

# **EXHIBIT 1**

## **NOTICE OF PROPOSED RULEMAKING**

Notice to be published on December 14, 2018

Proposition 63 (The Safety for All Act of 2016) and Senate Bill (SB) 1235 (2016) are newly enacted laws that regulate the sale or transfer of ammunition in California as of July 1, 2019. The Department of Justice (Department) proposes to adopt sections 4300 – 4309, of Title 11, Division 5, Chapter 11, of the California Code of Regulations. These regulations will explain the process that must be followed to purchase or transfer ammunition, what to do if an attempted purchase or transfer is denied, and will clarify what is needed to be exempt from certain parts of the process. In brief, these regulations will provide the public and ammunition vendors with directives that will guide both in the ammunition sale and transfer process.

These processes will allow the Department to determine if an individual is lawfully eligible to possess ammunition.

### **PUBLIC HEARING**

The Department will hold two public hearings to receive public comments on the proposed regulatory action. The hearings will be held at the following dates, times and locations:

January 29, 2019, 10:00 am – 12:00 pm  
Ronald Reagan State Building  
300 S. Spring Street  
Los Angeles, CA 90013

January 31, 2019, 1:00 pm – 3:00 pm  
Resources Building Auditorium  
1416 9th Street  
Sacramento, California

Each location is wheelchair accessible.

At each hearing, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons making oral comments at each hearing also submit a written copy of their testimony.

### **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 January 31, 2019. 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: [Ammoregs@doj.ca.gov](mailto:Ammoregs@doj.ca.gov)

#### AUTHORITY AND REFERENCE

Authority: Sections 30352, and 30370, Penal Code.

Reference: Sections 16150, 16151, 26710, 28180, 28220, 30300, 30305, 30312, 30314, 30342, 30352, 30370, 30385, 30390, and 30395, Penal Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Prior to the passage of Proposition 63 of 2016 (The Safety for All Act) and SB 1235 (2016), the sale or transfer of ammunition was not regulated by existing law. Penal Code section 30305 had established that an individual who is prohibited from owning or possessing a firearm is also prohibited from owning or possessing ammunition. Both Proposition 63 and SB 1235 (2016) authorize the Department to complete an ammunition eligibility check or to verify that an individual's Certificate of Eligibility (COE) is valid when the individual purchases or transfers ammunition from or through an ammunition vendor. Prior to voter approval of The Safety for All Act and the enactment of SB 1235 (2016), the Department had no mechanism to regulate the sale of ammunition, meaning the Department could not stop a prohibited individual from purchasing or receiving ammunition.

The Legislature enacted SB 1235 (2016) and the voters approved The Safety for All Act, delegating the authority to the Department to write regulations to interpret, and make specific certain Penal Code sections regulating the sale and transfer of ammunition. These regulations are beneficial as they create a process for the Department to make a determination to either approve or reject an ammunition purchase or transfer that is conducted by or processed through an ammunition vendor. The Department will make a determination to either approve or reject each ammunition purchase or transfer conducted by or processed through an ammunition vendor unless the individual is exempt from the Department's approval pursuant to Penal Code section 30352, subdivision (e).

These regulations explain that an ammunition vendor is responsible for facilitating an ammunition purchase or transfer by submitting the ammunition purchaser's or transferee's personal information to the Department, or by verifying the individual's COE status.

These regulations will benefit the state of California because an individual who is prohibited by either state or federal law to possess ammunition will be unable to obtain Department approval for an ammunition purchase or transfer from or through an ammunition vendor.

California Code of Regulations, Title 11, Division 5, Chapter 11 interprets and details the specifics of these regulations as follows:

Section 4300 specifies the scope of the new chapter, the regulation of an ammunition purchase or transfer from or through an ammunition vendor. This chapter provides guidance for an individual to purchase or transfer ammunition commencing July 1, 2019.

Section 4301 defines all firearm-related words throughout this new chapter so that the Department and members of the public can apply the same definitions to the firearm-related terminology used in the regulations to understand what the Department requires of them.

Section 4302 establishes the process for an individual to purchase or transfer ammunition as prescribed by Penal Code section 30370, subdivision (b).

Section 4303 establishes the process for one-time ammunition purchases or transfers.

Section 4304 establishes the process for an individual to purchase a firearm and ammunition within the same transaction.

Section 4305 establishes the process for an individual with a COE to purchase or transfer ammunition.

Section 4306 establishes the process for an exempted individual to purchase or transfer ammunition.

Section 4307 establishes the application process for an ammunition vendor to acquire telephonic access to the Department, which will allow the Department to complete an ammunition eligibility check or verify that an individual's COE is valid, as a result of the ammunition vendor being unable to electronically submit information to the Department's DES website.

Section 4308 specifies that the ammunition vendor can only deliver ammunition after the ammunition purchase or transfer is approved.

Section 4309 explains that an ammunition vendor will collect the fee for the ammunition eligibility check or COE verification, from the purchaser or transferee, and transfer the funds to the Department.

#### ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

An ammunition purchase or transfer completed in the state of California must be conducted through an ammunition vendor unless otherwise exempted. Prior to the sale or transfer, an ammunition vendor will initiate an eligibility check to ensure the purchaser or transferee is not prohibited from possessing ammunition. These proposed regulations will benefit public safety because they create a process which will ensure an individual prohibited by either state or federal law from possessing ammunition will be unable to purchase or transfer ammunition.

These regulations will explain the process that must be followed to purchase or transfer ammunition, what to do if an attempted purchase or transfer is denied, and will clarify what is needed to be exempt from certain parts of the process. In brief, these regulations will provide the public and ammunition vendors with directives that will guide both in the ammunition sale and transfer process.

#### EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

Pursuant to Government Code section 11346.5, subdivision (a)(3)(D), the Department shall evaluate whether the proposed regulation is inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has reviewed existing regulations pertaining to firearms within California Code of Regulations (“CCR”) Title 11, Division 5, and determined that these proposed regulations are not inconsistent or incompatible. This determination is based on the fact that the proposed regulations clarify and provide further detail for existing Penal Code sections.

#### COMPARABLE FEDERAL REGULATIONS

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

#### INCORPORATED BY REFERENCE

The following form is Incorporated by Reference: Application for Telephonic Vendor Approval, BOF 1020 (Orig. 05/2018)

#### 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 shall 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 effect on housing costs: None.

Business report requirement: None.

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

### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Assessment regarding effect on jobs/businesses: Adoption of the proposed regulation will create permanent jobs within the Department. Adoption of the proposed regulations will not:

- (1) Create or eliminate jobs within California, with the exception of the Department's permanent positions needed to conduct tasks associated with ammunition eligibility checks and COE verifications;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department has made the determination on items (1) through (3) based on the fact that the fee for an ammunition eligibility check or the COE verification process is minimal and will not deter an individual from purchasing or transferring ammunition in California. Therefore, an individual will still purchase or transfer ammunition from an ammunition vendor, and an ammunition vendor will not be losing business from these regulations.

The Department has also made this determination after considering implied costs to ammunition vendors and ammunition purchasers for the processing time of a Standard Ammunition Eligibility Check. The Department estimates that it will take approximately two minutes for a Standard Ammunition Eligibility Check to be processed, so the implied costs for an ammunition vendor can be derived from taking the two-minute processing time and multiplying it by the 13 million transactions while valuing ammunition vendor staff and ammunition purchaser time at \$11 per hour. In total, the annual implied cost that comes from the Department's processing time for these transactions is \$9,533,334, and this cost independently applies to ammunition vendors (\$4,766,667) and ammunition purchasers (\$4,766,667). Although ammunition vendors and ammunition purchasers have implied costs attributed to the time it takes to process a transaction, ammunition vendors have the ability to process multiple transactions simultaneously and ammunition purchasers are still able to shop and be productive while waiting for their transaction to be processed. Therefore, the Department's processing time for the Standard Ammunition Eligibility Check will not be burdensome for ammunition vendors nor restrict ammunition purchasers in their leisurely activity of shopping.

(4) Benefits of the Proposed Regulations: These proposed regulations are beneficial to the health and welfare of California's residents because they create a process which will ensure an individual prohibited by either state or federal law to possess ammunition will be unable to purchase or transfer ammunition. An ammunition purchase or transfer completed in California must be conducted by or processed through an ammunition vendor unless otherwise exempted. An ammunition vendor is required to submit an ammunition purchaser's or transferee's personal information directly to the Department, to allow the Department to complete an ammunition eligibility check or verify that the individual has a valid COE prior to approving an ammunition purchase or transfer. Furthermore, these regulations will benefit the welfare of California residents because the Department shall only approve an ammunition purchase or transfer for an

individual who is not prohibited by either state or federal law from possessing ammunition. These regulations minimize the likelihood of a dangerous prohibited individual taking possession of ammunition.

#### Cost impacts on a Private Person or Business:

The Department has determined that the cost to a private individual would be either the \$1.00 fee for the Department's Standard Ammunition Eligibility Check, the \$1.00 fee for the Department to verify that a COE is valid, or the \$19.00 fee for the Department's Basic Ammunition Eligibility Check. The actual cost to the individual depends on the number of times an individual attempts to purchase or transfer ammunition. The Department is unable to determine how many times an individual will attempt to purchase or transfer ammunition. As mentioned above, ammunition purchasers and ammunition vendors will have an annual implied cost of \$4,766,667 each that comes from the Department's processing time for a Standard Ammunition Eligibility Check.

The Department determines that these regulations will not have a significant impact on the creation or elimination of private sector jobs within the state of California. The estimated impact on businesses considers the implied costs that stem from the processing time for a Standard Ammunition Eligibility Check. The processing time for a Standard Ammunition Eligibility Check does not limit the amount of ammunition transactions that an ammunition vendor can initiate, and therefore, ammunition vendors will not lose business as a result.

Small business determination: The Department has determined that the proposed regulation will not affect the creation or elimination of businesses because the effects from these regulations will be minimal. The estimated impact on small businesses considers the implied costs that come from the processing time for a Standard Ammunition Eligibility Check. The processing time for a Standard Ammunition Eligibility Check does not limit the amount of ammunition transactions that an ammunition vendor that is a small business can initiate, and therefore, these ammunition vendors will not lose business as a result.

#### CONSIDERATION OF ALTERNATIVES

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

Please direct inquiries concerning the proposed administrative action 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: [Ammoregs@doj.ca.gov](mailto:Ammoregs@doj.ca.gov)

The back-up contact person for these inquiries is:

Kelan Lowney  
Bureau of Firearms  
Division of Law Enforcement  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816-0487  
Phone: (916) 227-7614  
Email: [Ammoregs@doj.ca.gov](mailto:Ammoregs@doj.ca.gov)

#### AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulation (the “express terms”), the initial statement of reasons, and the information upon which the proposed rulemaking is based are available at the Department’s website at <http://oag.ca.gov/firearms/regs>. 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 the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it 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 the regulations. Copies of any modified text will be available on the Department’s website at <http://oag.ca.gov/firearms/regs>. 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’s website at <http://oag.ca.gov/firearms/regs>. 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 regulation in underline and strikeout format, as well as the Final Statement of Reasons once completed, are available on the Department's website at <http://oag.ca.gov/firearms/regs>.

## **INITIAL STATEMENT OF REASONS**

### **PROBLEM STATEMENT**

Proposition 63 (The Safety for All Act of 2016) and Senate Bill 1235 (2016) are newly enacted laws that regulate the sale or transfer of ammunition in California. Proposition 63, section 2, paragraphs 6 and 7 state:

“6. We know background checks work. Federal background checks have already prevented more than 2.4 million gun sales to convicted criminals and other illegal purchasers in America. In 2012 alone, background checks blocked 192,043 sales of firearms to illegal purchasers including 82,000 attempted purchases by felons. That means background checks stopped roughly 225 felons from buying firearms every day. Yet California law only requires background checks for people who purchase firearms, not for people who purchase ammunition. We should close that loophole.

7. Right now, any violent felon or dangerously mentally ill person can walk into a sporting goods store or gun shop in California and buy ammunition, no questions asked. That should change. We should require background checks for ammunition sales just like gun sales, and stop both from getting into the hands of dangerous individuals.”

Proposition 63 and Senate Bill 1235 (2016) authorize the Department of Justice (Department) to adopt these regulations to interpret, and make specific the Penal Code sections that implement a background check for the purchase and transfer of ammunition.

### **ANTICIPATED BENEFITS**

These regulations will benefit public safety by various means, including regulating the sale of ammunition to prevent the acquisition by convicted felons, the dangerously mentally ill and other persons who are prohibited from possessing firearms and ammunition.

These regulations will explain the process that must be followed to purchase or transfer ammunition, or what to do if an attempted purchase or transfer is denied, and will clarify what is needed to be exempt from Department approval to purchase or transfer ammunition. In brief, these regulations will provide the public and ammunition vendors with the directives that will guide both in the ammunition sale and transfer process.

### **PURPOSE & NECESSITY**

#### **§ 4300. Title and Scope.**

This regulation identifies the scope of the new chapter - Chapter 11, “The Department of Justice Regulations for Ammunition Purchases or Transfers.” This regulation is necessary to identify the title and explain the scope of the regulations.

#### **§ 4301. Definition of Key Terms.**

Subdivisions (a) through (p) of this regulation define firearm-related words used throughout this chapter. This section is necessary because it clarifies commonly used firearm-related terms. The Department and members of the public can apply the same definitions to the firearm-related terminology used in this chapter; therefore, it will help to eliminate any misunderstandings between the Department and the public.

#### **§ 4302. Standard Ammunition Eligibility Check.**

This section establishes the fee for conducting a Standard Ammunition Eligibility Check and explains the process for an individual to purchase or transfer ammunition pursuant to Penal Code section 30370, subdivision (b).

Subdivision (a) establishes the fee for a Standard Ammunition Eligibility Check as \$1.00. The fees collected from the Standard Ammunition Eligibility Check will be used to repay the loan for start up costs including consultant and payment processing contract fees, software and hardware purchases, and personnel. (See Penal Code section 30371.) The fees also will provide for ongoing system maintenance (including recordkeeping and storage), and salaries of the 73 permanent employees. The Department will repay the loan on an ongoing basis as revenues from the Standard Ammunition Eligibility Check are collected. This subdivision is necessary to specify the fee assessed pursuant to Penal Code section 30370, subdivision (e) and to recover the total cost of implementation.

Subdivision (b) specifies the personal information that is to be collected from the purchaser or transferee, and outlines the submission process. This subdivision is necessary because an ammunition vendor needs to know what personal information to collect and submit in order for the Department to complete a Standard Ammunition Eligibility Check.

Subdivisions (c) through (d) specify that the Department shall approve or reject an ammunition purchase or transfer and outlines the process if a purchase or transfer is rejected. These subdivisions are necessary to explain that the Department will approve or reject ammunition purchases or transfers and provides the purchaser or transferee with the ability to understand why their transaction was rejected.

