

**State of California
Office of Administrative Law**

In re:
Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

**Adopt sections: 4250, 4251, 4252, 4253,
4254, 4255, 4256, 4257,
4258, 4259**

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2015-0820-03

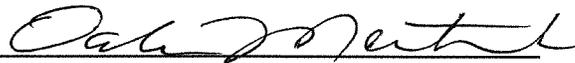
OAL Matter Type: Emergency Readopt (EE)

This emergency readoption action readopts for a period of 90 days emergency regulations which implement Senate Bill 683 (Chapter 761 of 2013; effective January 1, 2015). More specifically, the emergency regulations establish Department of Justice-Certified Instructor (Instructor) qualifications to administer Firearm Safety Certificate (FSC) testing and to observe safe firearm handling demonstrations by firearms purchasers. The regulations also require instructors to use the Firearms Certification System for the issuance of FSCs and specify FSC test application qualifications and fees and FSC test topics and provisions concerning FSC test administration, FSC issuance, and FSC duplicates and replacements. In addition, the regulations establish rules for safe handling demonstrations generally and regarding categories of firearms. Finally, the regulations specify the training qualifications, course content, and specifications of certificates of completion of entities deemed by the Department of Justice to be similar or equivalent to statutorily listed firearm-safety organizations.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 8/31/2015 and will expire on 12/1/2015. The Certificate of Compliance for this action is due no later than 11/30/2015.

Date: August 31, 2015


Dale P. Mentink
Senior Attorney

**For: DEBRA M. CORNEZ
Director**

Original: Kamala D. Harris

Copy: Jeff Amador

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2015-0820-D3EE
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

AUG 31 2015

1:50 PM

AGENCY WITH RULEMAKING AUTHORITY Department of Justice	AGENCY FILE NUMBER (if any) DOJ-015-002 RA_1
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Firearm Safety Certificates and Safe Handling Demonstrations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2015-0225-02E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, and 4259
AMEND
REPEAL
TITLE(S) 11

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify)	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

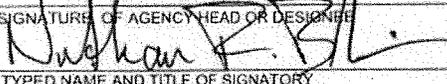
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs., title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)

7. CONTACT PERSON Jeff Amador	TELEPHONE NUMBER (916) 227-4217	FAX NUMBER (Optional) (916) 227-1028	E-MAIL ADDRESS (Optional) jeff.amador@doj.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 8.10.15
TYPED NAME AND TITLE OF SIGNATORY Nathan R. Barankin, Chief Deputy Attorney General	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 31 2015

Office of Administrative Law

Text of Emergency Regulations

Title 11, Division 5

Chapter 9. Firearm Safety Certificate Program and Safe Handling Demonstrations

Article 1. DOJ Certified Instructors

§4250. DOJ Certified Instructor Qualifications and Application Information

- (a) Department of Justice (“the Department” or DOJ) Certified Instructor applicants must have a valid Certificate of Eligibility (COE) issued pursuant to Penal Code section 26710. Initial applicants must also submit a copy of their training certification from one of the following:
- (1) Department of Consumer Affairs, State of California-Firearm Training Instructor.
 - (2) Director of Civilian Marksmanship, Instructor or Rangemaster.
 - (3) Federal Government, Certified Rangemaster or Firearm Instructor.
 - (4) Federal Law Enforcement Training Center, Firearm Instructor Training Program or Rangemaster.
 - (5) United States Military, Military Occupational Specialty (MOS) as marksmanship or firearms instructor. Assignment as Range Officer or Safety Officer is not sufficient.
 - (6) National Rifle Association-Certified Instructor, Law Enforcement Instructor, Rangemaster, or Training Counselor.
 - (7) Commission on Peace Officer Standards and Training (POST), State of California-Firearm Instructor or Rangemaster.
 - (8) Authorization from a State of California accredited school to teach a firearm training course.
 - (9) Training deemed similar or equivalent by the Department pursuant to section 4259 of these regulations.
- (b) Initial and renewal applications must be submitted on a DOJ Certified Instructor Application, BOF 037 (Rev. 01/2015), which is incorporated by reference.
- (c) A DOJ Certified Instructor’s certification is valid for five years provided he or she maintains a valid COE. To remain valid, a COE must be renewed annually.

Note: Authority cited: Sections 26710, and 31635, Penal Code.
Reference: Sections 26710, 29800, 29805, 29810, 29815, 29820, and 29825, Penal Code; Sections 8100 and 8103, Welfare and Institutions Code; 18 U.S.C. § 922(d) and (g); and Title 27, Part 478.32, Code of Federal Regulations.

