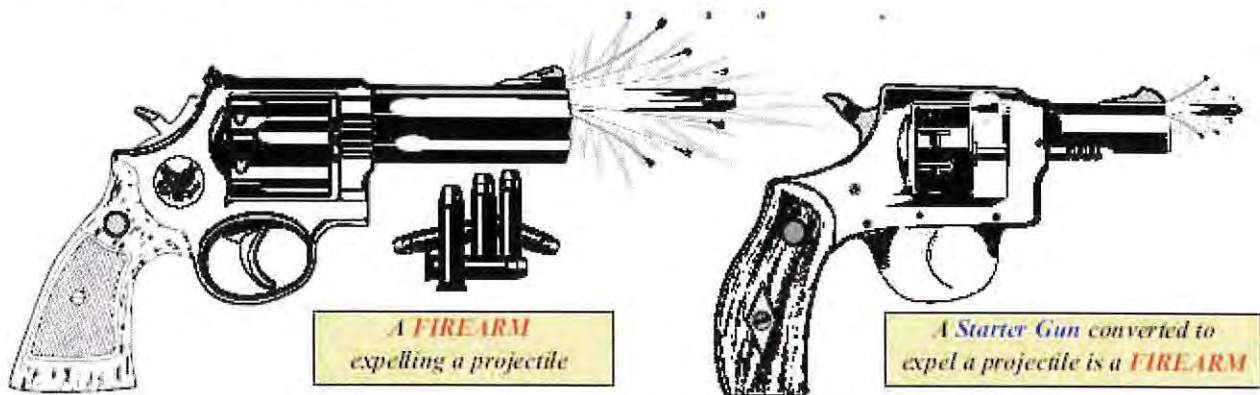
# Firearm

18 U.S.C., § 921(a)(3)

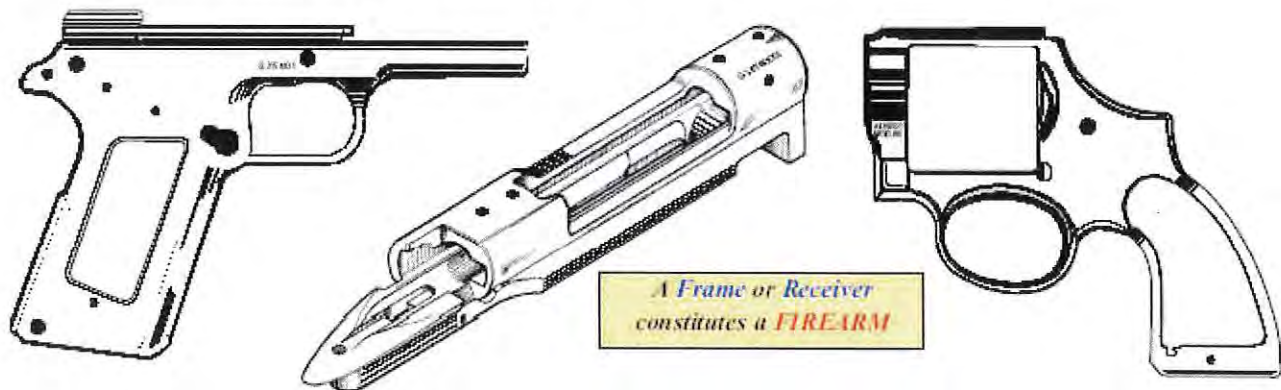
NOTE: This section is intended to provide basic guidance in understanding firearm terminology. Please bear in mind that these illustrations do not necessarily depict importable firearms.

The term "FIREARM" means:

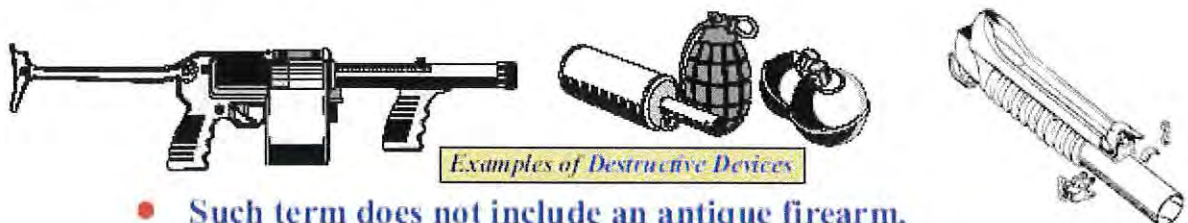
- A. Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;



- B. The frame or receiver of any such weapon;



- C. Any firearm muffler or firearm silencer; or



- Such term does not include an antique firearm.

- D. Any destructive device.

Firearm Frame or Receiver

That part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel. **27 CFR § 478.11.**

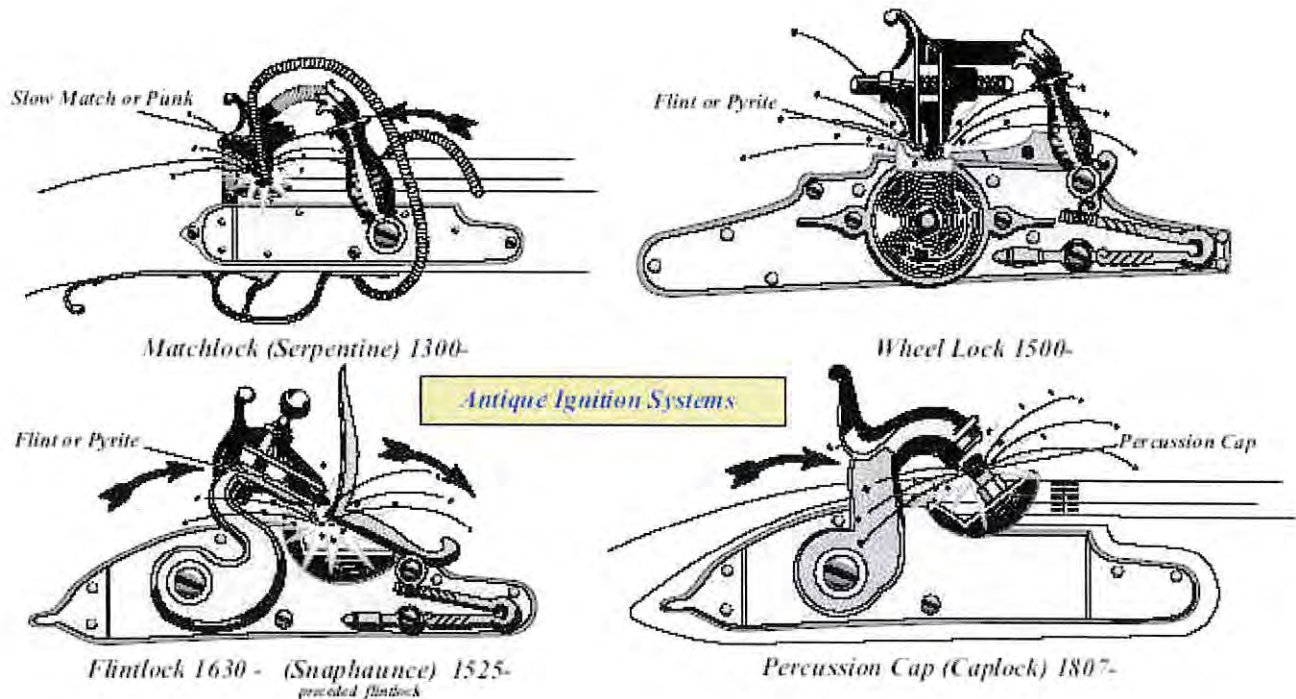
 [ATF Internet](#)

## Antique Firearm

18 U.S.C. § 921(a)(16)

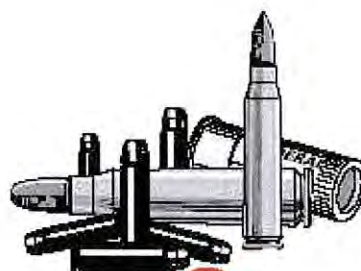
The term "ANTIQUE FIREARM" means:

- A. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

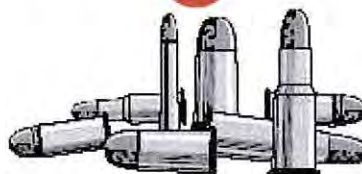


- B. Any replica of any firearm described in subparagraph (A) if such replica
- is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or
  - uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.





