

California Department of Justice
FIREARMS DIVISION
Randy Rossi, Director

INFORMATION BULLETIN

*Subject: IMPLEMENTATION OF SENATE BILL 15
DROS ENTRY AND PROCESSING CHANGES
AND REQUIREMENTS*

No.:
2000 FD-07

Date:
12/12/2000

*For further information contact:
Firearms Division
(916) 227-3703*

**TO: ALL LICENSED FIREARM DEALERS, SECONDHAND DEALERS, AND/OR
PAWN BROKERS**

INTRODUCTION

Effective January 1, 2001, with the exception of specified exempted transactions, no pistol, revolver, or other firearm capable of being concealed upon a person may be manufactured, imported into the state for sale, kept for sale, offered or exposed for sale, given, or loaned to another person in California unless that handgun has passed a safety test performed by a Department of Justice (DOJ) certified laboratory and is listed on the DOJ roster of certified handguns (Senate Bill (SB)15 (Polanco)). This requirement applies to both new and used handguns.

On June 29, 2000, the DOJ Firearms Division successfully implemented emergency regulations that addressed laboratory certification criteria as needed to implement the handgun testing program. Shortly thereafter, the Firearms Division began receiving and processing applications for certification from laboratories around the country. Currently, five laboratories are certified and are testing handguns. As of this date, more than 150 handguns have passed the safety testing requirements and have been placed on the DOJ roster of certified handguns.

The DOJ roster will be continually updated. Dealers are encouraged to obtain a copy of the roster and update it regularly by contacting the Firearms Division's toll free hotline at 1-877-reg-a-gun or by obtaining a copy online at the Firearms Division's web site located at <http://caag.state.ca.us/firearms/certlist.htm>.

Generally, retail sales of handguns that are not listed on the roster will be unlawful beginning January 1, 2001. Accordingly, firearms dealers, secondhand dealers, and pawn brokers should take action to ensure that non-certified handguns are not offered for sale after December 31, 2000, with the exception of certain exempted transactions/handguns which are addressed in this bulletin. End of year sales/transfers of non-certified handguns will be considered valid provided that the DROS process is started on or before December 31, 2000. The DROS number must be assigned and the transaction dated on or before December 31, 2000. If the handgun is not delivered within 30 days of the date of the DROS, the transaction must be canceled and the handgun may not be delivered or offered for sale to the public. The dealer may either sell such a handgun out-of-state or offer it for sale to authorized peace officers as described in Penal Code (PC) section 12078(a)(1) pursuant to procedures addressed in this Information Bulletin. Transactions initiated by December 31, 2000, that have been placed on temporary hold by the DOJ pending clarification of information and/or receipt of court disposition information, may be completed.

CHANGES TO THE DROS PROCESS

Effective January 1, 2001, changes to the DROS Entry System (DES) will be implemented to incorporate SB 15 requirements. As a result, dealers using Point-of-Sale Devices (PSD) and/or

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Coupled Intranet (CI) Personal Computers (PCs) will notice slight changes to a few of the DES screens. Most notably, the DES “Main Menu” screen, the “Handgun Sale” screen, and the “Correct Handgun” main menu screen will all be modified. The DROS Worksheet (see Attachment) has also been revised to include these changes to assist dealers who use the telephone to transmit sales/transfers of firearms by contacting the DES. Dealers are encouraged to make copies of the revised DROS Worksheet and to discard and discontinue using older versions. The revised DROS Worksheet is also available at the Firearms Division’s web site.

DEALER PSD/COUPLED INTRANET (CI) SB 15 DROS PROCESSING INSTRUCTIONS

The PSD and CI main menu screens now include the following seven transaction type menu selections:



All handgun sales that are **not exempt** from the requirements of SB 15 must be processed using the “**Handgun Sale**” transaction type.

To process a handgun sale through the PSD or CI PC, select “Handgun Sale” from the main menu. Once the selection has been made, the handgun DES screen will appear.

- A prompt to select a “Gun Make” from the “Gun Make” drop-down menu will appear.
- A different drop-down menu of certified handgun models relating to the specific make you selected will appear.
- A handgun model selection must be made from the menu in order to complete the transaction. Upon making your selection, it is important that you take into consideration the following specified handgun model characteristics: Model

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name/number; caliber; barrel length; gun type (e.g., revolver, semi-automatic, etc.). After selecting a handgun model from the menu roster, the Make, Model, Caliber, Barrel Length, and Gun Type fields will automatically be filled in by the DES.