§4251. Firearms Certification System “Conditions of Use” and User Accounts

- (a) To establish a user account for access to the Firearms Certification System, DOJ Certified Instructors must agree to the following “Conditions of Use:”

(1) NON-LIABILITY

The Department is not responsible for and will have no 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.

(2) AUTHORIZATION

I am a DOJ Certified Instructor and am authorized to use the Firearms Certification System for participation in the Firearm Safety Certificate (FSC) program.

It is my responsibility, as a DOJ Certified Instructor, to protect the confidentiality of the password I select to access the Firearms Certification System. If I become aware of an unauthorized person obtaining access to the Firearms Certification System, I will notify the Customer Support Center immediately at (916) 227-3750 or via email at boffscprogram@doj.ca.gov. Notwithstanding such notification, the Department shall not be liable for transaction charges fraudulently incurred. It will be the cardholder’s responsibility to pay any charges.

(3) FEES

The FSC fee is fifteen dollars (\$15) per issuance for new FSCs and five dollars (\$5) for replacement FSCs. Multiple FSCs can be paid for in a single transaction. The Department will not provide refunds after issuance of an FSC.

(4) TRUE AND ACCURATE INFORMATION

All of the information I submit to the Department through the Firearms Certification System shall be true, accurate, and complete to the best of my knowledge.

- (b) The following information is required to establish a user account for access to the Firearms Certification System:

- (1) Complete name of DOJ Certified Instructor.
- (2) COE number.
- (3) DOJ Certified Instructor number.

- (4) User Name (assigned by DOJ).
- (5) Email address.
- (6) Answers to three identity verification questions (selected from a choice of ten).
- (7) User selected password.
- (c) The acquisition and maintenance of the device and software used to access the internet and interface with the Firearms Certification System shall be the responsibility of each DOJ Certified Instructor. For optimal performance, DOJ Certified Instructors must utilize a web browser compatible with the Firearms Certification System.

Note: Authority cited: Section 31625, and 31650, Penal Code.
Reference: Section 31625, 31650, 31655, and 31665, Penal Code.

Article 2. FSC Test

§4252. FSC Test Applicant Qualifications and Fee

- (a) Applicants for the FSC test must be at least 18 years old and must present clear evidence of identity and age in the form of a valid California driver license or identification card issued by the Department of Motor Vehicles.
- (b) The fee for taking the FSC test (twice if failed the first time) and being issued an FSC is a maximum of twenty five dollars (\$25), fifteen dollars (\$15) of which shall be forwarded to the Department pursuant to Penal Code section 31650. The DOJ certified instructor may charge a fee of ten dollars (\$10) for administering the test.

Note: Authority cited: Sections 31625, 31640, 31645, and 31650, Penal Code.
Reference: Sections 16400, 31625, 31640, 31645, 31650, and 31655, Penal Code.

§4253. FSC Test Topics, Guidelines, Scoring, and Recordkeeping

- (a) The FSC test consists of 30 questions (10 true/false, 20 multiple choice) covering, but not limited to, the following topics specified in Penal Code section 31640:
 - (1) The laws applicable to carrying and handling firearms, particularly handguns.
 - (2) The responsibilities of ownership of firearms, particularly handguns.
 - (3) Current law as it relates to the private sale and transfer of firearms.
 - (4) Current law as it relates to the permissible use of lethal force.
 - (5) What constitutes safe firearm storage.

- (6) Issues associated with bringing a firearm into the home.
- (7) Prevention strategies to address issues associated with bringing firearms into the home.
- (b) Only DOJ Certified Instructors are authorized to administer the FSC test.
- (c) DOJ Certified Instructors may give only administrative instructions to an FSC test applicant while he or she is taking the test.
- (d) FSC test applicants may not use any notes, review materials, or obtain assistance from any person once he/she begins the FSC test. DOJ Certified Instructors must maintain adequate supervision at all times to ensure the applicant does not receive outside assistance.
- (e) If an FSC test applicant is unable to read, a translator may be used to administer the test orally. The DOJ Certified Instructor must inform the translator that only the language of an FSC test may be read or interpreted. No further explanation of the questions or answers to the questions may be provided.
- (f) FSC test applicants are not permitted to keep a copy of their test or answer sheet.
- (g) FSC test applicants must correctly answer at least 23 of the 30 questions to pass the test and receive an FSC.
- (h) If an applicant fails the FSC test, after 24 hours have elapsed, he or she may take a different version of the FSC test without any additional fee (one free retest). The retest must be taken from the same DOJ Certified Instructor except upon permission by the Department, which shall be granted only for good cause shown.
- (i) If the DOJ Certified Instructor observes a test applicant using reference materials or receiving unauthorized assistance while taking the FSC test, the applicant is automatically disqualified.
- (1) The DOJ Certified Instructor must note their observations and reasons for the disqualification on the back of the applicant's test answer sheet and sign & date the answer sheet.
- (2) Fifteen dollars (\$15) must be returned to the applicant because no FSC will have been issued. The applicant may retake the test after 24 hours have elapsed but he or she will be required to pay the entire twenty five dollar (\$25) fee regardless of whether the disqualification occurred on the first or second attempt at taking the FSC test.

