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California Code of Regulations Title 11, Division 5

Chapter 11. Ammunition Purchases or Transfers

Article 1. General

§ 4300. Title and Scope.

This chapter shall be known as the “Department of Justice Regulations for Ammunition Purchases or Transfers,” and may be cited as such and referred to herein as “these regulations.” The provisions of these regulations shall provide the directives for an individual to purchase or transfer ammunition into an individual’s possession on or after July 1, 2019.

Note: Authority cited: Sections 30352, and 30370, Penal Code. Reference: Sections 30305, 30312, 30314, 30352, and 30370, Penal Code.

§ 4301. Definition of Key Terms.

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

~~(b) “AFS record” means a firearm record on file with the Department that identifies an individual as an owner of a firearm. An AFS record has been established with the Department when an individual has purchased or transferred a rifle or shotgun from a firearms dealer on or after January 1, 2014, or an individual that has purchased or transferred a handgun from a firearms dealer at any time. An AFS record may also be established after the Department processes an individual’s assault weapon registration or an individual’s report of firearm ownership.~~

(b) “Ammunition vendor” means a person or entity having a valid license to sell ammunition, issued pursuant to Penal Code section 30385.

(c) “ATN” means Ammunition Transaction Number issued by the Department.

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

~~(e)~~ (d) “Basic Ammunition Eligibility Check” means the Department’s ammunition eligibility check as prescribed by Penal Code section 30370, subdivision (c). The Department shall

conduct a Basic Ammunition Eligibility Check to authorize a California resident for a single ammunition transaction or purchase ~~one-time authorization to purchase or transfer ammunition.~~

~~(f)(e)~~ “Certificate of Eligibility or COE” means a certificate issued pursuant to Penal Code section 26710, which states that the Department has checked its records and determined that the applicant was is not prohibited from acquiring or possessing firearms pursuant to Penal Code sections 29800, 29805, 29815 through 29825, and 29900, or Welfare and Institutions Code sections 8100 and 8103, or Title 18, sections 921 and 922 of the United States Code, or Title 27, Part 478.32 of the Code of Federal Regulations at the time the check was performed and which ensures that a person who handles, sells, delivers, or has under his or her custody or control any ammunition, is eligible to do so pursuant to Penal Code section 30347.

~~(g)(f)~~ “CFARS” means the Department’s California Firearms Application Reporting System. An individual can access the CFARS website at the following web address: <https://cfars.doj.ca.gov/login.do>.

~~(h)(g)~~ “Department” means the California Department of Justice.

~~(i)(h)~~ “Dealer Record of Sale Entry System or DES” means the Department’s website that an ammunition vendor will use to submit an ammunition purchaser’s or transferee’s information to the Department before the Department can approve an ammunition purchase or transfer. An ammunition vendor can access the DES website at the following web address: (<https://des.doj.ca.gov/login.do>).

~~(j)(i)~~ “Firearms dealer” means a person having a valid license to sell firearms issued pursuant to Penal Code section 26700.

~~(k)(j)~~ “Firearms eligibility check” means a state and federal background check, pursuant to Penal Code section 28220, that is used to determine an individual’s eligibility to possess, receive, own, or purchase a firearm.

~~(l)(k)~~ “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 an agency or their designee for a state law enforcement agency, and the manager in charge of any local field office for a federal law enforcement agency.

~~(l)~~ ~~“One-Time Ammunition Transaction” means an ammunition purchase or transfer whereby an individual has undergone a Basic Ammunition Eligibility Check.~~

~~(m)~~ “Prohibited Armed Persons File” means the database established by Penal Code section 30000.

~~(n)(m)~~ “Purchaser or transferee” means an individual purchasing or transferring ammunition.

~~(o)(n)~~ “Standard Ammunition Eligibility Check” means the Department’s ammunition eligibility check as prescribed by Penal Code section 30370, subdivisions (b).

~~(p)(e)~~ “Sworn federal law enforcement officer’s credential” means identification indicating an individual is a sworn federal law enforcement officer pursuant to Part 2, Chapter 4.5, of the Penal Code (commencing with section 830).

~~(q)(p)~~ “Sworn state or local peace officer’s credential” means identification indicating an individual is a sworn state or local peace officer pursuant to Part 2, Chapter 4.5, of the Penal Code (commencing with section 830).

Note: Authority cited: Sections 30352, and 30370, Penal Code. Reference: Sections 11106, 16150, 16151, 26710, 30352, 30370, and 30385, Penal Code.

