NOTICE OF PROPOSED RULEMAKING
(Notice Published on July 28, 2017)

The Department of Justice (Department or DOJ) proposes to amend section 4002 of Title 11, Division 5, of the California Code of Regulations (CCR) after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department will hold a public hearing to receive public comments on the proposed regulatory action at 1:00 p.m. - 3:00 p.m. on September 12, 2017, at the location listed below:

Resources Building Auditorium
1416 9th Street
Sacramento, California 95814

The auditorium is wheelchair accessible.

At the hearing, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons making oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments that are relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on September 12, 2017. Only comments received by that time will be considered. Written comments must be submitted to:

Jeff Amador
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Email: regulations@doj.ca.gov
Fax: (916) 227-1068

AUTHORITY AND REFERENCE

Authority: Penal Code sections 27560, 27565, 27875, 27920, 27966, 28000, 28230 and 28240.

Reference: Penal Code sections 27560, 27565, 27875, 27920, 27966, 28000, 28230, 28235 and 28240; Civil Code section 1798.17.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Laws and Regulations

California Penal Code (PC) sections 27560, 27565, 27875, 27920, 27966, 28000, 28230 and 28240 authorize the Department to charge fees for processing various firearms reports regarding the acquisition and ownership of firearms. Section 4002 of Title 11, Division 5, Chapter 1, of the California Code of Regulations (CCR) specify the fees and establish the forms for these firearms reports. California Civil Code section 1798.17 requires a privacy notice, regarding the collection and use of personal information, to be provided "... on or with any form used to collect personal information from individuals...."

Effect of the Proposed Rulemaking

The proposed rulemaking will amend section 4002 for the sole purpose of updating the revision dates of Bureau of Firearms forms to correspond with the addition of a privacy notice to each form. It should be noted that the information required on each of the forms, as previously established via incorporation by reference, is not being changed by this rulemaking activity.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

Adding a privacy notice to Bureau of Firearms forms that require personal information will make the Department compliant with Civil Code section 1798.17. Moreover, the addition of the privacy notice benefits California residents by providing the following information regarding the collection and use of their personal identification as required pursuant to California Civil Code section 1798.17:

- The name of the agency and the division within the agency requesting the information.
- The title, business address, and telephone number of the agency official who is responsible for the system of records and who shall, upon request, inform an individual regarding the location of his or her records and the categories of any persons who use the information in those records.
- The authority that authorizes the maintenance of the information.
- With respect to each item of information, whether submission of such information is mandatory or voluntary.
- The consequences of not providing all or any part of the requested information.
- The principal purpose or purposes for which the information is to be used.
- Any known or foreseeable disclosures which may be made of the information pursuant to subdivision (e) or (f) of Civil Code section 1798.24.
- The individual's right of access to records containing personal information which are maintained by the agency.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

The Department has determined that the proposed amendment is not inconsistent or incompatible with existing regulations. After conducting a review for any existing regulations that would

relate to or affect this subject matter, the Department has concluded that these are the only regulations that concern Bureau of Firearms forms to which a privacy notice is being added.

COMPARABLE FEDERAL REGULATIONS

The proposed action does not differ from an existing comparable federal regulation or statute.

FORMS INCORPORATED BY REFERENCE

Collector's In-State Acquisition of Curio or Relic Long Gun Report, BOF 961 (Rev. 07/2017)
Curio or Relic Firearm Report, BOF 4100A (Rev. 07/2017)
Firearm Ownership Record, BOF 4542A (Rev. 07/2017)
New Resident Firearm Ownership Report, BOF 4010A (Rev. 07/2017)
Report of Operation of Law or Intra-Familial Firearm Transaction, BOF 4544A (Rev. 07/2017)

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative person or business: None.

Significant statewide adverse economic impact directly affecting businesses and individuals: None.

Business report requirement: None.

Significant effect on housing costs: None.

Other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department concludes it is unlikely the proposed regulations will affect (1) the creation of jobs within the State of California, (2) the elimination of any jobs within the State of California, (3) the creation of new businesses within the State of California, (4) the elimination of existing businesses within the State of California, (5) the expansion of businesses currently doing business within the State of California.

Benefits of the Proposed Regulations

The proposed regulations will benefit the general public by providing notice regarding the collection and use of personal information including an individual's right of access to records maintained by the Bureau of Firearms that contain that individual's personal information.

Small Business Determination

The Department has determined the proposed regulations will not affect small business. This determination is based on the proposed regulations merely adding a privacy notice to Bureau of Firearms forms as required pursuant to California Civil Code section 1798.17. The privacy notice provides information regarding the collection and use of personal identification and does not affect small business.

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, 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

Inquiries concerning the proposed administrative action may be directed to:

Jeff Amador
Department of Justice
Bureau of Firearms
P.O. Box 160487
Sacramento, CA 95816-0487
Email: regulations@doj.ca.gov
Telephone: (916) 227-4217

The back up contact person for these inquiries is:

Jacqueline Dosch
Department of Justice
Bureau of Firearms
P.O. Box 160487
Sacramento, CA 95816-0487
Email: regulations@doj.ca.gov
Telephone: (916) 227-5419

AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulations (the "express terms"), the initial statement of reasons and the information upon which the proposed rulemaking is based are available on the Department's website at http://oag.ca.gov/firearms. Copies may also be obtained by contacting Jeff Amador.

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, the Department 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 http://oag.ca.gov/firearms. A written copy of any modified text may be obtained by contacting Jeff Amador.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the Final Statement of Reasons will be available on the Department's website at http://oag.ca.gov/firearms. You may also obtain a written copy of the Final Statement of Reasons by contacting Jeff Amador.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format, as well as the Final Statement of Reasons once completed, can be accessed through the Department's website at http://oag.ca.gov/firearms.