

Bureau of Security and Investigative Services

Final Statement of Reasons

Hearing Date: May 27, 2016

Subject Matter of Proposed Regulations: Firearm Qualifications and Training

Sections Affected: amend 631, 631.1, 633 and 635 and adopt section 635.1 of Division 7 of Title 16 of the California Code of Regulations.

Updated Information:

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows:

Local Mandate:

A mandate is not imposed on local agencies or school districts.

Small Business Impact:

This action may have an adverse economic impact on small businesses. The Bureau currently has 367 licensed Firearm Training Facilities and 45,387 firearm permit holders statewide. These proposed regulations will mostly impact facilities that exclusively use a firearms simulator for the purposes of completing the required range qualifications for BSIS Firearm Permit applicants and permit holders. The Bureau has made this determination based on the fact that a recent sampling of 150 Bureau-approved Firearm Training Facilities showed that only 13 out of the 150 facilities sampled (approximately 9% of facilities) are qualifying applicants and permit holders exclusively through the use of firearm simulators. The remaining 137 facilities (approximately 91%) are already completing qualifications with live ammunition. For the 9% of firearm training facilities that are exclusively using firearm simulators to qualify students, these regulations will reduce the facilities BSIS firearm permit qualification business by 50% due to the required use of live ammunition for the initial range qualification and 2 of the 4 required renewal range qualifications

The following alternatives were proposed to lessen such adverse economic impact on small businesses and were rejected for the reasons set forth below:

- Requiring the use of live ammunition for the initial qualification and the 4th requalification. This alternative would have allowed permit holders to complete 3 out of the 4 requalifications via firearm simulator, thus reducing the impact for small businesses exclusively completing requalifications via firearm simulator.
 - This alternative was rejected because firearm proficiency is a perishable skill and simulators cannot replace the experience and skills acquired by firing live ammunition with an actual firearm.

- Requiring the use of live ammunition for the initial qualification only and allowing all subsequent requalifications to be completed via firearm simulator. This alternative would have allowed permit holders to complete all 4 requalifications via firearm simulator, thus reducing the impact for small businesses exclusively completing requalifications via firearm simulator.
 - This alternative was rejected because firearm proficiency is a perishable skill and simulators cannot replace the experience and skills acquired by firing live ammunition with an actual firearm.

Anticipated Benefits:

The clarification of BSIS firearms training terminology and methods will increase training standards for BSIS Firearm Permit holders thus resulting in increased personal and public safety.

Consideration of Alternatives:

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Objections or Recommendations/Responses:

The Bureau received the following oral comments at the May 27, 2016 public hearing. *(DVD of hearing and printed email is included in the final rulemaking binder)*

Ian Willis (Sacramento Security Training Center)

Comment (1) Agrees with everything that is in the proposed document, however is disappointed that the Bureau would be allowing even one per year of simulated firearms shooting.

BSIS Response:

The Bureau rejects this comment for the reasons specified in the Initial Statement of Reasons, primarily that firearm simulators can still play a beneficial role in training and can provide a cost effective method for permit holders to complete some of their required range qualifications.

Comment (2) Problem with propose section 635.1 Acceptable Targets. It appears as though the scoring area has been increased by 4 inches. The previous B-27 target specified the scoring 5 point ring of the B-27 target, and that would be within the 8 ring. The way Mr. Willis reads the proposed language it appears that within the 7 ring would be acceptable. Mr. Willis asks that this language be clarified.

BSIS Response:

The Bureau rejects this comment for the reasons specified in the Initial Statement of Reasons, primarily that the proposed change specifies the minimum standards required for the type of targets to be used, allowing applicants and permit holders a wider variety of targets which will result in cost savings. The requirements being proposed in section 635.1 only specify the minimum and maximum dimensions allowed for the target being used, both in height and width of the target and the minimum and maximum inches allowed between scoring rings. Training facilities and instructors will have discretion in terms of what targets are allowable at their respective facilities as long as the targets used are within the minimum and maximum dimensions prescribed by the Bureau.

Comment (3) The proposed changes also appear to remove the old bottle neck scoring area, which would be the B-27 scoring area into the head. Scoring area into the head is a critical aspect of training as well as center mass depending on the aspect of the target. I would have an issue with training or having on a qualification training that specifically requires center chest shots all the time predominantly because in the latest instances of active killing most of the offenders have been wearing body armor. Requests that the scoring area incorporate the head like it used to on the B-27 target.

BSIS Response:

The Bureau rejects this comment. The B-27 target did not include the head as a scoring area. Additionally, the Bureau is not aware of any instances involving any armed security guards engaging in a shooting with individuals wearing body armor. The role of a security guard is to observe and report. Firearms should only be used for the preservation of life and only when there is a direct threat to the life of the security guard or other people and only when used in self-defense. Attempted "head shots" pose additional and unnecessary risks to the safety of bystanders and the general public.

Sean Campbel (Sacramento Security Training Center)

Comment (4) Agrees with the statements made by previous speaker. Asks for clarity on the targets to be used.

BSIS Response:

The Bureau rejects this comment for the reasons specified in Comment (2).

Comment (5) Disagree with the use of Firearm Simulators because they do not jam or run into malfunction problems like a real firearm.

BSIS Response:

The Bureau rejects this comment for the reasons specified in the Initial Statement of Reasons, specifically that applicants and permit holders will be

required to complete qualifications by firing live ammunition which includes the potential for jams and equipment malfunctions.

The Bureau received the following written comment from Patrick Alexander

Comment (6) I am the lead instructor (TIF1617) at Security and Firearms Training Academy (TFF 1395). I just received the Notice regarding proposed new rules relating to the use of simulators in BSIS Firearms Training. Having read the proposal, it is my desire to state my very strong support of this change. As an instructor of many years and teaching at a school with very high standards, I have never agreed with the use of simulators for any kind of qualification. They most certainly have a place in training, but as stated in the proposal, trainers can not replace live fire on a range, as the experience is different. Trainers, simply cannot replace the feel and sounds of the real thing.

BSIS Response:

The Bureau accepts this comment and thanks Mr. Alexander for his participation.

Finding of Necessity:

The Bureau hereby finds that it is necessary for the public health, safety, and welfare of the people of California that these regulations apply to businesses.