

1 CITY AND COUNTY OF DENVER  
2 STATE OF COLORADO  
3 JUDICIAL COMMITTEE MEETING  
4 HELD ON FEBRUARY 12, 2013  
5 HOUSE BILL 13-1224

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7 REPORTER'S TRANSCRIPT

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1 Attendees:  
 Representative Buckner  
 2 Representative Court  
 Representative Gardner  
 3 Representative Lawrence  
 Representative McLachlan  
 4 Representative Murray  
 Representative Pettersen  
 5 Representative Salazar  
 Representative Wright  
 6 Representative Lee  
 Representative Kagan (Chairman)

7		
8	PUBLIC SPEAKERS:	PAGE
9	Richard Sweetman	60
10	IN SUPPORT:	
	JANE DOUGHERTY	11
11	David Chipman	14
	Michael Doberson	16
12	Bill Kilpatrick	20
	Jessica Watts	31
13	John Buckley	33
	Don Macalady	35
14	Tom Mauser	38
	Charles Jamison	41
15	Gail Valeta	43
	Walter Heidenfelder	44

16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1	PUBLIC SPEAKERS: (Continued)	PAGE
2	IN OPPOSITION:	
	Doug Smith	48
3	Charles Robles	77
	Gordon Garland	84
4	Leon Green	90
	Robert Parker	93
5	Justin Smith	99
	Bruce Hartman	113
6	Garrett Wiggins	116
	Sam Myrant	123
7	Dave Gill	127
	Michael McPeake	132
8	Michael Bane	134
	Andrew Hamilton	137
9	Bonnie Gabaldon	138
	Bob Edmiston	143
10	John Higgs	146
	Dan Newman	151
11	Steve Martin	152
	Lee Reedy	156
12	Andrew LaFontaine	158
	Edward Irvine	166
13	Justin Hayward	169
	Paul Gresky	172
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

## 1 P R O C E E D I N G S

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3 THE CHAIRMAN: The committee will come  
4 to order. The next bill on our agenda is House Bill  
5 1224 concerning the large-capacity magazines. And  
6 before we get to the presentation of the bill, let  
7 me just tell everybody here that we very much  
8 appreciate your contribution to this effort to craft  
9 public policy for the State of Colorado.

10 Some of you have been here waiting to  
11 testify virtually all day, and if you are one of  
12 those, we owe you our especially great thanks. But  
13 even if you've just arrived, the fact that you are  
14 willing to help us craft this policy is greatly  
15 appreciated.

16 We are going to limit witness  
17 testimony to two minutes of direct testimony from  
18 the witness in each case, except for one witness  
19 from the industry who has specifically requested  
20 that they have a little longer to explain  
21 technicalities about the production of capacity --  
22 large-capacity magazines and the such that simply  
23 cannot be accomplished in the time of the two-minute  
24 limit, and they have asked for a five-minute limit  
25 on their direct testimony, and that we have agreed

1 to.

2 But all the proponents of this bill  
3 will be limited to two minutes. All the opponents  
4 will be limited to two minutes, and then there will  
5 be no limit on the question and answer period for  
6 each witness from the members of the committee.

7 With that, I would welcome you back,  
8 Representative Fields, to the House Judiciary  
9 Committee. Please tell us about House Bill 1224.

10 REPRESENTATIVE FIELDS: Thank you,  
11 Mr. Chair, and committee members. I'm pleased to  
12 bring to you House Bill 1224. I can tell you that  
13 the motivation behind this bill is based on what  
14 happened in Aurora on July 20th. A shooter killed  
15 12 people and he injured 58. Many of those people  
16 are critically injured. And in 90 seconds, he was  
17 able to do that kind of damage.

18 What House Bill 1224 will do, it will  
19 prohibit the sale of, the transfer, and the  
20 ownership of high-capacity magazines that are  
21 capable of holding more than 10 rounds.

22 High-capacity magazines have one  
23 purpose and that is the rapid use and to be able to  
24 kill a large number of people. They allow a gunman  
25 to fire a large number of rounds. That round could

1 be 30. It could be 50. It could be 100. But what  
2 we do know is that it happens quickly, because what  
3 they're trying to do in some of these massacres is  
4 they're trying not to reload.

5 So they use these -- these large  
6 magazines to be able to kill as many people as they  
7 possibly can. These type of high-capacity clips  
8 have no place in our community. They have no place  
9 on our streets and they have no place in movie  
10 theaters or in our schools.

11 Our schools should be sacred places.  
12 Our churches should be sacred places. And movie  
13 theaters are a place where people should be able to  
14 enjoy entertainment without being threatened with  
15 the possibility of being shot down.

16 Since this horrific event that  
17 happened in Aurora, I've been working with my  
18 community and with the families who have been  
19 impacted by this horrific crime and we've been  
20 trying to put the pieces back. And have seen over  
21 and over recent massacres that have happened across  
22 our country where they're using these high-capacity  
23 magazine clips. And the only thing that kind of  
24 stops the carnage is that the gun jammed.

25 And when the gun jammed, when it

1 happened to James Holmes, we were able to avoid some  
2 more devastation that could have happened in that  
3 theater.

4           You might recall the situation in  
5 Tucson where we had Representative Gabby Giffords.  
6 She was just hosting a town hall meeting, and we had  
7 a gunman go in there and he killed six people and he  
8 wounded 13 others. His gun jammed too, and he was  
9 using a high-capacity magazine clip.

10           These massacres just have to stop. We  
11 have to really stop the bloodshed. And it's all  
12 about these high-capacity magazines and these  
13 semi-automatic weapons that allow this equipment to  
14 just discharge these high numbers of bullets.

15           And we also know the recent event that  
16 happened at Sandy Hook Elementary School. According  
17 to law enforcement officers, as many as half a dozen  
18 first graders were reported to have survived the  
19 shooting, but far too many lost their precious  
20 lives. In his case also his gun jammed and he  
21 wasn't able to reload.

22           We need to do something about the  
23 accessibility of these high-capacity magazines so  
24 that we can stop the horrific acts before they ever  
25 get started. So by banning high-capacity magazines,

1 it doesn't infringe on the rights of responsible gun  
2 owners, but it does restore sensible safeguards that  
3 protect our families and our children.

4 So what House Bill 1224 will do, it  
5 will prohibit the sale or the transfer of any  
6 ammunition feeding device, magazines strips and  
7 guns -- drums capable of accepting more than 10  
8 rounds. It will prohibit the magazines that are  
9 legally acquired before the bill takes effect.

10 So if this bill is passed, for those  
11 who already have these magazines, they can legally  
12 keep them in their possession. And the bill also  
13 has penalties in place for those who do not comply  
14 with the law.

15 So we have several people who will be  
16 testifying in support of this bill, but I'm asking  
17 for your support right now to vote yes on House Bill  
18 1224.

19 THE CHAIRMAN: Thank you,  
20 Representatives Fields.

21 Are there any questions for the  
22 sponsor of House Bill 1224?

23 Seeing none, let's go straight to  
24 the -- who would you like to call first --

25 REPRESENTATIVE GARDNER: Mr. Chair,

1 before we move on -- I'm sorry, I'm sort of waving.

2 THE CHAIRMAN: Representative  
3 Gardner -- (inaudible).

4 REPRESENTATIVE GARDNER: I did have a  
5 question for the sponsor.

6 THE CHAIRMAN: Representative Gardner,  
7 go ahead.

8 REPRESENTATIVE GARDNER: Thank you.  
9 And for the sponsor, I'm trying to figure out how  
10 this bill works for a manufacturer, because it seems  
11 to me that the way the bill is drafted -- and maybe  
12 I just misunderstand this -- it's against the law to  
13 possess a magazine if it sort of comes into  
14 existence after the passage of the bill, and yet,  
15 the bill seems to contemplate that a manufacturer  
16 should put -- if there's a manufacturer in Colorado,  
17 they should put markings on the bill [sic].

18 So is a manufacturer in violation, and  
19 if they're in violation, why do they put a serial  
20 number on the magazine. Can you explain how the  
21 bill works?

22 THE CHAIRMAN: Representative Fields,  
23 if you understand the question, please try and  
24 answer it.

25 MS. METZGER: Thank you, Mr. Chair.

1                   And thank you, Representative Gardner,  
2                   for your question.

3                   And in the bill -- I'm looking on  
4                   page 4. And the bill would require that a  
5                   manufacturer, after the effective date if this bill  
6                   pass, put some kind of date upon -- on the  
7                   manufacturing of any new clips moving forward. So  
8                   it would require some kind of identification.

9                   Right now in the bill it does request  
10                  a serial number and a date be placed on that so that  
11                  we understand that this magazine is a part of a  
12                  series that has happened after the passing of this  
13                  bill.

14                  THE CHAIRMAN: Thank you.

15                  And are there any further questions  
16                  for the sponsor of the bill?

17                  Seeing none, Representative Fields,  
18                  would you like the proponents to testify first or  
19                  the opponents to testify first?

20                  REPRESENTATIVE FIELDS: Oh, the  
21                  proponents, please.

22                  THE CHAIRMAN: Proponents?

23                  REPRESENTATIVE FIELDS: Yes.

24                  THE CHAIRMAN: Thank you,  
25                  Representative Fields. And we have the -- somewhere

1 a list of proponents who are going to testify.

2 Jane -- no, that's not the list.

3 Excuse us.

4 All right. I would ask Jane Dougherty  
5 to come forward.

6 Ms. Dougherty, welcome to the House  
7 Judiciary Committee. Thank you for coming. And  
8 please tell us your name, who you represent, if  
9 anyone other than yourself, and present us your  
10 testimony.

11 JANE DOUGHERTY: Good afternoon. My  
12 name is Jane Dougherty, and I represent my family.

13 THE CHAIRMAN: Thank you. Please  
14 proceed.

15 JANE DOUGHERTY: I'm here to express  
16 my strong support for House Bill 1224 to limit  
17 high-capacity magazines to no more than 10 rounds.

18 My sister, Mary Sherlach, was the  
19 school psychologist at Sandy Hook Elementary School.  
20 Mary lost her life, along with five other educators  
21 and 20 children, on December 14, 2012.

22 On the morning of December 14th, a  
23 20-year-old man with mental health problems was able  
24 to access a number of powerful weapons and a large  
25 amount of high-capacity magazines because they were

1 in his home. That morning 700 students were in the  
2 school at Sandy Hook. A new security system had  
3 been installed and the front doors were locked.

4 Authorities now know that the gunman  
5 used an assault weapon to literally shoot an  
6 entrance into the building.

7 My sister, Mary Sherlach, was murdered  
8 in the school lobby while running towards the  
9 shooter who was armed with a large amount of  
10 high-capacity magazines. Each magazine held 30  
11 rounds. The shooter made his way into the classroom  
12 where he shot and killed four more adults and 20  
13 children.

14 The ammunition used at Sandy Hook was  
15 meant to cause massive tissue damage. The damage  
16 inflicted on Mary's body was so severe that her own  
17 husband was not allowed to say good-bye. She went  
18 to work that morning and she was never seen again.

19 To quote my brother-in-law, Earl  
20 Sherlach, simple arithmetic says that a smaller  
21 magazine needs to be replaced more often than a  
22 larger magazine. This alone leads to short  
23 increments of time when intervention could occur and  
24 the body count might be less.

25 In fact, 11 children managed to escape

1 when the shooter stopped to reload and a little boy  
2 yelled "run."

3 Events like these are the kinds of  
4 experience that you think will never touch you. But  
5 here in Colorado we know all too well that they  
6 certainly can. We have seen firsthand what these  
7 weapons and high-capacity magazines are capable of.  
8 And these massacres can and will continue to affect  
9 us here in Colorado if we do not pass this bill.

10 We cannot wait for yet another  
11 massacre to transpire before we take real action.  
12 We need to honor my sister, Mary's life, and all the  
13 lives lost as a result of gun violence.

14 You are our elected leaders. Honor  
15 your oath of office to protect and defend. Pass  
16 this legislation.

17 THE CHAIRMAN: Thank you,  
18 Ms. Dougherty. And I know this is painful for you  
19 to tell and retell this experience. And the fact  
20 that you've been willing to do it is a mark of  
21 courage and we appreciate it very much.

22 Are there any questions for  
23 Ms. Dougherty?

24 Thank you, Ms. Dougherty.

25 JANE DOUGHERTY: Thank you.

1                   THE CHAIRMAN: Please accept our  
2 thanks for having been willing to come and share  
3 that with us.

4                   Mr. David Chipman. Mr. Chipman,  
5 welcome back to the House Judiciary Committee.

6                   DAVID CHIPMAN: Thank you, sir.

7                   THE CHAIRMAN: We're glad to have you  
8 here. Please state your name for the record. Tell  
9 us who you're with and proceed with your testimony.

10                  DAVID CHIPMAN: name is David Chipman  
11 and I'm a retired special agent with ATF.

12                  Having conducted countless high-risk  
13 tactical operations as an ATF agent targeting gun  
14 criminals, I have a unique perspective on the  
15 capabilities of good guys with guns and bad guys  
16 with guns.

17                  It is not always clear that a person  
18 with a gun possess evil intent until they fire the  
19 first round. But when shooters do intend to kill,  
20 they can fire continuously until the moment they run  
21 out of ammunition, before even the most seasoned law  
22 enforcement professionals or a member of the public  
23 can respond.

24                  For those of you who have seen file  
25 footage of the attempt on President Reagan's life,

1 what do you remember?

2 I remember a mentally ill man with a  
3 gun. I remember the gun he snuck through security  
4 fired until there were no more rounds in that gun.  
5 I remember Secret Service agents and local police  
6 standing tall and holding their positions. I  
7 remember firearms being drawn only after the  
8 incident had ended and the President and others were  
9 shot.

10 Fortunately, no one was killed during  
11 this pivotal moment in our nation's history, but  
12 imagine how history might have been different if  
13 John Hinckley carried a firearm equipped with a  
14 magazine capable of firing 30 rounds instead of a  
15 revolver with six.

16 We know that high-capacity magazines  
17 place our law enforcement officers directly in  
18 harm's way. According to the Justice Department,  
19 high-capacity magazines are used in 14 to 26 percent  
20 of gun crimes and in 31 to 41 percent of fatal  
21 police shootings, varying across the cities  
22 analyzed.

23 As a tactical operator whose job it  
24 was to safely apprehend the most dangerous felons in  
25 America, the government could have issued me

1 magazines of any capacity. They chose 15.

2 It is inconceivable to me why any  
3 American, during any scenario that anyone could  
4 dream up, would require more rounds in a magazine  
5 than one of the government's most highly trained  
6 operators.

7 A magazine is a piece of equipment  
8 meant to be used in self-defense or for sport. It  
9 should not be designed to outgun our law enforcement  
10 or murder innocent children.

11 Thank you.

12 THE CHAIRMAN: Thank you, Mr. Chipman.

13 Are there any questions for this  
14 witness?

15 Seeing none, thank you, sir.

16 DAVID CHIPMAN: Thank you.

17 THE CHAIRMAN: Dr. Doberson.

18 Dr. Doberson, welcome, and thank you for patiently  
19 waiting all afternoon to testify on House Bill 1224.

20 Please state your name for the record.  
21 Tell us who you are and who you represent, if anyone  
22 other than yourself, and proceed to give us your  
23 testimony.

24 MICHAEL DOBERSON: My name is Michael  
25 Doberson. I'm a physician with a specialty in

1 forensic pathology, and I'm also the coroner and  
2 medical examiner for Arapahoe County.

3 I've held that position for  
4 approximately 20 years now, and over that time,  
5 we've had a number of incidents happen in Arapahoe  
6 County, among them the Chuck E Cheese shootings,  
7 certainly the Columbine High School shootings, which  
8 was not in my jurisdiction but which I participated.  
9 And, of course, the Aurora theater shootings.

10 I will tell you that hardly a week  
11 goes by that I don't find out what a bullet can do  
12 to the human body. And every case in my office is a  
13 tragic one, but it's particularly tragic when the  
14 victims are young, otherwise healthy individuals.  
15 They either die from their own hand or, more  
16 tragically, at the hand of another.

17 The most devastating wounds I've seen  
18 have been the result of high-velocity rounds. And  
19 these are typically fired by semi-automatic weapons  
20 such as the AR-15. And these are easily equipped  
21 with high-capacity magazines, which, as you know,  
22 are readily available. These are basically military  
23 weapons which have been introduced into our civilian  
24 spaces, our streets, our shopping malls, our  
25 workplaces, and above all, our schools.

1                   These rounds have devastating effects  
2     on the human body, even when only one strikes. Can  
3     you imagine what happens when multiple bullets fired  
4     from a high-capacity magazine impacts someone?

5     Well, I can. Unfortunately, I can.

6                   Obviously, no one bill is going to  
7     solve all our problems, but we have to start  
8     somewhere. We've got to do something to minimize  
9     the violence and minimize the number of grieving  
10    families.

11                  Please pass this bill. It's only  
12    common sense. I'm tired of taking bullets out of  
13    kids.

14                  THE CHAIRMAN: Dr. Doberson, thank  
15    you.

16                  Representative Gardner.

17                  REPRESENTATIVE GARDNER: Thank you.

18                  And thank you for being here, sir. I  
19    appreciate your interest in this issue. You know,  
20    I've been sort of asking myself about the number of  
21    rounds that ought to be in a magazine, as well, and  
22    what difference it makes in crimes and so forth.

23                  I assume you're aware that we had such  
24    a ban nationally from 1994 to 2004. Are you aware  
25    of that National Institute of Justice, which is kind

1 of the think tank for the U.S. Department of  
2 Justice, found that there wasn't any particular  
3 discernable benefit to the limitation on high  
4 capacity -- so-called high-capacity magazines. I  
5 don't know if you're familiar with that research or  
6 not. I'm just wondering.

7 MICHAEL DOBERSON: No, I'm not  
8 familiar with that research, but I -- I'm sure that  
9 there are other studies which, as pretty much on  
10 every issue, come up with different conclusions.

11 THE CHAIRMAN: Representative Gardner.

12 REPRESENTATIVE GARDNER: Yes. Thank  
13 you.

14 Do you know of any other studies, sir?

15 THE CHAIRMAN: Dr. Doberson.

16 MICHAEL DOBERSON: Not off the top of  
17 my head, no.

18 REPRESENTATIVE GARDNER: Thank you.

19 THE CHAIRMAN: Any further questions  
20 for Dr. Doberson?

21 Thank you, Doctor, for coming all this  
22 way and waiting all this time.

23 MICHAEL DOBERSON: Thank you.

24 THE CHAIRMAN: We very much appreciate  
25 it.

1                   Golden Police Chief Bill Kilpatrick.  
2           Chief Kilpatrick, welcome. Thank you for coming.  
3           And please state your name for the record and tell  
4           us who you're with and proceed with your testimony.

5                   BILL KILPATRICK: Thank you. Thank  
6           you for having me here this afternoon. I'm Bill  
7           Kilpatrick, police chief in Golden, and I'm  
8           representing the Colorado Association of Chiefs of  
9           Police.

10                   The Colorado Association of Chiefs of  
11           Police represents the many police departments  
12           throughout the state of Colorado who work every day  
13           to keep our community safe and to do our best to  
14           protect our citizens from those with ill intent who  
15           wish to do us harm.

16                   As stated by the U.S. Supreme Court in  
17           District of Columbia versus Heller, like most  
18           rights, the right secured by the Second Amendment is  
19           not unlimited. "From Blackstone through the 19th  
20           century cases, commentators and courts routinely  
21           explained that the right was not a right to keep and  
22           carry any weapon whatsoever in any manner whatsoever  
23           and for whatever purpose."

24                   Given this statement from the highest  
25           court in the land, that gun rights are not

1 unlimited, the appropriate question for this  
2 committee today is, is a limitation on high-capacity  
3 magazines an appropriate action for the state of  
4 Colorado and will it lead to enhanced public safety  
5 while protecting individual rights under the Second  
6 Amendment.

7           Surveys show that Americans carry  
8 firearms for protection, for target shooting or for  
9 hunting. None of these functions require  
10 high-capacity magazines. High-capacity magazines  
11 are designed for weapons of war or to kill and maim  
12 large numbers of people in a short amount of time.

13           Protection, target shooting or hunting  
14 does not demand the rapid release of large amounts  
15 of ammunition. Large-capacity magazines are  
16 frequently used in mass shootings, including those  
17 which occurred at Columbine High School, Virginia  
18 Tech, Fort Hood, Tucson, Aurora, Oak Creek, and  
19 Newtown.

20           As a police chief, I am aware of data  
21 suggesting that perhaps as many as one in five  
22 officer-involved shootings in the United States  
23 involve high-capacity magazines.

24           While a criminal chooses to utilize  
25 these weapons and their -- excuse me. When a

1 criminal chooses to utilize these weapons and their  
2 accompanying high-capacity magazines, officers have  
3 minimal opportunity to protect themselves and the  
4 public.

5                   Limitations on large-capacity  
6 magazines are often adopted in concert with  
7 limitations on assault weapons. However, the impact  
8 of large-capacity magazines limitations should not  
9 be restricted to assault weapons. Large-capacity  
10 magazines increase the capacity, and thus the  
11 potential lethality of any firearm that can accept a  
12 large-capacity magazine, including a firearm that is  
13 not an assault weapon.

14                   Therefore, a limitation on  
15 large-capacity magazines will reduce the capacity  
16 and lethality of many more firearms than would a  
17 limitation on assault weapons alone.

18                   We ask you to help protect the public  
19 and to help protect law enforcement officers by  
20 supporting such a limitation. As officers --

21                   THE CHAIRMAN: Chief, I hate to  
22 interrupt you, but I'm going to interrupt you and  
23 ask you to just make your conclusive -- concluding  
24 comments because we've busted the two-minute rule,  
25 and I don't want to (inaudible).

1 BILL KILPATRICK: Sure.

2 THE CHAIRMAN: Thank you.

3 BILL KILPATRICK: As officers sworn to  
4 uphold the law and to protect the Constitution of  
5 the United States of America and the state of  
6 Colorado, we believe that placing a limitation on  
7 high-capacity magazines is a commonsense approach  
8 that can serve to protect the public while  
9 continuing to grant citizens their Second Amendment  
10 right to keep and bear arms, and therefore we urge  
11 the passage of HB-1224.

12 THE CHAIRMAN: Thank you, Chief. And  
13 as I said, sorry that I have to cut you a little  
14 short there.

15 Are there any questions for the chief?

16 Represent Wright.

17 REPRESENTATIVE WRIGHT: Chief, thank  
18 you for being here today. I would ask you -- and  
19 I'm going to have to ask Mr. Chair a series of  
20 follow-up questions, I'm sure -- what type of  
21 weapons or rifles do you train with, and how many  
22 rounds do they hold in their magazines?