*Conventional Ammunition*



*Ammunition not readily available*  
(This list is updated frequently due to changing availability)

- C. Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term antique firearm shall not include any weapon which includes a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any combination thereof.



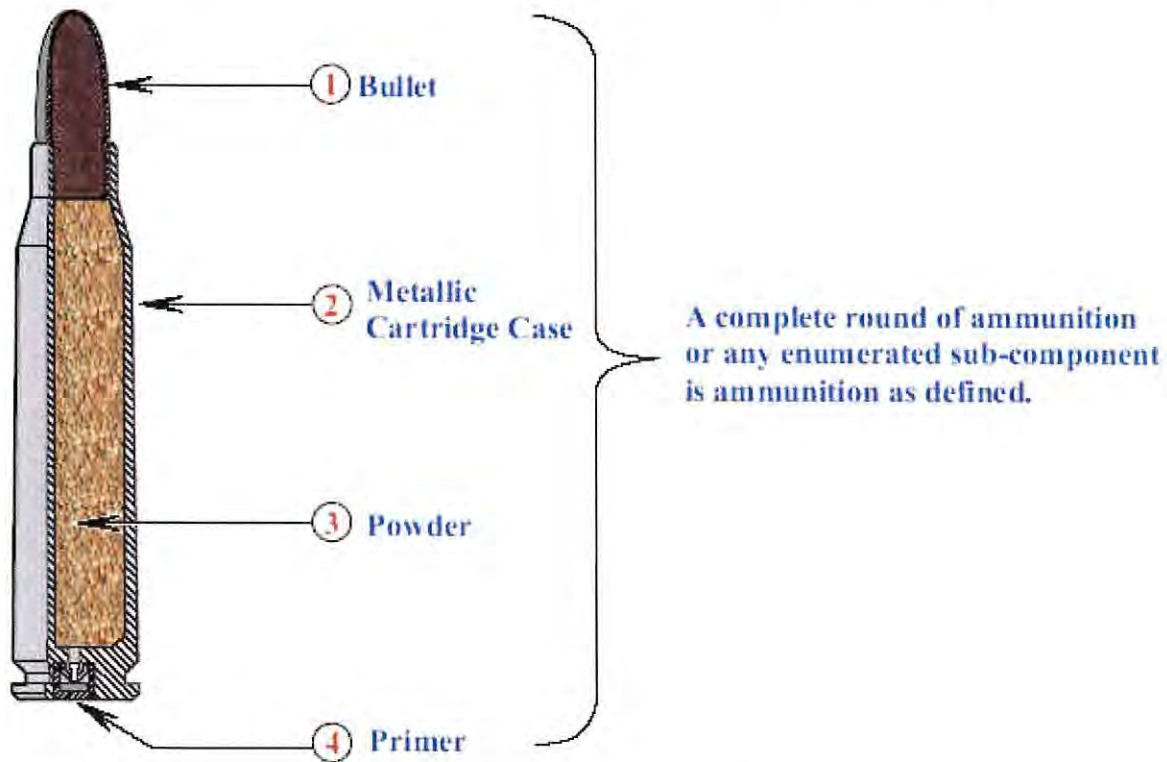
*Powder*  
(In-Line)  
*Plastic Jacket*  
& *Primers*

## Ammunition

18 U.S.C. § 921(a)(17)(A)

The term "AMMUNITION" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

The term shall not include (a) any shotgun shot or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing, nor (b) any unloaded, non-metallic shotgun hull or casing not having a primer. **27 CFR § 478.11**



Armor piercing ammunition – 18 U.S.C., § 921(a)(17)(B)

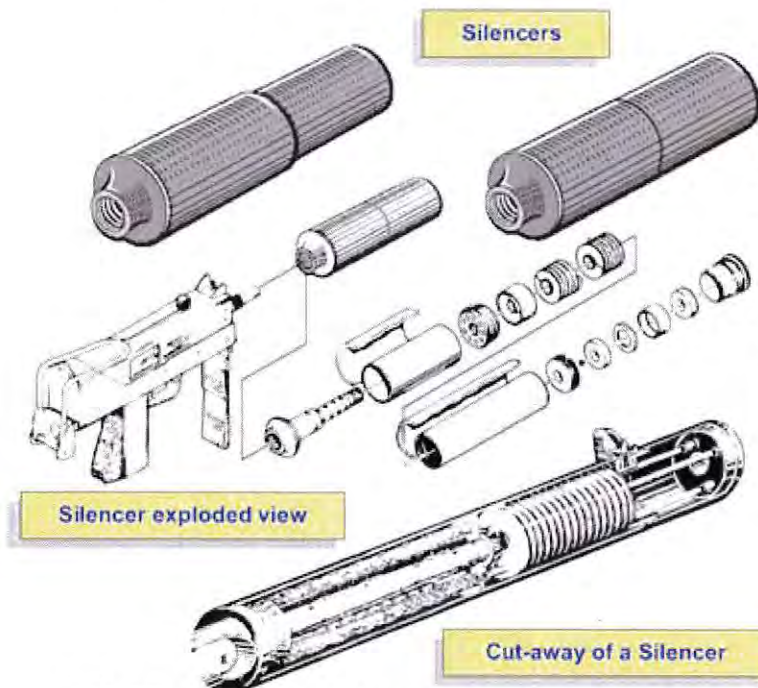
- A projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or
- A full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

The term "**armor piercing ammunition**" does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.



# Silencer

18 U.S.C. § 921(a)(24)



The term "FIREARM SILENCER " or "FIREARM MUFFLER" means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, any part intended only for use in such assembly or fabrication.

**NOTE:** Any device that meets the definition as stipulated above in 18 U.S.C. § 921(a)(24) is also subject to controls of the National Firearms Act 26 U.S.C., Chapter 53.

