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Note: Authority cited: Section 32010, Penal Code. Reference: Sections 31900, 31905, 32000 and 32010, Penal Code.

## Article 9. Roster of ~~Certified~~ Handguns Certified for Sale; Roster of ~~Certified~~ Handguns Certified for Sale Listing Renewal Procedures

### § 4070. Roster of ~~Certified~~ Handguns Certified for Sale.

(a) Within ~~ten (10)~~ 30 days of the receipt of the Compliance Test Report (Handguns), Form BOF 021 (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, and one prototype handgun, from the DOJ-Certified Laboratory; and the receipt of the initial annual listing fee from the manufacturer/importer, the DOJ will determine whether the handgun is not unsafe and may be sold in California. After the determination that the model may be listed, the DOJ will add the handgun model to the Roster of ~~Certified~~ Handguns Certified for Sale. ~~The listing will be valid for one year from the date the model was added to the Roster, and shall be renewed as set forth in section 4071 of these regulations.~~ The listing will be valid during the calendar year in which payment was received, ending December 31 of that year.

(b) Within ~~ten (10)~~ 30 days of the receipt of the initial annual listing fee and a request from a manufacturer/importer to have a handgun model added to the Roster pursuant to Penal Code section 32030, the DOJ will determine whether the handgun model may be listed without testing. After the determination that the model may be listed, the DOJ will add the handgun model to the Roster. ~~The listing will be valid for one year from the date the model was added to the Roster, and shall be renewed as set forth in section 4071 of these regulations.~~ The listing will be valid during the calendar year in which payment was received, ending December 31 of that year.

(c) A handgun model may be removed from the Roster for any of the following reasons:

~~(1) If the annual maintenance fee is not paid as set forth in Penal Code section 32015, subdivision (b).~~

~~(2) (1)~~ If it is determined that the handgun models submitted for testing were modified in any way from those that were sold after certification was granted.

~~(3) (2)~~ If it is determined that the handgun is in fact unsafe based upon further testing.

(3) If the annual maintenance fee is not paid as set forth in Penal Code section 32015, subdivision (b).

(d) A handgun model may remain on the Roster after a manufacturer/importer discontinues manufacturing/importing the model or goes out of business provided that all of the following requirements are met:

- (1) Evidence is provided that the manufacturer/importer has either discontinued manufacturing/importing the handgun model or gone out of business.
- (2) The manufacturer/importer is no longer offering the handgun model to licensed firearms dealers.
- (3) Either a fully licensed wholesaler, distributor, or dealer submits a written request to continue the listing and agrees to pay the annual maintenance fee as set forth in section 4072 of these regulations. The request shall be submitted to the DOJ stating that all of the above conditions have been met.

(e) A manufacturer/importer or other responsible party may submit a written request to list a handgun model that was voluntarily discontinued or was removed for lack of payment of the annual maintenance fee. The written request must state that no modifications have been made to the model and be submitted to the DOJ together with the annual listing fee as set forth in section 4072 of these regulations. If approved, ~~the listing will be valid for one year from the date the model was added to the Roster,~~ the listing will be valid during the calendar year in which payment was received ending December 31 of that year, and shall be renewed as set forth in section 4071 of these regulations. To ensure compliance with Penal Code section 32030 and these regulations a current sample of the previously approved handgun shall be provided to DOJ for verification. The sample handgun shall be retained by DOJ indefinitely.

Note: Authority cited: Sections 32015 and 32030, Penal Code. Reference: Sections ~~46380, 46900, 47140,~~ 31900, 31905, 31910, 32000, 32005, 32010, 32015, 32020, 32025, 32030, 32100, 32105 and 32110, Penal Code.

§ 4071. Roster of ~~Certified Handguns~~ Certified for Sale; Listing Renewal Procedures.

A handgun model listing on the Roster of ~~Certified Handguns~~ Certified for Sale must be renewed prior to expiration in order to remain valid. The following is the procedure for renewal of a listing:

- (a) The DOJ will mail a renewal notice to each manufacturer/importer or other responsible person 60 days prior to the expiration of the handgun model listing.
- (b) The manufacturer/importer or other responsible person wishing to renew the listing shall submit to the DOJ a copy of the renewal notice with the annual maintenance fee set forth in section 4072 of these regulations.
- (c) Once these requirements are met and the request has been processed, the DOJ will update the Roster of Handguns Certified for Sale on the DOJ Bureau of Firearms (BOF) website. ~~send a notification that the listing has been renewed.~~
- (d) If the manufacturer/importer or other responsible person fails to comply with these renewal requirements, the handgun model listing shall expire by operation of law at midnight on the date of expiration of the listing and the model ~~will be~~ removed from the Roster.

Note: Authority cited: Sections 32015 and 32030, Penal Code. Reference: Sections ~~46380, 46900, 17140,~~ 31900, 31905, 31910, 32000, 32005, 32010, 32015, 32020, 32025, 32030, 32100, 32105 and 32110, Penal Code.

## Chapter 6 Certified Firearm Safety Device Laboratories, Firearm Safety Device Standards and Testing, and Standards for Gun Safes

### Article 2. Definition of Key Terms

#### § 4082. Definition of Key Terms.

- (a) “ATF” means the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
- (b) “DOJ-Certified FSD Laboratory” means a laboratory that has been granted FSD Laboratory Certification by the DOJ.
- (c) “COE” means a Certificate of Eligibility issued by the DOJ pursuant to Penal Code section 26710, subdivision (a) through (c) and the regulations issued thereunder after a check of state and federal files has determined that at the time the check was performed, and based upon available information, the applicant was not a person who was prohibited from possessing firearms pursuant to state and federal laws.
- (d) “Common household tools” means screwdrivers (8 to 10 inches in length, flathead (all sizes up to 5/8 inches) or Phillips phillips, flathead sizes up to 5/8 inches (sizes up to 4)), pipe wrenches (9 1/2 to 10 inches in length), vice grip pliers (9 1/2 to 10 inches in length), other pliers (9 1/2 to 10 inches arch joint, 6 to 6 1/2-inch slip joint, 6 to 6 1/2-inch long nose), hacksaws (12-inch standard carbon steel blade), crowbars (16-inch), ~~electric~~ cordless drills (~~1/3 horsepower corded~~ 9.6 18 volt cordless) utilizing high speed steel bits (no special coating) sizes 1/16-inch to 1/2-inch, hammers (16-ounce), chisels (1/4-inch to 1-inch blade width wood chisels), and-crescent wrenches (10-inch)-, a ball point pen body/shaft, a zip tie (at least 6 inches in length, up to 1/2 inch in width), a metal shim (8 to 10 inches in length), a brad fastener clip (3 inches in length), a plastic drinking straw, and a wire hanger.
- (e) “Completed application” means a completed Application for Laboratory Certification (Firearm Safety Device Testing) ~~Firearm Safety Device Laboratory Certification~~, Form BOF 019A (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, including application copies of any applicable licenses and/or certificates; any additional sheets of paper used to provide full and complete answers to questions on the application; and copies of the laboratory's written procedures relating to security and prohibited persons.
- (f) “Compliance Test Report” means a report completed by a DOJ-Certified Laboratory, Compliance Test Report (Firearm Safety Devices), Form BOF 021A (Rev. 07/2018), hereby incorporated by reference, after an FSD has met the requirements of Penal Code section 23650 and these regulations.
- (g) “Corporation” means any entity organized under Corporations Code section 102, subdivision (a) or similar statute if not a California corporation.

- ~~(g)~~ (h) “Day” means a calendar day unless otherwise specified in these regulations.
- ~~(h)~~ (i) “Disabled” means defeating the FSD thereby rendering the firearm capable of firing (expelling a projectile by the force of an explosion or other form of combustion).
- ~~(i)~~ (j) “DOJ” means the California Department of Justice.
- ~~(j)~~ (k) “DOJ-approved FSD” means an FSD that has been tested by a DOJ-Certified FSD Laboratory, has been determined to meet the standards for FSDs, and may be sold in California pursuant to Penal Code section 23650.
- ~~(k)~~ (l) “Firearms manufacturer/importer” means either a licensed manufacturer of domestically produced firearms or, if one exists, a legal successor-in-interest or other person with the consent of the manufacturer; and/or a federally licensed importer of foreign manufactured firearms.
- ~~(l)~~ “FSD” means a device that locks and is designed to prevent children and unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into the design of a firearm, or prevent access to the firearm.
- ~~(m)~~ “Firearms Safety Device Compliance Test Report” means a report completed by a Certified FSD Laboratory after an FSD has met the requirements of Penal Code section 23650 and these regulations.
- (m) “Firing chamber” means the chamber that is lined up with the firing pin or striker.
- (n) “Firm” means a business unit, enterprise, or partnership of two or more persons, that is not recognized as a legal person distinct from the members comprising the entity.
- (o) “FSD” means a device that locks and is designed to prevent children and unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into the design of a firearm, or prevent access to the firearm.
- ~~(n)~~ (p) “FSD manufacturer or dealer” means either a manufacturer of FSDs or a dealer of FSDs.
- ~~(o)~~ “Firing chamber” means the chamber that is lined up with the firing pin or striker.
- ~~(p)~~ “Firm” means a business unit, enterprise, or partnership of two or more persons, that is not recognized as a legal person distinct from the members comprising the entity.
- (q) “FSD Laboratory Certification” means the DOJ certificate issued as evidence of compliance with the DOJ laboratory certification requirements as set forth in these regulations.
- (r) “Keyway” means the opening in a locked cylinder that is shaped to accept a key bit or blade of a proper configuration.
- (s) “Local license” means any regulatory and/or business license issued by a city, county, or other local government agency.