23 THE CHAIRMAN: Chief.

24 BILL KILPATRICK: So to officers,  
25 there's certain handguns we're allowed to carry.

1       So, for example, I have a Glock 23. It has 13 in  
2       the magazine.

3                   THE CHAIRMAN: Representative Wright.

4                   REPRESENTATIVE WRIGHT: Thank you.

5       And I'm sure you're aware through your training --  
6       much of it's the same training that I've had -- how  
7       quickly those magazines can be changed in an active  
8       shooting situation, correct?

9                   THE CHAIRMAN: Chief Kilpatrick.

10                  BILL KILPATRICK: Yes.

11                  THE CHAIRMAN: And, Representative  
12       Wright.

13                  REPRESENTATIVE WRIGHT: Thank you,  
14       Mr. Chair.

15                  I was wondering if you would comment  
16       on how quickly those magazines can be changed.

17                  THE CHAIRMAN: Chief Kilpatrick.

18                  BILL KILPATRICK: Under a shooting  
19       scenario where I'm being fired at, geez, it can be  
20       pretty darn quick. And if I'm under high pressure,  
21       I might drop it. But seconds.

22                  THE CHAIRMAN: Representative Wright.

23                  REPRESENTATIVE WRIGHT: Thank you for  
24       that. You know, that's one of my concerns with this  
25       bill. Again, well-intentioned, but someone who has

1 simply trained themselves with -- off of YouTube  
2 video, quite frankly, could change these magazines  
3 very quickly.

4                   Regardless of whether there are 5, 7,  
5 10, 15 rounds in a magazine, they're going to be  
6 able to quickly change those magazines in modern  
7 weaponry. So I'm not sure that this bill  
8 accomplishes what it's set out to accomplish.

9                   I guess I would also ask this, you  
10 mentioned that you are sworn to uphold the  
11 Constitution. I agree. I take that very seriously,  
12 as I'm sure that you do. There's a number -- there  
13 are a number of prior case law precedent that's been  
14 set by the U.S. Supreme Court in relation to this.  
15 One is McDonald v. Chicago, that states the second  
16 amendment limits states to the same extent as the  
17 federal government.

18                   The second is the District of Columbia  
19 versus Heller, which states that the second  
20 amendment protects an individual's right to possess  
21 a firearm for protection and sport unconnected to  
22 military service.

23                   In essence, what Heller was deciding  
24 is that a weapon in common use at the time. In  
25 common use at the time, meaning a modern weapon is

1 considered a reasonable weapon and it's considered a  
2 lawful weapon to possess.

3 So I'm not seeing that this, in fact,  
4 is constitutional, sir, to -- to limit this. And I  
5 think it will be challenged as a result. Do you  
6 have any comment on that?

7 THE CHAIRMAN: Chief Kilpatrick.

8 BILL KILPATRICK: Sorry. I would  
9 leave that to the constitutional lawyers to debate,  
10 sir.

11 THE CHAIRMAN: Chief Kilpatrick, I  
12 have a -- were you through, Representative Wright?

13 Representative Salazar.

14 REPRESENTATIVE SALAZAR: Thank you,  
15 Mr. Vice Chair.

16 Chief, do you know if Adam Lanza had  
17 the police training that you do?

18 BILL KILPATRICK: I do not know that,  
19 but I don't believe that he did.

20 REPRESENTATIVE SALAZAR: How about  
21 James Holmes, do you know if he had the police  
22 training that you do?

23 BILL KILPATRICK: I'm certain he did  
24 not.

25 REPRESENTATIVE SALAZAR: And you said

1 that it only takes you maybe seconds to drop your  
2 empty magazine, load up a new clip, in order to  
3 defend yourself against criminals?

4 BILL KILPATRICK: That's correct.

5 REPRESENTATIVE SALAZAR: Okay. And  
6 that being the case, you don't know how many people  
7 in the United States would have that kind of  
8 specialized training to be able to drop an empty  
9 clip, put up a new one, just in a matter of seconds?

10 BILL KILPATRICK: Well, I know that  
11 most people don't have a lot of training that police  
12 officers do, but I'm certain there are lots of folks  
13 who train pretty regularly.

14 THE CHAIRMAN: Representative Salazar.

15 REPRESENTATIVE SALAZAR: I guess the  
16 reason why I'm asking this question is because of  
17 something Representative Wright said, is that in  
18 situations where you might have 10 rounds or a  
19 5-round clip, that not many people outside of those  
20 who have some type of military or police training  
21 are going to be able to drop those clips, load them  
22 up within just a matter of seconds; that it might be  
23 that perpetrators such as Adam Lanza and James  
24 Holmes, it might take them awhile to get those clips  
25 in in that kind of a situation. Whereas, if they

1 have a drum that holds 100, barring any type of --  
2 any type of jamming, all they have to do is just  
3 pull the trigger. Is that right?

4 THE CHAIRMAN: Chief Kilpatrick.

5 BILL KILPATRICK: I know, according to  
6 the preliminary hearing testimony in the Aurora  
7 case, that that gentleman was able to fire 65 rounds  
8 out of that drum.

9 THE CHAIRMAN: Representative Wright.

10 REPRESEPTATIVE WRIGHT: Thank you,  
11 Mr. Chair.

12 Chief, I would ask you, do you know  
13 who Chris Dorner is, and wouldn't you say that he  
14 has the same training that you do?

15 THE CHAIRMAN: Chief Kilpatrick.

16 BILL KILPATRICK: I believe he's the  
17 LA cop that's being hunted right now. I imagine he  
18 has a lot of training, yes, sir.

19 REPRESEPTATIVE WRIGHT: Thank you.

20 THE CHAIRMAN: Chief Kilpatrick, I'd  
21 like to ask you a question. You'd indicated in your  
22 initial statement that you were familiar with some  
23 of the police research regarding high-capacity  
24 magazines.

25 Are you familiar with a 2010 survey by

1 the Police Executive Research Forum that concluded  
2 that since the assault weapon ban expired in 2004,  
3 that 37 percent of police agencies reported seeing  
4 noticeable increase in criminals' use of assault  
5 weapons, and that 38 percent reported seeing notable  
6 report about increase in criminals' use of  
7 semi-automatic firearms with high-capacity  
8 magazines?

9 BILL KILPATRICK: I'm familiar with  
10 that study, yes, sir.

11 THE CHAIRMAN: Could you expand upon  
12 that, sir.

13 BILL KILPATRICK: I've read the study,  
14 sir, but I -- do you have specific questions?

15 THE CHAIRMAN: Is it consistent with  
16 your experience that since the assault weapon ban  
17 expired, that there's been an increase in the use of  
18 high-capacity magazines?

19 BILL KILPATRICK: Yes, sir, and I'm  
20 familiar with a couple other facts I could give you,  
21 if you're interested.

22 THE CHAIRMAN: Please proceed.

23 BILL KILPATRICK: So for example, I  
24 know that the State of Virginia found that since  
25 their assault ban expired, that prior to the --

1 while the assault ban was in place, they found that  
2 there were less high-capacity magazines found at  
3 crime scenes than after the assault ban expired.

4 I am familiar with the fact that since  
5 the assault ban expired, that in 2009, 49 officers  
6 died by the use of weapons, and that was a 24  
7 percent increase from 2008.

8 And in 2010, 61 officers died. That  
9 was a 31 percent -- 7 percent increase. And in  
10 2011, 68 died. And that was the first year that  
11 more officers were killed in 14 years than from auto  
12 accidents.

13 THE CHAIRMAN: So would you conclude  
14 from that, Chief Kilpatrick, that high-capacity  
15 magazines increase the risk to police officers?

16 BILL KILPATRICK: I believe they have,  
17 yes, sir.

18 THE CHAIRMAN: Thank you.

19 Are there any further questions for  
20 Chief Kilpatrick?

21 If not, we thank you very much for  
22 your testimony and appreciate your service to the  
23 people of Colorado.

24 BILL KILPATRICK: Thank you.

25 THE CHAIRMAN: Is there a Jessica

1 Watts in the audience? Ms. Watts, would you  
2 identify yourself for the record and tell us who  
3 you're representing, if anyone.

4 JESSICA WATTS: My name is Jessica  
5 Watts and I'm here representing myself.

6 THE CHAIRMAN: Thank you. Please  
7 proceed with your testimony.

8 JESSICA WATTS: I am here to express  
9 my strong support for House Bill 1224 to limit  
10 high-capacity magazines to no more than 10 rounds.  
11 I believe I can speak for all the families here  
12 today, whom I've met through this horrific tragedy,  
13 that we need legislation to stop the gun violence  
14 that has torn our lives apart.

15 I am only 28 years old and my life has  
16 been directly impacted four times by gun violence.

17 My husband was a student at Columbine,  
18 and on that fateful day he was lucky to make it out  
19 alive. I was the babysitter for teenage victim  
20 Emily Keyes, who was shot in the head and murdered  
21 in Platte Canyon High School in 2006.

22 But today, I'm hear to talk about what  
23 happened at that horrific night on July 20th, when  
24 my cousin went to a movie and never came home.

25 The Aurora shooter went to a

1 theater -- theater nine, equipped with more than  
2 6,000 rounds of ammunition. This is more than you  
3 would see a soldier carry on the battlefield. His  
4 guns were loaded with high-capacity magazines  
5 holding 100 rounds. In 90 seconds, my cousin,  
6 Jonathan Blunk, along with 11 others were murdered,  
7 and more than 58 others wounded, in 90 seconds.

8 That massacre occurred in less time  
9 than I will be up here testifying today.

10 No one should ever have to get the  
11 call like I did on July 20th. No one should have to  
12 run to different hospitals just to face the  
13 devastating truth that your loved one will never be  
14 coming home.

15 Jonathan Blunk was a hero in his short  
16 26 years. He was a father of two young children,  
17 but he was also a soldier. He fought in the U.S.  
18 Navy, serving three deployments. His hope was to  
19 reenlist as a Navy SEAL officer, but his life was  
20 cut short. He served to protect us all, and died  
21 trying to protect those in the theater on July 20th.

22 I implore you to pass this bill.  
23 Hopefully then, I will not get a fifth call saying  
24 that a loved one that I've known has been killed by  
25 a gun.

1                   THE CHAIRMAN: Thank you, Ms. Watts.

2                   Are there any questions for Ms. --

3                   Jessica Watts?

4                   Seeing none, we sincerely thank you  
5                   for coming before us today and providing us with  
6                   your testimony.

7                   Is John Buckley present? Thank you,  
8                   Mr. Buckley. Would you please identify yourself and  
9                   tell us if you're representing anyone.

10                  JOHN BUCKLEY: Certainly. My name is  
11                  John Buckley. I am representing myself today.

12                  I speak to you as a father, as a gun  
13                  owner, and most importantly for -- for this context,  
14                  as a former paramedic. I was a paramedic for over  
15                  20 years. I spent four years on Houston's  
16                  equivalent of Flight for Life. I worked in the  
17                  county trauma center, the trauma center associated  
18                  with -- with the Life Flight program in Houston. I  
19                  also spent two years assigned to a SWAT team. So  
20                  I've seen a lot of sides of this issue.

21                  I'm not sure if the committee is aware  
22                  that while the testimony for both this bill and 1229  
23                  have been going on this afternoon, Christopher  
24                  Dorner has been surrounded in Southern California,  
25                  and he has shot two police officers, one of them

1 fatally. I would assume that Mr. Dorner's probably  
2 equipped with high-capacity magazines.

3 I certainly have seen many shootings  
4 over my career. I believe you had testimony of a  
5 Denver Health physician earlier who mentioned  
6 hundreds. I think mine's probably in the same  
7 realm.

8 The helicopters that I've worked in,  
9 we had the capacity of loading two patients side by  
10 side, and we had clamshell doors in the back so we  
11 could load them parallel to each other.

12 On occasions too numerous to count,  
13 after unloading our patients and delivering them to  
14 the trauma center, I'd have to go back to the  
15 helipad and literally take a garden hose and hose  
16 out the blood out of the back of my aircraft, get a  
17 brush and literally wash the blood off of the tail  
18 boom.

19 I have seen this up close. I wish  
20 that I didn't have to. I wish that I didn't have to  
21 tell loved ones that they have just lost family  
22 members. I wish that I didn't have the memories of  
23 praying with those families. But I sincerely wish  
24 that this body take some responsible steps in making  
25 sure that something like this doesn't happen again.

1           Every time that someone changes the  
2 magazine, it is an opportunity to disable them.  
3 It's another opportunity for a misfeed of the next  
4 round of ammunition. And I think that it's a  
5 rational step towards trying to change a horrific  
6 situation in our country, in our state.

7           THE CHAIRMAN: Thank you, Mr. Buckley.

8           Are there any questions for  
9 Mr. Buckley?

10           Seeing none, we thank you for your  
11 testimony, sir.

12           Is there a Don Macalady in the  
13 audience? Please come forward, take your seat,  
14 identify yourself and tell us if you're representing  
15 someone.

16           DON MACALADY: Good afternoon,  
17 Chairman, and the members of the judiciary  
18 committee. Thanks for the opportunity to speak to  
19 you again. My name is Donald Macalady and I  
20 represent Hunters Against Gun Violence.

21           The statement that defines our  
22 organization, endorsed by all of our members, says  
23 the following: We are hunters and cherish the  
24 privilege of being able to use firearms to pursue  
25 recreation and food for our families.

1                   Nevertheless, we do not support the  
2 proliferation of guns that have no relationship to  
3 or utility for lawful hunting of game animals and  
4 varmints, nor do we support the sale of guns and  
5 other weapons to persons with a history of violent  
6 crimes or mental instability.

7                   Accordingly, we support a ban on the  
8 sale of semi -- excuse me, semi-automatic weapons  
9 that are designed primarily for rapidly killing or  
10 incapacitating large numbers of people.

11                   We always support a ban on the sale of  
12 large magazines of armor-piercing ammunitions for  
13 these weapons. We further support universal  
14 background checks for gun purchases made at the  
15 expense of the prospective gun buyer.

16                   That's our statement. Large-capacity  
17 magazines for pistols and assault weapons are  
18 designed to give the weapons they serve a large  
19 capacity for rapidly killing people. They have no  
20 relationship to hunting and, in fact, are illegal in  
21 most hunting states.

22                   So who does need weapons with  
23 magazines that can fire 30 to 100 times in a few  
24 seconds without reloading? Certainly the list  
25 includes terrorists and mass murderers, but it also

1 includes those fearful of mass attack by neighbors  
2 or government.

3 They are certainly not necessary for  
4 protection of the family from intruders or robbers.

5 We feel that these high-capacity  
6 magazines have no utility for hunters or any other  
7 law-abiding American citizens and should be banned.

8 We therefore urge enactment of  
9 HB13-1224.

10 THE CHAIRMAN: Mr. Macalady, thank you  
11 for that testimony.

12 Are there any questions for this  
13 witness?

14 Representative Lee.

15 REPRESENTATIVE LEE: Sir, are there  
16 any circumstances under which a hunter would use a  
17 high-capacity magazine?

18 THE CHAIRMAN: Mr. Macalady.

19 MR. MACALADY: Thank you. I'm sure  
20 there are, but the question is whether or not that's  
21 an appropriate weapon or not. There are people who  
22 use these weapons particularly for varmint hunting,  
23 but they're not really the weapon of choice. If  
24 you're out -- designed to have a weapon that's  
25 designed for doing that, they're not designed to do

1 that. They're designed to kill people.

2 So people do use them just for the  
3 sake of saying they've used them for hunting, in my  
4 opinion.

5 REPRESENTATIVE LEE: Thank you, sir.  
6 Mr. Macalady, thank you so much for coming. We very  
7 much appreciate it.

8 Tom Mauser, please come forward, sir.  
9 Welcome back, Mr. Mauser. We appreciate your  
10 contributing to our deliberations here. Please  
11 state your name for the record, say who you  
12 represent and proceed with your testimony.

13 TOM MAUSER: Thank you, Mr. Chairman.  
14 My name is Tom Mauser, from Littleton, and this time  
15 I'm back as a board member and spokesman for  
16 Colorado Cease Fire, an organization that advocates  
17 for stronger gun safety laws.

18 I'm the father of Daniel Mauser, who  
19 was murdered at Columbine, and I'm here today  
20 honoring him, my son, by wearing the shoes he was  
21 wearing that tragic day.

22 He was wearing these shoes in the  
23 library of Columbine where, like all the others in  
24 that library, he was pinned down helplessly under a  
25 table as two well-armed teenagers wreaked havoc and

1 murder.

2                   Thanks to the killers' arsenal, it was  
3 impossible to escape during reloading. The  
4 Columbine killers had high-capacity magazines  
5 holding 52, 32, and 28 rounds.

6                   We all know why they obtained those  
7 magazines, to kill as many people as they could in a  
8 short period of time with minimal reloading.

9                   For people who work with people who  
10 have alcohol and drug problems, you know, there's a  
11 time about enabling. And it seems to me that's what  
12 we've done, unfortunately, in this country. We've  
13 enabled disturbed people and gang members and  
14 terrorists to wreak havoc, injury, and death.

15                   These magazines were intended for the  
16 battlefield and not for our communities. That's why  
17 other free-world nations don't allow them in the  
18 hands of civilians and why they think that we're  
19 crazy in America.

20                   I've heard people say that the assault  
21 weapons ban and a ban on high-capacity magazines in  
22 1994 was a failure because of what happened at  
23 Columbine. I want to respond to that. That's  
24 nonsense. We all know that when that ban was in  
25 place, it did not -- it grandfathered in all the

1 existing magazines and assault weapons.

2           When you don't remove them like they  
3 did in Australia -- which was a very bold step.  
4 When you don't do that, the existing ones stay in  
5 place, so that you're in it for a long haul. You're  
6 not going to always have short-term results.

7           I've heard people -- I'm sure you're  
8 going to hear arguments today that the problem is  
9 mental illness. Yes, it is. But, you know, for  
10 those people who are making that case, if they were  
11 truly interested in keeping guns from the mentally  
12 disturbed, they would have long ago supported more  
13 mental health funding, broader prohibitions of  
14 mentally disturbed people, and the closing of the  
15 gun loophole that allowed disturbed people to easily  
16 buy guns with no background check.

17           Well, fact is, they didn't support  
18 those things, so now their argument is mighty  
19 hollow.

20           THE CHAIRMAN: Mr. Mauser, I have to  
21 tell you that we all (inaudible) -- but we will  
22 invite questions.

23           TOM MAUSER: I just ask you to do the  
24 right thing. Let's stop being enablers.

25           THE CHAIRMAN: Thank you, sir.

1                   Are there any questions for  
2 Mr. Mauser?

3                   Mr. Mauser, thank you so much for  
4 coming to help us with this deliberation. We  
5 appreciate it, sir.

6                   Jesse Ogus (phonetic), please come  
7 forward. Charles Jamison, please come forward.

8                   Mr. Jamison, welcome, sir. Thank you  
9 for coming. Please give us your name and who you  
10 represent and proceed with your testimony. And if  
11 you could keep it to two minutes, that would be very  
12 much appreciated, sir.

13                  CHARLES JAMISON: Yes, sir. Charles  
14 Jamison, representing myself.

15                  Columbine, Aurora theater, Sandy Hook  
16 were three traumatic events for me. I found myself  
17 on December 14 going to a group at the Denver Vet  
18 Center. Found myself returning there upon learning  
19 of that traumatic event. I spent two extra hours in  
20 there sharing that event with a therapist, saying  
21 that they were just children.

22                  It was traumatic. I've often said  
23 that high-capacity magazines should only be in the  
24 hands of those of us who have served, to support and  
25 defend the Constitution, of high-capacity magazines,

1       weaponry, those entities that are special ops and  
2       police forces or the military, those who serve in  
3       special operations.

4                       I ask for your yes vote in passage of  
5       this bill.

6                       THE CHAIRMAN: Thank you very much,  
7       sir. Are there any questions for Mr. Ogus -- sorry,  
8       for Mr. Jamison -- Jamison?

9                       Seeing none, please accept our sincere  
10      thanks for coming here and giving us your input,  
11      Mr. Jamison.

12                      Pastor Downing. That would be the  
13      Reverend Eugene Downing. If you are here, please  
14      come forward.

15                      In that case, we will go to Kim  
16      Littles or Littles. Kim Littles.

17                      In that case, we will go to Trudy  
18      Danielson. Are you here, Ms. Danielson?

19                      And let us go back to Mr. Mike  
20      McGuire.

21                      Karina -- Mare Frazier. Chuck Sexton.

22                      Well, is there anybody further who  
23      would like to testify on behalf of House Bill 1224?

24                      Madam -- ma'am, please step forward.  
25      Are you signed up, ma'am?

1 GAIL VALETA: I am signed up.

2 THE CHAIRMAN: Well, it just shows our  
3 system isn't working perfectly. My apologies for  
4 not having called your name.

5 GAIL VALETA: That's all right.

6 THE CHAIRMAN: Please state your name  
7 for the record.

8 GAIL VALETA: I'm Reverend Gail  
9 Erisman Valeta, and I represent Prince of Peace  
10 Church of the Brethren. I live in Denver and my  
11 church is in Littleton, Colorado.

12 THE CHAIRMAN: Thank you, Reverend,  
13 and please present us your testimony.

14 GAIL VALETA: In about to the  
15 mid-2000s, we had a young man who drifted into our  
16 congregation, and we had never met him before and he  
17 stayed for about two years and he drifted away.  
18 This young man, in December of 2007, used a  
19 high-capacity gun with high-capacity ammunition to  
20 kill two people at the White Rim in Arvada and  
21 killed two people at the New Life Church in Colorado  
22 Springs.

23 His statement on the internet was  
24 that, Christianity, this is your Columbine.

25 There was nothing that we were able to

1 do at that church to prevent this tragic shooting.  
2 But I saved the paper from the Denver Post from  
3 2007, and it says this: A large shipment of  
4 ammunition was sent to Murray's post office box in  
5 Greenwood Village. The shipment was delivered to  
6 him, but only after authorities had been alerted and  
7 determined he could legally possess it.

8           What I'm stating is that the current  
9 laws did not prevent this young man from doing this  
10 horrible atrocity and killing innocent lives. We  
11 also know that high-capacity ammunition, banning it,  
12 limiting it, cannot prevent all gun shootings, but  
13 we think that it can prevent some.

14           We know that there are three cases  
15 where shooters were tackled while they were  
16 reloading. And I'm reminded of the Oregon school  
17 shooting in 1999, the Tucson recent shooting, and  
18 the Appalachian College of Law.

