

# **REGULATIONS OF THE DEPARTMENT OF JUSTICE PERTAINING TO DANGEROUS WEAPONS**

## **CALIFORNIA CODE OF REGULATIONS**

### **TITLE 11. LAW, DIVISION 1. ATTORNEY GENERAL, CHAPTER 12.5. DANGEROUS WEAPONS**

#### **ARTICLE 1. GENERAL PROVISIONS**

##### **§ 970. Title.**

This subchapter shall be known as the “Department of Justice Regulations on Dangerous Weapons,” may be cited as such and are referred to herein as “these regulations.”

###### **Note**

Authority cited: Sections 12095, 12230, 12250, 12350 and 12306, Penal Code. Reference: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code.

###### **History**

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

##### **§ 970.1. Scope.**

The provisions of these regulations shall apply to the possession, transportation, and/or sales of dangerous weapons as defined in section 971 of these regulations.

###### **Note**

Authority cited: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code.

###### **History**

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

#### **ARTICLE 2. DEFINITIONS**

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

- (a) The term, “Department,” means the Department of Justice of the State of California.
- (b) The term, “Director,” means the Director of the Division of Law Enforcement, Department of Justice, State of California.

- (c) The term, “Administrative Hearing Officer,” means an employee of the Department designated by the Director. The hearing officer so designated shall not have participated in the decision to grant, deny, or revoke the permit or license that is the subject of a hearing before him/her.
- (d) The term, “machine gun license,” means a license to sell machine guns at retail pursuant to Penal Code section 12250.
- (e) The term, “machine gun permit,” means a permit to possess and transport machine guns pursuant to Penal Code section 12230.
- (f) The term, “destructive device permit,” means a permit to collect, possess and transport or conduct business in destructive devices pursuant to Penal Code sections 12305 and 12306.
- (g) The term, “short-barreled shotgun or short-barreled rifle permit,” means a permit issued pursuant to Penal Code section 12095.
- (h) The term, “licensee,” means a person holding a machine gun license defined in subsection (d) of this section.
- (i) The term “assault weapon permit” means a permit issued pursuant to Penal Code Section 12286.
- (j) The term, “permittee,” means a person holding a permit defined in subdivisions (e), (f), (g) and (i) of this section.
- (k) The term, “collector” means a person holding a destructive device permit who collects destructive devices as a hobby and not a business.
- (l) The term, “applicant” means any person who submits the required documentation, proper application forms, and appropriate fees for a dangerous weapons permit/license.
- (m) The term “dangerous weapons” means machine guns as defined in Penal Code section 12200, destructive devices as defined in Penal Code section 12301, short-barreled shotguns and short-barreled rifles as defined in Penal Code section 12020, and assault weapons as defined in Penal Code section 12276.
- (n) The term “conditions” means express terms that appear on the face of each permit issued by the Department. These are conditions or limitations such as time, place and circumstances that permittees shall comply with to retain their permits.
- (o) The term, “market necessity,” means a non-personal commercial need for dangerous weapons which is not being satisfied in the existing market place.

- (p) The term, “public necessity,” means a need for dangerous weapons to be used in government sanctioned training or activities or a need for repair and maintenance of dangerous weapons owned by public agencies.

**Note**

Authority cited: Sections 12095, 12200, 12230, 12250, 12286 and 12305, Penal Code. Reference: Sections 12020, 12095, 12096, 12200, 12230, 12231, 12250, 12286 and 12305, Penal Code.

**History**

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).
2. Amendment filed 12-29-89; operative 1-1-90 (Register 90, No. 2).

## **ARTICLE 3. LICENSES AND PERMITS**

### **§ 972. General.**

- (a) Except as provided in sections 12285, 12288 and 12290 of the Penal Code, no person shall possess, transport, or sell any dangerous weapon in this state unless he/she has been granted a permit and/or license pursuant to these regulations.
- (b) No permit or license shall be issued to any applicant who fails to establish good cause for such permit or license and that such permit or license would not endanger the public safety.
- (c) To establish good cause, an applicant must provide the Department with clear and convincing evidence that there is a bona fide market or public necessity for the issuance of a dangerous weapons permit or license and that the applicant can satisfy that need without endangering public safety. Except as provided by Penal Code Section 12095, good causes recognized by the Department to establish a bona fide necessity for issuance of dangerous weapons permits or licenses include the following:
- (1) Retail sales.
  - (2) Training, research and development pursuant to government contract.
  - (3) Use as props in commercial motion picture or television production.
  - (4) Possession for the purpose of maintaining a collection of destructive devices as defined in Penal Code section 12301 but such possession shall not be allowed for short-barreled shotguns, short-barreled rifles, machine guns or assault weapons.
  - (5) Repair and maintenance of dangerous weapons lawfully possessed by others.