(t) “Lock box” means an FSD that fully contains and encloses the firearm(s) and weighs less than 60 pounds.

~~(t)~~ (u) “Model” means the manufacturer's designation which uniquely identifies a specific design of FSD.

~~(u)~~ (v) “Plug” means the part of a cylinder which contains the keyway, with tumbler chambers usually corresponding to those within the cylinder shell.

(w) “~~Primed Case~~” “Casing” means metallic containers that hold a live primer without a bullet and/or propellant powder.

~~(v)~~ (x) “Properly installed” means the FSD is installed according to the instructions provided by the FSD manufacturer or dealer.

~~(w)~~ (y) “Reasonable access” means that areas and/or items to be inspected by an authorized DOJ employee are free from physical obstruction and/or other impediments that would make access difficult and/or unsafe.

~~(x)~~ (z) “Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale” means a DOJ list of all DOJ-approved FSDs. The ~~roster~~ Roster shall list, for each DOJ-approved FSD, the manufacturer, model number, model name, and other information deemed necessary by the DOJ to facilitate identifying that FSD.

~~(y)~~ “Lock box” means an FSD that fully contains and encloses the firearm(s).

**(aa) “Safe” means an FSD that fully contains and encloses the firearm(s) and weighs 60 pounds or more.**

~~(aa)~~ **(bb) “Similar” means a firearm safety device listed on the Roster of Firearm Safety Devices Certified for Sale that was not subject to testing because it satisfied the requirements set forth in section 4093(c) of these regulations.**

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650, ~~and 23655,~~ and 26710, Penal Code.

### Article 3. Certified Firearm Safety Device Laboratories

§ 4083. Who Must be a DOJ-Certified ~~Firearm Safety Device~~ Laboratory.

(a) Any laboratory wishing to participate in the California Firearm Safety Device testing program described in these regulations must first become a DOJ-Certified ~~FSD~~ Laboratory.

(b) Any proposed change in the ownership of five percent or more of a DOJ-Certified ~~FSD~~ Laboratory from that reported on the initial application shall require the submission of an Application for Laboratory Certification (Firearm Safety Device Testing), Firearm Safety Device Laboratory Certification Form BOF 019A (Rev. 01/2012-07/2018), hereby incorporated by







(c) An applicant laboratory that has been served with a notice of denial may request a hearing. The written request must be received by the DOJ no later than 20 days from the date of service of the notice of denial. If a hearing is requested, it will be conducted in accordance with Government Code section 11500 et seq. Failure to make a written request for a hearing within the time specified above constitutes a waiver of the right to a hearing. If this occurs or if the applicant laboratory withdraws its appeal, the denial shall be final.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650, ~~and 23655, 26525, 26700 and 26710,~~ Penal Code.

#### Article 4. Operational Requirements, Firearm Safety Device Standards, Gun Safe Standards, Proof of Purchase or Ownership of a Gun Safe, Affixation of Required Warning

§ 4090. Absence of Conflict of Interest.

The DOJ-Certified FSD Laboratory shall at all times ensure that:

(a) It is not wholly or partly owned by, a part of, financed by, or in any other way financially supported by any firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer. As used in this subdivision, financial support does not apply to situations wherein an applicant laboratory is itself a federal firearms licensee or where the laboratory provides testing services to a firearm and/or FSD manufacturer/importer, wholesaler, distributor, or dealer.

(b) ~~None of the owner, employee(s), shareholder, partner, officer, and/or director of the laboratory directly involved in FSD testing, or any parent, spouse, child, sibling, or in-law of such person the owner(s), shareholder(s), partner(s), officer(s), and/or director(s) of the Certified FSD Laboratory will:~~

(1) ~~Have any contractual, organizational, employment or other material financial involvement interest in and/or relationship (spouse(s), children, sibling(s), parent(s), or in-law(s)) with, any firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer.~~

(2) Be a firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer.

(3) ~~Have any direct, indirect, or beneficial interest aggregating \$1,000 or more in any entity that is a firearms and/or FSD manufacturer/importer, wholesaler, distributor, or dealer.~~

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4093. Firearm Safety Device Testing and Submission Requirements.

(a) Each FSD submitted for testing shall not be modified in any way from one of the same model that would be sold if certification is granted. If it is determined by the DOJ that a DOJ-approved FSD is modified in any way from those that are being sold after certification has been

granted, the DOJ will immediately remove that model of FSD from the Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale and may recall the FSD pursuant to Penal Code section 23680.

(b) ~~Four FSDs of each~~ Each FSD model to be tested shall be submitted to the DOJ-Certified FSD Laboratory. ~~A maximum of four FSDs are~~ Three of the devices are to be utilized by the laboratory for testing pursuant to section ~~4095, subdivision (e)~~ 4095.1 of these regulations, ~~and the other device is to be utilized for testing pursuant to section 4095, subdivisions (d) and (e) of these regulations and~~ FSDs shall be forwarded by the laboratory to the DOJ pursuant to section 4096, subdivision (a) of these regulations. FSD manufacturers or dealers ~~may~~ shall supply **batteries and** any information ~~that they believe may be~~ needed by the laboratory for proper and safe operation of the FSD. The following information shall be provided in the English language with each FSD model submitted for testing:

- (1) The manufacturer's model name and model number of the FSD shall be clearly visible on the interior or exterior of the FSD.
- (2) A description of the FSD.
- (3) ~~A description~~ Instructions of how the FSD is intended to function and how the user should install and operate (activate/deactivate) the FSD. The instructions shall be typed and not handwritten.
- (4) The type, make, or model of firearm(s) for which the FSD is designed.

~~(5) Batteries shall be included if needed to operate the FSD.~~

(c) The DOJ may approve an untested FSD and list that FSD on the Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale subject to all of the following:

- (1) The DOJ shall review each FSD submitted pursuant to this subdivision on a case-by-case basis to determine whether or not a new test will be required.
- (2) A model of FSD made by the same manufacturer must already be listed on the Roster of Firearm Safety Devices Certified for Sale ~~Roster~~ and the device submitted for approval pursuant to this subdivision shall differ from the listed FSD in only the following:
  - (A) Finish, including, but not limited to, color, ~~or~~ engraving, or silk screening.
  - (B) Any feature that does not in any way alter the material or functioning of any of the components of the FSD. Dimensional changes in an FSD may be approved by the DOJ without additional testing on a case-by-case basis when the dimensional changes do not alter the device's ability to operate in the same manner demonstrated in the laboratory including when the dimensional changes do not alter the size of the door and/or the locking bolts.
  - (C) Change in name or model number without affecting the design or function of the FSD.

(3) Any manufacturer seeking to have an FSD approved under this subdivision shall provide the DOJ with all of the following:

(A) The manufacturer model name and model number of the listed FSD.

(B) The manufacturer model name and model number of each FSD the manufacturer seeks to have listed under this section.

(C) A statement, under oath, that each unlisted FSD for which listing is sought differs from the listed FSD only in one or more of the ways identified by this subdivision and is in all other respects identical to the listed FSD.

(D) When submitting a request to list an FSD as a similar, the manufacturer shall utilize submit Submission of Similar Firearm Safety Device Application, Form BOF 08-02 (Rev. 01/2012), hereby incorporated by reference, a form prescribed by DOJ, which shall be approved and signed by an owner or CEO of the company. Additionally, an owner and/or CEO signing the form shall submit written proof that he or she is a current owner or CEO of the company or corporation. The manufacturer shall include with the form digital images of the FSD model that is currently on the Roster of Firearm Safety Devices Certified for Sale, which the manufacturer is relying on for the approval, and digital image(s) of the proposed similar device.

