

# **NOTICE OF PROPOSED RULEMAKING**

Notice to be published on October 4, 2019

The Department of Justice (Department) proposes to amend sections 5505, 5507, 5509, 5510, 5511, 5513, 5514, 5516, 5517, 5518 and 5521 of Title 11, Division 5, Chapter 41, of the California Code of Regulations. Chapter 41 has been retitled as “Self-Manufactured or Self-Assembled Firearms.” These amendments would allow new residents to the state to apply for a unique serial number for a self-manufactured or self-assembled firearm after paying an application fee and meeting other requirements. This rulemaking proposes to make permanent, with changes, the emergency regulations approved on July 1, 2019.

## **PUBLIC HEARING**

The Department has not scheduled a public hearing on this proposed regulatory action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

## **WRITTEN COMMENT PERIOD**

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on Monday, November 19, 2019. Only comments received by that time will be considered. Written comments must be submitted to:

Kamran Ali  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Phone: 916-227-5419  
Email: FirearmsIDregs@doj.ca.gov

## **AUTHORITY AND REFERENCE**

Authority: Sections 29180 and 29182, Penal Code.

Reference: Sections 11106, 16170, 16400, 16520, 16535, 16670, 23910, 27510, 28160, 28220, 29180, 29181, 29182, 29183 and 29184, Penal Code, Section 8104, Welfare and Institutions Code and Section 1798.17, Civil Code.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

This rulemaking action implements the requirements of Penal Code section 29180, which requires new residents of the state to apply for a unique serial number within 60 days for any

firearms that they bring into California that do not already have a unique serial number or other mark of identification. The proposed regulations also implement the requirements of Penal Code section 29182 and require an applicant for a unique serial number to be at least 21 years of age. Currently, new residents to the state are unable to apply for a unique serial number under Title 11, Division 5, Chapter 41, of the California Code of Regulations. This rulemaking action would update the reference sections of existing regulations, and make the following revisions:

The title of Chapter 41 has been amended for the sake of concision.

Section 5505 has been amended to include new California residents in the title and scope of the regulations.

Section 5507 has been amended to add additional firearms related definitions as well as terminology specifically used for these regulations. An amendment has also been made to delete a penal code section that has been superseded by a changed statute. The correct penal code was added to conform to mandated statutory language by redefining firearms eligibility check as the state and federal background check pursuant to Penal Code section 28220 that is used to determine an individual's eligibility to possess a firearm.

Section 5509 has been amended to include new California residents who wish to possess in the state a previously self-manufactured or self-assembled firearm that does not have a unique serial number or other mark of identification.

Section 5510 has been amended to include the January 1, 2019 effective date for new California residents.

Section 5511 has been amended to allow new California residents to use the California Firearms Applications Reporting System (CFARS) to apply for a unique serial number or other mark of identification for a self-manufactured or self-assembled firearm.

Section 5513 has been amended to delete language that has been superseded by a changed statute and to add language to conform to mandated statutory language by including the new age restriction of 21 to obtain a unique serial number for a firearm that is not a handgun. Additionally, amendments have also been made to specify the Department will ask for additional firearm(s) identifying information and digital image(s) to ensure compliance with state firearm laws. Additional changes have also been made for clarity and consistency.

Section 5516 has been amended to have the denial letter, if an applicant is deemed ineligible, be sent by U.S. mail. Additional changes have been made for clarity and consistency.

Section 5518 has been amended to require new residents to the state to engrave their unique serial number on their firearm and upload digital photos to CFARS within 10 days of receiving their unique serial number. It also provides for applicants to reapply if they fail to engrave and upload photos of their unique serial number.

Section 5521 has been amended in order to specify the Department will ask for additional firearms identifying information and digital images to ensure compliance with state firearm laws.

#### ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

This rulemaking protects public safety, public health and worker safety by reducing the number of untraceable firearms coming into the state of California. A new resident will have to undergo a background check in order to receive a unique serial number, which will allow the Department to determine if the person is prohibited from possessing a firearm. These regulations will also allow law enforcement to effectively trace the ownership of a firearm if it is used in a crime.

This rulemaking neither benefits nor hinders the environment, the prevention of discrimination. The promotion of fairness or social equity, or the increase in openness and transparency in business or government.

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

Pursuant to Government Code section 11346.5, subdivision (a)(3)(D), the Department shall evaluate whether the proposed regulation is inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has reviewed existing regulations pertaining to firearms within California Code of Regulations (“CCR”) Title 11, Division 5, and determined that these proposed regulations are not inconsistent or incompatible. This determination is based on the fact that there are no regulations currently existing which address the process of new residents applying for and receiving unique serial numbers.

#### COMPARABLE FEDERAL REGULATIONS

There are no existing federal regulations or statutes comparable to the proposed regulation.

#### OTHER STATUTORY REQUIREMENTS

None.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None

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

Cost or savings to any state agency: None.

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

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

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

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

Business report requirement: None.

Significant effect on housing costs: None.

Small business determination: The Department has determined that the proposed regulation will not affect the creation or elimination of small businesses because the regulations pertain to new residents to the state and does not directly affect small business.

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

Assessment regarding effect on jobs/businesses: Adoption of the proposed regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California; or
- (4) Affect the state's environment.

The Department's determination on items (1) through (4) are based on the fact that the regulations pertain to new residents to the state and do not directly affect any businesses.

For additional benefits, please see "Anticipated Benefits of the Proposed Regulations" found under the Informative Digest/Policy Statement Overview.

#### COSTS IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

This regulation imposes a fee on new residents who wish to apply for a unique serial number. The fee for submitting an application for a unique serial number is \$35, which covers the cost for a background check and one unique serial number application. If the applicant requests multiple serial numbers in the same application, the fee is \$15 for each additional serial number.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and

equally effective in implementing the statutory policy or other provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to:

Kamran Ali  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Phone: (916) 227-5419  
Email: FirearmsIDregs@doj.ca.gov

The back-up contact person for these inquiries is:

Jacqueline Dosch  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
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Email: FirearmsIDregs@doj.ca.gov

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

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

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the Final Statement of Reasons will be available on the Department's website at <https://oag.ca.gov/firearms/regs>. You may also obtain a written copy of the final statement of reasons by contacting Kamran Ali at the address or phone number listed above.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

# 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, and, on and after January 1, 2019, to a new resident to the state who wishes to possess in the state a previously self-manufactured or self-assembled firearm that does not have a unique serial number or other mark of identification. 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.

[No changes are being made to this section.]