Article 2. Ammunition Eligibility Checks: Standard and Basic

§ 4302. Standard Ammunition Eligibility Check (AFS Match).

~~(a)~~ A purchaser or transferee is authorized to purchase ammunition 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 purchaser or transferee may request, through an ammunition vendor, the Department to conduct a Standard Ammunition Eligibility Check, to determine if the ammunition purchaser or transferee qualifies for this authorization.

~~(b)(a)~~ As authorized by Penal Code section 30370, subdivision (e), the fee for a Standard Ammunition Eligibility Check is \$1.00.

~~(c)(b)~~ The ammunition vendor shall collect the purchaser’s or transferee’s name, date of birth, current address and driver license or other government identification number in the manner described in Penal Code section 28180, and telephone number, and enter this information into the DES website.

~~(d)(e)~~ Upon the Department’s completion of the Standard Ammunition Eligibility Check, ~~the~~ Department shall then update the purchaser’s or transferee’s DES record to instruct the ammunition vendor to approve or reject the purchase or transfer.

~~(e)(d)~~ If the purchase or transfer is rejected, the ammunition vendor shall provide the purchaser or transferee with an ATN that can be used to obtain the reason for the rejection through the Department’s CFARS website.

Note: Authority cited: Sections 30352 and 30370, Penal Code. Reference: Sections 28180, 30352, and 30370, Penal Code.

§ 4303. ~~One-Time Ammunition Transactions~~ Basic Ammunition Eligibility Check (Single Transaction or Purchase).

~~One-time ammunition purchases or transfers may be completed using a Basic Ammunition Eligibility Check.~~

(a) A purchaser or transferee is authorized to purchase ammunition if they are not prohibited from purchasing or possessing ammunition, subsequent to affirmation by the Department.

(1) A purchaser or transferee may request, through an ammunition vendor, the Department to conduct a Basic Ammunition Eligibility Check, to determine if the purchaser or transferee qualifies for this authorization.

(2) A purchaser or transferee may instead seek authorization by following the procedure set forth by section 4302, 4304, 4305, or 4306, as applicable.

~~(b)(a)~~ As authorized by Penal Code section 30370, subdivision (c), the fee for a Basic Ammunition Eligibility Check is \$19.00.

~~(c)(b)~~ The ammunition vendor shall collect the ammunition purchaser's or transferee's name, date of birth, current address, gender, hair color, eye color, height, weight, and driver license or other government identification number, in the manner described in Penal Code section 28180, and telephone number, United States citizenship status, federal Alien Registration Number or I94 (if applicable), place of birth, alias name(s), race, and enter this information into the DES website.

~~(d)(e)~~ The ammunition vendor will provide the purchaser or transferee an ATN to monitor the status of the Basic Ammunition Eligibility Check through the Department's CFARS website.

(1) An approved Basic Ammunition Eligibility Check can only be used for one ammunition purchase or transfer, and the approval expires 30=calendar days from when it is issued.

(2) If the Basic Ammunition Eligibility Check is denied, the Department shall notify the purchaser or transferee of the reason for the denial via U.S. Mail.

~~(e)(d)~~ Upon the Department's completion of a Basic Ammunition Eligibility Check, the Department shall update the purchaser's or transferee's DES record. ~~The ammunition vendor shall deliver the ammunition to the purchaser or transferee only if the status of the Basic Ammunition Eligibility Check is "Approved."~~

Note: Authority cited: Sections 30352 and 30370, Penal Code,. Reference: Sections 28180, 30352, and 30370, Penal Code and section 922, title 18, United States Code.

Article 3. Purchasing of a Firearm and Ammunition in a Single Transaction

§ 4304. Firearms Eligibility Check.

(a) When an individual is purchasing or transferring a firearm and ammunition in the same transaction, the Department shall complete a firearms eligibility check before the purchaser or transferee can take possession of the firearm or ammunition.

(b)(a) Except as provided in subdivision (c)(b), a purchaser or transferee of a firearm and ammunition in the same transaction shall only pay the fee for the firearms eligibility check as prescribed in section 4001 of this title.

(c)(b) If the purchaser or transferee ~~described in Penal Code section 30370, subdivision (a)(1) or (a)(2)~~ wants to take possession of the ammunition before the Department completes the firearms eligibility check, the purchaser or transferee shall conduct a separate transaction following the procedure set forth by section 4302, 4303, 4305, or 4306, as appropriate, and pay any associated fee ~~pay the \$1.00 fee for the Standard Ammunition Eligibility Check or the Department's COE verification process, and be approved by the Department~~ prior to taking possession of the ammunition.