- (j) DOJ Certified Instructors must retain all completed FSC test answer sheets for five years from the test date. The completed answer sheets must be made available for inspection upon request by any peace officer, or authorized DOJ personnel upon presentation of proper identification.

Note: Authority cited: Sections 31640 and 31645, Penal Code.
Reference: Sections 31625, 31635, 31640, and 31645, Penal Code.

Article 3. FSC Issuance and Replacement

§4254. FSC Issuance

- (a) If an applicant passes the FSC test, the DOJ Certified Instructor shall immediately issue a Firearm Safety Certificate, BOF 034 (Rev. 01/2015), which is incorporated by reference, to the successful applicant.
- (b) FSCs are issued via the Firearms Certification System.
- (c) Payment of the fifteen dollar (\$15) DOJ fee must be made prior to issuance of an FSC. Payment options are limited to major credit/debit cards (e.g. MasterCard, Visa, American Express, and Discover cards). Payment by cash or check is not accepted.
- (d) The FSC recipient's complete name, California identification type, California driver license or identification card number, and date of birth must be entered to create the FSC record. The FSC issue date, expiration date, and the DOJ Certified Instructor's first name and first initial of his or her last name will be generated by the Firearms Certification System and printed on the FSC.
- (e) DOJ Certified Instructors can preview the information and make changes prior to submission into the Firearms Certification System. Changes cannot be made after the information has been submitted.
- (f) Each FSC will be available for reprint, without any additional fee, for 24 hours from the date and time payment is received.
- (g) The DOJ Certified Instructor and the recipient must sign the FSC once it is printed.

Note: Authority cited: Sections 31625, 31645, 31650, and 31655, Penal Code.
Reference: Sections 26840, 31625, 31640, 31645, 31650, and 31655, Penal Code.

§4255. FSC Replacement

- (a) If an FSC is lost or destroyed, upon request and proof of identification, the DOJ Certified Instructor who issued the original FSC shall issue a replacement FSC via the Firearms Certification System to the original FSC holder.

- (b) DOJ Certified Instructors may search the Firearms Certification System for specific FSC records; however, only records of FSCs issued by the DOJ Certified Instructor conducting the search will be displayed.
- (c) A replacement FSC can be issued via the Firearms Certification System upon the DOJ Certified Instructor's payment of a five dollar (\$5) fee to DOJ.
- (d) DOJ Certified Instructors are authorized to charge the FSC holder a five dollar (\$5) fee to recover the fee paid to the Department.

Note: Authority cited: Section 31660, Penal Code.
Reference: Sections 31655 and 31660, Penal Code.

Article 4. Safe Handling Demonstration Steps

§4256. Safe Handling Demonstration Steps Applicability and Definitions

- (a) The safe handling demonstration steps specified in this article are generally applicable to the various models of each firearm "type" (e.g. pump action long gun, break-top revolver, etc.). However, they may not be appropriate for a particular firearm model. If necessary, the DOJ Certified Instructor will inform the firearm recipient of the safe handling demonstration steps for the firearm being delivered.
- (b) If only the serialized or finished frame or receiver of a weapon is being delivered, no safe handling demonstration is required.
- (c) If the DOJ Certified Instructor determines the firearm being delivered uses a cartridge size/type for which no dummy round is available on the retail market, the safe handling demonstration may be performed without using a dummy round.
- (d) The firearm recipient must safely perform each step of the safe handling demonstration from start to finish without error. If an error is made at any time during the demonstration, the firearm recipient must start over from step number one.
- (e) The DOJ Certified Instructor must provide instruction regarding how to render the firearm safe in the event of a jam (malfunction).
- (f) Upon successful completion of the safe handling demonstration, the DOJ Certified Instructor, firearm recipient, and firearms dealer (or dealer authorized employee) must sign and date a Safe Handling Demonstration Affidavit, BOF 039 (Rev. 01/2015), which is hereby incorporated by reference. If the DOJ Certified Instructor is also the licensed firearms dealer or an employee of the dealer, he or she is authorized to sign the affidavit as both the DOJ Certified Instructor and as the dealer/employee delivering the firearm.
- (g) As used in this article, a "dummy round" must be brightly colored orange, red, or otherwise readily identifiable. If no readily identifiable dummy round is available, an empty cartridge casing with an empty primer pocket may be used.