~~(D)~~(E) The DOJ may, at its discretion and at any time, require a manufacturer to provide to the DOJ an example of any FSD model for which listing is sought under this section, to determine whether the model complies with the requirements of this section.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650, 23655 and 23680, Penal Code.

§ 4094. Firearm Safety Device Standards.

(a) The FSD shall be of a design that will not allow its removal or deactivation except by utilizing a key, combination, or other unique method as intended by the manufacturer to allow access only by authorized users, within the standards set forth in these regulations.

(1) Combination locking systems shall have a minimum of 1,000 possible unique combinations consisting of a minimum of three numbers, letters, or symbols per combination.

(2) Key locking systems shall be unique to the manufacturer's FSD(s).

(b) The FSD shall render the firearm inoperable (unable to be fired) while the FSD is properly installed. The firearm shall be rendered inoperable immediately upon installation and activation of the FSD. Lock box style FSDs (devices that fully contain and enclose the firearm) must prevent removal of, and access to, the enclosed firearm. The laboratory shall use smallest gun available for testing the lock box/fully enclosed FSD, pursuant to 4095(b)(12) of these regulations.

- (c) An FSD shall function by at least one of the following methods:
- (1) By blocking travel of the trigger, striker, firing pin, or hammer.
  - (2) By preventing the action or cylinder from closing.
  - (3) By preventing the chamber(s) from accepting or holding a live cartridge.
  - (4) By preventing access to the firearm.
- (d) When used in the manner designed and intended by the manufacturer, the FSD shall be capable of repeated use and shall pass the testing procedures described in these regulations.
- (e) The FSD shall be capable of withstanding manipulation with common household tools, as described in section 4095. **1 – Firearm Safety Device Tests and Testing Sequence, –Testing Procedures,** for an approximate ten-minute period without being disabled.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4095. Testing Procedures.

~~The tests in this section are designed to replicate the forces that would be exerted on FSDs through the use of common household tools for an approximate ten-minute period.~~

- (a) The only persons allowed to conduct FSD testing are authorized staff of the DOJ-Certified ~~FSD~~ Laboratory. In addition to this staff, representatives of the FSD manufacturer or dealer and/or the DOJ shall be allowed to be present during testing. Any such representative(s) shall not participate in the testing. However, if deemed necessary by the staff of the laboratory, representative(s) of the FSD manufacturer or dealer may be asked to provide advice and/or guidance regarding the characteristics, handling, and/or operation of the FSD.
- (b) Each laboratory testing an FSD pursuant to these regulations must comply with the following test criteria relative to each FSD tested:
- (1) All tests shall be conducted within the following tolerances as applicable:
    - (A) Force: 0.5% of working range.
    - (B) Height: +/- 3mm (0.12 inches).
    - (C) Torque: 4.0% of reading.
    - (D) Weight: +/- 10 grams (.02 pounds).
  - (2) All tests shall be conducted at temperatures between 16 and 27 degrees Celsius (61-81 degrees Fahrenheit).
  - (3) A tensile loading device having a load and force measuring capacity of 4,450 newtons (1,000 pounds force) shall be utilized for appropriate tests.



- (4) The American Society for Testing and Materials Standard Performance Specification for Padlocks (ASTM) ~~F883-97~~ F883-13. Copies can be obtained by contacting ASTM, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, Pennsylvania 19428-2959, telephone number 1 (877) 909-2786, or on the Internet: [www.astm.org](http://www.astm.org), and are available for inspection at the Department of Justice, Bureau of Firearms, or the California State Archives at the Secretary of State, 1020 "O" Street, Sacramento, California 95814. ~~is incorporated into these regulations by reference.~~ A shock impact fixture shall be constructed utilizing the same design as the shock impact~~er~~ fixture illustrated and detailed in said specification and a shackle cutting fixture shall be constructed utilizing the same design as the shackle cutting fixture illustrated and detailed in said specification.
- (5) A mounting device shall be fashioned and used to align and to support the FSD being tested on the mounting device when being subjected to required shock loads.
- (6) The FSD shall be properly installed on a firearm according to the manufacturer's instructions unless otherwise stated in these regulations.
- (7) FSDs may be tested when they are not installed on a firearm if it is determined by the test laboratory that the firearm would interfere with the test equipment's ability to apply measurable forces to the FSD. Testing an FSD while it is not installed on a firearm is allowed only when the measurable forces are applied to areas of the FSD that would be exposed when the FSD is properly installed. FSDs shall be tested on a complete firearm whenever possible.
- (8) The FSD shall not be of a design to allow it to be disabled or removed from the firearm through the partial destruction of the firearm with common household tools. Partial destruction includes, but is not limited to, cutting an exposed trigger guard or removing the hammer spur of the firearm (if so equipped).
- (9) Notwithstanding the FSD manufacturer's instructions, for each of the tests, a ~~primed case~~ casing will be placed in the firing chamber if the chamber can be closed. The ~~primed case~~ casing shall be produced by an ammunition manufacturer and consist of the same type of case and primer as standard ammunition recommended by the firearm manufacturer. With the FSD properly installed, the firearm shall be rendered incapable of firing the ~~primed case~~ casing. If the firearm discharges the ~~primed case~~ casing during any of the tests, even if only capable of firing once and even if unsafe to do so, the device is deemed to have failed testing.
- (10) Notwithstanding the FSD manufacturer's instructions, for each test, the firearm shall be cocked, and the manual safety shall not be applied.
- (11) All of the tests designated in section 4095.1 subdivision (a) ~~subdivisions (e)(1) through (e)(5) of this section~~ shall be performed on a single FSD. The tests designated in section 4095.1 subdivision (b) ~~subdivision (e)(6) of this section~~ shall be performed on a separate single FSD. The tests designated in section 4095.1 subdivision (c) ~~subdivisions (e)(7) through (e)(8) of this section~~ shall be performed on a separate single FSD. The test

designated in section 4095.1 subdivision (d) ~~subdivision (d) or (e)~~ of this section shall be performed on a separate single FSD.

(12) All lock box type devices (devices designed to fully contain and enclose a firearm) shall be tested with a small handgun placed within the device. The small handgun shall be loaded with a ~~primed case~~ casing and be no greater than 5 inches (L) x 3 inches (H) x 1 1/4 inches (W) in size. The small handgun may be in addition to any other firearm(s) used in testing. Lock boxes designed to accommodate long guns must be tested with at least one long gun placed within the container in addition to the small handgun mentioned above. Lock boxes which cannot prevent the removal of, or access to discharging of, the firearm(s) contained within the device will be considered disabled.

(13) Manipulation with a screwdriver, as described in these regulations, is to be applied only to the areas directly affected (weakened) by the proceeding test.

~~(c) Each Certified FSD Laboratory shall perform all of the following tests on each FSD model submitted to the laboratory for testing pursuant to these regulations in an attempt to defeat the device, cause the firearm to function, or cause the loaded primed case to discharge:~~

~~(1) Picking or manipulating test (utilize a new FSD) (does not apply if test cannot be performed on the device). Cylinders in the FSD shall resist picking with the use of paper clips (jumbo size), paper clips (#1 size), and small screwdrivers that fit in the keyway for two minutes each. Time shall be counted only while tools are in contact with the lock. Combination locks shall resist manual manipulation for two minutes. Time shall be counted only while hands are manipulating the combination lock. This test shall be performed by a tester with no specialized training or skills in lock picking or manipulation (e.g. locksmith training or the use of reference guides on lock picking or manipulation). In the case of a key lock, failure occurs if the lock mechanism can be disengaged during six minutes of manipulation. In the case of a combination lock, failure occurs if the combination lock can be disengaged without the proper combination being entered during two minutes of manipulation.~~

~~(2) Forced removal inspection. Inspect the firearm and FSD to determine if the FSD is of such a design that it may not be disabled or removed from the firearm through two minutes of partial destruction of the firearm with common household tools. Partial destruction attacks shall be limited to the firearm's trigger guard, hammer spur, or barrel. For example, an FSD that fully encloses the trigger guard of the firearm may pass this inspection, while an FSD that would allow a portion of the trigger guard to be sawed off to allow for removal of the FSD may fail this inspection. Failure occurs if inspection of the firearm and FSD indicates that the FSD may be disabled or removed through the partial destruction of the firearm as described in this subdivision. Failure also occurs if the firearm could be fired, even if unsafe to do so, as a result of the forced removal inspection. Attack by saw shall be performed in accordance with the specifications and limitations of the sawing test (included by reference).~~

~~(3) Tensile test (does not apply if test cannot be performed on the device). This test is designed to test the strength of the FSD utilizing a pulling action. Support the firearm and FSD in a fixture designed to enable application of forces in tension along a central axis of~~

the mating locking components of the FSD. Apply 1,000 newtons (225 pounds force) of forces slowly along the central axis of the FSD locking components without interfering or giving support to either of the mating locking components of the FSD. For FSDs that have clamping components, specific fixtures may be required to allow application of the required force to the individual components. Failure occurs if the FSD is disabled or if the firearm is capable of firing during the test. For instance, if the FSD separates far enough to allow for the discharge of the firearm while manipulating the trigger.