#### **§ 4303. One-Time Ammunition Transactions.**

This regulation establishes the process for one-time ammunition purchases or transfers. This regulation is necessary because an individual may have to request to undergo a Basic Ammunition Eligibility Check from the Department for a one-time ammunition purchase or transfer.

Subdivision (a) establishes the fee for a Basic Ammunition Eligibility Check as \$19.00. The \$19.00 fee allows the Department to recover the cost of processing the Basic Ammunition Eligibility Check, and is consistent with the fee paid for a firearms eligibility check. The Basic Ammunition Eligibility Check is essentially the same background check as a firearms eligibility

check. This subdivision is necessary to specify what the purchaser or transferee will need to pay for a Basic Ammunition Eligibility Check, as authorized by Penal Code section 30370, subdivision (c).

Subdivision (b) specifies the information an ammunition vendor must collect and submit into the Dealer Record of Sale Entry System (DES) website. This subdivision is necessary because an ammunition vendor needs to know what personal information to collect and submit in order for the Department to complete a Basic Ammunition Eligibility Check.

Subdivision (c) establishes that an ammunition vendor will provide the purchaser or transferee with an Ammunition Transaction Number (ATN), which may be used to check the status of the Basic Ammunition Eligibility Check on the Department's California Firearms Application Reporting System (CFARS) website. This subdivision is necessary to inform an individual how to use an ATN to obtain the status for the Basic Ammunition Eligibility Check from the Department.

Subdivisions (c)(1) through (2) establish that an approved Basic Ammunition Eligibility Check can be used for one ammunition purchase or transfer, and expires 30 days after issuance, and if a Basic Ammunition Eligibility Check is denied, the Department will provide the reason for the denial via U.S. Mail. These subdivisions are necessary to explain the limitations of a Basic Ammunition Eligibility Check, and its expiration period, and to explain the denial notification process.

Subdivision (d) explains that upon completion of the Basic Ammunition Eligibility Check, the transaction status will be updated in DES. This subdivision is necessary because the DES transaction status change is an indication to the ammunition vendor that the Department has completed the Basic Ammunition Eligibility Check, and upon approval, the ammunition vendor may then proceed with the ammunition sale or transfer.

#### **§ 4304. Firearms Eligibility Check.**

As authorized pursuant to Penal Code section 30352, subdivision (c), an individual that has been approved to purchase or transfer a firearm shall also be approved to purchase or transfer ammunition within the same transaction. This regulation establishes the process for an individual to purchase or transfer one or more firearms and ammunition in the same transaction.

Subdivision (a) explains that, except as provided in subdivision (b), an individual purchasing or transferring one or more firearms and ammunition within the same transaction shall only pay the fee prescribed by the California Code of Regulations, Title 11, section 4001, for a firearms eligibility check. This subdivision is necessary because both the firearms dealer and the individual need to understand the fee to be collected when one or more firearms and ammunition are purchased or transferred in the same transaction.

Subdivision (b) specifies two scenarios when a California resident may receive ammunition prior to the completion of the firearms eligibility check. Purchasers may take possession of the ammunition if they pay the \$1.00 fee for either the Standard Ammunition Eligibility Check or

the Certificate of Eligibility (COE) verification process, and are approved by the Department. This subdivision is necessary to explain to a firearms dealer that when ammunition is purchased or transferred within the same transaction as a firearm, ammunition can only be delivered prior to the firearms eligibility check if the individual has been approved following the completion of either the Standard Ammunition Eligibility Check or the COE verification.

#### **§ 4305. COE Verification Process.**

This regulation explains the process for the Department to process a COE holder's ammunition purchase or transfer. Pursuant to Penal Code section 30370, subdivision (a), the Department has the authority to process a COE holder's ammunition purchase or transfer. This regulation is necessary to establish a process for a COE holder to be approved by the Department to purchase or transfer ammunition.

Subdivision (a) establishes the fee for a COE verification as \$1.00. The fees collected from the COE verification will contribute toward start up costs and ongoing system maintenance, including employee salaries. This subdivision is necessary to specify the fee for a COE verification.

Subdivision (b) specifies what information the ammunition vendor will collect from the COE holder for the Department to verify the status of his or her COE in order to approve a purchase or transfer of ammunition. The ammunition vendor is required to submit the COE holder's personal information along with the COE number to the DES website. This subdivision is necessary to explain to an ammunition vendor how to process a COE holder's purchase or transfer.

Subdivision (c) specifies that the Department will approve or reject a COE holder's ammunition purchase or transfer and inform the ammunition vendor of the determination. If the Department determines the individual has a valid COE, the ammunition purchase or transfer shall be approved, but if the Department determines the individual's COE is not valid, the Department shall reject the ammunition purchase or transfer. This subdivision is necessary to ensure the ammunition vendor understands the Department must approve or reject the ammunition purchase or transfer.

#### **§ 4306. Ammunition Purchases or Transfers for Exempted Individuals.**

Subdivisions (a)(1) through (5) specify the types of identification that will identify an individual who is exempt from Department approval to purchase or transfer ammunition. These subdivisions are necessary because an ammunition vendor will need to verify exempted individuals' identities before processing an ammunition purchase or transfer without Department approval.

Subdivision (b) specifies that an ammunition vendor shall keep copies of the identification that identify sworn state or local peace officers or federal law enforcement officers and the original verifiable written certification from the head of the agency, and these records are to be made available to the Department upon request. Pursuant to Penal Code section 30352, subdivision

(e)(8)(iii), an ammunition vendor is required to keep the certification with the record of sale for ammunition transactions processed for sworn state or local peace officers or federal law enforcement officers. This subdivision is necessary to explain how this information must be recorded and reported to the Department.

Subdivision (c) clarifies that once an ammunition vendor has verified that an individual is exempt from Department approval for an ammunition purchase or transfer, the ammunition vendor may provide possession of the ammunition to the exempt individual. This subdivision is necessary because the ammunition vendor can only provide ammunition to an individual after it has verified that individual is exempt from the Department's ammunition eligibility check or the COE verification process.

#### **§ 4307. Telephonic Access for Ammunition Vendors.**

This regulation explains the process for an ammunition vendor to obtain telephonic access to the Department for the purposes of processing the sale or transfer of ammunition, which will allow the Department to manually determine if an individual can possess ammunition. If the ammunition vendor is able to demonstrate it does not have access to Internet service, the ammunition vendor will be able to obtain telephonic access to the Department. This regulation is necessary because an ammunition vendor needs a mechanism to apply for telephonic access to the Department, and the Department is required to process each ammunition purchase or transfer that is conducted by or processed through an ammunition vendor on a telephone line. Telephonic access for an ammunition vendor will allow the Department to manually verify that an individual is eligible to possess ammunition following the completion of a Standard Ammunition Eligibility Check, Basic Ammunition Eligibility Check, or the COE verification process.

Subdivisions (a) and (b) explain what document(s) an ammunition vendor can submit to prove that the service provider in their area does not offer Internet service at the ammunition vendor's place of business. This document is required to be mailed with the Ammunition Vendor (Non-Firearms Dealer) Application for Telephonic Approval, Form BOF 1020 (Orig. 05/2018) to apply for telephonic access to the Department. This subdivision is necessary because an ammunition vendor needs to understand the requirement to show it needs telephonic access because it cannot obtain Internet access. Telephonic access is the only mechanism for an ammunition vendor to submit an ammunition purchaser's or transferee's personal information to the Department when it does not have Internet service.

Penal Code section 30370 provides that it is important that this form be signed under penalty of perjury because the vendor is attempting to utilize a service the Legislature has made available only under specified conditions. By signing under penalty of perjury, the vendor confirms for the Department that it is aware of the restrictions and meets them.

Subdivision (c) clarifies that the Department shall either approve or deny the ammunition vendor's application for telephonic access. This subdivision is necessary because the Department shall approve telephonic access before an ammunition vendor can utilize the



Department's telephone line to submit an ammunition purchaser's or transferee's personal information to the Department.

**§ 4308. Delivery of Ammunition Following DES Submission.**

Subdivision (a) specifies that when the Department approves an ammunition purchase or transfer, the DES transaction record will change from "Pending" to "Approved." The DES transaction record indicates the Department's determination for the ammunition purchase or transfer. This subdivision is necessary because the ammunition vendor can only deliver ammunition to a purchaser or transferee if the DES transaction record shows as "Approved." Subdivision (b) specifies that ammunition may only be delivered if the status of the DES transaction record is approved. This subdivision is necessary to let ammunition vendors know when ammunition can be delivered to a purchaser or transferee.

Subdivision (c) requires that when an ammunition vendor delivers ammunition to a purchaser or transferee, the ammunition vendor shall submit the ammunition sale information to the Department. This subdivision is necessary because this records the ammunition transaction information as required pursuant to Penal Code section 30352, subdivision (b).

**§ 4309. Billing, Payment, and Suspension for Non-Payment.**

Subdivision (a) explains how an ammunition vendor is billed by the Department for the completion of ammunition eligibility checks and COE verifications. This subdivision is necessary because the ammunition vendor is required to collect fees for ammunition eligibility checks and COE verifications and these fees need to be paid to the Department.

Subdivision (b) specifies that an ammunition vendor shall pay the Department via a major credit card or debit card, and that this payment is due within 30-days of the billing statement date. This subdivision is necessary, so the ammunition vendor can both understand how to pay the bill and when specifically the bill is due.

Subdivision (c) explains that if the ammunition vendor does not pay the bill for the ammunition eligibility check and COE verification activity to the Department, the ammunition vendor's access to DES will be suspended until full payment for the past due amount is received. This subdivision is necessary because it explains the consequence for not paying this bill to the Department. If the ammunition vendor does not pay this bill to the Department, the ammunition vendor will be unable to facilitate an ammunition eligibility check or COE verification because the Department will suspend its access to DES.

Subdivision (d) clarifies that when an ammunition vendor's access to DES is suspended, the ammunition vendor will be unable to process or conduct an ammunition purchase or transfer for an individual that needs to undergo an ammunition eligibility check or COE verification. While an ammunition vendor's access to DES is suspended, the ammunition vendor shall still maintain its status as an ammunition vendor licensee. This subdivision is necessary to explain that if an ammunition vendor loses access to DES, its ammunition vendor license status will not be affected.



## AUTHORITY AND REFERENCE

Authority: Sections 30352, and 30370, Penal Code.

Reference: Sections 16150, 16151, 26710, 28180, 28220, 30300, 30305, 30312, 30314, 30342, 30352, 30370, 30385, 30390, and 30395, Penal Code.

## TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

Department staff relied upon their experience, expertise, and the following sources when writing these proposed regulations:

Popken, Ben, Consumer News and Business Channel, “America’s Gun Business, By the Numbers” <https://www.cnn.com/2015/10/02/americas-gun-business-by-the-numbers.html>, published on October 2, 2015.

Henderson, Peter and Daniel Trotta, Reuters, “What’s missing in U.S. gun control scramble? Bullets” <https://www.reuters.com/article/us-usa-guns-ammunition/whats-missing-in-u-s-gun-control-scramble-bullets-idUSBRE90J02K20130120>, published on January 20, 2013.

## ECONOMIC IMPACT ASSESSMENT/ANALYSIS

### Purpose

The Department proposes to adopt California Code of Regulations Title 11, sections 4300 through 4309 to interpret, and make specific the Penal Code sections that implement an eligibility check for the purchase and transfer of ammunition.

The Department estimates there will be approximately 13 million ammunition purchases or transfers conducted each year with a Standard Ammunition Eligibility Check. This calculation was based on the fact that in 2014, California residents accounted for just 931,037 firearms background checks, which is just 4.44 percent of the 20,968,273 firearms background checks that were completed nationally in the United States.<sup>1</sup> Additionally, U.S. residents purchase around 12 billion rounds annually.<sup>2</sup> If this rate of firearm background checks is an indicator of approximate overall gun ownership, and in turn ammunition usage, then this equates to approximately 13.2 million boxes of ammunition per year. For this calculation, the Department has assumed that 4.44 percent of 12 billion is 528 million, and 528 million divided by 40 (40 being the amount of rounds in each box ammunition) ultimately totals approximately 13.2 million boxes of ammunition purchased by California residents each year.

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<sup>1</sup> Ben Popken, “America’s Gun Business, By The Numbers,” Consumer News and Business Channel (CNBC), published October 2, 2015, <https://www.cnn.com/2015/10/02/americas-gun-business-by-the-numbers.html>.

<sup>2</sup> Peter Henderson and Daniel Trotta, “What’s missing in the U.S. gun control scramble? Bullets,” Reuters, published on January 20, 2013, <https://www.reuters.com/article/us-usa-guns-ammunition/whats-missing-in-u-s-gun-control-scramble-bullets-idUSBRE90J02K20130120>.

The Department translated the 13.2 million boxes of ammunition to the estimated 13 million ammunition transactions (conducted with a Standard Ammunition Eligibility Check) after careful consideration of mitigating factors which include ammunition purchased at the same time of a firearm, multiple boxes of ammunition purchased in the same transaction, and individuals transitioning to reloading their own ammunition.

#### Private Sector

The Department determines that these regulations will not have a significant impact on the creation or elimination of private sector jobs within the state of California. The estimated impact on businesses stems from the implied cost for ammunition vendors to process ammunition transactions. The Department estimates that it will take approximately two minutes to process a Standard Ammunition Eligibility Check, so the implied costs for an ammunition vendor can be derived from taking the approximate two-minute processing time and multiplying it by the estimated 13 million transactions, while valuing ammunition vendor staff time at \$11 per hour. In total, the annual direct cost for ammunition vendors to process these transactions is \$4,766,667. Ammunition purchasers will also have the same annual implied cost of \$4,766,667 since they have to wait for the transaction to be processed and their time is valued at \$11 per hour. An ammunition vendor can initiate a Standard Ammunition Eligibility Check, and even when the Department is processing the transaction, the ammunition vendor can still initiate additional ammunition transactions while ammunition purchasers continue to shop and likely purchase other items.

The Department has determined that these regulations will not have a significant impact on the creation of new businesses or elimination of businesses within California or affect the expansion of businesses currently doing business in California because the effects of these regulations will be minimal. The costs for a business to comply with these regulations are minimal because although it takes time for the Department to process an ammunition eligibility check, ammunition purchasers will be shopping for other products in the store, allowing the ammunition vendor to sell more items to the public.