- (h) As used in this article, "muzzle awareness" means the firearm is pointed in a safe direction, preferably down at the ground.
- (i) As used in this article, "trigger discipline" means the trigger finger is outside of the trigger guard and alongside the frame or receiver, at all times. In the event the firearm doesn't have a trigger guard, the trigger finger should be kept in line with the barrel(s).

Note: Authority cited: Sections 26850, 26853, 26856, 26859, and 26860, Penal Code.
Reference: Sections 26850, 26853, 26856, 26859, 26860, 32000, and 32110, Penal Code.

§4257. Safe Handling Demonstration Steps for Conventional Long Guns

(a) Pump Action Long Gun

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) Open the ejection port.
- (2) To ensure the firearm is unloaded, visually and physically inspect the chamber/barrel and the magazine follower. If the magazine follower is not visible, there could be cartridges still in the tubular magazine.
- (3) Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.
- (4) While maintaining muzzle awareness and trigger discipline, load one dummy round into the magazine loading port.
- (5) Pull the forend (or forearm) rearward toward the receiver causing the dummy round to enter the breech. Push the forend forward to chamber the round. The dummy round should have moved from the tubular magazine into the chamber.
- (6) Push the action (carrier) release button and again pull the forend toward the receiver causing the action to open. The dummy round should extract from the chamber and be ejected through the ejection port.
- (7) Engage the safety.
- (8) Apply the firearm safety device, if applicable.

(b) Break-Top Long Gun

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) Open the breech.
- (2) To ensure the firearm is unloaded, visually and physically inspect the chamber/barrel.
- (3) Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.
- (4) While maintaining muzzle awareness and trigger discipline, load one dummy round into a barrel.
- (5) Close and lock the action.
- (6) Unlock and open the action.
- (7) Remove the dummy round.
- (8) Apply the firearm safety device, if applicable.

(c) Bolt Action Long Gun

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) To ensure the firearm is unloaded, visually and physically inspect the chamber/barrel and the internal magazine.
- (2) Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.
- (3) While maintaining muzzle awareness and trigger discipline, load one dummy round into the chamber/barrel.
- (4) Close and lock the action.
- (5) Unlock and open the action.

(6) Remove the dummy round.

(7) Apply the firearm safety device, if applicable.

(d) Lever Action Long Gun

When handling a lever action firearm with an exposed hammer, use caution and consult your DOJ Certified Instructor for the proper safe handling steps. Use only flat point, hollow point, round nose flat point or similar rounds. Never use pointed or conical point rounds in a centerfire rifle with a tubular magazine. Failure to follow these instructions may result in injury to yourself or others, or cause damage to your firearm.

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

(1) Open the breech.

(2) To ensure the firearm is unloaded, visually and physically inspect the chamber/barrel and the magazine follower. If the magazine follower is not visible, there could be cartridges still in the tubular magazine.

(3) Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.

(4) While maintaining muzzle awareness and trigger discipline, load one dummy round into the chamber/barrel.

(5) Close and lock the action.

(6) Unlock and open the action.

(7) Remove the dummy round.

(8) Apply the firearm safety device, if applicable.

(e) Semiautomatic Long Gun with a Detachable Magazine

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) Remove the magazine.
- (2) Pull the bolt back and lock it open if possible.
- (3) To ensure the firearm is unloaded, visually and physically inspect the chamber/barrel.
- (4) Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.
- (5) While maintaining muzzle awareness and trigger discipline, load one dummy round into the magazine.
- (6) Insert the magazine into the magazine well.
- (7) Close and lock the action.
- (8) Unlock and open the action.
- (9) Remove the dummy round.
- (10) Apply the firearm safety device, if applicable.

(f) Semiautomatic Long Gun with a Fixed Magazine

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) Pull the bolt back and lock it open if possible.
- (2) To ensure the firearm is unloaded, visually and physically inspect the chamber/barrel and the internal magazine.
- (3) Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.
- (4) While maintaining muzzle awareness and trigger discipline, load one dummy round into the magazine.
- (5) Close and lock the action.
- (6) Unlock and open the action.

(7) Remove the dummy round (the dummy round should have extracted from the chamber and ejected from the breech).

(8) Apply the firearm safety device, if applicable.

Note: Authority cited: Section 26860, Penal Code.
Reference: Section 26860, Penal Code.

§4258. Safe Handling Demonstration Steps for Handguns with Alternative Designs

(a) Semiautomatic Pistol with a Non-Locking Slide

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

(1) Remove the magazine.

