

August 4, 2026

VIA ELECTRONIC SUBMISSION (regulations.gov)

Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
U.S. Department of Justice
99 New York Avenue NE
Washington, DC 20226

Re: Comments of the California Victim Compensation Board on *Firearm Records Retention Periods*, RIN 1140-AA95, Docket No. ATF-2026-0003, 91 FR 24413 (May 6, 2026)

Dear Director:

The California Victim Compensation Board (CalVCB) submits these comments on the proposed 20-year limit on firearms transaction record retention. CalVCB is the California department that compensates victims of violent crime for crime-related expenses. We submit this comment to address the significant omission in ATF's cost analysis of failed traces, which does not consider the impact on victims of violent crime.

CalVCB asks ATF to withdraw the proposed 20-year retention limit and retain the existing requirement.

1. ATF's cost analysis is incomplete and omits analysis on victim impact

ATF states that "under a 20-year retention limit, 49,920 additional traces would be unsuccessful because they would need records over 20 years old" (91 FR 24421). ATF's own data establishes what those records are worth: "The percentage of successful crime gun traces increased from 89 to 94 percent when records up to 29 years old were available, resulting in almost 10,000 additional successful traces" (91 FR 24420).

The benefit ATF identifies is administrative and narrow. ATF finds that "only 17 percent of all FFLs have been licensed for 20 years or more" and are unlikely to recover "sunk costs" (91 FR 24419). ATF concedes that the savings may not materialize at all estimating "only a de minimis number of FFLs incurred these costs because it is likely that large dealers maintain established record-keeping

systems capable of complying with the current or proposed regime equally" (91 FR 24419).

ATF does not analyze the impact to victims of this proposed rule, even as it acknowledges there will be adverse consequences. It states that "under a 20-year retention limit, 49,920 additional traces would be unsuccessful because they would need records over 20 years old" and "these failed trace requests may include high-profile urgent traces." The impact of the loss of currently available records "could delay or hinder federal, state, and local law enforcement efforts to track and stop violent offenders" (91 FR 24421). The consequence of this change on the victims of these crimes is not contemplated.

2. The unconsidered cost to victims

ATF's analysis treats a failed trace as an unquantified law enforcement inconvenience. But there is also a financial and emotional impact on victims and their families. A portion of the financial cost to victims of crime is reimbursed through federal and state funding. Victim compensation programs across the United States cover funeral and burial costs for homicide victims and may cover mental health treatment, income loss, relocation, and other costs for surviving family members of gun violence. In California, victim compensation is a lifelong benefit that covers many crime-related expenses for approved claimants.

In 2025, the California Department of Justice (DOJ) reported there were 1,374 homicides. A firearm was used in 904 of those cases. In the corresponding state fiscal year, CalVCB compensated \$15.9 million to 3,709 homicide victims and their families. Similarly, the California DOJ reported 118,631 aggravated assaults and firearms were used in 20,388. CalVCB compensated 12,540 victims of assault and their families \$13.7 million in the corresponding fiscal year.

For homicide cases, the average amount CalVCB paid to claimants who sought assistance in Fiscal Year 2024-25 was \$7,500. For assault the average was \$2,600. Most of the funding goes towards helping family members with the funeral and burial costs for their deceased relatives. The next highest reimbursement category is for mental health treatment.

CalVCB cannot distinguish between the costs paid to victims of solved or unsolved cases and CalVCB does not track crime details such as the weapon used in homicide or assault crimes.

Approved victims can access assistance from CalVCB throughout their life, whenever crime-related expenses arise. The costs associated with helping victims restore their lives is not a one-time expense. It can last for many years as they interact with law enforcement, the courts, therapists, and others in addressing the harm done to them. The longer cases remain unresolved, the more likely costs will increase as violent crime victims seek answers, justice, and healing. Delays in prosecution also impede a victim's ability to collect restitution for the economic losses they suffered because of the crime.

3. The record ATF says it lacks

ATF proceeded on the grounds that inferences about public safety risk are "difficult to make definitively" (91 FR 24421). At no point does ATF consider the financial and emotional costs to the victims and families of unsolved homicide and assault cases involving firearms.

CalVCB offers the state's paid victims claim data as one way to quantify known costs to victims covered by federal and state funding. A federal cost-benefit analysis that accounts for a relatively small number of firearm dealer's storage savings but does not consider the costs for victims of crime has not appropriately measured the trade it is making.

CalVCB asks ATF to withdraw the proposal and retain the existing retention requirement.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lynda Gledhill".

Lynda Gledhill

Executive Officer, California Victim Compensation Board