

CALIFORNIA DEPARTMENT OF JUSTICE
TITLE 11. LAW
DIVISION 5. FIREARMS REGULATIONS
CHAPTER 11. FIREARM PRECURSOR PARTS AND FIREARM BARRELS
TEXT OF PROPOSED REGULATIONS

Article 2. Firearm Barrel Purchases, Sales or Transfers

§ 4304. Title and Scope.

(a) The article shall be known as the “Department of Justice Regulations for Firearm Precursor Parts and Firearm Barrels.” These regulations set forth procedures for firearms dealers to conduct the firearm barrel eligibility checks, required by Penal Code section 33700(a)(2), that shall facilitate firearm barrel purchases or transfers.

(b) These regulations do not apply to the transactions outlined in Penal Code section 33700(g)(1)-(8) except as specified therein, and in accordance with section 4310, as applicable.

§ 4305. Definitions.

(a) “AFS” means the Department’s Automated Firearms System.

(b) “Automated Firearms System” is the repository of firearm records maintained by the Department, established by Penal Code section 11106.

(c) “Basic Firearm Barrel Eligibility Check” means a background check, conducted pursuant to Penal Code section 33700 subdivision (a)(2), that is used to determine an individual’s eligibility to purchase or otherwise acquire a firearm barrel.

(d) “CFARS” means the California Firearms Application Reporting System, available at <https://cfars.doj.ca.gov/login>.

(e) “Dealer Record of Sale Entry System” or “DES” is the website that a firearm dealer shall use to submit a prospective purchaser’s or transferee’s information for the purpose of conducting a Firearm Barrel Eligibility Check. DES is available at: <https://des.doj.ca.gov/login>.

(f) “Department” means the California Department of Justice.

(g) “Firearms dealer” or “dealer” means an individual listed on the Centralized List of Firearms Dealers pursuant to Penal Code section 26700 to 26915, inclusive.

- (h) “Firearm barrel,” has the same meaning as set forth in Penal Code section 16525(a).
- (i) “Firearm Barrel Eligibility Check” refers to the Department’s procedures for determining whether an individual is eligible to purchase or otherwise acquire a firearm barrel, pursuant to Penal Code section 33700 subdivision (a)(2).
- (j) “Head of the Agency” means the chief of police or the director of public safety for a police department, the sheriff for a county sheriff’s office, the head of a state law enforcement agency, or their designee, or the manager in charge of any local field office for a federal law enforcement or military agency.
- (k) “Prohibited Armed Persons File” means the database established by Penal Code section 30000.
- (l) “Standard Firearm Barrel Eligibility Check” means a Firearm Barrel Eligibility Check conducted by cross-referencing a prospective purchaser or transferee’s information in AFS with any information about the prospective purchaser or transferee that may be contained in the Prohibited Armed Persons File.

Note: Authority cited: Sections 33700 Penal Code. Reference: Sections 11106, 16525, 26700 – 26915, 30000 Penal Code.

§ 4306 Standard Firearm Barrel Eligibility Check (AFS Match).

(a) A person is authorized to purchase or otherwise acquire a firearm barrel if their information matches an entry in the Automated Firearm System and does not match an entry in the Prohibited Armed Persons File.

(1) A person may request, through a firearms dealer, that the Department conduct a Standard Firearm Barrel Eligibility Check to determine if the person qualifies for this authorization.

(b) As authorized by Penal Code section 33700, subdivision (i), the fee for a Standard Firearm Barrel Eligibility Check is \$0.00.

(c) The firearms dealer shall collect the person’s name, date of birth, full residential address, driver’s license or other government identification number and the state in which it was issued in the manner described in § 4045.2, and telephone number, and enter this information into the DES website.

(d) Upon the Department's completion of the Standard Firearm Barrel Eligibility Check, the Department shall update the person's DES record to instruct the firearms dealer to approve or reject the purchase or transfer.

(e) An approved Standard Firearm Barrel Eligibility Check can only be used for one firearm barrel transaction (including one or more firearm barrels) at a time. If the purchase or transfer is rejected, the firearms dealer shall provide the person with a Dealer Record of Sale (DROS) number that can be used to obtain the reason for the rejection through the Department's CFARS website.

Note: Authority cited: Section 33700 Penal Code. Reference: Section 28180, Penal Code.

§ 4307. Basic Firearm Barrel Eligibility Check (Single Transaction or Purchase).

(a) A person is authorized to purchase or otherwise acquire a firearm barrel if they meet the requirements of Penal Code 33700, subd. (b)

(1) A purchaser or transferee may request, through a firearm dealer, that the Department conduct a Basic Firearm Barrel Eligibility Check to determine if the purchaser or transferee qualifies for authorization.

(2) A purchaser or transferee may instead seek authorization by following the procedure set forth by section 4306, 4308, and 4309, as applicable.

(b) As authorized by Penal Code section 33700, subdivision (i), the fee for a Basic Firearm Barrel Eligibility Check is \$0.00.

(c) The firearms dealer shall collect the person's name, date of birth, residential address, gender, hair color, eye color, height, weight, and driver's license or other government identification number in the manner described in California Code of Regulations, title 11, section 4045.2, and telephone number, United States citizenship status, federal Citizenship and Immigration Services (USCIS) Number or I-94 (if applicable), place of birth, alias name(s), and race, and enter this information into the DES website.

(d) The firearms dealer shall provide the person with a Dealer Record of Sale (DROS) number to monitor the status of the Basic Firearm Barrel Eligibility Check through the Department's CFARS website.