(4) Shock test (does not apply if test cannot be performed on the device). This test is designed to test the FSD and locking mechanism's ability to withstand shock. Using the shock impact fixture, drop a one kilogram (2.2 pound) weight from a distance of one meter  $\pm$  one centimeter (39.4 inches  $\pm$  0.4 inches) five times to the top of the FSD body aligned to impinge and penetrate the locking keyway or combination lock using a chucked blade-type tool (chucked blade-type tool should be crafted from the shank of a screwdriver with a 1/4 to 5/8 inch (0.63 to 1.6 centimeter) flathead end). Additionally, using the shock impact fixture, drop a one kilogram (2.2 pound) weight from a distance of one meter (39.4 inches), five times to the top of the FSD body using a chucked steel rod tool. Failure occurs if the FSD is disabled by the shock test. Failure also occurs if following the shock test, subsequent manipulation of the FSD with an 8 to 10 inch (20.3 to 25.4 centimeter) long screwdriver with a 1/4 to 5/8 inch (0.63 to 1.6 centimeter) flathead end for fifteen seconds allows the tester to discharge a primed case.

(5) Shackle or cable cutting test (does not apply if test cannot be performed on the device). This test is designed to determine the FSD's resistance to cutting forces of 4,450 newtons (1,000 pounds force) for solid metal shackles or with hand forces of 445 newtons (100 pounds force) for cables. The shackle of the FSD (if so equipped) shall withstand cutting through when blades made of steel, hardened to a minimum hardness of Rc 50, are used in conjunction with the blade positioning holders of the shackle cutting fixture. The shearing assembly must then be placed in a tensile loading device having a compression load capability and compressed with a force of 4,450 newtons (1,000 pounds force). See the ASTM F883-97 standard for details to build a shackle cutting fixture (this document is incorporated by reference into these regulations). The cable of the FSD (if so equipped) shall withstand cutting through with 9 1/2 inch lineman pliers with a force of 100 pounds (445 newtons) for two minutes. The force shall be applied to the handles of the pliers at a point that is 6 inches ( $\pm$  0.25 inches) from the center of the pliers' pivot pin, and the cable shall be placed between the blades so that the cable's centerline is 0.75 inches ( $\pm$  0.05 inches) from the center of the pliers' pivot pin. The FSD is to be supported on both sides of the point of the shear cut with allowance for blade clearance. Failure occurs if the FSD is disabled.

(6) Plug pulling test (utilize a new FSD)(does not apply if test cannot be performed on the device). This test is designed to test a cylinder lock's ability to withstand a pulling action to dislodge the plug from the cylinder, but not to test the lock's ability to withstand drilling. Drill the keyway with a number 20 (0.161 inch, 0.41 centimeter) diameter drill bit and insert a self tapping screw of size AB 12 at least 0.75 inches (1.90 centimeters) deep. Apply a required tension of 1,000 newtons (225 pounds force) axially between the case and installed screw. Failure occurs if the FSD can be opened by fifteen seconds of manipulation with an 8 to 10 inch (20.3 to 25.4 centimeter) long with the largest flat blade

(not to exceed 5/8 inch (1.6 centimeter)) that will fit into the keyway at the conclusion of the test. Failure also occurs if the FSD is disabled. If the self-tapping screw cannot be inserted at least 0.75 inches (1.90 centimeters), insert the screw as far as possible, continue with the test and document the depth to which the screw was inserted. The test does not need to be applied to keyways which cannot accept the self-tapping screw due to the keyway's size, design, or materials. In addition, if the FSD is of a design that it breaks the drill bit or self-tapping screw and prevents the test from being performed the test does not apply and does not need to be performed again on this device.

(7) Plug torque test (utilize a new FSD) (does not apply if test cannot be performed on the device). This test is designed to test the ability of an FSD's keyway, if so equipped, to withstand torque pressures. Install the FSD in a rigid fixture such as a vise to support it firmly but not restrict free rotation of the plug in the cylinder. Insert a screwdriver with the largest flat blade (not to exceed 5/8-inch (1.6 centimeter) that will fit into the keyway, so that a torque load of ten newton-meters (89 pounds force inches) can be applied to the plug. The test technician may lightly tap the screwdriver blade into the keyway so that the blade is seated and torque can be applied. Care should be taken so as not to mar the keyway beyond what is necessary to create enough grip to perform the test. If a keyway resists the insertion of the screwdriver blade or deforms so that torque cannot be applied and the test cannot be performed, this test does not apply and does not need to be performed again on this device. Torque may be applied in any combination of clockwise or counterclockwise directions. Failure occurs if the FSD is disabled.

(8) Sawing test (does not apply if test cannot be performed on the device). Sawing tests shall be performed using a sawing machine or hand held saw. The FSD may be held with an appropriate fixture to hold the device steady while sawing. The sawing test is designed to determine the FSD's resistance to sawing of exposed components. Exposed components may include, but are not limited to, cables, lock bodies and hinges. The testing agent shall accomplish a test using a new standard carbon steel hacksaw blade with 32 teeth per inch (2.54 centimeters) with a constant vertical downward force of ten pounds (44.5 newtons). Only one saw blade shall be used during the test. The test shall consist of 60 cutting cycles per minute for two minutes by sawing machine, or 120 cycles, with no time limit, by hand. One cutting cycle is defined as the combination of one 6-inch forward and one 6-inch backward cutting motion. The saw attack may consist of a series of separate 120 cutting cycle attacks, but in no instance shall more than 120 cutting cycles be applied to any one "specified" location. For example, the testing agent may identify (specify) the hinge and lock body areas of an FSD as vulnerable to attack. A total of 120 cutting cycles may be applied to the hinge of the device and an additional 120 cutting cycles may be applied to the lock body of the device. At the conclusion of the sawing test, the testing agent shall manipulate the FSD for fifteen seconds by hand in an attempt to disable the FSD. Failure occurs if the FSD is disabled.

(d) — In addition to the tests specified in subdivision (c) of this section, the Certified FSD Laboratory shall perform the following tests on a model of each FSD in which the firing chamber of the firearm is capable of accommodating a primed case with the firing chamber closed and the FSD properly installed, that is submitted to the laboratory for testing pursuant to these regulations. This requirement does not apply to an FSD that prevents access to the firearm by fully containing and enclosing the firearm (lock box type devices):

~~(1) (Utilize a new FSD). The FSD shall be activated in accordance with the manufacturer's instructions as specified in paragraphs (6), (9), and (10) of subdivision (b) of this section. The firearm shall be placed in a drop fixture capable of dropping the firearm from a drop height of one meter + one centimeter (39.4 inches + 0.4 inches) onto a slab of concrete having minimum dimensions of 7.5 centimeters X 15 centimeters X 15 centimeters (3 inches X 6 inches X 6 inches). The drop distance shall be measured from the lowermost portion of the weapon to the top surface of the slab. The firearm shall be dropped from a fixture and not from the hand. An approved drop fixture is a short piece of string with the firearm attached at one end and the other end held in an air vise until the drop is initiated. The firearm shall be dropped in the following orientations:~~

~~(A) Normal firing position with the barrel horizontal.~~

~~(B) Upside down with the barrel horizontal.~~

~~(C) If the firearm is a handgun, on the grip with the barrel vertical.~~

~~(D) On the muzzle with the barrel vertical.~~

~~(E) On either side with the barrel horizontal.~~

~~(F) If there is an exposed hammer or striker, on the rearmost point of the device, otherwise on the rearmost point of the weapon.~~

~~(2) At the conclusion of the drop test, the tester shall attempt to fire the firearm in an attempt to discharge the primed case. Failure occurs if the firearm can be operated manually, if a primed case is discharged during any of the drop tests, or if the FSD is disabled following any of the orientation drop tests.~~

~~(e) In addition to the tests specified in subdivision (c) of this section, the Certified FSD Laboratory shall perform the following tests on a model of each FSD that fully contains and encloses the firearm (lock box type devices) that is submitted to the laboratory for testing pursuant to these regulations. This requirement does not apply to any lock box type FSD that weighs more than 75 pounds (27.99 kilograms) or has a combined length and girth that is greater than or equal to 110 inches (279.4 centimeters):~~