(2) Because this type of firearm does not allow the slide to be locked back, pull the slide back, visually and physically check the chamber to ensure it is clear.

(3) Remove the firearm safety device, if applicable. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.

(4) Load one dummy round into the magazine.

(5) Insert the magazine into the magazine well of the firearm.

(6) Manipulate the slide release or pull back and release the slide.

(7) Remove the magazine.

(8) Visually inspect the chamber to reveal a round can be chambered with the magazine removed.

(9) Lock the slide back to eject the dummy round. If the firearm is of a model that does not allow the slide to be locked back, pull the slide back and physically check the chamber to ensure the chamber is clear.

(10) Apply the safety, if applicable.

(11) Apply the firearm safety device, if applicable.

(b) Semiautomatic Pistol with a Fixed Magazine

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) Lock the slide back.
- (2) Load one dummy round into the stripper clip.
- (3) Insert the stripper clip into the magazine slot of the firearm.
- (4) Pull the stripper slip out of the slot to allow the slide to go forward.
- (5) Visually inspect the chamber to reveal a round is chambered.
- (6) Lock the slide back to eject the dummy round.
- (7) Apply the safety, if applicable.
- (8) Apply the firearm safety device, if applicable.

(c) Semiautomatic Pistol with a Magazine Operated Toggle Lock

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) Remove the magazine.
- (2) Visually and physically inspect the chamber to ensure the firearm is unloaded.
- (3) Insert the magazine into the magazine well of the firearm.
- (4) Lock the toggle back.
- (5) Remove the magazine.
- (6) Remove the firearm safety device, if applicable. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.
- (7) Load one dummy round into the magazine.

- (8) Insert the magazine into the magazine well of the firearm.
 - (9) Manipulate the toggle release or pull back and release the toggle.
 - (10) Remove the magazine.
 - (11) Visually inspect the chamber to reveal a round can be chambered with the magazine removed.
 - (12) Insert the magazine into the magazine well of the firearm.
 - (13) Lock the toggle back to eject the dummy round. If the firearm is of a model that does not allow the toggle to be locked back, pull the toggle back and physically check the chamber to ensure the chamber is clear.
 - (14) Apply the safety, if applicable.
 - (15) Apply the firearm safety device, if applicable.
- (d) Semiautomatic Pistol with a Top-Feeding Magazine

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) Open the slide.
- (2) Visually and physically inspect the chamber to ensure the firearm is unloaded.
- (3) Load one dummy round into the stripper clip.
- (4) Insert the stripper clip into the magazine slot of the firearm.
- (5) Pull the stripper clip out of the slot to allow the slide to go forward.
- (6) Visually inspect the chamber to see it is loaded.
- (7) Lock open the slide to eject the dummy round.
- (8) Remove the magazine.
- (9) Apply the safety, if applicable.
- (10) Apply the firearm safety device, if applicable.

(e) Semiautomatic Pistol with a Tip-Up Barrel

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) Remove the magazine.
- (2) Activate the barrel release to tip up the barrel.
- (3) Visually and physically inspect the chamber to ensure the firearm is unloaded.
- (4) Load one dummy round into the barrel.
- (5) Close the barrel.
- (6) Insert the magazine into the magazine well of the firearm.
- (7) Remove the magazine.
- (8) Activate the barrel release to tip up the barrel to reveal a round can be chambered with the magazine removed.
- (9) Tip up the barrel to remove the dummy round.
- (10) Apply the safety, if applicable.
- (11) Apply the firearm safety device, if applicable.

(f) Break-Top Revolver

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) Open the revolver by unlocking the frame lock.
- (2) Visually and physically inspect each chamber to ensure the revolver is unloaded.
- (3) Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.

- (4) While maintaining muzzle awareness and trigger discipline, load one dummy round into a chamber of the cylinder and rotate the cylinder so the round is in the next-to-fire position.
- (5) Close the cylinder and the frame lock.
- (6) Open the revolver by unlocking the frame lock.
- (7) Tip the barrel forward from the frame, activating the ejection star, ejecting the dummy round.
- (8) Apply the firearm safety device, if applicable.

(g) Single Shot Pistol

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) Open the breech.
- (2) Visually and physically inspect the chamber to ensure it is clear.
- (3) Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.
- (4) While maintaining muzzle awareness and trigger discipline, load one dummy round into the chamber.
- (5) Close the breech mechanism.
- (6) Open the breech to eject the dummy round from the barrel.
- (7) Apply the firearm safety device, if applicable.

(h) Derringer

The demonstration shall commence with the firearm unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness and trigger discipline at all times, the firearm recipient shall correctly and safely perform the following:

- (1) Open the breech.
- (2) Visually and physically inspect the barrels to ensure the firearm is unloaded.