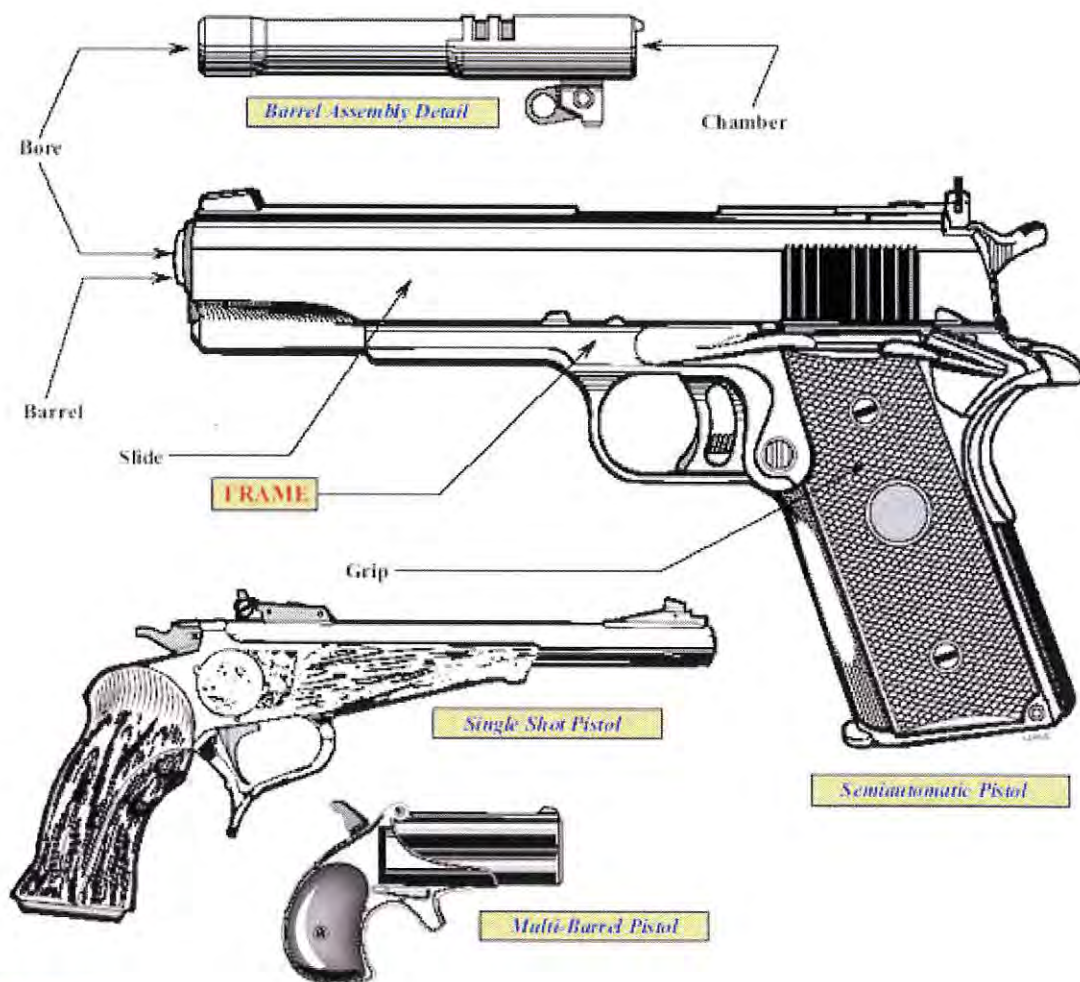
# Pistol

18 U.S.C. § 921 (a)(29) And 27 CFR § 478.11

The term "PISTOL" means a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having:

- a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s);
- and a short stock designed to be gripped by one hand at an angle to and extending below the line of the bore(s).

**NOTE:** This illustration shows the primary characteristics exhibited in the pistol category. Since pistol configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration, but not necessarily all components shown will be incorporated in any given design.



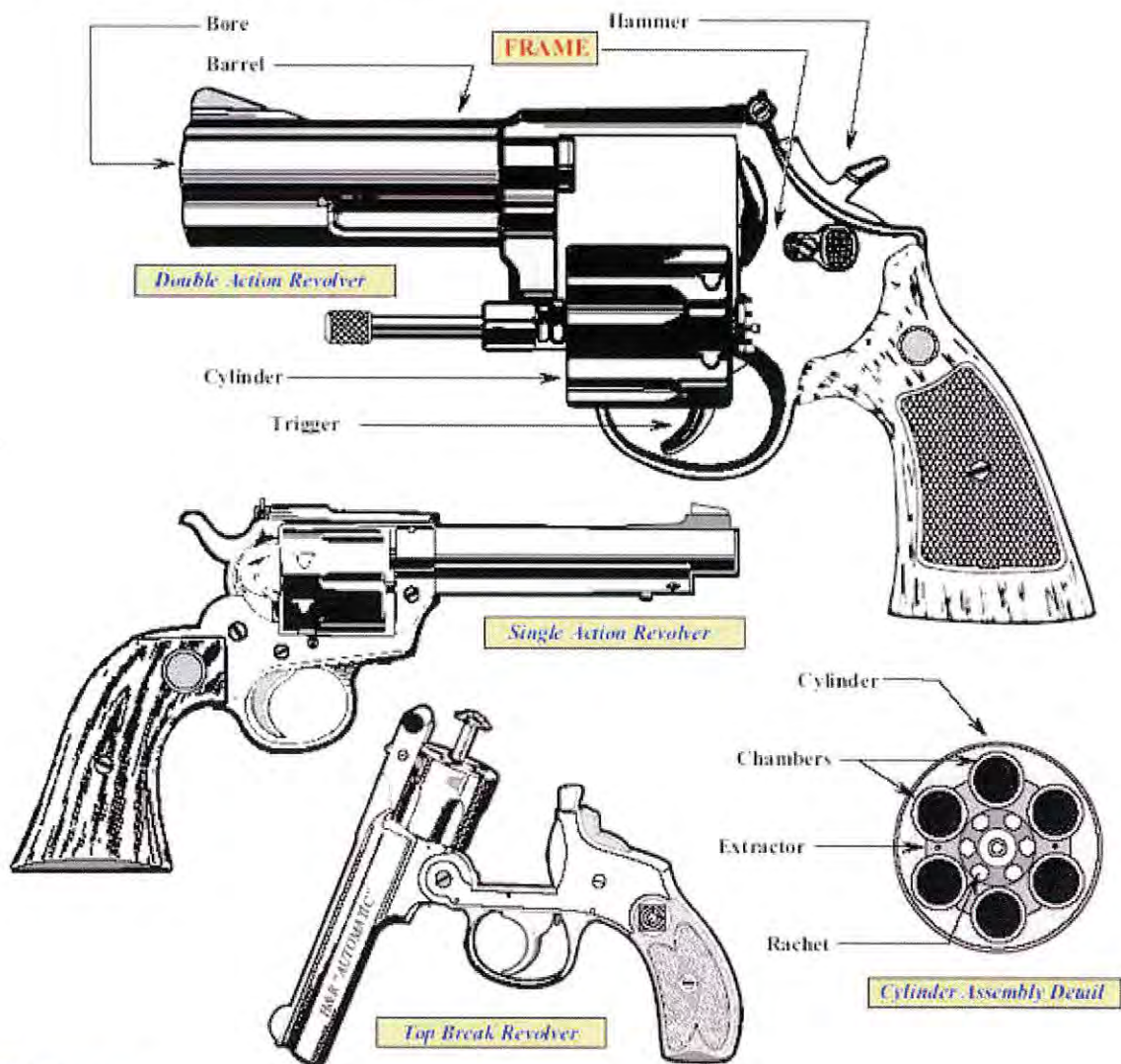


# Revolver

18 U.S.C. § 921 (a)(29) And 27 CFR § 478.11

The term "REVOLVER" means a projectile weapon of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

**NOTE:** This illustration shows the primary characteristics exhibited in the revolver category. Since revolver configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.