- (6) Use of assault weapons in activities sanctioned by law enforcement agencies or government military agencies by members of those agencies.
- (d) No permit or license shall be issued to any applicant who fails to comply with local zoning restrictions or local fire-protective services regulations or ordinances.
- (e) The Department shall provide a notice of each permit or license issued to the Chief of Police or Sheriff having jurisdiction over the licensee or permittee's location. Copies of outstanding licenses and permits shall be provided to the Chief or Sheriff of jurisdiction upon request.

**Note**

Authority cited: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code. Reference: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code.

**History**

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).
2. Amendment filed 12-29-89; operative 1-1-90 (Register 90, No. 2).

**§ 972.1. Limited Term Permits/Licenses; Conditions.**

- (a) Limited term permits/licenses (less than one year) may be granted to provide for lawful possession until the Department has issued a decision on an application to renew a permit/license if that determination has taken longer than 30 days or for the purpose of using weapons for a limited term during a motion picture or television production. Limited term permits may also be issued when a background investigation has not yet been completed or before a background investigation has been initiated if the applicant is working under a valid federal defense contract.
- (b) In addition, permits shall stipulate any conditions or limitations that apply on their face.

**Note**

Authority cited: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12230, 12231, 12250, 12305 and 12306, Penal Code.

**History**

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

**§ 972.2. Record Keeping.**

- (a) Licensees or permittees authorized to sell dangerous weapons shall maintain records to show proof of doing business. Records shall include expressions of interest in purchasing weapons, records of sales and demonstrations, advertising copy, copies of invoices and other business transactions, and records of all transportation actions involving the weapons in inventory. All records of sales, transfers or acquisitions,

including manufacture, shall contain a description of the dangerous weapon that identifies it uniquely, including all identification marks and the full name, address and permit number or other authorization of all parties to the transaction.

- (b) All records described in paragraph (a) shall be made available to any peace officer or other persons designated by the Attorney General upon request.

Note

Authority cited: Sections 12095, 12097, 12230, 12250, 12286 and 12305, Penal Code. Reference: Sections 12095, 12097, 12230, 12250, 12286 and 12305, Penal Code.

History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).
2. Amendment filed 12-29-89; operative 1-1-90 (Register 90, No. 2).

### **§ 972.3. Disposition of Trade-In Machine Guns.**

- (a) A licensee who takes trade-in machine guns in the process of a sale of contemporary weapons, shall lawfully dispose of such weapons within eighteen months.
  - (1) The licensee may apply for a longer period of retention by supplying the Department with an expression of interest by a qualified purchaser.
  - (2) In no event shall such a machine gun be retained for a total of more than two years.
- (b) The licensee shall be able to provide written documentation that the transfer was concluded. Failure to dispose of such machine guns may result in revocation of the machine gun permit/license.

Note

Authority cited: Sections 12250 and 12251, Penal Code. Reference: Sections 12250 and 12251, Penal Code.

History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

## **ARTICLE 3.5. DOCUMENTATION OF NECESSITY**

### **§ 972.4. Retail Sales.**

- (a) Documentation required to determine bona fide necessity for sales and demonstration for the purpose of sales of dangerous weapons includes the following:

- (1) A list of counties in California where the applicant plans to sell dangerous weapons.
  - (2) Expressions of interest from a chief of police or designee, sheriff or designee, or head of a government agency or designee in each specified county indicating the number and type of dangerous weapons they plan to buy during the next 18 months and a statement that the agency will consider purchasing dangerous weapons from the applicant.
  - (3) The number of demonstrations the applicant intends to conduct, the specific agencies to which the applicant intends to demonstrate, and the number/type of dangerous weapons to be used in the demonstrations.
  - (4) The number/type of dangerous weapons the applicant plans to have in his inventory for demonstrations, and a statement indicating whether these weapons are for sale.
  - (5) A plan to notify law enforcement or government agencies concerning demonstrations and/or sales.
  - (6) Letters from manufacturers authorizing an applicant to represent their dangerous weapons for sale.
  - (7) A list of manufacturers, makes, and models of dangerous weapons that the applicant plans to market.
  - (8) A plan to deliver dangerous weapons once a sale is made.
  - (9) A plan for the disposal of dangerous weapons taken in trade.
  - (10) A history of the applicant's experience in the handling and demonstrations of dangerous weapons.
- (b) Applicants for permits to possess dangerous weapons for sale must also provide evidence of a current Federal Firearms License (FFL), local business license, and current seller's permit issued by the State Board of Equalization.

**Note**

Authority cited: Sections 12095, 12230, 12250, 12286, 12290 and 12305, Penal Code. Reference: Sections 12095, 12230, 12250, 12286, 12290 and 12305, Penal Code.

**History**

1. New section filed 12-29-89; operative 1-1-90 (Register 90, No. 2).
2. Editorial correction of article heading (Register 95, No. 14).

**§ 972.5. Training, Research and Development.**

- (a) Documentation required to determine bona fide necessity for training, research and development of dangerous weapons pursuant to Government contract includes the following:
  - (1) Current copies of government agency contracts.
  - (2) Detailed statements of objectives of the training or research and development including time frames of the effort and a projected completion date.

**Note**

Authority cited: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code. Reference: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code.

**History**

- 1. New section filed 12-29-89; operative 1-1-90 (Register 90, No. 2).

**§ 972.6. Commercial Motion Picture/Television Productions.**

- (a) Documentation required to determine bona fide necessity for possession of dangerous weapons for motion picture/television productions includes the following:
  - (1) If an agent of a studio, the applicant must provide a letter of need and verification of employment from the studio.
  - (2) If an agent of a rental company or an independent property master, the applicant must provide letters of interest from the studios.

**Note**

Authority cited: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code. Reference: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code.

**History**

- 1. New section filed 12-29-89; operative 1-1-90 (Register 90, No. 2).

**§ 972.7. Collection of Destructive Devices.**

- (a) Documentation required to determine bona fide necessity for collecting destructive devices includes the following:
  - (1) A written statement from applicant certifying that he is a bona fide collector for use in a public display. The statement must include the weapons or ordinance of interest to the collector, an estimate of the intended size of the collection, and a statement that the applicant will or will not engage in sales or trading activity.

- (2) A written statement from applicant certifying that the weapon or ordinance will not be fired or discharged.

Note

Authority cited: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code. Reference: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code.

History

1. New section filed 12-29-89; operative 1-1-90 (Register 90, No. 2).

### **§ 972.8. Repair and Maintenance.**

- (a) Documentation required to determine bona fide necessity for repair of dangerous weapons includes the following:
  - (1) The applicant must provide evidence of expertise in the specific weaponry (i.e., educational certificates/diplomas, employment history, experience).
  - (2) Letters of interest must be provided from individuals/agencies indicating a need for applicant to repair or maintain their weaponry.

Note

Authority cited: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code. Reference: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code.

History

1. New section filed 12-29-89; operative 1-1-90 (Register 90, No. 2).

### **§ 972.9. Activities Sanctioned by Law Enforcement/Military--Assault Weapons.**

- (a) Documentation required to determine bona fide necessity for use of personal assault weapons by law enforcement or military personnel in sanctioned activities includes the following:
  - (1) A current copy of the applicant's official identification card.
  - (2) If in the military, the applicant must provide a letter, signed by the applicant's Base Commander, stating that such a need exists.
  - (3) If a law enforcement officer, the applicant must provide a letter, signed by the chief law enforcement officer of the agency employing the applicant, stating that such need exists.

Note

Authority cited: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code. Reference: Sections 12095, 12230, 12250, 12286 and 12305, Penal Code.