#### 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~~ rimfire 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: ~~W~~Without consideration of any extensions or protrusions rearward of the closed bolt or breech-face. ~~T~~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) “Bolt Action” means a firearm mechanism activated by manual operation of the breechblock that resembles a common door bolt.

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

(f) “Break Top” means an action design wherein the barrel(s) is pivoted on the frame/receiver. When the action is open, the barrel may pivot up, down, or sideways for loading or unloading. When the action is closed, the breech of the barrel(s) swings against the standing breech. Opening the action is normally accomplished by movement of a top-, side-, or under-lever.

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

~~(f)~~ (h) “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)~~ (i) “CFARS” means California Firearms Application Reporting System.

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

~~(i)~~ (k) “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) (l) “Department” means the California Department of Justice.

(k) (m) “Firearms Eligibility Check” means a state and federal background check pursuant to Penal Code section ~~30105~~ 28220 that is used to determine an individual’s eligibility to possess, receive, own, or purchase a firearm.

(l) (n) “Frame” means the ~~basic unit of a firearm that is a handgun.~~ receiver of a pistol.

(m) (o) “FSC” means Firearm Safety Certificate as defined in Penal Code section 16535.

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

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

(p) (r) “Other mark of identification” has, for the purposes of these regulations, the same definition as subdivision (z).

(q) (s) “Receiver” means the basic unit of a firearm ~~that is a long gun. The receiver will generally~~ which houses the firing and breech mechanisms and to which the barrel and stock are assembled.

(r) “Receiver, lower” means the lower part of a two part receiver.

(q) (u) “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.~~ Some have the shape of an AR-15 lower receiver for example, but are solid metal. Some have been worked on and the magazine well has been machined open. Firearms Manufactured by Unlicensed Subjects (FMBUS) began as unfinished receivers.

(v) “Receiver, upper” means the top portion of a two part receiver.

(t) (w) “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) (x) “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.

(y) “Single Shot”, generally means a firearm with a break top or bolt action design that lacks a magazine. The shooter would manually load the firearms chamber each time the weapon was fired. A variation of the single shot is the single shot repeating style firearm which traditionally will have a bolt action, lever action or pump action coupled with a magazine.

(z) “Unique Serial Number” means a serial number issued by the department that consists of a sequence of alphanumeric characters, is easily identifiable as belonging to a self-assembled or self-manufactured firearm, and is unique to each firearm.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 16170, 16520, 16535, 16670, 28220, 29180, 29181, 29182, 29183, and 29184 ~~and 30405~~, Penal Code.

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

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

[No changes are being made to this section.]

### **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.

(c) A new resident to the state who wishes to possess in the state a firearm previously self-manufactured or self-assembled that does not have a unique serial number or other mark of identification.

Note: Authority cited: Sections 29180 and 29182, 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.

(c) Beginning January 1, 2019, a new resident to the state shall apply for a unique serial number or other mark of identification pursuant to Section 29182 within 60 days of arrival for any firearm the resident wishes to possess in the state that the resident previously manufactured or assembled that does not have a unique serial number or other mark of identification.

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~~. 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) A new resident to the state shall apply for a unique serial number or other mark of identification pursuant to Section 29182 within 60 days of arrival for any firearm the resident wishes to possess in the state that the resident previously manufactured or assembled that does not have a unique serial number or other mark of identification. The application shall be filed electronically using CFARS, at the following website: <https://cfars.doj.ca.gov/login.do>.

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

~~(e)(d)~~ 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. [Repealed]**

[No changes are being made to this section.]

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

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

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

(A) The applicant shall be 18 years of age or older to apply for a unique serial number for a firearm that is not a handgun. Commencing February 1, 2019, the applicant shall be 21 years of age or older to apply for a unique serial number for a firearm that is not a handgun.

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

(2) A description of the firearm that specifies: date of manufacture ~~or~~ (the date its assembly will be complete or, for a new resident, the date completed), firearm type, category, model (if applicable), caliber, firearm color, barrel length, unit of measurement, type of material used to build the receiver (aluminum, steel, polymer plastic, or other), whether it is a frame or receiver only, all and additional identification marks (if applicable), ~~and firearm city and state of origin.~~

(A) ~~If the applicant specifies that the receiver of the firearm being reported is made from material "other" than aluminum, steel or polymer plastic, the applicant shall provide a brief explanation of the type of material that was used to build the receiver. If the applicant specifies the pistol category is "Single Shot," they will also need to specify if the pistol is "Bolt Action" or "Break Top."~~

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

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

(b) If any part of the identifying information in subdivisions (a), (b), and (c) of this section is missing, the Department shall not approve the applicant's request for a unique serial number. The Department shall request additional firearm(s) identifying information and digital image(s) if necessary to confirm that an applicant is compliant with state firearm laws. If the requested information or digital image(s) is not received within 30 calendar days of the applicant being notified of the request in CFARS, the application will not be processed.

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

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

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

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

(4) Possible Disclosure of Personal Information: in order to process and assign a unique serial number(s) to a firearm(s) for an applicant, we may need to share the information the applicant provides us with any Bureau of Firearms representative or any other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

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

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

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

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

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

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

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

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

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 28220, 29182 and 29183 and 30105, Penal Code.

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

[No changes are being made to this section.]

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

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

(b) ~~Once the Department processes the request application, it shall notify the applicant either~~ that: Upon completion of the firearms eligibility check, the Department will determine if the applicant is:

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

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

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

(c) If the applicant is eligible, the Department will assign a unique serial number. If the applicant is ineligible or the background check could not generate a disposition for the applicant's criminal history, the Department will not issue a unique serial number.

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

(1) If an applicant is ineligible to own a firearm or if the background check could not generate a disposition for the applicant's criminal record, a follow-up denial notification will be sent through U.S. mail, which will address the denial reason. There will also be instructions on how to receive a copy of the record that resulted in the denial as well as how to dispute and correct the information in the applicant's record that the applicant believes is incorrect.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 28220 and 29182, and 30105, Penal Code; Section 8104, Welfare and Institutions Code.

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

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

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 28220, 29180; and 29182 and 30105, Penal Code.

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

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

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

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

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

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

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

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

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

(B) If the applicant fails to engrave, cast, stamp (impress), or permanently place the unique serial number in a conspicuous location on the receiver or frame of the firearm

and upload the required digital images before the end of the tenth day, the unique serial number will become invalid. At that point, the applicant will have to reapply to the Department and request another unique serial number.

(3) ~~(2)~~ An applicant intending to manufacture or assemble a firearm on or after July 1, 2018, shall engrave, cast, stamp (impress), or permanently place in a conspicuous location on the receiver or frame of the firearm the unique serial number issued by the Department within 30 calendar days of receiving the unique serial number from the Department. The applicant's date of receipt of the unique serial number shall be the date on the email containing the electronic notice that tells the applicant to log into the applicant's CFARS account to view the electronic correspondence sent by the Department.

