

INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

California Penal Code section 11106 requires the Department of Justice (Department) to keep and properly file information for firearm records, and to accept applications for unique serial numbers and Certificates of Eligibility (COE). The Department has developed an electronic system to accept, store, and manage the data. Also, to use the electronic system, individuals need an online mechanism to submit information to the Department. These regulations address that problem.

ANTICIPATED BENEFITS

These regulations specify to an individual how to create a California Firearms Application Reporting System (CFARS) account. Once an individual has created a CFARS account, he or she will be able to easily and promptly submit a firearm ownership report or record, update a firearm record, and apply for a COE or unique serial number. By having the information submitted and stored in an electronic database, it will be easier for the Department to process applications, manage and retrieve information, and communicate with the account holder. Additionally, using the electronic system, rather than a paper system, will save the individual money and allow for a more efficient processing time.

PURPOSE AND NECESSITY

§ 4340. Account Creation.

This section explains the requirements for an individual to create a CFARS account and mandates the creation of a CFARS account. The creation of a CFARS account is necessary, so individuals can receive email notifications regarding the status of their submissions. A CFARS account also allows individuals to efficiently complete firearms submissions with their personal information encrypted and securely stored. Thus, there is no longer the requirement for an individual to re-type their personal information for future submissions.

Subdivision (a) specifies the web address where an individual can create a CFARS account and then submit a firearm ownership report, update a firearm record, and apply for a COE.

Subdivision (b)(1) through (4) details the conditions of use that an individual must agree to when creating an account in CFARS. This subdivision is necessary because when an individual creates a CFARS account it enables the Department to keep a lasting record of the information they provide. Furthermore, the conditions of use information presented in this subdivision is necessary to ensure the individual is aware of the specifics relative to non-liability, authorization, fees, and true and accurate information prior to creating the account.

Subdivision (c)(1) through (4) explains the information required to create a CFARS account.

§ 5473. Registration of Assault Weapons Pursuant to Penal Code Section 30900 (b)(1); California Firearms Application Reporting System (“CFARS”); Account Requirements.

This section has been repealed to remove all language regarding the creation of a CFARS account because section 4340 explains this process.

§5474. Registration of Assault Weapons Pursuant to Penal Code Section 30900 (b)(1); Applicant and Firearms Information.

This section has been amended to explain that a CFARS account must be created pursuant to section 4340 before the registration of an assault weapon can be initiated.

§ 5512. CFARS Reporting Process.

This section has been repealed to remove all language regarding the creation of a CFARS account because section 4340 explains this process.

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

This section has been amended to explain that a CFARS account must be created pursuant to section 4340 before the process to acquire a unique serial number for a self-manufactured or self-assembled firearm can be initiated. Furthermore, subdivision (b) has been amended to specify the requirements of an application for a unique serial number.

AUTHORITY AND REFERENCE

Authority: Sections 11106, 29182, and 30900, Penal Code.

Reference: Sections 11106, 16400, 16535, 16670, 26915, 26700, 26710, 27510, 27560, 27565, 27875, 27920, 27966, 28000, 28160, 29180, 29182, 30370, 30515, 30900, and 33850, Penal Code.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

Department staff relied upon its experience and expertise when writing these proposed regulations. The Department did not rely upon technical, theoretical, or empirical studies or reports when writing these regulations.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department determined the proposed regulations will not have a significant adverse economic impact. The Department concludes it is unlikely the proposed regulations will affect (1) the creation or elimination of jobs within California, (2) the creation of new businesses or the elimination of existing businesses within California, or (3) the expansion of businesses currently

doing business with California. This assessment is based on the fact that there is no cost for an individual to create a CFARS account. Any economic impact from requiring individuals to create a CFARS account will likely be positive, resulting in savings of time and resources.

Additionally, these regulations are beneficial to the health and welfare of California residents and worker safety because they establish an electronic process for an individual to create and use a CFARS account, which will make the firearm related information easier for an individual to provide and for the Department to manage. Furthermore, these regulations will benefit the state's environment through the use of an electronic, rather than a paper, system.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department finds that the proposed regulations will not have a statewide adverse economic impact on businesses because the regulations pertain only to the process for an individual to create and use a CFARS account.

REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other reasonable alternatives were presented to, or considered by, DOJ that would be either 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.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES, AND THE AGENCY'S REASONS FOR REJECTING THEM

The proposed regulations will not have an adverse impact on small businesses because the regulations only impact private individuals, and there is no cost to them for creating a CFARS account. Consequently, no reasonable alternatives were proposed or considered by the Department.

DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS

The Department determines that these regulations are not duplicative and do not conflict with federal regulations.