Note: Authority cited: Section 30352, Penal Code. Reference: Sections 28220, 30352, 30370, Penal Code.

Article 4. COE Verification Process

§ 4305. COE Verification Process.

~~Pursuant to Penal Code section 30370, subdivision (a)(2), the Department shall process a COE holder's ammunition purchase or transfer.~~

(a) A purchaser or transferee is authorized to purchase ammunition if they hold a current Certificate of Eligibility, subsequent to verification by the Department.

(1) A purchaser or transferee may request, through an ammunition vendor, the Department to conduct a COE Verification, to determine if the purchaser or transferee qualifies for this authorization.

(b)(a) As authorized by Penal Code section 30370, subdivision ~~(e)~~ (e), the fee for COE verification is \$1.00.

(c)(b) The ammunition vendor shall collect the ammunition purchaser's or transferee's name, date of birth, current address, and driver license or other government identification number, in the manner described in Penal Code section 28180, telephone number, and COE number, and enter the information into the DES website.

~~(d)(e)~~ Upon the Department's completion of the COE Verification, ~~the~~ The Department shall then update the purchaser's or transferee's DES record to instruct the ammunition vendor to approve or reject the ammunition purchase or transfer.

Note: Authority cited: Sections 30352 and 30370, Penal Code. Reference: Section 26710 and 30370, Penal Code.

Article 5. Ammunition Purchases or Transfers; Exempted Individuals

§ 4306. Ammunition Purchases or Transfers for Exempted Individuals.

(a) The following types of identification will properly identify an individual who is exempt pursuant to Penal Code section 30352, subdivision (e) from Department approval to purchase or transfer ammunition.

~~(1) A valid Federal Firearms License.~~

~~(2) An authorized law enforcement representative's written authorization from the head of the agency authorizing the ammunition purchase or transfer.~~

~~(3) A centralized list of exempted federal firearms licensee's Department issued certificate indicating the individual is on the centralized list of exempted federal firearms licensees.~~

~~(4) A sworn state, or local peace officer's credential and verifiable written certification from the head of the agency.~~

~~(5) A sworn federal law enforcement officer's credential and verifiable written certification from the head of the agency.~~

(1) An ammunition vendor shall present a valid Ammunition Vendor License issued pursuant to Penal Code section 30385.

(2) A person who is on the centralized list of exempted federal firearms licensees maintained by the Department shall present a Department-issued Listing Acknowledgement Letter indicating the individual is currently on the centralized list of exempted federal firearms licensees.

(3) A gunsmith shall present a valid Type 01 Federal Firearms License.

(4) A wholesaler shall present a valid Type 01 Federal Firearms License.

(5) A manufacturer of firearms shall present a valid Type 07 Federal Firearms License.

(6) An importer of firearms or ammunition shall present a valid Type 08 Federal Firearms License.

(7) A manufacturer of ammunition shall present a valid Type 06 Federal Firearms License.

(8) An authorized law enforcement representative of a city, county, city and county, or state or federal government shall present written authorization from the head of the agency authorizing the ammunition purchase or transfer, as described by Penal Code section 30352, subdivision (e)(7).

(9) A properly identified sworn peace officer, as defined in Chapter 4.5 of Title 3 of Part 2 of the Penal Code, who is authorized to carry a firearm in the course and scope of the officer's duties, shall present both:

(A) A sworn state, or local peace officer's credential, and

(B) Verifiable written certification from the head of the agency, as described by Penal Code section 30352, subdivision (e)(8)(B)(i). The verifiable written certification from the head of the agency expires 30 days after issuance.

(10) A properly identified sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of the officer's duties, shall present both:

(A) A sworn federal law enforcement officer's credential, and

(B) Verifiable written certification from the head of the agency, as described by Penal Code section 30352, subdivision (e)(8)(B)(i). The verifiable written certification from the head of the agency expires 30 days after issuance.