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

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

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

(D) If the applicant fails to upload the proper digital images of the firearm or does not properly apply the unique serial number to the firearm before the 30-day period expires, the applicant will have until the end of the thirtieth day to provide the correct information to the Department.

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

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

[No changes are being made to this section.]

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

[No changes are being made to this section.]

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

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

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

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

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

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

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

(3) The other two digital images shall show the left side of the receiver or frame and the right side of the receiver or frame. These locations are typically where firearms are marked when manufacturing is complete.

(b) The Department shall request additional firearm(s) identifying information and digital image(s) if necessary to confirm that an applicant is compliant with state firearm laws. If the requested information or digital image(s) is not received within 30 calendar days of the applicant being notified of the request in CFARS, the application will not be processed.

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

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

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

[No changes are being made to this section.]

## **INITIAL STATEMENT OF REASONS**

### **PROBLEM STATEMENT**

On September 26, 2018, the Legislature passed Senate Bill (SB) 746, amending Penal Code section 29180 to require new California residents to apply for a unique serial number for any self-manufactured or self-assembled firearms they own that do not have a serial number or other mark of identification (Pen. Code, § 29180, subd. (e).) Prior to the enactment of this bill, the Penal Code allowed for current residents to apply for a serial number, but there were no provisions in existing law that addressed new residents to the state bringing in firearms that do not have a serial number or other unique identifying mark. If the Legislature had not enacted this law, new residents would have had no avenue to apply for a unique serial number.

In 2018, prior to the passage of SB 746, the Department adopted Title 11, Division 5, Chapter 41 of the California Code of Regulations, which prescribes a process to apply for a unique serial number for Self-Manufactured or Self-Assembled Firearms. SB 746 requires updates to be made to these regulations in order to include a process for new residents to the state to apply for a unique serial number.

This rulemaking proposes to make permanent, with changes, the emergency regulations approved on July 1, 2019.

### **BENEFITS**

These regulations are beneficial because they address an omission in the existing regulation. Newly enacted SB 746 requires new residents to the state to apply for a unique serial number for firearms that do not already have a serial number. Without these regulations, new residents who already own an untraceable firearm would be unable to apply for a serial number. This omission inhibits the statute's purpose of protecting public safety through reducing the number of untraceable firearms in the state and ensuring that an owner of a self-built firearm is not prohibited from owning or possessing it. The omission also creates risk for new residents who could be arrested and charged with a misdemeanor for possessing an untraceable firearm, and who might have their firearm confiscated by law enforcement. The omission also creates confusion for law enforcement officials and prosecutors who would otherwise have to sort out whether an owner of an untraceable firearm is a new or existing resident.

### **PURPOSE AND NECESSITY**

Throughout this chapter, any article titles that previously had a period at the end have been removed. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

## **Chapter 41. Self-Manufactured or Self-Assembled Firearms.**

**Purpose:** The title of the chapter has been amended.

**Necessity:** The current title is unnecessarily long and concision provides clarity.

## **§ 5505. Title and Scope.**

**Purpose:** This section has been amended to include new California residents into the scope of the regulations, and to establish the start date for when new residents are required to apply for a unique serial number.

**Necessity:** This amendment is necessary in order to identify the individuals who are affected by these regulations, and to comply with Penal Code section 29180, subdivision (e), which mandates that all new residents to the state must apply for a unique serial number starting January 1, 2019 if their firearm does not already have a unique serial number.

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

The subdivisions within this section have been renumbered to accommodate the addition of new terms. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

### **Subdivision (a)**

**Purpose:** Subdivision (a) has been amended. The term “rim fire” has been changed to “rimfire.”

**Necessity:** This amendment is necessary for clarity. The term “rimfire” is generally spelled as one word within the firearms industry. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

### **Subdivision (c)**

**Purpose:** Subdivision (c) has been amended for consistency with existing Department regulations.

**Necessity:** This change is necessary in order to be consistent with the other Department regulations, specifically title 11, section 5471, subdivision (d), which also defines “Barrel length.” It would be confusing for the public if the Department used separate definitions for each chapter. The language in subdivision (c) now matches section 5471, subdivision (d).

### **New Subdivision (d)**

**Purpose and Necessity:** New Subdivision (d) has been added to establish the term “Bolt Action,” which is a generally acknowledged term in the firearms industry and would be familiar to people applying for a unique serial number. This change is necessary because this term will be used in proposed section 5513, subdivision (a)(2)(A), as described below.

To compose this term, the Department used the following sources, as well as expert opinion from staff within the Department: National Rifle Association, “NRA Institute for Legislative Action Glossary,” <https://www.nraila.org/for-the-press/glossary/>, December 6, 2016.

## **New Subdivision (f)**

**Purpose and Necessity:** New Subdivision (f) has been added to establish the term “Break Top,” which is a generally acknowledged term in the firearms industry and would be familiar to people applying for a unique serial number. This change is necessary because the term will be used in proposed section 5513, subdivision(a)(2)(A), as described below.

To compose this term, the Department used the following source, as well as expert opinion from staff within the Department: U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, “ATF Guidebook – Importation & Verification of Firearms, Ammunition, and Implements of War, Firearms Verification,” <https://www.atf.gov/firearms/firearms-guides/importation-verification-firearms-ammunition-and-implements-war-top-break>, published April 26, 2018.

## **Renumbered Subdivision (m)**

**Purpose:** Subdivision (m) has been amended to delete the citation to Penal Code section 30105 and instead cite Penal Code section 28220. The additional language “receive, own, or purchase” has been added making the provision consistent with statute.

**Necessity:** This amendment is necessary in order to define the type of background check a person undergoes when they submit an application for a unique serial number. The current background check conducted under these regulations (pursuant to Penal Code section 30105) is known as a Personal Firearms Eligibility Check, which only checks California databases to determine firearms eligibility. Penal Code section 29182 subdivision (a)(2) and (b)(1), which these regulations implement, was amended by SB 746 and now states that the eligibility check must be conducted pursuant to Penal Code Section 28220, which is known as a Basic Firearms Eligibility Check. A Basic Firearms Eligibility check determines firearms eligibility by checking both state and federal databases for prohibiting offenses and provides a more accurate record in order to determine if a person can legally possess a firearm. A person without any firearms prohibiting offenses in their California record may have been convicted of a such a felony in another state. If this person undergoes a Personal Firearms Eligibility Check, only their California record would be checked and the Department would have no knowledge of the out-of-state prohibiting offense and no way of preventing that person from possessing a firearm or receiving a unique serial number. Under a Basic Firearms Eligibility Check, this same person would have their out-of-state and federal criminal records checked via the National Instant Criminal Background Check (NICS) and would be firearms prohibited. Subsequently, the Department would not issue them a unique serial number because of their felony conviction.