19           So I urge that this body do the right  
20 thing and vote for this bill.

21           THE CHAIRMAN: Thank you very much,  
22 Reverend.

23           Are there any questions for the  
24 Reverend?

25           Seeing none, thank you so much for

1 coming and waiting all this time and testifying.

2 GAIL VALETA: Thank you.

3 THE CHAIRMAN: We very much appreciate  
4 it.

5 There was a gentleman. Please come  
6 forward, sir, and let me know, did you actually sign  
7 up and I missed you?

8 WALTER HEIDENFELDER: I did right at  
9 the (inaudible).

10 THE CHAIRMAN: My apologies to you,  
11 sir, for not having called your name. I don't know  
12 why, but I promise there will be a vigorous  
13 investigation and the culprit will be punished --

14 WALTER HEIDENFELDER: I'm sure they  
15 will be.

16 THE CHAIRMAN: -- by having to attend  
17 the entire next committee meeting.

18 WALTER HEIDENFELDER: Thank you. And  
19 I thank you for allowing me to say a few words this  
20 afternoon. My name is Walter Heidenfelder. And  
21 without their knowledge, I am representing 28  
22 elementary school kids that I left this morning.

23 I'm a substitute teacher. And besides  
24 these 28 kids this morning, I have served in three  
25 school systems and more than 65 schools in the Metro

1 area, over 300 assignments. All of those school  
2 environments have been, as Representative Shield  
3 said, sacred. I do not want to see those sacred  
4 environments diminished by commandos running up and  
5 down the halls with AK-47s.

6 That is lunacy, to suggest that that  
7 would do anything to make our kids safer, is  
8 absolutely nuts. Because I can only envision those  
9 kids being in a crossfire similar to a battlefield.  
10 So that is not a solution.

11 The solution for us is to concentrate  
12 on elimination of all assault weapons, as well as  
13 high-capacity clips. And those who want to use data  
14 that might be available to say that while we had six  
15 or seven years where we did not have an assault  
16 weapons ban, and say look how things have improved,  
17 I say we teach our kids to study and use research  
18 that is verifiable, that is valid, and not these  
19 kinds of data that cannot be verified.

20 But let me close and say, using data  
21 verifiable or not, it's common sense, just common  
22 sense to say that if high-capacity magazines and  
23 assault weapons were eliminated, we would have fewer  
24 kids killed.

25 Thank you very much for letting me

1 testify.

2 THE CHAIRMAN: Well, thank you very  
3 much for testifying, Mr. Heidenfelder.

4 Are there any questions for this  
5 witness?

6 Mr. Heidenfelder, please accept our  
7 thanks for having taken the time to contribute to  
8 our deliberations here.

9 WALTER HEIDENFELDER: Thank you.

10 THE CHAIRMAN: Thank you, sir.

11 Are there anybody -- is there anybody  
12 else who would like to testify in favor of House  
13 Bill 1224?

14 Well, in that case, we will take a  
15 short recess. And the first witness in opposition  
16 to high-capacity magazines will be Doug Smith. And  
17 we do look forward to returning after the recess and  
18 hearing from the opponents to high-capacity  
19 magazines.

20 This committee will stand in recess.

21 (A recess was taken.)

22 THE CHAIRMAN: We are now at the  
23 testimony phase of the -- of House Bill 1224 before  
24 the House Judiciary Committee. We have heard from  
25 opponents of the legislation. We are now going to

1 hear from -- we have heard from proponents of the  
2 legislation. We are now about to hear from  
3 opponents of House Bill 1224, beginning with  
4 Mr. Doug Smith.

5 Mr. Smith, please come forward, tell  
6 us your name for the record, who you represent, if  
7 anyone other than yourself, and please give us your  
8 testimony.

9 And, Mr. Smith, by previous agreement,  
10 we have -- the chair will waive the two-minute rule  
11 because there is some degree of complexity to your  
12 testimony that cannot really be accommodated within  
13 two minutes. So please proceed, Mr. Smith.

14 DOUG SMITH: Thank you, Chairman. My  
15 name is Doug Smith. I'm a Colorado native and the  
16 chief operating officer of Magpul Industries Corp.,  
17 based in Erie.

18 I'm here today on behalf of 200 people  
19 directly employed by Magpul, their families, and  
20 approximately 400 other Colorado jobs that are  
21 closely tied to the Magpul supply chain.

22 Magpul is a consumer products company  
23 founded by a former U.S. Marine dedicated to  
24 intelligent design and innovation. Magpul produces  
25 nearly 500 products here in Colorado that are

1 distributed and sold across the United States and  
2 the world.

3 The company's first product, the  
4 Magpul, was designed to aid the ability of U.S.  
5 service members to reload their firearms under the  
6 stress of combat. The product line has expanded to  
7 include high-reliability magazines, firearms  
8 accessories, nylon goods, and consumer electronic  
9 accessories, such as our line of phone cases.

10 Our products are sought after and  
11 purchased by the United States and allied military  
12 users, law enforcement, and responsible citizens  
13 across the U.S.

14 Our products are distributed and sold  
15 to American companies with a Colorado presence, such  
16 as Cabela's, Bass Pro, Gander Mountain, Sportsman's  
17 Warehouse, and many other smaller Colorado  
18 businesses.

19 As a company that was founded by a  
20 former U.S. Marine, we focus on personal  
21 responsibility and accountability in every phase of  
22 our business. Personal and public safety is  
23 therefore directly tied to our foundation and core  
24 values.

25 Based on these principles, we

1 completely agree with the Colorado Sheriff  
2 Association's position that a high-capacity magazine  
3 ban will not improve public safety, will not reduce  
4 crime, and would endanger the lives of Colorado  
5 residents by unduly restricting their ability to  
6 defend themselves.

7 Arguments to the contrary are based  
8 purely on emotion and not fact.

9 In 2004, Magpul had one founder, one  
10 employee, a handful of products, and was operating  
11 out of a basement in Longmont, Colorado. Now, our  
12 200 direct employees occupy three buildings and over  
13 two dozen large subcontractors and suppliers in the  
14 greater Denver area.

15 We have intentionally kept our supply  
16 chain as locally based as possible, with nearly  
17 90 percent of our suppliers located right here in  
18 Colorado. We take tremendous pride in our  
19 commitment to Colorado. In fact, even our business  
20 cards proudly carry the slogan, revitalizing  
21 American manufacturing, designed in Colorado, made  
22 in the USA.

23 Magpul products are sought after  
24 because of our innovative design, performance,  
25 function and form. We have numerous testimonials

1 from U.S. and allied service members and law  
2 enforcement officers about how our products have  
3 saved lives due to superior performance to other  
4 options in the marketplace.

5           It is worth reemphasizing that this  
6 technological innovation that has so greatly  
7 benefited our military, our allies, and our law  
8 enforcement community was built only from the hard  
9 work and dedication of Magpul and the reinvestment  
10 of profits from commercial sales to responsible  
11 citizens.

12           Magpul has experienced tremendous  
13 growth and development in the past eight years and  
14 we have aggressive expansion plans in Colorado over  
15 the next five years. That development has already  
16 been halted, due to the political uncertainty  
17 generated by bills such as HB-1224. Our plan to  
18 expand our operations in Colorado to a larger  
19 built-to-suit facility are currently on hold.

20           If HB-1224 were to be enacted as law  
21 in the state, those plans for Colorado expansion  
22 would be cancelled. HB-1224 would be devastating to  
23 Magpul and our Colorado-based business partners. If  
24 this bill is passed, we will be unable to continue  
25 our business here in Colorado and we will be forced

1 to take our operation and business activity through  
2 our subcontractors and suppliers out of the state,  
3 taking work that is a projected 2013 Colorado spend  
4 of nearly \$85 million and additional millions in tax  
5 revenue.

6 For the sake of public safety for  
7 Colorado residents and to prevent economic damage to  
8 the state and to a native Colorado company, Magpul  
9 urges you to oppose HB-1224.

10 THE CHAIRMAN: Thank you, Mr. Smith.  
11 Mr. Smith, you say that if House Bill 1224 were to  
12 be enacted into law, you will cease production in  
13 Colorado, or you would cease to expand in Colorado?  
14 Which is it?

15 DOUG SMITH: Both. The bill as  
16 drafted would not allow us to manufacture products  
17 and sell them to foreign military customers, as well  
18 as civilian customers outside of the state, which is  
19 a substantial portion of our business.

20 THE CHAIRMAN: Well, I'm very pleased  
21 to be able to inform you, Mr. Smith, that your  
22 understanding of the bill is completely wrong, and  
23 to reassure you that whether or not House Bill 1224  
24 passes, you will still be able to manufacture  
25 everything that you manufacture now. None of it

1 will be prohibited for manufacture in the state of  
2 Colorado.

3           There will be restrictions on  
4 possession of the product by Coloradoans if this  
5 bill passes, but there is no restriction on  
6 manufacturing high-capacity magazines or anything  
7 else in the state of Colorado.

8           We're very glad in the state of  
9 Colorado that we have businesses like yours here  
10 employing Coloradoans so that they pay taxes. And  
11 it makes -- it's one of the things that makes  
12 Colorado great, is that you have the production  
13 facilities that you have employing so many people  
14 here.

15           And as I have heard, your particular  
16 company is renowned as one of the foremost in the  
17 production of these kind of -- these kinds of  
18 products as accessories to firearms and firearms  
19 related to products.

20           But rest assured, Mr. Smith, there  
21 will be no ban on production of those products in  
22 Colorado, whether this bill passes or not.

23           Are there any questions for Mr. Smith?

24           Representative Court.

25           REPRESENTATIVE COURT: I think

1 Representative Gardner was first.

2 THE CHAIRMAN: Representative Gardner.

3 REPRESENTATIVE GARDNER: Thank you,  
4 Mr. Chairman. And I guess I'm puzzled by your  
5 comments, and Mr. Smith really isn't the one to ask  
6 this. I don't know if the drafter is anywhere  
7 abouts, but I read this bill and it seems -- first  
8 of all, I don't really find -- unless I'm missing  
9 it, I don't find any specific exemption for  
10 manufacturing.

11 But I'll go ahead and ask Mr. Smith  
12 the questions about Magpul and about what they do  
13 and so forth while we're waiting on that.

14 Did I understand, Mr. Smith, Magpul's  
15 a \$400 million company; is that correct?

16 THE CHAIRMAN: Mr. Smith.

17 DOUG SMITH: That is correct, in terms  
18 of business valuation. That's correct.

19 THE CHAIRMAN: Representative Gardner.

20 REPRESENTATIVE GARDNER: Thank you.  
21 And you're doing about \$46 million annually and  
22 employing something like 200 people and that sort of  
23 accounts for 500 people total?

24 THE CHAIRMAN: Mr. Smith.

25 DOUG SMITH: Correct. Our spend in

1 2012, sir, was 46 million. Our projected spend is  
2 85 million in 2013.

3 THE CHAIRMAN: Representative Gardner.

4 REPRESENTATIVE GARDNER: Okay. Thank  
5 you. And, Mr. Smith, I appreciate you being here,  
6 and I have some understanding of the business you're  
7 in. A lot of people don't know this, I have another  
8 job besides this one and that job is representing  
9 companies like yours that do business with the  
10 government or sell to the government. I'm a  
11 government contracts attorney.

12 And I notice in this bill that  
13 whatever exception there is for manufacturing, or  
14 it's sort of unspecific, it's limited to department,  
15 agency, political subdivision of the state of  
16 Colorado or any other state of the United States  
17 government. But as I understand it, Magpul probably  
18 sells to allied governments, as well?

19 THE CHAIRMAN: Mr. Smith.

20 DOUG SMITH: That is correct,  
21 Representative. In 2010 we fulfilled a 1 million  
22 magazine contract to the British ministry of  
23 defense. And we also support other NATO allies in  
24 Europe.

25 THE CHAIRMAN: Representative Gardner.

1                   REPRESENTATIVE GARDNER: Thank you.

2                   So as I read this bill -- and I am  
3 wondering and I know you're -- well, I don't know  
4 that you're not a lawyer. I assume you're not  
5 because you're actually making things instead of --  
6 and charging people to do.

7                   As I understand this bill, and is your  
8 reading of the bill, you couldn't manufacture for  
9 those U.S. foreign allies under the terms in the  
10 bill; is that correct?

11                  THE CHAIRMAN: Mr. Smith.

12                  DOUG SMITH: That's correct,  
13 Representative. I don't see the exemption for  
14 manufacturing for these end-users. So under this  
15 bill, that would be unlawful.

16                  THE CHAIRMAN: Representative Gardner.

17                  REPRESENTATIVE GARDNER: Yes. Thank  
18 you.

19                  And in your reading of the bill -- I  
20 mean, notwithstanding Sherman Kagan's comments, in  
21 your reading of the bill, do you find, sort of, any  
22 exception for your employees to possess these things  
23 while they're manufacturing them? And is it going  
24 to cause so much uncertainty and difficulty that  
25 Magpul really is seriously having to consider

1 leaving the state?

2 THE CHAIRMAN: Mr. Smith.

3 DOUG SMITH: That's correct,  
4 Representative. We don't read any provision in the  
5 state for transport of these products. Possessing  
6 them by our employees would be a major problem, and  
7 our company is uniquely positioned to move the  
8 tooling out of the state very quickly.

9 THE CHAIRMAN: Representative Gardner.

10 REPRESENTATIVE GARDNER: Yes. Thank  
11 you.

12 Well, you know, you don't --  
13 Mr. Smith, don't necessarily need to respond to  
14 this, but it seems to me that basically we've  
15 engaged in, sort of, national security legislation  
16 about who it would be appropriate for you to  
17 manufacture for and who it would not be.

18 And frankly, we're prohibiting you  
19 from engaging in legitimate foreign military sales  
20 for allied nations, which really is astounding to  
21 me.

22 The other thing that's puzzling to  
23 me -- and I really would look for some clarification  
24 of the drafters -- I don't really see any specific  
25 exception for a company like yours. There's

1 reference to manufacturing, but I don't see anything  
2 that says all of your employees and everything else.  
3 So I share your concern about this bill, and I  
4 appreciate you being here to let us know about it.  
5 Thank you.

6 THE CHAIRMAN: Mr. Smith, if you've  
7 got any response to what Representative Gardner  
8 said, please feel free.

9 Representative Gardner and Mr. Smith,  
10 I'm beginning to understand your concerns.

11 What I understand to be the case --  
12 and I think I'd like to state publically to the bill  
13 sponsor here, what I understand to be your concern  
14 is that you will -- although the bill does not  
15 prohibit the manufacturer of say a large-capacity  
16 magazine, it does prohibit the possession of a  
17 large-capacity magazine in the state of Colorado.  
18 And it doesn't specifically clarify that your  
19 employees cannot be charged with possession.

20 I can tell you that I don't think it's  
21 the intent of the bill to prohibit the  
22 manufacturer. I suddenly understand, after  
23 listening to the dialogue between you and  
24 Representative Gardner, what the -- what the concern  
25 is. And I -- I would urge the sponsor of the

1 bill -- I would ask the sponsor of the bill whether  
2 you -- whether you intend, through this bill, to  
3 prohibit the manufacture or inhibit the manufacture  
4 of large-capacity magazines in Colorado, and if you  
5 do not, would you be willing to accommodate the  
6 concerns that have been raised here today,  
7 Representative Fields.

8 REPRESENTATIVE FIELDS: Thank you,  
9 Mr. Chair. And the intent of the bill is to not to  
10 have an adverse impact on the ability to  
11 manufacture. The way I interpret the bill is that  
12 it provides an exception that you can continue to  
13 produce and manufacture this type of equipment.

14 But if there needs to be more clarity  
15 to the language in the bill, then absolutely I will  
16 entertain an amendment to address that.

17 THE CHAIRMAN: Thank you,  
18 Representative Fields.

19 Representative Gardner.

20 REPRESENTATIVE GARDNER: Yes. Thank  
21 you, Mr. Chair.

22 Well, maybe that's not the intent of  
23 the bill -- and I appreciate the sponsor -- the  
24 chairman, rather, jumping in and interpreting the  
25 legislation for those of us who are not as educated

1 about the English language as others, perhaps,  
2 because we were born in Texas.

3 But, you know, it seems to me that if  
4 there was an intent to exempt manufacturing, what I  
5 would have done was to write something that very  
6 clearly says manufacturing is exempt. And I don't  
7 see that there. In fact, what I see is a great deal  
8 of ambiguity about it.

9 If the sponsor -- and, Representative  
10 Fields, this question is for you. Are you  
11 willing -- are you willing to draft in this bill a  
12 specific exemption for manufacturing?

13 THE CHAIRMAN: Representative Fields.

14 REPRESENTATIVE FIELDS: You know, at  
15 this point, I would need to get all the stakeholders  
16 together to -- before I can make a declaration like  
17 that. If the bill drafter is here, I would like for  
18 him to come forward, because he has drafted this  
19 language. We worked on this together, and there  
20 seems to be a different interpretation on what's on  
21 -- I think it's page 4, items 1 through 4, the top  
22 of the bill. I'd like to have the bill drafter  
23 address this.

24 THE CHAIRMAN: Mr. Sweetman, please  
25 state your name, state what you do for a living, and

1 see if you can shed some light on what you believe  
2 the language of this bill is -- implies.

3 RICHARD SWEETMAN: Thank you,  
4 Mr. Chair. My name is Richard Sweetman. I'm with  
5 Legislative Legal Services, and I'm the bill  
6 drafter.

7 I'd direct you to the language on  
8 page 4, lines 1 through 13. That language is  
9 intended to address the situation that you are  
10 discussing. I understand that there's  
11 dissatisfaction with -- to the extent to which that  
12 language accomplishes it, and I'd be happy to draft  
13 an amendment to address it to your satisfaction.

14 THE CHAIRMAN: So Mr. Sweetman -- and  
15 I will come to you momentarily, Representative  
16 Gardner.

17 Mr. Sweetman, your understanding of  
18 the language on page 4 is that it is designed to  
19 make clear that manufacturing of any capacity  
20 magazine would continue to be legal in Colorado, not  
21 illegal, but that it must -- the products must have  
22 certain markings on them. Is that what you're  
23 saying?

24 RICHARD SWEETMAN: Mr. Chair, not  
25 exactly. If I could quote the language. The

1 offense shall not apply to the transfer or  
2 possession of a large-capacity magazine that is  
3 manufactured for, imported, sold, or transferred to,  
4 or possessed by any of the following. And then  
5 there are two classes set forth. The first is  
6 department, agency or political subdivision of the  
7 state of Colorado, any other state for the United  
8 States government.

9           And the second class is a law  
10 enforcement officer employed by any department,  
11 agency or political subdivision of the state of  
12 Colorado, any other state, or the United States  
13 government, including but not limited to a law  
14 enforcement officer of a campus of an institution of  
15 higher education for use while the officer is on  
16 duty or off duty.

17           So the way it's drafted, it applies  
18 the immunity to the magazine rather than to  
19 particular parties. And I think that may be the  
20 source of the confusion. The provision can  
21 certainly be redrafted to apply to entities such as  
22 the manufacturer or anyone else that you want to  
23 include.

24           THE CHAIRMAN: Representative Gardner.

25           REPRESENTATIVE GARDNER: Yes. Thank

1       you.

2                       Well, Mr. Sweetman, I appreciate that,  
3       and I recognize that, more than likely, you drafted  
4       exactly what you were asked to draft. But I keep  
5       looking for that rather specific -- given the  
6       confusion that a citizen here with a company that's  
7       engaged in this activity has, I keep looking for  
8       this very specific exemption that says you can make  
9       these things in Colorado.

10                      I mean, I recognize that by  
11       implication, when you talk about, well, if you make  
12       them, then you've got to do these things. But, you  
13       know, we have a federal law that says if you sell  
14       marijuana you've got to pay taxes on it. But, oh,  
15       by the way, it's also illegal to sell it.

16                      So I guess I don't see that specific  
17       exemption here. Did I miss it?

18                      THE CHAIRMAN: Mr. Sweetman.

19                      RICHARD SWEETMAN: Thank you,  
20       Mr. Chair.

21                      No, sir, you did not. I'd be happy to  
22       draft an amendment for you, if you'd like.

23                      REPRESENTATIVE GARDNER: Thank you.

24       And my comment -- don't take it as a reflection on  
25       your fine work, because I know from working with you

1     you draft faithfully to my request, and I assume you  
2     do so for other members, as well. So thank you,  
3     Mr. Sweetman.

4                   THE CHAIRMAN: Are there any --  
5     Representative Court.

6                   REPRESENTATIVE COURT: Thank you,  
7     Mr. Chair.

8                   So along the lines of to whom you're  
9     allowed to sell and whether or not you're allowed to  
10    manufacture, you had said that you felt this would  
11    dramatically curtail the work that you would be able  
12    to do. So I wondered what portion of your business  
13    is government business, whether it's for the state,  
14    the federal government, police or whatever.

15                   What is the percentage of the work you  
16    do that is for public versus for just individual  
17    purchase?

18                   THE CHAIRMAN: Mr. Smith.

19                   DOUG SMITH: That percentage varies  
20    based on time period, based on, you know, whether  
21    troops -- U.S. troops are deploying and budgets, et  
22    cetera, discretionary spending by the U.S. military.

23                   That percentage does range between 20  
24    and 50 percent of our business, depending on that  
25    period of the spending by the U.S. government or

1 periods of contracts that we're fulfilling with  
2 foreign allies.

3 THE CHAIRMAN: Representative Court.

4 REPRESENTATIVE COURT: Thank you.

5 So does that include all public, as in  
6 the U.S. government, police, foreign governments, if  
7 you manufacture for foreign governments? Is that  
8 the total, between 20 and 50 percent, of all of  
9 those?

10 THE CHAIRMAN: Mr. Smith.

11 DOUG SMITH: Those end-users you just  
12 mentioned, the percentage of our total business  
13 ranges between 20 and 50 percent.

14 REPRESENTATIVE COURT: Thank you.

15 THE CHAIRMAN: Representative  
16 McLachlan.

17 REPRESENTATIVE McLACHLAN: Thank you,  
18 Mr. Chairman.

19 Mr. Smith, thank you for coming here  
20 today. I'm over here, sir. Mr. Smith, I'm over  
21 here. How are you. Thank you for coming here today  
22 and letting us know the impact that this proposed  
23 legislation would have on you.

24 Is there a National Defense Act or  
25 some type of federal act that we could link to this

1 particular statute, which would allow us to define  
2 allied nations with which you are authorized to sell  
3 weapons to, so that they would also be encompassed  
4 within this limitation?

5 THE CHAIRMAN: Mr. Smith.

6 DOUG SMITH: The export of many of our  
7 products, including magazines, are controlled by the  
8 U.S. State Department. So they determine who we can  
9 export product to.

