



DIVISION OF LAW ENFORCEMENT  
BUREAU OF FIREARMS  
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December 23, 2022

Firearms Manufacturers and Interested Parties

Re: Invitation for Preliminary Comments on Proposed Rulemaking  
Regarding Firearm Microstamping

## **Background**

Since 2001, California's Unsafe Handgun Act has established baseline safety and certification standards for handguns. The Act places restrictions on the manufacture, sale or importation of "unsafe handguns" that do not meet these minimum standards. Over a decade ago, California lawmakers expanded these restrictions by enacting the Crime Gun Identification Act, the nation's first law mandating that newly developed semiautomatic pistols incorporate microstamping technology to assist law enforcement in solving gun crimes. This technology transfers a microscopic array of characters ("microstamp") from the firearm to the ammunition cartridge when the firearm is fired. Law enforcement could then use the microstamped cartridge to identify the handgun that fired the ammunition.

Previously, California Penal Code section 31910 had required the microstamp to be imprinted in two or more places on the internal working parts of the handgun. Effective July 1, 2022, Assembly Bill (AB) No. 2847 revised the criteria by requiring the microstamp to be imprinted in only one place on the interior of the handgun. This change was made to encourage manufacturers to equip handguns with a microstamping mechanism.

## **Invitation for Comments**

Existing regulations implementing the law do not require the unique microstamp on each handgun to be transmitted to and recorded by the Department of Justice (Department). Without a record of this information, law enforcement is unable to use the microstamp to identify firearms that are used in criminal activity.

In accordance with California Government Code sections 11346, subdivision (b), and 11346.45, the Department seeks input from stakeholders in developing a procedure for each handgun's unique microstamp to be transmitted to the Department so that it can be recorded for future reference.

Comments on the following topics will assist the Department in developing new regulations to achieve the law's objectives in the most effective manner:

- Who is best suited to provide the microstamp to the Department? Is it manufacturers, U.S. distributors, a U.S. regional distribution location, or dealers?
- When should the microstamp be provided to the Department? For example, manufacturers could be required to report the microstamp to the Department prior to the firearm being offered for sale in California, or manufacturers could be required to report the microstamp to the Department shortly after the sale of each microstamp-equipped handgun.
- How should the microstamp be provided to the Department? For example, the microstamp could be transmitted via an Excel document through a secure transfer protocol.
- If the firearm part that creates the microstamp imprint needs to be replaced (e.g., a firing pin is broken), should the regulated replacement part have the same microstamp as the original part, or should the manufacturer be able to provide a replacement part with a different microscopic array?

The public is invited to submit comments related to any issue regarding the implementation of this procedure.

Commenters are encouraged to review the short “Tips for Submitting Effective Comments” guide for help formulating and submitting effective comments, found here:

<https://oag.ca.gov/sites/all/files/agweb/pdfs/meeting/tips-effective-comments.pdf>

This invitation for comments is not a proposed rulemaking action under Government Code section 11346. This invitation for comments is part of the Department’s preliminary rulemaking activities under Government Code section 11346, subdivision (b). The public will have the opportunity to provide additional comments on any proposed regulations or modifications when the Department proceeds with a notice of proposed rulemaking action.

### **Time for Comments**

The Department invites interested parties to submit comments by 5 p.m., February 1, 2023.

### **How to Submit Comments**

Comments may be submitted by email or mail:

- E-mail: [bofregulations@doj.ca.gov](mailto:bofregulations@doj.ca.gov)  
Please include “Microstamp” in the subject line.
- Mail written comments:  
Kelán Lowney  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816

Please note that comments submitted to the Department are public records.

**Further Information**

Information regarding the rulemaking will be posted to <https://oag.ca.gov/firearms/regs>.  
To receive email notifications of future rulemaking activities, please e-mail:  
[bofregulations@doj.ca.gov](mailto:bofregulations@doj.ca.gov).

Sincerely,



ALLISON MENDOZA, Acting Director  
Bureau of Firearms

For ROB BONTA  
Attorney General