#### Public Sector

The Department determines that these regulations will not have a significant impact on the creation or elimination of public sector jobs within the state of California. The Department anticipates hiring personnel to develop the systems and manage ongoing ammunition sales and transfers. The revenue to pay for these employees is derived from the following fees. The Department is authorized to charge a \$1.00 fee for a Standard Ammunition Eligibility Check, a \$19.00 fee for a Basic Ammunition Eligibility Check, and a \$1.00 fee for the verification of a COE. The Department expects to collect \$13 million per year in revenue from the Standard Ammunition Eligibility Check and COE verification process (based on 13 million ammunition transactions per year). The Department expects to collect \$950,000 per year from the Basic Ammunition Eligibility Check (based on approximately 50,000 Basic Ammunition Eligibility Checks conducted per year). From this revenue, the Department will repay a \$25 million loan to the General Fund used for the start-up costs (that include consultant and payment processing contracts, software and hardware purchases, and personnel) of the implementation of

Penal Code sections 30352 and 30370, and ongoing employee salaries, system maintenance, and payment processing contracts.

The Department has made these determinations based on the fact that the fee for an ammunition eligibility check or the COE verification process is minimal and will not deter an individual from purchasing or transferring ammunition in California. Therefore, an individual will still purchase or transfer ammunition from an ammunition vendor, and an ammunition vendor will not be losing business from these regulations.

The proposed regulations are beneficial to the health and welfare of California's residents because they create a process which will ensure an individual prohibited by either state or federal law to possess ammunition will be unable to purchase or transfer ammunition. An ammunition purchase or transfer completed in California must be conducted by or processed through an ammunition vendor unless otherwise exempted. An ammunition vendor is required to submit an ammunition purchaser's or transferee's personal information directly to the Department, so the Department can complete an ammunition eligibility check or verify that the individual has a valid COE prior to approving an ammunition purchase or transfer to take place. Furthermore, these regulations will benefit the welfare of California residents because the Department shall only approve an ammunition purchase or transfer for an individual who is not prohibited by either state or federal law to possess ammunition. These regulations minimize the likelihood of a dangerous prohibited individual taking possession of ammunition.

#### EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The primary evidence supporting the Department's determination that these regulations will not result in adverse economic impact directly affecting business is that despite there being direct and implied costs to ammunition vendors and ammunition purchasers for the time it takes the Department to process a Standard Ammunition Eligibility Check, there is no evidence that these regulations will deter ammunition sales or be a significant burden to ammunition purchasers. Ammunition purchases are considered a leisurely activity, and oftentimes done while out shopping for other items or browsing for future purchases, which is beneficial to both parties.

#### REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other reasonable alternatives were presented to, or considered by, the Department that would be either more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome.

#### REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES, AND THE AGENCY'S REASONS FOR REJECTING THEM

No other reasonable alternatives were presented to, or considered by, the Department that would be either more effective in carrying out the purpose for which the action is proposed, or would be

as effective and less burdensome.

**DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS**

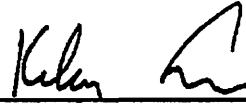
The proposed regulations are not mandated by federal law or regulations.

## **STATEMENT OF MAILING NOTICE**

(Section 86 of Title 1 of the California Code of Regulations)

The Department of Justice has complied with the provisions of Government Code Section 11346.4, subdivision (a)(1) through (4), regarding the mailing of the notice of proposed regulatory action. The notice was mailed on December 14, 2018, over 45 days prior to the close of the public comment period on January 31, 2019.

Dated: 2/26/2019

  
\_\_\_\_\_  
Kelan Lowney

Associate Governmental  
Program Analyst

# **EXHIBIT 2**

**FINAL STATEMENT OF REASONS**  
**California Code of Regulations**  
**Title 11, Division 5**  
**Chapter 11: Ammunition Purchases or Transfers**

UPDATE OF INITIAL STATEMENT OF REASONS

The Department modified the initially proposed text of the regulations such that the numbering of the subdivisions has changed. This Final Statement of Reasons refers to the subdivision numbers as they appear in the final proposed text of the regulations.

**§ 4300. Title and Scope**

The Department amended the authority and reference sections to delete unnecessary commas. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

**§ 4301. Definition of Key Terms**

The Department deleted the definition of “AFS record,” because that term does not appear in the regulations and therefore was not necessary to define.

The Department added the term “ammunition vendor,” as those persons or entities licensed pursuant to Penal Code section 30385. This is necessary because only those vendors are required by Penal Code sections 30352 and 30370, which these regulations implement, to follow the procedure enacted by these proposed regulations.

The Department added the term “Automated Firearms System” and its definition. The proposed definition explains the term by referencing the Penal Code section that authorizes the establishment and maintenance of that system. This was necessary because sections 4301(b) and 4302(a) refer to the Automated Firearms System, and the Department determined that a definition of the term would clarify the regulations by providing a simple description of the system and providing a citation that allows for further reference.

The Department amended the definition of “Basic Ammunition Eligibility Check” to mirror the language used in Penal Code section 30370, subdivision (c), which authorizes the process that the Department has named the “Basic Ammunition Eligibility Check.” Using the same language in the regulations as in statute will provide greater clarity on the definition of the “Basic Ammunition Eligibility Check.”

The Department amended the definition of “Certificate of Eligibility or COE” to directly refer to the statute that authorizes a COE, and to delete the additional references that describe what is checked before a COE may be granted and why a COE may be granted. The Department



determined that the deleted information reduced the clarity of the definition by presenting too much information. The regulation is made clearer by providing a simple description of the certificate and providing a citation that allows for further reference.

The Department further amended the definition to add punctuation that clearly indicate that the terms “Certificate of Eligibility” and “COE” are separate, yet interchangeable, terms. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the definition of “Dealer Record of Sale Entry System” or “DES” to add punctuation that clearly indicate that the terms “Dealer Record of Sale Entry System” and “DES” are separate, yet interchangeable, terms. The Department further amended the definition to delete the parentheses surrounding the web address. The parentheses were not necessary to demarcate the web address, and may have led to confusion as to how to type the web address. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the definition of “Firearms eligibility check” to make a grammatical change. The “check,” as a process, is a noun, and the sentence requires a verb (“conducted”). This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department deleted the definition of “One-Time Ammunition Transaction” because that term is no longer the title of section 4303. The term also differed from the statutory language (“single ammunition transaction or purchase”) in Penal Code section 30370, subdivision (c), and the Department determined that it was both confusing and not necessary.

The Department added the term “Prohibited Armed Persons File” and its definition. This term is used in section 4302(a) and in the statute that that proposed regulation implements, Penal Code section 30370, subdivision (b). The proposed definition explains the term by reference to the Penal Code section that authorizes the establishment and maintenance of the File.

The Department amended subdivision (o) of this section to correct a grammatical error. The word “subdivision” should be singular, not plural. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the definition of the term “Sworn federal law enforcement officer” to delete a citation to the California Penal Code. The Department determined that it is not necessary to cite the Penal Code, because although federal law enforcement officers are discussed by that Code (e.g. section 830.8), they are not defined therein.

The Department amended the authority and reference sections to delete unnecessary commas. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the reference section to include Penal Code sections 11106 and 30385, which are newly referenced in the definitions of “Automated Firearms System” and “ammunition vendor,” respectively. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

#### **§ 4302. Standard Ammunition Eligibility Check (AFS Match).**

The Department has amended the title of this section from “Standard Ammunition Eligibility Check” to “Standard Ammunition Eligibility Check (AFS Match)”. This is necessary to provide greater clarity, as the title will now immediately inform the public that the Standard Ammunition Eligibility Check is the ammunition eligibility check that implements Penal Code section 30370, subdivisions (a)(1) and (b), the defining feature of which is that the purchaser or transferee’s information “matches an entry in the Automated Firearms System (AFS)”.

The Department has added subdivision (a), which introduces the section by interpreting Penal Code section 30370, subdivisions (a), (a)(1) and (b). This is necessary to introduce the purpose of section 4302 and to provide clarity regarding that section of Penal Code.

The Department has added subdivision (a)(1) to further interpret Penal Code section 30370 and to provide a name for the eligibility check authorized by that section. Because a purchase or transfer is initiated by a purchaser or transferee, the Department has clarified that it is the purchaser or transferee who initiates the Standard Ammunition Eligibility Check. Because Penal Code section 30370, subdivision (d) prohibits an ammunition vendor from selling or transferring ammunition without the Department’s approval, and section 30352, subdivision (d) mandates ammunition vendors to verify with the Department that a person is authorized to purchase ammunition, the Department has clarified that the purchaser or transferee is to request the Standard Ammunition Eligibility Check through an ammunition vendor. In conjunction with section 4302, subdivisions (c) and (d), subdivision (a)(1) makes clear the roles of the Department, the ammunition vendor, and the purchaser or transferee.

The Department has amended subdivision (d) to clarify when the Department will instruct the ammunition vendor to approve or reject the purchase or transfer, and the manner by which the Department will communicate its determination. This change is necessary to specify how the ammunition vendor will be able to comply with Penal Code section 30370, subdivision (d), which prohibits an ammunition vendor from selling or transferring ammunition without the Department’s approval, and section 30352, subdivision (d), which mandates ammunition vendors to verify with the Department that a person is authorized to purchase ammunition. This amendment also aligns the Standard Ammunition Eligibility Check process with the Basic

Ammunition Eligibility Check process, as described by section 4303(e) and the amended COE Verification process, as implemented in section 4305(d).

The Department has amended subdivision (e) to specify that the ATN can be used by accessing the Department's CFARS website. Prior to this change, it was unclear how, specifically, the attempted purchaser or transferee would use the ATN. This change also aligns the Standard Ammunition Eligibility Check process with the Basic Ammunition Eligibility Check process, as implemented in section 4303(d).

The Department further amended this section to make nonsubstantial changes to punctuation and grammar. For example, although the California Department of Motor Vehicles refers to a "driver license," the statutes that are implemented by this regulation refer to that document as a "driver's license." The Department has amended the regulation to follow the statutory language. This, and the other punctuation and grammatical changes are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the authority section to include Penal Code section 30352. That section provides partial authority for the requirement in subdivision (c) for the Standard Ammunition Eligibility Check to require that the purchaser or transferee provide a telephone number.

The Department amended the reference section to delete an unnecessary comma. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

### **§ 4303. Basic Ammunition Eligibility Check (Single Transaction or Purchase).**

The Department amended the title of this section from "One-Time Ammunition Transactions" to "Basic Ammunition Eligibility Check (Single Transaction or Purchase)," to provide greater clarity. Title now introduces the name of the eligibility check, and aligns with the titles of the other sections that provide methods of verifying authorization to purchase or transfer ammunition. The parenthetical phrase mirrors language used in Penal Code section 30370, subdivisions (a)(3) and (c), and will immediately inform the public that the Basic Ammunition Eligibility Check is the ammunition eligibility check that implements those provisions. Although each ammunition transaction must be approved by the Department prior to purchase or transfer, regardless of the method of obtaining authorization, per Penal Code section 30370, or exemption from the requirement to obtain authorization, per Penal Code 30352, the Department determined that the intent of the legislature in using "single transaction or purchase" to repeatedly describe the eligibility check that the Department has named the "Basic Ammunition Eligibility Check" was because the defining feature of the subdivisions implemented by the Basic Ammunition Eligibility Check is that the purchaser or transferee has neither an entry in the AFS nor a Certificate of Eligibility, nor belongs to one of those classes of persons exempt from needing to obtain authorization, and so the purchase of ammunition is presumed to be a rare, or

singular event. This comports with the Department's estimate that fewer than 2% of eligibility checks will be conducted by means of a Basic Ammunition Eligibility Check.

The Department has added subdivision (a), which introduces the section by interpreting Penal Code section 30370, subdivisions (a), (a)(3) and (c). This is necessary to introduce the purpose of section 4303 and to provide clarity regarding that section of Penal Code. Any person who is not prohibited, broadly speaking, may be authorized in any number of ways. Conversely, any person who is prohibited will not be authorized, as the prohibiting event will be revealed during the manual Basic Ammunition Eligibility Check; the prohibiting event will result in an entry into the Prohibited Armed Persons File and so lead to a denial of a Standard Ammunition Eligibility Check; and the prohibiting event will result in the termination of a Certificate of Eligibility and so lead to a denial of a COE Verification. Of these three, the Basic Ammunition Eligibility Check is potentially applicable to the greatest number of people — per Penal Code section 30370, subdivision (c), this includes any person who is not prohibited. By contrast, as stated in the ISOR Addendum, there are 22,000 COE holders who would be authorized subsequent to a COE verification, and 4.5 million people with distinct entries in the Automated Firearms System (still, the Department estimates that 98% of eligibility checks will be requested by such persons, who possess or are otherwise involved in activities related to firearms, and who thus would be authorized to purchase ammunition subsequent to a Standard Ammunition Eligibility Check or COE verification). Subdivision (a)(2) will provide greater clarity as to which method of obtaining authorization may best apply to a purchaser or transferee who may qualify for the more narrowly-defined paths to authorization (or exemption from authorization).

The Department has added subdivision (a)(1) to further interpret Penal Code section 30370 and to provide a name for the eligibility check authorized by that section. Because a purchase or transfer is initiated by a purchaser or transferee, the Department has clarified that it is the purchaser or transferee who initiates the Basic Ammunition Eligibility Check. Because Penal Code section 30370, subdivision (d) prohibits an ammunition vendor from selling or transferring ammunition without the Department's approval, and section 30352, subdivision (d) mandates ammunition vendors to verify with the Department that a person is authorized to purchase ammunition, the Department has clarified that the purchaser or transferee is to request the Basic Ammunition Eligibility Check through an ammunition vendor. In conjunction with section 4303, subdivisions (c), (d) and (e), subdivision (a)(1) makes clear the roles of the Department, the ammunition vendor, and the purchaser or transferee.

The Department has added subdivision (a)(2) to further clarify the interpretation in subdivision (a) that persons are authorized to purchase ammunition if they are not prohibited, subsequent to affirmation by the Department. In light of the fact that the Department does not have the authority to mandate which procedure a purchaser or transferee uses to seek authorization to purchase ammunition, the Department determined that the most effective way of clarifying the multiple ways of gaining authorization, as provided by statute, is to clearly present each process and its attendant requirements. Persons who are not prohibited may request a determination pursuant to (a)(1), but those persons may also seek authorization by following the alternative procedures, as applicable.



The Department has amended subdivision (c) to include a hyphen between the capital letter “I” and the number “94.” This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (c) to include the word “and” at the end of the list of information that must be collected for a Basic Ammunition Eligibility Check. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department has amended subdivision (e) to delete the requirement that the ammunition vendor only deliver the ammunition if the status of the Basic Ammunition Eligibility Check is “approved.” The Department determined that it was not necessary to include here because the same requirement is already provided in section 4308(b), and duplicating that provision made the regulation less clear.

