Text of Emergency Regulations

Title 11, Division 5

Chapter 1. Bureau of Firearms Fees

§ 4002. Miscellaneous Report Fees.

As authorized pursuant to section 28230 and subdivision (b) of section 28240 of the Penal Code, the Bureau of Firearms processing fee is $19 for each of the following reports:

(a) Firearm Ownership ~~Record~~ Report, form BOF 4542A (Rev. ~~07/2017~~ 12/2019), which is hereby incorporated by reference.

(b) Report of Operation of Law or Intra-Familial Firearm Transaction, form BOF 4544A (Rev. ~~07/2017~~ 12/2019), which is hereby incorporated by reference.

(c) New Resident Report of Firearm Ownership, form BOF 4010A (Rev. ~~07/2017~~ 12/2019), which is hereby incorporated by reference.

(d) Curio or Relic Firearm Report, form BOF 4100A (Rev. ~~07/2017~~ 12/2019), which is hereby incorporated by reference.

(e) Collector In-State Acquisition of Curio or Relic Long Gun Report, form BOF 961 (Rev. ~~07/2017~~ 12/2019), which is hereby incorporated by reference.

Note: Authority cited: Sections 27560, 27565, 27875, 27920, 27966, 28000, 28230 and 28240, Penal Code. Reference: Sections 27560, 27565, 27875, 27920, 27966, 28000, 28230, 28235 and 28240, Penal Code; and Section 1798.17, Civil Code.

Chapter 4. ~~Evidence of Residency Documentation~~ Documentation Requirements for Firearms and Ammunition Eligibility Checks

Article 1. Evidence of Residency Documentation

§ 4045. Definitions and Requirements.

[No changes are being made to this section.]

Article 2. Additional Documentation Requirements

§ 4045.1. Additional Documentation Requirements for Eligibility Checks with Federal Non-Compliant California Driver License or Identification Card.

This section applies to all firearms and ammunition eligibility checks, including any eligibility check described in Division 5. For the purposes of this section, "eligibility checks" refers to background checks based on any application or report for which an applicant is required to submit a driver license or identification card, or the number from a driver license or

identification card, so that the Department of Justice may determine the applicant's eligibility to possess a firearm or ammunition under state or federal law.

(a) For all eligibility checks, a copy of the applicant's California driver license or identification card, or out-of-state driver license, if applicable, shall be submitted, as specified in subdivisions (d) through (g).

(b) For all eligibility checks, if the applicant presents a federal non-compliant California driver license or identification card with the notation "FEDERAL LIMITS APPLY" on the front, the applicant shall also submit proof of lawful presence in the United States, as specified in subdivisions (d) through (g), in the form of one of the following documents:

(1) Valid, unexpired U.S. passport or passport card.

(2) Certified copy of U.S. birth certificate.

(3) Certification of Birth Abroad (FS-545), Certification of Report of Birth (DS-1350) or Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240), issued by the U.S. Department of State.

(4) Valid, unexpired foreign passport with valid U.S. immigrant visa and approved Record of Arrival/Departure (I-94) form.

(5) Certified copy of birth certificate from a U.S. Territory.

(6) Certificate of Naturalization or U.S. Citizenship.

(7) Valid, unexpired Permanent Resident Card.

(c) For all eligibility checks, if the applicant's name as it appears on the federal non-compliant California driver license or identification card differs from the name on the proof of lawful presence document submitted in accordance with subdivision (b), the applicant shall also submit, as specified in subdivisions (d) through (g), one of the following certified documents:

(1) An adoption document that contains the legal name of the applicant as a result of the adoption.

(2) A name change document that contains the applicant's legal name both before and, as a result of, the name change.

(3) A marriage certificate.

(4) A dissolution of marriage document that contains the legal name of the applicant as a result of the court action.

(5) A certificate, declaration or registration document verifying the formation of a domestic partnership.

(6) A dissolution of domestic partnership document that contains the legal name of the applicant as a result of the court action.

(d) Applications or reports submitted in a paper format.

For eligibility checks based on an application or report submitted to the Department of Justice in a paper format, copies of the documents required in subdivisions (a) through (c) shall be submitted along with the paper application. These applications and reports include:

(1) Certificate of Eligibility applications, pursuant to Penal Code section 26710.

(2) Firearm Ownership Reports:

(A) New Resident Report of Firearm Ownership, form BOF 4010A (Rev. 12/2019), pursuant to Penal Code section 27560.
(B) Firearm Ownership Report, form BOF 4542A (Rev. 12/2019), pursuant to Penal Code section 28000.
(C) Curio or Relic Firearm Report, form BOF 4100A (Rev. 12/2019), pursuant to Penal Code section 27565.
(D) Collector In-State Acquisition of Curio or Relic Long Gun Report, form BOF 961 (Rev. 12/2019), pursuant to Penal Code section 27966.
(E) Report of Operation of Law or Intra-Familial Firearm Transaction, form BOF 4544A (Rev. 12/2019), pursuant to Penal Code sections 27875 and 27920.

