

California Department of Justice FIREARMS DIVISION Randy Rossi, Director		<b>INFORMATION BULLETIN</b>
Subject: <b>FIREARM SAFETY DEVICES</b>	No.: <b>2002-05-FD</b>	For further information contact: <b>Firearms Division</b>  <b>(916) 227-3703</b>
	Date: <b>11/22/2002</b>	

**TO: ALL CALIFORNIA FIREARMS DEALERS AND MANUFACTURERS**

**CHANGE IN LAW REGARDING SALES OF NON-DOJ CERTIFIED FIREARMS SAFETY DEVICES**

This bulletin is to inform you of an important change in law related to firearms safety devices resulting from the passage of SB 1670 (Stats. 2002, ch. 917) (Scott).

Effective January 1, 2003, except for certain gun safes as specified below, you may not commercially sell or keep for sale any firearms safety device, trigger lock, or lock box intended for securing firearms that are not listed on the California Department Of Justice (DOJ) Roster of Firearm Safety Devices Certified for Sale. For those firearms that came from the manufacturer with an unapproved device, the unapproved device may not be delivered to the purchaser. For an integral device that is not approved, (one that is built into the firearm) the purchaser must buy an approved device and be warned that the firearm's integral device is not approved by the DOJ. This restriction applies even if such devices come packaged with the firearm. The DOJ Roster of Firearm Safety Devices Certified for Sale is accessible on the Department of Justice (DOJ) website at <http://www.ag.ca.gov/firearms/fsdcertlist.htm>.

A violation is punishable as follows:

- 1<sup>st</sup> violation: A civil fine of up to five hundred dollars (\$500).
- 2<sup>nd</sup> violation occurring within five years of the date of a previous offense: A civil fine of up to one thousand dollars (\$1,000) and, if the violation is committed by a licensed firearms dealer, ineligibility from selling firearms for 30 days.
- 3<sup>rd</sup> violation occurring within five years of the date of two or more previous offenses: A civil fine of up to five thousand dollars (\$5,000) and, if the violation is committed by a licensed firearms dealer, permanent ineligibility from selling firearms (PC § 12088).

**DEFINITION AND EXEMPTION FROM SALES RESTRICTION FOR CERTAIN GUN SAFES**

Gun safes that meet the DOJ gun safe regulatory standard are not affected by this new legislation. This regulatory standard is available on the DOJ website at <http://www.ag.ca.gov/firearms/gunsafe.htm>.

The legislation identifies a new class of gun safes designed to secure long guns. This class of safe is specified as a “long-gun safe” and is distinct from a “gun safe.” The following describes a long gun safe as specified in Penal Code section 12087.6:

Any locking container that: 1) is designed to secure a rifle or a shotgun; 2) is not listed on the DOJ Roster of Firearm Safety Devices; and 3) has a locking system consisting of either a mechanical combination lock or an electronic combination lock that has at least 1,000 possible unique combinations consisting of a minimum of three numbers, letters, or symbols per combination.

Any safe that meets the definition of a “long-gun safe” is exempt from the requirement to be listed on the DOJ Roster of Firearms Safety Devices Certified for Sale as well as the previously discussed sales restriction.

However, the sale/delivery of a long-gun safe that does not comply with the new definition does not satisfy the State’s requirement that a DOJ approved firearm safety device accompany any firearm sold/transferred. Furthermore, any such long-gun safe manufactured within this state, kept for commercial sale, or commercially sold, must carry a conspicuous and legible warning label, in English and in Spanish, as follows:

WARNING: This gun safe does not meet the safety standards for gun safes specified in California Penal Code Section 12088.2. It does not satisfy the requirements of Penal Code Section 12088.1, which mandates that all firearms sold in California be accompanied by a firearms safety device or proof of ownership, as required by law, of a gun safe that meets the Section 12088.2 minimum safety standards developed by the California Attorney General.

ADVERTENCIA: Esta caja fuerte para pistolas no cumple con las normas de seguridad para las cajas fuertes para pistolas especificadas en la Sección 12088.2 del Código Penal de California. No satisface los requisitos de la Sección 12088.1 del Código Penal, que requiere que todas las armas de fuego que se vendan en California estén acompañadas por un dispositivo de seguridad de armas de fuego o prueba de propiedad, como lo requiere la ley, de una caja fuerte para pistolas que cumpla con las normas de seguridad mínimas elaboradas por el Procurador General de California, especificadas en la Sección 12088.2.

Failure to include the required warning with a long-gun safe is punishable in the same manner as previously specified for selling a non-certified/approved firearms safety device.

If a safe does not meet the DOJ standard for “gun safe” or “long-gun safe,” it may not be sold unless it is listed on the DOJ Roster of Firearm Safety Devices Certified for Sale.

### RECORD KEEPING REQUIREMENTS

Current record keeping requirements regarding the sale/transfer of firearms are unaffected by this new legislation. Firearm Dealers are required to document the make and model of the DOJ-approved firearms safety device sold with a firearm in the “comment” field at the bottom of the Dealer’s Record of Sale (DROS). Firearms dealers must also attach a copy of the receipt for the firearms safety device included with the firearm to the DROS record. In the case of a gun safe that

meets the DOJ regulatory standard, firearms dealers must retain: 1) A copy of the receipt with the DROS indicating purchase of, or an affidavit, signed under penalty of perjury, stating that the purchaser owns a gun safe, and 2) An affidavit, signed under penalty of perjury, stating that the gun safe meets the standards set forth in DOJ regulations.

If you have any questions or require further assistance concerning this Information Bulletin, please contact the Firearms Division at (916) 227-3703.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Rossi", with a large, stylized loop at the end.

RANDY ROSSI, Director  
Firearms Division

For BILL LOCKYER  
Attorney General

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