The Department further amended this section to make nonsubstantial changes to punctuation and grammar. For example, although the California Department of Motor Vehicles refers to a “driver license,” the statutes that are implemented by this regulation refer to that document as a “driver’s license.” The Department has amended the regulation to follow the statutory language. This, and the other punctuation and grammatical changes are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the authority section to include Penal Code section 30352. That section provides partial authority for the interpretation of the statute in subdivision (a), and it provides the authority for the requirement in subdivision (c) for the Basic Ammunition Eligibility Check to require that the purchaser or transferee provide a telephone number.

The Department further amended the authority section to delete an unnecessary comma at the end of the sentence. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the reference section to include Section 922, Title 18 of the United States Code, because that section provides information regarding federal prohibitions on ammunition that are relevant to understanding why the Department requires the information collected in subdivision (c).

The Department further amended the reference section to delete a comma, to add a semicolon, and to capitalize the words “Section” and “Title.” These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

**§4304. Firearms Eligibility Check.**

The Department amended subdivision (a) to add a number to what had been the prefatory text, as originally noticed. This change allows for subdivision (a) to be easily referenced. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (a) to include the relevant provision of Penal Code section 30352(c) under the condition provided by (c)(2) – specifically, that the *ammunition* shall not be delivered without proper authorization. This is necessary to provide clarity to the regulations and to accurately interpret that section of Penal Code.

The Department amended subdivision (c) to make clear that a person who wishes to take possession of ammunition prior to the completion of a firearms eligibility check must conduct a separate transaction following one of the alternative procedures of obtaining authorization, or qualifying for an exemption, as applicable. Any one of the alternatives is available to the purchaser or transferee, not just the Standard Ammunition Eligibility Check or the Basic Ammunition Eligibility Check, as might have been interpreted from the text as initially proposed. This change is necessary to provide clarity to the regulation.

The Department amended the reference section to delete a comma and to add the word “and” between the final two citations. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

**§ 4305. COE Verification Process.**

The Department deleted the prefatory text, as this text is no longer necessary.

The Department has added subdivision (a), which introduces the section by interpreting Penal Code section 30370, subdivision (a)(2). This is necessary to introduce the purpose of section 4305 and to implement and provide clarity regarding that section of Penal Code.

The Department has added subdivision (a)(1) to further interpret Penal Code section 30370 and to provide a name for the verification process that is authorized by that section. Because a purchase or transfer is initiated by a purchaser or transferee, the Department has clarified that it is the purchaser or transferee who initiates the COE Verification. Because Penal Code section 30370, subdivision (d) prohibits an ammunition vendor from selling or transferring ammunition without the Department’s approval, and section 30352, subdivision (d) mandates ammunition vendors to verify with the Department that a person is authorized to purchase ammunition, the Department has clarified that the purchaser or transferee is to request the COE Verification through an ammunition vendor. In conjunction with section 4305, subdivisions (c) and (d), subdivision (a)(1) makes clear the roles of the Department, the ammunition vendor, and the purchaser or transferee.

The Department amended subdivision (b) to correct the citation of the authority for the regulation. The correct citation is to Penal Code section 30370, subdivision (e), not subdivision (c), as originally noticed. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (c) to require that the purchaser or transferee provide a telephone number. The purchaser or transferee's telephone number is required by Penal Code section 30352, subdivision (a)(6), at the time of the delivery of the ammunition. Rather than request personal information from the purchaser or transferee at two separate times, the Department determined that it would be most efficient to request all of the purchaser or transferee's personal information required to complete an ammunition purchase or transfer at this stage of the process, so that no new personal information will need to be requested at a second stage of the process. This will streamline the delivery of ammunition as soon as it is approved. The Department has also determined that gathering the purchaser or transferee's phone number at the time of the eligibility check will allow the Department to verify the purchaser's identity, if necessary, and to communicate with the purchaser or transferee, if necessary.

The Department has amended subdivision (d) to clarify when the Department will instruct the ammunition vendor to approve or reject the purchase or transfer, and the manner by which the Department will communicate its determination. Because Penal Code section 30370, subdivision (d) prohibits an ammunition vendor from selling or transferring ammunition without the Department's approval, and section 30352, subdivision (d) mandates ammunition vendors to verify with the Department that a person is authorized to purchase ammunition, the Department has clarified that the purchaser or transferee is to request the COE Verification through an ammunition vendor, and aligns the COE Verification process with the Basic Ammunition Eligibility Check process, as implemented in section 4303(e), and the amended Standard Ammunition Eligibility Check process, as implemented in section 4302(d).

The Department further amended this section to make nonsubstantial changes to punctuation and grammar. For example, although the California Department of Motor Vehicles refers to a "driver license," the statutes that are implemented by this regulation refer to that document as a "driver's license." The Department has amended the regulation to follow the statutory language. This, and the other punctuation and grammatical changes are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the authority section to include Penal Code section 30352. That section provides partial authority for the requirement in subdivision (c) for the COE Verification to require that the purchaser or transferee provide a telephone number.

The Department amended the reference section to include Penal Code sections 26710 and 28180. Section 26710 pertains to Certificates of Eligibility. Section 28180 pertains to the method of obtaining information as implemented by section 4305(c). The Department further amended the reference section to pluralize the word "Sections," because more than one section is referenced.



These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

**§ 4306. Ammunition Purchases of Transfers for Exempted Individuals.**

The Department has amended subdivision (a) to indicate that the types of identification documents that follow are deemed “proper” documents for the purpose of identifying persons who are exempt from Department approval to purchase or transfer ammunition, pursuant to Penal Code section 30352, subdivision (e). This is necessary to provide clarity as to the purpose of subdivisions (a)(1) through (a)(10), which implement the requirement in Penal Code section 30352, subdivision (e) that exempted individuals only qualify for the exemption “if properly identified.” Without the specification provided by subdivisions (a)(1) through (a)(10), ammunition vendors would lack clear guidance as to how to properly identify an exempted individual.

The Department has deleted subdivisions (a)(1) through (a)(5) as initially proposed. The Department determined, in response to public comments, that those subdivisions were unclear and so did not effectively specify the identification requirements necessary to implement Penal Code section 30352, subdivision (e)(1) through (8). In their place, the Department has added the following sufficiently-related specifications.

The Department has added subdivision (a)(1) to specify the type of identification document that will “properly” identify an ammunition vendor, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(1), from certain requirements of the ammunition authorization program. The Department determined that a valid Ammunition Vendor License issued pursuant to Penal Code section 30385 is the best document to properly identify an ammunition vendor for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). There is no other identification document that specifically identifies an ammunition vendor.

The Department has added subdivision (a)(2) to specify the type of identification document that will “properly” identify a person on the centralized list of exempted federal firearms licensees maintained by the Department, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(2), from certain requirements of the ammunition purchasing program. The Department determined that a Department-issued Listing Acknowledgement Letter indicating the individual is currently on the centralized list of exempted federal firearms licensees is the best document to properly identify an ammunition vendor for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). There is no other identification document that specifically identifies a person on the centralized list of exempted federal firearms licensees maintained by the Department.

The Department has added subdivision (a)(3) to specify the type of identification document that will “properly” identify a gunsmith, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(4), from certain requirements of the ammunition authorization program.

The Department determined that a valid Type 01 FFL is the best document to properly identify a gunsmith for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). A “gunsmith” is defined by Penal Code section 16630 as a person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, who is engaged primarily in the business of repairing firearms, or making or fitting special barrels, stocks, or trigger mechanisms to firearms, or the agent or employee of that person. Pursuant to that United States Code and the regulations issued pursuant thereto, to provide the services of a gunsmith, a person must apply for and be granted a Type 01 FFL. There is no other identification document that identifies a gunsmith. However, a Type 01 FFL does not exclusively identify gunsmiths—a Type 01 FFL may also be granted to other types of persons licensed to deal in firearms. The Department determined that this ambiguity does not pose a problem because, pursuant to Penal Code section 30385, subdivision (d), most firearms dealers are also authorized ammunition vendors. Therefore, any person presenting a Type 01 FFL would be exempt pursuant to either Penal Code section 30352, subdivision (e)(1) or subdivision (e)(4). Because there is no other identification document that identifies a gunsmith, and because allowing a Type 01 FFL to identify a gunsmith would not frustrate the purpose of the ammunition authorization program, the Department determined that it is the best document to properly identify a gunsmith.

The Department has added subdivision (a)(4) to specify the type of identification document that will “properly” identify a wholesaler of firearms, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(5), from certain requirements of the ammunition authorization program. The Department determined that a valid Type 01 Federal Firearms License is the best document to properly identify a wholesaler for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). A “wholesaler” is defined by Penal Code section 17340 as a person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are licensed as manufacturers, importers, or gunsmiths pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, or persons licensed pursuant to Sections 26700 to 26915, inclusive, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms in furtherance of that purpose. Pursuant to that United States Code and the regulations issued pursuant thereto, to be licensed as a dealer, a person must apply for and be granted a Type 01 (FFL). There is no other identification document that identifies a wholesaler. However, a Type 01 FFL does not exclusively identify wholesaler—a Type 01 FFL may also be granted to other types of persons licensed to deal in firearms. The Department determined that this ambiguity does not pose a problem because, pursuant to Penal Code section 30385, subdivision (d), most non-wholesaler firearms dealers are also authorized ammunition vendors. Therefore, any person presenting a Type 01 FFL would be exempt pursuant to either Penal Code section 30352, subdivision (e)(1) or subdivision (e)(5). Because there is no other identification document that identifies a wholesaler of firearms, and because allowing a Type 01 FFL to identify a wholesaler would not frustrate the purpose of the ammunition authorization program, the Department determined that it is the best document to properly identify a wholesaler.

The Department has added subdivision (a)(5) to specify the type of identification document that will “properly” identify a manufacturer of firearms, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(6), from certain requirements of the ammunition authorization program. The Department determined that a valid Type 07 FFL is the best document to properly identify a manufacturer of firearms for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). The type of “manufacturer of firearms” that would qualify for the exemption provided by Penal Code section 30352, subdivision (e) and therefore would need to be “properly identified” as proposed by section 4306(a), is specified by Penal Code section 30352, subdivision (e)(6) as “a manufacturer [...] of firearms or ammunition licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.” Pursuant to that United States Code and the regulations issued pursuant thereto, to be licensed as a manufacturer of firearms, a person must apply for and be granted a Type 07 FFL. Since Penal Code section 30352(e)(6) specifies that the manufacturer is defined by its federal licensure, the Department has adopted the federal license as the appropriate identifying document.

The Department has added subdivision (a)(6) to specify the type of identification document that will “properly” identify an importer of firearms or ammunition, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(6), from certain requirements of the ammunition authorization program. The Department determined that a valid Type 08 FFL is the best document to properly identify an importer of firearms or ammunition for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). The type of “importer of firearms or ammunition” that would qualify for the exemption provided by Penal Code section 30352, subdivision (e) and therefore would need to be “properly identified” as proposed by section 4306(a), is specified by Penal Code section 30352, subdivision (e)(6) as an “[...] importer of firearms or ammunition licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.” Pursuant to that United States Code and the regulations issued pursuant thereto, to be licensed as an importer of firearms or ammunition, a person must apply for and be granted a Type 08 FFL. Since Penal Code section 30352(e)(6) specifies that the importer is defined by its federal licensure, the Department has adopted the federal license as the appropriate identifying document.

The Department has added subdivision (a)(7) to specify the type of identification document that will “properly” identify a manufacturer of ammunition, which is a class of persons exempted by Penal Code section 30352, subdivision (e)(6), from certain requirements of the ammunition authorization program. The Department determined that a valid Type 06 FFL is the best document to properly identify a manufacturer of ammunition for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). The type of manufacturer of ammunition that would qualify for the exemption provided by Penal Code section 30352, subdivision (e) and therefore would need to be “properly identified” as proposed by section 4306(a), is specified by Penal Code section 30352, subdivision (e)(6) as a “manufacturer [...] of [...] ammunition licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.” Pursuant to that United States Code and the regulations issued pursuant thereto, to be licensed as an manufacturer of ammunition, a person must apply for and be granted a Type 06 FFL. Since Penal Code section

30352(e)(6) specifies that the manufacturer of ammunition is defined by its federal licensure, the Department has adopted the federal license as the appropriate identifying document.

The Department has added subdivision (a)(8) to specify the type of identification document that will “properly” identify an authorized law enforcement representative of a city, county, city and county, or state or federal government, which, as specified, is a class of persons exempted by Penal Code section 30352, subdivision (e)(7), from certain requirements of the ammunition authorization program. The Department determined that a written authorization from the head of the agency authorizing the ammunition purchase or transfer, as described by Penal Code section 30352, subdivision (e)(7), is the best document to properly identify an authorized law enforcement representative for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). That section of Penal Code specifies the document that is to be used to provide “proper written authorization.” Since Penal Code section 30352(e)(7) specifies that the law enforcement representative is authorized by means of this written authorization, the Department has adopted the written authorization as the appropriate identifying document. The Department determined that no further interpretation is necessary to implement that statute. The requirement is being duplicated here to provide clarity to the regulations by presenting all documents that will “properly” identify all persons exempted from certain ammunition authorization program requirements by Penal Code section 30352, subdivision (e).

The Department has added subdivision (a)(9), including (a)(9)(A) and (B) to specify the type of identification documents that will “properly” identify a sworn peace officer, which, as specified, is a class of persons exempted by Penal Code section 30352, subdivision (e)(8), from certain requirements of the ammunition authorization program. The Department determined that the sworn officer’s credential, along with a written certification from the head of the agency authorizing the ammunition purchase or transfer, as described by Penal Code section 30352, subdivision (e)(8)(B)(i), are the best documents to properly identify a sworn peace officer for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). The Department determined that a written certification from the head of the agency authorizing the ammunition purchase or transfer, as described by Penal Code section 30352, subdivision (e)(8)(B)(i), is one such document to properly identify an authorized law enforcement representative. That section of Penal Code specifies the document that is to be used to provide “proper written authorization.” Since Penal Code section 30352(e)(8) specifies that the sworn peace officer is authorized by means of this written certification, the Department has adopted the written certification as one of the appropriate identifying documents. Unlike section 4306(a)(8), which concerns a representative of a government who is purchasing or transferring ammunition for the exclusive use by the government agency, 4306(a)(9) concerns the use of ammunition by a particular individual – the sworn peace officer. As such, the Department determined that “proper” identification requires identifying the individual officer. A “sworn state or local peace officer’s credential” is defined in section 4301(q) as identification indicating an individual is a sworn state or local peace officer pursuant to Part 2, Chapter 4.5 of the Penal Code. Because such identification can take many forms, depending on the jurisdiction, the Department determined that this definition provides the most effective manner in carrying out the purpose for which the regulation is proposed. The officer’s credential, together with the written certification from the head of the agency, will “properly” identify a sworn peace officer, as defined, who are



exempted from certain ammunition authorization program requirements by Penal Code section 30352, subdivision (e)(8).