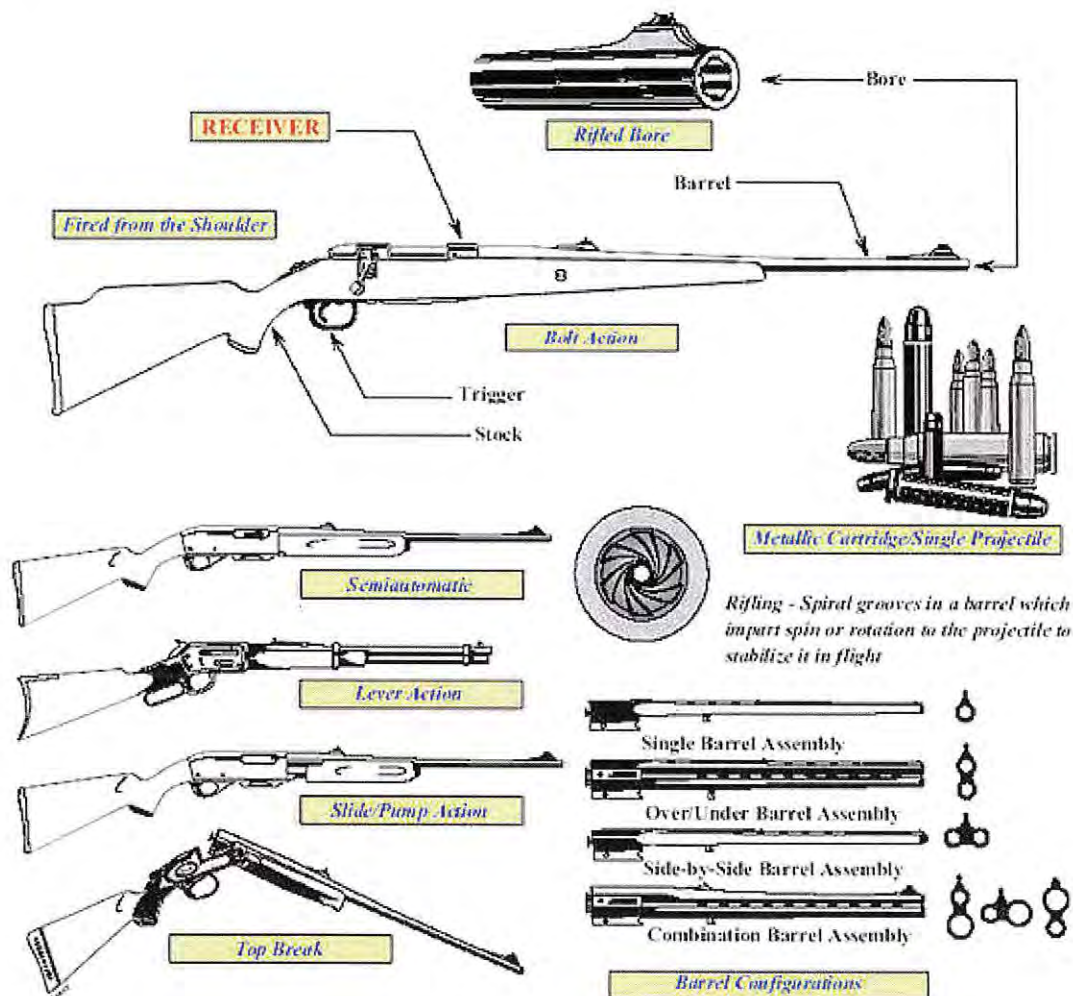


# Rifle

18 U.S.C. § 921 (a)(7) And 27 CFR § 478.11

The term "RIFLE" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

**NOTE:** This illustration shows the primary characteristics exhibited in the rifle category. Since rifle configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.



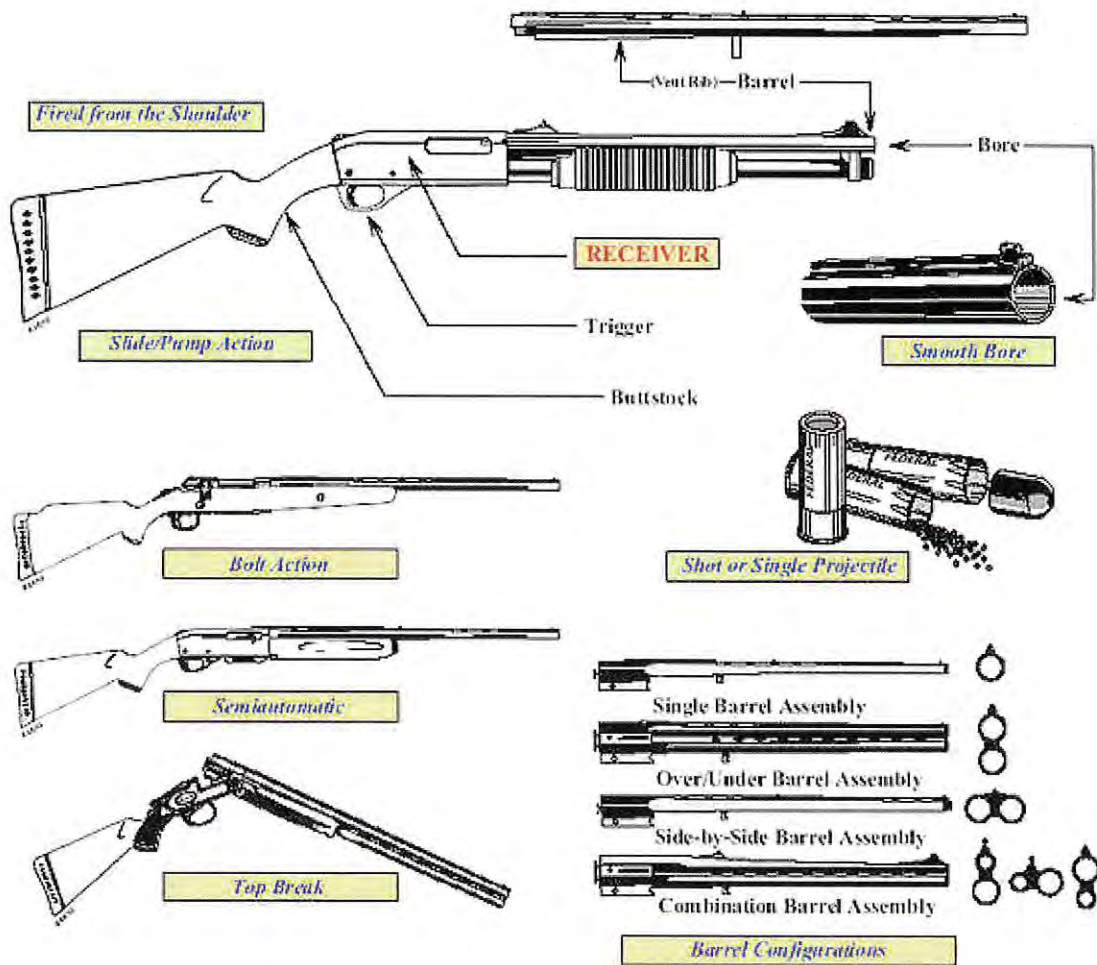


# Shotgun

18 U.S.C. § 921 (a)(5) And 27 CFR § 478.11

The term "SHOTGUN" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

**NOTE:** This illustration shows the primary characteristics exhibited in the shotgun category. Since shotgun configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.