(1) An approved Basic Firearm Barrel Eligibility Check can only be used for one firearm barrel transaction (including one or more firearm barrels) at a time. The firearm barrel(s) must be delivered within 30 calendar days of the determination that a person is not prohibited from purchasing a firearm barrel.

(2) If the Basic Firearm Barrel Eligibility Check is denied, the Department shall notify the person of the reason for the denial via U.S. Mail.

(e) Upon the Department's completion of a Basic Firearm Barrel Eligibility Check, no more than 30 days after the initiation of the transaction, the Department shall update the person's DES record to reflect the result of the eligibility check determination so that the dealer will know if they can release the firearm barrel.

Note: Authority cited: Section 33700, Penal Code. Reference: Section 33700, Penal Code, California Code of Regulations, title 11, section 4045.2.

§ 4308. Purchasing a Firearm and One or More Firearm Barrels in a Single Transaction.

(a) When a person seeks to purchase a firearm and firearm barrel in the same transaction, the Department shall complete a firearms eligibility check pursuant to Penal Code section 28220 before the person can take possession of the firearm or firearm barrel.

(1) In accordance with Penal Code section 33700(g)(4), a person who, in the same transaction, is purchasing a firearm and undergoing a state and federal firearm eligibility check pursuant to Section 28220 is not required to additionally complete a Firearm Barrel Eligibility Check, except as provided in subdivision (c).

(b) Except as provided in subdivision (c), a person seeking to purchase a firearm and firearm barrel in the same transaction shall pay the fee for the firearms eligibility check as prescribed in section 4001 of this title.

(c) If the person wants to take possession of the firearm barrel before the Department completes the firearms eligibility check, the firearm dealer shall initiate a separate transaction and shall conduct a Firearm Barrel Eligibility Check following the procedure set forth by section 4306, 4307, or 4309, as appropriate.

Note: Authority cited: Section 28220, Penal Code. Reference: Sections 28220, 33700, Penal Code.

§ 4309. Firearm Barrel Purchases or Transfers for Exempted Individuals.

(a) A person shall establish that they are exempt from the Firearm Barrel Eligibility Check, pursuant to Penal Code section 33700, subdivisions (g)(1)-(8), by providing the following:

(1) A representative of a federal, state, or local law enforcement agency shall present:

(A) A valid sworn law enforcement officer's credential, including name and picture of the person, and

(B) Verifiable written certification from the Head of the Agency, issued within the past 30 days, identifying the representative as the person authorized to conduct the transaction and authorizing the transaction for the exclusive use of the agency by which the person is employed.

(2) A federal firearms licensee (other than a Type 03 Collector of Curios and Relics) shall present a valid and current Federal Firearms License. A federal firearms licensee holding a Type 03 Collector of Curios and Relics Federal Firearms License who is acquiring or being loaned the barrel of a firearm that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, shall present a valid and current federal collector's license and a current certificate of eligibility issued by the Department pursuant to Penal Code section 26710.

(3) A representative of the United States military shall present:

(A) A valid identification card indicating that the bearer is a member of the armed forces, including name and picture of the person, and

(B) Verifiable written certification from the Head of the Agency or their designee, issued within the past 30 days, identifying the representative as the person authorized to conduct the transaction and authorizing the transaction for the exclusive use of the military branch by which the person is employed.

(b) The firearms dealer shall keep a photocopy of the front and back of any credential, identification document, and/or license used to establish an exemption pursuant to this section along with the original version of any verifiable written certification from the Head of the Agency. The firearms dealer shall make a copy of these records available to the Department

upon request. The records shall be maintained on the premises of the dealer for a period of not less than five years from the date of the recorded transfer.

(1) If the issuing agency or the law does not allow photocopies to be made of the credential, the firearms dealer shall retain a business card from the agency representative after personally viewing the credential.

(c) At the time of delivery, the firearm dealer, authorized associate, or salesperson shall require the purchaser or transferee to provide an identification document that meets the requirements of Penal Code section 16300, to verify that the person who is receiving delivery of the firearm barrel is the person exempted pursuant to Penal Code section 33700, subdivision (g)(1)-(8).

(d) Once the firearm dealer has verified that the individual is exempt from Department approval to purchase or transfer a firearm barrel, the firearm dealer may, subject to their discretion, process a firearm barrel purchase or transfer without Department approval.

Note: Authority cited: Section 33700, Penal Code. Reference: Sections 16300, 26710 Penal Code, Section 478.11 of Title 27 of the Code of Federal Regulations.

§ 4310. Delivery of a Firearm Barrel Following DES Submission.

(a) If the Department approves a firearm barrel purchase or transfer as described by sections 4306, 4307 or 4308, the DES transaction record shall change from “Pending” to “Approved.”

(b) A firearm barrel may be delivered to the purchaser or transferee if the status of the DES transaction record is “Approved.”

(c) At the time of delivery, the firearms dealer, authorized associate, or salesperson shall:

(1) Require the purchaser or transferee to provide an identification document that meets the requirements of Penal Code section 16300, to verify that the person who is receiving delivery of the firearm barrel is the person authorized to purchase a firearm barrel.

(2) Comply with the requirements of Civil Code section 3273.51(e)(1).

(3) Access the DES firearm barrel transaction using the person’s name and submit the firearm barrel sale information required by Penal Code section 33700, subdivision (c).

Note: Authority cited: Section 33700, Penal Code. Reference: Section 3273.51(e)(1), Civil Code; Sections 16300, 33700, Penal Code.