Additionally, the Department added to section 4306(a)(9)(B) a provision that had been provided in subdivision (b) of the text as originally noticed, that limits the time for which the written certification is valid. The Department determined that the certification should only be valid for 30 days after issuance, to ensure that the officer's head of agency is aware of and authorizes all ammunition purchases, and to ensure that the officer is still a full-time paid peace officer at the time of the purchase or transfer of ammunition.

The Department has added subdivision (a)(10), including (a)(10)(A) and (B), to specify the type of identification document that will "properly" identify a federal law enforcement officer, which, as specified, is a class of persons exempted by Penal Code section 30352, subdivision (e)(8), from certain requirements of the ammunition authorization program. The Department determined that the federal law enforcement officer's credential, along with a written certification from the head of the agency authorizing the ammunition purchase or transfer, as described by Penal Code section 30352, subdivision (e)(8)(B)(i), are the best documents to properly identify a federal law enforcement officer for the purpose of the exemption provided by Penal Code section 30352, subdivision (e). The Department determined that a written certification from the head of the agency authorizing the ammunition purchase or transfer, as described by Penal Code section 30352, subdivision (e)(8)(B)(i), is one such document to properly identify a federal law enforcement officer. That section of Penal Code specifies the document that is to be used to provide "proper written authorization." Since Penal Code section 30352(e)(8)(B)(i) specifies that the federal law enforcement officer is authorized by means of this written certification, the Department has adopted the written certification as one of the appropriate identifying documents. Unlike section 4306(a)(8), which concerns a representative of a government who is purchasing or transferring ammunition for the exclusive use by the government agency, 4306(a)(9) concerns the use of ammunition by a particular individual – the federal law enforcement officer. As such, the Department determined that "proper" identification requires identifying the individual officer. A "sworn federal law enforcement officer's credential" is defined in section 4301(p) as identification indicating an individual is a sworn federal law enforcement officer. Because such identification can take many forms, depending on the jurisdiction, the Department determined that this definition provides the most effective manner in carrying out the purpose for which the regulation is proposed. The officer's credential, together with the written certification from the head of the agency, will "properly" identify a sworn peace officer, as defined, who are exempted from certain ammunition authorization program requirements by Penal Code section 30352, subdivision (e)(8).

Additionally, the Department added a provision to section 4306(a)(10)(B) that had been provided in subdivision (b) of the text as originally noticed, that limits the time for which the written certification is valid. The Department determined that the certification should only be valid for a 30 days after issuance, to ensure that the officer's head of agency is aware of and authorizes all ammunition purchases, and to ensure that the officer is still a full-time paid peace officer at the time of the purchase or transfer of ammunition.

The Department added subdivision (b) to specify certain record keeping requirements for ammunition vendors. Penal Code section 30352, subdivision (e)(8)(B)(iii) requires the ammunition vendor to keep, with the record of sale, the verifiable written certification from the head of agency, and to submit that certification to the Department. The Department interprets the purpose of this requirement as allowing the Department to verify that the ammunition vendor has complied with Penal Code section 30352, subdivision (e)(8). However, the certification, by itself, would not verify compliance. The Department determined that it would also need to be able to inspect the related identifying documents, as specified in section 4306, subdivisions (a)(9) or (a)(10), and (c), to determine whether the person who purchased or received the transfer of ammunition was a credentialed officer, and was the person identified in the written certification.

The Department added subdivision (b)(1) to provide the ammunition vendor with an alternative method of recordkeeping that will allow the Department to verify compliance with Penal Code section 30352, subdivision (e)(8), in the event that the law enforcement agency does not allow photocopies to be made of the officer's credential. The Department is aware that certain statutes, regulations and policies of federal, state, or local law enforcement agencies prohibit the photocopying of official identification cards (e.g. Title 18, US Code Part I, Chapter 33, Section 701). In such a circumstance, the Department determined that the interest in being able to verify that the person who purchased or received the transfer of ammunition was the person identified in the written certification would best be accomplished by requiring the ammunition vendor to retain another document that would be commonly available to a sworn peace officer or sworn federal law enforcement officer. The Department determined that a business card meets this requirement, so long as the ammunition vendor also personally views the credential.

The Department added subdivision (c) to specify a step that must be conducted at the time of delivery. Subdivision (c) implements Penal Code section 30352, subdivision (c), which requires that an ammunition vendor shall require "bona fide evidence of identity" from the purchaser or transferee, to verify that the person who is receiving delivery of the ammunition is exempted from the requirement to provide authorization. The persons exempted from certain requirements of the ammunition authorization program by Penal Code section 30352, subdivision (e), which is implemented by this section, must still comply with the requirement of Penal Code section 30352, subdivision (c). The term "bona fide evidence of identity" is defined by Penal Code section 16300, a reference to which is provided here for ease of reference. The requirement to provide this evidence of identity is being duplicated here to provide clarity to the regulations by presenting, in this section, all of the requirements for completing a purchase or transfer that is exempt from Penal Code section 30352, subdivisions (a) and (d).

The Department has determined that the person who verifies the bona fide evidence of identity does not have to be the ammunition vendor COE holder, but may also be an authorized associate or salesperson. This mirrors language in section 4308(c), for consistency, as well as proposed changes to title 11, section 4210(a) in a separate rulemaking (see OAL File No. Z-2018-1127-05, currently under review at the California Office of Administrative Law). Currently, section 4210 refers to firearms dealers and "their employees." The Department is replacing the term "employee" with "authorized associate or salesperson." As noted in the Initial Statement of Reasons for that rulemaking, "This change is necessary, as a dealer may not have employees. A

dealer may only have independent contractors who perform DROS transactions on its behalf, and anyone who works for a dealer, in any capacity, and will be using the DES needs to have his or her own account for accurate tracking and accountability.” Conforming language has been used in this rulemaking, and for the same reasons.

The Department further amended this section to make nonsubstantial changes to punctuation and grammar. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

#### **§ 4307. Telephonic Access for Ammunition Vendors.**

The Department amended subdivision (a) to add a number to what had been the prefatory text, as originally noticed. This change allows for subdivision (a) to be easily referenced. The remainder of the section has been renumbered accordingly, including the cross-reference to subdivision (b) in subdivision (c). These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department further amended subdivision (a) to make nonsubstantial changes to punctuation and grammar. For example, the Department replaced the phrase “not being able to provide” with “inability to provide,” which is more clear. These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (c) to add the zip code to the address to which an ammunition vendor shall mail an “Ammunition Vendor (Non-Firearms Dealer) Application for Telephonic Approval,” form BOF 1020, as applicable. The zip code had been inadvertently omitted in the text originally made available to the public. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department further amended subdivision (c) to make nonsubstantial changes to punctuation, and to refer to the cross-reference as a “subdivision” and not a “paragraph.” These are non-substantial changes because they clarify the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

#### **§4308. Delivery of Ammunition Following DES Submission.**

The Department amended subdivision (a) to specify that the DES transaction record will change for transactions conducted pursuant to sections 4302, 4303 or 4305. This amendment removes sections 4304, 4306 and 4307 from the sections affected by 4308(a). Section 4304(a) already



provides for when the purchaser or transferee may take possession of the ammunition under the stated condition. An ammunition transaction conducted pursuant to section 4306 does not require approval, and so will not have a DES transaction record that could change from "Pending" to "Approved." Section 4307 describes a condition where DES, an electronic system accessed via an internet connection, is not accessible to an ammunition vendor, and therefore will not have a DES transaction record that could change from "Pending" to "Approved."

The Department amended subdivision (c) to specify additional steps that must be conducted at the time of delivery. Subdivision (c)(1) implements Penal Code section 30352, subdivision (c), which requires that an ammunition vendor shall require bona fide evidence of identity from the purchaser or transferee, to verify that the person who is receiving delivery of the ammunition is authorized to do so. The term "bona fide evidence of identity" is defined by Penal Code section 16300, a reference to which is provided here for ease of reference.

Subdivision (c)(2) implements Penal Code section 30352, subdivision (a), which requires an ammunition vendor to record, at the time of delivery, certain specified information. That section of Penal Code provides that the information shall be recorded "on a form to be prescribed by the Department of Justice." The DES website is the established portal through which ammunition vendors communicate purchasers' or transferees' personal information to the Department for the purpose of the ammunition eligibility checks and the COE verification process. It would be unduly burdensome for ammunition vendors, and unnecessarily expensive for the Department to develop and require use of a separate method of communicating purchasers' or transferees' personal information to the Department for the specific purpose of complying with Penal Code section 30352, subdivision (a). The Department has deleted the portion of the text as initially proposed that indicated that the purpose of the submission was "to record the time and date the ammunition is delivered." The information required by Penal Code section 30352, subdivision (a) includes the date of the sale or transfer, but does not include the time of delivery. By amending the text to refer directly to the information required by Penal Code section 30352, subdivision (a), the regulation now directly implements that section. Both 4308(c)(1) and (c)(2) provide clarity to the public as to what information is required by statute upon delivery of ammunition. The statutory requirements are being duplicated here to provide clarity to the regulations by presenting, in this section, all of the requirements for completing a purchase or transfer conducted pursuant to sections 4302, 4303 or 4305.

The Department amended the authority section to include Penal Code section 30352. That section provides authority for the requirements in subdivision (c).

#### **§ 4309. Billing, Payment, and Suspension for Non-Payment.**

The Department amended subdivision (b) to remove a hyphen from between the number "30" and the word "day." This change is solely grammatical in nature. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department also amended subdivision (b) to remove a parenthetical clause that was intended to clarify the regulation by reiterating the day of the month, as provided in subdivision (a), but instead provided potential for confusion. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (c) to make clear that the parenthetical identifies persons who are included in the suspension of access to DES, as specified. This meaning was already indicated by the parenthetical, but adding the word “including” makes the meaning more straightforward. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended subdivision (d) to make a grammatical change. The Department has replaced the definite article “the” with the possessive “their,” to clarify that the ammunition vendor possesses the “status.” This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

The Department amended the reference section to remove an unnecessary comma. This is a non-substantial change because it clarifies the regulation without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text. (Cal. Code of Regs., tit. 1, § 40.)

All other information provided in the Initial Statement of Reasons (inclusive of the addendum) is accurate and current.

(Note: subsequent to submission of the rulemaking file to the Office of Administrative Law for review, the Department made changes to this Final Statement of Reasons, and non-substantial changes to the regulation text, such as changes to grammar and punctuation, as identified herein.)

#### DOCUMENTS INCORPORATED BY REFERENCE

Proposed section 4308 incorporates by reference form BOF 1020, “Ammunition Vendor (Non-Firearms Dealer) Application for Telephonic Approval (Orig. 05/2018).” It would be cumbersome, unduly expensive, or otherwise impractical to publish this entire form in the California Code of Regulations. As indicated in the Notice of Proposed Action, the document was available upon request directly from the agency, and was reasonably available to the affected public on the Department’s rulemaking website. No change has been made to this document subsequent to the notice.

## LOCAL MANDATE DETERMINATION

The Department determined that this regulatory action will not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The Department has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from this regulatory action. The Department determined that costs associated with implementation of the requirement in Penal Code section 30352, subdivisions (e)(7) and (8) that authorized law enforcement representatives and local law enforcement officers must deliver a verifiable written certification from the head of the agency in order to qualify for the exemption, as provided, do not constitute nondiscretionary costs. It should be noted that authorized law enforcement representatives and local law enforcement officers are expressly exempt, pursuant to Penal Code section 30312, subdivisions (c)(1) and (2), from the requirement that a sale of ammunition shall be conducted by or processed through an ammunition vendor.

## SUMMARY AND RESPONSE TO COMMENTS

During the 45-day public comment period (December 14, 2018 through January 31, 2019), the Department received 219 different comments from 566 persons. In addition to receiving written comments, the Department held two public hearings to receive oral testimony on the proposed regulations. During the first hearing, held in Los Angeles on January 29, 2019, the Department heard testimony from four people. Eleven people gave testimony in the second hearing in Sacramento on January 31, 2019.

In order to properly manage the volume of public comment, the Department developed a system consisting of a Comment/Response spreadsheet and Comment Identification Key to assist with public comment organization. During the interpretive analysis of the public comments, a distinct number was assigned to the summaries of each comment, recommendation and objection (aggregated like-comment summaries were assigned the same number), and entered into the Comment/Response spreadsheet. Attachment A (96 pages) is a summary of all comments (written and oral) submitted during the 45-day comment period and the Department's responses. Attachment B is an alphabetical list (24 pages) of the commenters and identifies (by number) the comment(s) made by each person.

The Department noticed the public on April 18, 2019 of modifications to the text of the proposed regulations; an addendum to the Initial Statement of Reasons; and revisions to the Economic and Fiscal Impact Statement. The notice inadvertently provided an email address that was unable to accept incoming mail until April 22, 2019. Upon discovering this error, the Department sent a revised notice on April 23, 2019 that included two functional email addresses, and extended the comment period to May 8, 2019.

During the 15-Day comment period, the Department received 32 different comments from 139 persons. Attachment C (24 pages) is a summary of all comments submitted during the 15-day comment period and the Department's responses. Attachment D is an alphabetical list (6 pages) of the commenters and identifies (by number) the comment(s) made by each person.

Per the Administrative Procedures Act, for the purpose of these regulations, a comment is “irrelevant” if it is not specifically directed at the agency’s proposed action or to the procedures followed by the agency in proposing or adopting the action.

#### NONDUPLICATION STATEMENT

The proposed regulations partially duplicate or overlap a state statute or regulation which is cited as “authority” and “reference” for the proposed regulations. The duplication or overlap is necessary to satisfy the “clarity” standard of Government Code section 11349.1(a)(3).

#### ALTERNATIVES DETERMINATION

The Department determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective as and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department’s reasons for rejecting any proposed alternatives are set forth in the responses to comments.

#### ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

The Department determined that no proposed alternative would be more cost effective to affected small businesses and equally effective in implementing the statutory policy or other provision of law. The Department’s reasons for rejecting any proposed alternatives are set forth in the responses to comments.

# **EXHIBIT 3**

**XAVIER BECERRA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



Bureau of Firearms  
P.O. Box 160487  
Telephone: (916) 227-2698  
Fax: (916) 227-1032  
E-Mail Address: CL-AVL@doj.ca.gov

June 7, 2019

California Ammunition Vendor Licensees

**Re: Ammunition Purchase Authorization Program**

Dear California Ammunition Vendor Licensees:

The purpose of this letter is to advise Ammunition Vendor Licensees that pursuant to Proposition 63, "The Safety for All Act of 2016" (as amended by Senate Bill 1235, Stats. 2016, ch. 55), effective July 1, 2019, Ammunition Vendor Licensees are prohibited from providing a purchaser or transferee ammunition without approval from the Department of Justice (the Department), except as otherwise specified.

