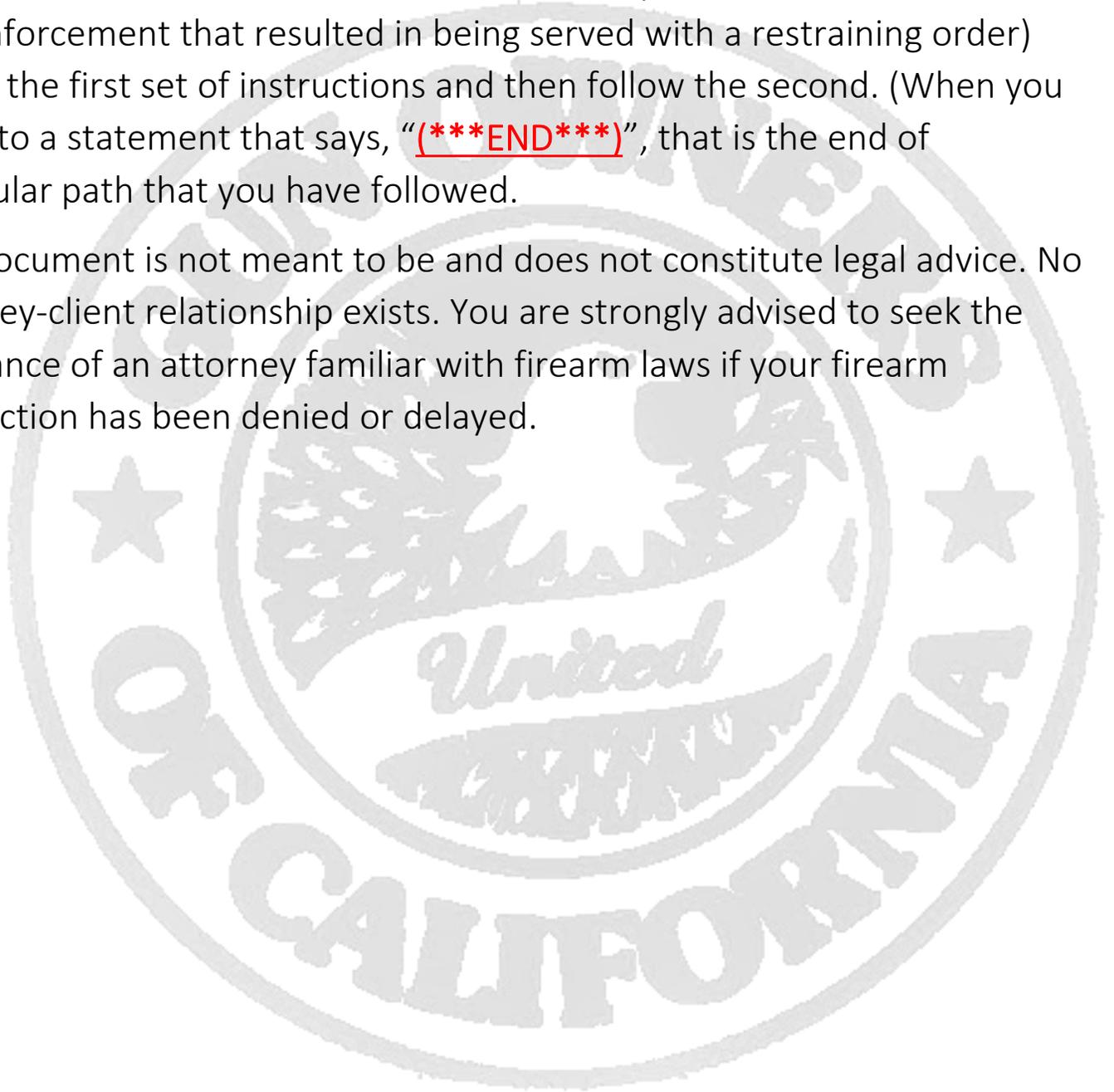


Having Trouble with Your DROS Application?



Instructions: Start at [Section 1](#), and follow the [red instructions](#) after the statement that best describes your current situation. If more than one statement pertains to you (for example you had an interaction with law enforcement that resulted in a conviction and you had an interaction with law enforcement that resulted in being served with a restraining order) follow the first set of instructions and then follow the second. (When you come to a statement that says, "[***END***](#)", that is the end of particular path that you have followed.

This document is not meant to be and does not constitute legal advice. No attorney-client relationship exists. You are strongly advised to seek the assistance of an attorney familiar with firearm laws if your firearm transaction has been denied or delayed.



START

❖ Section 1:

- My DROS application was denied. ([Go to Section 2](#))
- I received an “Undetermined” or “Delay” designation in response to my DROS application. ([Go to Section 17](#))
- I do not know if I am eligible to purchase firearms. ([Go to Section 22](#)).