## History

1. New section filed 12-29-89; operative 1-1-90 (Register 90, No. 2).

**ARTICLE 4. INVESTIGATIONS****§ 973. General.**

The Department shall conduct investigations of applicants for dangerous weapon permits/licenses to establish grounds for the issuance or denial of the application as follows:

- (a) Related Persons. Additional persons who may be investigated are:
  - (1) Persons with 10 percent or more interest in the permittee/licensee's business.
  - (2) Persons with authority to make management decisions for the permittee/licensee.
  - (3) Persons who have access to the dangerous weapon(s).
- (b) Applicant's Business Role and/or Control of the Business. The following areas may be investigated concerning the applicant's business role and/or control of the business:
  - (1) Primary function of the business.
  - (2) Law enforcement's comments on the business.
  - (3) Applicant's financial interest in the business and source of funds.
  - (4) Applicant's role in and/or control of the business.
  - (5) Spouse's association with the business.
- (c) Applicant's Personal Qualifications. The following areas may be investigated concerning the applicant's personal background:
  - (1) Character assessment by personal and/or business acquaintances and appropriate law enforcement and government agencies.
  - (2) Criminal history and driving record.
  - (3) Military record.

- (4) Past employment or expertise related to the weapon to be covered by the requested permit/license.
- (5) Medical history.

Note

Authority cited: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12050, 12095, 12230, 12250, 12305 and 12306, Penal Code; and Sections 1100, 1101, 1102, 1103 and 1105, Evidence Code.

History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

### **§ 973.1. Investigation of New Information.**

Each applicant and permittee/licensee shall provide written notification to the Department of any change in the information required on the application forms within 10 days of the time that the change occurred. An investigation concerning any such change in information may be conducted.

Note

Authority cited: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code.

History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

## **ARTICLE 5. SECURITY REQUIREMENTS**

### **§ 974. General.**

The Department shall conduct investigations of facilities and vehicles to determine the applicant's compliance with security standards.

Note

Authority cited: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code.

History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

### **§ 974.1. Security.**

The following is a description of required security for storing and transporting machine guns, short-barreled shotguns, short-barreled rifles, and destructive devices other than deactivated

weapons. The applicant is not expected to have the complete security in place at the time of the background investigation. Upon completion of the background investigation, the applicant shall have 6 months to comply with security measures. The Department shall notify the applicant at the beginning of the six month period. Applicants who cannot complete efforts to comply with security standards because of extenuating circumstances may be granted up to a one year extension. Requests for an extension shall be made in writing.

(a) Exterior Building Security Requirements

- (1) All perimeter doors to the building shall be solid core and have dead-bolt locks or the equivalent. Sliding glass doors shall have steel window guards or be connected to an audible or silent alarm to detect entry.
- (2) All direct entries into the interior storage room from the exterior of the building, including windows and skylights, require steel window guards (not recommended for private residences), or audible, silent or sonic alarm to detect entry, or 24-hour security guard service.
- (3) If the weapon(s) will be stored at a location different from the principal place of business, or at the applicant's residence and that residence is rented/leased, the applicant shall submit written approval from the owner and the location shall meet all specified exterior and interior security requirements.
- (4) When the size of the weapon(s) prohibits storage in a residence or room of a business, the weapon shall be permanently secured to prohibit easy removal, and the firing mechanism and any ammunition shall be removed and stored in a separate locked room, cabinet, or box in an area separate from the storage area for the weapon.

(b) Interior Building Security Requirements

- (1) The weapon(s) shall be stored in a separate room away from any general living area or work area. Destructive device collectors may display historic, antique or curio weapons in a general living or work area provided such weapons have been disabled by removal of firing mechanisms which shall be stored separately in a safe or equivalent high security storage area.
- (2) All doors leading into the storage room shall be solid core with a dead-bolt lock or the equivalent and be locked while unattended, or the weapon(s) shall be stored in an anchored, locked metal box in the room. Anchored is defined as permanently mounted to the floor or having a gross weight of 1,000 pounds or more so that heavy equipment or tools would be required to remove the box.

