

# NOTICE OF PROPOSED RULEMAKING

Notice to be published on October 5, 2018

The Department of Justice (Department) proposes to adopt section 4340, repeal sections 5473 and 5512, and amend sections 5474 and 5513 of Title 11, Division 5, of the California Code of Regulations regarding the creation of a California Firearms Application Reporting System (CFARS) account, after considering all comments, objections, and recommendations regarding the proposed action.

## PUBLIC HEARING

The Department has not scheduled a public hearing on this 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 his or her 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 at 5:00 p.m. on November 19, 2018. Only comments received by that time will be considered. Written comments must be submitted to:

Jessie Romine  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Phone: 916-227-4217  
Email: [CFARSregs@doj.ca.gov](mailto:CFARSregs@doj.ca.gov)

## AUTHORITY AND REFERENCE

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

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

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action specifies how an individual can create a CFARS account.

Penal Code section 11106 authorizes the Department to keep and properly file firearm records. These regulations explain what is required for an individual to create a CFARS account, which

will, in turn, allow an individual to report or update firearm ownership information, apply for a unique serial number for a firearm, or apply for a Certificate of Eligibility (“COE”).

The regulations proposed in this rulemaking action would do the following:

CCR, Title 11, Division 5, Chapter 12

Section 4340 has been added to explain the requirements for creating a CFARS account, including the conditions of use and the required account information.

CCR, Title 11, Division 5, Chapter 39

Section 5473 has been repealed as section 4340 explains the requirements for creating a CFARS account.

Section 5474 has been amended to explain that a CFARS account must be created pursuant to section 4340 before an individual can initiate the registration of an assault weapon.

CCR, Title 11, Division 5, Chapter 41

Section 5512 has been repealed as section 4340 explains the requirements for creating a CFARS account.

Section 5513 has been amended to establish that a CFARS account must be created pursuant to section 4340 and to specify the requirements of an application for a unique serial number.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

These regulations explain what is required to create a CFARS account so that a user can electronically submit a firearm ownership record or report, update a firearm record, request a unique serial number for a firearm, or apply for a COE. The online account system will increase the efficiency of submitting these items to the Department, storing the information, retrieving the data, and communicating with the account holder.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

Pursuant to Government Code section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. The Department has reviewed existing regulations pertaining to firearms and ammunition within California Code of Regulations (CCR) Title 11, Division 5 and determined the proposed regulations are not inconsistent or incompatible.

This determination is based on the fact that the regulations are not inconsistent or incompatible with existing state regulations because the Department is repealing or amending existing regulations that provide for or reference the creation of a CFARS account.

## COMPARABLE FEDERAL REGULATIONS

The proposed regulations are not mandated by federal statute or regulation.

## 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: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business report requirement: None.

Significant effect on housing costs: None.

## RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department has concluded that the adoption, repeal, and amendment of the proposed regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department's determination on items (1) through (3) is based on the fact that there is no cost to private individuals for creating CFARS account. Any individual with an internet connection has the ability to create a CFARS account. The regulations pertain only to the process for an individual to create and use a CFARS account.

(4) Benefits of the regulations to the health and welfare of California residents, worker safety, and the state's environment: Once an individual has created a CFARS account, he or she will be able to easily 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 much easier for the Department to process applications, manage and retrieve information, and communicate with the account holder. Additionally, these regulations will benefit the state's environment through the use of an electronic, rather than a paper, system.

Small Business Determination: The Department has determined the proposed regulations will not affect small business because the regulations pertain only to the process for private individuals to create and use a CFARS account.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, 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.

Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Jessie Romine  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Email: [CFARSregs@doj.ca.gov](mailto:CFARSregs@doj.ca.gov)  
Telephone: (916) 227-4217

The back up contact person for these inquiries is:

Jacqueline Dosch  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Email: [CFARSregs@doj.ca.gov](mailto:CFARSregs@doj.ca.gov)

Telephone: (916) 227-7614

#### AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulations (the “express terms”), the Initial Statement of Reasons, and the information upon which the proposed rulemaking is based are available on the Department website at <http://oag.ca.gov/firearms>. Copies may also be obtained by contacting Jessie Romine.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt, repeal and amend the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, the Department will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before the Department adopts, repeals, or amends the regulations. Copies of any modified text will be available on the Department website at <http://oag.ca.gov/firearms>. A written copy of any modified text may be obtained by contacting Jessie Romine.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the Final Statement of Reasons will be available on the Department website at <http://oag.ca.gov/firearms>. You may also obtain a written copy of the Final Statement of Reasons by contacting Jessie Romine.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed regulations in underline and strikeout format, as well as the Final Statement of Reasons once completed, can be accessed through the Department website at <http://oag.ca.gov/firearms>.