~~(1) (Utilize a new FSD. Test shall be conducted with a firearm containing a primed case with the firing chamber closed inside the FSD. This test does not need to be performed with an approved drop fixture and may be performed by hand.) The FSD shall be dropped from a height of one meter + one centimeter (39.4 inches + 0.4 inches) onto a slab of concrete having minimum dimensions of 7.5 centimeters X 15 centimeters X 15 centimeters (3 inches X 6 inches X 6 inches). The drop distance shall be measured from the lowermost portion of the FSD to the top surface of the slab. The FSD shall be dropped in the following orientations:~~

~~(A) With the locking mechanism facing directly up.~~

~~(B) With the locking mechanism facing directly down.~~

~~(2) Failure occurs if the FSD is disabled or the firearm contained within the enclosed container discharges.~~

~~(f) Failure of any test occurs if the FSD is disabled, if the firearm is made to function, or if the firearm discharges the primed case during or as a result of the test. A failure of any one FSD in any of the tests constitutes a failure of the complete test.~~

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

#### § 4095.1 Firearm Safety Device Tests and Testing Sequence

The tests in this section are designed to replicate the forces that would be exerted on FSDs through the use of common household tools. Each DOJ-Certified Laboratory shall perform all of the following tests on each FSD model submitted to the laboratory for testing pursuant to these regulations in an attempt to: defeat the device, cause the firearm to function, or cause the primed case casing to discharge. Utilize a new FSD for each test sequence. **However, if an FSD fails during any test sequence no further testing is required.**

(a) First FSD Test Sequence. One FSD shall be used for the following tests:

(1) Manipulate or pick test (does not apply if test cannot be performed on the device). This test shall be performed by a tester with no specialized training or skills in lock picking or manipulation (e.g. locksmith training or the use of reference guides on lock picking or manipulation). Time shall be counted only while tools are in contact with the lock. For FSDs with multiple lock types, each applicable test shall be performed on each lock on the device.

(A) An FSD equipped with a fingerprint reader shall be tested in the following manner: the tester shall store one fingerprint as directed by the owner's manual. The tester shall then test nine (9) other fingerprints to see if the FSD opens or unlocks. If the device opens or unlocks then the FSD fails. If the device locks out the fingerprint reader after failed attempts, the tester shall continue to try fingerprints when the fingerprint reader is no longer in a locked out state, until nine (9) fingerprints have been tried and failed. If none of the nine (9) fingerprints opens or unlocks the FSD, then it has passed the manipulation test.

(B) Combination/electronic locks shall resist manual manipulation for two minutes. Time shall be counted only while hands are manipulating the combination/electronic lock. **If the device locks the tester out after a failed attempt, the tester shall continue to try manual manipulation when the FSD is no longer in a locked out state until the remaining two minutes have been tried.** In the case of a combination/electronic lock, failure occurs if the combination/electronic lock can be disengaged without the proper combination being entered during two minutes of manipulation.

(C) Keyways of the FSD shall resist picking with the use of paper clips (jumbo size), paper clips (#1 size), and any common household tool listed in section 4082(d)

of these regulations, that fit inside at least 50 percent of the keyway, for two minutes each for a total of six minutes. Additionally, the laboratory shall simultaneously use a combination of two of the tools listed in section 4082(d) of these regulations, that fit inside at least 50 percent of the keyway, for two minutes. For a key lock, failure occurs if the lock mechanism can be disengaged during picking.

(D) For a tubular lock, failure occurs if the lock mechanism can be disengaged during two minutes of manipulation with any part of a ballpoint pen body/shaft.

(2) Tensile test (does not apply if test cannot be performed on the device). This test is designed to test the strength of the FSD utilizing a pulling action. Support the firearm and FSD in a fixture designed to enable application of forces in tension along a central axis of the mating locking components of the FSD. Apply 1,000 newtons (225 pounds force) of forces slowly along the central axis of the FSD locking components without interfering or giving support to either of the mating locking components of the FSD. For FSDs that have clamping components, specific fixtures may be required to allow application of the required force to the individual components. Failure occurs if the FSD is disabled or if the firearm is capable of firing during the test. For instance, if the FSD separates far enough to allow for the discharge of the firearm while manipulating the trigger.

(3) Shock impact test shall be performed on all lock types and devices. This test is designed to test the FSD and locking mechanism's ability to withstand shock and impact. Using the shock impact fixture, or a modified shock impact fixture to accommodate a larger FSD, drop a one-kilogram (2.2 pound) weight from a distance of one meter + one centimeter (39.4 inches + 0.4 inches) five times to the top of the FSD body. The weight will be aligned to impinge and penetrate the locking keyway or combination lock using a chucked blade-type tool (chucked blade-type tool should be crafted from the shank of a screwdriver with a 1/4 to 5/8-inch [0.63 to 1.6-centimeter] flathead end). Additionally, using the shock impact fixture, drop a one-kilogram (2.2 pound) weight from a distance of one meter (39.4 inches), five times to ~~the top of the FSD body~~ **a perceived weak point on the FSD** using a chucked steel rod tool. Failure occurs if the FSD is disabled by the shock impact test. Failure also occurs if following the shock impact test, subsequent manipulation of the FSD with an 8 to 10-inch (20.3 to 25.4-centimeter) long screwdriver with a 1/4 to 5/8-inch (0.63 to 1.6-centimeter) Philips or flathead, and/or with one of the common household tools inserted through the opening or hole exposed after shock impact of the locking keyway, combination lock, or fingerprint reader for thirty seconds and allows the tester to unlock the FSD or discharge a ~~primed case~~ casing.

(4) Shackle or cable cutting test (does not apply if test cannot be performed on the device). This test is designed to determine the FSD's resistance to cutting forces of 4,450 newtons (1,000 pounds force) for solid metal shackles or with hand forces of 445 newtons (100 pounds force) for cables. The shackle of the FSD (if so equipped) shall withstand cutting through when blades made of steel, hardened to a minimum hardness of Rc 50, are used in conjunction with the blade positioning holders of the shackle cutting fixture. The shearing assembly shall then be placed in a tensile loading device having a compression load capability and compressed with a force of 4,450 newtons (1,000 pounds force). See the ASTM F883-13 standard for details to build a shackle cutting fixture. For ASTM F883-13, copies can be obtained by contacting ASTM, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, Pennsylvania 19428-2959, telephone number 1 (877) 909-

2786, or on the Internet: www.astm.org, and are available for inspection at the Department of Justice, Bureau of Firearms, or the California State Archives at the Secretary of State, 1020 "O" Street, Sacramento, California 95814. The cable of the FSD (if so equipped) shall withstand cutting through with 9 1/2-inch lineman pliers with a force of 100 pounds (445 newtons) for two minutes. The force shall be applied to the handles of the pliers at a point that is 6 inches (+/- 0.25 inches) from the center of the pliers' pivot pin, and the cable shall be placed between the blades so that the cable's centerline is 0.75 inches (+/- 0.05 inches) from the center of the pliers' pivot pin. The FSD is to be supported on both sides of the point of the shear cut with allowance for blade clearance. Failure occurs if the FSD is disabled.

(b) Second FSD Test Sequence. One FSD shall be used for the following tests:

(1) Plug torque test (does not apply if test cannot be performed on the device). This test is designed to test the ability of an FSD's keyway, if so equipped, to withstand torque pressures. Install the FSD in a rigid fixture, such as a vise, to support it firmly but not restrict free rotation of the plug in the cylinder. Insert a screwdriver with the largest flat blade (not to exceed 5/8-inch (1.6 centimeter) that will fit into the keyway, so that a torque load of 10 newton-meters (89 pounds force-inches) can be applied to the plug. The test technician may lightly tap the screwdriver blade into the keyway so that the blade is seated and torque can be applied. Care should be taken so as not to mar the keyway beyond what is necessary to create enough grip to perform the test. If a keyway resists the insertion of the screwdriver blade or deforms so that torque cannot be applied and the test cannot be performed, this test does not apply and does not need to be performed again on this device. Torque may be applied in any combination of clockwise or counterclockwise directions. Failure occurs if the FSD is disabled.

(2) Forced removal test (does not apply for a firearm that is fully enclosed by a gun safe or lock box, or where the FSD does not attach itself to the firearm). Partial destruction attacks shall be limited to the FSD, the firearm's trigger guard, hammer spur, or barrel. For example, ~~an FSD that fully encloses the trigger guard of the firearm may pass this inspection, while~~ an FSD that would allow a portion of the trigger guard to be sawed off to allow for removal of the FSD may fail this **test inspection**. An FSD that prevents hammer movement by trapping and/or blocking the hammer spur shall fail the test if full or partial removal of the hammer spur with common household tools would allow removal of the FSD. An FSD that blocks and/or plugs the barrel shall fail the test if partial removal of the barrel would allow removal of the FSD. Failure occurs if a **visual inspection or test** of the firearm and FSD indicates that the FSD may be disabled or removed through the partial destruction of the firearm as described in this subdivision. Failure also occurs if the firearm could be fired, even if unsafe to do so, as a result of the forced removal **test inspection**. Attack by saw shall be performed in accordance with the specifications and limitations of the sawing test as described in section 4095.1(c)(1) of these regulations.

