

## INITIAL STATEMENT OF REASONS

### **SECTION 968.20 - “DEFINITION OF KEY TERMS”**

#### Specific purpose of the regulation.

The purpose of amending this section is to ensure that the new terms being used in the penal code or regulation are adequately defined for the reader because these terms have special meaning when used in the context of the Handgun Testing Program.

#### Factual Basis.

These amendments are necessary to ensure that persons reading and/or implementing the Handgun Testing Program regulations will understand how to comply with, or conduct testing in accordance with, these regulations.

### **SECTION 968.60 - “DOJ-CERTIFICATION REVOCATION”**

#### Specific purpose of the regulation.

The purpose of amending this section is to ensure that DOJ-certified test laboratories will be available to conduct retesting and reinstatement testing of handguns. If laboratories refused to conduct retesting and reinstatement testing the requirements of Assembly Bill 2902 could not be properly implemented.

#### Factual Basis.

These amendments are necessary to ensure that the requirements of Assembly Bill 2902 are properly implemented.

### **SECTION 968.97 - “ANNUAL RETEST OF UP TO 5 PERCENT OF CERTIFIED HANDGUN MODELS”**

#### Specific purpose of the regulation.

The purpose of adopting this section is to ensure that three identical handgun samples are selected for retesting, and that all three be identical to those originally submitted for testing. It also specifies that if a handgun model fails retesting, the handgun tested will be removed from the Roster of Handguns Certified for Sale (as well as any handgun that was approved by the DOJ without separate testing per section 968.90 of these regulations) and no refund of fees paid will be provided. The DOJ will randomly select a laboratory to conduct the retesting. The chosen laboratory will not have conducted the original test. Handguns may be chosen randomly, as well as individually selected by the DOJ when there have been indications that a particular handgun is no longer compliant. The DOJ will remove any unsafe handgun(s) from the Roster of Handguns Certified for Sale within 48 hours of receipt and review of the retest report(s). Finally, the DOJ

will notify the manufacturer or importer who originally submitted the handgun for listing of the handgun's removal within 48 hours of receipt and review of the retest report.

Factual Basis.

This section is necessary to ensure that persons who have participated in the Handgun Testing Program understand the process by which handguns will be retested, as well as the repercussions of a failed retest.

**SECTION 968.99 - "REINSTATEMENT OF HANDGUNS REMOVED FROM THE ROSTER OF CERTIFIED HANDGUNS"**

Specific purpose of the regulation.

The purpose of adopting this section is to inform handgun manufacturers, importers, fully licensed wholesalers, distributors, or dealers who have failed a retest, the process by which a reinstatement test can be requested and performed. Section 968.97 of these regulations is identified as the standard by which reinstatement testing shall be performed. Requesters of a reinstatement test are notified by this section that the DOJ may, on a case-by-case basis, reinstate "similar" handguns upon the completion of a successful reinstatement test. Reinstatement testing will be performed by the same laboratory and personnel that conducted the original retest to ensure that testing environments are consistent. It is specified that at the conclusion of reinstatement testing, the DOJ-certified test laboratory shall notify the DOJ of the results within 10 (ten) working days of the completion of testing. Finally, requesters of reinstatement testing are notified that the DOJ will not refund or credit any fees associated with the Handgun Testing Program regardless of reinstatement testing results.

Factual Basis.

This section is necessary to ensure that persons who have failed the DOJ's mandated retest understand how to request reinstatement testing. This section identifies the methods by which reinstatement testing will be performed. In addition, time limits are established to ensure timely reporting of reinstatement testing results. Time limits were necessary to ensure a quick reinstatement of a handgun that passed the reinstatement testing. Finally, it was necessary to state that listing fees associated with the Roster will not be credited or refunded.

Technical, theoretical, and/or empirical study, reports, or documents.

None.

Specific technologies and new equipment.

These regulations do not mandate the use of specific technologies, but do require the use of new equipment in the form of a small handgun at an estimated cost of less than \$200.

Consideration of alternatives.

No reasonable alternative that was considered or that has otherwise been identified and brought to the attention of the DOJ would be either 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 regulations.

Business Impact.

These regulations will not have a significant impact on business.