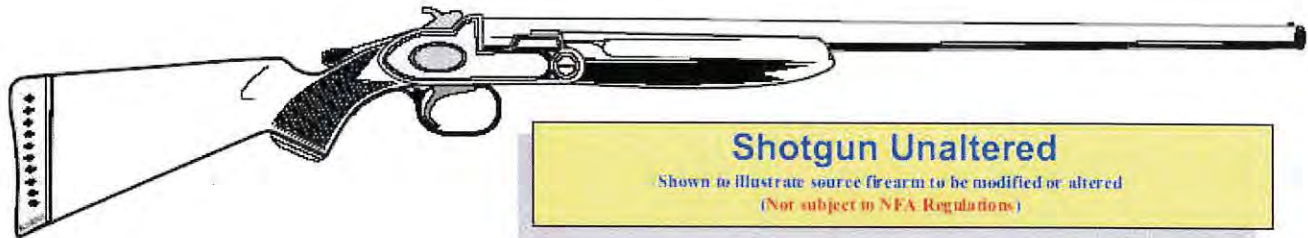


## Firearm

### 26 U.S.C. Chapter 53

For the purposes of the National Firearms Act, the following definitions are used to define and verify the different types of firearms:

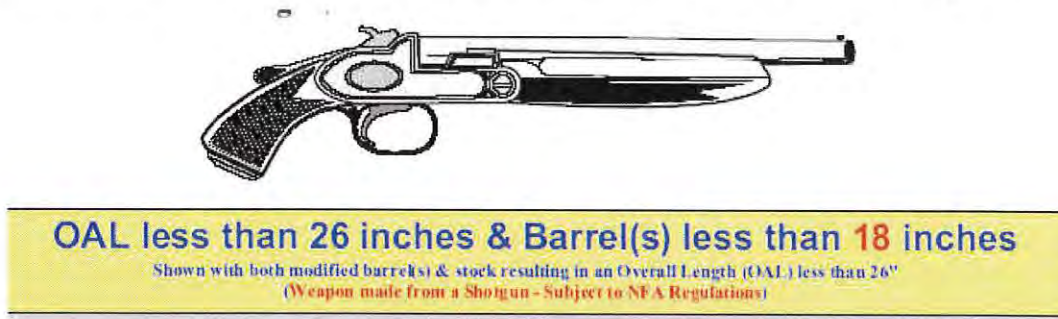
**§ 5845(d)** – The term "SHOTGUN" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.



**§ 5845(a)(1)** – The term "FIREARM" means a shotgun having a barrel or barrels of less than 18 inches in length;



**§ 5845(a)(2)** – The term "FIREARM" means a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;

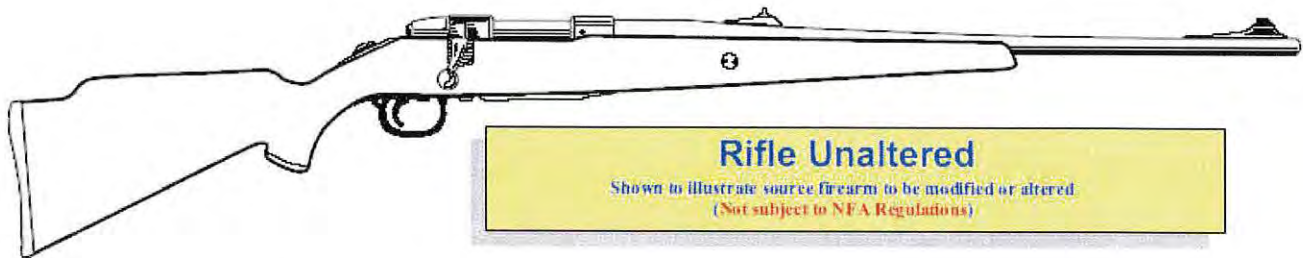


Rifle– 26 U.S.C., § 5485(a)

For the purposes of the National Firearms Act, the following definitions are used to define and verify the different types of firearms:



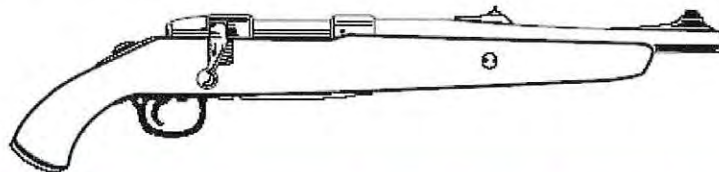
§ 5845(c) – The term "RIFLE" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.



§ 5845(a)(3) – The term "FIREARM" means a rifle having a barrel or barrels of less than 16 inches in length;

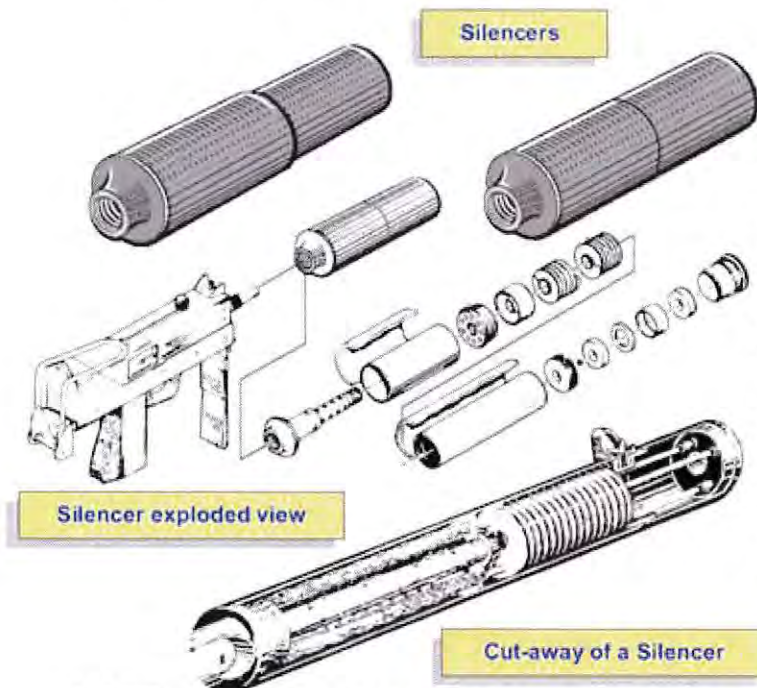


§ 5845(a)(4) – The term "FIREARM" means a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;



# Silencer

26 U.S.C. § 5845(a)(7)



For the purposes of the National Firearms Act the term Silencer is defined in 18 U.S.C. § 921(a)(24)

The term "FIREARM SILENCER " or "FIREARM MUFFLER" means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, any part intended only for use in such assembly or fabrication.

**NOTE:** Any device that meets the definition as stipulated above in 18 U.S.C. § 921(a)(24) is also subject to controls as defined in the National Firearms Act, 26 U.S.C., Chapter 53.



# Machinegun

26 U.S.C. § 5845(b)



For the purposes of the National Firearms Act the term

Machinegun means:

- Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger
- The frame or receiver of any such weapon
- Any part designed and intended solely and exclusively or combination of parts designed and intended for use in converting a weapon into a machinegun, or
- Any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

**NOTE:** Due to the similarity in appearance and general configuration of semiautomatic firearms, a comprehensive examination of the firearm and/or its component parts is required to correctly determine its classification.