As a result of the above mentioned Proposition and Bill, the Department has made enhancements to the Dealer Record of Sale (DROS) Entry System (DES) and is in the process of finalizing regulations that will enable Ammunition Vendor Licensees to submit requests for ammunition eligibility checks to the Department, and subsequently receive eligibility determinations through the system. Furthermore, the DES will enable Ammunition Vendor Licensees to record information, relative to the sale or transfer of ammunition, at the time of delivery.

***Equipment***

Ammunition Vendor Licensees are encouraged to obtain the necessary equipment to comply with the new Ammunition Authorization Program prior to July 1, 2019. The following equipment is necessary:

- Internet Service Provider
- Computer, laptop, or iPad (etc.) with internet capabilities
- Adobe Acrobat Reader
- A printer
- A magnetic stripe card reader that meets California Department of Motor Vehicle specifications (based on AAMVA standards – card design 2009) which reads 3-tracks of magnetic stripe data, and 2D barcode data.

A magnetic stripe card reader can be purchased from your local electronics retailer or internet electronics retailer. The DES web application is designed to work with most magnetic stripe card readers that meet California Department of Motor Vehicles specifications as noted above.

California Ammunition Vendor Licensees  
June 7, 2019  
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### ***DES Enrollment***

Access to DES will require enrollment and account set-up. The Department is giving Ammunition Vendor Licensees, and their employees, the opportunity to enroll in DES and set-up their accounts by accessing DES at <https://DES.doj.ca.gov> effective today. It is recommended that Ammunition Vendor Licensees bookmark the DES link at the time of enrollment, as that will facilitate easy access on July 1, 2019.

For your convenience, the Department has included (with this notice) a quick reference guide that covers the following: how to create a DES account, how to approve employee accounts, and how to assign employee permissions.

Please note: Firearm Dealers that were automatically deemed Ammunition Vendor Licensees, and their employees, will *not* have to enroll in DES again – their current accounts will continue to work. Firearm Dealers now have the ability to assign the new ammunition transaction permissions to their employees.

***Full Access to DES will be made available to Ammunition Vendor Licensees at 7:00 am on July 1, 2019***

Effective July 1, 2019, full access to DES will be available to Ammunition Vendor Licensees who have enrolled in DES. At that time, Ammunition Vendor Licensees and their employees (with the appropriate permissions) will have the ability to submit Ammunition Eligibility Check transactions and record ammunition sales.

The following ammunition transaction capabilities will be made available:

- Submit Eligibility Check
- Search Eligibility Check
- Review Eligibility Notices
- Submit Ammunition Purchase(s)
- Search Frequently Sold Ammunition List
- Add Frequently Sold Ammunition
- Pay Invoices
- View Paid Invoices

Firearm Dealers will see the new ammunition transaction functionalities noted above, and will also have the following new functionalities:

- Add an ammunition sale at the time a firearm is being delivered
- DROS transactions (ammunition and firearms) will now be uploaded to a cart prior to being submitted to the Department.



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June 7, 2019  
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***DES Firearm Dealer/Ammunition Vendor Licensee User Guides***

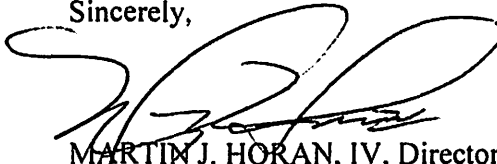
The Department will release an updated DES Firearm Dealer User Guide (which will include all new functionalities) and an Ammunition Vendor Licensee User Guide at a later date.

***Customer Support Center***

The Customer Support Center is available to provide assistance 7 days a week, from 8:00 am to 9:00 pm. On July 1, 2019, the Customer Support Center will be available from 7:00 am to 9:00 pm. If you have any questions regarding the DES web application, please contact the DES Customer Support Center at 1-855-DOJ-DROS (1-855-365-3767).

Should you have any questions regarding this letter, please contact the Bureau of Firearms at the number listed above.

Sincerely,



MARTIN J. HORAN, IV, Director  
Bureau of Firearms

For XAVIER BECERRA  
Attorney General



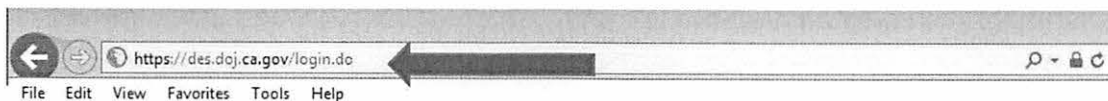
# Firearm Dealers DES Quick Reference Guide Adding Permissions

## New DES Account Permissions

Firearm dealers will now have additional permissions added to their DES account to process ammunition transactions. Employees of the license holder may need to have their permissions updated to process ammunition transactions.

### STEP 1

Go to your internet browser and access the DROS Entry System (DES) by typing the following URL into your URL address bar: <https://des.doj.ca.gov>.



### STEP 2

Enter your User Name and Password.

### DROS Entry System Log On

**Not yet a DES user?**  
If you are not a DES user [request a DES account](#).

**Current DES users** [\[View User Name and Password Information\]](#)

<p><b>*User Name</b></p> <input style="width: 100%;" type="text"/> <p><a href="#">Forgot User Name?</a></p> <p><a href="#">Forgot User Name and Password?</a></p>	<p><b>*Password</b></p> <input style="width: 100%;" type="password"/> <p><a href="#">Forgot Password?</a></p>
---	---

Please click buttons only once. Multiple clicks will delay processing.

### STEP 3

Click the [Manage Employees](#) link under the ADMINISTRATOR section.

**MY ACCOUNT**

- Edit My Profile
- Change My Password
- My Issue Log

**ADMINISTRATOR**

- New Account Requests
- Manage Employees
- Manage Dealerships
- View Paid Invoices
- Pay Invoices

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## Firearm Dealers DES Quick Reference Guide Adding Permissions

### STEP 4

Select the appropriate employee by clicking on the user's Last Name.

### Employees

Dealership Display Option ▼

Last Name	First Name
<span style="border: 1px solid black; padding: 2px;">B...</span>	<span style="border: 1px solid black; padding: 2px;">J...</span>
<span style="border: 1px solid black; padding: 2px;">B...</span>	<span style="border: 1px solid black; padding: 2px;">R...</span>

### STEP 5

Select the appropriate permissions for the user. Once you've selected the appropriate permissions for your employee, click the **Accept** button.

**Permissions for this user**

(At least one Permission must remain selected)

☐ Select All Permissions

☒ Pay Invoices [Allows user to view and pay invoices]

☐ Manage Inventory [Allows user to manage ammo inventory]

☒ Manage Employees [Allows user to add or remove employees]

☒ Enter Gun Transactions [Allows user to enter DROS and acquisition transactions]

☐ Enter Ammo Transactions [Allows user to enter ammo transactions]

☒ Correct or Cancel DROS [Allows user to correct or cancel DROS transactions]

Remove User ☐

---

**Add Dealership(s) for this user**

(List of active dealerships associated to your COE that are not assigned to this user)

### New Account Permissions include:

- Manage Inventory [Allows the user to add, remove, or edit the list of frequently sold ammunition.]
- Enter Ammo Transaction (COE REQUIRED). [Allows the user to submit ammunition eligibility checks and deliver ammunition.]

**PLEASE NOTE:** The ability to Manage Inventory and Enter Ammo Transactions will not be available until July 1, 2019.



## Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

### REQUESTING A DES ACCOUNT

To get started you will need:

#### Information

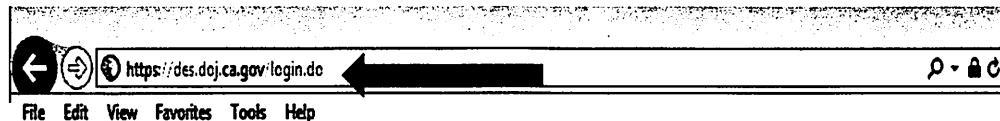
- California Ammunition Vendor (CAV) license number
- DOJ Certificate of Eligibility (COE) number of the license holder/responsible party
- (Optional) Personal DOJ COE number to submit ammunition eligibility checks and deliver ammunition
- Personal driver's license or identification number

#### Equipment

- Internet Service Provider
- Computer, laptop, or iPad (etc.) with internet capabilities
- Adobe Acrobat Reader
- A printer
- A magnetic stripe card reader that meets California Department of Motor Vehicle specifications (based on AAMVA standards – card design 2009), which reads 3 tracks of magnetic stripe data, and 2D barcode data.

### STEP 1

Go to your internet browser and access the DROS Entry System (DES) by typing the following URL into your URL address bar: <https://des.doj.ca.gov>.



### STEP 2

Click the "[request a DES account](#)" link.

#### DROS Entry System Log On

**Not yet a DES user?**  
If you are not a DES user [request a DES account.](#)

**Current DES users** [\(View User Name and Password information\)](#)

*User Name	*Password
Forgot User Name?	Forgot Password?
Forgot User Name and Password?	

Please click buttons only once. Multiple clicks will delay processing



## Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

### STEP 3

Click the **Continue** button.

#### DROS Entry System Account Request/Enrollment Guidelines

You will need a combination of the following information to complete account request/enrollment:

- ▶ California Firearms Dealer (CFD) Dealer ID
- ▶ California Ammunition Vendor (CAV) number
- ▶ Dealership Certificate of Eligibility (COE) number
- ▶ Federal Firearms License (FFL) number
- ▶ A unique personal identification number (for example, your driver's license number)

If you have all the required information and are ready to enroll, please press the "Continue" button to proceed, otherwise press the "Cancel" button.



Continue

Cancel

### STEP 4

If you agree to the Terms of Use agreement,<sup>1</sup> click the **I Agree** button.

#### DROS Entry System Terms of Use Agreement

You may want to print and file this agreement page for your records.

Please read the Agreement below. The Terms of Use are subject to change by the Department of Justice (the Department) upon prior notice to you. If you agree, click the "I Agree" button to proceed to the Account Request form. If you do not agree to the terms and conditions, you will be denied access to the Dealers' Record of Sale (DROS) Entry System.

- ▶ **Non-Liability:** The Department of Justice (Department) is not responsible for and will not have liability for hardware, software, information, or other items or any services provided by any persons other than the Department. In no event shall either party be liable to the other or any third party, under any theory of liability, including, but not limited to, any contract or tort claim for any cause whatsoever, for any indirect, incidental, special or consequential damages, including loss of revenue or profits, even if aware of the possibility thereof.
- ▶ **Authorization:** I am a licensed firearms dealer Certificate of Eligibility (COE) Holder, authorized associate, authorized account associate, or salesperson of the firearms dealer, or an ammunition vendor, authorized ammunition vendor associate, authorized ammunition vendor account associate, or ammunition vendor salesperson, and am authorized to use DES on behalf of the firearms dealer or ammunition vendor.
- ▶ **Access:** The acquisition and maintenance of the device and software used to access the internet and interface with DES shall be the responsibility of each firearms dealer or ammunition vendor.

Each authorized associate, authorized account associate, or salesperson shall request and use his/her own DES account after the Dealer COE Holder or ammunition vendor has granted authorization. The DES enables the Dealer COE Holder or ammunition vendor to authorize the functions each user is able to access.

- ▶ **Confidentiality and Unauthorized Use:** It is the responsibility of the user and the firearms dealer or ammunition vendor to protect the confidentiality of the individual password selected by each user to access DES.

If a Dealer COE Holder, authorized associate, authorized account associate, or salesperson, or ammunition vendor, authorized ammunition vendor associate, authorized ammunition vendor account associate, or ammunition vendor salesperson becomes aware that an unauthorized user has obtained access to DES, they must notify the Customer Support Center immediately. Contact information is available upon logging into the DES account. Notwithstanding such notification, the Department shall not be liable for transaction charges fraudulently incurred on a DES account. It is the dealers or ammunition vendor's responsibility to pay these transaction charges.

- ▶ **Transactions Involving Multiple Firearms (Firearms Dealers Only):** A transaction means a single sale, transfer, or loan of any number of firearms to one person at the same time. It is the responsibility of the user to indicate that a transaction consists of more than one firearm while entering Dealer Record of Sale (DROS) information for submission to the Department. If the user does not indicate the transaction consists of more than one firearm prior to submission, another DROS fee will be required for the additional firearms.

Upon submission of a DROS, the fee will be charged to the dealer's account. The Department will not provide refunds after submission and acceptance of a DROS.

- ▶ **True and Accurate Information:** All of the information I submit to the Department through DES shall be true, accurate, and complete to the best of my knowledge.



Please click buttons only once. Multiple clicks will delay processing.

I Agree

I Do Not Agree

<sup>1</sup> The effective date of this agreement is July 1, 2019.



## Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

### STEP 5

Answer the following questions:

- a. Are you the Dealership COE holder?

*If you are the business owner/responsible party on the CAV License, select YES. If you are an employee, select NO.*

- b. Enter the Dealership COE Number. Enter the COE number of the business owner/responsible party.

*If you are the business owner/responsible party on the CAV License, enter your Dealership COE number. If you are an employee, enter the Dealership COE number of the business owner/responsible party on the CAV License. You may need to get this information from the business owner/responsible party.*

- c. Enter the CAV License Number.

*If you are the business owner/responsible party on the CAV license, enter the number on your CAV license. If you are an employee, enter the number on the CAV license of the business owner/responsible party. You may need to get this information from the business owner/responsible party.*

- d. Complete the reCAPTCHA and click **Submit** button.

**User Account Request. Part 1**

**Step 1: Submit Dealer Information for Verification**

*Are you a dealership COE Holder? <input type="text" value="YES"/>	*Dealership COE Number <input type="text"/>	*CFD/CAV Number <input type="text"/>
---	--	---

☒ If you have an Employee COE or other COE type, select No.

I'm not a robot





## Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

### STEP 6

- a. (Optional) Enter Employee COE Number. If the employee does not have a COE, leave the field blank. Employees are still able to create a DES account with limited permissions.
- b. Enter your Personal ID Number. This will be the number on your driver's license or identification card.
- c. Complete the reCAPTCHA and click **Submit** button.

### STEP 7

- a. Enter your Last Name and First Name.
- b. (Optional) Enter and confirm your Business Email Address.
- c. Select and answer three (3) identity verification questions. These will be used to confirm your identity to recover or reset a password.
- d. Enter and re-enter a password for your DES account. Click the [Password Format](#) link for more details on password requirements. (Please make note of your password and store it in a safe place.)
- e. Click the **Submit Request** button.
- f. Confirm your entries. Click **Confirmed, Submit** button



## Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

### STEP 8

Make note of the provided user name. Employee accounts will need to be confirmed by another user prior to logging onto DES.

**DES Account Request - Submission Confirmation**

Congratulations, your account has been created.  
Your user name is **TEEMPLOY2** Please make a note of this.

