

CALIFORNIA DEPARTMENT OF JUSTICE
TITLE 11. LAW
DIVISION 5. FIREARMS REGULATIONS
CHAPTER 2. CENTRALIZED LIST OF FIREARMS DEALERS
TEXT OF PROPOSED REGULATIONS

The original text published in the California Code of Regulations has no underline. Changes are illustrated by blue underline for proposed insertions and ~~red strikethrough~~ for proposed deletions.

Article 5. Additional Requirements

§ 4025. Notification of Dealer Relinquishment After ~~Aa~~ Failed Private Party Transfer.

(a) When a dealer delivers possession of a firearm to a law enforcement agency pursuant to Penal Code section 28050, subdivision (e) or (f), the dealer shall notify the Department within 72 hours after delivery of the firearm and report the following information:

- (1) California Firearms Dealer number, dealer's name (as shown on license), business address and telephone number.
- (2) A description of the firearm, including firearm type (i.e., handgun, rifle, shotgun, rifle/shotgun combination, or other), category (i.e., bolt action, carbine, double barrel, three barrels, four or more barrels, derringer, lever action, over and under, pump action, revolver, semi-automatic, or single shot), make, model, caliber, color, and serial number.
- (3) The date the dealer is notified they cannot legally return the firearm to the transferor, seller, or person loaning the firearm.
- (4) The name, date of birth, physical address, and identification type and number used on the DROS Entry System (DES) transaction record of the seller, transferor, or person loaning the firearm to whom the dealer could not legally return the firearm.
- (5) A description of the law enforcement agency receiving the firearm (including name, address, telephone number, and ORI number) and name and badge number of law enforcement agency representative who took physical possession of the firearm on behalf of the law enforcement agency.
- (6) Name and Certificate of Eligibility (COE) number of the dealer representative who transferred the firearm to the law enforcement agency.

(7) Date of transfer of the firearm from the dealer to the law enforcement agency.

(b) Before July 1, 2024, the dealer shall report the information in subdivision (a) on the Report of Dealer Relinquishment, form BOF 1041A. The form BOF 1041A shall be signed and dated by the dealer representative who physically delivered the firearm and the law enforcement agency representative who took physical possession of the firearm on behalf of the law enforcement agency. Additional firearm(s) shall be concurrently reported on form BOF 1041B. The form(s) must be sent by email to appsunitdoj@doj.ca.gov. Alternatively, the form(s) may be mailed to: Department of Justice, Bureau of Firearms – APPU, P.O. Box 820200, Sacramento, CA 94203. If sent by mail, the form shall be postmarked within 72 hours of the delivery of the firearm to law enforcement.

(c) On and after July 1, 2024, the dealer shall report the information in subdivision (a), as well as the DROS or 45-day storage number for the failed private party transfer, through the DES. The dealer shall certify that the information reported is true and correct under penalty of perjury. ~~DES will generate a form, which shall be signed and dated by the dealer representative who physically delivered the firearm and the law enforcement agency representative who took physical possession of the firearm on behalf of the law enforcement agency. The form must be sent by email to appsunitdoj@doj.ca.gov. Alternatively, the form may be mailed to: Department of Justice, Bureau of Firearms—APPU, P.O. Box 820200, Sacramento, CA 94203.~~

Note: Authority cited: Section ~~28050~~28060, Penal Code. Reference: Section 28050, Penal Code.

§ 4026. Notification of Dealer Retention After a Failed Private Party Transfer.

(a) Within 72 hours after retaining possession of a firearm pursuant to Penal Code section 28050, subdivision (f)(1), the dealer shall notify the Department of their retention of the firearm and report the following information:

(1) California Firearms Dealer number, dealer’s name (as shown on license), business address and telephone number.

(2) A description of the firearm, including firearm type (i.e., handgun, rifle, shotgun, rifle/shotgun combination, or other), category (i.e., bolt action, carbine, double barrel, three barrels, four or more barrels, derringer, lever action, over and under, pump action,

revolver, semi-automatic, or single shot), make, model, caliber, color, and serial number. If frame or receiver only, report whether it is a federally regulated firearm precursor part.

(3) The name, date of birth, gender, physical address, and identification type and number used on the DROS Entry System (DES) transaction record of the seller, transferor, or person loaning the firearm to whom the dealer could not legally return the firearm.

(b) The dealer shall report the information in subdivision (a) through the DROS Entry System (DES). After the dealer enters the DROS number for the failed private party transfer, DES will auto-populate the required information. The dealer shall certify that the information reported is true and correct under penalty of perjury.

(c) The 45-day period specified in Penal Code section 28050, subdivision (f)(1), begins when the seller, transferor, or person loaning the firearm requests that the dealer retain the firearm. Before the end of the 45-day period, the seller, transferor, or person loaning the firearm may designate one person to receive the firearm. If the dealer cannot legally deliver the firearm to the designated person, the dealer shall forthwith deliver possession of the firearm to a law enforcement agency pursuant to Penal Code section 28050, subdivision (f)(3).

Note: Authority cited: Section 28060, Penal Code. Reference: Section 28050, Penal Code.