❖ Section 2:

- I am certain that I have never been arrested/detained/cited by law enforcement or have any criminal convictions, whatsoever. ([Go to Section 3](#))
- I have had an interaction with law enforcement that may have resulted in a ticket being issued, citation, arrest and/or conviction. ([Go to Section 10](#))
- I had an interaction with law enforcement that resulted in me being committed to or detained in a mental health hospital. ([Go to Section 4](#))
- I was served with a temporary, protective, or restraining order by law enforcement. ([Go to Section 8](#))
- I attempted to purchase a firearm with a suspended or expired license or ID card. ([Go to Section 15](#))
- I attempted to purchase a handgun within the last 30 days and I was attempting to purchase a handgun when I got denied. ([Go to Section 16](#))

❖ Section 3:

- I was admitted to a hospital due to a mental health concern. ([Go to Section 4](#))
- I was served with and currently am a restrained person pursuant to a temporary, protective, or restraining order. ([Go to Section 8](#))
- I am a user of or currently addicted to narcotics (including marijuana, medical or otherwise). ([Go to Section 9](#))
- I am an alien who entered the United States illegally, admitted under nonimmigrant visa, or my current paperwork allowing me to be in this country has expired. ([Go to Section 9](#))
- I was discharged from the Armed Forces. ([Go to Section 9](#))
- I renounced my United States citizenship. ([Go to Section 9](#))

❖ Section 4:

- I was admitted and quickly released or held for a couple days but not longer than 72 hours. ([Go to Section 5](#))
- I was held for more than 72 hours. ([Go to Section 6](#))

❖ Section 5:

- You probably have what’s known as a 5150 hold, this results in a 5 year firearm restriction in California from the date of discharge. If you wish to restore your firearm rights you may file a request with the court in the county where you reside or where you were committed to restore your firearm rights before the end of the 5 years. You are strongly advised to seek the assistance of or retain an attorney. ([Go to Section 7](#))

❖ Section 6:

- You probably have what’s known as a 5250 hold (although you possibly only have a 5150 hold (discussed in Section 5)), this results in not only a 5 year firearm restriction under California law but a lifetime restriction under federal law. If you wish to receive confirmation relating to the nature of your restriction and/or possibly restore your firearm rights you may file a request with the court in the county where you reside or where you were committed to restore your firearm rights before the end of the 5 years. You are strongly advised to seek the assistance of or retain an attorney. ([Go to Section 7](#))

❖ Section 7:

- There is a strong likelihood that the state of California and/or the federal government may consider you prohibited from possessing firearms. Because of this (and even if it is an error on the side of government) you are strongly advised not to possess firearms or ammunition (this includes the components of ammunition and/or clips, magazines, speed loaders, etc.). If you have any questions, we strongly advise you to seek the assistance of an attorney familiar with firearm laws to discuss the nature of your restriction and options. **(***END***)**

❖ **Section 8:**

- If you are subject to a restraining or protective order there is a strong likelihood that you are prohibited from owning and possessing firearms under California and/or Federal law. Depending on the type of order there may be options for you to address your restriction. We strongly recommend that you contact an attorney familiar with these issues immediately to discuss your options. Also, most restraining orders required the person being served to sell their firearms to a licensed firearm dealer, turn-in firearms to law enforcement, or store them with a licensed firearm dealer with 24 hours of being served with the order. Failure to do so and/or report to the court with 48 hrs that this occurred can result in you being in contempt of court. **(***END***)**

❖ **Section 9:**

You face a potentially uncommon firearm restriction and one that needs to be addressed by an attorney. You should contact an attorney as soon as possible. **(Go to Section 7)**

❖ **Section 10:**

- I was arrested or detained ten (or more) years ago, I may or may not have convictions on my record, my convictions may or may not have been expunged **but** I have since purchased firearms without incident. I have not had any new interactions with law enforcement since my last DROS was approved. **(Go to Section 11)**
- I was arrested or detained, no charges were filed or the charges were dropped. **(Go to Section 11)**
- I was convicted but I do not remember what for and whether it was for a misdemeanor or felony. **(Go to Section 12)**
- I was convicted of a felony or misdemeanor. **(Go to Section 13)**
- My case resulted in a conviction but my conviction was “expunged” or I received “Prop 36.” **(Go to Section 14)**
- I was arrested or detained by a law enforcement agency outside of CA and received a conviction. **(Go to Section 21)**

❖ **Section 11:**

- Since 2013, these instances have seemed to increase. Although the arrest/detention record in question may not preclude you from purchasing a firearm previously, it is possible that the DOJ believes you to be prohibited from possessing/owning firearms or now requires additional information about this event prior to approving your DROS application. It is entirely possible that this one incident, although outdated, is the issue which caused the denial. **(Go to Section 12)**

❖ **Section 12:**

- If you do not have copies of the court proceedings which took place, it may behoove you to contact the attorney who represented you to request copies. Attorneys are not required to keep records beyond 5 years from the date of the conviction.
- You will need a clear record of what happened in your previous case. To obtain more information about your criminal history record or to decipher whether the DOJ may have denied your application in error, complete this form: https://oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/forms/bcia_8016RR.pdf, the Live Scan service will submit your fingerprints and personal identifying information electronically to the DOJ. For a list of all Live Scan locations in CA, visit: <http://ag.ca.gov/fingerprints/publications/contact.php>. This “Request for Live Scan” initiates a request for a copy of your criminal history record. You should receive a response from the DOJ within a few weeks to a month **(Go to Section 7)**

❖ **Section 13:**

- Whether it is a felony or misdemeanor conviction a number of offenses can carry with them firearm restrictions. Often criminal defense attorneys do not realize certain offenses carry with them firearm restrictions and fail to properly advise their clients. **(Go to Section 12)**

❖ **Section 14**

- An “expunged” conviction under Penal Code section 1203.4 is still considered a conviction for purposes of owning and possessing firearms. Often this type of expungement references the plea of guilty being withdrawn, a plea of not guilty being entered, and the case being dismissed. Despite this verbiage a person is still considered convicted for purposes of firearm ownership.
- Prop 36 does not restore firearm rights. Often attorneys do not realize this and incorrectly advise their clients. **(Go to Section 12)**

❖ **Section 15:**

- In order to purchase firearms under California law you must have a valid California Driver’s License or California Identification Card. If your identification is expired or suspended the DOJ will reject the firearm transaction. This is often referred to as a “DMV Reject.” You will need to obtain either a valid driver’s license or identification card before proceeding with the firearm purchase. **(***END***)**

❖ **Section 16:**

- California law prohibits more than one application to purchase a handgun in a 30 day period. If you purchased a handgun within the last 30 days and recently attempted to purchase another handgun if you do not meet any other prohibiting criteria. As a result of your recent attempted purchase you will not be able to attempt to purchase another handgun until 30 days after the most recent handgun application. **(***END***)**

❖ **Section 17:**

- I am certain that I have never been arrested or detained by law enforcement for any reason, whatsoever. **(Go to Section 23)**
- I have had an interaction with law enforcement. **(Go to Section 18)**

❖ **Section 18:**

- I was arrested or detained, but I have no convictions on my record, and I have since purchased firearms without incident. I have not had any new interactions with law enforcement since my last DROS was approved. **(Go to Section 19)**
- I was arrested or detained and no charges were filed, the charges were dropped, or I plead guilty to an offense. **(Go to Section 20)**
- I was arrested or detained by a law enforcement agency outside of CA. **(Go to Section 21)**

❖ **Section 19:**

- Since 2013, these instances have seemed to increase. Although the arrest/detention record in question did not preclude you from purchasing a firearm previously, it is possible that the DOJ now requires additional information about this event prior to approving your DROS application. It is entirely possible that this one incident, although outdated, is the issue which caused the denial. **(Go to Section 23)**

❖ **Section 20:**

- It is likely that your criminal history record reflects an arrest and possibly a charge being filed but there is no final disposition listed on your case or the Department of Justice cannot determine for certain you are eligible to possess firearms. The courts are the only entity which *can* put a final disposition on a case, but they are not required to do so. This issue is more common in cases which occurred more than ten years ago. **(Go to Section 23)**

❖ **Section 21:**

- When a record search yields a record hit from out-of-state, the California DOJ must evaluate the language of that state’s penal codes in order to properly compare the record in question with California’s and federal law’s standards of prohibition. For instance, a misdemeanor conviction for Disorderly Conduct in Wisconsin can include cases of domestic violence. In this case, the applicant should obtain an arrest record (or related records) from the local law enforcement agency where incident occurred, to verify that the event was unrelated to domestic violence. You will need to obtain your criminal records from the state where the case took place or from the FBI (<https://www.fbi.gov/about-us/cjis/identity-history-summary-checks>) once you obtain this information you may need to contact an attorney in California or in the state where the conviction took place to discuss your options. **(Go to Section 7)**

❖ **Section 22:**

- It is recommended that you request Live Scan service for a Personal Firearms Eligibility Check (PFEC). You may do so by completing the following form: <http://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/pfecapp.pdf> The PFEC is more thorough than the generic request for Live Scan—as it relates to firearm ownership prohibitions—because it includes mental health prohibitions and encounters with law enforcement that may not have resulted in a conviction. More importantly, when the DOJ responds to a PFEC request for Live Scan, the response includes information about how to, “Request a Record Review for Inaccuracy or Incompleteness.”

- If the PFEC states you are eligible **(***END***)**
- If the PFEC states that you are ineligible based on a criminal conviction **(Go to Section 23)**

❖ **Section 23:**

- To obtain more information about your criminal history record or to decipher whether the DOJ may have denied your application in error, complete this form: https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/BOF_8016RR.pdf and take this form to a Live Scan operator: https://oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/forms/bcia_8016RR.pdf, the Live Scan service will submit your fingerprints and personal identifying information electronically to the DOJ. For a list of all Live Scan locations in CA, visit: <http://ag.ca.gov/fingerprints/publications/contact.php>. This "Request for Live Scan" initiates a request for a copy of your criminal history record. You should receive a response from the DOJ within a few weeks to a month. **(Go to Section 24)**

❖ **Section 24:**

- If after reviewing your criminal history record, it appears that there is a criminal case on your record that appears to be incomplete. **(Go to Section 25)**
- If after reviewing your criminal history record, it appears that your records are incorrect. **(Go to Section 26)**
- If after reviewing your criminal history record, it appears that there is a record related to a mental health institutionalization or mental health prohibition on your record that is inaccurate or incomplete. **(Go to Section 28)**

❖ **Section 25:**

- If your record contains an arrest or charge which does not include a conviction status or shows "NO DISPO" near the date of arrest, it is likely that the DOJ does not have sufficient information about the incident in question to verify that you are not prohibited from purchasing/possessing firearms. Criminal history records which contain information about an arrest or charge but do not contain a final disposition are generally the result of incomplete communication between the courts and the DOJ. The court system is the only entity that can place a final disposition on a court case; however, they are not required to do so. **(Go to Section 27)**

❖ **Section 26**

- If your record contains a conviction, but you were not actually convicted of the offense in question, there may have been a discrepancy when the court reported the records to the DOJ, or some other error in reporting (the court system is the only entity that can place a final disposition on a court case; however, they are not required to do so). At this point, it is helpful to gather as much documentation relating to the incident as possible. **(Go to Section 27)**

❖ **Section 27:**

- If you do not have copies of the court proceedings which took place, it may behoove you to contact the attorney who represented you to request copies. Attorneys are not required to keep records beyond 5 years from the date of the conviction.
- If you are unable to obtain copies from an attorney, visit the court clerk at the courthouse you were convicted to request a copy of any/all files related to a record search for your name. If the clerk indicates that no records exist, you should request a "Certificate of Clerk RE: Name Search Results." This verifies that the clerk was unable to locate any records related to your name. You will probably want to save any/all documentation you receive from the clerk to be included in your "Request for Record Review."
- If you are unable to physically visit the courthouse and have been unsuccessful in obtaining court records related to the item on your record, you may write a letter to the Executive Officer of the court, requesting assistance in locating said records. **It is recommended that this action only be taken after all other options have been exhausted.** **(Go to Section 29)**

❖ **Section 28:**

- If your request for Live Scan Service returned a mental health record which you would like to challenge, it is helpful to gather any/all supporting documentation as to why the record is an error. Complete the DOJ BOF "Claim of Alleged Inaccuracy or Incompleteness form in order to request a record review by checking the box next to "mental health record". In addition to completing the form, you are welcome to draft a letter of explanation to include with the request form and copies of the supporting documentation you have gathered. You are strongly advised to seek the assistance of an attorney familiar with firearm laws and these issues in the endeavor. **(***END***)**

❖ **Section 29:**

- Once all available information has been obtained, the “Claim of Alleged Inaccuracy or Incompleteness” should be completed. You should have received this form along with your criminal history record, in response to your Request for Live Scan service.
- When completing the Claim of Alleged Inaccuracy or Incompleteness, it is permissible to write, “Please review the attached explanation” in the space provided for the “Brief Explanation of Claim”. You may then include a letter outlining what took place and why the item on the criminal history record is inaccurate or incomplete. Make copies of the claim form, the letter of explanation, and the supporting documentation prior to mailing the packet.
- The record review process typically takes 6-8 weeks. If you have concerns about the length of time that has passed since submitting your claim, or if you would like to confirm that the DOJ has received it, you may provide a copy of your request to your State Legislator’s District Office “caseworker”, and request that they confirm receipt of your claim with the DOJ Legislative Office in Sacramento.
- Additional questions regarding the Record Review process can be directed to the Department of Justice Record Review Unit (916) 227-3835.
- Lastly, you are strongly advised to seek the assistance of an attorney familiar with firearm law and these issues.

*****END*****

A special thank you to Danica Mazenko, Senior Field Representative for Assemblyman Brian Jones, who represents the 71st Assembly District. Special thanks to Danica for her rigorous research and for her tireless work on behalf of gun owners in California.