

**TITLE 16. BUREAU OF SECURITY AND INVESTIGATIVE SERVICES
DEPARTMENT OF CONSUMER AFFAIRS**

NOTICE IS HEREBY GIVEN that the Bureau of Security and Investigative Services (Bureau or BSIS) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the:

**Department of Consumer Affairs
Hearing Room 102
1625 N Market Blvd
Sacramento, CA 95834
May 27, 2016
9:00 am**

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on May 27, 2016, or must be received by the Bureau at the hearing. The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7515, 7581, 7588 and 7591.6 of the Business and Professions Code, and to implement, interpret or make specific Sections 7542, 7570, 7583.2, 7583.5, 7583.9, 7583.12, 7583.22, 7583.23, 7583.24, 7583.25, 7583.32, 7585.8, 7596, 7596.3, 7596.7, 7588, 7599.40 and 7599.41 of the Business and Professions Code, the Bureau is considering changes to Division 7 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

The Bureau of Security and Investigative Services (BSIS or Bureau) is responsible for issuing BSIS Firearms Permits (also referred to as Firearm Qualification Cards) to individuals statutorily authorized and eligible to receive them. These individuals include private patrol operator (PPO) licensees, qualified managers currently employed by a PPO licensee, security guards, private investigator (PI) licensees, qualified managers currently employed by a PI licensee, alarm company operator (ACO) licensees, qualified managers currently employed by an ACO, and alarm company employee registrants. BSIS also certifies firearms training facilities and instructors who provide the firearms training required for a BSIS Firearms Permit. The Private Security Services Act, Private Investigator Act, and Alarm Company Act mandate the Bureau to prescribe a course of training and to require that training as a condition for the issuance of a BSIS Firearms Permits. Article 7 of Division 7 of Title 16 of the California Code of Regulations (CCR) specifies the requirements for the issuance of a BSIS Firearms Permits. There are over 45,000 Bureau licensees and registrants who possess firearms permits and carry a firearm while in close contact with the public in numerous settings throughout the state.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The Bureau is concerned about applicants seeking a BSIS Firearms Permit using firearm simulators to complete their range qualifications in order to qualify for a BSIS Firearms Permit. Firearm simulators have become a widely used training tool for citizens and law enforcement

agencies across the country. These simulators vary in design and functionality and there are currently no specific standards governing the use of firearm simulators for BSIS Firearms Permit applicants. The Bureau recognizes that firearm simulators can be a valuable tool for training; however, simulators cannot replace the experience and skills acquired by firing live ammunition with an actual firearm.

Additionally, there has been a rise in the demand for online education. The Bureau needs to ensure that BSIS-approved Firearm Training Facilities are only offering the initial BSIS Firearms Training Course and the review training in a traditional classroom setting. The Bureau recognizes that online training can be both beneficial and convenient for both students and training facilities; however, online training is not appropriate for the initial firearms training as the content of the firearms training needs to be taught using hands-on instruction techniques in order to maximize student safety and proficiency. Additionally, the review training in deadly force, the avoidance of deadly force and de-escalation of force needs to be taught using practical classroom instruction that includes class discussion.

This regulatory proposal seeks to ensure that the initial firearms training provided to individuals seeking a BSIS Firearms Permit and the review training required for each range qualification includes hands-on instruction, class discussion and live ammunition range qualifications. The adoption of regulatory language will provide definitions for various firearm training terms as well as specify the proper method of training required in order to satisfactorily meet the requirements outlined in the BSIS firearms training course. The Bureau's highest priority is the protection of the public, and these proposed amendments will strengthen the Bureau's firearms training requirements in a manner that will provide the greatest protection for the people of California.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Bureau has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: **No costs or saving related to Federal funding to the State. No anticipated direct costs or savings to State agencies.**

Nondiscretionary Costs/Savings to Local Agencies: **No direct nondiscretionary costs or savings to local agencies anticipated.**

Local Mandate: NONE

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: NONE

Business Impact:

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The Bureau has made this initial 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

Additionally, the Bureau currently has 9,795 Private Investigator Licensees, 2,065 Private Patrol Operator Licensees and 2,052 Alarm Company Operator Licensees. Some of these companies cover the cost of their employee's firearms training and qualifications. Additionally, some of these company licenses are held by individuals who absorb their own cost for the firearms training and qualifications. The Bureau has no way of knowing what percentages of companies cover the costs for employees. The Bureau can only calculate the costs based on the individual permit holder.

Cost Impact on Representative Private Person or Business:

This regulatory proposal will specify that the BSIS Firearms Training Course be taught through traditional classroom instruction and that the initial range qualification and two of the four required renewal range qualifications be completed with live ammunition.

The Bureau has not authorized any Firearms Training Facilities to administer or teach the Firearms Training Course online. Facilities that may be teaching the course online are doing so out of compliance with the Bureau's mandate, therefore these regulations should not create an increase in the cost of the firearms training course for individuals.

