

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

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

There have been no changes to the information described in the Initial Statement of Reasons

CORRECTIONS AND NON-SUBSTANTIAL EDITS

A “non-substantial change is one that clarifies without materially altering the requirements, rights, responsibilities, conditions or prescriptions contained in the original text. (Cal. Code Regs., tit. 1, § 40.) The following minor additional issues were noted since publication of the Notice of Proposed Rulemaking and Initial Statement of Reasons:

§ 4025. Notification of Relinquishment After A Failed Private Party Transfer.

In subdivision (b), the revision dates for the BOF 1041A and BOF 1041B forms have been deleted. This does not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text because the forms are not incorporated by reference.

SUMMARY OF COMMENTS AND DEPARTMENT RESPONSES

The Department did not receive any written comments during the 45-day public comment period.

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.

The proposed regulation requires firearms dealers to report the delivery of a firearm to law enforcement on a form prescribed by the Department. Requiring the dealer to notify the Department via the prescribed form is the easiest way to make sure that the dealer provides all required information. Once the DROS Entry System (DES) is updated, the dealer will make the

report electronically via the DES. Dealers are already familiar with using the DES to report transactions to the Department. The DES will also generate a form for the dealer and law enforcement officer to sign.

ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

The Department has determined that this proposed action affects small businesses. The proposed regulation is the least burdensome and most effective way for a dealer to report the delivery of a firearm to law enforcement. A simple form was created for the dealer to report this information to the Department while the Department updates the DES. Starting July 1, 2024, the dealer will report this information electronically via the DES. The DES will generate a form for the dealer and law enforcement officer to sign.

The Department estimates that a dealer will only incur \$2.91 to complete and submit the required form. The average firearms dealer will face the above scenario once every 49 years.

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).