The terms “receive, own or purchase” have been added to the definition of “Firearms Eligibility Check” for consistency with Penal Code section 28220. A firearms eligibility check does not only determine if an applicant can legally possess a firearm, but also receive, own or purchase one.

## **Renumbered Subdivision (n)**

**Purpose:** Subdivision (n) has been amended for consistency with existing Department regulations.

**Necessity:** This change is necessary in order to be consistent with other Department regulations, specifically title 11, section 5471, subdivision (u), which also defines “Frame.” It would be

confusing for the public if the Department used separate definitions for each chapter. The language in subdivision (n) now matches section 5471, subdivision (u).

#### **New Subdivision (r)**

**Purpose and Necessity:** Subdivision (r) has been added to clarify that “other mark of identification” means the same thing as subdivision (z) “Unique Serial Number.” Penal Code section 29180 allows for both unique serial numbers and “other marks of identification” to be issued by the Department. The Department has determined that there is no “other mark of identification” that is not also a unique serial number. Within the firearms industry, a serial number is overwhelmingly a sequence of alphanumeric characters used to identify a specific firearm and is utilized by both firearms owners and law enforcement to identify firearms. If the Department were to assign marks of identification that were not alphanumeric, law enforcement would be unable to look up if a firearm is registered with the Department. This would hinder criminal investigations and endanger public safety.

#### **Renumbered Subdivision (s)**

**Purpose:** Subdivision (s) has been amended for consistency with existing Department regulations.

**Necessity:** This change is necessary in order to be consistent with other Department regulations, specifically title 11, section 5471, subdivision (aa), which also defines “Receiver”. The language in subdivision (s) now matches section 5471, subdivision (aa).

#### **New Subdivision (t)**

**Purpose:** New subdivision (t) has been added for consistency with existing Department regulations.

**Necessity:** This change is necessary because the term is used in renumbered subdivision (u) but is not defined. This change is consistent with other Department regulations, specifically title 11, section 5471, subdivision (bb), which also defines “Receiver, lower.” The language in subdivision (t) matches section 5471, subdivision (bb).

#### **Renumbered Subdivision (u)**

**Purpose:** Subdivision (u) has been amended for consistency with existing Department regulations.

**Necessity:** This change is necessary in order to be consistent with other Department regulations, specifically title 11, section 5471, subdivision (cc), which also defines “Receiver or frame, unfinished.” It would be confusing for the public if the Department used separate definitions for each chapter. The language in subdivision (u) now matches section 5471, subdivision (cc).

#### **New Subdivision (v)**

**Purpose:** Subdivision (v) has been added for consistency with existing Department regulations.

**Necessity:** This change is necessary to distinguish the term to be added by subdivision (t). This change is consistent with other Department regulations, specifically title 11, section 5471, subdivision (dd), which also defines “Receiver, upper.” The language in subdivision (v) matches section 5471, subdivision (dd).

## **New Subdivision (y)**

**Purpose and Necessity:** Subdivision (y) has been added to establish the term “Single Shot,” which is a generally acknowledged term in the firearms industry and would be familiar to people applying for a unique serial number. This change is necessary because this term will be used in proposed section 5513, subdivision (a)(2)(A), as described below.

To compose this term, the Department used the following sources, as well as expert opinion from staff within the Department: National Rifle Association, “NRA Institute for Legislative Action Glossary,” <https://www.nraila.org/for-the-press/glossary/>, December 6, 2016.

## **New Subdivision (z)**

**Purpose:** Subdivision (z) has been added to establish the term “Unique Serial Number.”

**Necessity:** Penal Code section 29180 uses the term “unique serial number” but does not define what it means. The Department has determined it is necessary to define the term in order to properly identify a self-manufactured or self-assembled firearm. Without defining the term, law enforcement may have trouble determining whether a self-manufactured or self-assembled firearm was used in a crime.

A unique serial number issued by the Department will consist of a sequence of alphanumeric characters. This is standard practice within the firearms industry and will make unique serial numbers issued by the Department easily identifiable by conforming to this practice. The unique serial number issued by the Department will also be easily identifiable as belonging to a self-assembled or self-manufactured firearm by having each serial number issued begin with the word “FMBUS”, followed by a sequence of numerals (ex. FMBUS12345). FMBUS stands for firearm manufactured by unlicensed subject and will be easily identifiable to law enforcement that the firearm is self-manufactured or self-assembled. Unique serial numbers issued by the Department will not be duplicated, ensuring that each one is unique to each firearm.

## **Reference Section**

The reference section has been amended by removing the reference to Penal Code section 30105 and adopting the references to Penal Code sections 16170 and 28220. Penal Code section 16170 defines the term “antique firearm”. The background check conducted pursuant to this section is now conducted pursuant to Penal Code section 28220, making the reference to Penal Code section 30105 inaccurate. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

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

### **New Subdivision (c)**

**Purpose:** Subdivision (c) of this section has been added in order to include new California residents who wish to possess, in the state, a previously self-manufactured or self-assembled firearm, or a firearm the resident owns that does not have a unique serial number or other mark of identification.

**Necessity:** This subdivision is necessary because this article currently does not include new residents. This change is required so this article can implement Penal Code section 29180, subdivision (e), which mandates all new residents to the state must apply for a unique serial number within 60 days of arrival if their firearm does not already have a unique serial number.

### **Authority Section**

The authority cited for this section now includes Penal Code section 29182, in addition to section 29180. Penal Code section 29182 was added as it is the section that requires new residents to the state to have a unique serial number on firearms that they own that do not possess one. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

## **§ 5510. Effective Dates.**

### **New Subdivision (c)**

**Purpose:** Subdivision (c) of this section has been added to include the January 1, 2019 effective date for new California residents to begin applying for unique serial numbers.

**Necessity:** This new subdivision is necessary because the regulation currently does not include new residents. This adoption is required to comply with Penal Code section 29180, subdivision (e), which mandates that all new residents to the state, starting January 1, 2019, must apply for a unique serial number within 60 days of arrival in California if their previously manufactured or assembled firearm does not already have a unique serial number.