TELEPHONIC DEALER INSTRUCTIONS

Dealers who use the telephone for handgun sales transactions will also notice a difference in the telephonic process when communicating a “Handgun” over the phone. Telephonic dealers will be required to specify a handgun make and model from the same DOJ roster of certified handguns. Upon selecting a handgun from the DOJ certified roster and subsequently communicating this information to the DES Customer Service Representative (CSR), **please be sure to verify with the CSR the handgun Make, Model, Caliber, Barrel Length, and Gun Type.**

PROCESSING SB 15 EXEMPT TRANSACTIONS

Generally, all SB 15-exempt transactions will be processed as before. The primary difference is that you must select the appropriate transaction type from the main menu in order for the DROS to be exempted from the SB 15 requirements. Telephonic dealers must communicate the appropriate transaction type to the DES CSR over the telephone. The remainder of this section will inform you of what types of handguns and DROS transactions are exempt from the SB 15 requirements and how they must be processed.

SB 15 EXEMPT HANDGUNS

All curio/relic handguns as defined in Section 178.11 of Title 27 of the Code of Federal Regulations are exempt from the provisions of SB 15. Also exempt are single-action revolvers that have at least a five-cartridge capacity with a barrel length of not less than three inches, and that meet any of the following specifications:

1. Was originally manufactured prior to 1900 and is a curio or relic, as defined in Section 178.11 of Title 27 of the Code of Federal Regulations;
2. Has an overall length measured parallel to the barrel of at least seven and one-half inches when the handle, frame or receiver, and barrel are assembled; or
3. Has an overall length measured parallel to the barrel of at least seven and one-half inches when the handle, frame or receiver, and barrel are assembled and that is currently approved for importation into the United States pursuant to the provisions of paragraph (3) of subsection (d) of Section 925 of Title 18 of the United States Code.

Additionally, Olympic pistols listed in PC section 12132(h)(2) are exempt from the provisions of SB 15. Consequently, firearms dealers, secondhand dealers, and pawn brokers may retain curio/relic handguns and/or firearms defined as Olympic pistols in their inventories for sales to the public.

SB 15 EXEMPT TRANSACTIONS

The following transaction types are also exempt from the requirements of SB 15:

- Sale/transfer/loan of a non-certified handgun that is exempt from the provisions of subdivision (d) of PC section 12072 pursuant to any applicable exemptions contained in PC section 12078 including, but not limited to, the sale to any law enforcement agency or the military for use in the discharge of official duties. This includes sales to a peace officers purchasing a “duty weapon,” provided the officer presents the dealer with a letter from the employing agency indicating that the handgun is to be used in the discharge of the officer’s official duties.
- Sale/transfer of non-certified handguns to authorized representatives of cities/counties, or state or federal governments.
- Private party sales/transfers of non-certified handguns.
- Return of a non-certified handgun to its owner that was originally delivered to the dealer for service/repair.
- The return of a non-certified handgun to its owner where the firearm was initially delivered to the dealer/pawn broker for the purpose of a consignment sale or as collateral for a loan.

The following list of questions and answers is provided to assist you in processing the most common SB 15-exempt transactions. Many of these questions were raised by dealers at the Firearms Division’s training seminars conducted in October 2000.

1. *A peace officer wants to purchase a firearm for a duty weapon that is not on the DOJ roster of certified handguns. The officer has presented a letter from the Law Enforcement Agency (LEA) stating that the firearm is being purchased as a duty weapon. How do I process the DROS?*

Answer: If you are using a PSD or CI, from the main menu select the “Peace Officer” transaction type. If you are a telephonic dealer, advise the DES CSR that it is a “peace officer handgun sale.” The peace officer waiting period exemption will also apply.

2. *How do I process a DROS for a handgun that is exempt under PC section 12133(a), (b) or (c)? (qualifying single action revolver)*

Answer: From the main menu on the PSD/CI DES select the Curio/Relic/Olympic/SB 15-Exempt menu, and complete the handgun DROS entry screen. Telephonic dealers must advise the DES CSR that the transaction type is a Curio/Relic/Olympic/SB 15-Exempt.

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3. *How do I process a curio/relic handgun exempted from the requirements of SB 15?*

Answer: From the main menu on the PSD/CI DES select the Curio/Relic/Olympic/SB 15 Exempt menu, and complete the handgun DROS entry screen. Telephonic dealers must advise the DES CSR that the transaction type is a Curio/Relic/Olympic/SB 15-Exempt.

4. *How do I process an Olympic target shooting pistol that is exempted pursuant to AB 2351?*

Answer: From the main menu PSD/CI DROS entry screen select Curio/Relic/Olympic Pistol/SB 15-Exempt and complete the handgun DROS entry screen. Be sure that the pistol model you enter is one that is listed in subdivision (h) of PC section 12132. Telephonic dealers must advise the DES CSR that the transaction type is a Curio/Relic/Olympic Pistol/SB 15-Exempt.

