

# California Code of Regulations

## Title 11, Division 5

Note: The existing regulation text is set forth below in normal type. The proposed amendments are shown in underline to indicate additions and strikethrough indicate deletions. “\*\*\*” indicates that sections of the regulation not printed are not changed.

### Chapter 41 Firearms: Identifying Information and the Unique Serial Number Application Process for Self-Manufactured or Self-Assembled Firearms; Existing and New California Residents

#### Article 1. General

##### § 5505. Title and Scope.

This chapter shall be known as the “Department of Justice Regulations for Firearms: Identifying Information and the Unique Serial Number Application Process for Self-Manufactured or Self-Assembled Firearms; Existing and New California Residents.” may be cited as such and is referred to herein as “these regulations.” The provisions of these regulations shall apply to an individual who owns a self-manufactured or self-assembled firearm before July 1, 2018 that is not recorded with the Department of Justice (Department), and shall also apply to an individual who intends to manufacture or assemble a firearm on or after July 1, 2018, and, on and after January 1, 2019, to a new resident to the state who wishes to possess in the state a previously self-manufactured or self-assembled firearm, or a firearm the resident owns, that does not have a unique serial number or other mark of identification. The individual in each situation shall make a request to the Department to obtain a unique serial number for the individual’s unrecorded self-manufactured or self-assembled firearm. These regulations apply to self-manufactured or self-assembled firearms made from any material, including wood, metal, or plastic, and made through any process, including those produced by 3D printers. These regulations do not apply to a firearm that satisfies one or more criterion of Penal Code section 29181.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 11106, 16520, 23910, 29180, 29181, 29182, 29183 and 29184, Penal Code.

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#### Article 2. Definitions

##### § 5507. Definition of Key Terms.

For the purposes of Penal Code Section 29180 and Chapter 41, the following definitions will apply:

(a) “Antique firearm” means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition

system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(b) “Barrel” means the tube, usually metal and cylindrical, through which a projectile or shot charge is fired. Barrels may have a rifled or smooth bore.

(c) “Barrel length” means the length of the barrel measured as follows: without consideration of any extensions or protrusions rearward of the closed bolt or breech-face. The approved procedure for measuring barrel length is to measure from the closed bolt (or breech-face) to the furthest end of the barrel or permanently attached muzzle device. Permanent methods of attachment include full fusion gas or electric steel-seam welding, high temperature (1100°F) silver soldering, or blind pinning with the pin head welded over. Barrels are measured by inserting a dowel rod into the barrel until the rod stops against the closed bolt or breech-face. The rod is then marked at the furthest end of the barrel or permanently attached muzzle device, withdrawn from the barrel, and measured.

(d) “Bore” means the interior of a firearm’s barrel excluding the chamber.

(e) “Bureau” means the Bureau of Firearms of the California Department of Justice.

(f) “Caliber” means the nominal diameter of a projectile of a rifled firearm or the diameter between lands in a rifled barrel. In the United States, caliber is usually expressed in hundredths of an inch; in Great Britain in thousandths of an inch; in Europe and elsewhere in millimeters.

(g) “CFARS” means California Firearms Application Reporting System.

(h) “Conspicuously” means that all required markings shall be placed in such a manner as to be wholly unobstructed from plain view.

(i) “Curios” or “relics” means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. These include firearms that were manufactured at least 50 years prior to the current date, but not including replicas of such firearms; firearms which are certified by the curator of a municipal, state, or federal museum which exhibits firearms to be curios or relics of museum interest; and any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event.

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

(k) “Firearms Eligibility Check” means a state and federal background check pursuant to Penal Code section ~~30405~~ 28220 that is used to determine an individual’s eligibility to possess a firearm.

- (l) “Frame” means the basic unit of a firearm that is a handgun.
- (m) “FSC” means Firearm Safety Certificate as defined in Penal Code section 16535.
- (n) “HSC” means Handgun Safety Certificate as defined in Penal Code section 16670.
- (o) “Legibly marked” means using exclusively Roman letters (A, a, B, b, C, c, and so forth) and numbers.
- (p) “Receiver” means the basic unit of a firearm that is a long gun. The receiver will generally house the firing and breech mechanisms to which the barrel and stock are assembled.
- (q) “Receiver or frame, unfinished” means a precursor part to a firearm that is not yet legally a firearm. Unfinished receivers or frames may be found in various levels of completion. As more finishing work is completed the precursor part gradually becomes a firearm. For example, some just have the shape of an AR-15 lower receiver, but are solid metal. Some have been worked on and the magazine well has been machined open.
- (r) “Rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
- (s) “Self-assembled or “self-manufactured” firearm means a firearm fabricated or constructed, including firearm constructed using a 3D printer or any other technology, by a person, or a firearm the component parts which were fit together by a person to construct a firearm, but does not include:
  - (1) A firearm assembled or manufactured by a firearms manufacturer licensed by the State of California and/or the Federal Government, or
  - (2) A firearm with a serialized receiver purchased from a California gun store and later assembled it into a functional firearm. In this case, a licensed Federal Firearms Licensee is the manufacturer of the firearm and has applied its own serial number to the firearm.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 16520, 16535, 16670, 28220, 29180, 29181, 29182, 29183; and 29184 ~~and 30105~~, Penal Code.