10 The end-user is determined by  
11 compatibility of, you know -- with the weapon  
12 systems in use. But as a general term, NATO allies  
13 is a general body of end-users that our potential  
14 customers allows.

15 THE CHAIRMAN: Representative  
16 McLachlan.

17 REPRESENTATIVE McLACHLAN: Thank you,  
18 Mr. Chairman.

19 So I just want to make sure I  
20 understand this correctly, because I'm in favor of  
21 making sure that you are able to sell your materials  
22 to governments which are allied with the United  
23 States and which are approved by the State  
24 Department or the Defense Department.

25 So if there's a term or if there's a

1 National Defense Act, or if we were to use, for  
2 example, or approved by the United States  
3 government, would that be -- would that be -- would  
4 that enable you to sell your product to allied  
5 nations?

6 THE CHAIRMAN: Mr. Smith.

7 DOUG SMITH: It would allow us to,  
8 yes.

9 THE CHAIRMAN: Thank you,  
10 Representative McLachlan.

11 Representative Murray.

12 REPRESENTATIVE MURRAY: Thank you,  
13 Mr. Chair. It's getting late.

14 Mr. Smith, do you -- I assume that you  
15 also sell to gun manufacturers?

16 THE CHAIRMAN: Mr. Smith.

17 DOUG SMITH: We do.

18 THE CHAIRMAN: Representative Murray.

19 REPRESENTATIVE MURRAY: Thank you.

20 So this bill would not -- no longer  
21 permit you to sell your product to gun  
22 manufacturers, as it's currently written; is that  
23 right?

24 THE CHAIRMAN: Mr. Smith.

25 DOUG SMITH: That is correct.

1 THE CHAIRMAN: Representative Murray.

2 REPRESENTATIVE MURRAY: Thank you.

3 So we've identified another issue  
4 here.

5 Also, I'd like to know about your  
6 reaction to the requirement to have a separate  
7 serial number and date on each magazine. Having  
8 done some other things with serial numbers, I know  
9 that that is not necessarily a very easy thing to  
10 do.

11 What is the impact of that on your  
12 business?

13 THE CHAIRMAN: Mr. Smith.

14 DOUG SMITH: We've been putting dates  
15 on our magazines since we started manufacturing them  
16 in 2007. The serial number provision would be an  
17 undue burden on the business.

18 I'm confused as to the value of the  
19 serial number. But you are correct, it would be a  
20 substantial manufacturing burden on the company in  
21 the fulfillment of military owners, et cetera.

22 THE CHAIRMAN: Representative Murray.

23 REPRESENTATIVE MURRAY: Thank you,  
24 Mr. Chair.

25 And I guess I would ask the sponsor,

1 Representative Fields, what is the purpose of having  
2 the serial number stamped on the magazines?

3 THE CHAIRMAN: Representative Fields.

4 REPRESENTATIVE FIELDS: Thank you,  
5 Madam Chair -- I mean, Mr. Chair. And thank you for  
6 the question.

7 Basically, it's just a way to be able  
8 to identify the magazine after the passing of the  
9 bill, that we would know that this is part of a new  
10 issue versus an old stock that someone has already  
11 had in their possession.

12 THE CHAIRMAN: Representative --  
13 Mr. Sweetman -- was there somebody else?

14 REPRESENTATIVE MURRAY: I thought  
15 Mr. Smith had his hand up.

16 THE CHAIRMAN: Oh, right. Mr. Smith.

17 DOUG SMITH: This is a question for  
18 Ms. Fields. Wouldn't the date accomplish the same  
19 thing? It would be indicative of (inaudible).

20 THE CHAIRMAN: Representative Fields.

21 REPRESENTATIVE FIELDS: Thank you,  
22 Mr. Chair.

23 Absolutely, a date would do the same  
24 thing.

25 THE CHAIRMAN: Representative Gardner,

1 then Representative Salazar.

2 REPRESENTATIVE GARDNER: Yes. Thank  
3 you.

4 And Mr. Smith, Representative  
5 McLachlan was asking you about countries you might  
6 sell to and so forth. And I don't know if this is  
7 an aspect of your business you're familiar with, you  
8 may well be, but it does sort of expose the danger  
9 of us trying to legislate in national security  
10 matters.

11 My understanding is, under the Arms  
12 Export Control Act, you can't send any of these  
13 high-capacity magazines to any other country without  
14 a license from the United States Department of State  
15 under the Arms Export Control Act. So you'd never  
16 be able to send them to a foreign government, unless  
17 it was sort of on the approved list of foreign  
18 governments.

19 Is that true, Mr. Smith?

20 THE CHAIRMAN: Mr. Smith.

21 DOUG SMITH: That's correct.

22 THE CHAIRMAN: Representative Salazar.

23 REPRESENTATIVE SALAZAR: Thank you,  
24 Mr. Chair.

25 Mr. Smith, just really quickly, just

1 give me a procedural explanation of after you're  
2 done manufacturing your item, how do you send it?

3 THE CHAIRMAN: Mr. Smith.

4 DOUG SMITH: Our parts are  
5 distributed, you know, by a variety of resellers  
6 across the country, like the ones I mentioned in my  
7 testimony, Cabela's, Bass Pro.

8 THE CHAIRMAN: Representative Salazar.

9 REPRESENTATIVE SALAZAR: No, I meant  
10 like by U.S. mail, FedEx. How do you send it out?

11 THE CHAIRMAN: Mr. Smith.

12 DOUG SMITH: Most of our products are  
13 shipped via FedEx or UPS, FedEx Freight, other  
14 western truckload shipments.

15 REPRESENTATIVE SALAZAR: Thank you.

16 THE CHAIRMAN: Mr. Smith, I have  
17 really found this exchange -- and I want to thank  
18 particularly Representative Gardner for raising  
19 issues. And I want to thank you for raising this  
20 issue. Because if -- and I haven't determined how  
21 I'm going to vote on this bill, but if I vote for  
22 this bill, I will only vote for this bill if there  
23 is a reasonable prospect that the bill will  
24 absolutely protect your manufacturing capacity here  
25 in Colorado.

1           And it is not my intention, if I  
2           support this bill, to encourage its passage if it's  
3           going to impact on manufacturing here in Colorado  
4           beyond the requirement of putting certain markings  
5           on the magazines.

6           I understand -- and I really do thank  
7           you both for having highlighted this. I understand  
8           Representative Gardner's and some of your concerns,  
9           that it is not clear enough from this bill. And if  
10          I vote for this bill, it will be only on the  
11          understanding that I will work to help get that  
12          done. And if the -- if the sponsor doesn't want to  
13          do that, it will probably cost my support. And I'm  
14          quite happy to say that publically.

15          But having said that, Mr. Smith.

16          DOUG SMITH: Thank you. Appreciate  
17          the dialogue with the committee here on the  
18          manufacturing. However, I did want to make the  
19          point that Magpul does oppose the bill on principle.  
20          We believe that the bill will unduly restrict access  
21          to these magazines to law-abiding citizens in the  
22          state of Colorado.

23          As mentioned in my testimony, in  
24          accordance with the Colorado Sheriffs Association's  
25          policy paper, these firearms, these magazines are

1 commonly used in self-defense situations, and not  
2 having access to standard-capacity magazines by  
3 civilians in Colorado is a problem for us --

4 THE CHAIRMAN: Understood --

5 DOUG SMITH: -- and would ultimately  
6 force us to change our --

7 THE CHAIRMAN: Understood, Mr. Smith.  
8 And thank you for taking the time to convey your  
9 views and your company's views on this legislation.

10 Representative McLachlan.

11 REPRESENTATIVE McLACHLAN: Again,  
12 thank you, Mr. Chairman.

13 Mr. Smith, I have another question  
14 regarding the capacity magazines, which is the issue  
15 we're dealing with here today in this committee.  
16 What types and what amount of rounds or what  
17 capacity magazines do you currently manufacture?

18 THE CHAIRMAN: Mr. Smith.

19 DOUG SMITH: The majority of magazines  
20 we produce are standard-capacity magazines, 30-round  
21 magazines manufactured for the civilian, AR-15  
22 platform of rifles, and the military M16 (inaudible)  
23 4.

24 REPRESENTATIVE McLACHLAN: What other  
25 magazines do you -- do you manufacture, for example,

1 low-capacity magazines?

2 THE CHAIRMAN: Mr. Smith.

3 DOUG SMITH: We currently have a  
4 10-round product in development, but it's not  
5 available for sale yet.

6 REPRESENTATIVE McLACHLAN: Excuse me.  
7 Thank you, Mr. Chairman. I'm sorry.

8 THE CHAIRMAN: You're welcome, sir.

9 REPRESENTATIVE McLACHLAN: Do your  
10 manufacture -- currently manufacture any  
11 15-round-capacity magazines?

12 THE CHAIRMAN: Mr. Smith.

13 DOUG SMITH: No, sir. I'm not aware  
14 of any rifle magazines that are 15 rounds that are  
15 manufactured for the same rifle that we manufacture.

16 THE CHAIRMAN: Representative  
17 McLachlan.

18 REPRESENTATIVE McLACHLAN: You may  
19 have heard the testimony earlier of Mr. Chipman, the  
20 former ATF agent. He indicated that their weapons  
21 had a 15-round capacity. Is that a different type  
22 of weapon than you deal with?

23 THE CHAIRMAN: Mr. Smith.

24 DOUG SMITH: I'm assuming he was  
25 referring to their handgun.

1                   REPRESENTATIVE McLACHLAN: Thank you,  
2                   Mr. Smith.

3                   THE CHAIRMAN: Representative Salazar.

4                   REPRESENTATIVE SALAZAR: Thank you,  
5                   Mr. Chair.

6                   Mr. Smith, based off of the way that  
7                   the law is currently written, and given the fact  
8                   that there may be an amendment to help protect your  
9                   business and make sure that your business stays here  
10                  in the state of Colorado, I just want to be -- I  
11                  just want to make sure about something.

12                  Under the current language, if you  
13                  make more than -- if you make a clip that is more  
14                  than 10 rounds, it would be considered a  
15                  large-capacity magazine; is that right?

16                  THE CHAIRMAN: Mr. Smith.

17                  DOUG SMITH: I believe that is  
18                  correct.

19                  THE CHAIRMAN: Representative Salazar.

20                  REPRESENTATIVE SALAZAR: Thank you  
21                  very much, Mr. Chair.

22                  So then that being the case, anything  
23                  that you manufacture above the 10, you would be --  
24                  you understand that you would be protected in being  
25                  able to make and to transfer, to possess, by this

1 law, if it's amended?

2 THE CHAIRMAN: Mr. Smith.

3 DOUG SMITH: I understand, you know,  
4 the discussion around the manufacturing and those  
5 amendments, but again, I have to restate our  
6 opposition to the bill as drafted, based on our  
7 belief that citizens of Colorado should have access  
8 to the standard-capacity magazines.

9 THE CHAIRMAN: Representative Salazar.

10 REPRESENTATIVE SALAZAR:  
11 Standard-capacity magazines being how many rounds?

12 THE CHAIRMAN: Mr. Smith.

13 DOUG SMITH: Thirty rounds.

14 THE CHAIRMAN: Representative Salazar,  
15 thank you.

16 Mr. Smith, you have done us a great  
17 service. Thank you for taking the time to tell us  
18 more about what you're doing in Colorado, and thank  
19 you for employing so many people in our state and  
20 helping the state lead in yet another area of  
21 manufacturing. That's really important to us here  
22 in this State of Colorado General Assembly.

23 So thank you, sir.

24 DOUG SMITH: Thank you, Chairman.

25 THE CHAIRMAN: Our next witness is --

1 oh, Mr. Sweetman, I'm going to release you, sir,  
2 from -- you will have about two hours on parole. I  
3 hope it goes well for you, sir.

4 Mr. Charles Robles. Are you  
5 Mr. Robles? Great. Please come forward, state your  
6 name, tell us who you represent, and proceed with  
7 your testimony.

8 CHARLES ROBLES: Mr. Chairman, my name  
9 is Charles Robles. I'm a citizen of Colorado,  
10 Colorado Springs, Colorado. I represent myself and  
11 countless untold people that have defended  
12 themselves with high-capacity magazines.

13 THE CHAIRMAN: Please proceed.

14 CHARLES ROBLES: I've heard a bunch of  
15 testimony here so far today stating that there's no  
16 use for high-capacity magazines, other than these  
17 heinous acts that have been committed over the last  
18 couple of years. And I'm here to tell you that's  
19 just not true.

20 I would not be here speaking to you, I  
21 would not be here giving you testimony had there not  
22 been a high-capacity magazine that I was able to  
23 use.

24 2002, Memorial Day weekend, I was a  
25 small business owner. I was at my business. Three

1 men came in under the ruse of conducting normal  
2 business. Now, these three men waited until close  
3 of business, while one of them snuck around behind  
4 me and opened fire, without any type of letting me  
5 be aware of anything. I had no -- I had no passive  
6 compliance given to me. There was no, give me your  
7 money. There was no anything.

8 Chairman, I was not shot once, I was  
9 not shot twice, three times, four times, but I was  
10 shot five times. And I was not attacked by one man  
11 or two, but I was attacked by three men.

12 The only thing that saved my life  
13 there on that Memorial Day weekend was the fact that  
14 I also had a handgun with a high-capacity magazine  
15 in it. I was able to engage these men and I was  
16 able to save my life.

17 Not only was I able to save my life,  
18 but I was able to stop these -- these criminals in  
19 their violent acts. These criminals had become more  
20 violent over the course of several months, and we  
21 were one of multiple businesses that were hit, each  
22 time becoming more violent.

23 They obviously had no intent for the  
24 law for a high-capacity ban or anything like that  
25 when they had murder on their mind. They were there

1 for one reason. They were there to murder me.

2 The only reason why I'm here to give  
3 you this testimony, and the only reason I'm able to  
4 is because of a high-capacity magazine that I had.  
5 I fired 13 rounds in defense of my life in a  
6 magazine and a pistol that had 16 rounds.

7 Had I not had that opportunity, had  
8 the State taken the opportunity away from me to  
9 defend myself with that pistol, had there been a law  
10 saying that I was not able to do that, I would not  
11 be here with you now, I would be gone.

12 THE CHAIRMAN: Thank you, Mr. Robles.  
13 That's extraordinary and compelling.

14 Are there any questions for  
15 Mr. Robles?

16 CHARLES ROBLES: Could I just say one  
17 quick -- very quick thing.

18 THE CHAIRMAN: Please.

19 CHARLES ROBLES: The Honorable  
20 Representative Court -- and with all due respect --  
21 in her defense of the last bill, she had said that  
22 she knew that it would not stop the violence, but  
23 that if it had saved one person, one person, that it  
24 was worth it all. Well, here I am. Here I am in  
25 living proof that high --

1 (Applause.)

2 THE CHAIRMAN: I am absolutely  
3 serious. This is not theater. We don't applaud.  
4 We don't boo. This is a judiciary committee  
5 hearing. We are trying to find good public policy.  
6 We are not assisted if members of the public treat  
7 this like a political rally or a cheap spectacle.

8 CHARLES ROBLES: Mr. Chairman, that  
9 was not my intent. I apologize.

10 THE CHAIRMAN: No. No. No. I'm not  
11 talking to you. I'm just talking to people who are  
12 applauding here.

13 Excuse me. So I would just ask you to  
14 desist, members of the audience.

15 Mr. Robles.

16 CHARLES ROBLES: I just beg this  
17 committee, I pray to this committee that they do not  
18 pass a law that takes away the rights of citizens to  
19 defend themselves against people intent upon murder,  
20 citizens that have done nothing but have worked hard  
21 their whole lives and contributed to the community.

22 I beg of you that you hold the same  
23 standard that Representative Court held on the  
24 first.

25 THE CHAIRMAN: Thank you, Mr. Robles.

1                   Are there any questions for

2   Mr. Robles?

3                   Representative Lawrence.

4                   REPRESENTATIVE LAWRENCE: Thank you,

5   Mr. Chairman.

6                   And thank you so much for being here.

7   That's an extremely compelling story. My question

8   is, during the attack, did you have a chance to call

9   911? How long did it take for help to arrive?

10                  THE CHAIRMAN: Mr. Robles.

11                  CHARLES ROBLES: You know, the initial

12   action of the event probably took course -- it

13   seemed like a long time, but it was probably less

14   than 30 seconds. After -- after everything had

15   quieted down and I was able -- at that point, my

16   body lay in a pool of blood, my legs underneath me

17   not able to work. I had to crawl across the shop

18   with my arms to get to a cell phone or a telephone.

19   I called -- I think it took them about two or three

20   minutes to arrive on scene.

21                  Unfortunately, I had made the mistake

22   of saying that I thought one was still in the

23   building, so they would not enter. They wouldn't

24   enter. They had to wait until SWAT got there. So I

25   laid there bleeding and bleeding and bleeding until

1 they were able to get in.

2 So the whole event took quite a bit  
3 longer than -- you know, than what it would have.  
4 If it were not for a brave police officer who broke  
5 rules, came inside and dragged me out, I, you know,  
6 there again, might not be here giving testimony  
7 again.

8 So my heartfelt goes out to those in  
9 uniform that also serve us. But they can't always  
10 be there. They can't be there. And nobody ever  
11 says it's just going to be one guy and he's not  
12 going to know how to use it. I was attacked by  
13 three men, and they certainly knew how to use them.  
14 I was shot five times.

15 THE CHAIRMAN: Mr. Robles, we want to  
16 thank you. You've been through an ordeal that I  
17 can't imagine how it must feel. And for you to have  
18 to come back here and retell it and recount it is  
19 not easy, I know that. Something you would rather  
20 not think about. But you've done it, and you've  
21 done it for public-spirited reasons, because you  
22 don't want other people to experience the same thing  
23 that you have experienced.

24 And in that, I have to tell you we all  
25 owe you our thanks. So thank you very much for your

1 testimony, Mr. Robles, we appreciate it.

2 CHARLES ROBLES: Thank you, Chairman  
3 Kagan. Thank you.

4 THE CHAIRMAN: Thank you.

5 Our next witness is Andrew McKinnis.

6 Is Andrew McKinnis here?

7 All right. Signed up after  
8 Mr. McKinnis was a Steve Suppenis (phonetic). And  
9 after Mr. Suppenis was Bishop Acen Phillips. After  
10 Bishop Acen Phillips, we have Mr. Tim Greg. After  
11 Mr. Greg signed up, Leon Green or Leo Green.

12 We'll give Mr. Green a few minutes.  
13 He's apparently downstairs taking care of his kids,  
14 I understand. But Mr. Green, if you can hear us,  
15 please come up and testify.

16 But in the meantime, I would ask  
17 Mr. Kevin Sinclair to come forward, if you are here.  
18 Kevin Sinclair. Erickson Morris. Erickson Morris.  
19 Paul Myersik. Wayne Benedict. Mr. Benedict.  
20 Gordon Garland.

21 Mr. Garland, welcome to the House  
22 Judiciary Committee. Please come forward and tell  
23 us your name, sir, for the record, who you  
24 represent, and then please proceed with your  
25 testimony.

1                   GORDON GARLAND: Thank you, Mr. Chair.  
2     My name is Gordon Garland. I'm a Colorado native.  
3     I was born locally in Holyoke. I grew up on the  
4     Great Plains. I've been here in Denver for 25  
5     years. I've been in the real estate brokerage and  
6     investment business. And I live in Representative  
7     Court's district. So I'm one of these people that's  
8     opposed to this bill.

9                   Mr. Robles' testimony just a moment  
10    ago, I think, helps us to understand that they're  
11    looking for a boogeyman that's going to solve all  
12    these problems. It's just not possible.

13                  These are the times we live in, and  
14    unfortunately there are people that commit evil  
15    acts. And these people will commit these evil acts  
16    irrespective of how much Band-Aids we try put in the  
17    law.

18                  I was particularly touched by  
19    Mr. Gates' testimony a little bit earlier today, but  
20    he said his son had fallen under the influence of  
21    psychotropic drugs. He ended up taking his own  
22    life. And I can relate to that because my wife, who  
23    became a U.S. citizen after moving here from Canada,  
24    we were married about 13 years ago. And the first  
25    real exposure that I had to her family was when I

1 was called to Toronto to -- I didn't think -- I did  
2 not think that I'd react that way.

3 Her nephew had taken his own life, as  
4 well. Same reasons. He bought a gun off the  
5 street, and about two months before all this  
6 happened, at the family gathering -- they're all  
7 Italian, they all talk very loud and very quickly --  
8 they said (inaudible) pray for me, because I have  
9 voices in my head.

10 It's not the magazine that kills  
11 people. It's not the gun that kills people. It's  
12 the person who pulls the trigger. And they've made  
13 a conscious decision to do that or at least some  
14 sort of an informed decision in their mind.

15 THE CHAIRMAN: Mr. Garland, I think  
16 you've given us very compelling testimony.

17 GORDON GARLAND: Thank you.

18 THE CHAIRMAN: Again, I would like to  
19 ask, are there any questions for Mr. Garland?

20 GORDON GARLAND: Thank you, Mr. Chair.

21 THE CHAIRMAN: So we really appreciate  
22 it. Thank you for doing what you've done.

23 Is Mr. Leon Green here yet? In which  
24 case, we will carry on through the list. Zak Smith.

25 Mr. Smith, welcome, sir. Thank you

1 for coming to the hearing on House Bill 1224. We  
2 much appreciate it. Please tell us your name for  
3 the record and who you represent and then proceed  
4 with your testimony, sir.

5 ZAK SMITH: Thank you, Mr. Chairman.  
6 My name is Zak Smith and I speak for myself, my  
7 family, and my friends.

8 THE CHAIRMAN: Thank you, please  
9 proceed.

10 ZAK SMITH: I live in Fort Collins.  
11 I'm a small business owner. Now, I am in the  
12 firearms industry, involved in manufacturing  
13 firearms, training and competitive shooting events.  
14 I'm here to oppose 1224.

15 I moved to Colorado, started my  
16 professional career as an engineer about 15 years  
17 ago, and I was immediately impressed by the  
18 friendliness of the people and their affinity for  
19 freedom and personal responsibility.

20 Colorado has a strong heritage of  
21 firearms use in sport hunting, competition, and  
22 self-defense.

23 The U.S. Supreme Court has recently  
24 ruled in Heller that individuals have a right to  
25 possess and use firearms for self-defense,

1 especially those firearms in common use and most  
2 suited for self-defense.

3           The guns used by police and citizens  
4 for self-defense typically have standard capacities  
5 of 15, up to 30 rounds. Magazine limits would  
6 impair the right to self-defense. Such a limit  
7 would also curtail lawful use of firearms that are  
8 already in common use, used ubiquitously for  
9 self-defense, target shooting, and for other  
10 purposes.

11           This would seem to be in direct  
12 contraindication to the recent U.S. Supreme Court  
13 rulings. Limitations of these basic rights cannot  
14 be made simply to make a symbolic point or because  
15 there is a feeling that, quote, something must be  
16 done. Any measure to curtail such rights must  
17 undergo the strictest scrutiny and examination.

18           A ban on magazines will do nothing to  
19 aid public safety. However, it will significantly  
20 curtail the ability of Colorado citizens to defend  
21 themselves.

22           Finally, the Front Range is home to a  
23 flourishing ecosystem of firearms-related small  
24 businesses, ranging from manufacturing to research  
25 and development to self-defense training and

1 competitive shooting events. My own business is  
2 involved in several of these areas.

3 Laws such as the proposed House Bill  
4 1224 will create an unfriendly or even untenable  
5 environment for these businesses, and they are  
6 likely to leave with their revenue, employees, and  
7 families. That would be a shame, because Colorado  
8 is a great and beautiful state that I have been  
9 proud to call home.

10 Thank you.

11 THE CHAIRMAN: Thank you, indeed,  
12 Mr. Smith. Thank you.

13 Are there any questions for Mr. Smith?

14 Mr. Smith, we appreciate you taking  
15 the trouble to testify. Oh, there is a question.

16 Representative Lee, my apologies.

17 REPRESENTATIVE LEE: Thank you,  
18 Mr. Chairman.

19 Mr. Smith, could you describe in more  
20 detail the nature of your business, firearms, and  
21 what exactly does it entail?

22 THE CHAIRMAN: Mr. Smith.

23 ZAK SMITH: Sure. Thank you. So I'm  
24 involved in writing about firearms, how they work,  
25 how to shoot effectively. I'm also involved in

1 training. A lot of people are interested in  
2 self-defense training because we have a concealed  
3 carry bill here in Colorado. And the -- you know,  
4 the choice firearm for concealed carry is usually a  
5 midsized pistol that holds between, you know, 12 and  
6 17 rounds.

7 And a lot of people are interested in  
8 learning how to defend their homes with a rifle.  
9 And the most common rifle used for self-defense at  
10 the home or ranch is an AR-15, which has a standard  
11 magazine capacity of 20 or 30 rounds.

12 REPRESENTATIVE LEE: Thank you.

13 THE CHAIRMAN: Representative  
14 McLachlan.

15 REPRESENTATIVE McLACHLAN: Yeah.

16 Thank you for coming here today, sir.

17 Thank you, Mr. Chairman.

18 Did I understand that there are a  
19 magazine which have a 15-round capacity available on  
20 the market today?

21 THE CHAIRMAN: Mr. Smith.

22 ZAK SMITH: Thank you.

23 I think the confusion on the whole  
24 15-round issue comes from 15 is a pretty standard  
25 number for handguns, but to my knowledge, the same

1 as what the Magpul rep said, I don't believe there's  
2 any rifle magazines that hold 15 rounds.

3 THE CHAIRMAN: Representative --

4 REPRESENTATIVE McLACHLAN: So it's  
5 basically a choice between 10 and 20, is what  
6 you're -- or 10, 20, and 30?

7 THE CHAIRMAN: Mr. Smith.

8 ZAK SMITH: With regard to rifle  
9 magazines?

10 THE CHAIRMAN: Representative  
11 McLachlan.

12 REPRESENTATIVE McLACHLAN: Yes, sir.

13 THE CHAIRMAN: Mr. Smith.

14 ZAK SMITH: Those are the most  
15 common-sized rifle magazines.

16 REPRESENTATIVE McLACHLAN: Thank you.

17 THE CHAIRMAN: So, Mr. Smith, thank  
18 you, sir. And we appreciate your having come.

19 Mr. Leon Green. Mr. Green, we're glad  
20 you could tear yourself away from your children and  
21 join us here in the House Judiciary Committee.  
22 Please state your name for the record, tell us who  
23 you represent, and then proceed with your testimony.

24 LEON GREEN: Thank you, sir. My name  
25 is Leon Green and I represent my children, my two

1 children in the back, along with my wife.

2           And I -- what concerns me the most is  
3 having been a naval officer and been at the Persian  
4 Gulf War, the first one, some 20 years or 15 years  
5 ago, I think about how we have changed drastically.  
6 But also the main concern is that we have not  
7 addressed this national debate of psychotropic  
8 drugs.

9           The majority of these people who have  
10 gone on these binges of insanity have been attached  
11 to Luvox, Zoloft. I can just go down the names of  
12 the list of the drugs that are attached. And I  
13 don't hear any of that in the media.

14           And if these people, both at Columbine  
15 and Sandy Hook, are on these drugs, then there needs  
16 to be some responsibility and accountability for  
17 this. These people should not have this access and  
18 I do not think that these people on these deals  
19 should have these things. And it disappoints me  
20 immensely that nobody's even addressing that issue.

21           Whether I -- and I've shot -- I've  
22 taken 18 classes at Front Sight and other places.  
23 And because of that, whether I have 10, I have a  
24 20-round clip, a magazine, it doesn't matter. It's  
25 a matter of how effective they are.

1                   So you can go through the  
2 incrementalism like I heard at 2:30 this afternoon  
3 saying, oh, we'll have 10 now, next year we'll do 8,  
4 thereafter we'll do 5. And we'll just get to a  
5 point where that one person says, oh, you only need  
6 2 or 3, the hunter.

7                   And Mr. Robles, who was just up here,  
8 he was personally attacked. So -- when I joined the  
9 military, my oath as an officer was to protect and  
10 preserve and also to -- to protect against all  
11 enemies foreign and domestic. And that doesn't  
12 cancel, and it does not become null and void when I  
13 get out. So regardless of what happens, I am still  
14 going to protect my country.

15                   Thank you.

16                   THE CHAIRMAN: All right. Thank you,  
17 Mr. Green.

18                   Are there any questions for this  
19 witness?

20                   Seeing none, we want to tell you how  
21 much we appreciate your taking the time to give us  
22 your perspective on this bill. Thank you, sir.

23                   Robert Parker. Welcome, sir. Thank  
24 you for coming and helping us with our  
25 deliberations, Mr. Parker. Please state your name,

1 who you're representing, and proceed with your  
2 testimony, sir.

3 ROBERT PARKER: Mr. Chairman,  
4 distinguished members of the committee, and  
5 Representative Fields, thank you for allowing me to  
6 speak today.

7 I'm Robert Parker. My wife and I,  
8 Karen Parker, own Parker Arms and Gunsmithing in  
9 Wheat Ridge, Colorado.

10 I'm concerned that this bill is going  
11 to make potential criminals out of my lawful  
12 customers who have purchased firearms, over the last  
13 11 years that I've been in business, that came with  
14 high-capacity magazines or they purchased them  
15 separately.

16 Most magazine manufacturers do not  
17 date their magazines. So at what point do lawful  
18 citizens owning magazines that were made before a  
19 ban like this get pulled over by a police officer or  
20 stopped at a range, and how do I prove that that  
21 magazine was made prior to that bill? Do I have to  
22 have the receipt in my pocket?

23 I am concerned that there will be a  
24 lot of people unjustly arrested and detained and  
25 require the services of attorneys to prove that they

1       were lawful owners of that magazine before the ban  
2       went into effect.

3                       I'm also concerned that -- we heard  
4       testimony from the chief of police from Golden,  
5       Colorado stating that he had a magazine that  
6       contained 13 rounds and that he is a highly trained  
7       officer. Would that not make sense that someone who  
8       does not have the training that he has deserve at  
9       least as much ammunition to defend themselves as  
10      that police officer does in a situation where their  
11      life is in danger?

12                      Excuse me for being a little nervous,  
13      but this is my first time. Thank you for your time.

14                      THE CHAIRMAN: You -- I didn't know  
15      you were nervous. But you were so cool, calm, and  
16      collected, it doesn't come across. I would never  
17      have known if you hadn't said it. Thank you for  
18      your testimony.

19                      Are there any questions for  
20      Mr. Parker?

21                      Representative Lee.

22                      REPRESENTATIVE LEE: Thank you,  
23      Mr. Chair.

24                      Mr. Parker, I'm looking at the bill,  
25      and just to clarify the actual terms of the bill,

1        what it says is that a person who possesses a  
2        magazine after July 1, 2013, it's a violation.  But  
3        there are -- the requirement is on the authorities  
4        to establish that -- the prosecution has the burden  
5        of proof.  If you say I had it before July 1, they  
6        have to prove the contrary.

7                        So the burden of proof is not on you,  
8        sir.  The burden of proof is on the prosecution.  
9        And I think the bill requires that all magazines  
10       manufactured thereafter have to be stamped with a  
11       date.  So if it doesn't have a date, presumptively,  
12       it was produced before July 1, 2013, and the burden  
13       would be on the prosecution to prove otherwise.

14                       I don't know if that alleviates your  
15       concerns, but that's my understanding of it.

16                       THE CHAIRMAN:  Mr. Parker.

17                       ROBERT PARKER:  My concern is that how  
18       long will I be detained to prove that I had that  
19       magazine.  I can still be detained.  And the bill  
20       only addresses dates on magazines, on magazines  
21       manufactured in the state of Colorado.

22                       As far as I know, Magpul is our only  
23       major manufacturer.  There are hundreds of gun  
24       manufacturers across the country, and even more  
25       magazine manufacturers, both foreign and domestic,

1 that produce magazines that do not put dates on  
2 them. So how am I -- am I going to be detained  
3 until I can show that that magazine that does not  
4 carry a date, manufactured by a non-Colorado  
5 magazine manufacturer. And that's my concern.

6 THE CHAIRMAN: Representative Gardner.

7 REPRESENTATIVE GARDNER: Yes, thank  
8 you.

9 And thank you for being here, and I  
10 appreciate your testimony. I know from our prior  
11 discussions you're familiar with the community of  
12 those that own firearms, recreationist, hunters, so  
13 on and so forth. If this bill passes, do you think  
14 there's going to be a run on the purchase of  
15 high-capacity magazines before the effective date of  
16 the bill?

17 THE CHAIRMAN: Mr. Parker.

18 ROBERT PARKER: Thank you for that  
19 question, Representative Gardner. It's nice to see  
20 you again. There has already been a run on 30-round  
21 magazines, just as the talk of this bill has come  
22 out. We have sold out. Our vendors' warehouses are  
23 empty.

24 One of my vendors told me that in a  
25 15-minute period, on the Monday after Sandy Hook,

1       they sold over 100,000 Magpul magazines in 15  
2       minutes after opening.

3                       THE CHAIRMAN: Representative Gardner.

4                       REPRESENTATIVE GARDNER: Thank you,  
5       Mr. Vice Chair.

6                       Let me ask you about something also.  
7       If you don't feel qualified to answer, it's quite  
8       all right. But I've sort of wondered, since I don't  
9       think these things are prohibited for sale or  
10      possession in New Mexico, Utah, Wyoming, Kansas, or  
11      Texas, whether someone who wants to obtain one of  
12      these can simply go to Albuquerque or to Topeka or  
13      Salt Lake City, or easier than that, Cheyenne, buy  
14      it and just bring it back.

15                      Do you foresee that sort of thing  
16      happening, and just circumventing the law by, if you  
17      really want one, drive to Cheyenne and get it and  
18      bring it back?

19                      THE CHAIRMAN: Mr. Smith.

20                      ROBERT PARKER: It's Mr. Parker.

21                      THE CHAIRMAN: Parker. Sorry.

22                      ROBERT PARKER: Thank you, sir. Yes,  
23      it would be very simple to drive just out of state,  
24      Sidney, Nebraska. You could go to Cabela's. They  
25      carry Magpul products, as well as Springfield, Colt

1 and everybody else that makes high-capacity  
2 magazines for both handguns and long guns.

3 It would be very simple. There's no  
4 background check required to purchase it,  
5 high-capacity magazine in those states. There's not  
6 even an ID required. So it would be very simple to  
7 just drive across the border and purchase magazines  
8 in the adjacent state.

9 THE CHAIRMAN: Representative Gardner.

10 REPRESENTATIVE GARDNER: And I wish to  
11 make clear, neither you nor I would advocate  
12 circumventing or violating the law. But my  
13 observation and yours is simply that circumventing  
14 or violating the law would be incredibly easy in a  
15 state the size of ours, with as many outlets right  
16 at the borders that there are.

17 In fact, one begins to wonder if we  
18 wouldn't really have a big commerce in those who are  
19 traveling out of state to buy high-capacity  
20 magazines and those that are traveling in-state to  
21 buy marijuana and -- I don't know. That's all  
22 right, sir.

23 THE CHAIRMAN: Did you want to  
24 respond, Mr. Parker?

25 ROBERT PARKER: Yes, please.

1           Like you said, neither one of us would  
2           want to circumvent this law. The reason I am able  
3           to possess a federal firearm's license is because I  
4           have been a law-abiding citizen my whole life, and I  
5           would not promote or condone circumventing the law,  
6           if it were to go into effect.

7           But I don't think that this law is  
8           going to have the intended effect. And I think the  
9           unintended consequences would far outweigh any  
10          benefit that the law would have.

11          Thank you.

12          THE CHAIRMAN: Thank you for your  
13          testimony, sir.

14          ROBERT PARKER: Thank you.

15          THE CHAIRMAN: Appreciate it.

16          I'd like to call Justin Smith. Is  
17          Justin and the contingent of law enforcement  
18          officials available?

19          Welcome, gentlemen. Could you  
20          identify yourselves for the record.

21          JUSTIN SMITH: Yes, Mr. Vice Chair.  
22          I'm Justin Smith. I'm the sheriff of Larimer  
23          County, Colorado. I'm here representing the  
24          citizens of my county. I'm also a board member of  
25          the County Sheriffs of Colorado. So also

1 representing the Sheriffs of Colorado.

2 THE CHAIRMAN: Thank you, sir.

3 GARRETT WIGGINS: My name is Garrett  
4 Wiggins. I'm the Rout County sheriff. I'm also a  
5 board member for County Sheriffs of Colorado.

6 BRUCE HARTMAN: And I'm Bruce Hartman  
7 from Gilpin County, board member for County  
8 Sheriffs, and representing the people that have put  
9 me into office for over 20 years.

10 THE CHAIRMAN: We're honored to have  
11 you all here today. Thanks very much.

12 BRUCE HARTMAN: Thank you, sir.

13 THE CHAIRMAN: Mr. Smith.

14 JUSTIN SMITH: Yes, Mr. Vice Chair, I  
15 would hope we'd have the opportunity for two minutes  
16 each during this exchange.

17 THE CHAIRMAN: Certainly.

18 JUSTIN SMITH: Thank you. What I want  
19 to explain as a sheriff is a lot of what's going on  
20 here today is based on emotion. And it's  
21 understandable. We're shocked and saddened and  
22 appalled by the acts of violence that have occurred  
23 in the country in recent years.

24 As a sheriff, I don't have the luxury  
25 of working on emotion. I have to work based on

1 logic. Officers in the field have to remain  
2 logical.

3 The concerns I've got, this bill, is  
4 one that's based mostly on emotion. It's based on  
5 this notion that it's the magazines that are the  
6 concern and that there's an arbitrary number of 10  
7 that's a magic number, good or bad.

8 This bill, to me, is a swiss cheese  
9 bill. It's full of so many holes that -- and a lot  
10 of them have already been identified. And I would  
11 say that Representative Gardner brought up what I  
12 would call the Cheyenne shuffle. You're going to  
13 see residents from Colorado constantly running up to  
14 Cheyenne to make their purchases. These are  
15 law-abiding people who may simply want to be in  
16 self-defense.

17 Mr. Robles identified the issues and  
18 concerns that he had on being able to defend  
19 himself. I can tell you, when I started in this  
20 business 25 years ago, we were issued six-round  
21 revolvers and 870 (phonetic) shotguns. We moved up  
22 in technology to semi-automatic handguns and  
23 carbines with all patrol cars, means basically the  
24 AR-15. They were referred to earlier.

25 You were deceived when you were told

1 these were all weapons of mass killings. They're in  
2 the hands of police officers, not because we use  
3 them as weapons of mass killing, because that's what  
4 it can take for an officer, for a deputy on the  
5 beat, an hour and a half from backup, to defend  
6 himself or herself and get home alive.

7           And I would offer to you in my last  
8 seconds, yes, I'm a sheriff. Yes, I'm a peace  
9 officer. I am no different than any of these  
10 citizens sitting out here. I have no inherent more  
11 right to defend myself than these citizens. And to  
12 strip these tools away from citizens and say that a  
13 police officer has more rights than citizens to  
14 defend themselves, it's wrong.

15           I can tell you as a sheriff it's  
16 wrong. Respect the rights. Let's look at these  
17 issues. Let's don't be emotional and jump on  
18 something that is going to take someone like  
19 Mr. Robles, or maybe one of your daughters, your  
20 wives, your mothers, and strip away their right to  
21 defend themselves against the violent criminals.

22           I would plead with you to vote against  
23 this bill. It may have good intention, but it's bad  
24 policy.

25           THE CHAIRMAN: Thank you, Sheriff

1 Smith.

2 Are there any question for the  
3 sheriff?

4 Representative Wright.

5 REPRESENTATIVE WRIGHT: Thank you,  
6 Mr. Vice Chair.

7 Sheriff Smith, I really appreciate  
8 your testimony, and it's very potent coming from a  
9 man in your position.

10 I would ask you this, and you touched  
11 on it briefly, but do you feel that your community,  
12 which you've been charged of being watchful and  
13 keeping safe, is safer with the passage of this  
14 bill? If this bill were to pass, would your  
15 community be safer in any way?

16 JUSTIN SMITH: I do not. Essentially,  
17 the perpetrators out there, if they actually  
18 comply -- let's just pretend for a second they're  
19 going to comply with this bill when they're killing  
20 people. They're going to carry a boxful of 10-round  
21 magazines.

22 And I know there was testimony earlier  
23 that somehow it's difficult for someone to learn to  
24 drop a magazine and reload. I've spent hundreds of  
25 hours on the range. I could teach anyone in here

1 within five minutes to be able to do that same  
2 thing. They're going to be able to do it.

3 Who's going to be disadvantaged are  
4 going to be our daughters, our mothers, our wives.  
5 When that person comes up with a sackful or a  
6 pocketful of magazines bent on killing, and that  
7 individual -- like concealed handgun permit holders,  
8 they don't carry these extra magazines that I carry,  
9 that Chief Kilpatrick carries, each of his carrying  
10 at least 15 rounds. He doesn't carry them because  
11 he's looking to cause mass murder, because that's  
12 what it may take for him to defend his own life.

13 And I can tell you that when we strip  
14 that away from citizens, and they have one magazine  
15 at seven rounds, there's a darn good chance, in a  
16 firefight defending their life, that may not be  
17 enough.

18 I plead with you to consider that. It  
19 will not make them safer.

20 THE CHAIRMAN: Representative Wright.

21 REPRESENTATIVE WRIGHT: Thank you,  
22 Mr. Vice Chair.

23 And Sheriff Smith, I would ask also  
24 you, as the highest elected lawman in your area of  
25 the state, do you believe that this bill, if it were

1 passed, is constitutional under the Colorado  
2 Constitution and the Second Amendment?

3 JUSTIN SMITH: At this point, I'm  
4 going to leave those issues to the scholars to  
5 speculate on. What I can tell you is when it comes  
6 to safety, based on my quarter century of  
7 experience, based on having buried friends to this  
8 kind of violence, it won't help.

9 THE CHAIRMAN: Thank you, Sheriff  
10 Smith.

11 Representative Salazar.

12 REPRESENTATIVE SALAZAR: Thank you,  
13 Vice Chair.

14 Thanks, Sheriffs, for being here. I  
15 just want to be clear. I'm not giving any value  
16 judgment at all, but just based off of your  
17 statements. So, you know, we're all following  
18 what's happening in California with Dorner and -- a  
19 highly trained individual, both military and also  
20 law enforcement. And you said that civilians should  
21 have the same rights to the same amount of rounds as  
22 sheriff's officers -- sheriff's deputies and  
23 officers.

24 So then if you have access to a  
25 100-round drum that you could use in defense of the

1 public, how would you feel if the perpetrator had a  
2 100-round drum and is shooting at you?

3 Do you still feel that that person  
4 should have that same right to shoot back as many  
5 rounds at you as you are them?

6 THE CHAIRMAN: Sheriff Wiggins --  
7 Smith.

8 JUSTIN SMITH: Representative, that  
9 actually brings up -- and I appreciate you brought  
10 it up. I'm going to tell you something rather stark  
11 right now. Those 100-round magazines that you hear  
12 about, they're junk. They're junk magazines.  
13 And ask -- go out to a range, and the people that  
14 know these, and what you heard every time is, these  
15 magazines jammed. Yes, they do.

16 If those were great magazines, do you  
17 not believe that law enforcement and military would  
18 have adopted them in a heartbeat. We haven't  
19 because they're junk.

20 What I can tell you is I will take a  
21 law-abiding citizen with a 100-round magazine any  
22 day and meet with them over a criminal with a rock.  
23 That's an assault weapon, if they come after me.

24 THE CHAIRMAN: Representative Salazar.

25 REPRESENTATIVE SALAZAR: Okay. And I

1 appreciate that they're junk. Okay. What's the  
2 largest -- what's the largest magazine clip that you  
3 have?

4 THE CHAIRMAN: Sheriff Smith.

5 JUSTIN SMITH: We use 30-round  
6 magazines in our patrol carbines. And usually 15 to  
7 20 rounds in a handgun, depending on what the deputy  
8 will carry.

9 THE CHAIRMAN: Representative Salazar.

10 REPRESENTATIVE SALAZAR: Thank you,  
11 Mr. Chair.

12 So then, I guess it still goes towards  
13 the same question, that would you feel  
14 comfortable -- and you keep saying law abiding, but  
15 I'm bringing in a non-law-abiding citizen. A  
16 non-law- citizen -- do you think a non-law-abiding  
17 citizen should shoot back that same number of  
18 rounds, 30 rounds, at you, that you're shooting at  
19 them? Because you said that they should have the  
20 same amount of rounds.

21 I'm just trying to get a flavor for  
22 your statement.

23 THE CHAIRMAN: Sheriff Smith.

24 JUSTIN SMITH: I don't believe I'm in  
25 a role to make that judgment on the individual and

1 what they have. If you're going to take it away  
2 from one, then take it away from all.

3 I would offer, on that notion, that if  
4 it saves one life, we need to take these actions. I  
5 heard that several times today. If it saves one  
6 life, we've got to do something.

7 If you believe this is true, if you  
8 believe this is necessary, I would challenge you --  
9 and this may run a bit odd. I would challenge you  
10 to not only ban new ones, take them all. If you  
11 believe they're that dangerous, be bold. Be bold in  
12 your gun ban and your magazine ban and actually do  
13 it.

14 THE CHAIRMAN: Representative Salazar.

15 REPRESENTATIVE SALAZAR: Thank you,  
16 Mr. Chair.

17 Okay. So I appreciate your comment.  
18 I'm not one who wants to ban weapons. I have  
19 weapons. Why do I want to ban them? I would have  
20 to give up my guns at home, both my self-defense  
21 weapons, as well as my hunting rifles and shotguns.

22 And -- but I'm -- because of this  
23 balancing act that we have to do here on the  
24 judiciary, where we have to balance not only public  
25 safety but with the rights of the citizens. When I

1     hear a sheriff saying that a citizen should be just  
2     as armed as a police officer, but not all citizens  
3     are law abiding, I'm just -- I'm trying to ferret  
4     out from you, is that okay with you, for a  
5     non-law-abiding citizen to be able to fire the same  
6     amount of rounds at you that you're firing at them?

7                   THE CHAIRMAN:  Sheriff Smith.

8                   JUSTIN SMITH:  Representative Salazar,  
9     I appreciate that.  It actually gets to a point -- I  
10    did not have the opportunity, because I didn't get  
11    to speak earlier -- there's terrible loopholes in  
12    the current bills out there for those who are not  
13    supposed to have the guns.

14                   I heard the testimony of Director  
15    Sloan.  What you may be surprised to learn is I have  
16    no access to a magical database that tells me who  
17    can and can't have the weapons.  I would ask, if  
18    you're going to do something for the citizens and do  
19    something for the deputies, help create a database  
20    that's easily accessible that identifies those who  
21    are prohibited from having the weapons.  A deputy in  
22    the field does not have access.  It will take him  
23    days to determine that.  And that's one of the  
24    challenges of the bill that was passed out of here  
25    earlier, it doesn't address that.

1                   Director Sloan went through a whole  
2 list of things that his staff has to do in an office  
3 in order to determine that. I would certainly ask,  
4 and I would be glad to work with this -- with anyone  
5 in this legislature to handle those things. Give us  
6 to tools to remove these firearms from dangerous  
7 people, whether they're convicted felons or they  
8 have mental health conditions. I'd be glad to work  
9 with you. I'd plead for that opportunity. I'd work  
10 with you.

11                   THE CHAIRMAN: Thank you, sir.

12                   Representative Buckner.

13                   REPRESENTATIVE BUCKNER: Thank you,  
14 Mr. Speaker -- just gave you promotion again, didn't  
15 I -- Chairman.

16                   I appreciate you being here, Chief.  
17 And I don't have a law enforcement background, so  
18 I'm interested in the information that you can  
19 provide me.

20                   Tell me why police chiefs and sheriffs  
21 are taking such different positions with regard to  
22 both of these bills.

23                   THE CHAIRMAN: Sheriff Smith.

24                   JUSTIN SMITH: I learned a long time  
25 ago to be careful about speculating. So for me to

1 speculate about the chiefs, I would let them address  
2 why they came to the conclusions they did. What I  
3 can tell you is they're appointed by city officials,  
4 and I don't know of many police chiefs who  
5 publically disagree with their bosses and still have  
6 jobs. That's one thing to consider.

7           If a police chief has a public opinion  
8 on an issue and spouts it and it's contrary, they're  
9 called unemployed.

10           I can tell you with sheriffs. I spent  
11 over 20 years as a peace officer working my way  
12 through the ranks of the sheriff's office serving  
13 the citizens of my county before I sought the  
14 opportunity to go out for election. And when I had  
15 to answer to 300,000 residents, it gave me a good  
16 feel.

17           And I can tell you one of the  
18 challenges I've gotten -- this is a good point -- is  
19 a lot of my residents may be an hour and a half from  
20 the closest deputy going as fast as they can safely  
21 to get to them. And we have people up in our  
22 mountains that way, as do the other sheriffs here  
23 with me. Hour and a half -- we consider ourselves  
24 the calvary -- before we get there. And I can tell  
25 you it does give me a different perspective.

1           The people who live in my areas very  
2 much are people who will take care of themselves.  
3 They aren't necessarily looking for a deputy around  
4 the corner. They understand it may be hours.

5           And that may give a little difference.  
6 Because a police chief may feel confident that they  
7 can have an officer there on a 911 call in five  
8 minutes or less. I can easily be an hour and a  
9 half.

10           And I just, in good conscious, can't  
11 strip my citizens of that ability to defend  
12 themselves until we can show up and help them.

13           That is probably my best speculation.

14           THE CHAIRMAN: Representative Buckner.

15           REPRESENTATIVE BUCKNER: Thank you.

16           Have you had any conversations at  
17 those gatherings where police chiefs and sheriffs  
18 are at the same place at the same time, so it's not  
19 all speculation? Surely you've had those  
20 conversations at some point in your life.

21           THE CHAIRMAN: Representative  
22 McLachlan.

23           REPRESENTATIVE McLACHLAN: I thank  
24 you. Representative Buckner asked my question.  
25 Thank you.

1 THE CHAIRMAN: Thank you.

2 Any further questions from the  
3 committee for these three public servants?

4 UNKNOWN SPEAKER: (Inaudible.)

5 THE CHAIRMAN: Sheriff Hartman.

6 BRUCE HARTMAN: Yes, sir.

7 THE CHAIRMAN: Please proceed and give  
8 us your testimony.

9 BRUCE HARTMAN: One of the biggest  
10 issues that I have with this bill is the deputy on  
11 the street. We've heard the scenarios of going to  
12 Cheyenne to pick up a bunch of what could be banned  
13 magazines in this state. How can he make that  
14 determination?

15 Is the State going to prohibit the  
16 import of magazines from other states? If they  
17 don't have the date on it, and the guy goes, I've  
18 got these 40-, 30-round magazines. I had them  
19 before the bill went into effect. The deputy's in  
20 an awkward situation.

21 I believe the bills here, and everyone  
22 here recognizes we have a societal problem with  
23 violent people. We want to work together.

24 In our position paper, the sheriffs  
25 asked for no action this year so every person could



1 ask a question that I should have raised earlier  
2 when Sheriff Smith was testifying regarding the  
3 information available to a deputy on the street.  
4 And it's been a long time since I was an assistant  
5 district attorney, so I need to be refreshed on  
6 this.

7 Are we saying that the sheriffs on the  
8 street don't have access to NCIC to determine  
9 whether or not someone who's in possession of a  
10 rapid shooter should not have that?

11 BRUCE HARTMAN: They do have full -- I  
12 apologize.

13 THE CHAIRMAN: It's just easier for  
14 the people listening online if they know who's  
15 speaking. So please go ahead, Sheriff Hartman.  
16 Thank you, sir.

17 BRUCE HARTMAN: Thank you, sir.

18 They do have access to the NCIC, CCI  
19 database through dispatch or mobile data terminals  
20 in their cars. The problems are dispositions of  
21 prior arrests. We can say, yep, it shows an arrest  
22 for a felony two or three years ago, six weeks ago,  
23 but there's no disposition, so we don't know if they  
24 are in fact a prohibited person.

25 And I would second Sheriff Smith's

1 suggestion, let's work with CBI to find a way,  
2 whether it's access for our deputies to the  
3 Insta-Check system or some way so they know at  
4 3 o'clock in the morning that it's a prohibited  
5 person.

6 THE CHAIRMAN: Representative  
7 McLachlan.

8 REPRESENTATIVE McLACHLAN: Thank you,  
9 Mr. Chairman.

10 So just for the audience here that may  
11 not be familiar, would you tell us what the NCIC and  
12 the CCIC systems are.

13 THE CHAIRMAN: Sheriff Hartman.

14 BRUCE HARTMAN: Yes, sir. It's a  
15 Colorado Criminal Computer System in the National  
16 Crime Information Computer. It contains warrants  
17 for people, lookouts. Amber Alerts are in that  
18 system. But it's the database for law enforcement  
19 primarily nationwide.

20 THE CHAIRMAN: Thank you, Sheriff  
21 Hartman. Are there any further questions for  
22 Sheriff Hartman before we go to Sheriff Wiggins?

23 Sheriff Wiggins.

24 GARRETT WIGGINS: Okay. Kind of hard  
25 to follow these two. They seemed like they covered

1 everything.

2 THE CHAIRMAN: They are a tough act to  
3 follow.

4 GARRETT WIGGINS: I agree.

5 One of the things that I don't think  
6 has been spoken very much of or mentioned very much  
7 of is the fact that, you know, these atrocities that  
8 keep coming up, these 10 or 12 atrocities where  
9 children and babies have died and teachers and  
10 defenseless people have died, is the fact that all  
11 of these venues were gun-free zones.

12 These people were defenseless. They  
13 had the fish bowl effect. And I would suggest to  
14 say that it wouldn't matter if they had a 10-round  
15 magazine or a 30-round magazine, that it wouldn't  
16 make much difference in that scenario. They would  
17 have all the time in the world to do a mag exchange  
18 when you're in this type of environment.

19 The other thing that I would like to  
20 mention is the time that it takes to do a mag  
21 exchange. Coming from a -- as a prior SWAT member  
22 and a firearm's instructor, when I'm on my A game, I  
23 can do a mag exchange in about a second to a second  
24 and a half. And when I fumble around a lot, I can  
25 get it done in about three or four seconds.

1                   So I can teach -- as Sheriff Smith  
2                   indicated, I can take anybody in this room, and  
3                   after about 5 or 10 minutes of instruction, I can  
4                   have you doing the same thing.

5                   So to reduce the amount of ammo in a  
6                   magazine, all that is going to do, it's going to  
7                   have very little effect. Instead of having two  
8                   30-round magazines, the individual will have six  
9                   10-round magazines. It's the same thing.

10                  The time that it takes to do a mag  
11                  exchange would -- you're talking about just a few  
12                  seconds. I don't think it would have had a severe  
13                  impact in these atrocities that we have -- we keep  
14                  referring to.

15                  The other thing that I would like to  
16                  mention is the fact that we have millions of  
17                  law-abiding citizens in this country, absolutely  
18                  millions of law-abiding citizens. And for us to  
19                  penalize or take away their ability to defend  
20                  themselves or protect themselves and their families  
21                  for the actions of a few just makes absolutely no  
22                  sense.

23                  I think we've heard some testimony  
24                  today in regard to people that have had to use more  
25                  than 10 rounds to defend themselves. And I think if

1       there was some research done we would find a whole  
2       lot more of those. And they would probably  
3       outnumber the number of incidents that we've seen  
4       where people have used these weapons in an evil  
5       manner.

6                       THE CHAIRMAN: Thank you, Sheriff  
7       Wiggins.

8                       Representative Murray.

9                       REPRESENTATIVE MURRAY: Thank you,  
10      Mr. Chair.

11                      I just want to thank you three  
12      gentlemen. And I know that there were some others  
13      that were here earlier, but you've been here all  
14      day.

15                      And I was just thinking about how many  
16      countries there are out there where a  
17      militaristic-type police force would come in and say  
18      they want the people that they're protecting to have  
19      guns. I mean, what a great country we have that you  
20      have that kind of confidence in the citizens of our  
21      country.

22                      And I think you've also pointed out a  
23      tension that we have between the rural and the  
24      urban. You know, we're still in the wild west out  
25      here. We have a lot of open spaces, a lot of people

1 that have to defend themselves and their families.

2 So I think there's a built  
3 intention -- and I look at the people on this panel,  
4 and there's a lot of representation by city people  
5 up here. And this bill sort of represents an  
6 attempt to do a one size fits all, when, you know,  
7 we have a diversity in our state that is really  
8 being damaged by this kind of legislation.

9 So thank you for your service and for  
10 your trust in the goodness -- the basic goodness of  
11 most of our citizens.

12 THE CHAIRMAN: Thank you.

13 GARRETT WIGGINS: You're welcome.

14 THE CHAIRMAN: Representative Salazar.

15 REPRESENTATIVE SALAZAR: Thank you,  
16 Mr. Chair.

17 Sheriff, a couple things that  
18 you've -- and I've heard a couple of you say this,  
19 is that you could teach anybody within a matter of  
20 five -- or five minutes, I think you said. You  
21 could train them to take out their magazine, put  
22 another one in a matter of seconds.

23 But you would agree that it's a fair  
24 statement that -- let's say that you're in the  
25 course of training somebody and you had someone else

1 shooting at them with a paint ball. They might  
2 react a little bit differently in an actual attack  
3 on them in trying to change that magazine, because,  
4 well, they're not going to be as carefully trained  
5 as you.

6                   Wouldn't you agree with that?

7                   THE CHAIRMAN: Sheriff Wiggins.

8                   GARRETT WIGGINS: Yes, I would agree  
9 with you on that. And that goes to prove another  
10 point, as well, that when you're put under a lot of  
11 stress -- an individual at home trying to protect --  
12 a single mother trying to protect her children, when  
13 somebody's trying to break her door down and enter  
14 her house, those fine motor skills are going out the  
15 window.

16                   Her ability to make good accurate  
17 shots is diminished. And at that point in time, she  
18 may take 5 or 6 rounds, 8 rounds, 10 rounds, for her  
19 to even come close to hitting her target. So that  
20 brings up a valid point.

21                   THE CHAIRMAN: Representative Salazar.

22                   REPRESENTATIVE SALAZAR: Thank you,  
23 Mr. Chair.

24                   And so then that raises the other  
25 aspect of it, is that the shooter who's coming in

1 also may not be as trained, if they're being shot  
2 at, as well. Let's say, for example, the individual  
3 who shot -- shot at -- I just spaced her name -- the  
4 congresswoman out of Arizona -- that in the course  
5 of him trying to change out his magazine, which  
6 took -- he didn't even get to change it out, because  
7 it was taking him so long that he was tackled, that  
8 not everybody is going to react the same way in  
9 being able to change out a magazine. I guess that's  
10 the point.

11 THE CHAIRMAN: Sheriff Wiggins.

12 GARRETT WIGGINS: You make a valid --  
13 valid point, and I hate to speculate because I don't  
14 know the circumstances around that shooting. But I  
15 would suggest to say that even though that  
16 individual was -- was shooting or if he was even  
17 making a mag exchange, not knowing the circumstances  
18 of that individual that took a shooter down,  
19 probably had that same ability, due to -- due --  
20 while he was shooting.

21 It could have been from behind. It  
22 could have been from the side. So without knowing  
23 all the circumstances -- I mean, we could speculate  
24 and we could play that what-ifs forever. But I  
25 understand your point.

1                   THE CHAIRMAN: Sheriffs, thank you so  
2 much for your public service to the people of the  
3 state of Colorado and for adding to your burdens by  
4 coming down here and presenting us with your views.  
5 It was public spirited of you and nothing less than  
6 we expect. But we very much appreciate it. Thank  
7 you so much.

8                   GARRETT WIGGINS: Thank you,  
9 Mr. Chair.

10                  THE CHAIRMAN: And we'll proceed  
11 through our witnesses, if we can. Let's see. We  
12 have Sam Myrant. Sam Myrant.

13                  Mr. Myrant, welcome. Please tell us  
14 your name, who you represent and proceed with your  
15 testimony, sir.

16                  SAM MYRANT: My name is Sammy Myrant,  
17 and I represent myself and my family. And first of  
18 all, I'd like to -- I earlier expressed my  
19 condolences to Representative Fields on her loss.

20                  My loss goes on every day. The man  
21 who committed 16 felony counts of rape, child abuse  
22 on this child gets out of prison this year. So  
23 there are times when we're going to need a magazine  
24 of high capacity.

25                  He's a member of the Aryan

1 Brotherhood, and he gets out of prison this year.  
2 And he has sworn to kidnap her and us, rape her  
3 again in front of us, then kill us in front of her.

4 And is he going to obey your new law  
5 of 10-round capacity. Because when he gets out, the  
6 law is going to be passed. So is he going to obey  
7 the law? Being a member of the Aryan Brotherhood,  
8 do you think he's going to be able to find some sort  
9 of weapons illegally? Yes, he is.

10 So my point is, the only person that  
11 can protect my family and myself is myself. My  
12 wife, who had never shot a gun in her life, went out  
13 and got a concealed weapons permit and learned how  
14 to shoot. Because how would she feel -- how would  
15 any of you feel if your daughters or granddaughters  
16 were attacked and you said, oh, it's illegal for me  
17 to carry this high-capacity gun, so go ahead, kill  
18 my granddaughter, kill my daughter.

19 Is that the object for this committee  
20 of this law? Who's going to protect us? The police  
21 can't protect us. It's a personal responsibility.  
22 We are responsible for our own protection.

23 I have many police officer friends.  
24 Bruce Vanderjack was a friend of mine. We worked  
25 together as security officers. There is no one who

1 is responsible for your protection but yourself.

2 So what's going to happen when it  
3 comes down to when these animals are going to come  
4 get us? Who's going to protect us? Are you all  
5 going to be there to protect me?

6 Police officers will tell you -- every  
7 one of these sheriffs will tell you they cannot be  
8 there. And so if I'm not allowed to protect myself  
9 with this high-capacity ammo, what do you guys say,  
10 oops?

11 THE CHAIRMAN: Representative Salazar.

12 REPRESENTATIVE SALAZAR: I'm so sorry  
13 for your loss, and I'm concerned that the gentleman  
14 who committed this crime is coming out this year.

15 Just a question for you. How many --  
16 how many rounds do you think that you would need to  
17 be able to protect yourself?

18 And I sincerely -- this isn't a  
19 sarcastic question. I really am asking that  
20 question. How many rounds do you think that you  
21 need, to be able to protect yourself, in a magazine?

22 THE CHAIRMAN: Mr. Myrant.

23 SAM MYRANT: Well, first of all, I am  
24 disabled, so I can't put a clip in and out very  
25 quickly. I drop them, even when I'm practicing at

1 the range. So I want to have as many in my Glock 17  
2 that I can have. And I carry 17 in there all the  
3 time. My wife carries 15 in hers.

4 And I don't want to kill anybody, but  
5 I have to be responsible. I have to be able to  
6 protect my family, and so I need that many.

7 THE CHAIRMAN: Representative Salazar.

8 REPRESENTATIVE SALAZAR: Okay. So  
9 then that answers my question that, it's not the 10  
10 that you think -- or that's written in the  
11 legislation right now, that you feel that the 17  
12 that you might have might get you there, that you'd  
13 feel a little better with that.

14 SAM MYRANT: That's the capacity --  
15 I'm sorry. That's the capacity. Or if I feel  
16 like -- if I saw him out -- I have a 30-round clip  
17 that I can put into my Glock. If I felt that that's  
18 what I needed to carry, I would.

19 REPRESENTATIVE SALAZAR: Thank you.

20 THE CHAIRMAN: Are there any further  
21 questions for Mr. Myrant?

22 Mr. Myrant, I just want to say, as  
23 other witness -- as I've said to other witnesses,  
24 this is not something you enjoy talking about. This  
25 is not something you want to be thinking about.

1 There is a tragedy that you've endured, and yet  
2 you've came here and you've told us about it and  
3 you've dwelled on it for the day, and you've done it  
4 for the public good. And we all appreciate that,  
5 sir. Thank you.

6 SAM MYRANT: As it's every day that we  
7 have to live as her --

8 THE CHAIRMAN: Representative Fields  
9 has to live too, indeed. Thank you, Mr. Myrant.

10 We have some time left, so I will  
11 start calling members of the public to testify  
12 who -- like Mr. Gill, I think it is -- like Mr. Gill  
13 have testified on the previous bill.

14 Mr. Gill, please tell, for the new  
15 record, your name, who you represent, and present  
16 your testimony, sir.

17 DAVE GILL: Thank you, Mr. Chairman.  
18 My name is Dave Gill. I am the vice president of  
19 the Colorado Shooting Association.

20 I'd like to mention a comment made by  
21 Thomas Sole that I think really we have been getting  
22 to tonight. With all the discussion about gun  
23 control, I've not heard anybody on any side of this  
24 issue mention how many lives are saved by guns every  
25 year, which are far more than are lost, even in the

1 mass shootings that get so much media attention.  
2 But most of the media never mention the lives saved  
3 by guns.

4 My wife and I live in rural Douglas  
5 County. My sheriff was down here to testify earlier  
6 and unfortunately couldn't wait and had to leave.  
7 But while he was here, I was talking with him and  
8 asked him what his response time is to my house. He  
9 said, under best conditions, 15 to 20 minutes.  
10 That's 15 to 20 minutes when you're on your own.

11 A few years ago, my wife and I were  
12 leaving our property in rural Douglas County, we're  
13 on a gravel road. We saw eight young men who were  
14 making a mess, drinking beer, tossing garbage on a  
15 neighbor's property. And we all watch for each  
16 other. I stopped and very politely asked them if  
17 they had permission, if not, would they pick up  
18 their garbage and leave.

19 I apparently misunderstood who I was  
20 talking to. They were a gang, and they were not  
21 amused that I had shown disrespect for them and  
22 asked them to leave the private property and pick up  
23 their trash. They came at us in a very clear  
24 predatory manner, were attempting to surround us.  
25 When I had asked them to please stop, do not come

1 any closer, stay back, show me your hands, they  
2 ignored me and kept coming towards me.

3 My wife split off to a flanking  
4 position. I was carrying openly. We were heading  
5 out for a hike in the forest, and I was carrying a  
6 pistol with a 15-round magazine in it and had two  
7 spare magazines with me.

8 If I didn't have those and hadn't told  
9 them, you will stop now or I will shoot, I don't  
10 think I'd be here today, and certainly it would have  
11 been a very unpleasant situation.

12 So when you ask how many rounds are  
13 necessary to resolve a situation to protect  
14 yourself, a lot depends on the situation. In this  
15 case, we had eight people, eight young men coming  
16 towards us. And you see me now sitting here with a  
17 broken ankle. I didn't have that broken ankle then,  
18 but I had been in an elevator crash in Denver a few  
19 years ago. I can't run. I'm substantially  
20 disabled, even without the broken ankle.

21 So that pistol is what saved me and  
22 saved my wife. All of a sudden, they had respect  
23 and decided, yes, we're going to stop. We will  
24 discuss the situation.

25 So I would ask you to please consider

1 that guns are also frequently used as items to  
2 defend ourselves.

3 THE CHAIRMAN: Thank you. Mr. Gill.

4 Are there any questions?

5 Representative Salazar.

6 REPRESENTATIVE SALAZAR: Thank you  
7 very much for your testimony. I truly appreciate  
8 that perspective. But do you think that the eight  
9 gentlemen were more concerned about the two  
10 magazines that you had extra or just that one that  
11 was already in the gun?

12 I really am trying to figure out here  
13 the number that -- the number of bullets per  
14 magazine that you put in your gun. So that's what  
15 I'm trying to narrow it down here.

16 THE CHAIRMAN: Mr. Gill.

17 DAVE GILL: I don't think there's any  
18 simple answer, because it depends on the situation.  
19 In this case, there were eight of them coming  
20 towards us.

21 Now, I am fairly proficient with a  
22 firearm, and I can shoot quickly and accurately.  
23 And it takes me about one second to drop a magazine  
24 and put a fresh magazine in. So not everyone is  
25 capable of doing that. If I'm not in practice, I'm

1 not capable of doing it either. So there isn't a  
2 magic number.

3 But the question is, why would you  
4 want to limit it when there's so many different  
5 situations we can be in and you don't know what it  
6 will be.

7 THE CHAIRMAN: Mr. Gill, we thank you  
8 for testifying. And we regret what you've been  
9 through. And it's public spirited of you to talk  
10 about it here publically, and we thank you. Thank  
11 you, sir.

12 I misspoke before when I said or  
13 implied that we'd heard from everybody who signed up  
14 to testify except for those who had already  
15 testified. We are running towards -- although we  
16 have not arrived at -- our limit that we -- that I  
17 mentioned we would impose on both sides in  
18 testimony. But I am going to soldier on for a  
19 little while because I think there are more people  
20 who want to speak.

21 And so -- and I'm seeing some heads  
22 nodding enthusiastically. And so I'm going to keep  
23 calling witnesses, because I know there's a lot that  
24 people want to say and I appreciate that.

25 So I am going to call for Michael

1 McPeake.

2 Welcome, Mr. McPeake.

3 MICHAEL McPEAKE: Mr. Chairman.

4 THE CHAIRMAN: Thank you for your  
5 patience in waiting so long. Please give us your  
6 name for the record and who you represent and  
7 proceed.

8 MICHAEL McPEAKE: My name is Michael  
9 McPeak. I represent myself and my family. I'm  
10 opposed to HB13-1224.

11 I'm retired Special Forces. I have a  
12 90 percent disability rating. I also serve as a  
13 Teller County Sheriff Reserve. I'm an NRA  
14 instructor in five disciplines.

15 I don't own guns simply for hunting.  
16 A lot of people bring up the argument for hunting.  
17 I don't own guns as self-defense simply from home  
18 intrusion. I own guns because it's my duty to  
19 protect the Constitution and the rights therein.

20 A lot of questions have been asked,  
21 how many bullets are enough. If I'm being shot at,  
22 if my family's being shot at, there's an adversary,  
23 I don't want those bullets to ever stop. That's my  
24 opinion.

25 There's lots of civilian people,

1 private citizens that think just like me. There  
2 cannot be enough bullets when you need them, period.  
3 If you have 10, you will need 11.

4 Another question on the capacity of  
5 what is enough is typical law enforcement load. I  
6 carry 45 bullets on my person for my handgun,  
7 15-capacity magazine. In my patrol vehicle, there's  
8 an AR-15 shotgun. I have multiple reloads for  
9 those. There cannot be enough bullets, if you need  
10 them. That's the bottom line.

11 And in Teller County, much like many  
12 places in Colorado, the police are not right there.  
13 They're not waiting to be on your side. It is you,  
14 and you'll have to make a decision. I hope that you  
15 have adequate supply and resource.

16 THE CHAIRMAN: Mr. McPeake, thank you,  
17 sir, for your testimony.

18 Are there any questions for  
19 Mr. McPeake?

20 Thank you, sir.

21 MICHAEL McPEAKE: Thank you.

22 THE CHAIRMAN: We appreciate you  
23 coming forward.

24 Michael Bane. Mr. Bane, welcome, sir.  
25 You're a patient man. Thank you for waiting so long

1 and giving us the benefit of your testimony. Please  
2 state your name, tell us who you represent, and then  
3 proceed.

4 MICHAEL BANE: My name is Michael  
5 Bane. It was a lot harder to wait watching you eat  
6 the pizza.

7 I live in Nederland, Colorado. I'm a  
8 television producer for Outdoor Channel. I produce  
9 shooting shows, shows on firearms. And I wanted to  
10 come here just to touch on a couple of points that  
11 might have been mentioned before, but maybe to  
12 clarify them just a little bit.

13 When we talk about a standard capacity  
14 in a firearm, I think somewhere between 80 and 90  
15 percent of firearms sold in the United States,  
16 semi-automatic pistols, all of those come with a  
17 greater standard-capacity magazine than 10 rounds.

18 The AR-15 rifle, which is the most  
19 popular, and it's certainly the best selling rifle  
20 in the United States, over a period of the last five  
21 years, comes standard with a 30-round magazine.  
22 That's considered the standard capacity of that  
23 firearm.

24 When we start talking about these  
25 magazines, my best numbers -- and I am in the

1 business. But my best numbers are that there may be  
2 a 100 million magazines with a capacity above 10 in  
3 the United States, and probably as many as 10  
4 million in Colorado.

5           So what I see here is a law that is --  
6 at least a proposed law that it doesn't accomplish  
7 what you hope to accomplish, because criminals are  
8 criminals. One of the shows that I do -- I spent a  
9 lot of time with law enforcement going through  
10 large-scale crimes and committing -- and creating  
11 simulations for those crimes to see how they run.  
12 And the key thing we see, especially with crimes  
13 with gangs, with large number of assailants, is they  
14 don't pay attention to the law anyway.

15           They're not going to be affected by  
16 this. But they are an awful lot of civilians,  
17 law-abiding civilians in Colorado, who will be  
18 affected by this.

19           I think it's a law that's not  
20 enforceable. It doesn't appear to accomplish what I  
21 think we all want to accomplish, which is making  
22 people safe. But more than that -- I teach, as an  
23 instructor myself, in my shows -- I believe that the  
24 AR-15 is the finest platform I've seen for  
25 self-defense. It is my choice.

1                   I say that it is my choice because  
2     like a lot of people, and some of my friends in this  
3     room who are out front in this fight, we all  
4     routinely receive credible death threats, what the  
5     gentleman who spoke here, the sheriffs would term  
6     credible death threats. So we have to choose  
7     ourselves the optimum self-defense tool.

8                   That is my choice, and I think it  
9     should be everybody's choice. I think this bill  
10    makes us less safe, sir.

11                  THE CHAIRMAN: Thank you, Mr. Bane.

12                  Are there any questions for Mr. Bane?

13                  Mr. Bane, thank for joining us.

14                  MICHAEL BANE: Chair, I thought for  
15    sure you were going to offer me a piece of pizza,  
16    but . . .

17                  THE CHAIRMAN: I would, Mr. Bane, but  
18    unfortunately it's gone.

19                  As the clock wears down, I feel more  
20    and more distraught on not being able to accommodate  
21    everybody who's asked to testify, but I will keep  
22    going through the list.

23                  Andrew Hamilton. Mr. Hamilton,  
24    welcome, sir. Please state your name, who you  
25    represent, and proceed.

1                   ANDREW HAMILTON: Andrew Wayne  
2     Hamilton, representing myself, my family, and my  
3     friends.

4                   I want to thank Sheriff Smith, who was  
5     just up here, for touching on something that I've  
6     been thinking about as I've sat here all day  
7     listening.

8                   Back to the Constitution. The  
9     founders and the writers of the Constitution and the  
10    Bill of Rights made no distinction between military  
11    and civilian weapons. By the absence of that  
12    distinction, they allowed civilians to keep and bear  
13    the same level of weapon that the military has.  
14    Back then it was muskets was the most powerful  
15    thing. But they didn't make the distinction.

16                  Please note that -- I think on page 4  
17    of this bill -- would allow such a distinction to be  
18    made. Well, of course, I respect law enforcement  
19    officers and the terribly dangerous job that they  
20    do. I emphatically do not agree that we civilians  
21    are basically less deserving of the same level of  
22    self-protection.

23                  We should not be hindered by this  
24    proposed legislation in providing protection to our  
25    families and ourselves.

1                   It was short.

2                   THE CHAIRMAN: That is succinct and to  
3 the point. And we thank you, sir.

4                   Are there any questions for  
5 Mr. Hamilton?

6                   Mr. Hamilton, thank you so much for  
7 coming and testifying here today.

8                   Art Delcorso. John Aranet. Bonnie  
9 Gabaldon. Ms. Gabaldon, welcome. Please state your  
10 name. I've probably pronounced it wrongly. It  
11 would be great to have --

12                   BONNIE GABALDON: It's Gabaldon. If  
13 you want to say Gabaldon, it's fine.

14                   THE CHAIRMAN: Gabaldon.

15                   BONNIE GABALDON: Yes, it is. There  
16 you go.

17                   Mr. Chair, members of the committee,  
18 I'm a licensed Colorado attorney. However, I'm not  
19 here to speak regarding just the legal issues here,  
20 as much as a citizen who has not been immune to  
21 violence in my life.

22                   I am very pro any capacity that the  
23 citizen needs to protect themselves from violence.  
24 I think that any laws that restrict the capacity of  
25 a clip diminishes the capacity of the citizen to

1 protect themselves under any and all consequences  
2 that they might suffer.

3 I grew up in the murder capital of the  
4 United States, southeast, Washington, D.C. And I  
5 won't talk about what my parents experienced or my  
6 brother or my sister. I will just tell you that I  
7 have been exposed to violence. And I have had it  
8 seared into my heart the need to be able to defend  
9 myself when no one was around to do it for me.

10 I bear three scars on my head from  
11 three attacks from seven in which I was brutally  
12 beaten. I survived. I am not bitter. I am better.  
13 I am stronger. I am here.

14 When I was supposed to meet my best  
15 friend one time at a location we had decided on, I  
16 got there and there were a bunch of guys there and I  
17 felt very uncomfortable. And for some reason I  
18 turned and I started to walk quickly away, but I  
19 began to run.

20 And it wasn't -- I didn't hear from  
21 her for weeks. What I didn't realize was that my  
22 friend had gotten there before me. She was being  
23 gang-raped.

24 I was pulled between two row houses  
25 one time by three very large guys who attempted to

1 gang-rape me. And thanks to two of my neighbor  
2 friends, they saved me. There was no guns there,  
3 but I'm telling you there was violence.

4 The only gun that appeared was the  
5 third time that I came close to being gang-raped.  
6 And I want you to know this, these things happened  
7 to me before I was 12 years old.

8 I was pulled between two buildings,  
9 and there were four guys. I must have been 10 and  
10 they were probably 18, 19 years old, and they were  
11 going to rape. And out of nowhere those guys ran.  
12 All I remember was looking up, and there was a old  
13 man that lived across the street that saw from his  
14 bedroom window what was about to happen and he was  
15 standing there with a gun and he told them to leave.

16 We keep talking about -- and I've  
17 heard it mentioned here -- and I wasn't sure if I  
18 had anything to add to this -- is the fact it is an  
19 emotional issue, but it is (inaudible). I would  
20 resent anyone telling me I did not have -- nor my  
21 children or anyone -- the right to defend  
22 themselves.

23 I have heard testimony of people here  
24 today who were in situations where they were  
25 confronted with violence and all they could see and

1 thought about was the gun. But they never  
2 thought -- and I thought maybe it's because of where  
3 I grew up and how I grew up, I think about defending  
4 myself.

5 I didn't see them -- and I remember  
6 people that I knew, friends, they didn't grow up in  
7 D.C. They were living out in Maryland and Virginia  
8 in very nice peaceful communities. They had no  
9 clue. And they thought their world was safe.

10 But I'm telling you, it is not a safe  
11 world. And I think we need to allow people to  
12 defend themselves. And I'm here to support defense,  
13 defense. And I think that the citizenry should have  
14 everything at their disposal to defend themselves,  
15 whatever that is. And no man has the right to limit  
16 that defense.

17 And I think that if we do not learn  
18 from history, we are bound to repeat it. And our  
19 constitution was written with that in mind. And  
20 there are greater threats to our security than just  
21 rapists and people who want to beat me over the head  
22 with pipes and use horrifying weapons against me.  
23 If people want to harm you, they will do it with --  
24 that are bad people out there. There aren't bad  
25 guns.

1 THE CHAIRMAN: Thank you,  
2 Ms. Gabaldon.

3 Are there any questions for this very  
4 courageous witness?

5 Representative Patterson.

6 REPRESENTATIVE PATTERSON: Thank you,  
7 Mr. Chair.

8 And I'm really sorry for your  
9 experiences. You said that you would support any  
10 capacity for citizens to be able to protect  
11 themselves. What if that meant having limitations  
12 so that we could reduce the lives that are -- that  
13 are caused during a mass shooting?

14 THE CHAIRMAN: Ms. Gabaldon.

15 BONNIE GABALDON: Yes. I'm sorry.

16 I think that I do not believe that  
17 there should be any limitation imposed on the right  
18 of the citizenry to protect themselves. I believe  
19 that there are some crazy people out there who will  
20 inflict harm.

21 And, yes, I don't think that it's the  
22 large -- because I think that the people are looking  
23 at the capacity magazine out there and the person  
24 who is inflicting, they're not looking at the  
25 criminal. They're not looking at the person behind

1 that gun, and there are some very crazed people.

2 But what I'm saying is that why wasn't  
3 there someone there who could take them out.

4 THE CHAIRMAN: Are there any further  
5 questions of Ms. Gabaldon?

6 And we want to convey to you our  
7 thanks for coming here and giving us the benefit of  
8 your --

9 BONNIE GABALDON: Thank you for  
10 listening.

11 THE CHAIRMAN: -- of your experience.

12 Well, thank you for sharing that with  
13 us. Thank you.

14 Lillie Williams. Adam Thompson.  
15 Jimmy West.

16 UNKNOWN SPEAKER: (Inaudible.)

17 THE CHAIRMAN: That sounds like an  
18 excellent idea. Mr. Shriner, is it you, yourself,  
19 who is going to testify?

20 UNKNOWN SPEAKER: (Inaudible.)

21 THE CHAIRMAN: Mr. Edmiston. Welcome  
22 back, Mr. Edmiston. By all means, use Mr. West's  
23 two minutes. And welcome back.

24 BOB EDMISTON: Thank you, Mr. Chair.  
25 (Inaudible) sit this somewhere.

1                   THE CHAIRMAN: Mr. Edmiston, for the  
2 record, has given some documents to Ms. Shipley, who  
3 is distributing them, one copy each to the members  
4 of the committee.

5                   And while Ms. Shipley does that,  
6 Mr. Edmiston, why don't you tell us who you are, who  
7 you represent, and proceed with your testimony, sir.

8                   BOB EDMISTON: Thank you, Mr. Chair,  
9 and committee. I'm Bob Edmiston, with the Firearms  
10 Coalition of Colorado, NRA affiliate organization.  
11 And I'm a volunteer, not a paid lobbyist. And I'm  
12 here in opposition to a bill that I believe it  
13 intentionally handicaps citizens trying to defend  
14 against criminal attack.

15                   I'm a former U.S. Army officer. I  
16 have a master's degree in psychology, counseling and  
17 guidance.

18                   As stated in the first handout,  
19 information from Dr. Cates and Mr. Mauser indicate  
20 that criminals do not obey the law. This ban will  
21 not inconvenience them. We have a fear that what  
22 this ban will likely do is what prohibition did to  
23 the use of alcohol in the United States, and I  
24 believe that is to create widespread disregard for  
25 law and order, to have a corrupting effect on law

1 enforcement, promote the rise of criminal gangs that  
2 are in the business of selling the banned product.

3 We all know what happened during  
4 prohibition, the speakeasies, the Purple Gang,  
5 Al Capone, the whole thing there. The U.S. repealed  
6 prohibition because it didn't work.

7 Your second handout describes the lack  
8 of impact of the Clinton era semi-automatic firearms  
9 ban that had been discussed somewhat earlier. By  
10 the way, just by record, the M1 carbine does come  
11 with a 50-round magazine. The M1 carbine is a World  
12 War II vintage firearm that is basically a pistol  
13 caliber rifle.

14 In addition to the fact that criminals  
15 will not pay attention to this ban, there is an  
16 issue with the number of rounds that will be needed  
17 in a defensive situation. As we heard in earlier  
18 testimony, what do we do if people are faced with  
19 multiple assailants. How many rounds will it take  
20 to stop an attack.

21 In the infamous Dalton Gang raid on  
22 Coffeyville, Kansas in 1892, one of the bank  
23 robbers, Emmett Dalton, was hit 21 times by law  
24 enforcement and armed citizens. He survived to  
25 serve out his prison sentence and go on the road

1 with Frank James. Talking about the evils of crime.

2 We urge a no vote on this bill.

3 THE CHAIRMAN: Thank you then,

4 Mr. Edmiston. Much appreciated, sir.

5 Are there any questions for this  
6 witness?

7 Seeing none, thank you so much for  
8 your testimony here this evening --

9 BOB EDMISTON: Thank you, Mr. Chair,  
10 and committee.

11 THE CHAIRMAN: -- for your patience,  
12 sir, waiting to deliver it.

13 Roger Thompson. John Higgs.

14 Mr. Higgs. Welcome, sir.

15 JOHN HIGGS: Good evening,  
16 Mr. Chairman.

17 THE CHAIRMAN: Welcome, Mr. Higgs, and  
18 good evening to you, sir. Thank you for your  
19 patience. Please tell us your name, who you  
20 represent.

21 JOHN HIGGS: My name is John Higgs.  
22 I'm representing myself and my wife, and I am  
23 opposed to this bill.

24 Mr. Chairman, I'm -- I think I'm one  
25 of the most fortunate people in the world. I was

1     born an Englishman and I was able to come here and  
2     became an American citizen. And I want to make two  
3     brief points --

4             THE CHAIRMAN: Same here.

5             JOHN HIGGS: You too?

6             THE CHAIRMAN: Yes.

7             JOHN HIGGS: Great. High five.

8             I'd like to make two points. This  
9     first one is I'd like to go back and talk just a  
10    little bit about the effects of some of the  
11    medication that has been discussed earlier that some  
12    of these shooters were found to be on.

13            And I did a little bit of research,  
14    and I'd just like to give you three very brief  
15    examples. In the case of the Columbine shootings,  
16    the two shooters -- and I won't dignify them by  
17    mentioning their names -- one of them was taking an  
18    antidepressant called Luvox, and the other one's  
19    medical records are still sealed.

20            Both shooters had been in anger  
21    management classes and had undergone counseling, and  
22    one of the shooters was also seeing a psychiatrist.  
23    That was Columbine.

24            In 1993, in Chelsea, Michigan, a  
25    39-year-old chemistry teacher facing a disciplinary

1 matter at Chelsea High School, shot the  
2 superintendent to death, shot the principal in the  
3 leg, slightly wounded a journalism teacher. And he  
4 was taking Prozac and he had also been seeing a  
5 psychiatrist.

6           And briefly, the third example, this  
7 is from Snohomish County, Washington. In 2011, a  
8 15-year-old girl went to Snohomish High School where  
9 police allege that she stabbed a girl as many as  
10 25 times, just before the start of school, and then  
11 stabbed another girl who tried to help her injured  
12 friend.

13           Prior to the attack, the girl had been  
14 taking medication -- although it's not clear what  
15 medication she was on -- and seeing a psychiatrist.  
16 Court documents said the girl was being treated for  
17 depression.

18           So I would suggest to the committee  
19 that it's time we started looking a little bit more  
20 about how mental patients are being treated and also  
21 reconsidering what kind of protection that privacy  
22 has, when we're faced with some of these really  
23 serious shootings. And maybe there's a case where  
24 doctors need to be stepping forward and saying, I  
25 have someone under my care who's a potential risk to

1 society.

2 So that's my first point. The other  
3 point --

4 THE CHAIRMAN: I'm afraid that's your  
5 last point at this point, Mr. Higgs.

6 But I would invite any member of the  
7 committee to submit any question to Mr. Higgs.

8 Representative Lee.

9 REPRESENTATIVE LEE: Thank you,  
10 Mr. Chairman.

11 What's your second point, sir?

12 JOHN HIGGS: My second point is a  
13 short story, but I'll make it as quick as I can.  
14 It's a personal story, and it occurred in 1981 when  
15 my wife and I were still living in the east end of  
16 London, which is pretty much Jack-the-Ripper  
17 country -- it's not a very good part of town --  
18 there was a riot in our street.

19 And when I say riot, I'm talking about  
20 a documented 100 police officers, including four  
21 police officers on horseback. And at the other end  
22 of the street, somewhere between 200 to 300 youths,  
23 who were basically intent on rioting and causing a  
24 lot of distress to the neighborhood.

25 Our house was pretty much halfway down

1 the street, so we had a bird's eye view of both  
2 armies. And at some point, they both charged each  
3 other and they met right outside our house. And I  
4 remember standing at the top of our stairs -- my  
5 wife and I had already gone into the front bedroom  
6 so we could see what was going on -- and the only  
7 weapon I had was one of those three-pronged garden  
8 forks that you use for turning over the turf in the  
9 backyard.

10 I remember distinctly praying for two  
11 things, that they wouldn't come through the front  
12 door, and if they did, magically, that garden fork  
13 would be turned into an AR-15 with a 50-round  
14 magazine in it.

15 And fortunately I was able to come  
16 here and not have to worry about being in that  
17 position again. So I urge you, don't send this bill  
18 forward. You're going to cause as much trouble in  
19 the general community as you think you may be  
20 preventing.

21 Thank you.

22 THE CHAIRMAN: Any further questions  
23 for Mr. Higgs? Mr. Higgs, we value your testimony.  
24 We appreciate it, sir.

25 JOHN HIGGS: Thank you. Good

1 afternoon.

2 THE CHAIRMAN: Thank you so much.  
3 Brenda Blake. Dan Newman. Mr. Newman, thank you  
4 for being so patient, waiting so long. Please give  
5 us your testimony, and before you do so, just for  
6 the record, identify yourself.

7 DAN NEWMAN: I'm Dan Newman. I'm a  
8 retired army officer. I'm also a NRA certified  
9 firearms instructor.

10 I grew up in a different time. Things  
11 were simpler. People, in my opinion, had more  
12 personal responsibility. We didn't have a lot of  
13 drugs treating people. We didn't have the movies  
14 and the video games at that point in time, video  
15 games which glorify and reward people playing them,  
16 mostly youth, for their destruction and blood and  
17 gore.

