

CALIFORNIA DEPARTMENT OF JUSTICE

TITLE 11. LAW

DIVISION 5. FIREARMS REGULATIONS

CHAPTER 2. CENTRALIZED LIST OF FIREARMS DEALERS

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

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

Changes without regulatory effect. “[A]s defined in Penal Code section 16685” is added after “unexpired.” This addition does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. Rather, the new language confirms that an “unexpired” hunting license is defined by statute as one “for which the time period authorized for the taking of birds or mammals has commenced but not expired.” (Pen. Code, § 16685.) Penal Code section 16685 is deleted from the reference citation.

SUMMARY OF COMMENTS AND DEPARTMENT RESPONSES

Written comments received during the 45-day public comment period are included in the rulemaking file under Exhibit 7. The Department received the following public comment:

Comment: “the constitution guarantees ALL IS CITIZENS the right to keep and bear arms. and that right SHALL NOT BE INFRINGED!! pretty easy LEGAL LANGUAGE . untill yall change that wording on our BILL OF RIGHTS!! there is NO LAW THAT IS REALLY LEGAL. EVEN IF A JUDGE SAYS IT IS. the contradiction can and eventually will be challenged!! it is wrighten. and must be changed properly or it is a tyranical gvt. and you know what the bill of rights sais about threats to our country... forign... AND DOMESTIC.”

Response: No change has been made in response to this comment. The comment does not provide sufficient specificity for the Department to make any modifications to the text. The comment appears to object to Penal Code section 28215, not the proposed regulations.

LOCAL MANDATE DETERMINATION

The proposed regulation does not impose any mandate on local agencies or school districts.

ALTERNATIVES DETERMINATIONS

In accordance with Government Code section 11346.9, subdivision (a)(4), the Department has determined that no alternative it considered, or that it otherwise identified, or was brought to its attention, 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.

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.

Members of the public did not present any alternatives.

ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

The Department has determined that this proposed action affects small businesses. 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.

The Department estimates it will cost a firearms dealer \$3.99 in annual staff wages to complete the verification and reporting of the hunting license information.

DOCUMENTS INCORPORATED BY REFERENCE

None.

NON-DUPLICATION

Some of the regulations may repeat or rephrase in whole or in part a state or federal statute or regulation. This was necessary to satisfy the clarity standard set forth in Government Code section 11349.1, subdivision (a)(3).