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## **Article 4. Firearms Regulated by Penal Code Section 29180**

### **§ 5509. Persons Affected by These Regulations.**

This article applies to the following:

(a) An individual who owns a self-manufactured or self-assembled firearm originally made from an unfinished receiver or frame as of July 1, 2018; and

(b) An individual who intends to manufacture or assemble a firearm from an unfinished receiver or frame on or after July 1, 2018; and

(c) A new resident to the state who wishes to possess in the state a firearm previously self-manufactured or self-assembled or a firearm the resident owns, that does not have a unique serial number or other mark of identification.

Note: Authority cited: Sections 29180 and 29182, Penal Code. Reference: Section 29180, Penal Code.

#### **§ 5510. Effective Dates.**

(a) An individual who owns a self-manufactured or self-assembled firearm originally made from an unfinished receiver or frame that has not yet been recorded with the Department shall:

(1) Beginning on July 1, 2018, apply to the Department to request a unique serial number to record the firearm with the Department. The individual shall submit an electronic application to request a serial number for the self-manufactured or self-assembled firearm to the Department before January 1, 2019.

(b) As of July 1, 2018, no individual shall manufacture or assemble a firearm from an unfinished receiver or frame unless the individual applies to the Department for a unique serial number prior to manufacturing or assembling the firearm.

(c) Beginning January 1, 2019, a new resident to the state shall apply for a unique serial number or other mark of identification pursuant to Section 29182 within 60 days of arrival for any firearm the resident wishes to possess in the state that the resident previously manufactured or assembled or a firearm the resident owns, that does not have a unique serial number or other mark of identification.

Note: Authority cited: Section 29182, Penal Code. Reference: Section 29180, Penal Code.

#### **Article 5. CFARS Reporting of Self-Manufactured or Self-Assembled Firearms Pursuant to Section 29180.**

##### **§ 5511. Online Reporting with CFARS.**

(a) The application to request a unique serial number to record ownership of a self-manufactured or self-assembled firearm that was built prior to July 1, 2018, or to request a unique serial number to record ownership for a firearm that has not yet been manufactured or assembled as of July 1, 2018, shall be filed electronically using the Department's California Firearms Application Reporting System (CFARS), at the following website:  
<https://cfars.doj.ca.gov/login.do>.

(b) A new resident to the state shall apply for a unique serial number or other mark of identification pursuant to Section 29182 within 60 days of arrival for any firearm the resident wishes to possess in the state that the resident previously manufactured or assembled or a firearm the resident owns, that does not have a unique serial number or other mark of identification. The application shall be filed electronically using CFARS, at the following website: <https://cfars.doj.ca.gov/login.do>.

~~(b)~~(c) ~~The application~~Applications will be located on CFARS under the link “Unique Serial Number Application.”

~~(e)~~(d) The application to request a unique serial number to record ownership of a self-manufactured or self-assembled firearm that was built prior to July 1, 2018 shall only be available on the Department’s website until 11:59 p.m. of December 31, 2018. To be processed, all such applications shall be paid in full and submitted online before January 1, 2019.

Note: Authority cited: Section 29182, Penal Code. Reference: Section 29180, Penal Code.

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**§ 5513. Applicant and Firearm Identification Information Entered into CFARS by Applicant and the Department’s Privacy Notice.**

(a) After creating a CFARS account, the applicant shall provide certain identifying information to demonstrate that the applicant is not prohibited under either state or federal law from possessing a firearm before the Department issues a unique serial number to the applicant. The applicant shall provide the following identifying information:

(1) The applicant’s full name, residence street address, email address, telephone number, date of birth, gender, military identification number (if applicable), California Driver License or Identification Card number, U.S. citizenship status, place of birth, country of citizenship, and alien registration number or I-94 (if applicable).

(A) The applicant shall be 18 years of age or older to apply for a unique serial number for a firearm that is not a handgun. Commencing February 1, 2019, the applicant shall be 21 years of age or older to apply for a unique serial number for a firearm that is not a handgun.

(B) The applicant shall be 21 years of age or older to apply for a unique serial number for a handgun.

(2) A description of the firearm that specifies: date of manufacture or the date its assembly will be complete, firearm type, caliber, firearm color, barrel length, type of material used to build the receiver (aluminum, steel, polymer plastic, or other), whether it is a frame or receiver only, all identification marks, and firearm city and state of origin.

(B) If the applicant specifies that the receiver of the firearm being reported is made from material “other” than aluminum, steel, or polymer plastic, the applicant shall provide a brief explanation of the type of material that was used to build the receiver.