- (3) Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.
- (4) While maintaining muzzle awareness and trigger discipline, load one dummy round into a barrel.
- (5) Close and lock the action.
- (6) Unlock and open the action.
- (7) Remove the dummy round.
- (8) Apply the firearm safety device, if applicable.

Note: Authority cited: Section 26850, Penal Code.
Reference: Section 26850, Penal Code.

Article 5. Comparable Training in Firearms Safety

§4259. Comparable Training Qualifications, Course Content, and Certificates of Completion

- (a) Applications for DOJ recognition of an entity that provides comparable training pursuant to Penal Code section 31635 must be submitted on a Comparable Training Entity Application, BOF 946 (Rev. 01/2015) which is incorporated by reference.
- (b) Every five years, the Department will send a notice to the comparable training entity that requires a reply confirming the entity wants to continue being recognized by the Department as providing comparable training pursuant to Penal Code section 31635. Failure to reply will result in DOJ recognition being discontinued.
- (c) The comparable training entity must be staffed with at least one DOJ Certified Instructor who has a minimum of 100 hours of verifiable experience teaching firearms safety. Within ten business days of the action, the comparable training entity must report the following on form BOF 946:
 - (1) The addition of a DOJ Certified Instructor.
 - (2) The removal of a DOJ Certified Instructor.
- (d) The comparable training must include all of the following:
 - (1) Instruction on Safe Handling Demonstration Steps for the following conventional firearm types:
 - (A) Semiautomatic pistol.
 - (B) Double action revolver.

- (C) Single action revolver.
- (D) Pump action long gun.
- (E) Bolt action long gun.
- (F) Semiautomatic long gun with a detachable magazine.
- (G) Semiautomatic long gun with a fixed magazine.
- (H) Break-top long gun.
- (I) Lever action long gun.

(2) Instruction on Safe Handling Demonstration Steps for the following firearms with alternative designs:

- (A) Semiautomatic pistol with a non-locking slide.
- (B) Semiautomatic pistol with a fixed magazine.
- (C) Semiautomatic pistol with a magazine-operated toggle lock.
- (D) Semiautomatic pistol with a top-feeding magazine.
- (E) Semiautomatic pistol with a tip-up barrel.
- (F) Break-top revolver.
- (G) Single shot pistol.
- (H) Derringer.

(3) Instruction on how to render a firearm safe in the event of a malfunction.

(4) Requirement for all students to successfully perform the Safe Handling Demonstration with the conventional firearm types specified in paragraph (1). The firearms used for the Safe Handling Demonstration must be provided by the DOJ Certified Instructor.

(e) Upon successful completion of the comparable training course, each student must be issued a Certificate of Completion that includes the following:

- (1) Name of the comparable training course.
- (2) Name of the student.

(3) Signature of the DOJ Certified Instructor.

(4) Date the comparable training course was completed.

Note: Authority cited: Section 31635, Penal Code.
Reference: Section 31635, Penal Code.



ADOPT CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS Firearm Safety Certificate Program DOJ Certified Instructor Application



Initial Application

Renewal Application

DOJ Certified Instructor Number

A. Applicant Information					
Last Name:		First Name:		Middle Name:	
Mailing Address:			City:		State:
Business Address (if different):			City:		State:
Date of Birth (mm/dd/yyyy):		CA Driver License or Identification Card Number:		Sex:	Phone No. (include area code):
Email Address: _____					

Pursuant to Penal Code section 31635, subdivision (b), Instructor Certification from the Department requires training and certification from one of the following (select one training entity and attach a copy of the certification-initial applicants only):

- Department of Consumer Affairs, State of California - Firearm Training Instructor.
- Director of Civilian Marksmanship, Instructor or Rangemaster.
- Federal Government, Certified Rangemaster or Firearm Instructor.
- Federal Law Enforcement Training Center, Firearm Instructor Training Program or Rangemaster.
- United States Military, Occupational Specialty (MOS) as marksmanship or firearms instructor.
- National Rifle Association-Certified Instructor, Law Enforcement, Rangemaster, or Training Counselor.
- Commission on Peace Officer Standards and Training, State of California- Firearm Instructor or Rangemaster.
- Authorization from a State of California accredited school to teach a firearms training course.
- Training deemed equivalent by the Department.

All applicants for Certified Instructor must have a valid Certificate of Eligibility (COE). An application for COE is accessible on the Attorney General's website at <http://oag.ca.gov/firearms/forms>.