- (3) Any ammunition shall be removed and stored in a separate and locked room, cabinet or box away from the storage area for the weapon. Ammunition may be stored with a weapon if locked in a safe.
- (c) Security Requirements for Transporting Machine Guns and Short-Barreled Shotguns/Rifles
  - (1) Machine guns, short-barreled shotguns and short-barreled rifles shall be transported in a locked metal container or the equivalent which is bolted to the floor of the vehicle's trunk or securely fastened to the floor in the passenger compartment of the vehicle to prevent unauthorized access. The vehicle shall be locked at all times while unattended.
  - (2) All locking devices shall be in good operating condition.
- (d) Security Requirements for Transporting Destructive Devices
  - (1) When size or quantity of the weapon(s) permits storage inside the vehicle:
    - (A) The weapon(s) shall be transported either concealed in the locked storage area of the vehicle, or in a locked metal box or the equivalent which is bolted to the floor of the vehicle. The vehicle shall be locked at all times while unattended.
    - (B) All locking devices shall be in good operating condition.
  - (2) When size or quantity of the weapon(s) prohibits storage inside the vehicle:
    - (A) If the weapon is transported exposed on a pick-up truck or other vehicle, a locking device connecting the weapon to the vehicle is required. The locking mechanism shall be able to resist common tools such as bolt cutters, hammers and cold chisels.
    - (B) If the weapon is transported on a trailer, the weapon shall be locked to the trailer and the trailer locked to the vehicle at all times while unattended. The locking mechanism shall be able to resist common tools such as bolt cutters, hammers and cold chisels.
    - (C) If the weapon is mounted on its own axle, the trailer hitch or tongue shall have a locking device connected to the vehicle at all times while unattended. The locking mechanism shall be able to resist common tools such as bolt cutters, hammers and cold chisels.

- (D) If a padlock is used to secure a weapon, it shall be secured with a high security, case-hardened, large shackle padlock which is in good operating condition.
- (E) A special event permit may be granted to historical societies, civic organizations or collectors requesting such permits to waive transportation security requirements for the purpose of allowing the authentic display of historic, antique, curio destructive devices in patriotic, historic, civic or cultural events.

**Note**

Authority cited: Sections 12095, 12230, 12250 and 12305, Penal Code. Reference: Sections 12095, 12230, 12250 and 12305, Penal Code.

**History**

- 1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).
- 2. Amendment filed 12-29-89; operative 1-1-90 (Register 90, No. 2).

## **ARTICLE 6. FORMS, PROCESSING TIME, RENEWALS, FEES, DENIALS, REVOCATIONS**

### **§ 975. Forms.**

- (a) An applicant shall submit an individual application form for each type of permit/license being requested. The following are the three different permit/license forms that are available for filing with the Department to initiate a background investigation.
  - (1) Machine Gun Permit/License--BJIS 8332 (Rev. 1986)
  - (2) Destructive Device Permit--BJIS 8331 (Rev. 1986)
  - (3) Short-Barreled Shotgun/Short-Barreled Rifle Permit--BJIS 8330 (Rev. 1989)
  - (4) Assault Weapon Permit--BJIS 8336 (1989)
- (b) In addition to the form listed in subsection (a) each applicant shall complete and file with the Department the following forms to facilitate a background investigation:
  - (1) Applicant/Business History for Dangerous Weapons Permit and/or License--BJIS 8343. (Rev. 1987)
  - (2) Applicant Fingerprint Card--BID 7. (Rev. 1986)

- (c) The forms require the applicant to provide the following information: personal descriptive data, business history information and any criminal history background.
- (d) The Department shall provide any form described in this section to an applicant upon request.

Note

Authority cited: Sections 12096, 12231, 12250, 12286 and 12305, Penal Code. Reference: Sections 12096, 12231, 12250, 12286 and 12305, Penal Code.

History

- 1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).
- 2. Amendment filed 12-29-89; operative 1-1-90 (Register 90, No. 2).

### **§ 975.1. Processing Time.**

- (a) In accordance with section 15376 of the Government Code, the following time standards apply to the processing of Dangerous Weapons Permits and Licenses:
  - (1) Within 14 days after the date of receipt of an application, the Department shall either inform the applicant, in writing, that the application is complete and accepted for filing, or return the application as deficient and specify what information is required.
  - (2) Within 120 days from the date of receipt of a completed application, the Department shall reach a permit/license decision unless time is waived by the applicant.
- (b) The Department's minimum, maximum and median times for processing a permit, from the date of receipt of an initial application to the final permit decision, based on the agency's actual performance during the two years immediately proceeding these regulations, are:
  - (1) Minimum time: 30 days
  - (2) Maximum time: 270 days
  - (3) Median time: 120 days

Note

Authority cited: Section 15376, Government Code. Reference: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code.

