

**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**

There have been no changes to the information described in the Initial Statement of Reasons.

**CORRECTIONS AND NON-SUBSTANTIAL EDITS**

A “non-substantial change is one that clarifies without materially altering the requirements, rights, responsibilities, conditions or prescriptions contained in the original text. (Cal. Code Regs., tit. 1, § 40.) The following minor additional issues were noted since publication of the Notice of Proposed Rulemaking and Initial Statement of Reasons.

**§ 4028. Notification of Dealer Relinquishment After a Failed Private Party Transfer.**

In subdivision (a), the “state and federal law” is deleted and replaced with “any law” to better reflect the language in Penal Code section 29830.

Reference citation is amended to include Penal Code section 30000.

**SUMMARY OF COMMENTS AND DEPARTMENT RESPONSES**

The Department did not receive any comments during the 45-day public comment period.

**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.

The Department considered mandating or allowing use of a paper form to report the necessary information. The Department assumes it would take the same amount of staff time to complete the form in either format. However, use of a paper form would require postage (\$0.73). This

would increase the total cost to each business that complies with this regulation (\$8.01 staff time + \$0.73 postage = \$8.74).

The Department rejected this alternative as being both more expensive and less effective. Considering the threat posed to public safety by the continued possession of firearms, ammunition feeding devices, and ammunition by persons who are prohibited from possessing those items, timely notification is of the utmost importance. In this instance, the option that results in immediate notification is also the most cost-effective.

#### **ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES**

The Department has determined that the proposed action affects small businesses. Firearms dealers and ammunition vendors are not required to store firearms, ammunition feeding devices, or ammunition for temporarily prohibited persons. However, if those businesses choose to accept these items for storage, then they will be required to notify the Department.

Requiring the dealer or ammunition vendor to notify the Department electronically via the DES is the easiest way to make sure that the dealer or ammunition vendor provides all required information. Dealers are already familiar with using the DES to report transactions to the Department.

#### **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).