## Any Other Weapon

26 U.S.C. § 5845(e)

For the purposes of the National Firearms Act, the term "ANY OTHER WEAPON " means:

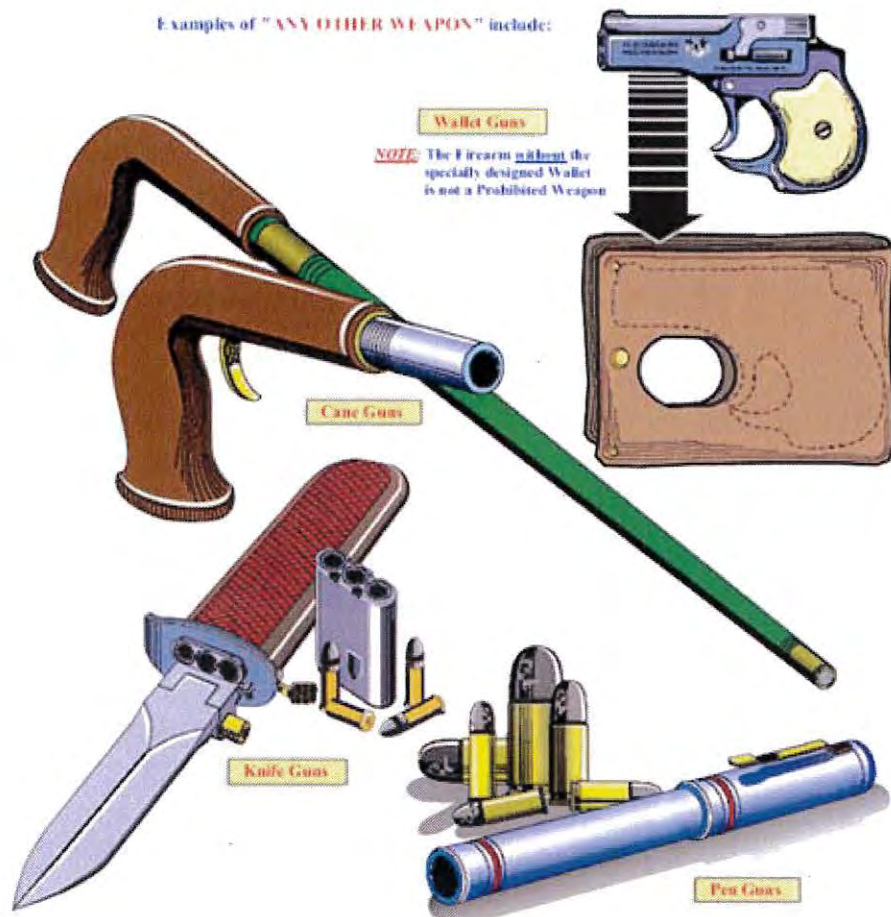
- Any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive;
- A pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell;
- Weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading; and
- Any such weapon which may be readily restored to fire.

Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

Examples of "ANY OTHER WEAPON" include:



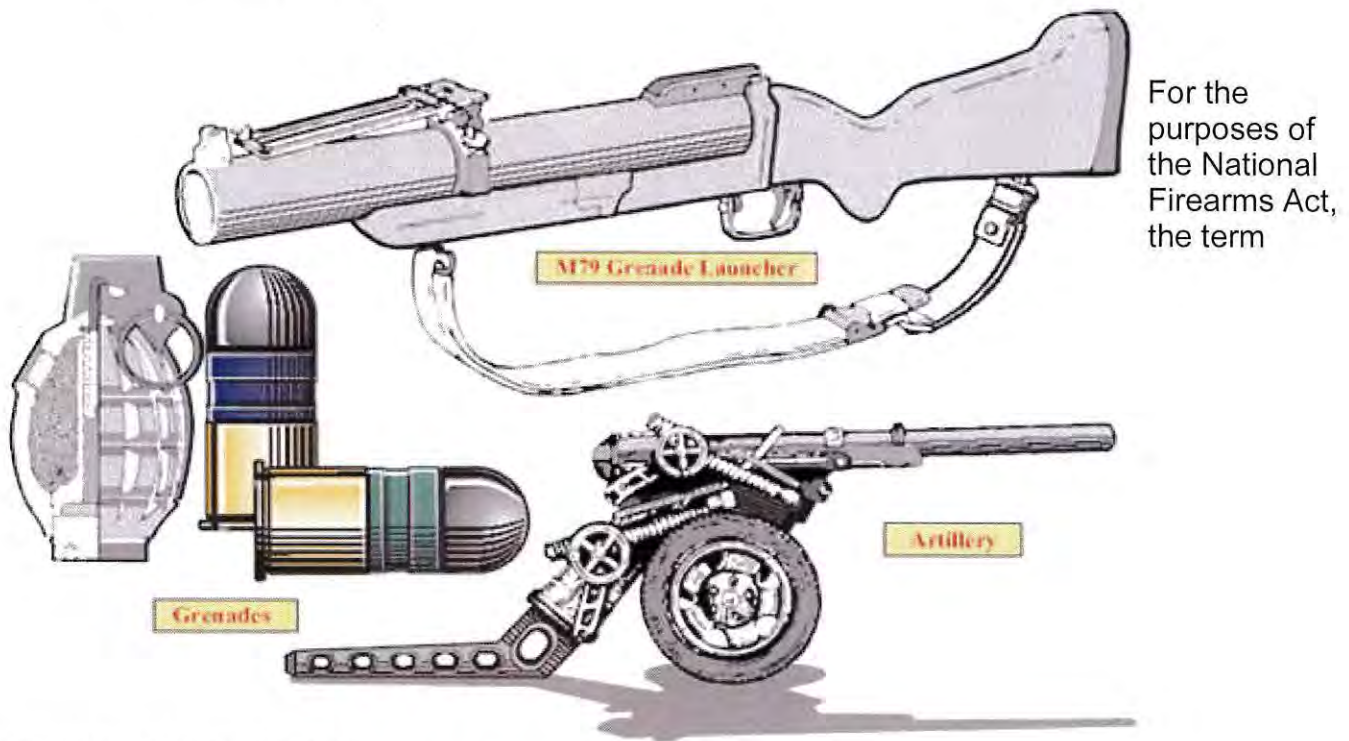
Examples of "ANY OTHER WEAPON" include:





## Destructive Device

26 U.S.C. § 5845(f)



For the purposes of the National Firearms Act, the term

"DESTRUCTIVE DEVICE" means:

- A missile having an explosive or incendiary charge of more than 1/4 oz.
- Any type of weapon by whatever name known which will, or which may readily be converted to expel a projectile, by the action of an explosive or other propellant, the barrel or barrels of which have a bore greater than one-half inch in diameter.
- A combination of parts designed and intended for use in converting a device into a destructive device and from which a destructive device can be readily assembled.

Exemptions:

- A shotgun or shotgun shell which is determined by the Attorney General to be generally recognized as particularly suitable for sporting purposes.
- a device which is neither designed nor redesigned for use as a weapon,
- a device which is designed or redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device,
- surplus ordnance sold, loaded, or given by the Secretary of the Army pursuant to law such as antique, obsolete bronze or iron cannon,
- a device which the Attorney General determines is not likely to be used as a weapon.
- An antique firearm, or
- a rifle which the owner intended to use solely for sporting purposes.