History

- 1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

**§ 975.2. Renewal of Permit/License.**

- (a) Application for renewal of permit/license shall be made not less than 30 days prior to expiration of the permit/license.
- (b) A penalty of 50% of the permit/license fee shall be assessed in cases where the renewal fee is not paid on or before 30 days prior to expiration of the permit/license.
- (c) An application for renewal of a permit/license may be denied for any of the reasons listed under sections 975.4 and 975.5, and may include lack of any reasonable effort to sell machine guns or destructive devices or lack of any reasonable effort to supply or use weapons for or in motion picture or television productions during the permit/license year.
- (d) At renewal time:
  - (1) A licensee or destructive device permittee dealing in the sale of weapons, shall provide a list of sales, sales solicitations, and demonstrations made during the past licensing year that includes purchasing agency, number of weapons sold, name of agencies demonstrated to, and current inventory. If sales are not made, permittees/licensees shall provide appropriate documents showing business activities. Such documents may include business correspondence which will show any reasonable effort to sell dangerous weapons.
  - (2) Persons having permits for providing weapons for use in motion pictures or television productions shall provide expressions of interest from producers, directors or other clients and examples of any credits or productions worked during the past year. Persons attempting to establish a business in this area who have not yet been retained by clients shall provide copies or business correspondence or other evidence of their activities which they deem will show reasonable efforts to supply weapons for use in motion picture or television productions.
  - (3) Persons having permits as bona fide collectors of destructive devices shall provide their weapon inventory at the end of the year. Failure to provide this information may result in the Department denying renewal of the permit.
  - (4) As used in this subsection, the term year means the year immediately proceeding the date of application for renewal.
- (e) If the Department denies renewal of a permit/license, the Department shall provide the permittee/licensee with a Notice of Denial of Renewal which shall specify the causes on which the denial of renewal is based within ten calendar days from the effective date of denial. The Department shall not add any additional causes to a notice that has been

transmitted to a licensee/permittee but it may, transmit an amended notice with additional causes on which the denial of renewal is based.

Note

Authority cited: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code.

History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

**§ 975.3. Fees.**

- (a) Each application for a permit/license shall be accompanied with the appropriate fee. For fiscal year 1987/88 the appropriate fees are as follows:

- (1) New Application:

(A) Basic fee \$121.50.

(B) When more than one permit/license is applied for at the same time, a fee of \$6.75 is required for each additional permit/license requested by the applicant.

- (2) Renewal Application:

(A) Basic fee \$44.50.

(B) When more than one renewal is applied for at the same time, a fee of \$6.75 is required for each additional renewal requested by the applicant.

- (b) The Department shall review and adjust the fees annually pursuant to Penal Code sections 12096, 12231, 12250, 12305 and 12306 and establish a schedule of those fees.

Note

Authority cited: Sections 12096, 12231, 12250, 12305 and 12306, Penal Code. Reference: Sections 12096, 12231, 12250, 12305 and 12306, Penal Code.

History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

**§ 975.4. Denial of Application, Reasons, Reconsideration.**

- (a) Applications for permits/licenses shall be denied for the following reasons:

- (1) Applicant fails to establish good cause for issuance of the permit or license.
  - (2) Applicant does not meet security requirements.
  - (3) Applicant makes false statements on application.
  - (4) Applicant fails to establish that issuance of the permit or license would not endanger the public safety.
  - (5) Applicant fails to notify the Department of any changes in information as required by section 973.1.
- (b) When an application is denied, the applicant may file, within 30 days, a written request for reconsideration by an Administrative Hearing Officer. Such request may include any and all evidence and legal arguments which applicant feels is relevant to a reconsideration of the application. The Department shall provide the applicant with a written notice of its final decision within 60 days of the time the request for reconsideration is filed.
- (c) When an application is denied after reconsideration a new application may be filed pursuant to section 975.6.

Note

Authority cited: Sections 12095, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12098, 12230, 12233, 12250, 12305 and 12306, Penal Code.

History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

**§ 975.5. Revocation of Permit/License, Reasons.**

- (a) A permit/license may be revoked anytime during the permit/license year when it is determined the permittee/licensee is no longer eligible, a legitimate need no longer exists, or the permit/license has been misused. Reasons for revocation of permit and/or license include, but are not limited to:
- (1) The permittee/licensee is arrested for an offense which prohibits possession of the permit/license weapon(s).
  - (2) The permittee/licensee uses the weapon(s) for purposes other than permitted/licensed.
  - (3) The permittee/licensee fails to engage in business or violates conditions stipulated in the permit/license.

