

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

NOTICE OF PROPOSED RULEMAKING

Notice published January 10, 2025

The Department of Justice (Department) proposes to adopt section 4028 of title 11, division 5, chapter 2 of the California Code of Regulations concerning notification requirements when a temporarily prohibited person transfers their firearm(s), ammunition feeding device(s), and/or ammunition to a firearms dealer or their ammunition to an ammunition vendor for storage during the term of their prohibition.

PUBLIC HEARING

The Department has not scheduled a public hearing of the proposed regulatory action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on **February 25, 2025 at 5:00 p.m.** Only written comments received by that time will be considered. Submit written comments to:

Q. Farris
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
(916) 210-2377
BOFregulations@doj.ca.gov

Please note that written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY and REFERENCE

Authority: Penal Code section 29830.
Reference: Penal Code sections 11106 and 29830.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

Existing law allows a person who is temporarily prohibited from owning or possessing a firearm, ammunition feeding device, or ammunition to transfer any of those items to a licensed firearms dealer, or if ammunition, to a licensed ammunition vendor, for storage during the duration of their prohibition. Existing law also requires each firearms dealer storing a firearm, ammunition feeding device, or ammunition, and each ammunition vendor storing ammunition, for a temporarily prohibited person to notify the Department of the date that they took possession of the item. (Pen. Code, § 29830).

Penal Code section 11106 requires the Attorney General to maintain a record of all information reported to the Department under Penal Code section 29830.

Effect of the Proposed Rulemaking:

The proposed regulation specifies the information a firearms dealer must report when storing a firearm, ammunition feeding device, or ammunition, and the information an ammunition vendor must report when storing ammunition, for a temporarily prohibited person. Firearms dealers and ammunition vendors will report the required information to the Department using the Dealer's Record of Sale (DROS) Entry System (DES).¹

Anticipated Benefits of the Proposed Regulations:

The proposed regulations will allow firearms dealers and ammunition vendors to comply with the notification requirements of Penal Code section 29830 in a manner that provides meaningful data to the Department. Reporting the information via the DES ensures compliance with Penal Code section 11106, subdivision (a)(1)(C), which requires the Attorney General to maintain a record of all information reported pursuant to Penal Code section 29830. The reported information will assist law enforcement in the investigation of crime and the recovery of lost, stolen and found property. (Pen. Code, § 11106.)

When reporting the date of relinquishment to the Department, the proposed regulations will also require the firearms dealer or ammunition vendor to include in the report basic identifying information regarding the temporarily prohibited person, the item(s) being relinquished, and the dealer or vendor storing the item(s). This information will allow the Department to verify the identity of the temporarily prohibited person and accurately create a record of the stored item, including its location. Furthermore, the information can be used to verify that the prohibited

¹ 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. (Pen. Code, § 28205; Cal. Code Regs., tit. 11, § 4200 et seq.)

person is in fact only temporarily prohibited, and therefore eligible to transfer their items under the provisions of Penal Code section 29830.

This regulatory action will enhance public safety by standardizing the reporting process for temporarily prohibited persons relinquishing control of firearms, ammunition or ammunition feeding devices for the limited duration of their prohibition. Permitting a temporarily prohibited person to relinquish control of their property temporarily encourages compliance with the law and reduces the risk that the item will remain in the possession of a person deemed ineligible to possess a firearm

Comparable Federal Regulations:

There are no existing federal regulations or statutes comparable to the proposed regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the transfer of firearms, ammunition feeding devices, and ammunition from a temporarily prohibited person to a firearms dealer or ammunition vendor.

Forms Incorporated by Reference:

None.

Other Statutory Requirements:

None.

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:

\$25,957.00

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:

None.

Other non-discretionary costs or savings imposed on local agencies:

None.

Cost or savings in federal funding to the state:

None.

Cost impacts on representative person or business:

The Department has determined that any cost impact to businesses would be indirect due to the additional time it will take to notify the Department when a firearm, ammunition or ammunition feeding device is accepted for storage pursuant to Penal Code section 29830. At current rates, the Department estimates that it will cost a firearms dealer or ammunition vendor approximately \$8.01 each year to comply with this regulation.

Significant effect on housing costs:

None.

Significant, statewide adverse economic impact directly affecting businesses, including ability to compete:

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

Results of the Economic Impact Assessment (EIA):

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, and (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

(1) The proposal would benefit the health and welfare of California residents by requiring immediate and accurate records regarding the disposition of firearms, ammunition and ammunition feeding devices in the possession of a person who is temporarily prohibited from possessing those items.

(2) The proposal would not benefit worker safety because it does not regulate work place conditions.

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

Business Report Requirement:

Penal Code section 29830 requires firearms dealers and ammunition vendors to report the date they take possession of a temporarily prohibited person's items for storage. The proposed regulations implement and clarify this reporting requirement. The Department finds it is necessary for the health, safety or welfare of the people of this state that proposed section 4028, which requires a report, applies to businesses.

Small Business Determination:

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.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department 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 or 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 finds that no alternatives were presented to, or considered by, the Department that would be more effective in carrying out the purpose of the proposed regulation or would be as effective and less burdensome to affected private persons than the proposed regulation.

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Q. Farris
Department of Justice
P.O. Box 160487

Sacramento, CA 95816-0487
(916) 210-2372
BOFregulations@doj.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

S. Villareal
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
(916) 210-2364
BOFregulations@doj.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the text of the proposed regulations (the “express terms” of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of the Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available at the Department’s website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt the regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department’s website at: <https://oag.ca.gov/firearms/regs>. Please refer to the contact information listed above to obtain a written copy of the Final Statement of Reasons.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout are available on the Department's website at <https://oag.ca.gov/firearms/regs>.