5. *Can a fully licensed California firearms dealer accept a “dealer to dealer” transfer from out of state when the handgun is not listed on the DOJ roster of certified handguns?*

EXAMPLE: A California resident would like to purchase a handgun while on vacation in Nevada and requests the Nevada dealer to ship the firearm to a licensed California Dealer.

Answer: No, unless the handgun is listed on the DOJ roster of certified handguns. If the handgun is listed on the DOJ roster then the transaction would be processed as a “Handgun Dealer Sale” while adhering to the SB 15 processing instructions addressed in this bulletin.

6. *Can a licensed dealer continue consignment sales of firearms that are not listed on the roster of certified handguns? Does the seller have to return to sign the seller portion of the DROS, if numerous firearms are involved?*

Answer: PC section 12132, subdivision (f) allows for the return of a handgun from consignment or pawn. The implication is that these transactions are still permissible, but the handgun could not be sold in California by the dealer as a dealer sale where the handgun is abandoned, forfeited to pay the consignment fee or title is taken as the result of the default of a collateral loan (pawn). Assuming that the title of the firearm never transfers to the dealer, dealers may continue facilitating consignment sales via the DROS process. All handguns brought into the dealer’s inventory for consignment sales must be clearly labeled as such and should be placed on exhibit on or in a separate display shelf/case that is clearly marked “Consignment Sales.”

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Additionally, dealers must continue to report any handguns accepted for sale or consignment pursuant to Business and Professions Code (B&P) section 21628, and must retain such property in their possession for a period of thirty (30) days pursuant to B&P section 21636.

To initiate the transaction of such sales, the consignor must be present. The dealer must complete the “Revolver/Pistol Information” and “Private Party Transfer” (Seller Information) portions of the DROS Worksheet (Attachment), write “consignment sale” on it, and retain it on file until a purchaser is found. A separate DROS worksheet must be completed for each handgun taken in for sale on consignment. Once a purchaser has been identified, complete the DROS as a “Private Party” transaction and retrieve the copy(s) of the previously completed DROS worksheet from your files and attach it to the DROS. Also, you must note “Consignment” in the “DROS comment” field upon completing consignment sales.

Dealers must adhere to this process to maintain non-certified handguns in their inventory for consignment sales. DOJ inspection staff will begin inspecting dealer handgun inventories and consignment sales DROS worksheet files to verify compliance with SB 15. Failure to maintain the appropriate paperwork relative to consignment sales may result in criminal sanctions and/or removal of the firearms dealer from the DOJ Centralized List of firearms dealers.

Note: Dealers are admonished not to attempt to place their existing inventories of non-certified handguns for sale on consignment with other secondhand dealers as DOJ and other law enforcement authorities will view this as an act of collusion to circumvent the requirements of SB15. Such action may result in both criminal sanctions against dealers and/or their removal from the DOJ Centralized List.

7. *When is it appropriate to DROS a handgun as a “Pawn/Consignment Return” transaction?*

Answer: It is appropriate to select the “Pawn/Consignment Return” transaction type upon completing a DROS to return a firearm to the person who originally pawned it or placed it with a dealer for a consignment sale. Typically, with the exception of personal handgun importer transactions, the “Pawn/Consignment Return” transaction is used to return firearms to the original owner upon the termination of the property bailment.

8. *Are dealers limited to the amount of fees that they may charge for transacting consignment sales because the transaction is being processed as a “Private Party Sale?”*

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Answer: No, a consignment transaction is not limited to the \$10 transfer fee since the dealer is supplying the customer with more services than a private party sale. In the past, consignment sales were processed as dealer sales for simplicity sake and to allow for simplified records. However, in light of the new legislation, it will be necessary for consignment sales to be handled as separate legal transactions.

9. *Can a dealer who has transferred his/her dealership inventory of non-certified handguns into his/her personal collection, using the DROS process sell any of these handguns as a "Private Party" after January 1, 2001?*

Answer: A dealer may sell privately owned non-certified handguns from his/her personal collection by processing the transaction as a "Private Party" transfer. However, this is in recognition of a dealer's private handgun collection pursuant to 27 CFR 178.125a, PC section 12078, subdivision (n), and 12072, subdivision (9)(B)(vii), and *is NOT viewed by the California DOJ as an exception to PC section 12125, et. seq., which would enable a dealer to transfer the non-certified handguns from his/her dealer stock to personal possession in order for resale to circumvent the requirements of SB 15.*

In addition, a dealer must wait a year after placing handguns in his/her personal inventory (27 CFR 178.125a) before selling them. The dealer shall complete the DROS as a private party transaction and must comply with the statutory requirement of "infrequent" firearm sales because under this particular circumstance, the dealer is acting as a "private party" and not a "dealer" (PC 12070(c)(i)(A)).