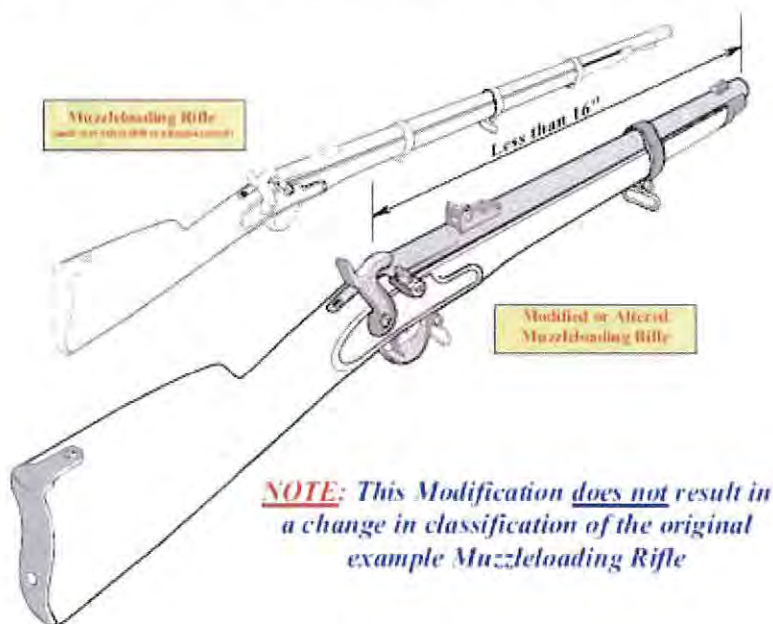


# Antique Firearm

26 U.S.C. § 5845(g)

For the purposes of the National Firearms Act, the term "ANTIQUE FIREARM" means any firearm not intended or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Examples of "ANTIQUE WEAPONS" include:



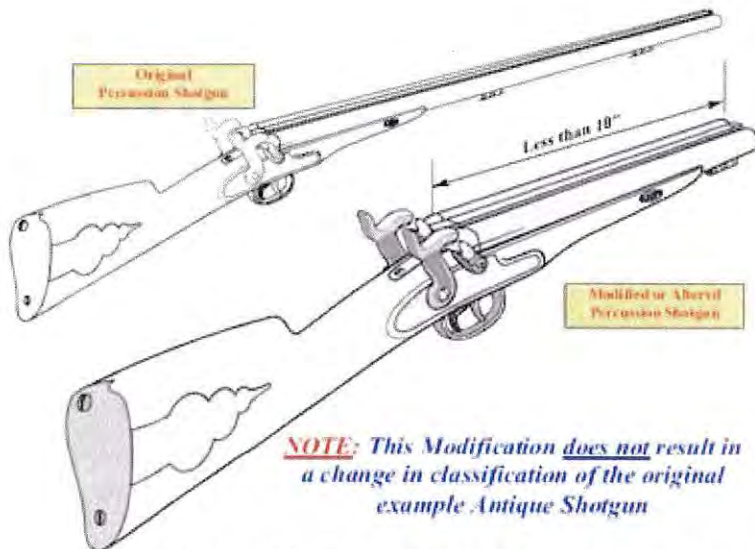
## 1. Muzzleloading Rifle (made in or before 1898 or a Replica thereof)

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 16 inches and/or an overall length less than 26 inches, it is not subject to NFA regulations governing those dimensions because it employs a primitive ignition system identified as an exempting characteristic.

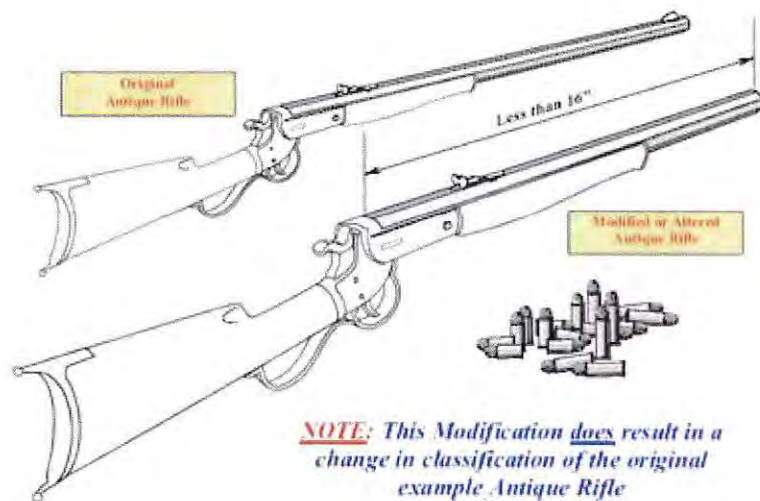
## 2. Original Percussion Shotgun

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 18 inches and/or an overall length less than 26 inches, it is not





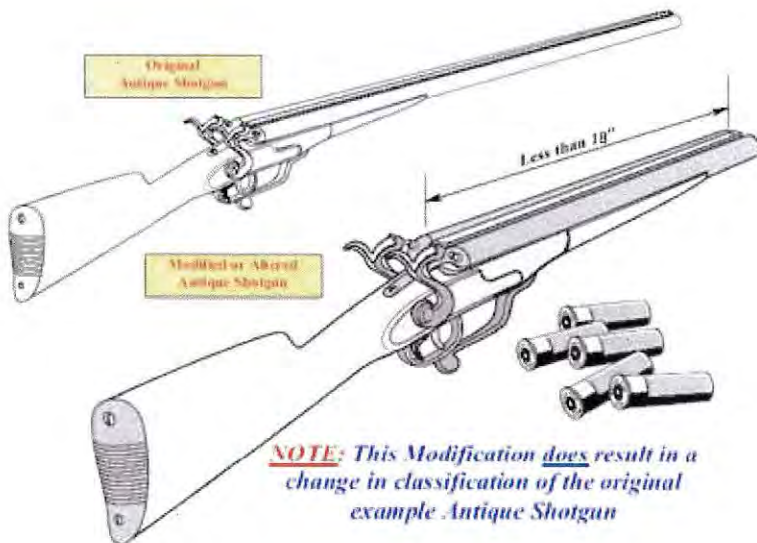
subject to NFA regulations governing those dimensions because it employs a primitive ignition system identified as an exempting characteristic.



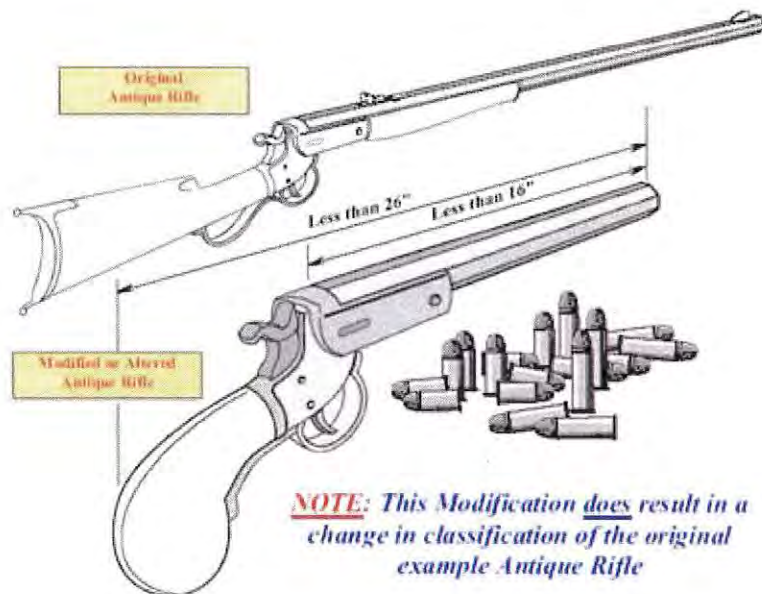
### 3. Original Antique Rifle

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 16 inches, it is subject to NFA regulations governing those dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be classified as a "Short-barreled Shotgun" and therefore all NFA regulations apply.