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

Current subdivisions (b) and (c) have been renumbered to (c) and (d), respectively. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

### **New Subdivision (b)**

**Purpose:** Subdivision (b) of this section has been added to require new California residents to use CFARS to apply for a unique serial number or other mark of identification for a self-manufactured or self-assembled firearm that does not have a unique serial number or other identifying mark within 60 days of arrival to the state.

**Necessity:** This new subdivision is necessary in order to provide new residents with a means to submit electronic applications.

The Department has determined the most effective method for new residents to submit applications for unique serial numbers is through CFARS. CFARS is already utilized by current residents to apply for unique serial numbers as well as completing several other self-reporting forms, including the Law Enforcement Gun Release Application and Firearms Ownership report. It would be unduly burdensome for applicants, and unnecessarily expensive for the Department, to create a separate IT system for new residents to submit an application for a unique serial number. This process will allow

new residents to comply with Penal Code section 29182 which requires new residents to apply for a unique serial number within 60 days of arrival to the state. If new residents are not able to submit applications for a unique serial number, there will be an increase in the number of untraceable firearms within the state.

### **Renumbered Subdivision (c)**

**Purpose:** Subdivision (c) has been amended from “The application” to “Applications.”

**Necessity:** This amendment is necessary because an applicant could have multiple firearms requiring a unique serial number. Each unique serial number is a separate application in the CFARS system. This amendment provides clarity within the regulations.

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

### **Subdivision (a)(1)**

**Purpose :** Subdivision (a)(1) has been amended to specify that a California identification card is an accepted proof of age and identity.

**Necessity:** This amendment is necessary in order to inform the public of the acceptable forms of identification for the unique serial number process. Penal Code section 29182, subdivision (b)(2)(A) states that an application must provide proof of age and identity pursuant to Penal Code section 16400, which includes both California driver licenses and California identification cards issued by the Department of Motor Vehicles. This information is also necessary to conduct a firearms eligibility check, which is required by Penal Code section 29182, subdivision (b)(1).

### **Subdivision (a)(1)(A)**

**Purpose:** Subdivision (a)(1)(A) has been amended to require an applicant to be 21 years old in order to apply for a unique serial number, after February 1, 2019.

**Necessity:** This amendment is necessary in order to comply with Penal Code section 29182, subdivision (b)(2)(B), which requires applicants be 21 years old to apply for a unique serial number for a firearm that is not a handgun. This change aligns regulations with statute and provides clarity as to the age requirement for obtaining a unique serial number.

### **Subdivision (a)(2)**

**Purpose:** Subdivision (a)(2) has been amended to instruct the applicant, if they are a new resident to the state, to enter date the firearm was manufactured.

*Firearm city and state of origin* have been removed as requirements to provide on the application.

*Category, model, and unit of measurement* have been added in order to identify the firearm that the unique serial number is being requested for.

The phrase “All identification marks” has been amended to “additional identification marks (if

applicable).”

**Necessity:** These amendments are necessary for clarity and to confirm compliance with state firearm laws.

New residents must register firearms that do not have a unique serial number and were built before they entered the state. By definition, they cannot enter the date that they will be manufacturing the firearm, as the firearm has already been manufactured. It is necessary for the Department to know the date of manufacture to substantiate that they have not built the firearm since they moved to California, which would be in violation of Penal Code section 29180, subdivision (b). A person must first apply for a unique serial number with the Department prior to manufacturing a firearm, not after the fact.

*Firearm city and state of origin* have been removed as requirements of this section for clarity. This requirement is verified through digital photographs of the firearm, as specified in section 5520 of this chapter. Asking an applicant for the city and state of manufacture at this point in the unique serial number application process is unnecessary and creates confusion.

The addition of *category*, *model* and *unit of measurement* are necessary additions to the unique serial number application in order to accurately identify the firearm for which a unique serial number is being requested.

*Category*, meaning the type of action (for example semiautomatic, lever action or revolver) of the firearm is standard firearm identifying information used in the industry and is familiar to applicants applying for a unique serial number.

*Model*, or name of the firearm, is standard firearm identifying information used in the industry and is familiar to applicants applying for a unique serial number.

*Unit of measurement*, used when measuring for barrel length or overall length, is standard firearm identifying information used in the industry and is familiar to applicants applying for a unique serial number.

The phrase “All identification marks” has been amended to “additional identification marks (if applicable)” for clarity. Applicants already must show all identification marks. This change clarifies that the information being requested show any firearms identifying information that was not present in the original firearms description.

#### **Subdivision (a)(2)(A)**

**Purpose:** Subdivision (a)(2)(A) has been amended to have an applicant specify whether their pistol is “Bolt Action” or “Break Top”, if the pistol category chosen is “Single Shot” and to move the language that has been stricken out to subdivision (a)(2)(B).

**Necessity:** This amendment is necessary in order to verify that the pistol being registered is not a unsafe handgun, as defined in Penal Code sections 32100, 32000, and 31910. Asking the applicant if their single shot pistol is either bolt action or break top will allow the Bureau to ascertain if the firearm is exempt from the unsafe handgun designation, as defined in Penal Code section 32100, subdivision (b). If a self-manufactured pistol is determined to be an unsafe handgun, the applicant

will have illegally manufactured it, which is prohibited by Penal Code section 29182, subdivision (e)(2).

### **Subdivision (a)(2)(B)**

Subdivision (a)(2)(B) contains all of the language that was previously in subdivision (a)(2)(A). This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

### **Subdivision (b)**

**Purpose:** Subdivision (b) has been amended in order to specify the Department will ask for additional firearms identifying information and digital images to ensure compliance with state firearm laws. Subdivision (b) has also been amended to move existing language to new subdivision (d) that if any information is missing from subdivision (a), (b) and (c) of this section, the Department will not approve the applicant's request for a unique serial number.

**Necessity:** In order to ensure compliance with state firearm laws and to prevent an applicant from registering an illegal firearm, the Department has determined that it must be certain of the type of firearm being registered. If it cannot conclusively identify a firearm with the information provided on the application, it will be necessary to request additional information and photos. Specifically, the Department is ensuring compliance with Penal Code sections 16590, 16880, 17170, 17180, 30510, 30515, 30530, 30600, 30605, 31910, 32000, 32100 and 32625. These sections address several different kinds of prohibited firearm, including generally prohibited weapons, assault weapons, machine guns, .50 BMG rifles, and unsafe handguns.

The information requested of the applicant must be received within 30 calendar days of the applicant being notified of the request in CFARS. The Department has determined 30 calendar days is the appropriate amount of time for an applicant to gather the requested information. This gives the applicant a month to examine their firearm and take additional photographs if requested. A 30 calendar day deadline would be familiar to applicants, and consistent with other deadlines the Department utilizes, such as the timeframe given to correct an assault weapon registration application, as specified in title 11, section 5476, subdivision (c).