~~(b) The ammunition vendor shall keep a photocopy of the front and back of the sworn state or local peace officer's credential and California Driver License, or a photocopy of the front and back of a sworn federal law enforcement officer's business card and driver license. In addition, the ammunition vendor shall keep the verifiable written certification from the head of the agency. The verifiable written certification from the head of the agency expires 30 days after issuance. The ammunition vendor shall make a copy of these records available to the Department upon request.~~

(b) For persons identified pursuant to subdivisions (a)(9) and (10) of this section, the ammunition vendor shall keep a photocopy of the front and back of the credential and the identification document provided pursuant to subdivision (c) of this section, along with the original verifiable written certification from the head of the agency. The ammunition vendor shall make a copy of these records available to the Department upon request.

(1) If the law enforcement agency does not allow photocopies to be made of the credential, the ammunition vendor shall retain a business card from the sworn law enforcement officer after personally viewing the credential.

(c) At the time of delivery, the ammunition vendor COE holder, 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 ammunition is the person exempted pursuant to Penal Code section 30352, subdivision (e).

~~(d)~~ Once the ammunition vendor has verified the individual is exempt from Department approval to purchase or transfer ammunition, the ammunition vendor may process an ammunition purchase or transfer without Department approval.

Note: Authority cited: Section 30352, Penal Code. Reference: Section 30352, Penal Code.

Article 6. Telephonic Access for Ammunition Vendors

§ 4307. Telephonic Access for Ammunition Vendors.

Ammunition vendors without accessibility to an Internet connection due to their telephone service provider, or other Internet service providers, not being able to provide access to an Internet connection at their place of business may acquire telephonic access to the Department, for the Department to manually determine if a purchaser or transferee is eligible to own or possess ammunition. Ammunition vendors seeking telephonic access to the Department shall complete an Ammunition Vendor (Non-Firearms Dealer) Application for Telephonic Approval, Form BOF 1020 (Orig. 05/2018), which is hereby incorporated by reference. Telephonic access to the Department will be available during the Department's Customer Support Center business hours.

(a) Ammunition vendors shall acquire documentation from their telephone/Internet service provider stating that the service provider does not offer Internet service at the ammunition vendor's place of business.

(b) After the ammunition vendor has completed the application for telephonic access, the ammunition vendor shall mail the Ammunition Vendor (Non-Firearms Dealer) Application for Telephonic Approval, Form BOF 1020 (Orig. 05/2018) and the documentation in paragraph (a) of this section, to the Department at the following address:

Department of Justice
Bureau of Firearms
P.O. Box 160487
Sacramento, California 95816

(c) The Department shall notify the ammunition vendor via U.S. Mail of the Department's determination to approve or deny the Ammunition Vendor (Non-Firearms Dealer) Application for Telephonic Approval, Form BOF 1020 (Orig. 05/2018).

Note: Authority cited: Section 30370, Penal Code. Reference: Section 30370, Penal Code.

Article 7. Delivery of Ammunition and Billing

§ 4308. Delivery of Ammunition Following DES Submission.

(a) If the Department approves an ammunition purchase or transfer as described by sections 4302, 4303 or 4305 through ~~4307~~ of these regulations, the DES transaction record will change from "Pending" to "Approved."

(b) Ammunition may be delivered to the purchaser or transferee only if the status of the DES transaction record is "Approved."

(c) At the time of delivery, the ammunition vendor COE holder, authorized associate, or salesperson shall do the following:

(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 ammunition is the person authorized to purchase ammunition.

(2) Access ~~access~~ the approved DES ammunition transaction by the name of the purchaser or transferee, and submit the ammunition sale information required by Penal Code section 30352, subdivision (a) ~~to record the time and date the ammunition is delivered.~~

Note: Authority cited: Sections 30352, and 30370, Penal Code. Reference: Section 30352, and 30370, Penal Code.

§ 4309. Billing, Payment, and Suspension for Non-Payment.

(a) Monthly billing statements for the previous month's ammunition eligibility check and COE verification activity will be delivered electronically via DES to the ammunition vendor's account on the first day of each month.

(b) Payment shall be made using a major credit card or debit card. The balance due as indicated on the monthly billing statement shall be paid in full within ~~30~~ days of the billing statement date ~~(first day of month).~~

(c) If payment for the previous month's ammunition eligibility check and COE verification activity is not made within 30 days, the ammunition vendor's access (all COE holders and employees) to DES will be suspended until full payment for the past due amount is received.

(d) While suspended, an ammunition vendor will be unable to process or conduct an ammunition purchase or transfer but will maintain the status as a licensed ammunition vendor.

Note: Authority cited: Section 30370, Penal Code. Reference: Sections 30370, 30385, 30390, and 30395, Penal Code.