

California Department of Justice
FIREARMS DIVISION
Randy Rossi, Director

INFORMATION BULLETIN

Subject: Implementation of Assembly Bill (AB) 106 - Firearms Safety Device Standards and Testing, and Standards for Gun Safes

No.: **2001-04-FD**

Date: **12/13/2001**

*For further information contact:
Firearms Division
(916) 227-3703*

TO: ALL CALIFORNIA LICENSED FIREARMS DEALERS, MANUFACTURERS, CHIEFS OF POLICE, SHERIFFS OFFICES

INTRODUCTION

Effective January 1, 2002, the Department of Justice (DOJ) will be implementing AB 106. As such, effective January 1, 2002, all firearms sold or transferred in this state by a licensed firearms dealer (including pawn returns and private party transfers) and all firearms manufactured in this state are to include or be accompanied by a DOJ-certified firearms safety device such as a cable lock, trigger lock, lock box, etc., that is listed on the DOJ Roster of Firearms Safety Devices Certified for Sale. The DOJ-certified firearms safety device accompanying the sale/transfer must be suitable for the firearm as determined by the device's manufacturer and as listed on the roster. Statutory exemptions are included in this bulletin. **This requirement applies to all firearms transactions initiated on, or after, January 1, 2002.**

As of December 12, 2001, 41 firearms safety devices have been certified to meet the DOJ safety standards and have been placed on the DOJ Roster of Firearms Safety Devices Certified for Sale. Additional devices continue to be submitted for testing. DOJ-certified devices have been certified by their manufacturers to be compatible with hundreds of firearms models encompassing a wide variety and style of firearms. In addition, many of the lock boxes listed on the roster are designed to hold several firearms. Purchasers/transferees owning DOJ-certified lock boxes may not have to purchase a new device every time a firearm is acquired. Finally, persons who own acceptable gun safes are in compliance upon completion of an affidavit (copy attached).

Currently, DOJ-certified firearms safety device manufacturers have reported lackluster interest from firearms dealers regarding obtaining inventories of their products. Dealers should ensure that they have adequate inventories of DOJ-certified firearms safety devices by January 2002.

COMPLIANCE

Compliance with the requirements can be demonstrated in several ways. Typically, the dealer will ensure that the sale or transfer of a firearm includes or is accompanied by a DOJ-certified firearms safety device. Firearm dealers should use the Roster of Firearms Safety Devices Certified for Sale to determine which DOJ-certified firearms safety devices are approved for the firearm(s) involved in the transaction. The roster may be viewed at <http://www.ag.ca.gov/firearms/fsdcertlist.htm>. **Note: Not all firearms safety devices included with a firearm by firearms manufacturers will be tested and on the roster. A firearm that is accompanied with a safety device not listed on the DOJ roster will not meet the requirement. In these instances, a DOJ-certified firearms safety device or designated affidavit (copies attached) will have to accompany the sale/transfer or the sale/transfer must meet one of the exemptions.**

COMPLIANCE CAN BE DEMONSTRATED BY ONE OF THE FOLLOWING:

- The firearm dealer and purchaser or transferee must do all of the following:
 1. The purchaser or transferee purchases a DOJ-certified firearms safety device, that is approved for the firearm being acquired, within 30 days prior to the day the purchaser or transferee takes possession of the firearm.
 2. The purchaser or transferee presents the DOJ-certified firearms safety device, that is approved for the firearm being acquired, to the firearms dealer when picking up the firearm.
 3. The purchaser or transferee presents the original receipt to the firearms dealer. Statute requires that the receipt show the date of purchase, the name, and the model number of the DOJ-certified firearms safety device that is approved for the firearm being acquired. The seller of the firearms safety device may handwrite the information on the receipt.
 4. The firearms dealer verifies that the requirements in (1-3) have been satisfied.
 5. The firearm dealer must document the DOJ-certified firearms safety device make and model included with or accompanying each firearm transaction in the comment field at the bottom of the DROS (see attached sample DROS form) and keep a copy of the receipt for three years with the Dealer Record of Sale (DROS). **-OR-**

- The purchaser or transferee completes an affidavit (copy attached) confirming the purchaser or transferee already owns and possesses a DOJ-certified lock box type firearms safety device. This affidavit will relieve the purchaser or transferee from having to remove a lock box from its permanently fixed location or from having to present a lock box that is too large and/or heavy to reasonably expect its presentation at the time of firearm acquisition. In addition, this affidavit can demonstrate compliance for a purchaser or transferee who owns a DOJ-certified lock box type device that can accommodate more than one firearm, including the one being acquired. The firearms dealer shall maintain the affidavit (see attached) and a copy of the receipt for three years with the DROS. **-OR-**

- A DOJ-certified firearms safety device may be provided by the firearm's manufacturer. The firearms dealer must document the device's make and model in the comment field at the bottom of the DROS (see attached). **-OR-**

- The firearms purchaser or transferee completes an affidavit (copy attached) confirming the purchaser or transferee already owns and possesses an acceptable gun safe (as described below). The affidavit must identify the safe by make and model as well as state "under penalty of perjury" that the gun safe meets the standards set forth by section 977.50 of the California Code of Regulations. The firearms dealer shall maintain the affidavit (see attached) and a copy of the receipt for three years with the Dealer Record of Sale (DROS).

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Gun safes are not required to be tested, and do not appear on the roster. Most safes manufactured with quality materials will meet the acceptable safe criteria. An acceptable gun safe, as defined by section 977.50 of the California Code of Regulations, is either one of the following:

1. A gun safe that is able to fully contain firearms and provide for their secure storage, and is listed as an Underwriters Laboratories (UL) Residential Security Container. A UL Residential Security Container will bear a mark identifying itself as meeting the UL Residential Security Container requirements.
2. A gun safe that meets all of the following standards:
 - (a) Shall be able to fully contain firearms and provide for their secure storage.
 - (b) Shall have a locking system consisting of at minimum a mechanical or electronic combination lock. The mechanical or electronic combination lock utilized by the safe shall have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols. The lock shall be protected by a case-hardened (Rc 60+) drill-resistant steel plate, or drill-resistant material of equivalent strength.
 - (c) Boltwork shall consist of a minimum of three steel locking bolts of at least ½ inch thickness that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock.
 - (d) A gun safe shall be capable of repeated use. The exterior walls shall be constructed of a minimum 12-gauge thick steel for a single-walled safe, or the sum of the steel walls shall add up to at least .100 inches for safes with two walls. Doors shall be constructed of a minimum one layer of 7-gauge steel plate reinforced construction or at least two layers of a minimum 12-gauge steel compound construction.
 - (e) Door hinges shall be protected to prevent the removal of the door. Protective features include, but are not limited to: hinges not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active or inactive locking bolts.

EXEMPTIONS

- The firearms safety device requirement does not apply to the commerce of any firearm defined as an “antique firearm” in paragraph (16) of subsection (a) of section 921 or Title 18 of the United States Code. (PC § 12088.8)
- Additionally, the firearms safety device requirement does not apply to the commerce of any firearm intended to be used by a salaried full-time peace officer, as defined in Chapter 4.5 (commencing with section 830 of Title 3 of Part 2 of the Penal Code) for purposes of law enforcement. This exemption can be granted upon the presentation of the "standard" law enforcement agency letter from the employing agency indicating that the firearm is to be used in the discharge of the officer's official duties. (PC § 12088.8)

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REVISED DEALER'S RECORD OF SALE OF FIREARMS (DROS) FORM

Firearms dealers should note the DROS form has been revised to include statements in each signature block for each signer to declare under penalty of perjury that the information provided on the DROS form is true and correct. A copy of this new DROS form is attached to this bulletin. Please destroy your inventories of any prior versions of this form, including the version recently included with Information Bulletin number 2001-02-FD (New and Amended Firearms Laws) and instead use the revised version attached to this bulletin. You may make copies as needed.

If you would like to view the text of the regulations for AB 106, please go to our web site at <http://www.ag.ca.gov/firearms/regs/ab106index.htm>. If you have any questions regarding this Information Bulletin, the roster, gun safes, or the Firearms Safety Device Testing Program, please call the Firearms Division Information Services Section at (916) 227-3703.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randy Rossi', written over a large, stylized circular flourish.

RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General

Affidavit Stating Ownership of an Acceptable Gun Safe

The _____ gun safe that I possess meets
the standards set forth by section 977.50 of the California Code of Regulations (check all that apply):

- _____ 1. A gun safe that is able to fully contain firearms and provide for their secure storage, and is listed as an Underwriters Laboratories (UL) Residential Security Container. A UL Residential Security Container will bear a mark identifying itself as meeting the UL Residential Security Container requirements.
- _____ 2. A gun safe that meets all of the following standards:
- (a) Shall be able to fully contain firearms and provide for their secure storage.
 - (b) Shall have a locking system consisting of at minimum a mechanical or electronic combination lock. The mechanical or electronic combination lock utilized by the safe shall have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols. The lock shall be protected by a case-hardened (Rc 60+) drill-resistant steel plate, or drill-resistant material of equivalent strength.
 - (c) Boltwork shall consist of a minimum of three steel locking bolts of at least 1/2 inch thickness that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock.
 - (d) A gun safe shall be capable of repeated use. The exterior walls shall be constructed of a minimum 12-gauge thick steel for a single-walled safe, or the sum of the steel walls shall add up to at least .100 inches for safes with two walls. Doors shall be constructed of a minimum one layer of 7-gauge steel plate reinforced construction or at least two layers of a minimum 12-gauge steel compound construction.
 - (e) Door hinges shall be protected to prevent the removal of the door. Protective features include, but are not limited to: hinges not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active or inactive locking bolts.

I certify that the safe will accommodate the firearm(s) I am taking delivery on _____. I declare under penalty of perjury that all statements made in this affidavit are true and complete. (Date)

_____ (Signature)	_____ (Date)
<i>This section is to be used when a receipt for the gun safe is not available</i>	
_____ I own and possess the gun safe referenced above.	

(Initials)

Affidavit Stating Ownership of a DOJ-Certified Lock Box

(This affidavit applies only to lock boxes listed on the Roster of Firearms Safety Devices Certified for Sale and is not valid for any other type of firearms safety device. Firearms Dealer: This affidavit is only valid when accompanied by a receipt.)

I own and possess a _____ lock box that is listed on the Roster of Firearms Safety Devices (Make) Certified for Sale that will accommodate the firearm(s) I am taking delivery (Model) of on _____. The DOJ-certified lock box was not presented at the time the firearm was acquired because the lock box was permanently affixed at some other location or too large and/or heavy to present at the (Date) time of acquisition. I declare under penalty of perjury that all statements made in this affidavit are true and complete.

_____ (Signature)	_____ (Date)
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DEALER'S RECORD OF SALE OF FIREARM WORKSHEET

CFD NUMBER: _____

DROS NO. ASSIGNED: _____

TRANSACTION INFORMATION

TRANSMISSION DATE: _____		TIME: _____	FIREARM TYPE: <input type="checkbox"/> HANDGUN <input type="checkbox"/> LONG GUN(S) <small>If long gun transaction, enter the number of firearms: _____</small>
TRANSACTION TYPE:		<input type="checkbox"/> PRIVATE PARTY TRANSFER <small>(cert-list exempt)</small>	<input type="checkbox"/> LOAN <small>(cert-list exempt)</small>
<input type="checkbox"/> DEALER SALE	<input type="checkbox"/> PAWN/ CONSIGNMENT RETURN <small>(cert-list exempt)</small>	<input type="checkbox"/> CURIO/RELIC/OLYMPIC/ OTHER SB 15 EXEMPT/ <small>(cert-list exempt)</small>	<input type="checkbox"/> PEACE OFFICER <small>(cert-list exempt)</small>
			GUN SHOW TRANSACTION? <input type="radio"/> YES <input type="radio"/> NO

WAITING PERIOD EXEMPTIONS

PURCHASER CLAIMS THE FOLLOWING WAITING PERIOD EXEMPTION PURSUANT TO 12078 PC (if applicable):

<input type="checkbox"/> PEACE OFFICER STATUS	<input type="checkbox"/> FIREARM DELIVERED AT NONPROFIT EVENT <small>(Valid for Rifles and Shotguns Only)</small>	<input type="checkbox"/> COLLECTOR STATUS <small>(Valid for Curio/Relics Only)</small>
<input type="checkbox"/> DEALER STATUS Enter CFD number: _____	<input type="checkbox"/> SPECIAL WEAPONS PERMIT Enter type of permit and number: _____	<input type="checkbox"/> Transaction exempt from the 1-handgun-per-30-day limit?

REVOLVER / PISTOL INFORMATION

MAKE (As Stamped on Handgun) (Colt, S&W, etc)		MODEL (647, Redhawk, etc)	CALIBER(S)
SERIAL NUMBER	OTHER NUMBER (If Different from Serial Number)	HANDGUN TYPE: <input type="checkbox"/> REVOLVER <input type="checkbox"/> SEMI-AUTO <input type="checkbox"/> DERRINGER	
HANDGUN COLOR:		<input type="checkbox"/> SINGLESHOT <input type="checkbox"/> OTHER _____	
<input type="checkbox"/> BLUE STEEL <input type="checkbox"/> SILVER/NICKEL/ STAINLESS <input type="checkbox"/> OTHER _____		BARREL LENGTH	HANDGUN ORIGIN (USA, Italy, etc)
FRAME ONLY? <input type="radio"/> YES <input type="radio"/> NO	NEW HANDGUN? <input type="radio"/> YES <input type="radio"/> NO	COMMENTS	

PURCHASER INFORMATION

FIRST NAME	MIDDLE NAME	LAST NAME	SUFFIX
ALIAS FIRST NAME	ALIAS MIDDLE NAME	ALIAS LAST NAME	ALIAS SUFFIX
STREET ADDRESS			ZIP CODE

One of the following forms of identification is required to legally purchase firearms in California: California Driver's License (CDL), California ID (CID) card issued by the DMV, Military ID (MIL) for active duty military accompanied by permanent duty station orders indicating that the purchaser is stationed in California, or a Diplomatic Passport with a letter from the embassy or consulate.

ID TYPE (Circle One) CDL CID MIL Diplomatic Passport	ID NUMBER	ID SOURCE (State or Country)
TELEPHONE NUMBER ()	DATE OF BIRTH MO DAY YR	PLACE OF BIRTH
SEX	EYES	HAIR
HEIGHT	WEIGHT	BFSC NUMBER OR EXEMPTION CODE (Handguns Only)

Answer the following questions by checking "YES" or "NO"

<input type="radio"/> YES <input type="radio"/> NO	HAS PURCHASER EVER BEEN CONVICTED OF A FELONY OR OF AN OFFENSE SPECIFIED IN PENAL CODE SECTION 12021.1, 12021(c)(1), OR 12001.6?
<input type="radio"/> YES <input type="radio"/> NO	IS PURCHASER A MENTAL PATIENT OR ON LEAVE OF ABSENCE FROM A MENTAL HOSPITAL AS DESCRIBED IN WELFARE AND INSTITUTIONS CODE SECTION 8100?
<input type="radio"/> YES <input type="radio"/> NO	HAS PURCHASER EVER BEEN ADJUDICATED BY A COURT TO BE A DANGER TO OTHERS, FOUND NOT GUILTY BY REASON OF INSANITY, FOUND INCOMPETENT TO STAND TRIAL, OR PLACED UNDER A CONSERVATORSHIP, PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 8103?
<input type="radio"/> YES <input type="radio"/> NO	IS PURCHASER CURRENTLY THE SUBJECT OF ANY RESTRAINING ORDER PURSUANT TO FAMILY CODE SECTION 6380?

IN ADDITION, I HAVE READ THE LIST OF PROHIBITED OFFENSES, AND NOTHING WOULD PRECLUDE ME FROM POSSESSING A FIREARM.

SIGNATURE OF PURCHASER

By signing this document, I hereby certify under the penalty of perjury that the information provided is true and correct

FIRST NAME	MIDDLE NAME	LAST NAME	SUFFIX
STREET ADDRESS			ZIP CODE
ID TYPE	ID NUMBER	ID SOURCE (State or Country)	TELEPHONE NUMBER ()
DATE OF BIRTH MO DAY YR	RACE	SEX	

By signing this document, I hereby certify under the penalty of perjury that the information provided is true and correct

DEALER INFORMATION

COMMENTS
DEALER TELEPHONE NUMBER ()
SIGNATURE OF SALESPERSON
<i>By signing this document, I hereby certify under the penalty of perjury that the information provided is true and correct</i>

FALSIFICATION OF INFORMATION ON THIS FORM IS A MISDEMEANOR (PENAL CODE 12076)