(3) The application forms referenced in section 4142 of Chapter 7 of this Division 5 and amended for purposes of this division as follows: Dangerous Weapons License/Permit(s) Application, form BOF 030 (Rev. 05/2019), or Dangerous Weapons License/Permit(s) Renewal Application, form BOF 031 (Rev. 05/2019). These forms include options to apply for the following licenses/permits:

(A) Assault Weapon/.50 BMG Rifle Permit, pursuant to Penal Code sections 31000 and 31005.
(B) Short-Barreled Shotgun/Rifle Permit, pursuant to Penal Code sections 33300 and 33305.
(C) Destructive Device Permit, pursuant to Penal Code sections 18900 and 18905.
(D) Machinegun Permit, pursuant to Penal Code sections 32650 and 32655.
(E) Machinegun License, pursuant to Penal Code sections 32700 to 32715.

(e) Applications or reports submitted electronically via the California Firearms Application Reporting System (CFARS).

For eligibility checks based on an application or report submitted to the Department of Justice electronically via CFARS, copies of the documents required in subdivisions (a)

through (c) shall be uploaded to CFARS as prompted during the application or reporting process. These applications and reports include:

(1) Certificate of Eligibility applications, pursuant to Penal Code section 26710 and Chapter 3 of this Division 5.

(2) Unique Serial Number Applications, pursuant to Penal Code section 29182 and Chapter 41 of this Division 5.

(3) Firearm Ownership Reports, including:

(A) New Resident Report of Firearm Ownership, pursuant to Penal Code section 27560.
(B) Firearm Ownership Report, pursuant to Penal Code section 28000.
(C) Curio or Relic Firearm Report, pursuant to Penal Code section 27565.
(D) Collector In-State Acquisition of Curio or Relic Long Gun Report, form pursuant to Penal Code section 27966.
(E) Report of Operation of Law or Intra-Familial Firearm Transaction, pursuant to Penal Code sections 27875 and 27920.

(f) Applications or reports submitted electronically via the Dealer Record of Sale Entry System (DES), including applications or reports submitted pursuant to Chapters 8 and 11 of this Division 5.

For eligibility checks based on applications or reports submitted to the Department of Justice electronically via the DES, the firearm dealer or ammunition vendor shall examine the applicant's driver license or identification card. If the applicant's California driver license or identification card is federal non-compliant with the notation "FEDERAL LIMITS APPLY" on the front, the firearm dealer or ammunition vendor shall require the applicant to submit a copy of the document required in subdivision (b), as well as a copy of the document required in subdivision (c) if applicable. These applications and reports include:

(1) Application(s) to purchase a firearm. The firearm dealer shall confirm compliance with this subdivision on DES, as necessary during the application or reporting process. The firearm dealer shall keep a copy of the document(s) required in subdivisions (a) through (c) as part of the permanent record of the transaction described in Penal Code section 28215, subdivision (c).

(2) Applications to purchase ammunition, as described in Penal Code section 30370. The firearm dealer or ammunition vendor shall confirm compliance with this subdivision on DES, as necessary during the application or reporting process. The firearm dealer or ammunition vendor shall keep a copy of the document(s) required in subdivisions (a) through (c).

(g) Applications or reports submitted to other agencies that include fingerprint data to be used by the Department of Justice to determine the applicant's eligibility to possess a firearm or ammunition under state or federal law.

For eligibility checks based on applications or reports submitted to other agencies that include fingerprint data to be used by the Department of Justice to determine the applicant's eligibility to possess a firearm or ammunition under state or federal law, if the applicant presents a federal non-compliant California driver license or identification card with the notation "FEDERAL LIMITS APPLY" on the front, the agency shall require the applicant to submit copies of the documents required in subdivision (b), as well as a copy of the document required in subdivision (c) if applicable. The agency shall keep a copy of the documents required in subdivisions (a) through (c) as part of the permanent record of the application. The Department of Justice may request a copy of the document(s) at a future date. Applicants of these applications and reports include:

(1) Peace officer applicants, custodial officers, or transportation officers, pursuant to Penal Code section 832.15.

(2) Peace officers, pursuant to Penal Code section 832.16.

(3) Applicants for admission to a basic course of training certified by the Commission on Peace Officer Standards and Training that includes the carrying and use of firearms, pursuant to Penal Code section 13511.5.

(4) Applicants for an explosives permit, pursuant to Health & Safety Code section 12101.

Note: Authority cited: Sections 28060, 28100, 28155, 28215 and 28220, Penal Code. Reference: Sections 832.15, 832.16, 13511.5, 16400, 18900, 18905, 23000, 26150, 26155, 26170, 26710, 26815, 27540, 27560, 27565, 27875, 27920, 27966, 28000, 28160, 28215, 28220, 28250, 29182, 29500, 30105, 30370, 31000, 31005, 32650, 32655, 32700, 32705, 32710, 32715, 33300, 33305 and 33850, Penal Code; Section 12101, Health & Safety Code; and Section 922, Title 18, United States Code.

Chapter 7. Dangerous Weapons

Article 6. Application Forms, Processing Time, Reporting Requirements, Renewals, Fees, Denials, Revocations

§ 4142. Application Forms.

(a) Initial applicants shall do all of the following:

(1) Submit fingerprint impressions at a DOJ approved Live Scan station and obtain an Applicant Tracking Identifier (ATI) number.

(2) Complete an initial Dangerous Weapons License/Permit(s) Application, ~~F~~form BOF 030 (Rev. ~~01/2012~~ 05/2019), including the ATI number obtained pursuant to paragraph (1).

(3) If applicable, complete the Facility and Vehicle Security Compliance, Form BOF 045 (Rev. 12/2019) statement as described by section 4140, subdivision (b) of these regulations.

(4) Submit the completed initial Dangerous Weapons License/Permit(s) Application, ~~F~~form BOF 030 (Rev. ~~01/2012~~ 05/2019), applicable fees pursuant to section 4145, and/or the Facility and Vehicle Security Compliance, Form BOF 045 (Rev. 12/2019) statement to the DOJ.

(b) Renewal applicants shall submit a Dangerous Weapons License/Permit(s) Renewal Application, form BOF 031 (Rev. ~~01/2012~~ 05/2019), which is hereby incorporated by reference, identifying the permit(s)/license(s) for which they are applying and/or requesting renewal.

(c) The forms described in paragraph (2) of subdivision (a) and subdivision (b) require the applicant to provide the following information:

(1) Initial application will require the following information signed, dated, and certified under penalty of perjury: application type requested; applicant's name; business physical addresses; business mailing address; business phone number; business facsimile number (if any); residence address, residence phone number; gender, date of birth, Applicant Tracking Identifier (ATI) number, United States citizenship; if not a United States citizen, the country of citizenship and the federal Alien Registration Number or federal I-94 number; California driver's license number; social security number; height, weight, eye color, hair color; past and present employer data; spousal history; personal history including criminal and medical history background; personal references; business history; identification of the permit location, and a documentation of necessity for obtaining the license/permit.

(d) Renewal application form requires the following information signed, dated, and certified under penalty of perjury: application type requested; applicant's name; business physical addresses; business mailing address; business phone number; current supervisor's name; residence address, residence phone number; gender, date of birth, United States citizenship; if not a United States citizen, the country of citizenship and the federal Alien Registration Number or federal I-94 number; California driver's license number; social security number; height, weight, eye color, hair color, and updates to any changes of information required by the initial application described in paragraph (1).

(e) False statements on application forms or the Facility and Vehicle Security Compliance statement constitute cause for denial or revocation of license/permit.

Note: Authority cited: Sections 18900, 18910, 31000, 32655, 32700, 32705, 32710, 32715, 32720 and 33305, Penal Code. Reference: Sections 18900, 18910, 31000, 32655, 32700, 32705, 32710, 32715, 32720 and 33305, Penal Code.

Chapter 39. Assault Weapons and Large-Capacity Magazines

Article 3. Assault Weapon Registration

§ 5478. Registration of Assault Weapons Pursuant to Penal Code Section 30900(b)(1); Voluntary Deregistration.

(a) The Department will accept voluntary deregistration requests for assault weapons that are no longer possessed by the registrant, in the form of a completed Form BOF 4546, “Notice of No Longer in Possession,” (Rev. 12/2019) hereby incorporated by reference. Deregistration requests

will also be accepted for assault weapons, as defined in Penal Code section 30515, that have been modified or reconfigured to no longer meet that definition. Deregistration requests must be in writing, signed, dated, and provide the following information:

(1) Registrant's full name, telephone number, and current address; make, model, and serial number of the assault weapon; and the Department assault weapon registration number (as indicated on the registration confirmation letter provided to the registrant at the time of registration). If the Department assault weapon registration number is unknown, the request must be notarized.

(2) If the firearm has been modified or reconfigured to no longer meet the definition of assault weapon, one or more photographs clearly depicting the firearm in its current configuration shall be attached to the written deregistration request. Additional information, photographs, or inspection may be requested by the Department before determining eligibility for deregistration.

(3) If the registrant is no longer in possession of the firearm, proof of sale or transfer of the firearm shall be attached to the written deregistration request. Acceptable proof includes receipts from out-of-state gun stores, or law enforcement reports depicting the seizure and/or destruction of the firearm(s).

(b) Upon determining eligibility for deregistration, the Department will delete the assault weapon registration for the specified firearm(s), and, if the weapon is still in the possession of the registrant, will convert the information to a Firearm Ownership Report, form BOF 4542A~~, "Firearm Ownership Report,~~ (Rev. ~~07/2017~~ 12/2019~~), hereby incorporated by reference~~.

(c) If the registrant has sold the weapon to a party outside of the State of California or otherwise lawfully disposed of the weapon, or if the weapon was seized by law enforcement, the Department will create a "No Longer In Possession" entry in the Automated Firearms System.

(d) Upon completion of the assault weapon deregistration, the Department will mail confirmation of deregistration and updated firearm ownership information to the registrant at the address provided on the request.

Note: Authority cited: Section 30900, Penal Code. Reference: Sections 30515 and 30900, Penal Code.