(3) Forced entry test (does not apply if test cannot be performed on the device). If a firearm is fully enclosed by a gun safe, lock box, or if the FSD does not attach itself to the firearm, the FSD shall be tested per this section. Time shall be counted when tools are in contact with the FSD. The FSD shall be attacked in the area where the door or lid meets the body of the device in an attempt to pry the door or lid open. The tools that shall be used are



a flathead screwdriver and ~~pry bar crowbar~~, each a size that will fit in the gap, and a hammer. Any combination of the three tools shall be used for a total of three minutes.

(c) Third FSD Test Sequence. One FSD shall be used for the following tests:

(1) Sawing test (does not apply if test cannot be performed on the device). The sawing test shall be performed using a ~~sawing machine or~~ hand held saw. The FSD may be held with an appropriate fixture to hold the device steady while sawing. The sawing test is designed to determine the FSDs resistance to sawing of exposed components. Exposed components may include, but are not limited to, cables, lock bodies, and hinges. The testing agent shall accomplish a test using a new standard carbon steel hacksaw blade with 32 teeth per inch (2.54 centimeters) with a constant vertical downward force of 10 pounds (44.5 newtons). Only one saw blade shall be used during the test. ~~The test shall consist of 60 cutting cycles per minute for two minutes by sawing machine, or 120 cycles, with no time limit, by hand.~~ One cutting cycle is defined as the combination of one 6-inch forward and one 6-inch backward cutting motion. The saw attack shall consist of a series of **two** separate 120 cutting cycle attacks, but in no instance shall more than 120 cutting cycles be applied to any one “specified” location. For example, the testing agent may identify the hinge and lock body areas of an FSD as vulnerable to attack. A total of 120 cutting cycles may be applied to the hinge of the device and an additional 120 cutting cycles may be applied to the lock body of the device. At the conclusion of the sawing test, the testing agent shall manipulate the FSD for 30 seconds by hand in an attempt to disable the FSD. Failure occurs if the FSD is disabled.

(2) Plug pulling test (does not apply if test cannot be performed on the device). This test is designed to test a cylinder lock's ability to withstand a pulling action to dislodge the plug from the cylinder, ~~but not to test the lock's ability to withstand drilling.~~ Drill the keyway with a number 20 (0.161 inch, 0.41 centimeter) diameter drill bit and insert a self tapping screw of size AB 12, at least 0.75 inches (1.90 centimeters) deep. Apply a required tension of 1,000 newtons (225 pounds force) axially between the FSD and installed screw. If the device opens or unlocks at any time ~~during this test~~, it fails the test. Failure also occurs if the FSD can be opened by 15 seconds of manipulation with an 8 to 10-inch (20.3 to 25.4-centimeter) long flathead screwdriver, with the largest flat blade that will fit into the keyway (not to exceed 5/8 inch [1.6 centimeter]) at the conclusion of the test. If the self-tapping screw cannot be inserted at least 0.75 inches (1.90 centimeters), insert the screw as far as possible, continue with the test, and document the depth to which the screw was inserted. The test does not need to be applied to keyways which cannot accept the self-tapping screw due to the keyway's size, design, or materials. In addition, if the FSD is of a design that it breaks the drill bit or self-tapping screw and prevents the test from being performed the test does not apply and does not need to be performed again on this device.

(d) Fourth FSD Test Sequence. One FSD shall be used for the following tests:

(1) Drop test.

(A) (This requirement does not apply to an FSD that prevents access to the firearm by fully containing and enclosing the firearm - lock box type devices). For an FSD model in which the firing chamber of the firearm is capable of accommodating a ~~primed case~~ casing with the firing chamber closed and the FSD properly installed

(i.e. trigger locks), the DOJ-Certified Laboratory shall perform the following test:

(i) The FSD shall be activated in accordance with the manufacturer's instructions as specified in paragraphs (6), (9), and (10) of subdivision (b) of section 4095 of these regulations. The firearm shall be placed in a drop fixture capable of dropping the firearm from a drop height of one meter + one centimeter (39.4 inches + 0.4 inches) onto a slab of concrete having minimum dimensions of 7.5 centimeters X 15 centimeters X 15 centimeters (3 inches X 6 inches X 6 inches). The drop distance shall be measured from the lowermost portion of the weapon to the top surface of the concrete slab. The firearm shall be dropped from a fixture and not from the hand. An approved drop fixture is a short piece of string with the firearm attached at one end and the other end held in an air vise until the drop is initiated. The firearm shall be dropped in the following orientations:

(I) Normal firing position with the barrel horizontal.

(II) Upside down with the barrel horizontal.

(III) If the firearm is a handgun, on the grip with the barrel vertical.

(IV) On the muzzle with the barrel vertical.

(V) On either side with the barrel horizontal.

(VI) If there is an exposed hammer or striker, on the rearmost point of the device, otherwise on the rearmost point of the weapon.

(ii) At the conclusion of each phase of the drop test, the tester shall attempt to fire the firearm in an attempt to discharge the ~~primed case~~ casing. Failure occurs if the firearm can be operated manually, if a ~~primed case~~ casing is discharged during any of the drop tests, or if the FSD is disabled following any of the orientation drop tests.

(B) (This requirement does not apply to any lock box type FSD that weighs more than ~~60 75~~ pounds (~~27.09 27.22~~ kilograms) or has a combined length and girth that is greater than or equal to 110 inches (279.4 centimeters). For an FSD model that fully contains and encloses the firearm, the DOJ-Certified Laboratory shall perform the following test:

(i) The test shall be conducted with **an unloaded firearm weighing between two and three pounds containing a primed case casing with the firing chamber closed** inside the FSD. This test does not need to be performed with an approved drop fixture and may be performed by hand. The FSD shall be dropped from a height of one meter + one centimeter (39.4 inches + 0.4 inches) onto a slab of concrete having minimum dimensions of 7.5 centimeters X 15 centimeters X 15 centimeters (3 inches X 6 inches X 6 inches). The drop

distance shall be measured from the lowermost portion of the FSD to the top surface of the slab. The FSD shall be dropped in the following orientations:

(I) With the locking mechanism facing directly up.

(II) With the locking mechanism facing directly down.

(III) For square or rectangular shaped FSDs, ~~each shall be dropped~~ at least once on each of the device's corners not to exceed eight drops. For devices with non-square or non-rectangular shapes, ~~each shall be dropped~~ one additional drop on any area of the device not previously tested under this section for a total of nine drops.

(ii) Failure occurs if the FSD is disabled ~~or the firearm contained within the enclosed container discharges.~~

~~(c) Failure of any test occurs if the FSD is disabled, if the firearm is made to function, or if the firearm discharges the primed case casing during or as a result of the test. A failure of any one FSD in any of the tests constitutes a failure of the complete test.~~

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4096. Test Reporting.

(a) If an FSD meets the required standards and has passed the required testing, the DOJ-Certified FSD Laboratory shall submit to the DOJ a completed Firearm Safety Device Compliance Test Report (Firearm Safety Devices), Form BOF 021A (Rev. 01/2012 07/2018), hereby incorporated by reference, and the FSD utilized for the drop-testing under section 4095.1, subdivision (d) ~~or (e) or if not applicable, the safe utilized under section 4095.1(c),~~ of these regulations in accordance with Penal Code section 23655, subdivision (c). ~~The Firearm Safety Device Compliance Test Report shall require all of the information identified in section 4097, subdivision (a) of these regulations, and~~ which shall be signed by the person authorized to sign on behalf of the laboratory. In the event that an FSD does not pass any of the required tests, the DOJ-Certified Laboratory shall submit to the DOJ a completed Compliance Test Report (Firearm Safety Devices), Form BOF 021A (Rev. 07/2018).

(b) The DOJ-Certified FSD-Laboratory shall submit the required report to the DOJ within ten (10) working days of the completion of the testing. Failure to submit said report to the DOJ within the time frame identified above shall not invalidate the results of the testing. However, the DOJ may inspect the laboratory to determine whether grounds exist to revoke the certification of the laboratory.