The provision informing applicants that if any of the information required of this section is missing, the Department will not approve the application has been moved for clarity. It is clearer for applicants to know their application will not be accepted if it is missing any of the required information at the end of the section after they know what the required information is.

### **Subdivision (d)**

**Purpose:** Subdivision (d) has been adopted to notify applicants that if the application is missing any information in subdivisions (a), (b), or (c), the Department will deny the applicant's request for a unique serial number.

**Necessity:** The text of this subsection was previously in subdivision (b) and has been moved for clarity. It is clearer for applicants to know their application will not be accepted if it is missing any of the required information at the end of the section after they know what the required information

is. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

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

### **Reference Section**

Penal Code section 30105 has been deleted from the reference citation for section 5514 and Penal Code section 28220 has been added. The background check conducted under this section is now pursuant to section 28220, not Penal Code section 30105. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

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

This subdivisions within this section have been renumbered. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

### **Subdivisions (b), (b)(1) and (b)(2)**

**Purpose:** Subdivision (b), (b)(1) and (b)(2) have all been amended to clearly state that the Department will make its determination whether the applicant is eligible or ineligible to receive a unique serial number after the firearms eligibility check has been completed.

**Necessity:** The amendments to all of these subdivisions are necessary for clarity. It is clearer for an applicant to know that their eligibility will be determined after a firearms eligibility check is conducted at the beginning of the subdivision, rather than learning of that information in (b)(1) and (b)(2).

### **Deleted Subdivision (b)(2)(A)**

**Purpose:** Subdivision (b)(2)(A) has been renumbered as subdivision (d)(1) and amended as described below. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

### **New Subdivision (c)**

**Purpose:** Subdivision (c) has been adopted to specify the Department will assign a unique serial number if the background check determines the applicant is eligible to legally possess a firearm and will deny the unique serial number application if the applicant is ineligible to legally possess a firearm.

**Necessity:** This amendment is necessary to explain to the applicant what the Department will do once a determination is made. Specifically, the Department will either issue a unique serial number for an applicant whose background check determines the applicant is eligible to possess a firearm, or if an applicant is ineligible to possess a firearm, the Department will not issue a unique serial number.

#### **Renumbered Subdivision (d)(1)**

**Purpose:** Subdivision (d)(1) has been renumbered from subdivision (b)(2)(A) and amended to specify that if an applicant is ineligible to own a firearm or if the background check could not generate a disposition for the applicant's criminal history, a denial letter will be sent via U.S. mail. This subdivision revises the Departmental process for notifying applicants about the denial of their application for a unique serial number.

**Necessity:** This amendment changes the method by which the Department will inform the applicant of a denial of their application. The Department has determined that the most secure and efficient way to inform an applicant about a denial for a unique serial number is through U.S. mail. It is necessary to communicate via U.S. mail because the communication may contain sensitive personal information. Providing the reason for the denial via U.S. mail rather than, for instance, via email or through an internet portal such as CFARS, ensures the security and confidentiality of the communication, while also providing transparency to the denied individual as to the reason for the Department's determination.

#### **Reference Section**

Penal Code section 30105 has been deleted from and Penal Code section 28220 has been added to the reference citation for section 5516. The background check conducted under this section is now pursuant to Penal Code section 28220, not Penal Code section 30105. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

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

#### **Reference Section**

Penal Code section 30105 has been deleted from and Penal Code section 28220 has been added to the reference citation for section 5517. The background check conducted under this section is now pursuant to Penal Code section 28220, not Penal Code section 30105. This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

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

#### **New Subdivision (b)(2)**

**Purpose:** New Subdivision (b)(2) has been added to require new residents to engrave their firearms with the unique serial number they received from the Department. This subsection also establishes that the serial number must be engraved within 10 calendar days of receiving the unique serial number and the date of receipt for the unique serial number has been specified as the date of the email notifying the applicant to log in to their CFARS account to view an electronic correspondence from the Department.

**Necessity:** This addition is necessary because it aligns this subsection with other regulations, specifically section 5518 subdivision (b)(1). It also provides direction as to what the applicant shall do once the Department approves the applicant's request for a unique serial number, namely how and when to apply the unique serial number to the firearm. This subdivision is also necessary in order to instruct the applicant on how to apply the unique serial number on the firearm. This must be done within 10 days, as required by Penal Code section 29180, subdivision (c)(2).

The Department has determined that the most effective way to inform applicants of their unique serial number application status is through a combination of email and CFARS. Email would be the most efficient method to inform people to view their status in CFARS. The applicant's email address is already linked to their CFARS account and is an established method for communicating with them. Sending an update via U.S. mail would be a much slower method of informing applicants and would require the Department to pay for postage and staff time to send the update letter. In contrast to a denial for a unique serial number, there is no confidential or sensitive information that is being sent to the applicant in the case of an approval. Applicants are also already familiar with the CFARS system and it would be unduly expensive for the Department to create a separate IT system to inform people of their application status.

#### **New Subdivision (b)(2)(A)**

**Purpose:** Subdivision (b)(2)(A) has been added to require new residents to upload digital photos pursuant to section 5521 in order to verify compliance with the 10-day deadline.

**Necessity:** This addition is necessary because it explains that the applicant shall upload digital images of the self-manufactured or self-assembled firearm within 10 days of receiving the unique serial number. The Department can only enforce the 10 day requirement, which is set by Penal Code section 29180, subdivision (c)(2), if it receives digital images of the firearm. The digital images will prove the applicant applied the unique serial number to the firearm within the required period and in the proper manner. Additionally, the Department requires the applicant to upload digital images of the firearm because they are necessary to determine that the type of firearm that was built is legal and the unique serial number was properly engraved on the firearm.

Section 5521 of these regulations requires the use of CFARS to upload digital photos of the firearms. The Department has determined this would be the most effective method for new residents to upload photos, as CFARS is already programmed to allow photo uploads for current residents and applicants are already familiar with the CFARS system because they have used it for the application portion of the unique serial number process. It would be unduly burdensome for applicants to log in to a new system and learn a new interface, and unnecessarily expensive for the Department to develop a separate IT system for digital photo upload.

#### **New Subdivision (b)(2)(B)**

**Purpose:** Subdivision (b)(2)(B) has been added to require new residents to engrave the unique serial number and upload the photos to CFARS within 10 days or they will have to apply for a new unique serial number.