Each individual seeking a BSIS Firearms Permit must complete the BSIS firearms training provided by a Bureau-approved Firearms Training Facility. The cost of this training varies from facility to facility and can either include the cost of ammunition or require the student to provide their own ammunition. When completing the initial range qualification on the firearm range, applicants must fire 50 rounds for practice and then qualify by firing 50 rounds for score. The initial range qualification required for a BSIS Firearms Permit requires 100 rounds of ammunition. These regulations will require the use of live ammunition for the initial range qualification. The Bureau estimates the following increase in the initial cost for individuals completing their initial range qualification:

While the cost of ammunition varies by caliber and is susceptible to market price fluctuations, ammunition prices vary between \$13.99 per box of 50 to \$23.99 per box of 50, depending on the caliber of the ammunition. The Bureau estimates that the initial range qualification will require 2 boxes of ammunition and cost an individual \$27.98-\$47.98 ($\$13.99 \times 2$ boxes of 50 rounds)—($\$23.99 \times 2$ boxes of 50 rounds).

The cost of ammunition needed to complete the initial range qualification increases if the applicant is qualifying for more than one caliber. In order to have more than one caliber listed on a firearms permit, the applicant/permit holder must complete a range qualification for each caliber to be listed on the permit.

In addition to ammunition, most training facilities and instructors charge a \$15.00-\$20.00 range fee

and an average of \$10.00 for an instructor fee.

The Bureau estimates that this regulatory proposal will create an additional cost of \$52.98 (ammunition)+(range fees)+(instructor fees)-\$77.98 (ammunition)+(range fees)+(instructor fees) for applicants to complete the initial range qualification with one caliber.

BSIS Firearm Permits are valid for 2 years. Permit holders must complete 4 range qualifications during the two year cycle before renewing the firearm permit. When completing a range qualification for the purposes of renewal, the permit holder must fire 50 rounds for score. While the cost of ammunition varies by caliber and is susceptible to market price fluctuations, ammunition prices vary between \$13.99 per box of 50 to \$23.99 per box of 50, depending on the caliber of the ammunition. The Bureau estimates that a range qualification for the purposes of renewal will require 1 box of ammunition and cost an individual \$13.99-23.99 per caliber.

In addition to ammunition, most training facilities and instructors charge a \$15.00-\$20.00 range fee and an average of \$10.00 for an instructor fee and \$5.00-\$10.00 fee per caliber.

The Bureau estimates that this regulatory proposal will create an additional cost of \$38.99 (ammunition)+(range fees)+(instructor fees)-\$53.99 (ammunition)+(range fees)+(instructor fees) for each permit holder to complete one range qualification for each caliber.

If the permit holder is completing a range qualification for more than one caliber, then the permit holder will have to pay for the cost of ammunition (\$13.99-\$23.99) plus the instructor may charge an additional \$5.00-\$10.00 for each caliber. This cost would be in addition to the aforementioned cost of completing one range qualification.

Example:

Range qualification with 2 calibers:

$\$13.99$ (ammunition)+ $\$15.00$ (range fee)+ $\$10.00$ (instructor fee)= $\$38.99$
2nd caliber: $\$23.99$ (ammunition)+($\$5.00$ caliber fee)= $\$28.99$
Total= $\$67.98$

This regulatory proposal will require 2 of the 4 range qualifications be completed with live ammunition which would require the permit holder to complete a range qualification with live ammunition once per year. This would create an additional annual cost to permit holders of \$38.99 (lowest estimate from above)-\$67.98 (estimate with 2nd caliber).

In addition to mandating the use of live ammunition for the completion of the initial range qualification and 2 of the 4 renewal range qualifications, this regulatory proposal also removes the mandate of a specified target and adopts a new section that outlines the minimum standards that are required of a target in order to be used for the completion of a range qualification. When the BSIS firearms training regulations were first promulgated, two specific targets were prescribed. These targets have become antiquated and are now harder for permit holders and training facilities to acquire which has driven up the cost of these targets. By removing the mandate for these targets and instead specifying minimum standards, permit holders will have a wider variety of targets available to them, thus bringing down the cost of the targets.

Effect on Housing Costs: NONE
EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations impact small businesses as previously stated because the Bureau estimates that the majority of Firearm Training Facilities are small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Bureau has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Bureau has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

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

The Bureau must determine that no reasonable alternative considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Security and Investigative Services at 2420 Del Paso Road, Suite 270, Sacramento, CA 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Sam Stodolski
Address: 2420 Del Paso Road, Suite 270
Sacramento, CA 95834
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The backup contact person is:

Name: Jennifer Munoz
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Website Access: Materials regarding this proposal can be found at www.bsis.ca.gov.