(c) FSD manufacturers or dealers are prohibited from placing any statement, logos, and/or stickers on the FSD itself, the labeling, the box/packaging, and/or accompanying user information that in any way states, implies, and/or otherwise suggests that the FSD has been approved for sale in California under Penal Code sections 23650 and 23655 unless the FSD is on the Roster of Approved Firearm Safety Devices Certified for Sale. At that time and only while

the FSD is listed on the Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale, the FSD manufacturer or dealer may place the following statement in the required user information:

*“This is a California-approved Firearm Safety Device that meets the requirements of Penal Code section 23655 and the regulations issued thereunder.”*

(d) The manufacturer or dealer of an FSD approved under these regulations shall specify, in the packaging or descriptive materials accompanying the device, those firearms for which the device meets the standards and are capable of passing the testing described in these regulations.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4097. Required Records, Retention Periods, Reporting Changes.

(a) The DOJ-Certified FSD Laboratory shall, for a minimum of five years from the date of the ~~Firearm Safety Device~~ Compliance Test Report (Firearm Safety Devices), Form BOF 021A (Rev. ~~01/2012~~ 07/2018), maintain sufficient records to support the results of any and all such reports.

- ~~(1) The name and address of the Certified FSD Laboratory that conducted the test.~~
- ~~(2) The name and address of the FSD manufacturer or dealer that submitted the FSD model for testing, as well as the name and telephone number of a contact person of the submitting manufacturer or dealer. If the DOJ submitted the FSD, this fact shall be noted in the records.~~
- ~~(3) Date, time, and location of the testing, and any off-site equipment and/or facilities that are used during any portion of the testing.~~
- ~~(4) The unique reference number/identifier issued by the Certified FSD Laboratory for the testing.~~
- ~~(5) The results of each phase of the required testing.~~
- ~~(6) The date the report was submitted to the DOJ.~~
- ~~(7) The name and telephone number of a contact person who should be contacted if there are any questions regarding the testing and/or the report.~~
- ~~(8) The make, model, construction material, and type of FSD tested.~~
- ~~(9) The make, model, caliber, barrel length, and type of each firearm on which the laboratory tested the device.~~
- ~~(10) Identification of the manufacturer and type of primer used in the primed cases used in the testing.~~
- ~~(11) An identification of each of the tests that was performed on the FSD tested.~~

~~(12) A statement that the FSD meets each of the standards for FSDs prescribed in these regulations.~~

~~(13) The names and business affiliation of all persons who have witnessed any part of the testing procedure.~~

~~(14) The name(s) and title(s) of laboratory staff who conducted and/or performed the required testing.~~

~~(15) The signature of the lead person who conducted the testing along with his or her title and printed name, and the date of signature.~~

(b) The following records shall also be maintained by all DOJ-Certified ~~FSD~~ Laboratories:

(1) A listing of any and all current off-site facilities that have been reported to the DOJ, and are or may be used by the DOJ-Certified ~~FSD~~ Laboratory for FSD testing.

(2) A listing of all current employees who are directly involved in FSD testing.

(3) Records relating to the current ownership of the laboratory.

(4) Records relating each firearm stolen or lost from the laboratory must be retained for at least ten years from the date that the firearm was reported lost or stolen.

(c) The DOJ-Certified ~~FSD~~ Laboratory shall report within ten (10) working days any changes; Failure to report changes may lead to revocation. The following changes shall be reported:

(1) In the ownership, involvements, relationships, license prohibitions, and/or interests identified in sections 4086 and 4090 of these regulations and ensure that any such change would not constitute grounds for denial of an Application for Laboratory Certification (Firearm Safety Device Testing), ~~Firearm Safety Device Laboratory Certification Form BOF 019A (Rev. 01/2012 07/2018)~~.

(2) Involving management personnel, FSD testing supervisor(s) and/or personnel, person(s) authorized to sign ~~Firearm Safety Device~~ Compliance Test Reports (Firearm Safety Devices), (DOJ Form BOF 021A Rev. 07/2018), person(s) who hold COE(s); and/or the FSD testing equipment and/or facilities of the laboratory.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4098. Off-Site Location.

(a) A DOJ-Certified ~~FSD~~ Laboratory may not utilize any FSD testing equipment and/or facilities that are at a location other than the primary business address of the laboratory unless all of the following conditions are met:

(1) The off-site location is not more than 100 miles from the primary business address.

(2) The laboratory provides the following information to the DOJ prior to beginning any testing at the off-site location: the name of the facility/owner, telephone number, physical address of the location; and the type of equipment and/or facilities to be used and/or the testing to be performed at each location.

(b) Notwithstanding subdivision (a) of this section, if more than one off-site location is needed for testing purposes, the applicant or DOJ-Certified FSD Laboratory must submit a completed Request to Utilize an Additional Off-Site Location (Firearm Safety Device Testing), Form BOF 020A (Rev. 01/2012 07/2018 ), hereby incorporated by reference, for each such location. ~~The Form BOF 020A (Rev. 01/2012 shall include the following information:~~

~~(1) Applicant or Laboratory Information: The person(s), firm, or corporation name; physical and mailing address(es); and telephone and fax number.~~

~~2) Off-Site Location Information: The name of the owner; physical street address, telephone number; the testing to be performed and/or equipment to be used at the off-site location; the signature of the Certified FSD Laboratory's authorized representative; and the county, state, and date of signature.~~

(c) The DOJ reserves the right to prohibit a laboratory from conducting FSD tests at an off-site location if the results of any such testing could not be rendered fairly, impartially, and independent of any manufacturer, importer or other entity which has any direct and/or indirect economic interest in the results of the testing.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4099. Inspections.

(a) At any time during regular business hours and/or when testing is being conducted, the DOJ-Certified FSD Laboratory shall allow reasonable access by any authorized DOJ employee(s), upon presentation of proper identification. The DOJ employee(s) shall be permitted to inspect facilities and records relating to FSD testing and to observe any FSD tests being performed to ensure compliance with any applicable federal, state, and/or local law(s) and these regulations.

(b) Within six months of the date of FSD Laboratory Certification, the DOJ will conduct a follow-up on-site compliance inspection of the laboratory to observe actual FSD testing and inspect equipment and facilities.

(c) The DOJ-Certified FSD Laboratory will be notified in writing of the results of any inspection conducted pursuant to this section within 15 days from the date of the completion of the inspection. The notification will include a list of any and all violations of any statute and/or these regulations and the action required to correct each violation.

(d) The corrective action shall be completed within 15 days of the date of notification. An acknowledgment prepared by the DOJ to be signed by the owner, chief executive officer, or person with primary responsibility for the operation of the laboratory that they have been made

aware of the violation(s), that the necessary corrective action(s) have been performed, and that all necessary action(s) will be taken to ensure that future violations do not occur. The acknowledgment shall be signed and returned to the DOJ within 15 days from the date of service of the notification unless the DOJ has determined that the violation requires immediate attention. If immediate attention is required, the laboratory shall take the corrective action(s) within the time specified in the DOJ notice.

~~(e) — The Certified FSD Laboratory shall submit to the DOJ a monthly schedule of the days on which it is planning to perform FSD testing. The schedule for each month shall be submitted to the DOJ five days before the beginning of the month being reported. The DOJ may contact the laboratory telephonically for information regarding any additions/deletions to the schedule. The DOJ may accept schedules submitted by electronic transmission.~~

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4100. Gun Safes; Standards; Proof of Ownership, and Lock Boxes.

(a) An acceptable gun safe is either one the following:

~~(a)~~ (1) A gun safe that meets all of the following standards:

~~(1)~~ (A) Shall be able to fully contain firearms and provide for their secure storage.

~~(2)~~ (B) Shall have a locking system consisting of at minimum a mechanical or electronic combination lock. The mechanical or electronic combination lock utilized by the safe shall have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols. The lock shall be protected by a case-hardened (Rc 60+) drill-resistant steel plate, or drill-resistant material of equivalent strength.

~~(3)~~ (C) Boltwork shall consist of a minimum of three steel locking bolts of at least 1/2-inch thickness that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock.

~~(4)~~ (D) A gun safe shall be capable of repeated use. The exterior walls shall be constructed of a minimum 12-gauge thick steel for a single-walled safe, or the sum of the steel walls shall add up to at least 0.100 inches for safes with two walls. Doors shall be constructed of a minimum one layer of 7-gauge steel plate reinforced construction or at least two layers of a minimum 12-gauge steel compound construction.

(7) (E) Door hinges shall be protected to prevent the removal of the door. Protective features include, but are not limited to: hinges not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active or inactive locking bolts.