- (4) The permittee/licensee fails to keep or provide records of sales and/or demonstrations, if applicable.
- (5) The permittee/licensee fails to provide required security.
- (6) The permittee/licensee fails to notify the Department of any changes in information as required in section 973.1.
- (7) Permittee/licensee violates any law punishable as a felony.
- (8) Any reason which would be grounds for denial of an application pursuant to section 975.4.

Note

Authority cited: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code.

History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

### **§ 975.6. Waiting Period.**

An applicant whose permit/license was either denied or revoked may reapply after one year has elapsed from date of denial/revocation except those persons prohibited from possessing firearms under State or Federal law. The waiting period may be shortened upon a showing of good cause.

Note

Authority cited: Sections 12095, 12098, 12230, 2250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code.

History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

## **ARTICLE 7. APPEAL PROCESS**

### **§976. Notice of Revocation or Notice of Denial of Renewal.**

- (a) The Department shall provide the permittee/licensee with a Notice of Intent to Revoke which shall specify all causes on which the revocation is based. Notice shall be provided by personal service, certified or registered mail.
- (b) A permittee/licensee who has ben served with a Notice of Intent to Revoke or a Notice of Intent to Deny a Renewal may file, within 30 days, a written answer to the notice, which answer shall be deemed a denial of all of the allegations in the notice not expressly admitted.

- (c) A permittee/licensee may request a hearing in his/her answer to the notice or no later than 60 days from the date of Notice of Revocation or Notice of Denial of Renewal. If a hearing is requested, the Department shall take no revocation action until completion of hearing proceedings pursuant to section 976.4 of these regulations.
- (d) Failure to make a written request for a hearing within the time period specified in (b) constitutes a waiver of the right to a hearing.
- (e) If the permittee/licensee fails to answer within the time specified in (b) or, after answer, withdraws his appeal, the action taken by the Department shall be final.
- (f) Notwithstanding subsection (c), the Department shall take immediate action to revoke any permit or license when there is reason to believe that public safety may be endangered if the permittee/licensee were to retain the permit/license.

Note

Authority cited: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code.

History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

### **§ 976.1. Administrative Hearing.**

- (a) If a hearing is requested by the permittee/licensee, a hearing shall be held within 30 days unless time is waived by the permittee/licensee. The hearing shall be conducted by the Department's Administrative Hearing Officer.
- (b) The permittee/licensee shall be given the opportunity to be heard and to be represented by counsel during any hearing proceedings.
- (c) An Administrative Hearing Officer shall voluntarily disqualify himself or herself and withdraw from any case in which he or she cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of the Administrative Hearing Officer by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined by another Administrative Hearing Officer.
- (d) The proceedings at the hearing shall be reported by a phonographic reporter; except that, upon the consent of all the parties, the proceedings may be reported electronically.

Note

Authority cited: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code; and Section 11512, Government Code.

## History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

**§ 976.2. Time and Place of Administrative Hearing.**

The Department shall notify the permittee/licensee of the time and place of hearing. Failure of the permittee/licensee to appear at the hearing shall be deemed a withdrawal of his/her answer and the action of the Department shall be final.

## Note

Authority cited: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code.

## History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

**§ 976.3. Evidence Rules.**

- (a) Oral evidence shall be taken only on oath or affirmation.
- (b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.
- (c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

## Note

Authority cited: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code; and Section 11513, Government Code.

## History

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).

**§ 976.4. Proposed Decision.**

The Administrative Hearing Officer shall prepare a Proposed Decision in such a form that it may be adopted as the decision in the case. A copy of the proposed decision shall be furnished to the permittee/licensee and the Director no later than 20 days after the hearing. The Director may adopt the decision in its entirety or may decide the case upon the record with or without taking additional evidence. The permittee/licensee shall be notified of the Director's decision within 30 days of the hearing or within 30 days of the taking of additional evidence, whichever is later.

**Note**

Authority cited: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code. Reference: Sections 12095, 12098, 12230, 12250, 12305 and 12306, Penal Code.

**History**

1. New section filed 4-29-88; operative 5-29-88 (Register 88, No. 19).