### 4. Original Antique Shotgun



- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 18 inches, it is subject to NFA regulations governing minimum dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be classified as a "short-barreled Shotgun" and therefore all NFA regulations.

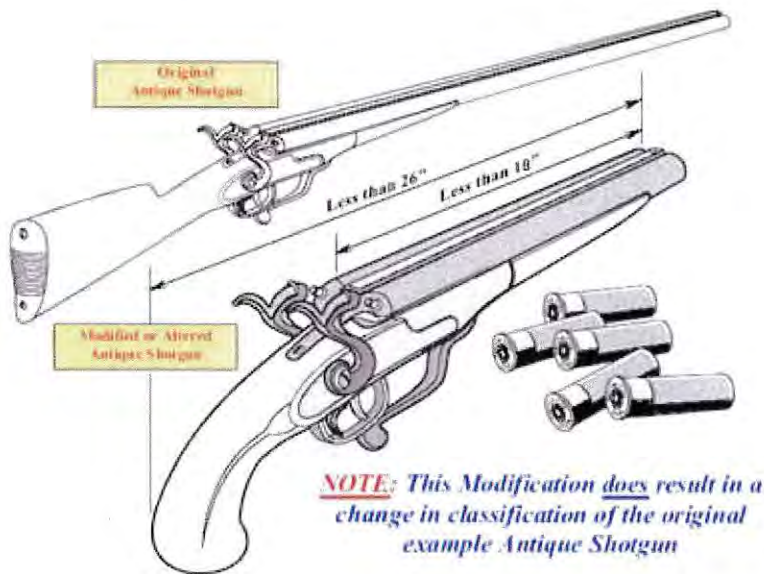


## 5. Original Antique Rifle

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 16 inches and is less than 16 inches in overall length, it is subject to NFA regulations governing those dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be



classified as a "Weapon made from a Rifle" and therefore all NFA regulations apply.



## 6. Original Antique Shotgun

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 18 inches and is less than 16 inches in overall length, it is subject to NFA regulations governing those dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be classified as a "Weapon made from a Rifle" and therefore all NFA regulations apply.

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME Justice	CONTACT PERSON Sundee Thind	EMAIL ADDRESS AB857FirearmIDregs@doj.ca.gov	TELEPHONE NUMBER 916-227-7622
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Firearms: Identifying Information and the Unique Serial Number Application Process			NOTICE FILE NUMBER Z

**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- |  |   |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees  | <input type="checkbox"/> e. Imposes reporting requirements                |
| <input type="checkbox"/> b. Impacts small businesses           | <input type="checkbox"/> f. Imposes prescriptive instead of performance   |
| <input type="checkbox"/> c. Impacts jobs or occupations        | <input type="checkbox"/> g. Impacts individuals                           |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

The proposed regulatory action requires self-manufactured firearms to be registered with the DOJ and will not have any negative impacts.

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.*

*If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

2. The \_\_\_\_\_ estimates that the economic impact of this regulation (which includes the fiscal impact) is:  
(Agency/Department)

- ☐ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: \_\_\_\_\_

Describe the types of businesses (Include nonprofits): \_\_\_\_\_

Enter the number or percentage of total businesses impacted that are small businesses: \_\_\_\_\_

4. Enter the number of businesses that will be created: \_\_\_\_\_ eliminated: \_\_\_\_\_

Explain: \_\_\_\_\_

5. Indicate the geographic extent of impacts: ☐ Statewide

☐ Local or regional (List areas): \_\_\_\_\_

6. Enter the number of jobs created: \_\_\_\_\_ and eliminated: \_\_\_\_\_

Describe the types of jobs or occupations impacted: \_\_\_\_\_

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT (CONTINUED)****B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ \_\_\_\_\_
  - a. Initial costs for a small business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
  - b. Initial costs for a typical business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
  - c. Initial costs for an individual: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
  - d. Describe other economic costs that may occur: \_\_\_\_\_
2. If multiple industries are impacted, enter the share of total costs for each industry: \_\_\_\_\_
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ \_\_\_\_\_
4. Will this regulation directly impact housing costs? ☐ YES ☐ NO  
 If YES, enter the annual dollar cost per housing unit: \$ \_\_\_\_\_  
 Number of units: \_\_\_\_\_
5. Are there comparable Federal regulations? ☐ YES ☐ NO  
 Explain the need for State regulation given the existence or absence of Federal regulations: \_\_\_\_\_
- Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ \_\_\_\_\_

**C. ESTIMATED BENEFITS** *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: \_\_\_\_\_
2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?  
 Explain: \_\_\_\_\_
3. What are the total statewide benefits from this regulation over its lifetime? \$ \_\_\_\_\_
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: \_\_\_\_\_

**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT (CONTINUED)**

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 1: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 2: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: \_\_\_\_\_

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NO

Explain: \_\_\_\_\_

**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.**California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.*1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ YES ☒ NO*If YES, complete E2. and E3**If NO, skip to E4*

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: \_\_\_\_\_

Alternative 2: \_\_\_\_\_

*(Attach additional pages for other alternatives)*

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 1: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 2: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☒ NO*If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: \_\_\_\_\_

The incentive for innovation in products, materials or processes: \_\_\_\_\_

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT****(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**FISCAL IMPACT STATEMENT****A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

- ☐ a. Funding provided in \_\_\_\_\_  
Budget Act of \_\_\_\_\_ or Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_

- ☐ b. Funding will be requested in the Governor's Budget Act of \_\_\_\_\_  
Fiscal Year: \_\_\_\_\_

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

*Check reason(s) this regulation is not reimbursable and provide the appropriate information:*

- ☐ a. Implements the Federal mandate contained in \_\_\_\_\_
- ☐ b. Implements the court mandate set forth by the \_\_\_\_\_ Court.

Case of: \_\_\_\_\_ vs. \_\_\_\_\_

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. \_\_\_\_\_

Date of Election: \_\_\_\_\_

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: \_\_\_\_\_  
\_\_\_\_\_

- ☐ e. Will be fully financed from the fees, revenue, etc. from: \_\_\_\_\_

Authorized by Section: \_\_\_\_\_ of the \_\_\_\_\_ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in \_\_\_\_\_

- ☐ 3. Annual Savings. (approximate)

\$ \_\_\_\_\_

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**FISCAL IMPACT STATEMENT (CONTINUED)****B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4, and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

*It is anticipated that State agencies will:*☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the \_\_\_\_\_ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain \_\_\_\_\_**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain \_\_\_\_\_

FISCAL OFFICER SIGNATURE



DATE

12-20-17

*The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

AGENCY SECRETARY



DATE

1-23-18

*Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE