

H S C



Handgun Safety Certificate

M A N U A L

**for
California Firearms Dealers
and
DOJ Certified Instructors**

**California Department of Justice
Division of Law Enforcement
Bureau of Firearms
March 2009**



HANDGUN SAFETY CERTIFICATE MANUAL

For California Firearms Dealers and DOJ Certified Instructors

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INTRODUCTION



This Department of Justice (DOJ) Handgun Safety Certificate Manual contains the Handgun Safety Certificate (HSC) Program guidelines and procedures for California firearms dealers and DOJ Certified Instructors. You should use the manual as your first source of information and answers regarding the HSC Program. If you need information not found in the manual, you may contact the Division of Law Enforcement at the following:

Department of Justice
Bureau of Firearms - HSC Unit
P.O. Box 160367
Sacramento, CA 95816-0367
(916) 263-0183
www.ag.ca.gov/firearms

The growing concern over the number of accidental handgun shootings, especially those involving children, prompted passage of the initial handgun safety law which went into effect in 1994. The stated intent of the California Legislature in enacting the current Handgun Safety Certificate law is to require that persons who obtain handguns have a basic familiarity with those firearms, including, but not limited to, the safe handling and storage of those firearms.

The statutory authority for this program is contained in Penal Code (PC) sections 12071 and 12800 - 12809. Within these statutes, the DOJ has been given the mandate to develop, implement and maintain the Handgun Safety Certificate Program. Effective January 1, 2003, pursuant to Section 12071 PC, any person who acquires a handgun must have an HSC obtained by passing a written test on handgun safety. Prior to taking delivery of a handgun from a licensed firearms dealer, the purchaser/recipient must also successfully perform a safe handling demonstration with that handgun. The Penal Code exempts specific categories of persons who are experienced and proficient with handguns from the HSC and safe handling demonstration requirements.

FIREARMS RESPONSIBILITIES

DEALER



The two primary HSC statutory responsibilities of licensed firearms dealers are: (1) confirming handgun purchasers/recipients have obtained the required HSC; and (2) confirming handgun purchasers/recipients have successfully performed the mandatory safe handling demonstration. This section of the manual provides firearms dealers who sell handguns with detailed information regarding these responsibilities related to the sale or transfer of handguns, including record keeping requirements necessary to confirm compliance by purchasers and dealers. Firearms dealers who are also DOJ Certified Instructors should refer to the DOJ Certified Instructor Responsibilities section for additional information related specifically to their role as Certified Instructors.

The Handgun Safety Certificate Law

California Penal Code section 12071 (b) (8) states, in part, that no dealer may deliver a handgun unless the person receiving the handgun presents to the dealer a valid handgun safety certificate. This section of the Penal Code also mandates that no firearms dealer may deliver a handgun unless the recipient performs a safe handling demonstration with that handgun. The law exempts certain categories of individuals from the handgun safety certificate and safe handling demonstration requirements.

Verifying and Recording HSC Information on a DROS

As a firearms dealer, prior to submission of a Dealer's Record of Sale (DROS) for a handgun transaction, you must verify and record one of the following:

- 1) the handgun purchaser/recipient's Handgun Safety Certificate number, or
- 2) the handgun purchaser/recipient's exempt status.

You must verify the name of the individual on the HSC is the same as the purchaser/recipient on the DROS. Once you have verified the certificate holder's identity as valid for that certificate, the HSC number must be recorded in the HSC field on the DROS document. You must keep a copy of the HSC with the original DROS. **Please note:** An HSC Certified Instructor card, issued to DOJ Certified Instructors, is the equivalent of a standard HSC when purchasing a handgun. The HSC Certified Instructor card number is recorded in the HSC field by entering the letters "CI" followed by the HSC Certified Instructor card number.

Your purchaser/recipient may claim an exemption to the HSC requirement. Exemptions are described in the next subject area, **HSC Exemptions**. Whenever a purchaser/recipient claims an HSC exemption, you must verify the individual's identity and his/her proof of exemption. You must record the applicable exemption code in the HSC field of the DROS document. You must keep a copy of the proof of exemption documentation with the original DROS. Pursuant to Title 18, Section 701, of the Federal Criminal Code, it is a misdemeanor to photocopy federal credentials. Accordingly, for individuals with federal credentials (exemptions X32 and X35), record the person's name, federal agency, and credential number rather than photocopying the credentials.

DOJ will not accept a handgun DROS document for processing unless it has the HSC number or the appropriate exemption status code recorded on it.

HSC Exemptions

If a handgun purchaser/recipient is exempt from the HSC requirement, he/she must show proof of his/her exempt status for dealer verification before submission of the DROS. Appendix II on page 33 provides an easy reference table of the HSC exemption categories and corresponding exemption codes. The HSC exemption categories, corresponding exemption codes, Penal Code authorization, and narrative summary of each exemption category follows:

Special Weapons Permit Holder

Exemption Code: X01; Authorizing PC Section: 12807(a)(12)

A person who holds any of the following permits or license issued by DOJ: short barreled shotgun/short barreled rifle permit; machine gun permit; machine gun license; or destructive device permit.

Operation of Law Representative

Exemption Code X02; Authorizing PC Section: 12807(b)

The following persons who take title or possession of a handgun by operation of law in a representative capacity, until or unless they transfer title ownership of the handgun to themselves in a personal capacity:

1. The executor or administrator of an estate
2. A secured creditor or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code
3. A levying officer, as defined in Section 481.140, 511.060, or 680.260 of the Code of Civil Procedure
4. A receiver performing his or her functions as a receiver
5. A trustee in bankruptcy performing his or her duties
6. An assignee for the benefit of creditors performing his or her functions as an assignee

Handgun Being Returned to the Owner

Exemption Code: X03; Authorizing PC Section: 12807(a)(7)

A person to whom a handgun is being returned, where the person receiving the handgun is the owner of the handgun such as the return of a pawned or consigned handgun.

FFL Collector with COE when Purchasing C & R Handguns

Exemption Code: X13; Authorizing PC Section: 12807(a)(6)

Any federally licensed collector who is acquiring or being loaned a handgun that is a curio or relic, as defined in Section 178.11 of Title 27 of the Code of Federal Regulations, who has a current Certificate of Eligibility (COE) issued by DOJ pursuant to P.C. section 12071.

Military - Active Duty

Exemption Code: X21; Authorizing PC Section: 12807(a)(10)

An active member of the United States Armed Forces, the National Guard, or the Air National Guard.

Military - Reserve

Exemption Code: X22; Authorizing PC Section: 12807(a)(10)

The active reserve components of the United States Armed Forces.

Military - Honorably Retired

Exemption Code: X25; Authorizing PC Section: 12807(a)(10)

Any person honorably retired from the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States.

Peace Officer - California - Active

Exemption Code: X31; Authorizing PC Section: 12807(a)(1)

Any California peace officer who is authorized to carry a firearm while on duty.

Peace Officer - Federal - Active

Exemption Code: X32; Authorizing PC Section: 12807(a)(2)

Any federal peace officer who is authorized to carry a firearm while on duty.

Peace Officer - California - Honorably Retired

Exemption Code: X33; Authorizing PC Section: 12807(a)(1)

Any honorably retired California peace officer which includes any:

1. Sheriff
2. Undersheriff or deputy sheriff
3. Chief of police or police officer of a city or district
4. Marshal or deputy marshal of a municipal court
5. Constable or deputy constable of a judicial district

6. Port warden or special officer of the Harbor Department of the City of Los Angeles
7. Inspector or investigator of a district attorney's office
8. California Highway Patrol peace officer
9. California State University Police peace officer
10. Law Enforcement Liaison Unit member of the Department of Corrections
11. Department of Fish and Game employees designated by the director as peace officers
12. Department of Parks and Recreation employees designated by the director as peace officers
13. Director of Forestry and Fire Protection and employees designated by the director as peace officers
14. Department of Alcoholic Beverage Control employees designated by the director as peace officers
15. Department of Corrections or Department of the Youth Authority parole officer or correctional officers

Peace Officer - California - Reserve

Exemption Code: X34; Authorizing PC Section: 12807(a)(3)

Any person deputized or appointed as a Level I, Level II, or Level III reserve peace officer as defined in Penal Code section 832.6.

Peace Officer - Federal - Honorably Retired

Exemption Code: X35; Authorizing PC Section: 12807(a)(2)

Any honorably retired federal officer or law enforcement agent.

Carry Concealed Weapon (CCW) Permit Holder

Exemption Code: X41; Authorizing PC Section: 12807(a)(9)

Any individual who has a valid concealed weapons permit issued pursuant to Penal Code section 12050.

P.O.S.T. 832 PC (Firearms) Training

Exemption Code: X81; Authorizing PC Section: 12807(a)(4)

Any person who has successfully completed the Commission on Peace Officer Standards and Training (P.O.S.T.) "Arrest and Firearms" training, or greater POST training which includes "Arrest and Firearms."

Particular and Limited Authority Peace Officers

Exemption Code: X91; Authorizing PC Section: 12807(a)(11)

The following persons who have completed a P.O.S.T approved regular course in firearms training:

1. Patrol special police officers appointed by the police commission of any city or

county

2. Animal control officers or zookeepers

Particular and Limited Authority Peace Officers (Continued)

3. Harbor police officers

and . . .

The following persons who have a certificate issued by the Department of Consumer Affairs pursuant to Section 12033 PC:

4. Guards of messengers of common carriers, banks and other financial institutions.
5. Guards of contact carriers operating armored vehicles
6. Private investigators and private patrol operators licensed pursuant to Chapter 11.5 of Division 3 of the Business and Professions Code
7. Alarm company operators licensed pursuant to Chapter 11.6 of Division 3 of the Business and Professions Code
8. Uniformed security guards or night watch persons

Law Enforcement Service Gun to Family Member

Exemption Code: X95; Authorizing PC Section: 12807(a)(8)

A family member of a peace officer or deputy sheriff from a local agency who receives an inoperable firearm pursuant to Section 50081 of the Government Code.

Please note that firearms dealers are no longer exempt when acquiring a handgun for their personal ownership regardless of whether the handgun is acquired from another dealer or from the dealer's own inventory. Handguns acquired strictly as inventory are exempt, however there is no need for an exemption code for DROS purposes because a DROS is not completed in this circumstance.

Safe Handling Demonstration Affidavits

Pursuant to Penal Code section 12071 (b)(8), no firearms dealer may deliver a handgun unless the purchaser/recipient has successfully performed a safe handling demonstration with that handgun. As used in the statute, "that handgun" is considered by the DOJ to mean that very handgun being transferred or one of the same make and model as the one being transferred. Although the law mandates that the safe handling demonstration be performed under the supervision of a DOJ Certified Instructor, it is the responsibility of the firearms dealer to complete and attach to the DROS, an affidavit stating the safe handling demonstration requirement was met. The DOJ Safe Handling Affidavit form (FD 039), must be signed and dated by the DOJ Certified Instructor, the handgun purchaser/recipient, and the dealer or employee of the dealer delivering the handgun. If the licensed dealer or an employee of the dealer is also the DOJ Certified Instructor who supervised the safe handling demonstration, he/she is authorized to sign the affidavit as both the dealer/employee delivering the handgun, and as the DOJ Certified Instructor. However, licensed firearms dealers who are not also DOJ Certified Instructors are not authorized to supervise safe handling demonstrations and cannot sign the affidavit as a DOJ Certified Instructor.

Firearms dealers can obtain Safe Handling Demonstration Affidavit forms (FD 039) directly from the DOJ Bureau of Firearms website at www.ag.ca.gov/firearms or by mail order with an HSC Program Supply Order Form (FD 038).

If a handgun purchaser/recipient has a valid exemption from the Handgun Safety Certificate requirement, he or she is also exempt from safe handling demonstration requirement. As discussed previously, a copy of the proof of exemption documentation must be retained with the original DROS, but a Safe Handling Demonstration Affidavit would not be required.

Safe Handling Demonstration Exemption for Physical Disability

Handgun purchasers/recipients who are physically unable to perform the safe handling demonstration due to a medical disability are exempt from the safe handling demonstration requirement. To qualify for the exemption, the individual must provide a signed, written letter from a licensed physician attesting that a physical disability precludes the purchaser/recipient from being able to perform the safe handling demonstration. The physician's letter must be attached to the DROS in place of a Safe Handling Affidavit. This exemption applies to the safe handling demonstration only. There is no exemption to the Handgun Safety Certificate requirement based on physical disability.

Handgun Safety Certificate Study Guides

Licensed firearms dealers are required to make Handgun Safety Certificate Study Guides available to the public. HSC Study Guides are available at the DOJ cost of \$0.50 each by mailing an HSC Program Supply Order Form (FD 038) to DOJ. Dealers are authorized to charge the public \$0.50 per study guide to cover the pre-paid dealer cost.



DOJ CERTIFIED

INSTRUCTOR RESPONSIBILITIES



The two primary Handgun Safety Certificate (HSC) Program responsibilities of DOJ Certified Instructors are: (1) proctoring the Handgun Safety Certificate written test and issuing HSCs to persons who pass the test; and (2) overseeing the mandatory safe handling demonstrations performed by handgun purchasers/recipients. This section of the manual provides DOJ Certified Instructors firearms dealers with detailed information regarding these responsibilities.

The Handgun Safety Certificate Law

California Penal Code section 12071(b)(8) states, in part, that no dealer may deliver a handgun unless the person receiving the handgun presents to the dealer a valid handgun safety certificate. To obtain an HSC, an individual must pass a written test on handgun safety developed by the Department of Justice in accordance with Penal Code section 12804. Additionally, Penal Code section 12071 (b)(8) mandates that no firearms dealer may deliver a handgun unless the recipient performs a safe handling demonstration with that handgun. Pursuant to sections 12804(g) and 12071(b)(8), only DOJ Certified Instructors are authorized to issue HSCs and oversee safe handling demonstrations.

Handgun Safety Certificate - Certified Instructor Cards

All DOJ Certified Instructors are issued a “Handgun Safety Certificate Certified Instructor” card. DOJ Certified Instructors are required to have their card readily available for display when acting as a DOJ Certified Instructor. Additionally, the HSC Certified Instructor card can be used as the equivalent of a standard HSC when purchasing a handgun.

Delegation of Authority to Administer the HSC Test and Issue HSCs

Only DOJ Certified Instructors who are also licensed firearms dealers are authorized to have their employees administer the HSC test and issue certificates on the DOJ Certified Instructor/dealer’s behalf. The DOJ Certified Instructor/dealer must ensure the employees abide by the rules and legal requirements specified in this manual and that he/she understands the responsibilities associated with providing the HSC test and issuing HSCs. Ultimately, the DOJ Certified Instructor/dealer will be held accountable for the actions of his/her employees. Please note that such employees’ delegated authority to act on the behalf of the DOJ Certified Instructor/dealer cannot be extended to overseeing safe handling demonstrations. Only DOJ Certified Instructors can oversee safe handling demonstrations.

Handgun Safety Certificate Fees

The fee for taking the HSC test and being issued an HSC is twenty five dollars (\$25). The twenty five dollar fee entitles the applicant to take the test twice if necessary. Fifteen dollars (\$15) of the fee is to recover the cost of the certificate paid to DOJ by the Certified Instructor. The remaining ten dollars (\$10) compensates the DOJ Certified Instructor for administering the test. DOJ Certified Instructors must pre-purchase Handgun Safety Certificates from the DOJ. The certificates are sold only in pre-packaged sets of ten for \$150 per set (\$15 for each certificate). DOJ Certified Instructors can obtain HSCs by mailing an HSC Program Supply Order Form (FD 038) to DOJ. Handgun Safety Certificates are recorded under the name of the specific DOJ Certified Instructor who purchased them and **may not** be sold or transferred to another Certified Instructor. Information regarding refunds for unused HSCs is provided later in the **Returning Unused Handgun Safety Certificates for Refund** subject area.

The Handgun Safety Certificate Test Format

There are three different versions of the HSC test (numbered version #1 through #3) available in both English and Spanish. Each test consists of 30 multiple choice questions related to one or more of the following seven topics specified in Penal Code section 12804:

- 1) The laws applicable to carrying and handling firearms, particularly handguns.
- 2) The responsibilities of ownership of firearms, particularly handguns.
- 3) Current law as it relates to the private sale and transfer of firearms.
- 4) Current law as it relates to the permissible use of lethal force.
- 5) What constitutes safe firearm storage.
- 6) Issues associated with bringing a handgun into the home.
- 7) Prevention strategies to address issues associated with bringing firearms into the home.

Handgun Safety Certificate Test Guidelines

Applicants must be over 18 years of age and are required to present clear evidence of identity and age by presenting a California Driver's License or California Department of Motor Vehicles Identification Card.

Handgun Safety Certificate test applicants must have a physical environment conducive to taking the test. Specifically, you must provide a separate room or partitioned area for the applicant to take the HSC test. This area must be free from distractions and excessive noise which would be disruptive to the applicant taking the test.

The applicant may not use any notes, review materials, or obtain assistance from any person once he/she begins the HSC test. Certified Instructors must maintain adequate supervision at all times to ensure the applicant does not receive outside assistance. Certified Instructors may give only administrative instructions to the applicant while he/she is taking the test.

If an HSC test applicant is unable to read, the DOJ Certified Instructor shall administer the test orally. If an HSC test applicant is unable to read English or Spanish, a translator may be used to administer the test orally. The DOJ Certified Instructor must inform the translator that only the language of an HSC test may be interpreted. No further explanation of the questions or answers to the questions may be provided.

On the answer sheet, you must write in your name as the proctor and also the Handgun Safety Certificate test version number (1, 2, or 3) the applicant is taking. Tell the applicant to mark his/her answers on the answer sheet only, not on the test. Handgun Safety Certificate test applicants are not permitted to keep a copy of their test or answer sheet.

There is no time limit for completion of the Handgun Safety Certificate test.

Scoring the Handgun Safety Certificate Test

All three versions of the HSC test use the same answer key template (provided with your testing materials) for scoring the tests. The cut outs in the template correspond to each correct answer when placed correctly over the answer sheet. Place the answer template over the answer sheet lining up the top edge of the answer sheet with the top of the template. Mark, as incorrect, all of the answers that do not have an X marked on the letter where there is a hole in the template. Write the total number of correct answers on the applicant's answer sheet. The applicant must correctly answer at least 23 of the 30 questions to pass the test and receive an HSC.

If the applicant fails the HSC test, advise the applicant that, after 24 hours have elapsed, he/she may retake another version of the HSC test without any additional fee (one free retest). To retake the HSC test, the applicant must return to the same DOJ Certified Instructor who administered the first test or, when the DOJ Certified Instructor is also a licensed firearms dealer, return to the same dealership. Additionally, you must offer to provide him/her with a Handgun Safety Certificate Video of additional instruction specifically directed to individuals who have previously failed the HSC test. To comply with this requirement, DOJ Certified Instructors must either have video equipment on the premises for free viewing by HSC test applicants, or have copies of the Handgun Safety Certificate Video available for purchase at the pre-paid instructor cost of \$5.00. DOJ Certified Instructors can obtain Handgun Safety Certificate Videos at the DOJ cost of \$5.00 each by mailing an HSC Program Supply Order Form (FD 038) to the DOJ.

As previously addressed in the **Handgun Safety Certificate Study Guides** subject area of this manual, licensed firearms dealers are required to have Handgun Safety Certificate Study Guides available to the public. Although DOJ Certified Instructors who are not also licensed firearms dealers are not required to make HSC Study Guides available, they are encouraged to do so. Handgun Safety Certificate Study Guides can be obtained at the DOJ cost of \$0.50 each by mailing an HSC Program Supply Order Form (FD 038) to DOJ. Certified Instructors are authorized to charge the public \$0.50 per study guide to cover the pre-paid instructor cost.

Handgun Safety Certificate Issuance

If the applicant is successful in passing the HSC test, you are required to issue an HSC at that time. On the front of the HSC you must clearly print the recipient's last name, first name, middle initial, California driver's license or I.D. card number, date of birth, date of issuance, and date of expiration (5 years from issuance). The recipient must sign the front of the HSC. On the back of the HSC, you must provide your name or business name, your DOJ Certified Instructor number and your California Firearms Dealer (CFD) number, if applicable, and your signature.

Handgun Safety Certificate Card Replacement

If an HSC card holder experiences loss or destruction of an HSC, the issuing DOJ Certified Instructor must issue a replacement HSC, upon request and proof of identification, to the original HSC holder. DOJ Certified Dealers are authorized to charge a fifteen dollar (\$15) fee to cover the pre-paid Certified Instructor cost.

HSC Record Keeping

You must retain all applicants' completed HSC test answer sheets for of three years from the test date. The completed answer sheets must be made available for inspection upon request by any peace officer, or authorized DOJ personnel upon presentation of proper identification.

You must keep a record of all the information on the face of a Handgun Safety Certificate for five years from the date of issuance. This five year retention period enables DOJ Certified Instructors to issue replacement HSCs as required by statute. The HSC record information may be filed/stored manually or electronically but you must be able to search and retrieve the information by name and HSC number. The information must be made available for inspection upon request by any peace officer, or authorized DOJ personnel.

For your convenience, above each HSC (separated by a perforated line) is a Handgun Safety Certificate Record. Additionally, the Handgun Safety Certificate Issuances by Number form (FD 036) facilitates cross-indexing of the HSC Records. The DOJ recommends filing the HSC Records in alphabetic order and using the Issuances by Number form (FD 036) to keep a numerically sequenced log listing the name of persons issued an HSC. This optional method of

cross referencing allows for immediate retrieval of the HSC information by name and/or HSC number as required. FD 036 forms (Handgun Safety Certificate Issuances by Number), are available directly from the DOJ Firearms Division website at www.ag.ca.gov/firearms or by mail with an HSC Program Supply Order Form (FD 038).

HSC Test Disqualification and Specific Acts of Collusion

If a DOJ Certified Instructor observes a test applicant using reference materials or receiving unauthorized assistance from other individuals while taking the HSC test, the applicant is automatically disqualified. The DOJ Certified Instructor must note his or her observations and reasons for the disqualification on the back of the applicant's test answer sheet and sign and date it. Fifteen dollars (\$15) must be returned to the applicant because no HSC will have been issued. Advise the applicant that although he or she may retake the test after 24 hours have elapsed, he or she will be required to pay the entire \$25 fee regardless of whether the disqualification occurred on his or her first or second attempt at taking the Handgun Safety Certificate test.

Pursuant to Penal Code section 12072(e), the following activities are considered acts of collusion punishable by imprisonment for up to four years depending on the specific circumstances:

1. Answering a test applicant's questions while taking the written test.
2. Knowingly grading the examination falsely.
3. Providing an advance copy of the test to an applicant.
4. Allowing another to take the written test for the applicant, purchaser, or transferee.
5. Using or allowing another to use one's identification, proof of residency, or thumbprint.
6. Allowing others to give unauthorized assistance during the examination.
7. Reference to unauthorized materials during the examination and cheating by the applicant.
8. Providing originals or photocopies of the written test, or any version thereof to any person other than as authorized by the Department.

Non-Transferability of HSCs

Handgun Safety Certificates are recorded under the name of the specific DOJ Certified Instructor who purchased them and **may not** be sold or transferred to another Certified Instructor.

Exchanging Damaged Handgun Safety Certificates

If you damage an HSC or make a mistake in filling out the certificate, you may exchange it for a replacement HSC at no charge by returning the voided certificate to the DOJ.

When returning damaged HSCs, you must provide your DOJ Certified Instructor number and indicate you want to receive a replacement HSC. Send damaged certificates to:

Department of Justice
Firearms Division - HSC Program
P.O. Box 160367
Sacramento, CA 95816-0367

Returning Unused Handgun Safety Certificates for Refund

Unused HSCs can be returned to DOJ for a refund of the actual purchase price minus a five dollar processing fee. If you are discontinuing your participation in the HSC Program, please provide a brief statement of your resignation along with the unused HSCs.

Remember that Handgun Safety Certificates are recorded under the name of the specific DOJ Certified Instructor who purchased them and **may not** be sold or transferred to another Certified Instructor.

When returning unused HSCs, you must provide your DOJ Certified Instructor number and indicate you want to receive a refund. Send unused certificates to:

Department of Justice
Firearms Division - HSC Program
P.O. Box 160367
Sacramento, CA 95816-0367

Safe Handling Demonstrations

Pursuant to Penal Code section 12071, before taking delivery of a handgun from a licensed firearms dealer, handgun purchasers/recipients must successfully perform a safe handling demonstration with the handgun he/she is acquiring or another handgun of the same make and model. The safe handling demonstration must be performed under the supervision of a DOJ Certified Instructor on or after the date the Dealer Record Of Sale (DROS) is submitted to DOJ, and prior to delivery of the handgun by the dealer.

The safe handling demonstration is comprised of a series of six to twelve statutorily mandated steps depending on the type of handgun (semiautomatic pistol, double action revolver or single action revolver). Appendix I beginning on page 17 specifically identifies each step for all three handgun types and also details the appropriate handgun safety demonstration steps for handguns identified by DOJ as having an alternative design not conducive to the statutorily mandated demonstration steps. If you encounter a handgun design not described in this manual, please contact the Firearms Division at (916) 227-3703 for additional assistance.

The DOJ recommends incorporating the following into safe handling demonstrations:

- < Review the six basic gun safety rules with the recipient to ensure a safe demonstration:
 1. **Treat all guns as if they are loaded.**
 2. **Keep the gun pointed in the safest possible direction.**
 3. **Keep your finger off the trigger until you are ready to shoot.**
 4. **Know your target, its surroundings, and beyond.**
 5. **Know how to properly operate your gun.**
 6. **Store your handgun safely and securely to prevent unauthorized use. Handguns and ammunition should be stored separately.**

- < Make recipients aware of the volume of ammunition the handgun can accommodate.

- < Show the recipient how the safe handling demonstration is to be performed.

- < Prompt the recipient through each step of the safe handling demonstration. Should the recipient make an error at any time during the demonstration, such as touching the trigger, stop the demonstration. Identify the error and explain the corrective action to the recipient. The recipient must then start the demonstration from step number one.

Certified Instructors are authorized to allow the recipient to attempt the demonstration as many times as may be necessary. However, to be considered a successful demonstration, the recipient must correctly perform each step from start to finish without error.

Upon completion of the demonstration the instructor is required to inform the recipient how to render the handgun safe in the event of a jam (malfunction). Information regarding various handgun malfunctions is described in this section.

Following successful completion of the demonstration the certified instructor, handgun recipient, and firearms dealer (or dealer authorized employee) must sign and date a Safe Handling Demonstration Affidavit (FD 038) certifying the safe handling demonstration requirement was met. The firearms dealer is required to retain the affidavit with the DROS as proof of compliance. If the DOJ Certified Instructor who supervised the safe handling demonstration is also the licensed firearms dealer or an employee of the dealer, he/she is authorized to sign the affidavit as both the DOJ Certified Instructor and as the dealer/employee delivering the handgun.



APPENDIX I

SAFE HANDLING DEMONSTRATION STEPS

Pursuant to PC section 12071(b)(8)(D) following are the safe handling demonstration requirements that must be performed with the handgun being acquired. Please note that a dummy round as stated in this guide means one bright orange, red, or other readily identifiable dummy round. If no readily identifiable dummy round is available, an empty cartridge casing with an empty primer pocket may be used.

Semiautomatic Pistol:

The demonstration shall commence with the handgun unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness, that is, the firearm is pointed in a safe direction, preferably down at the ground, and trigger discipline, that is, the trigger finger is outside of the trigger guard and along side of the handgun frame, at all times, the handgun recipient shall correctly and safely perform the following:



- I Remove the magazine.
- II Lock the slide back. If the model of firearm does not allow the slide to be locked back, pull the slide back, visually and physically check the chamber to ensure that it is clear.



- III Visually and physically inspect the chamber, to ensure that the handgun is unloaded.

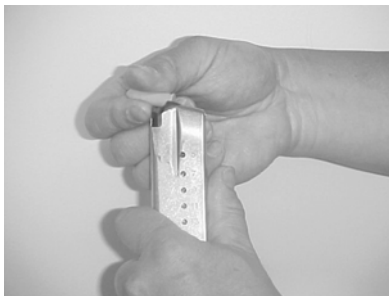


IV Remove the firearm safety device, if applicable. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate

step.



V Load one dummy round into the magazine.



VI Insert the magazine into the magazine well of the firearm.



VII Manipulate the slide release or pull back and release the slide.



VIII Remove the magazine.



IX Visually inspect the chamber to reveal that a round can be chambered with the magazine removed.



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- X Lock the slide back to eject the dummy round. If the handgun is of a model that does not allow the slide to be locked back, pull the slide back and physically check the chamber to ensure that the chamber is clear.



- XI Apply the safety, if applicable.



- XII Apply the firearm safety device, if applicable.



Double-Action Revolver:

The demonstration shall commence with the handgun unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness, that is, the firearm is pointed in a safe direction, preferably down at the ground, and trigger discipline, that is, the trigger finger is outside of the trigger guard and along side of the handgun frame, at all times, the handgun recipient shall correctly and safely perform the following:



- I. Open the cylinder.
- II. Visually and physically inspect each chamber, to ensure that the revolver is unloaded.



- III. Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.



IV. While maintaining muzzle awareness and trigger discipline, load one dummy round into a chamber of the cylinder and rotate the cylinder so that the round is in the next-to-fire position.

D) Close the cylinder.



V. Open the cylinder and eject the round.



VI. Visually and physically inspect each chamber to ensure that the revolver is unloaded.



VII. Apply the firearm safety device, if applicable.

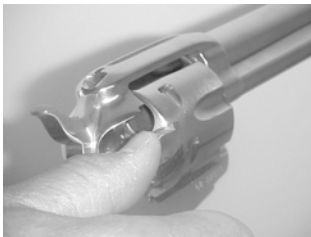


Single-Action Revolver:

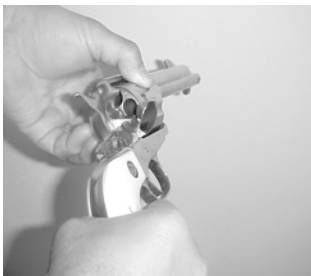
The demonstration shall commence with the handgun unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness, that is, the firearm is pointed in a safe direction, preferably down at the ground, and trigger discipline, that is, the trigger finger is outside of the trigger guard and along side of the handgun frame, at all times, the handgun recipient shall correctly and safely perform the following:



I. Open the loading gate.



II. Visually and physically inspect each chamber, to ensure that the revolver is unloaded.



- III Remove the firearm safety device required to be sold with the handgun. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.



- IV *Load one dummy round into a chamber of the cylinder, close the loading gate and rotate the cylinder so that the round is in the next-to-fire position (the revolver may need to be placed on half-cock or the loading gate reopened.).*



- V. Open the loading gate and unload the revolver.



- VI Visually and physically inspect each chamber to ensure that the revolver is unloaded.



- VII Apply the firearm safety device, if applicable.

- * 1873 Rule: Recipients of original versions of single action army revolvers should be advised to carry five rounds in the cylinder and leave the chamber under the hammer empty.

**SAFE HANDLING DEMONSTRATION STEPS FOR HANDGUNS
WITH ALTERNATIVE DESIGNS**

The safe handling demonstration steps for handguns with designs not conducive to the statutorily mandated demonstration steps are as follows:

Semiautomatic pistol with a non-locking slide



Shown: Davis P32

- II. Remove the magazine.
- III. Because this type of firearm does not allow the slide to be locked back, pull the slide back, visually and physically check the chamber to ensure that it is clear.
- IV. Remove the firearm safety device, if applicable. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.
- V. Load one dummy round into the magazine.
- VI. Insert the magazine into the magazine well of the firearm.
- VII. Manipulate the slide release or pull back and release the slide.
- VIII. Remove the magazine.
- IX. Visually inspect the chamber to

reveal that a round can be chambered with the magazine removed.

- X. Lock the slide back to eject the dummy round. If the handgun is of a model that does not allow the slide to be locked back, pull the slide back and physically check the chamber to ensure that the chamber is clear.
- XI. Apply the safety, if applicable.



- XII. Apply the firearm safety device, if applicable.

Semiautomatic pistol with a fixed magazine

Shown: 1896 Broom-handled Mauser

- XIII. Lock the slide back.
- XIV. Load one dummy round into the stripper clip.
- XV. Insert the stripper clip into the magazine slot of the firearm.
- XVI. Pull the stripper slip out of the slot to allow the slide to go forward.

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- XVII. Visually inspect the chamber to reveal that a round is chambered.
- XVIII. Lock the slide back to eject the dummy round.
- XIX. Apply the safety, if applicable.
- XX. Apply the firearm safety device, if applicable.

Semiautomatic pistol with a magazine-



operated toggle lock

Shown: Luger

- I. Remove the magazine.
- II. Visually and physically inspect the chamber, to ensure that the handgun is unloaded.
- III. Insert the magazine into the magazine well of the firearm.
- IV. Lock toggle back.
- V. Remove the magazine.
- VI. Remove the firearm safety device, if applicable. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.
- VII. Load one dummy round into the magazine.
- VIII. Insert the magazine into the magazine well of the firearm.
- IX. Manipulate the toggle release or pull back and release the toggle.
- X. Remove the magazine.
- XI. Visually inspect the chamber to reveal that a round can be chambered with the magazine removed.
- XII. Insert the magazine into the magazine well of the firearm.
- XIII. Lock the toggle back to eject the dummy round. If the handgun is of a

model that does not allow the toggle to be locked back, pull the toggle back and physically check the chamber to ensure that the chamber is clear.

- XIV. Apply the safety, if applicable.
- XV. Apply the firearm safety device, if applicable.



Semiautomatic pistol with a top-feeding magazine

Shown: Steyr 1914

- XVI. Open the slide.
- XVII. Visually and physically inspect the chamber, to ensure that the handgun is unloaded.
- XVIII. Load one dummy round into the stripper clip.
- XIX. Insert the stripper clip into the magazine slot of the firearm.
- XX. Pull the stripper clip out of the slot to allow the slide to go forward.
- XXI. Visually inspect the chamber to see that it is loaded.
- XXII. Lock open the slide to eject the dummy round.
- XXIII. Remove the magazine.
- XXIV. Apply the safety, if applicable.
- XXV. Apply the firearms safety device, if applicable.

Semiautomatic pistol with a tip-up barrel



Shown: Beretta Model 21 Jetfire

- XXVI. Remove the magazine.
- XXVII. Activate the barrel release to tip up the barrel.
- XXVIII. Visually and physically, inspect the chamber to ensure the firearm is unloaded.
- XXIX. Load one dummy round into the barrel.
- XXX. Close the barrel.
- XXXI. Insert the magazine into the magazine well of the firearm.
- XXXII. Remove the magazine.
- XXXIII. Activate the barrel release to tip up the barrel to reveal that a round can be chambered with the magazine removed.
- XXXIV. Tip up the barrel to remove dummy round.
- XXXV. Apply safety, if applicable.
- XXXVI. Apply firearms safety device, if applicable.

Break-top revolver

Shown: Webley

- I. Open the revolver by unlocking the frame lock.
- II. Visually and physically inspect each chamber, to ensure that the revolver is unloaded.
- III. Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.
- IV. While maintaining muzzle awareness and trigger discipline, load one dummy round into a chamber of the cylinder and rotate the cylinder so that the round is in the next-to-fire position.
- V. Close the cylinder and the frame lock.
- VI. Open the revolver by unlocking the frame lock.
- VII. Tip the barrel forward from the frame, activating the ejection star,

- ejecting the dummy round.
- VIII. Apply the firearm safety device, if applicable.

Single shot pistol



Shown: Harrington & Richardson

- IX. Open the breech.
- X. Inspect the chamber to ensure that it is clear.
- XI. Load one dummy round into the chamber.
- XII. Close the breech mechanism.
- XIII. Open the breech to eject dummy round from the barrel.
- XIV. Apply firearms safety device, if applicable.

Derringer

Shown: Derringer

- XV. Open the action.
- XVI. Visually and physically inspect the barrels, to ensure that the handgun is unloaded.
- XVII. Load one dummy round into a barrel.
- XVIII. Close and lock the action.
- XIX. Unlock and open the action.
- XX. Release the dummy round.
- XXI. Apply firearms safety device, if applicable.

HANDGUN MALFUNCTIONS

Pursuant to PC 12071(b)(8)(E) the recipient shall receive instruction regarding how to render that handgun safe in the event of a jam. For the purposes of this guide, a jam is defined as a malfunction that prevents a firearm from firing properly. Following is a list of common types of jams and recommended solutions:

- < Failure to Extract - Spent cartridge not extracted from the chamber (semiautomatic) or the cylinder (revolver).
- < Stove Pipe - Spent cartridge shells sticking up in the ejection port (semiautomatic).
- < Failure to Feed - A cartridge gets stuck on the ramp of the barrel.
- < Double Feed - A spent casing remains in the chamber while a new cartridge enters the chamber.

To clear failure to extract and/or stove pipe jams, while keeping your finger off the trigger and pointing the gun in a safe direction, attempt the following steps in order:

Semiautomatic:

- < Remove the magazine (if necessary, pull the slide back before removing the magazine.)
- < Pull the slide back and lock it, if possible.
- < Remove any live ammunition or casings from the chamber.
- < Visually inspect the chamber to ensure the chamber is empty.

Revolver:

- < Open the action and remove any live ammunition or casings.

To clear failure to feed and/or double feed jams, while keeping your finger off the trigger and pointing the gun in a safe direction do the following:

- < Remove the magazine (if necessary, pull the slide back before removing the magazine.)
- < Pull the slide back and lock it, if possible
- < Point the ejection port toward the ground
- < Shake the handgun and allow the slide to go forward.

Other types of jams can occur as a result of exposing ammunition to environmental factors such as adverse temperatures or chemicals. Avoid using ammunition that appears to be corroded or discolored, or if you are unsure of its storage history. This type of damage to a cartridge can result in a failure to fire in one of the following ways:

- < Misfire - A failure of the cartridge to fire after the primer has been struck by the firing pin.
- < Hang Fire - A perceptible delay in the ignition of a cartridge after the primer has been struck by the firing pin.

When a cartridge fails to fire immediately, it will not be known at first whether the problem is a misfire or a hang fire. Keep the gun pointed in a safe direction - a hang fire condition might exist and the cartridge could still fire. **Do not attempt to open the action of the gun to remove the cartridge for at least 30 seconds.**

A squib load jam is one which is caused by the development of less than normal pressure or velocity after ignition of the cartridge. Squib loads can result in the bullet failing to exit the barrel. If the bullet is lodged in the barrel, the firing of another shot could cause serious injury or damage. If this type of jam occurs **stop firing immediately**. Keep the muzzle pointed in a safe direction and unload the handgun. Check to be sure that the chamber is empty. Then with the action open carefully run a cleaning rod through the barrel to be sure that it is not obstructed.

If any of the jams identified above cannot be resolved using the prescribed steps it is recommended that you seek competent assistance such as that of a qualified gunsmith. It is important to always use the correct ammunition as recommended by the handgun manufacturer.

SAFE HANDLING DEMONSTRATION STEPS GLOSSARY OF TERMS

Action: A series of moving parts that allow a firearm to be loaded, fired and unloaded.

Barrel: The metal tube through which a bullet passes on its way to a target.

Breech: The part of a firearm at the rear of the barrel.

Bullet: The projectile located at the tip of the cartridge case.

Caliber: The bullet or barrel diameter.

Cartridge: A single unit of ammunition made up of the case, primer, propellant, and bullet.

Case: A metal cylinder that is closed at one end and contains the other three components of the cartridge.

Chamber: The part of a gun where the cartridge is located when the gun is loaded.

Cylinder: The part of a revolver that holds ammunition in individual chambers.

Cylinder Latch: A latch on double-action revolvers that allows the cylinder to swing out.

Double-Action: A type of handgun action in which a single pull of the trigger both cocks the hammer and releases it.

Dummy Round: An inert cartridge without powder and primer.

Ejector Rod: The part used to remove cartridges from the cylinder.

Grip: The handle of the handgun.

Hammer: The part of the handgun action

that drives the firing pin forward.

Jam: A malfunction that prevents a firearm from firing properly.

Magazine: A separate box-like metal container for semi-automatic pistols into which cartridges are loaded.

Magazine Release: A device that releases the magazine so that it can be removed from the pistol.

Magazine Well: The opening in a firearm into which a magazine is inserted.

Muzzle: The front end of the barrel from which a bullet exits.

Revolver: A handgun that has a rotating cylinder containing a number of chambers.

Round: See cartridge.

Safety: A device located on most semiautomatic pistols that is designed to prevent firing.

Semiautomatic pistol: A handgun that fires a single cartridge each time the trigger is pulled, and which automatically extracts and ejects the empty cartridge case and reloads the chamber.

Single-action: A type of handgun action in which pulling the trigger causes the hammer to release.

Trigger Guard: Located on the underside of the gun, the trigger guard is designed to protect the trigger.

APPENDIX II

HSC Exemption Code List

X01	=	Special Weapons Permit Holder
X02	=	Operation of Law Representative
X03	=	Handgun being returned to the owner
X13	=	FFL collector with COE (curio and relic handguns only)
X21	=	Military - Active Duty
X22	=	Military Reserve - Reserve
X25	=	Military - Honorably Retired
X31	=	Peace Officer - California - Active
X32	=	Peace Officer - Federal - Active
X33	=	Peace Officer - California - Honorably Retired
X34	=	Peace Officer - California - Reserve
X35	=	Peace Officer - Federal - Honorably Retired
X41	=	Carry Concealed Weapon (CCW) Permit Holder
X81	=	P.O.S.T. 832 PC (Firearms) Training
X91	=	Particular and Limited Authority Peace Officers
X95	=	Law Enforcement Service Gun to Family Member