

CALIFORNIA DEPARTMENT OF JUSTICE
TITLE 11. LAW
DIVISION 5. FIREARMS REGULATIONS
CHAPTER 12. CALIFORNIA FIREARMS APPLICATION REPORTING SYSTEM
FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

§ 4342. Online Reporting with CFARS.

Subdivision (b) was amended to delete “eligible,” “may satisfy the reporting requirements of,” “of an unsafe handgun to an eligible entity or individual,” and “as prescribed by Penal Code section 26600, subdivision (c)” and add “that report firearm transfers as prescribed in Penal Code section 26600, et seq. may satisfy the 72-hour reporting requirement in.” These amendments are necessary to clarify to entities that they can satisfy the 72-hour reporting requirement prescribed in Penal Code section 32000, subdivision (e)(2) by reporting the sale or transfer of an unsafe handgun through the Automated Firearms System (AFS). Additionally, “as prescribed by Penal Code section 26600, subdivision (c)” could be interpreted to be broader than intended. Penal Code section 26600, subdivision (c) allows ten days for entities to report the sale or transfer of a handgun, while Penal Code section 32000, subdivision (e)(2) mandates reporting within 72 hours. The amendments also remove duplicative language.

§ 4343. Reporting Requirements.

Subdivision (a)(1) was amended to replace “agree to” with “acknowledge” and replace “report” with “record.” These changes were made for accuracy and consistency with current Departmental practices. Transferors must acknowledge the Department’s Privacy notice, and the Department records, not reports, that a firearm has been transferred to another individual or entity.

Subdivision (a)(2) was amended to delete “and a violation of Penal code section 32000.” This amendment is necessary to clarify to transferors that submitting an incomplete report by failing to provide mandatory information is not a violation of Penal Code section 32000. The regulations specify that transferors will be notified by the Department if their report is deemed incomplete and will have the opportunity to correct and resubmit the report to the Department within 30 calendar days of being notified.

Changes without regulatory effect. Subdivisions (b)-(g) were replaced with subdivisions (a)-(f) to account for the deletion of the previous subdivision (a).

§ 4344. Notice of Incomplete Report.

Subdivision (a) was amended to replace “may” with “will also.” This amendment is necessary to clarify that the Department will request mandatory information missing from an incomplete report when notifying the transferor that a report has been deemed incomplete.

Subdivision (a) was also amended to delete “any missing mandatory,” “requested,” and “of the transferor being notified of the request in CFARS,” and add “that,” “be corrected or provided within 30 calendar days of the transferor being notified,” and “mandatory.” These amendments are necessary for clarity purposes and to remove duplicative language.

SUMMARY OF COMMENTS AND DEPARTMENT RESPONSES

The Department did not receive any comments during either the 45-day or 15-day public comment periods.

LOCAL MANDATE DETERMINATION

The proposed regulation does not impose any mandate on local agencies or school districts.

ALTERNATIVES DETERMINATIONS

In accordance with Government Code section 11346.9, subdivision (a)(4), the Department has determined that no alternative it considered, or that it otherwise identified, or was 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.

Penal Code section 32000, subdivision (e)(2) requires a person or entity to notify the Department within 72 hours of the sale or transfer of an unsafe handgun in a manner and format prescribed by the Department.

The proposed regulation requires a person or entity to transmit information about the transfer or sale to the Department on a prescribed form. Requiring the individual to notify the Department via the prescribed form is the easiest way to make sure the individual provides all required information.

ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

The Department determines that the proposed regulations do not affect small businesses.

DOCUMENTS INCORPORATED BY REFERENCE

None.

NON-DUPLICATION

Some of the regulations may repeat or rephrase in whole or in part a state or federal statute or regulation. This was necessary to satisfy the clarity standard set forth in Government Code section 11349.1, subdivision (a)(3).