10. *Can a dealer sell a frame or receiver that is listed on the roster of certified handguns?*

Answer: No, PC section 12131.5 states that a firearm cannot be altered in dimension, material, linkage, or functioning of the magazine well, barrel, the chamber, or any components of the firing mechanism of the firearm, from the certified firearm. Consequently, dealers may sell only complete firearms as approved for placement on the roster.

11. *If a dealer takes in a non-certified handgun for repair, can it be returned to the owner?*

Answer: Yes, return of a handgun to its owner if brought in for repair is allowed.

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12. *A law enforcement agency wishes to purchase non-certified duty handguns for its officers. Can I process this sale?*

Answer: Yes, law enforcement agencies are exempt from the provisions of SB 15 (PC section 12125 (b)(4)). To process such transactions from the main menu, select the “Peace Officer” transaction menu and complete the handgun DROS screen. Telephonic dealers must advise the DES CSR that the transaction type is “Peace Officer.”

13. *Can shooting ranges continue to rent non-certified handguns?*

Answer: Yes, provided the loan occurs on the premises of the target facility and the handgun is at all times kept within the premises of the target range (PC sections 12132(b), 12078(h)).

14. *If a customer defaults on his/her pawned non-certified handgun, what alternatives are available to the dealer to sale/dispose of the firearm?*

Answer: Dealers may offer such handguns for sale out-of-state or display them for sale to law enforcement personnel who must obtain authorization from their agencies to purchase such handguns as duty weapons. Such firearms must be clearly labeled and placed on exhibit in a separate shelf/display case in the dealer’s place of business that is clearly marked “Only for Sale to Law Enforcement Personnel.” Because in a default situation, title of the handgun does pass to the dealer, such handguns may not otherwise be sold in California by a dealer.

PROCESSING DROS CORRECTIONS FOR CERTIFIED HANDGUN TRANSACTIONS

The “Correct Handgun” menu screen has been revised to add “Certified Gun” to the options listed on the drop-down menu. When correcting certified handgun information relative to a gun make, model, caliber, and barrel length that was previously submitted, from the “Correct Handgun” menu screen, select “Certified Handgun”; subsequently, the “Certified Gun” drop down menu will appear; then, re-select a new entry from the “Certified Handgun” drop down menu. Telephonic dealers must advise the DES CSR that they are making a correction to a certified handgun DROS. To correct a “gun serial number,” select “Serial Number” from the “Correct Handgun” menu screen as there has been no change to this portion of the DROS correction process relative to “Certified Handguns.” All non-certified handgun corrections will continue to be processed in the same manner that they are currently done.

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INFORMATION/QUESTIONS

If you would like to view the text of the regulations or SB 15, please go to our web site at <http://caag.state.ca.us/firearms>. If you have any questions regarding this Information Bulletin, the laboratory certification process, or the handgun testing program, please call the Firearms Information Services Section at (916) 227-3703.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Rossi", with a large, stylized flourish above the name.

RANDY ROSSI, Director
Firearms Division

For

BILL LOCKYER
Attorney General

Attachment

DEALER'S RECORD OF SALE OF FIREARM WORKSHEET

CFD NUMBER: _____
DROS NO. ASSIGNED: _____

TRANSACTION INFORMATION

TRANSMISSION DATE: _____	TIME: _____	FIREARM TYPE: <input type="checkbox"/> HANDGUN <input type="checkbox"/> LONG GUN(S) <small><i>If long gun transaction, enter the number of firearms: _____</i></small>
TRANSACTION TYPE: <input type="checkbox"/> DEALER SALE <input type="checkbox"/> PRIVATE PARTY TRANSFER <small><i>(cert-list exempt)</i></small> <input type="checkbox"/> LOAN <small><i>(cert-list exempt)</i></small> <input type="checkbox"/> PAWN/ CONSIGNMENT RETURN <small><i>(cert-list exempt)</i></small> <input type="checkbox"/> CURIO/RELIC/OLYMPIC/ OTHER SB 15 EXEMPT/ <small><i>(cert-list exempt)</i></small> <input type="checkbox"/> PEACE OFFICER <small><i>(cert-list exempt)</i></small> <input type="checkbox"/> GUN SHOW TRANSACTION? <input type="radio"/> YES <input type="radio"/> NO		