COE Number: _____

B. Declaration	
<p><i>I understand that the Department of Justice (the Department) has no responsibility for insurance coverage for myself, my students, my classes, my courses, or my oversight of firearm safe handling demonstrations. I understand that my instructor certification will be valid for five years provided I maintain a current COE. I agree to comply with the Firearm Safety Certificate (FSC) Program guidelines, procedures, and legal requirements as specified in the applicable statutes and applicable regulations. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</i></p>	
<p>_____ Signature</p>	<p>_____ Date</p>
<p>NOTE: Only DOJ Certified Instructors may administer FSC tests, issue FSCs, and oversee the firearm safe handling demonstration. (Pen. Code, §§ 26850, subd. (a) & (b), 26853, 26856, 26859, 26860, and 31645.)</p> <p><i>If you have any questions regarding the FSC Program, please contact the Bureau of Firearms at (916) 227-3750.</i></p> <p style="text-align: center;">Mail completed form and all required attachments to: California Department of Justice Bureau of Firearms - FSC P.O. Box 160367 Sacramento, CA 95816-0367</p>	

DOJ USE ONLY		
Received Date: _____	Processed By BOF: _____	Certified Instructor Number: _____

ADOPT Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The Bureau of Firearms in the Department of Justice collects the information requested on this form as authorized by Penal Code section 31635. The Bureau of Firearms uses this information to establish grounds for the issuance of the certificate indicated on this application. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided. This form will not be processed for failure to provide all personal information requested.

Access to Your Information. You may review the records maintained by the Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to establish grounds for the issuance of the certificate indicated on this application, we may need to share the information you give us with any peace officer or other person designated by the Attorney General upon request.

The information you provide may also be disclosed in the following circumstances:

- In response to a Public Records Act request, as allowed by the Information Practices Act;
- To another government agency as required by state or federal law;
- In response to a court or administrative order, a subpoena, or a search warrant.

Contact Information. For questions about this notice or access to your records, you may contact the Department of Justice, Bureau of Firearms at P.O. Box 160367, Sacramento, CA 95816-0367 or (916) 227-3750.



ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Comparable Training Entity Application
California Penal Code section 31635(b)



Type of Action Requested			
<input type="checkbox"/> New Application		<input type="checkbox"/> Revision to Entity/DOJ Certified Instructor Information	
(Sections A, B, C, and E must be completed)			
A. Training Entity Information			
Training Entity Name:			
Owner/Responsible Party Last Name:		First Name:	Middle Name:
Training Entity Address:		City:	State: Zip Code:
Telephone Number (include area code):		Email Address:	
B. Firearms Safety Training Course Information			
Firearms Safety Training Course Title:			
<input type="checkbox"/> YES <input type="checkbox"/> NO		Do you want your firearms safety training course and telephone number included on the Bureau of Firearms website listing of entities giving comparable firearms safety training?	
C. Department of Justice Certified Instructor Information (100 hour teaching/training requirement)			
DOJ Certified Instructor Last Name:	First Name:	DOJ Certified Instructor Number:	Instructor Status: <input type="checkbox"/> Add <input type="checkbox"/> Remove
Instructor Signature (Not required for removal)			Date
D. Additional Department of Justice Certified Instructors (if any)			
DOJ Certified Instructor Last Name:	First Name:	DOJ Certified Instructor Number:	Instructor Status: <input type="checkbox"/> Add <input type="checkbox"/> Remove
Instructor Signature (Not required for removal)			Date
DOJ Certified Instructor Last Name:	First Name:	DOJ Certified Instructor Number:	Instructor Status: <input type="checkbox"/> Add <input type="checkbox"/> Remove
Instructor Signature (Not required for removal)			Date
E. Declaration			
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I understand the Department of Justice has no responsibility for insurance coverage for myself, my instructor(s), my student(s), or my course(s) on firearm training, use, and safety. I declare the Firearms Safety Certificate Training Course identified above will include the minimum requirements specified in CCR Section 4259 (d) in Division 5, Title II. I understand the Department of Justice's recognition as comparable entity can be revoked for cause.			
_____ Owner/Responsible Party Signature			_____ Date

ADOPT
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Comparable Training Entity Application
Instructions

Instructor Qualifications

A Department of Justice (DOJ) Certified Instructor number must be provided on the application for each proposed instructor. For each proposed instructor, the application must be accompanied by a resume/statement indicating a minimum of 100 hours of verifiable experience teaching/training firearms safety. The resume/statement must include contact information for experience verification.