Your account must be set up by your store manager before you can use DES

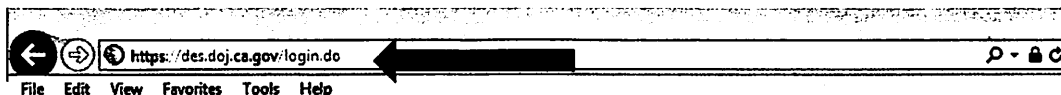
[Go to Log On](#)

### APPROVING ACCOUNT REQUESTS – BUSINESS OWNER/RESPONSIBLE PARTY

Business Owner/Responsible Parties must approve employee accounts before an employee can gain access to the DES. (Please note: this responsibility can be delegated after the business owner/responsible party creates his/her initial account.)

### STEP 1

Go to your internet browser and access the DROS Entry System (DES) by typing the following URL into your URL address bar: <https://des.doj.ca.gov>.



### STEP 2

Enter your User Name and Password.

**DROS Entry System Log On**

**Not yet a DES user?**  
If you are not a DES user [request a DES account](#).

**Current DES users**     [\(View User Name and Password Information\)](#)

<p><b>*User Name</b></p> <input style="width: 100%;" type="text"/> <p><a href="#">Forgot User Name?</a></p> <p><a href="#">Forgot User Name and Password?</a></p>	<p><b>*Password</b></p> <input style="width: 100%;" type="password"/> <p><a href="#">Forgot Password?</a></p>
---	---

Please click buttons only once. Multiple clicks will delay processing.



## Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up

### STEP 3

If you have pending account requests to review, you will see the following message:

1. You have pending account requests.

To review an account request, click the New Account Requests link under the ADMINISTRATOR section.

#### MY ACCOUNT

Edit My Profile  
Change My Password  
My Issue Log

#### ADMINISTRATOR

New Account Requests  
Manage Employees  
Manage Dealerships  
View Paid Invoices  
Pay Invoices

Menu located on the left-hand-side of the page.

### STEP 4

Select the appropriate request by clicking on the user's Last Name.

Pending Account Requests		
Last Name	First Name	Date Submitted
EMPLOYEE	TEST	05/07/2019 11:24 AM

Displaying records 1 to 1 of 1 total records.

Please click buttons only once. Multiple clicks will delay processing.

### STEP 5

Select the appropriate permissions for the user. Once you've selected the appropriate permissions for your employee, click the **Accept** button. After you accept, your employee will be able to log on to DES.

**Permissions for this user**

☒ You must select at least one Permission if approving this request

☐ Select All Permissions

☒ Pay Invoices [Allows user to view and pay invoices]

☒ Manage Inventory [Allows user to manage ammo inventory]

☒ Manage Employees [Allows user to add or remove employees]

☒ Enter Ammo Transactions [Allows user to enter ammo transactions]

Please click buttons only once. Multiple clicks will delay processing.



## **Ammunition Vendor Licensee DES Quick Reference Guide Account Set-up**

### **AMMUNITION VENDOR DES USER PERMISSIONS:**

- Pay Invoice [Allows the user to view and pay invoices.]
- Manage Inventory [Allows the user to add, remove, or edit the list of frequently sold ammunition.]
- Manage Employees [Allows the user to add, remove, or edit an employee's DES account permissions.]
- Enter Ammo Transaction (COE REQUIRED). [Allows the user to submit ammunition eligibility checks and deliver ammunition.]

**PLEASE NOTE:** The ability to Manage Inventory and Enter Ammo Transactions will not be available until July 1, 2019.

# **EXHIBIT 4**



**IMPORTANT NOTICE**

**CALIFORNIA DEPARTMENT OF JUSTICE NOTIFICATION REGARDING  
REGULATIONS FOR AMMUNITION PURCHASES OR TRANSFERS AND AUTOMATED  
FIREARMS SYSTEM INFORMATION UPDATES**

Effective July 1, 2019, persons seeking to purchase or transfer ammunition will have to undergo an eligibility check, and be approved by the Department, prior to the sale or transfer, except as otherwise specified. Departmental approval shall occur electronically through a licensed ammunition vendor. (Beginning with Cal. Code Reg., tit. 11, § 4300)

Effective July 1, 2019, persons with an outdated Automated Firearms System record will have the ability to correct or update personal information (name, date of birth, Identification number/type, and current address) on their Automated Firearm System record via the California Firearms Application Reporting System (also known as CFARS). (Cal. Code Reg., tit. 11, § 4350-4353)

The newly adopted text of these regulations can be found at <https://oag.ca.gov/firearms/regs>

Should you have any questions please contact the Bureau of Firearms, Customer Support Center at (855) 365-3767 or via e-mail at [bofdes@doj.ca.gov](mailto:bofdes@doj.ca.gov).

# **EXHIBIT 5**

## IMPORTANT NOTICE

### **Regarding Availability of Instructional User Guides Related to Upcoming Ammunition Sale Requirements**

The purpose of this bulletin is to notify firearm dealers and ammunition vendors of the availability of instructional user guides that have been created or updated to reflect enhancements to the Dealer Record of Sale (DROS) Entry System (DES) that allow for the submission of eligibility checks and ammunition purchases. These user guides will be available to access through the Bureau of Firearms website at <https://oag.ca.gov/firearms/forms> listed under "Publications" and subsequently through the DES application.

**Firearm Dealers:** The DES User Guide was updated to include instructions for ammunition eligibility checks and sales.

**Ammunition Vendors:** The Ammunition User Guide provides instructions on using DES including submitting ammunition transactions.

The Quick Reference Guide is an instructional document on how to submit an ammunition eligibility check and ammunition purchase and can be found attached to this bulletin.

In preparation for the upcoming changing requirements for the sale of ammunition through DES, it is recommended that all employees of firearm dealers and ammunition vendors review these instructional guides thoroughly.

**The ammunition functionality will be available within DES at 7:00 am on Monday July 1, 2019, and the Customer Support Center will be available at this time for any assistance with the system.**

**Effective July 2, 2019, the DES hours of operation will be 4:00 am to 1:00 am and the Customer Support Center hours will be Monday through Sunday 8:00 am to 9:00 pm unless otherwise notified.**

Furthermore, new content has been added to the Bureau of Firearms website under the Ammunition Purchase Authorization Program at [oag.ca.gov/firearms/apap](https://oag.ca.gov/firearms/apap). You will find information about the requirements used to determine whether an individual is eligible to purchase ammunition in addition to establishing and updating a record in the Automated Firearms System.

Should you have any questions, please contact the Bureau of Firearms, Customer Support Center at (855) 365-3767 or via e-mail at [bofdes@doj.ca.gov](mailto:bofdes@doj.ca.gov).



# DROS Entry System Submit Ammunition Transaction Quick Reference Guide

## SUBMITTING AN ELIGIBILITY CHECK

To get started you will need:

### Information

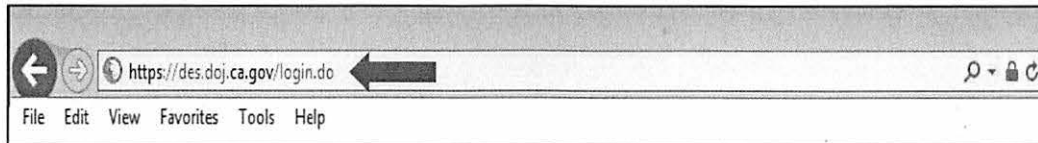
- Purchasers California Driver License or California Identification Card

### Equipment

- Internet Service Provider
- Computer or laptop with internet capabilities
- Printer
- Adobe Acrobat Reader (software)
- Magnetic card swipe reader that meets California Department of Motor Vehicle specifications (based on AAMVA standards-card design 2009) which read 3-tracks of magnetic stripe data, and 2D barcode data.

## STEP 1

Go to your internet browser and access the DROS Entry System (DES) by typing the following URL into your URL address bar: <https://des.doj.ca.gov>.



## STEP 2

Enter your User Name and Password.

### DROS Entry System Log On

---

**Not yet a DES user?**  
If you are not a DES user [request a DES account](#).

---

**Current DES users**    [\[View User Name and Password information\]](#)

---

**\*User Name**

[Forgot User Name?](#)

**\*Password**

[Forgot Password?](#)

[Forgot User Name and Password?](#)

Please click buttons only once. Multiple clicks will delay processing.

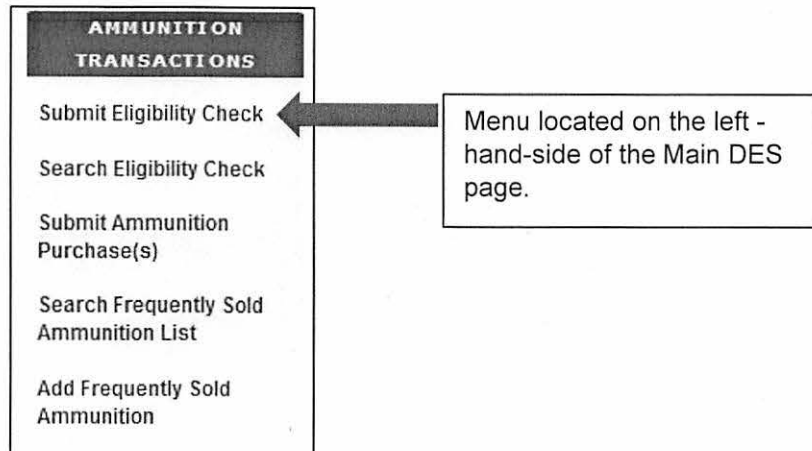
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## DROS Entry System Submit Ammunition Transaction Quick Reference Guide

### STEP 3

Select **Submit Eligibility Check** from the Ammunition Transaction section.



### STEP 4

Select the appropriate Ammunition Eligibility Check for the purchaser.

- Standard Ammunition Eligibility Check (SAEC) **Fee: \$1.00**
- Basic Ammunition Eligibility Check (BAEC) **Fee: \$19.00**
- Certificate of Eligibility (COE) Verification **Fee: \$1.00**

### Select Eligibility Check

#### Purchaser Eligibility Check

Standard Ammunition Eligibility Check

Basic Ammunition Eligibility Check

Certificate of Eligibility Verification





## DROS Entry System Submit Ammunition Transaction Quick Reference Guide

### STEP 5

Swipe the CA driver license or identification card through the magnetic card swipe reader. You must click on the **Populate Fields** button in order for the personal information to be entered into the personal information fields.

Person Information

Swipe CA Driver's License or ID Card

### Standard Ammunition Eligibility Check

Person Information

Swipe CA Driver's License or ID Card

\*First Name

Middle Name

\*Last Name

Suffix

\*Street Address

\*Zip Code

\*City

State

Gender

Hair Color

Eye Color

Height (feet/inches)

Weight

\*Date of Birth

\*ID Type

\*ID Number

\*Race

\*U.S. Citizen

\*Place of Birth

\*Telephone Number

Alias First Name

Alias Middle Name

Alias Last Name

Alias Suffix

Please click buttons only once. Multiple clicks will delay processing.

Confirm the information populated matches the driver license or identification card and that all required fields have been entered and then click **Preview**.

**PLEASE NOTE:** When processing an Eligibility Check for a COE holder the COE number must be entered.

### COE Check

Person Information

Swipe CA Driver's License or ID Card

\*COE Number



## DROS Entry System Submit Ammunition Transaction Quick Reference Guide

### STEP 6

After clicking preview, you will be redirected to preview the eligibility check. Review the personal information entered. If everything is correct, select the checkbox "I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$1.00 to the Department of Justice" and click **Submit Final**.

Standard Ammunition Eligibility Check									
DROS NUMBER: XXXXXXXXXXXXXXX					STATUS: PREVIEW				
PERSON INFORMATION									
FIRST NAME TEST		MIDDLE NAME MIDDLE		LAST NAME MIDDLE		ALIAS LAST NAME ALIAS LAST NAME		ALIAS SUFFIX ALIAS SUFFIX	
STREET ADDRESS TEST STREET		CITY RANCHO CORDOVA		STATE CA		ZIP 95779		TELEPHONE 714 438-4334	
CITY CITY		STATE STATE		ZIP ZIP		TELEPHONE TELEPHONE		ALIAS SUFFIX ALIAS SUFFIX	
DATE OF BIRTH DATE OF BIRTH		PLACE OF BIRTH ALABAMA		RACE AMERICAN INDIAN		HAIR COLOR BLACK		EYES BROWN	
TRANSACTION INFORMATION									
TRANSACTION TYPE STANDARD AMMUNITION ELIGIBILITY CHECK I have read the list of prohibited offenses, and nothing would preclude me from possessing a firearm. By signing this document, I hereby certify under penalty of perjury that the information provided is true and correct.									
DEALER'S SIGNATURE SAMPLE					PURCHASER'S SIGNATURE SAMPLE				
ADDRESS 723 TEST STREET, CA 95833					SALESPERSON'S SIGNATURE SAMPLE				
CITY CITY					DEALER'S PHONE 714 438-4334				
STATE STATE					CODE CODE				
I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$ 1.00 to the Department of Justice. <input checked="" type="checkbox"/>									
<input type="button" value="Back"/> <input type="button" value="Cancel"/> <input type="button" value="Submit Final"/> <input type="button" value="Print"/>									

**PLEASE NOTE:** The fee will vary depending on the type of eligibility check you are submitting.

You must check this box to see the Submit Final option.

"I understand that upon submission of this DROS transaction I will be billed and agree to pay a non-refundable fee of \$ 1.00 to the Department of Justice." ☒

After you click Submit Final, the system displays the final DROS transaction with its unique DROS number. The status of the submitted eligibility check will indicate "In Progress."

Transaction has been successfully submitted. What would you like to do next? -> Print this DROS (you will return on this page and click on select from the options below) -> Go to the Main Menu -> Go to Background Check Menu	
Standard Ammunition Eligibility Check	
DROS NUMBER XXXXXXXXXXXX	STATUS: IN PROGRESS

**RECOMMENDATION:** Write down or copy the generated DROS number that has been provided. It can be used to search for the eligibility check once a determination is made by the Department.

If a Basic Ammunition Eligibility check is submitted, please provide the DROS number to the individual and advise them to check the status of their eligibility check on the Department's California Firearms Application Reporting System (CFARS). The Department may take several days to make an eligibility determination for a Basic Ammunition Eligibility Check.

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# DROS Entry System

## Submit Ammunition Transaction

### Quick Reference Guide

#### SEARCH AMMUNITION ELIGIBILITY CHECK

#### STEP 1

Once you have submitted an Ammunition Eligibility Check to the Department, you will need to wait for an approved status before the purchaser can purchase ammunition. From the DES Main Page select **Search Eligibility Check** from the Ammunition Transaction section.

**AMMUNITION  
TRANSACTIONS**

Submit Eligibility Check

Search Eligibility Check ←

Submit Ammunition Purchase(s)

Search Frequently Sold Ammunition List

Add Frequently Sold Ammunition

Menu located on the left - hand-side of the Main DES page.