WAITING PERIOD EXEMPTIONS

PURCHASER CLAIMS THE FOLLOWING WAITING PERIOD EXEMPTION PURSUANT TO 12078 PC (if applicable):

<input type="checkbox"/> PEACE OFFICER STATUS	<input type="checkbox"/> FIREARM DELIVERED AT NONPROFIT EVENT <small><i>(Valid for Rifles and Shotguns Only)</i></small>	<input type="checkbox"/> COLLECTOR STATUS <small><i>(Valid for Curio/Relics Only)</i></small>
<input type="checkbox"/> DEALER STATUS <small>Enter CFD number: _____</small>	<input type="checkbox"/> SPECIAL WEAPONS PERMIT <small>Enter type of permit and number: _____</small>	<input type="checkbox"/> Transaction exempt from the 1-handgun-per-30-day limit?

REVOLVER / PISTOL INFORMATION

MAKE (As Stamped on Handgun) (Colt, S&W, etc)	MODEL (647, Redhawk, etc)	CALIBER(S)
SERIAL NUMBER	OTHER NUMBER (If Different from Serial Number)	HANDGUN TYPE: <input type="checkbox"/> REVOLVER <input type="checkbox"/> SEMI-AUTO <input type="checkbox"/> DERRINGER
HANDGUN COLOR: <input type="checkbox"/> BLUE STEEL <input type="checkbox"/> SILVER/NICKEL/ STAINLESS <input type="checkbox"/> OTHER _____	BARREL LENGTH	HANDGUN ORIGIN (USA, Italy, etc)
FRAME ONLY? <input type="radio"/> YES <input type="radio"/> NO	NEW HANDGUN? <input type="radio"/> YES <input type="radio"/> NO	COMMENTS

PURCHASER INFORMATION

FIRST NAME	MIDDLE NAME	LAST NAME	SUFFIX
ALIAS FIRST NAME	ALIAS MIDDLE NAME	ALIAS LAST NAME	ALIAS SUFFIX
STREET ADDRESS			ZIP CODE

One of the following forms of identification is required to legally purchase firearms in California: California Driver's License (CDL), California ID (CID) card issued by the DMV, Military ID (MIL) for active duty military accompanied by permanent duty station orders indicating that the purchaser is stationed in California, or a Diplomatic Passport with a letter from the embassy or consulate.

ID TYPE (Circle One) <input type="radio"/> CDL <input type="radio"/> CID <input type="radio"/> MIL <input type="radio"/> Diplomatic Passport	ID NUMBER	ID SOURCE (State or Country)
TELEPHONE NUMBER ()	DATE OF BIRTH MO DAY YR	PLACE OF BIRTH
SEX	EYES	HAIR
HEIGHT	WEIGHT	BFSC NUMBER OR EXEMPTION CODE (Handguns Only)

Answer the following questions by checking "YES" or "NO"

<input type="radio"/> YES <input type="radio"/> NO	HAS PURCHASER EVER BEEN CONVICTED OF A FELONY OR OF AN OFFENSE SPECIFIED IN PENAL CODE SECTION 12021.1, 12021(c)(1), OR 12001.6?
<input type="radio"/> YES <input type="radio"/> NO	IS PURCHASER A MENTAL PATIENT OR ON LEAVE OF ABSENCE FROM A MENTAL HOSPITAL AS DESCRIBED IN WELFARE AND INSTITUTIONS CODE SECTION 8100?
<input type="radio"/> YES <input type="radio"/> NO	HAS PURCHASER EVER BEEN ADJUDICATED BY A COURT TO BE A DANGER TO OTHERS, FOUND NOT GUILTY BY REASON OF INSANITY, FOUND INCOMPETENT TO STAND TRIAL, OR PLACED UNDER A CONSERVATORSHIP, PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 8103?
<input type="radio"/> YES <input type="radio"/> NO	IS PURCHASER CURRENTLY THE SUBJECT OF ANY RESTRAINING ORDER PURSUANT TO FAMILY CODE SECTION 6380?

IN ADDITION, I HAVE READ THE LIST OF PROHIBITED OFFENSES, AND NOTHING WOULD PRECLUDE ME FROM POSSESSING A FIREARM.	SIGNATURE OF PURCHASER
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FIRST NAME	MIDDLE NAME	LAST NAME	SUFFIX
STREET ADDRESS			ZIP CODE
ID TYPE	ID NUMBER	ID SOURCE (State or Country)	TELEPHONE NUMBER ()
DATE OF BIRTH MO DAY YR	RACE	SEX	

DEALER INFORMATION

COMMENTS	
DEALER TELEPHONE NUMBER ()	SIGNATURE OF SALESPERSON