(3) The applicant’s Firearms Safety Certificate (FSC) or Handgun Safety Certificate (HSC) number. Instructions on obtaining a FSC can be found on:  
<https://oag.ca.gov/firearms/fscinfo>.

(b) If any part of the identifying information in subdivisions (a), (b), and (c) of this section is missing, the Department shall not approve the applicant’s request for a unique serial number.

(c) The applicant shall agree to the following terms of the Department’s Privacy Notice:

(1) Collection and Use of Personal Information: the Division of Law Enforcement, Bureau of Firearms in the Department of Justice collects the information on this application pursuant to Penal Code sections 29180, 29181, 29182, 29183, and 29184. The Bureau of Firearms uses this information to process and assign a unique serial number(s) to a firearm(s) and to record firearm ownership for an applicant. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice’s general privacy policy is available at: <http://oag.ca.gov/privacy-policy>.

(2) Providing Personal Information: all personal information on this application is mandatory. Failure to provide the mandatory personal information will result in the application not being processed.

(3) Access to Your Information: you may review the records maintained by the Division of Law Enforcement, Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act.

(4) Possible Disclosure of Personal Information: in order to process and assign a unique serial number(s) to a firearm(s) for an applicant, we may need to share the information the applicant provides us with any Bureau of Firearms representative or any other person designated by the Attorney General upon request. The information you provide may also be disclosed in the following circumstances:

(A) With other persons or agencies when necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations, licensing, certification, or regulatory purposes;

(B) To another government as required by state or federal law.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 11106, 16400, 16535, 16670, 27510, 28160, 29180 and 29182, Penal Code and Section 1798.17, Civil Code.

**§ 5514. Recording Fee for a Self-Manufactured or Self-Assembled Firearm.**

(a) The initial fee for submitting an application for a unique serial number is \$35.00. This fee will cover the \$20.00 cost for the firearms eligibility check conducted by the Department and the issuance of one unique serial number for one firearm. If the applicant has multiple self-manufactured or self-assembled firearms or intends to manufacture or assemble multiple firearms, the applicant may request multiple unique serial numbers during the same transaction. It will be an additional \$15.00 for each subsequent request for a unique serial number within the same transaction. There is no limit to the number of unique serial numbers that an applicant may request within a single transaction to record the applicant's self-manufactured or self-assembled firearms.

(b) The fee for the firearms eligibility check and the issuance of a unique serial number for the self-manufactured or self-assembled firearm, shall be paid online by debit or credit card at the time the application is submitted to the Department for processing. If the fee is not paid, the application will not be processed.

(c) Once the firearms eligibility check is completed, an electronic copy of the original determination letter will be available on the applicant's CFARS account for a limited time. It is the applicant's responsibility to print out and save the determination letter for the applicant's records. The Department will not mail a physical copy of the original determination letter to the applicant's residence after the firearm eligibility check is conducted.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 28220, 29182 and 29183 and ~~30105~~, Penal Code.

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**§ 5516. Firearms Eligibility Check Conducted by the Department Prior to Issuing a Unique Serial Number.**

(a) After the applicant pays for and submits an online application to request a unique serial number on CFARS, the Department will conduct a firearms eligibility check to determine that the applicant is not prohibited from possessing a firearm under either state or federal law. The Department will examine both state and federal records to ensure that neither state nor federal law prohibits the applicant from possessing a firearm.

(b) Once the Department processes the request application, it shall notify the applicant either that:

(1) The background check revealed that the applicant is eligible to own a firearm and it will assign a unique serial number to the applicant's firearm; or

(2) The background check revealed that the applicant is ineligible to own a firearm or that the background check could not generate a disposition for the applicant's criminal history. If the applicant is ineligible to own a firearm, the applicant shall not be issued a unique serial number.

(A) If an applicant is ineligible to own a firearm, the applicant will receive a denial notification, which will be sent to the applicant through the applicant's CFARS account. The denial notification that is sent through the applicant's CFARS account will explain the reason and instructions on how to get a copy of the record that resulted in the denial of the application. There will also be instructions on how to dispute and correct the information in the applicant's record that the applicant believes is incorrect.

(c) The Department will notify the applicant of its determination electronically by email. The applicant's CFARS account will generate a generic email notification that will be sent to the applicant's personal email address when the Department makes its determination so that the applicant can log onto the applicant's CFARS account online to view the decision.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 28220 and 29182, ~~and 30105~~, Penal Code; Section 8104, Welfare and Institutions Code.

**§ 5517. 15 Day Period for the Department to Approve or Deny the Applicant's Request for a Unique Serial Number.**

The Department will grant or deny the applicant's request for a unique serial number within 15 calendar days after it receives the application. The 15-day decision timeframe will begin when the applicant's completed CFARS application has been paid for and is submitted to CFARS to commence the firearms eligibility check.

Note: Authority cited: Section 29182, Penal Code. Reference: Sections 28220, 29180, and 29182 ~~and 30105~~, Penal Code.

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