~~(b)~~ (2) A gun safe that is able to fully contain firearms and provide for their secure storage, that is in use by a DOJ-Certified Laboratory prior to July 1, 2018 ~~and is~~ shall be certified to/listed as meeting Underwriters Laboratories Residential Security Container rating standards by a

Nationally Recognized Testing Laboratory (NRTL). All safes to be purchased by a current DOJ-Certified Laboratory or by a new DOJ-Certified Laboratory that is certified after July 1, 2018 shall be certified to/listed as meeting Underwriters Laboratories Standards for Antitheft Alarms and Devices under 1037 Sixth Edition standards by a NRTL dated September 15, 2017, sections 7 Enclosures, section 48 Drop Test, section 53 Attack Test, and section 54 Residential Security Container. Copies can be obtained by contacting COMM-2000, 151 Eastern Avenue, Bensenville, Illinois 60106, telephone number 1 (888) 853-3503, or on the Internet: [www.shopulstandards.com](http://www.shopulstandards.com), and are available for inspection at the Department of Justice, Bureau of Firearms, or the California State Archives at the Secretary of State, 1020 "O" Street, Sacramento, California 95814.

(b) The firearms purchaser or transferee may establish proof of ownership of an acceptable gun safe by providing the firearms dealer with both of the following:

(1) A receipt for purchase of the gun safe or an affidavit stating ownership and possession of the gun safe.

(2) An affidavit stating that the gun safe meets the standards set forth by section 4100 of these regulations. The affidavit shall state the make and model of the gun safe and shall state that the gun safe is capable of accommodating the firearm being purchased. The affidavit shall contain the statement "I declare under penalty of perjury that all statements made in this affidavit are true and complete." This statement shall be signed and dated by the firearms purchaser or transferee. For any gun safe that does not display a model but otherwise meets the acceptable gun safe standard, the term "unknown" will be considered an acceptable entry in the model field of the affidavit stating ownership of an acceptable gun safe. The make or manufacturer's name shall be stated on the affidavit.

(c) The firearms dealer shall maintain the statement(s) provided pursuant to subdivision (a) of this section for three years with the Dealer's Record of Sale (DRS) for the firearm.

(d) The firearm purchaser or transferee may establish proof of ownership of an acceptable lock box that is listed on the Roster of Firearm Safety Devices Certified for Sale by providing the firearms dealer with both of the following:

(1) A receipt for purchase of the lock box.

(2) An affidavit stating that the lock box is listed on the Roster of Firearm Safety Devices Certified for Sale and will accommodate the firearm(s) that is being taken into possession. The affidavit shall state the make and model of the lock box and that the lock box is capable of accommodating the firearm(s) being purchased. The affidavit shall contain the statement "I declare under penalty of perjury that all statements made in this affidavit are true and complete." This statement shall be signed and dated by the firearm purchaser or transferee.

(e) The firearms dealer shall maintain the statement(s) provided pursuant to subdivision (a) of this section for three years with the DROS for the firearm.



Note: Authority cited: Sections 23635, 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

~~§ 4101. Gun Safe – Proof of Ownership of an Acceptable Gun Safe.~~

~~(a) The firearms purchaser or transferee may establish proof of ownership of an acceptable gun safe by providing the firearms dealer with both of the following:~~

~~(1) A receipt for purchase of the gun safe or an affidavit stating ownership and possession of the gun safe.~~

~~(2) An affidavit stating that the gun safe meets the standards set forth by section 4100 of these regulations. The affidavit must state the make and model of the gun safe and must state that the gun safe is capable of accommodating the firearm being purchased. The affidavit must contain the statement “I declare under penalty of perjury that all statements made in this affidavit are true and complete.” This statement shall be signed and dated by the firearms purchaser or transferee. For any gun safe which does not display a make and/or model but otherwise meets the acceptable gun safe standard, the term “unknown” will be considered an acceptable entry in the make and/or model fields of the affidavit stating ownership of an acceptable gun safe.~~

~~(b) The firearms dealer shall maintain the statement(s) provided pursuant to subdivision (a) of this section for three years with the Dealer’s Record of Sale (DRoS) for the firearm.~~

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

~~§ 4102. Lock Box – Proof of Ownership of an Acceptable "Lock Box" Type Firearm Safety Device.~~

~~(a) The firearms purchaser or transferee may establish proof of ownership of an acceptable lock box that is listed on the Roster of Approved Firearm Safety Devices by providing the firearms dealer with both of the following:~~

~~(1) A receipt for purchase of the lock box.~~

~~(2) An affidavit stating that the lock box is listed on the Roster of Approved Firearm Safety Devices and will accommodate the firearm(s) that is being taken into possession. The affidavit must state the make and model of the lock box and that the lock box is capable of accommodating the firearm(s) being purchased. The affidavit must contain the statement “I declare under penalty of perjury that all statements made in this affidavit are true and complete.” This statement shall be signed and dated by the firearms purchaser or transferee.~~

~~(b) The firearms dealer shall maintain the statement(s) provided pursuant to subdivision (a) of this section for three years with the DRoS for the firearm.~~

Note: Authority cited: Sections 23635, 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

Article 6. ~~Firearm Safety Device Laboratory~~ DOJ-Certification Renewal;  
~~Firearm Safety Device Laboratory~~ DOJ-Certification After Expiration

§ 4105. ~~Firearm Safety Device Laboratory~~ DOJ-Certification Renewal Procedures.

~~An FSD Laboratory~~ DOJ-Certification must be renewed prior to expiration in order to remain valid. The procedure for ~~FSD~~ DOJ-Certified Laboratory ~~Certification~~ renewal is as follows:

- (a) The DOJ will mail an application to the laboratory 60 days prior to the expiration date of the FSD Laboratory Certification.
- (b) The DOJ-Certified ~~FSD~~ Laboratory wishing to renew its FSD Laboratory Certification shall submit to the DOJ an Application for Laboratory Certification (Firearm Safety Device Testing), ~~Firearm Safety Device Laboratory Certification~~, Form BOF 019A (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference.
- (c) When all applicable requirements are met and the application has been processed, the DOJ will renew the laboratory's FSD Laboratory Certification.
- (d) If a laboratory fails to comply with these renewal requirements, the FSD Laboratory Certification shall expire by operation of law at midnight on the expiration date stated on the FSD Laboratory Certification.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

§ 4106. ~~Firearm Safety Device Laboratory~~ DOJ-Certification After Expiration.

When an FSD Laboratory Certification has expired and not been renewed prior to the stated expiration date, the person, firm, or corporation wishing to renew certification shall make a new application to the DOJ on an Application for ~~Firearms Safety Device~~ Laboratory Certification (Firearm Safety Device Testing), Form BOF 019A (Rev. ~~01/2012~~ 07/2018).

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.

Article 7. Service of Notices, Orders, and Communications

§ 4107. Service of Notices, Orders, and Communications.

- (a) Except as otherwise provided by law or in these regulations, notices, orders, and other communications may be sent by United States mail, electronic transmission, and/or common carrier to an applicant or DOJ-Certified ~~FSD~~ Laboratory at the address shown on the Application for Laboratory Certification (Firearm Safety Device Testing), ~~Firearm Safety Device Laboratory Certification~~, Form BOF 019A (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference.

(b) Notices and orders shall be deemed to have been served upon their deposit, first-class postage prepaid, in the United States mail, and the time specified in any such notice shall commence to run from the date of such mailing.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code

## Article 8. Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale, Appeal Process

### § 4108. Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale.

(a) Within ~~ten (10)~~ 30 days of the receipt of the ~~Firearm Safety Device~~ Compliance Test Report (Firearm Safety Devices), Form BOF 021A (Rev. ~~01/2012~~ 07/2018), hereby incorporated by reference, and one FSD, from the DOJ-Certified FSD Laboratory; the DOJ will determine whether the FSD may be placed on California's Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale. After the determination by the DOJ that the FSD may be listed, the DOJ will add the FSD to the ~~roster~~ Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale.

(b) Within ~~ten (10)~~ 30 days of the receipt of the request from an FSD manufacturer or dealer to add an FSD to the Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale, the DOJ will determine whether the FSD may be listed without testing. If the DOJ finds that the FSD may be listed, the DOJ will add the FSD to the ~~roster~~ Roster.

(c) An FSD may be excluded from the Roster of ~~Approved~~ Firearm Safety Devices Certified for Sale for any of the following reasons:

(1) If it is determined that the FSDs submitted for testing were modified in any way from those that were sold after certification was granted.

(2) If it is determined that the FSD does not meet established standards based upon further testing.

(3) If the FSD manufacturer or dealer requests that the FSD be removed from the ~~roster~~ Roster.

(d) An FSD manufacturer or party of interest may submit a written request to list an FSD that was voluntarily discontinued. The written request must state that no modifications have been made to the model and be submitted to the DOJ.

Note: Authority cited: Sections 23650 and 23655, Penal Code. Reference: Sections 23650 and 23655, Penal Code.