

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0123-05	REGULATORY ACTION NUMBER 2018-0409-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

<p>NOTICE</p>	<p>REGULATIONS</p>
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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	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2018-05-2	PUBLICATION DATE 2/2/2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Firearms: Identifying Info and the USNA Process	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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 5505,5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, 5522
	AMEND
	REPEAL 11

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

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)
N/A

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" 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) _____
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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 Sundeep Thind	TELEPHONE NUMBER (916) 227-7622	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Sundeep.Thind@doj.ca.gov
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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 <i>Sean McCluskie</i>	DATE 4/9/18
TYPED NAME AND TITLE OF SIGNATORY Sean McCluskie, Chief Deputy to the Attorney General	

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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. "Frame" means the basic unit of a firearm that is a handgun.

(m) "FSC" means Firearm Safety Certificate as defined in Penal Code section 16540 16535.

(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 that is a long gun. The receiver will generally house which houses the firing and breech mechanisms and to which the barrel and stock are assembled.

(q) "Receiver or frame, unfinished" means a precursor part to a firearm that is not yet legally a firearm. Unfinished receivers or frames 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, including firearm constructed using a 3D printer or any other technology, 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 originally made from an unfinished receiver or frame as of July 1, 2018; and

(b) An individual who intends to manufacture or assemble a firearm from an unfinished receiver or frame 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 originally made from an unfinished receiver or frame 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 from an unfinished receiver or frame 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.

(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.