

TITLE 11. DEPARTMENT OF JUSTICE

NOTICE OF PROPOSED RULEMAKING

The Department of Justice (“Department”) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department will hold a public hearing starting at 10:00 a.m. on Tuesday, July 15, 2003, at the Department of Justice office located at 4949 Broadway, Sacramento, California. The hearing room is wheel chair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed regulatory action described in the Informative Digest. The Department requests but does not require that persons who make oral comments also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m., on July 15, 2003. The Department will consider only comments received at the Department offices by that time. Submit written comments to:

Jeff Amador, Field Representative
Department of Justice, Firearms Division
P.O. Box 820200
Sacramento, CA 94203-0200

AUTHORITY AND REFERENCE

Pursuant to sections 12132 and 12276.1 of the Penal Code, the Department is authorized to adopt the proposed regulations that implement, interpret, or make specific sections 12125, 12126, 12127, 12128, 12129, 12130, 12131, 12131.5, 12132, 12133, and 12276.1 of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law generally prohibits the sale of firearms that fall within the statutory definition of an “assault weapon” or an “unsafe handgun”. However, the law delineates specific models that are exempt because they are used for Olympic target shooting competition. As mandated pursuant to Penal Code sections 12132(h) and 12276.1(b),(c), the proposed regulations establish a program to exempt additional 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 proposed regulations also specify the manner by which Olympic pistols can be recommended for exemption by the national governing body for international shooting competition in the United States, currently “USA Shooting.” The proposed regulations also establish that the Department will maintain a roster of the exempted Olympic pistols.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

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

Cost impacts on a representative private person or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur as a result of the proposed action.

Adoption of these regulations will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small business determination: The Department has determined the proposed regulations do not affect small 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 the Olympic pistols to be possessed, purchased, and sold in California. Because the exempted pistols are typically of interest only to Olympic target shooting enthusiasts, new dealer sales will be negligible.

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present statements or arguments regarding the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action may be directed to:

Jeff Amador, Field Representative
Department of Justice, Firearms Division
P.O. Box 820200
Sacramento, CA 94203-0200
(916) 227-3661

The backup contact person for these inquiries is:

Stephanie Torres, Analyst
Department of Justice, Firearms Division
P.O. Box 820200
Sacramento, CA 94203-0200
(916) 227-5362

Please direct requests for copies of the text (the “express terms”) of the proposed regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Torres at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Economic and Fiscal Impact Statement (STD. 399). Copies may be obtained by contacting Stephanie Torres at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text--with the changes clearly indicated--available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Stephanie Torres at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Torres at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in ~~strikeout~~ format, as well as the Final Statement of Reasons once it is completed, can be accessed through our website at <http://caag.state.ca.us/firearms/>.