

INITIAL STATEMENT OF REASONS

Section 994 Exemption of Olympic Pistols.

Necessity.

Penal Code sections 12132(h) and 12276.1(b),(c) require the Department of Justice to create a program to exempt pistol models used in Olympic target shooting competition from the “assault weapon” definition provided in Penal Code section 12276.1 and/or the “unsafe handgun” provisions in Penal Code sections 12125 through 12133. Sections 12132(h) and 12276.1(b),(c) also state the Department may rely on recommendations from “USA Shooting,” the national governing body for international shooting competition in the United States, in identifying exempt Olympic pistols.

Specific Purpose of the Regulation.

The proposed regulation establishes that the Department of Justice (DOJ) will exempt pistol models used in Olympic target shooting competition from the “assault weapon” definition provided in Penal Code section 12276.1 and/or the “unsafe handgun” provisions in Penal Code sections 12125 through 12133.

Additionally, the Department will maintain a roster of the models of Olympic pistols that are exempted. This regulation also specifies the manner by which the exempt Olympic pistols are recommended for exemption by “USA Shooting,” the organization recognized by the United States Olympic Committee as the national governing body for international shooting competition in the United States. Recommendations submitted to DOJ by USA Shooting or their successor must be notarized, signed and dated by the current chief executive officer, and must specify the make, model, and caliber of the pistol. The recommendation must also include statements that the pistol(s) is sanctioned by USA Shooting or its successor for use in Olympic target shooting competition and that the pistol(s) is used for Olympic target shooting purposes. These requirements are needed to ensure the pistols meet the exemption qualifications specified in the Penal Code.

Technical, Theoretical, and/or Empirical Study, Reports, or Documents Relied Upon.

The Department relied upon Penal Code sections 12132(h)(2) and 12276.1(c)(2) as an example of the specific pistol information required to identify exempted Olympic pistols. No other technical, theoretical, and/or empirical study, reports, or documents were relied upon.

Reasonable Alternatives to the Regulation and the Agency’s Reasons for Rejecting Them.

No other alternatives were presented to or considered by the Department. Penal Code sections 12132(h) and 12276.1(b),(c) expressly require the Department to create a program to exempt Olympic pistols from specific sections of the Penal Code. The statutes which mandate promulgation of the proposed regulations also specify the conditions under which a pistol qualifies for exemption by the Department. Accordingly, the regulations proposed by the Department are consistent with the statutory requirements and legislative intent expressed in Penal Code sections 12132(h) and 12276.1(b),(c).

Reasonable Alternatives to the Proposed Regulatory Action That Would Lessen Any Adverse Impact on Small Businesses.

The Department finds that the proposed regulation would not have any adverse impact on small businesses, thus no alternatives were identified.

Evidence Supporting Finding of No Significant Adverse Economic Impact on Any Business.

The proposed regulations establish a program to exempt pistol models used in Olympic target shooting competition from the “assault weapon” definition provided in Penal Code section 12276.1 and/or the “unsafe handgun” provisions in Penal Code sections 12125 through 12133. The exemption will allow Olympic pistols, that would otherwise be unlawful, to be possessed, purchased, and sold legally in California. Because the exempted pistols are typically of interest only to Olympic target shooting enthusiasts, new dealer sales will be negligible. Nevertheless, to the extent there is any impact on business, it is beneficial and not adverse. The proposed regulations only create exemptions for certain firearms, they do not create new restrictions.