#### STEP 2

The "Ammunition Eligibility Check Results" page will populate. From this page you can search by the purchaser's last name, first name, DROS number, ID number or by decision. Enter the information that you want to search by and then click **Search**. The results will populate in the "Search Results" section.

### Ammunition Eligibility Check Results

Last Name

First Name

DROS Number

ID Number

Decision

Please click buttons only once.

Search Results

DROS Number	Name of Purchaser (First Middle Last)	ID Number	Decision	Type	Expiration Date
<input type="text"/>	TEST PURCHASER	1111111	DENY/REJECT	Standard Ammunition Eligibility Check	

Displaying records 1 to 1 of 1 total records.

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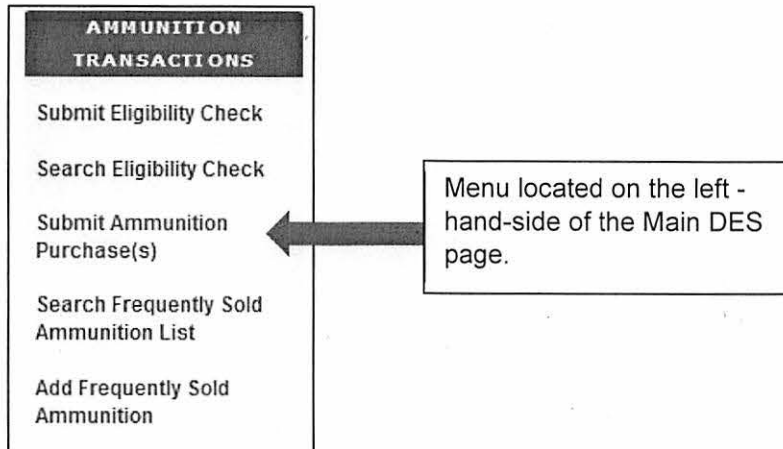
# DROS Entry System

## Submit Ammunition Transaction

### Quick Reference Guide

#### STEP 1

Select **Submit Ammunition Purchase(s)** from the DES Main Page.



#### STEP 2

The "Select Ammunition Purchase Type" page will display. Select the appropriate transaction type.

- a. **Ammunition Sale** – The purchase of ammunition from a licensed California Ammunition Vendor.
- b. **Private Party Ammunition Transfer** – Ammunition transferred from one non-vendor to another non-vendor.

### Select Ammunition Purchase Type

---

**Ammunition Purchase**

[Ammunition Sale](#)

[Private Party Ammunition Transfer](#)

**Pending Purchase(s)**

You have no pending purchases.

Please click buttons only once. Multiple clicks will delay processing.

[Main Menu](#)





## DROS Entry System Submit Ammunition Transaction Quick Reference Guide

### STEP 3

After clicking "Ammunition Sale", you must verify the purchaser information by entering the fifteen digit Eligibility Check DROS number in the "Enter Eligibility Check DROS #" field. Click **Verify** and the purchaser's information will populate based on the information entered while submitting the Eligibility Check.

Submit Ammunition

Enter the fifteen digit Eligibility Check DROS Number.

**Purchaser Information**

Enter Eligibility Check DROS #

Purchaser First Name Purchaser Middle Name Purchaser Last Name Suffix

Purchaser Street Address Zip Code City State

Gender Hair Color Eye Color Height (feet/inches) Weight Date of Birth

Purchaser ID Type Purchaser ID Number Race U.S. Citizen

Purchaser Place of Birth Telephone Number

Purchaser Alias First Name Purchaser Alias Middle Name Purchaser Alias Last Name Purchaser Alias Suffix

**Transaction and Ammunition Information**

Inventory Code  \*Manufacturer  \*Condition  Bullet Type

Bullet Weight  Usage Type  Casing  \*Caliber

\*Quantity (Rounds)  Primer Type  Muzzle Velocity  Unit  Muzzle Energy  Unit  Cost/Round

Please click buttons only once. Multiple clicks will delay processing.

### STEP 4

Enter the "Transaction and Ammunition Information."

**Transaction and Ammunition Information**

Inventory Code  \*Manufacturer  \*Condition  Bullet Type

Bullet Weight  Usage Type  Casing  \*Caliber

\*Quantity (Rounds)  Primer Type  Muzzle Velocity  Unit  Muzzle Energy  Unit  Cost/Round

Please click buttons only once. Multiple clicks will delay processing.

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## Page 9 of 14



## DROS Entry System Submit Ammunition Transaction Quick Reference Guide

### STEP 6

If the purchaser would like to add additional ammunition to their purchase, simply click **Add Ammunition** and repeat steps 2-5.

Please click buttons only once. Multiple clicks will delay processing.

Deliver
Empty Purchases
Add Ammunition

If the purchaser does not want to add additional ammunition to their transaction, simply click **Deliver**.

Please click buttons only once. Multiple clicks will delay processing.

Deliver
Empty Purchases
Add Ammunition

After Clicking on "Deliver," a dialog box will open. Press "OK" to continue, or "Cancel" to stay on the page.

**PLEASE NOTE:** If you click "OK", the Ammunition Eligibility Check will be used and the purchase of ammunition will be submitted to the Department. The transaction is complete. Please confirm the purchaser does not want to add additional ammunition prior to clicking "OK." If the purchaser decides they want to purchase more ammunition after you have clicked "OK", they will have to pay for another eligibility check.

✔ Transaction has been successfully uploaded to your pending purchase(s). Click Deliver to submit transaction.

### Pending Purchase(s)

**Pending Purchase(s)**

**Total Items: 1**

Name:  DOB:  ID:

Manufacturer	Caliber	Condition	Quantity (Rounds)
TESTER	12-GAUGE SHOTGUN	NEW	100

Please click buttons only once. Multiple clicks will delay processing.

Deliver
Empty Purchases
Add Ammunition

Clicking 'Deliver' will submit the transaction.  
 Press 'OK' to continue, or Cancel to stay on this page. **ATTENTION:** If you proceed with the submission of this transaction, please remember to select 'Print DROS' on the next screen (upper left hand corner) as that will be your only opportunity to generate a printed DROS Ammunition copy for customer signature.

OK
Cancel



# DROS Entry System

## Submit Ammunition Transaction

### Quick Reference Guide

#### STEP 7

After clicking "OK", you will be taken to the final Dealer's Record of Sale of Ammunition. Click the ***Print this DROS*** link in the upper left hand corner of the page.

**PLEASE NOTE: You must select the Print this DROS link (upper left hand corner) as that will be the only opportunity to generate a printed DROS Ammunition copy for customer signature.**

☒ Your transaction is complete.  
 What would you like to do next?  
 or **Print this DROS** (you will remain on this page and still be able to select from the options below)  
 or **Go to the Main Menu**

**Dealer's Record of Sale of Ammunition**

Collect the purchaser and salesperson's signature on the Dealer's Record of Sale of Ammunition printout. Records must be maintained and available for inspection for five (5) years (Pen. Code § 30355).

AMMUNITION INFORMATION			
PURCHASER NAME PETER	CONDITION NEW	MUNITION TYPE BULLETPROOF	QUANTITY 10
CALIBER 12 GAUGE (BOSTON)	QUANTITY (GROSS)	QUANTITY (INDIVIDUAL)	QUANTITY (INDIVIDUAL)
MUNITION VELOCITY	MUNITION WEIGHT	QUANTITY (INDIVIDUAL)	QUANTITY (INDIVIDUAL)
TRANSACTION INFORMATION			
<p><b>WARNING: THIS FORM IS A CRIME. IT IS ILLEGAL TO FURNISH THIS FORM TO ANYONE WHO IS NOT A LICENSED DEALER OR A LICENSED PURCHASER.</b></p> <p>I have read the list of prohibited offenses and nothing would preclude me from possessing a firearm. By signing this document, I hereby certify under penalty of perjury that the information provided is true and correct.</p> <p><b>DEALER:</b> DHD TO DHD GUN ADDRESS: 123 MAIN STREET, BOSTON, MA 02108</p> <p><b>PURCHASER:</b> PETER ADDRESS: 456 MAIN STREET, BOSTON, MA 02108</p> <p>By signing this document, I hereby certify under penalty of perjury that the information provided is true and correct.</p> <p><b>WARNING: THIS FORM IS A CRIME. IT IS ILLEGAL TO FURNISH THIS FORM TO ANYONE WHO IS NOT A LICENSED DEALER OR A LICENSED PURCHASER.</b></p> <p>Persons who furnish information may request a copy of their firearm ownership records from the Department of Justice by submitting and submitting an authorized Firearms System Request for Firearm Records (Form-407) to the Department of Justice. Persons who furnish information are required to report the acquisition, disposition, or transferring of firearms to the Department of Justice pursuant to Penal Code section 26100. For more information on California firearms laws or to obtain firearms training, please visit the Attorney General's website at <a href="http://ag.ca.gov/firearms">ag.ca.gov/firearms</a>.</p>			
Purchaser's Signature		Salesperson's Signature	
DEALER'S TELEPHONE		DEALER'S TELEPHONE	

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# DROS Entry System

## Submit Ammunition Transaction

### Quick Reference Guide

#### **FREQUENTLY ASKED QUESTIONS**

##### **1. What does an ammunition transaction consist of?**

An ammunition transaction consists of two general steps: 1) submitting an eligibility check to the Department, and 2) if the Department determines the individual is eligible to own or possess ammunition, submitting the ammunition purchase to the Department.

##### **2. What if the eligibility check determination (status) comes back as a "Deny/Reject?"**

If the Department determines the individual is not eligible to own or possess ammunition, provide the individual with their Ammunition Transaction Number (also known as a DROS number) and advise them to log on to the Department's California Firearms Application Reporting System (<https://cfars.doj.ca.gov/login.do>) for more information regarding the determination.

##### **3. How do I know what type of eligibility check to submit for the individual?**

The requirements for each eligibility check are as follows:

1. **Certificate of Eligibility Verification:** You may use this eligibility check if the individual has a current Certificate of Eligibility issued by the Department.
2. **Standard Ammunition Eligibility Check:** You may use this type of eligibility check if the person's information matches an entry in the Automated Firearms System (name, date of birth, current address, and driver license or other government identification) and does not fall within a class of persons who are prohibited from owning or possessing ammunition.

Individuals may have a record in the Automated Firearms System if they have purchased or transferred a firearm through a California licensed firearm dealer, if they have registered an assault weapon during one of the registration periods, or if they have submitted a voluntary report of ownership to the Department. Please note: the individual must still be the owner of the firearm.

If the last long gun purchase was prior to January 1, 2014, there is a possibility they may not have a record in the Automated Firearms System despite having purchased or transferred their firearm through a firearms dealer. The Department was statutorily prohibited from retaining information regarding sales of rifles or shotguns prior to January 1, 2014. As a result, records of rifles and shotguns prior to January 1, 2014, in the Automated Firearms System are limited to assault weapon registrations (Pen. Code, § 30500, et seq.), voluntary reports of ownership, and other records entered by the Department and California law enforcement agencies.

3. **Basic Ammunition Eligibility Check:** You may use this eligibility check if the individual does not have a current entry in the Automated Firearms System or if they do not have a current Certificate of Eligibility. The Department will determine the individual's eligibility based on a comprehensive review of its records (similar to a firearm eligibility check).

##### **4. How do I process a private party transfer (PPT) of ammunition?**

When transferring ammunition from one non-vendor to another non-vendor you must obtain an APPROVED eligibility check for the purchaser and then select a **Private Party Ammunition Transfer** to submit the sale of ammunition.



## **DROS Entry System Submit Ammunition Transaction Quick Reference Guide**

Seller's information is not required when processing a transfer for ammunition. If the purchaser receives a DENY or REJECT, the vendor shall forthwith return the ammunition to the seller.

### **5. How long does it take to get a determination from the Department for each type of eligibility check?**

- 1. Certificate of Eligibility Verification Checks** – A determination may be completed in approximately 2 minutes.
- 2. Standard Ammunition Eligibility Check** – A determination may be completed in approximately 2 minutes.
- 3. Basic Ammunition Eligibility Check** – A determination may take days to complete. Once this type of eligibility check is submitted, please provide the individual with their Ammunition Transaction Number (also known as a DROS Number) and advise them they can check the status of their eligibility check through the Department's California Firearms Application Reporting System (<https://cfars.doj.ca.gov/login.do>). Once their eligibility check is approved, they can return to your location and complete the ammunition purchase transaction.

### **6. How long are eligibility checks valid?**

- 1. Certificate of Eligibility Verification Checks** – 18 hours from an Approved determination.
- 2. Standard Ammunition Eligibility Check** – 18 hours from an Approved determination.
- 3. Basic Ammunition Eligibility Check** – 30 days from an Approved determination.

### **7. At what point do I have the individual sign ammunition purchase paperwork?**

The individual and the store associate/sales person/agent are only required to sign the DROS that is generated once the **ammunition purchase** is submitted to the Department.

### **8. How long do I have to retain DROS Ammunition Sale records?**

You must maintain all ammunition sale records on site for 5 years.

### **9. Do I have to maintain ammunition sale records in hard copy format?**

No, whether ammunition sale records are maintained in hard copy format will be at the discretion of the vendor. However, regardless of how they are maintained, they must be accessible onsite for inspection.

### **10. If the background check is rejected/denied, what are the retention requirements for the paperwork?**

There are no recordkeeping retention requirements at this time.

### **11. I made a mistake on the eligibility check, how do I correct or cancel it?**

You cannot correct or cancel an eligibility check once it has been submitted. You will have to resubmit the eligibility check with the correct information. Upon submission of an eligibility check, the fee will be charged to the dealer's account. The Department will not provide refunds after submission and acceptance of an eligibility check.



## **DROS Entry System Submit Ammunition Transaction Quick Reference Guide**

**12. How do I cancel an ammunition purchase that has already been submitted?**

You cannot cancel an ammunition purchase transaction. As such, it is critical associates/sales persons/agents preview their submission, and make corrections, prior to submitting the transaction.

**13. Is there a limit on how much ammunition an individual can purchase during an ammunition purchase?**

No.

**14. Does the caliber of the ammunition that is being purchased have to match the firearm information that is on record with the Department?**

No.

**15. What does it mean if someone is exempt pursuant to Penal Code section 30352 (e)?**

If someone is exempt, you do not have to submit an ammunition eligibility check for that individual, and you do not have to submit the ammunition purchase to the Department.

**16. Who is considered exempt?**

Refer to Penal Code section 30352 (e).

**17. How do I verify an individual is exempt pursuant to Penal Code section 30352 (e)?**

Refer to the Department's **Ammunition Purchases or Transfers** regulations <https://oag.ca.gov/firearms/regs> for more information.