Minimum Course Requirements

By signing this application, you declare the course provided at the training entity named on page 1 will include a minimum of the following:

1. Instruction on Safe Handling Demonstration Steps for the following conventional firearm types:
 - Semiautomatic pistol
 - Double action revolver
 - Single action revolver
 - Pump action long gun
 - Bolt action long gun
 - Semiautomatic long gun with detachable magazine
 - Semiautomatic long gun with fixed magazine
 - Break-top long gun
 - Lever action long gun

2. Instruction on Safe Handling Demonstration Steps for the following firearms with alternative designs:
 - Semiautomatic pistol with a non-locking slide
 - Semiautomatic pistol with a fixed magazine
 - Semiautomatic pistol with a magazine-operated toggle lock
 - Semiautomatic pistol with a top-feeding magazine
 - Semiautomatic pistol with a tip-up barrel
 - Break-top revolver
 - Single-shot pistol
 - Derringer

3. Instruction on how to render a firearm safe in the event of a malfunction.

4. Requirement for all students to successfully perform the Safe Handling Demonstration with the conventional firearm types.
The firearms used for the demonstration must be provided by the DOJ Certified Instructor.

Certificate of Completion

Upon successful completion of the training course, a Certificate of Completion must be issued to each student. A sample copy of the Certificate of Completion must accompany this application.

The Certificate must include the following:

- Name of the training course
- Name of the student
- Signature of the DOJ Certified Instructor
- Date course completed

Revisions

Any revisions to the comparable training entity or DOJ Certified Instructor information must be reported, through completion of this form, to the Department of Justice within 10 business days of the change of information.

Comparable Training Entity Recognition

A request to discontinue DOJ recognition as a comparable training entity must be submitted in writing to the Department of Justice within 10 business days of when the entity shall no longer be recognized as providing comparable training. The request can be sent to the address below or via email to boffscprogram@doj.ca.gov.

The Department of Justice will send a notice to the comparable training entity every five (5) years confirming the entity's status as a comparable training entity. Failure to respond to the notice will result in being removed from the list of comparable training entities.

Mail the completed application and required documentation to the following address:

Department of Justice
Bureau of Firearms - FSC
P.O. Box 160367
Sacramento, CA 95816-0367

DOJ Use Only

Date Received: _____ Date Processed: _____

ADOPT Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The Bureau of Firearms in the Department of Justice collects the information requested on this form as authorized by Penal Code section 31635, subdivision (b). The Bureau of Firearms uses this information to establish the entity on this application as providing comparable training to those entities in Penal Code section 31635. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided. This form will not be processed for failure to provide all personal information requested.

Access to Your Information. You may review the records maintained by the Bureau of Firearms in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to establish the entity on this application as providing comparable training to those entities in Penal Code section 31635, we may need to share the information you give us with any peace officer or other person designated by the Attorney General upon request.

The information you provide may also be disclosed in the following circumstances:

- In response to a Public Records Act request, as allowed by the Information Practices Act;
- To another government agency as required by state or federal law;
- In response to a court or administrative order, a subpoena, or a search warrant.

Contact Information. For questions about this notice or access to your records, you may contact the Department of Justice, Bureau of Firearms representative at P.O. Box 160367 Sacramento, CA 95816-0367 or (916) 227-3750.

ADOPT

California Department of Justice Firearm Safety Certificate ESC No.: 1679298	
Issue Date: <u>02/13/2015</u>	Expiration Date: <u>02/13/2020</u>
Issued To: <u>JOHN O PUBLIC</u>	
DOB: <u>07/04/1988</u>	ID No.: <u>B3216544</u>
Signature	
DOJ Certified Instructor: <u>STEVEN B.</u>	
DOJ Certified Instructor Signature	
BOF 034 (rev. 01/2015)	

California Department of Justice Firearm Safety Certificate ESC No.: 1679298	
Issue Date: <u>02/13/2015</u>	Expiration Date: <u>02/13/2020</u>
Issued To: <u>JOHN O PUBLIC</u>	
DOB: <u>07/04/1988</u>	ID No.: <u>B3216544</u>
Signature	
DOJ Certified Instructor: <u>STEVEN B.</u>	
DOJ Certified Instructor Signature	
BOF 034 (rev. 01/2015)	

Actual Size



**CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
Safe Handling Demonstration
Affidavit**



On _____, _____
Date (mm/dd/yyyy) *Printed Name of Firearm Purchaser/Recipient*

performed the safe handling demonstration as required in California Penal Code sections 26850, 26853, 26856, 26859, or 26860, as applicable, with the firearm (or one of the same make and model)

referenced on Dealer's Record of Sale (DROS) Number _____
DROS Number

under the supervision of _____
Printed Name of DOJ Certified Instructor *DOJ Certified Instructor Number*

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

DOJ Certified Instructor Signature *Date*

Firearm Purchaser/Recipient Signature *Date*

Dealer/Employee Signature *Date*

Printed Name of Dealer/Employee