**Necessity:** This addition is necessary because it provides clarity that the unique serial number is not valid indefinitely and the applicant is responsible for completing the entire process of engraving the unique serial number onto the firearm and uploading the photos to CFARS within 10 days, pursuant to Penal Code section 29180, subdivision (c)(2). Otherwise, if the applicant does not comply with the 10 day requirement, the applicant will have to reapply for another unique serial number, and pay another fee.

The Department has determined the most effective method for new residents to reapply for a unique serial number is through CFARS. Applicants have, by definition, already used CFARS once and are already familiar with the system. It would be unduly burdensome for applicants to log in to a new system and learn a new interface, and unnecessarily expensive for the Department to develop a separate IT system for an applicant to reapply for a unique serial number.

### **Renumbered Subdivision (b)(3)**

Former subdivision (b)(2) has been renumbered to new subdivision (b)(3). This is a nonsubstantive change because it does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

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

### **Subdivision (b)**

**Purpose:** Subdivision (b) has been added in order to specify the Department will ask for additional firearms identifying information and digital images to ensure compliance with state firearm laws.

**Necessity:** The Department, in order to ensure compliance with state firearm laws and to prevent an applicant from registering an illegal firearm, has determined that it must be certain of the type of firearm being registered. If it cannot conclusively identify a firearm with the information provided on the application, it will be necessary to request additional information and photos. Specifically, the Department is ensuring compliance with Penal Code sections 16590, 16880, 17170, 17180, 30510, 30515, 30530, 30600, 30605, 31910, 32000, 32100 and 32625. These sections address several different kinds of prohibited firearms, including generally prohibited weapons, assault weapons, machine guns, .50 BMG rifles, and unsafe handguns.

The information requested of the applicant must be received within 30 calendar days of the applicant being notified of the request in CFARS. The Department has determined 30 calendar days is the appropriate amount of time for an applicant to gather the requested information. This gives the applicant a month to examine their firearm and take additional photographs if requested. A 30 calendar day deadline would be familiar to applicants, and consistent with other deadlines the Department utilizes, such as the timeframe given to correct an assault weapon registration application, as specified in title 11, section 5476, Subdivision (c). This timeframe would also be consistent with the deadline established in Section 5513.

## ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department determines that these regulations will not have an impact on the creation or elimination of jobs within California. New residents will have purchased the parts to create their firearms before they entered the state.

The Department determines that these regulations will not have an impact on the creation of new businesses or elimination of existing businesses or affect the expansion of businesses currently doing business in California. New residents will have purchased the parts to create their firearms before they entered the state.

The Department will receive a minimal increase in revenue from recording fees paid by new residents who apply for a unique serial number. The Department estimates that between 30 and 60 new residents will apply for a unique serial number each year. This estimate was reached by determining what percentage of the 600,000 people who move to California on average each year would apply for a unique serial number.

There have been 1300 applicants for unique serial number since the Department first started issuing them in July of 2018. Based on these numbers, it appears there will be roughly 1740 applicants submitted on an annual basis.

Based on a firearms ownership rate of 20%, the average for residents of the state of California, .033% of firearms owners applied for a unique serial number. According to research compiled by the Legislative Analysts Office, the average number of people who move to the state of California is 600,000 over the last 9 years. Assuming a firearms ownership rate of 30% (the average firearms ownership rate for the United States) and accounting for people under the age of 21 (~25%), the Department estimates there are 135,000 new residents each year who will bring a firearm into California. Using the rate of California firearms owners who applied for a serial number (.033%), there would be approximately 40 additional applicants a year.

The fee for submitting an application for a serial number is \$35, which covers the cost for the background check and one unique serial number application (see Cal. Code of Regs., tit. 11, § 5514). If the applicant requests multiple serial numbers in the same application, the fee is \$15 for each additional serial number. Based on the current number of serial numbers issued, on average, each applicant requests two serial numbers. This brings the average total cost for applicants to \$50. The increase in revenue to the Department as a result of this rulemaking will be approximately \$1,500 to \$3,000 (30 to 60 applicants a year times \$50). All revenue goes to the cost of maintaining the unique serial program.

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

Department staff relied upon their experience and expertise when writing these proposed regulations and the following documents:

Kalesan, Bindu, Villarreal, Marcos, Keyes, Katherine and Galea, Sandro, "Gun ownership and social gun culture"

<https://injuryprevention.bmj.com/content/injuryprev/early/2015/06/09/injuryprev-2015-041586.full.pdf?keytype=ref&ijkey=doj6vx0laFZMsQ2>, published on June 29, 2015.

National Rifle Association, “NRA Institute for Legislative Action Glossary,” <https://www.nraila.org/for-the-press/glossary/>, December 6, 2016.

Uhler, Brian and Garosi, Justin, Legislative Analyst’s Office, “California Losing Residents Via Domestic Migration” <https://lao.ca.gov/LAOEconTax/Article/Detail/265>, published on February 21, 2018.

United States Census Bureau, “Quick Facts” Table, July 1, 2018 (v2018) <https://www.census.gov/quickfacts/fact/table/US/PST045218>

U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, “ATF Guidebook – Importation & Verification of Firearms, Ammunition, and Implements of War, Firearms Verification,” <https://www.atf.gov/firearms/firearms-guides-importation-verification-firearms-ammunition-and-implements-war-top-break>, published April 26, 2018.

### BENEFITS OF THE REGULATIONS TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS, WORKER SAFETY AND THE STATE’S ENVIRONMENT

Pursuant to Government Code section 11346.3, subdivision (b)(1)(D), the benefits of the regulatory action to the health and welfare of California residents, worker safety and the state’s environment are as follows:

1) Enable the Department to reduce the number of untraceable firearms in the state and ensure prohibited people do not own or possess them, and; 2) Allow for new residents to the state to apply for a unique serial number, eliminating the risk they could be arrested and charged with a misdemeanor for possessing an untraceable firearm.

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

Pursuant to Government Code section 11346.2, subdivision (b)(4)(B), the Department finds that no other reasonable alternatives were presented to, or considered, that would be either more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome.

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

The Department finds that these regulations would not have statewide adverse economic impact on businesses because these regulations implement a statutory requirement on new residents and do not directly affect businesses.

### DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS

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

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

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT**

|  |                              |  |                                      |
|--|------------------------------|--|--------------------------------------|
| DEPARTMENT NAME<br>Justice   | CONTACT PERSON<br>Kamran Ali | EMAIL ADDRESS<br>FirearmsIDregs@doj.ca.gov | TELEPHONE NUMBER<br>916-227-5419     |
| DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400<br>Self-Manufactured or Self-Assembled Firearms |                              |  | NOTICE FILE NUMBER<br>22 019-0920-01 |

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

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

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

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.**If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

Department of Justice

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

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

3. Enter the total number of businesses impacted: 0Describe the types of businesses (Include nonprofits): N/AEnter the number or percentage of total businesses impacted that are small businesses: N/A4. Enter the number of businesses that will be created: 0 eliminated: 0Explain: This regulation package only allows new California residents to acquire a serial number for a firearm.5. Indicate the geographic extent of impacts:  Statewide  
 Local or regional (List areas): \_\_\_\_\_6. Enter the number of jobs created: 0 and eliminated: 0Describe the types of jobs or occupations impacted: N/A7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?  YES  NO

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

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

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT (CONTINUED)**

**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ Unknown
- a. Initial costs for a small business: \$ N/A Annual ongoing costs: \$ N/A Years: N/A
- b. Initial costs for a typical business: \$ N/A Annual ongoing costs: \$ N/A Years: N/A
- c. Initial costs for an individual: \$ 35 Annual ongoing costs: \$ Unknown Years: Unknown
- d. Describe other economic costs that may occur: There is also a \$15 fee required for each additional serial number requested. The Department expects to receive 30-60 applications from new California residents each year.

2. If multiple industries are impacted, enter the share of total costs for each industry: N/A

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ N/A

4. Will this regulation directly impact housing costs?  YES  NO  
If YES, enter the annual dollar cost per housing unit: \$ \_\_\_\_\_

Number of units: \_\_\_\_\_

5. Are there comparable Federal regulations?  YES  NO

Explain the need for State regulation given the existence or absence of Federal regulations: \_\_\_\_\_

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ \_\_\_\_\_

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: These regulations are beneficial because they allow new residents to acquire a unique serial number for a self-manufactured or self-assembled firearm.

2. Are the benefits the result of:  specific statutory requirements, or  goals developed by the agency based on broad statutory authority?  
Explain: Existing law requires individuals to obtain a serial number for a self-manufactured or self-assembled firearm.

3. What are the total statewide benefits from this regulation over its lifetime? \$ Unknown

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: New California residents may seek the services of Federal Firearms Licensees in order to engrave a serial number on their self-manufactured or self-assembled firearm. These regulations may promote positive economic impact for business.

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

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: Alternatives were not considered because the Department has already established a process for an individual to acquire a unique serial number.

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

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT (CONTINUED)**

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

Regulation: Benefit: \$ Unknown Cost: \$ Unknown

Alternative 1: Benefit: \$ Unknown Cost: \$ Unknown

Alternative 2: Benefit: \$ Unknown Cost: \$ Unknown

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

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

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

**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.*

***California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million?  YES  NO

***If YES, complete E2. and E3  
If NO, skip to E4***

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

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

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

*(Attach additional pages for other alternatives)*

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

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

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

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

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

YES  NO

*If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

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

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

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

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

STD. 399 (REV. 12/2013)

**FISCAL IMPACT STATEMENT**

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

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

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

a. Funding provided in \_\_\_\_\_

Budget Act of \_\_\_\_\_ or Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_

b. Funding will be requested in the Governor's Budget Act of \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

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

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

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

a. Implements the Federal mandate contained in \_\_\_\_\_

b. Implements the court mandate set forth by the \_\_\_\_\_ Court.

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

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

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

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

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

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

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

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

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

3. Annual Savings. (approximate)

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

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

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

6. Other. Explain \_\_\_\_\_

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

STD. 399 (REV. 12/2013)

**FISCAL IMPACT STATEMENT (CONTINUED)**

**B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

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

*It is anticipated that State agencies will:*

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the \_\_\_\_\_ Fiscal Year

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

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

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain \_\_\_\_\_

**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

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

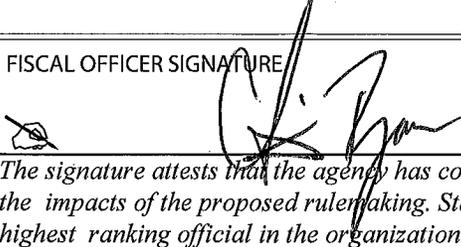
2. Savings in the current State Fiscal Year. (Approximate)

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

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain \_\_\_\_\_

FISCAL OFFICER SIGNATURE



DATE

9/4/19

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

AGENCY SECRETARY



DATE

9/19/19

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

|                  |                                      |                          |                  |
|------------------|--------------------------------------|--------------------------|------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER<br>Z-2019-0920-01 | REGULATORY ACTION NUMBER | EMERGENCY NUMBER |
|------------------|--------------------------------------|--------------------------|------------------|

For use by Office of Administrative Law (OAL) only

RECEIVED DATE    PUBLICATION DATE  
SEP 20 '19        OCT 04 '19

Office of Administrative Law

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY  
Department of Justice

AGENCY FILE NUMBER (if any)

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

|   |  |                                    |  |
|---|--|------------------------------------|--|
| 1. SUBJECT OF NOTICE<br>Self-Manufactured or Self-Assembled Firearms  | TITLE(S)<br>11   | FIRST SECTION AFFECTED<br>5505     | 2. REQUESTED PUBLICATION DATE<br>October 4, 2019 |
| 3. NOTICE TYPE<br><input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | 4. AGENCY CONTACT PERSON<br>Kamran Ali   | TELEPHONE NUMBER<br>(916) 227-5419 | FAX NUMBER (Optional)                            |
| OAL USE ONLY  | ACTION ON PROPOSED NOTICE<br><input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | NOTICE REGISTER NUMBER             | PUBLICATION DATE                                 |

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

|                              |  |
|------------------------------|--|
| 1a. SUBJECT OF REGULATION(S) | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
|------------------------------|--|

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)

|  |        |
|--|--------|
| SECTION(S) AFFECTED<br>(List all section number(s) individually. Attach additional sheet if needed.) | ADOPT  |
|  | AMEND  |
|  | REPEAL |
| TITLE(S)   |        |

3. TYPE OF FILING

|   |   |   |   |
|---|---|---|---|
| <input 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 §§11346.2-11347.3 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 §§11349.3, 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)

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

|   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input type="checkbox"/> Effective on filing with Secretary of State | <input type="checkbox"/> §100 Changes Without Regulatory Effect | <input type="checkbox"/> Effective other (Specify) _____ |
|---|--|---|--|

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

|  |  |   |
|--|--|---|
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
| <input type="checkbox"/> Other (Specify) _____                             |  |   |

7. CONTACT PERSON

TELEPHONE NUMBER

FAX NUMBER (Optional)

E-MAIL ADDRESS (Optional)

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

For use by Office of Administrative Law (OAL) only

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY