

CALIFORNIA DEPARTMENT OF JUSTICE
TITLE 11. LAW
DIVISION 5. FIREARMS REGULATIONS
CHAPTER 2. CENTRALIZED LIST OF FIREARMS DEALERS

INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

Generally, the law prohibits the sale or transfer of a firearm to any person who does not have a firearm safety certificate. (Pen. Code, §§ 31615, 31700.)¹ Generally, the law also prohibits the sale or transfer of a firearm by a licensed firearm dealer to a person under 21 years of age. (§ 27505.)

Existing law exempts from these provisions the sale, transfer, purchase, or receipt of a firearm, other than a handgun, to or by a person without a firearm safety certificate, but in possession of a valid, unexpired hunting license, or a recently expired hunting license, as specified. (§ 31700, subd. (c).) Existing law also allows the sale or transfer of a firearm, other than a handgun, semiautomatic centerfire rifle, completed frame or receiver, or firearm precursor part to a person 18 years of age or older who possesses a valid, unexpired hunting license. (§ 27510, subd. (b)(1).)

Effective January 1, 2022, Senate Bill 715 amended Penal Code section 31700 to no longer allow a person with a hunting license from the immediately preceding year to be exempt from the firearm safety certificate requirement in Penal Code section 31615, subdivision (a). The bill also prohibits a dealer from delivering a firearm if they are unable to confirm the hunting license is valid and unexpired upon visual inspection. (§ 28215, subd. (a)(5).) Further, the dealer must record the license document number, the GO ID issued by the Department of Fish and Wildlife, and dates valid as listed on the hunting license. (§§ 28210, 28215, subd. (a)(4).)

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The proposed regulation creates the procedure for a dealer or salesperson to confirm the validity of a hunting license and report the document number, GO ID, and dates valid to the Department. The dealer or salesperson will also confirm that they visually inspected the license, and that it is valid and unexpired. The dealer or salesperson will report this information electronically via the Dealer Record of Sale (DROS) Entry System (DES).²

¹ All statutory citations are to the Penal Code unless otherwise noted.

² The Department maintains the DES, a web-based application used by firearms dealers to report the sale, loan, transfer, redemption, and acquisition of handguns and long guns to the Department, as required by state law. (§ 28205; Cal. Code Regs., tit. 11, § 4200 et seq.)

Commencing July 1, 2025, the Department shall use the information reported to verify the validity of the purchaser's hunting license with the Department of Fish and Wildlife. (§ 28220, subd. (a)(2).)

This regulation protects public safety by implementing a statutory requirement that persons under 21 years old may only purchase or receive a firearm if the dealer or salesperson verifies that the person's hunting license is valid and unexpired.

SPECIFIC PURPOSE AND NECESSITY OF EACH SECTION

§ 4027. Dealer Verification of Valid and Unexpired Hunting License.

Penal Code section 28215, subdivision (a)(4), requires the salesperson to record the document number, GO ID, and dates valid listed on the hunting license. A GO ID (Get Outdoors ID) is a unique number generated and assigned to individuals by the Department of Fish and Wildlife when they apply for a hunting license. (Cal. Code Regs., tit. 14, § 700.4, subd. (b).) Subdivision (a)(1) requires the dealer or salesperson to record this information when the applicant information is transmitted to the Department to initiate a background check. Commencing July 1, 2025, the Department will use the information reported to verify the validity of the purchaser's hunting license with the Department of Fish and Wildlife. (§ 28220, subd. (a)(2).)

Penal Code section 28215, subdivision (a)(4), requires the salesperson to visually inspect the hunting license to confirm that it is valid and unexpired. To be valid, a hunting license must be signed by the licensee. (Cal. Code Regs., tit. 14, § 706.) A dealer is prohibited from delivering a firearm if they are unable to confirm the hunting license is valid and unexpired upon visual inspection. (§ 28215, subd. (a)(5).) Subdivision (a)(2) requires the dealer or salesperson to certify under penalty of perjury that they have visually inspected the hunting license and confirmed that it is in the name of the purchaser/transferee, has been signed by the purchaser/transferee, and is valid and unexpired at the time the firearm is delivered to the purchaser/transferee. The necessity for a certification under penalty of perjury is to impress upon dealers the seriousness and importance of the report, to attest to the accuracy and completeness of the information submitted, and to deter misrepresentations and submission of false information.

Subdivision (b) requires the dealer or salesperson to report the information in subdivision (a) through the DES. Dealers are already familiar with using the DES to report transactions to the Department. (See Cal. Code Regs., tit. 11, § 4200 et seq.)

Federal law requires firearms transactions to be completed within 30 days. (27 C.F.R. § 478.102(c).) When the purchaser or transferee is not prohibited by state or federal law from purchasing or possessing firearms, the DES transaction record will specify the 30-day period during which the firearm may be delivered to the purchaser/transferee. (Cal. Code Regs., tit. 11, § 4230, subd. (a).) If the dealer or salesperson is not able to initially confirm that the hunting license is valid and unexpired, subdivision (c) gives the purchaser or transferee until the end of the 30-day period specified in the DES transaction record to provide a valid and unexpired hunting license and obtain possession of the firearm.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department concludes:

(1) It is unlikely that the proposal would create or eliminate jobs within the state because the proposed regulation prescribes the procedure for existing firearm dealers to record the document number, GO ID, and dates valid listed on the hunting license and confirm that the hunting license is valid and unexpired. Electronic instead of paper notification will not affect the number of customers purchasing firearms, or the time it takes for a dealer to complete the report.

(2) It is unlikely that the proposal would create new businesses or eliminate existing businesses within the state because the proposed regulation prescribes the procedure for existing firearm dealers to record the document number, GO ID, and dates valid listed on the hunting license and confirm that the hunting license is valid and unexpired. Electronic instead of paper notification will not affect the number of customers purchasing firearms, or the time it takes for a dealer to complete the report.

(3) It is unlikely that the proposal would result in the expansion of businesses currently doing business within the state because the proposed regulation prescribes the procedure for existing firearm dealers to record the document number, GO ID, and dates valid listed on the hunting license and confirm that the hunting license is valid and unexpired. Electronic instead of paper notification will not likely affect the number of customers purchasing firearms in California.

The Department also concludes that:

(1) The proposal would benefit the health and welfare of California residents by creating a procedure for a dealer or salesperson to verify that the hunting license is valid and unexpired, and to report to the Department the document number, GO ID, and dates valid listed on the hunting license. The regulation would protect public safety by implementing a requirement that persons under 21 years old may only purchase or receive a firearm if the dealer or salesperson verifies that the person's hunting license is valid and unexpired.

(2) The proposal would not benefit worker safety because it does not regulate worker safety standards.

(3) The proposal would benefit the state's environment by establishing an electronic format for the required report and thereby preventing paper waste.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR SIMILAR DOCUMENTS RELIED UPON

The Department did not rely on any technical, theoretical, or empirical studies, reports or similar documents in proposing these regulations.

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

The Department has made an initial determination that the proposed action would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulation prescribes the procedure for a dealer to record the document number, GO ID, and dates valid listed on the hunting license and confirm that the hunting license is valid and unexpired. The proposed regulation requires the dealer to report the information electronically via the DES.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Department finds that no reasonable alternatives were presented to, or considered by, the Department that would lessen any adverse impact on small business. Requiring the dealer to notify the Department electronically via the DES is the most efficient way to make sure that the dealer provides all required information. Dealers are already familiar with using the DES to report transactions to the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED ACTION AND THE AGENCY'S REASON FOR REJECTING THOSE ALTERNATIVES

The Department finds that no alternatives were presented to, or considered by, the Department that would be more effective in carrying out the purpose of these proposed regulations or would be as effective and less burdensome to affected private persons than these proposed regulations.

Performance Standard as Alternative:

Penal Code section 28215, subdivision (a)(4), requires the dealer to record the document number, GO ID, and dates valid listed on the hunting license. It also requires the salesperson to visually inspect the hunting license to confirm that it is valid and unexpired.

The proposed regulation requires the dealer to report the information to the Department electronically via the DES. This is the most efficient way to make sure that the dealer provides all required information. Dealers are already familiar with using the DES to report transactions to the Department.