18 It's my opinion that we've tried to  
19 find the simplest solution to complex problems and  
20 to legislate solutions to problems when the problems  
21 go much deeper. And that's basically just my  
22 observations.

23 THE CHAIRMAN: Thank you, Mr. Newman.  
24 And we are benefited by hearing them.

25 Any questions for Mr. Newman?

1                   Mr. Newman, thank you, sir.

2                   DAN NEWMAN: You're welcome.

3                   THE CHAIRMAN: Members of the public,  
4 we've gone past already the two-hour limit that I  
5 put on the testimony, but I know there are scores of  
6 people who still have not testified. So we're  
7 getting down to the last moment.

8                   And, sir, if you'd come forward, as  
9 long as you've signed up, I would -- Steve --

10                  STEVE MARTIN: Martin.

11                  THE CHAIRMAN: Steve Martin.

12 Mr. Martin, please take a seat, sir, and give us  
13 your name for the record officially, and tell us  
14 what you have to say, please.

15                  STEVE MARTIN: Yes, Mr. Chairman, my  
16 name is Steve Martin. I speak for myself. I'm not  
17 a professional lobbyist.

18                  Thank you very much for your  
19 indulgence. I would like to raise several legal  
20 questions. I would like to point out, to begin  
21 with, very briefly, that I oppose this legislation  
22 on moral grounds. I believe it's a violation of  
23 fundamental human rights. I oppose it's a violation  
24 of fundamental human right. I oppose it on  
25 constitutional grounds.



1 legislation.

2                   And in an issue -- I'm from Colorado  
3 Springs -- that is near and dear to my heart is  
4 army wives. Military dependents, in general, but  
5 army wives in specific. I have lots of friends who  
6 are in the military. They've got their gear in the  
7 back of their mini van. They have their gear in  
8 their SUV, or what have you, their wife doesn't know  
9 what their army junk is back there. They might  
10 routinely have 10 or 12 high-capacity magazines or  
11 standard-capacity magazines, regular old army-issued  
12 30-round magazines.

13                   These are not controlled items. These  
14 are disposable items in military parlance. In  
15 Colorado Springs, there are thousands of vehicles  
16 driving around like this. This is potentially an  
17 enormous unintended impact.

18                   I see that my time is up. I wanted to  
19 raise those issues of possession. But I believe  
20 that this could be a tremendous complication. It  
21 probably wouldn't be enforced, but then you have  
22 selective enforcement on a massive scale of this  
23 legislation.

24                   Thank you for your indulgence.

25                   THE CHAIRMAN: Mr. Martin, don't go

1 anywhere, until and unless members of the committee  
2 have any questions for you.

3 STEVE MARTIN: I'd be happy to take  
4 questions.

5 THE CHAIRMAN: But if none of the  
6 members have questions, please accept our thanks for  
7 being so patient and waiting so long and for the  
8 concise and very interesting testimony. You've  
9 raised questions which need to be raised.

10 STEVE MARTIN: Thank you very much,  
11 Chairman.

12 THE CHAIRMAN: Thank you, Mr. Martin.

13 Carrying on through, we're down to the  
14 last vestiges. There was a gentleman here who had  
15 been very anxious to testify. I assume you have  
16 signed up, sir?

17 UNKNOWN SPEAKER: Yes, I have.

18 THE CHAIRMAN: And then we'll come to  
19 those last few. And it's somewhat -- I know it is  
20 really rather imperfect, but I'm afraid I'm just  
21 going to take four or five more witnesses and then  
22 call the testimony phase complete. And that's a  
23 necessity, I'm afraid.

24 Sir, state your name for the record,  
25 please. Tell us who you represent.

1                   LEE REEDY: My name is Lee Reedy. I  
2 represent my wife and myself.

3                   THE CHAIRMAN: Fantastic. Welcome,  
4 sir. Thank you for waiting so long. Please proceed  
5 with your testimony.

6                   LEE REEDY: To much of America, a  
7 firearm is a symbol that you are a citizen, a  
8 responsible person who can be trusted with an  
9 instrument of considerable power that enables you to  
10 protect yourself, your family, and your property.

11                   To the elite, a firearm is a symbol of  
12 barbarism and a lack of trust in their fellow  
13 citizens and reliance on government.

14                   I would agree that violence is rarely  
15 the answer, as we've heard before in this testimony,  
16 but when it is, it becomes only the answer. That is  
17 to say, at that point, the number one priority is to  
18 survive, and the focus has got to be on taking away  
19 the attacker's ability to continue and resume -- or  
20 continue or resume the attack.

21                   I's oppose HB13-1224 for a number of  
22 reasons, but I'd like to bring up a couple of things  
23 that I haven't heard yet.

24                   There's no exemption that I can tell  
25 for entities like security companies, who rely on

1 having duty weapons like the Glock 22, Glock 23.

2 They typically have 13 or 15 rounds.

3 There's no exemption for statutorily  
4 authorized agencies that are not actually employees.  
5 And to this, I refer to the Colorado Mounted  
6 Rangers. They are an all-volunteer organization and  
7 yet they are not covered in the exemptions of this  
8 bill.

9 There are no exemptions for school  
10 resource officers who would be in the most and best  
11 place to make the changes or to effect a defense of  
12 children.

13 And I don't think the committee really  
14 realized it or not, but when you entertained an  
15 amendment to okay Magpul as a manufacturer of  
16 products, it kind of sounded like what you said was,  
17 oh, it's okay to manufacture them here, you just  
18 can't have them here. And that really sounded  
19 hypocritical.

20 And, you know, I don't mean it to  
21 sound accusatory, but it really kind of sounded like  
22 the focus was, oh, we want the taxes and we want the  
23 manufacturing and the jobs, but we don't want the  
24 magazines, God forbid.

25 THE CHAIRMAN: Thank you, sir.

1                   Are there any questions for this  
2                   witness?

3                   Thank you, sir, for coming and waiting  
4                   so long.

5                   LEE REEDY: Thank you for allowing me  
6                   to speak.

7                   THE CHAIRMAN: I'm sorry we couldn't  
8                   give you longer. And I'm sorry we couldn't get to  
9                   more witnesses.

10                  What I'm going to do is I'm going to  
11                  take the next four witnesses on the list, whoever  
12                  they may be. And I apologize that I can't take  
13                  everybody. I will take the next four witnesses, and  
14                  then -- we've gone over our time allotted already --  
15                  and then we will call the testimony closed.

16                  William Comakes. Terry Miller,  
17                  Richard Ordway. Steve Dorman. Andrew Lafontaine.  
18                  Andrew Lafontaine. Thank you for being here, sir.

19                  ANDREW LaFONTAINE: Thank you,  
20                  Mr. Chairman.

21                  THE CHAIRMAN: Welcome.

22                  ANDREW LaFONTAINE: My name is Andrew  
23                  LaFontaine. I am from Greenwood Village.  
24                  Representative Kagan, you and I have not met, but  
25                  it's nice to finally put a name with a face.

1           I am not a member of the NRA, nor am I  
2 a member of the Rocky Mountain Gunners Association  
3 or any other gun rights advocacy group. In fact, I  
4 am a registered Democrat, and I am opposed to the  
5 measures currently under consideration.

6           I am a licensed attorney, and I know  
7 that we have a number of other licensed attorneys  
8 that are sitting on this committee. It is, in fact,  
9 the judiciary committee. We have, so far, not  
10 considered the constitutional implications of  
11 HB-1224, and I would like to use my time today to do  
12 that.

13           Under the District of Columbia versus  
14 Heller, the standard for what is constitutionally  
15 protected are weapons that are in common use at the  
16 time by members of the public for lawful purposes,  
17 and those purposes include self-defense.

18           I am speaking directly to other  
19 Democrats who, like myself, I believe firmly support  
20 the Bill of Rights. If you are in support of the  
21 Bill of Rights, Representative Court, Representative  
22 Patterson, Representative Salazar, I believe that  
23 you have to support not just the First and the  
24 Fourth and the Fifth and Sixth and the Seventh, but  
25 also the Second.

1                   I would like the hear from the  
2                   judiciary committee how they believe that this bill  
3                   that is currently under consideration is not  
4                   prima facie unconstitutional.

5                   THE CHAIRMAN: Thank you very much for  
6                   the question, Mr. LaFontaine. Thank you for being  
7                   here.

8                   Members of the committee, do you have  
9                   any questions for Mr. LaFontaine?

10                  Representative Wright.

11                  REPRESENTATIVE WRIGHT: Thank you,  
12                  Mr. LaFontaine. Appreciate your compelling  
13                  testimony. I'm wondering -- you mentioned that you  
14                  are an attorney. And you cited Heller, which I also  
15                  cited in a previous question of another witness  
16                  testifying today.

17                  Tell me what type of law you practice  
18                  and how you reached this conclusion and if there was  
19                  a dissenting opinion that we should take into  
20                  consideration today.

21                  THE CHAIRMAN: Mr. LaFontaine, if  
22                  you'd like to tackle that.

23                  ANDREW LaFONTAINE: I practice civil  
24                  litigation. I do not practice constitutional law.  
25                  However, I am an owner of several firearms that

1 would be restricted by this particular bill,  
2 including a Glock 17, which has a 17-round magazine,  
3 an AR-15, which has a 30-round magazine, both of  
4 which came from the factory.

5           These two weapons are the same weapons  
6 that you will find on the hips and in the patrol  
7 cars of every cop in the state. And they are the  
8 same guns that are found in the homes of vast  
9 majority of people who support gun rights in the  
10 state.

11           And so as the weapon that is most  
12 commonly used by those individuals for lawful  
13 purpose of self-defense, it would seem to me that  
14 under the Heller decision, they are ipso facto  
15 constitutional. And I would like to know from the  
16 committee if they believe that this bill will  
17 survive a constitutional challenge, because I'm  
18 happy to be a plaintiff.

19           THE CHAIRMAN: Representative Wright.

20           REPRESENTATIVE WRIGHT: Well, I'll  
21 answer your question. I do not believe that it's  
22 constitutional. I've heard a lot of testimony today  
23 that argues that it's not our role to guess what the  
24 judiciary might decide. I wholeheartedly disagree.

25           We are a separate branch of government

1 for a reason, and I think our duty is to create good  
2 law that is, in fact, not unconstitutional.

3 We have a framework here laid before  
4 us by the Supreme Court, and I think it's a bad move  
5 for us to pass this law today. So I appreciate you  
6 bringing that forward in a nonpartisan fashion  
7 today.

8 THE CHAIRMAN: Any further questions?  
9 Representative McLachlan.

10 REPRESENTATIVE McLACHLAN: Thank you,  
11 Mr. Chairman.

12 I'm also a Democrat. So you  
13 overlooked me. I'm sure it was unintentional.

14 ANDREW LaFONTAINE: I'm sorry,  
15 Representative McLachlan.

16 REPRESENTATIVE McLACHLAN: That's  
17 quite all right. Thank you.

18 I wanted to ask you, do you think  
19 there's any limitation that the Constitution imposes  
20 on weapons? And, for example, is there any law that  
21 could be constitutional regarding the magazine size?  
22 For example, could we have a limitation on magazines  
23 over 100 rounds?

24 THE CHAIRMAN: Mr. LaFontaine.

25 ANDREW LaFONTAINE: Representative, I

1 do believe that there are constitutional  
2 limitations. I believe that those are set forth in  
3 Heller.

4 I will state that as a personal  
5 matter, I own a hundred-round drum. It is a toy for  
6 me. It is fun for taking out to the field and  
7 blasting away. I do not think that that has  
8 constitutional protection. I do not believe that  
9 that is commonly used by members of the public for  
10 the lawful purpose of self-defense.

11 I believe that that could reasonably  
12 be restricted. I would rather not give mine up, but  
13 I do believe that it could be restricted in the  
14 police powers of the state.

15 I do not believe that the 30-round  
16 magazines that came from the factory with my AR-15  
17 would be constitutionally -- would be capable of  
18 constitutional prohibition.

19 THE CHAIRMAN: Representative  
20 McLachlan.

21 REPRESENTATIVE McLACHLAN: Thank you,  
22 Mr. Chairman.

23 What about, for example, hand  
24 grenades, would that be a reasonable weapon for  
25 self-defense?

1 THE CHAIRMAN: Mr. LaFontaine.

2 ANDREW LaFONTAINE: I do not believe  
3 so. Again, Heller, I think, sets for the relevant  
4 standard that weapons that are specifically designed  
5 and used in a military context are not -- do not  
6 have constitutional protection. I do not believe  
7 that there is a lawful self-defense purpose for a  
8 hand grenade.

9 Again, this is my personal opinion,  
10 not practicing constitutional or Second Amendment  
11 law. However, I do not believe that a hand grenade  
12 has a legitimate purpose for self-defense.

13 The same cannot be said of a handgun  
14 with 17-plus rounds or a rifle with 30-plus rounds.

15 REPRESENTATIVE McLACHLAN:

16 Mr. Chairman.

17 THE CHAIRMAN: Representative  
18 McLachlan.

19 REPRESENTATIVE McLACHLAN: One final  
20 question. You agree with me, I'm sure you're aware  
21 that sub-machine guns have been barred by the  
22 federal government. And the constitutionality of  
23 that limitation has been in place since 1930 or  
24 somewhere in that area, are you not?

25 THE CHAIRMAN: Mr. LaFontaine.

1                   ANDREW LaFONTAINE: Representative, I  
2 believe that you're incorrect. They're not barred  
3 by the federal government. They're simply taxed.

4                   The National Firearms Act in 1931  
5 imposed a \$200 transfer tax on machine guns. And  
6 there's really no difference between a machine gun  
7 and a sub-machine gun, just the caliber of bullets  
8 they use. But a \$200 transfer act was imposed on  
9 machine guns.

10                  That was upheld, I believe, by  
11 United States versus Miller. Although that case, I  
12 think, dealt with a short-barrel shotgun. The  
13 rationale was that machine guns were not lawful --  
14 were not used by members of the public commonly for  
15 self-defense. The same being true for a  
16 short-barreled shotgun.

17                  Again, I do not think that that  
18 applies to an AR-15 or to a Glock 17 pistol.

19                  REPRESENTATIVE McLACHLAN: Thank you  
20 very much for your answers.

21                  THE CHAIRMAN: Thank you,  
22 Mr. LaFontaine. And seeing no further questions,  
23 may we just offer our appreciation for you having  
24 waited so long to testify and for giving us the  
25 benefit of your thoughts on this.

1                   ANDREW LaFONTAINE: Thank you,  
2 Representative Kagan. I supported you in 2012. I  
3 hope to be able to support you in the next election.

4                   THE CHAIRMAN: Thank you,  
5 Mr. LaFontaine.

6                   Mark Dunem. Edward Irvine.  
7 Mr. Irvine, thank you for coming down. Please state  
8 your name for the record.

9                   EDWARD IRVINE: Thank you very much.  
10 My name is Edward Irvine. I'd like to speak opposed  
11 to the bill.

12                  THE CHAIRMAN: Very good. Please tell  
13 us your reasons.

14                  EDWARD IRVINE: I'd like to start out  
15 with an open invitation to the members of the  
16 committee who have made statements clearly showing  
17 that they're not adept to (inaudible) firearms. I  
18 didn't fire a firearm until about five years ago. I  
19 realized that the terminology can be confusing, but  
20 if any of you want to come to the range with me, if  
21 anyone would like to come to my house, I'd like to  
22 demonstrate certain factors.

23                  I was advised that I couldn't bring  
24 magazines into the hearings, because I wouldn't be  
25 able to get through security. I'd like to

1 demonstrate why a reduced-capacity magazine is bad.

2 I personally have got (inaudible) gun.

3 It came with a factory standard 15 (inaudible)

4 magazine. I also bought a reduced-capacity 10-round

5 magazine. I asked my wife to load the gun or load

6 the two magazines last night. She could fit 8

7 rounds in the 15-round standard-capacity magazine.

8 As you're aware, when you compress the

9 spring, the force gets higher. She could fit two

10 rounds in the 10-capacity magazine.

11 If you reduce the people to having a

12 two-capacity magazine, what you're effectively

13 saying is those who are physically strong enough to

14 load the magazine can have 10 rounds. People like

15 my wife, who physically couldn't feed more rounds in

16 the magazines, are often not offered the same

17 protection by law.

18 I'd like to voice a further opinion on

19 reading the law that says you've taken away my

20 rights to sell and transfer my personal property.

21 Now, I rank these as a violation of my Fourth

22 Amendment rights. You're telling me that I, as a

23 collector, have 500 to a \$1,000 worth of magazines

24 that I now cannot move. I cannot sell them. I

25 cannot transfer them.

1                   The State, while letting me physically  
2     keep the item, has taken away my property rights,  
3     and I have not been given due process on this.

4                   I'd finally like to finish with the  
5     committee, as with other people, and indeed  
6     yourself, mention the fact that I was born in the  
7     United Kingdom. I grew up in England, and when  
8     violence is mentioned, I do not associate it with  
9     the good.

10                  I'd like to tell you the story of one  
11     of my best friends growing up who was murdered  
12     because he didn't have the right to defend himself.  
13     He was beaten so badly by a drug addict, he lay in a  
14     coma for three days before he died. He wasn't able  
15     to protect himself.

16                  I personally have been a victim of  
17     violence. I've not once, but twice had my skull  
18     stomped on. So I've got a boot print on the side of  
19     my face and a fractured skull, because in the United  
20     Kingdom, I was not able to defend myself.

21                  I beg you to reconsider this bill,  
22     because you are putting people's lives at danger.

23                  Thank you.

24                  THE CHAIRMAN: Thank you for sharing  
25     some of your painful experiences with us. It's

1 important to hear these things. And you have the  
2 guts to come forward and talk about them, so that's  
3 appreciated, sir.

4 So are there any questions for this  
5 witness?

6 Thank you.

7 EDWARD IRVINE: Thank you.

8 THE CHAIRMAN: Justin Hayward.

9 UNKNOWN SPEAKER: Sorry, I do not have  
10 pizza (inaudible).

11 THE CHAIRMAN: My apologies for not  
12 having provided pizza to every member --

13 JUSTIN HAYWARD: Hello. Okay. I have  
14 not done this before. Thank you for letting me  
15 speak today. My name is Justin Hayward.

16 Mr. Chairman, Rhonda. I come from Bailey, Colorado.  
17 I was born and raised in this beautiful state.

18 I'm here to express my thoughts today  
19 about some of the proposed legislation regarding  
20 guns being talked about today.

21 My parents came from communist Russia  
22 and have seen firsthand some of the toll that is  
23 caused on society by the over-regulation of arms.

24 Regarding House Bill 1224 discussing  
25 large-capacity magazines, I am opposed to this

1 legislation for many reasons. Most importantly, I  
2 do not believe you have the right to choose for me  
3 and my family how many bullets we need to defend  
4 ourselves or our households.

5 Please do not take away the choice  
6 that we have made for ourselves in the event of the  
7 unforeseeable. Under the Second Amendment, we  
8 should have the right to arm ourselves in ways that  
9 we are comfortable with and see fit.

10 Second, I believe the existing  
11 compromise between civilians and government is  
12 reasonable and does not need any change. The  
13 weapons of war that the media and some members of  
14 the Democratic Party are talking about are far  
15 faster than their ability to shoot than their  
16 semi-automatic civilian counterparts.

17 Taking away standard-capacity  
18 magazines will do nothing to prevent crime or save  
19 lives, but it will take away the ability of all  
20 law-abiding citizens to protect themselves.

21 Please remember, if they work for law  
22 enforcement, they work for civilians. Pretty much  
23 it.

24 THE CHAIRMAN: Thank you, sir. It was  
25 short, but clear, concise --

1 JUSTIN HAYWARD: I try. I'm a logger  
2 for a living. So I'm not a lawyer.

3 THE CHAIRMAN: Mr. Hayward, thank you,  
4 sir.

5 Are there any questions for  
6 Mr. Hayward, before we take testimony from our last  
7 witness?

8 Thank you, Mr. Hayward, for coming  
9 forward --

10 JUSTIN HAYWARD: You're welcome.  
11 Thank you, Chairman. And thank you, committee, for  
12 letting me speak.

13 THE CHAIRMAN: Thank you.

14 Allen Rothenbuther. Christine  
15 Martinez. Vernon Thompson. Richard Holebar. Dave  
16 Bufflar.

17 I'm sorry, sir?

18 UNKNOWN SPEAKER: (Inaudible.)

19 THE CHAIRMAN: I didn't understand  
20 what you said.

21 UNKNOWN SPEAKER: (Inaudible.)

22 THE CHAIRMAN: The last name was  
23 Mr. Dave Bufflar from Denver, Colorado. Sorry.

24 Brian Lane. Brian Lane from Lakewood.  
25 Randy Fisher. Karl Schwols, S-c-h-w-o-l-s. We've

1 heard from Mr. Martin. Trevor Souther. Doug Smith.  
2 Mr. F. Paul Gresky. Mr. Gresky, thank you so much  
3 for waiting all this time.

4 PAUL GRESKY: (Inaudible) late.

5 THE CHAIRMAN: It's getting late, but  
6 we're certainly interested to hear what you have to  
7 say, and we very much appreciate you waiting to say  
8 it.

9 PAUL GRESKY: Thank you, Mr. Chairman,  
10 members of the judiciary. I'm going to have a  
11 little bit of a choppy presentation because most of  
12 my points have already been covered before.

13 But I'd like you to know that I am a  
14 federally licensed firearms dealer. I am a state  
15 firearms instructor, a national firearms instructor.  
16 I've been the president of two Sportsmen's Clubs. I  
17 am a past Colorado State Instructor of the Year.

18 I'm an ex-army captain. I've been  
19 recognized for my work, not only through the  
20 National Shooting Sports Foundation, for which I'm a  
21 member, but also by the U.S. Congress for my work.  
22 The Laramie County Board of Commissioners, and the  
23 Colorado Legislature has sent me letters of  
24 commendation.

25 And I'm here to speak for my over

1 15,000 students that I have taught in Colorado, not  
2 counting the people I train for concealed carry,  
3 which curiously are about 50 percent female, which  
4 gives you an idea of the state of disrepair of this  
5 country.

6 I'm opposed to this bill, and I see no  
7 value to it. It does not do anything to work on  
8 criminals. It tries to criminalize owners of  
9 firearms.

10 There's been some questions by  
11 Mr. Salazar about how many bullets does it take. I  
12 would share with you, as an army officer, that the  
13 caliber .45 automatic Colt pistol was developed in  
14 the Philippines Resurrection, in that war, because  
15 of .38s wouldn't stop a person who is drunked up.  
16 If you have a person that's on hashish or other  
17 drugs, they may be dead, but they don't know it and  
18 they're still coming. So you need every cartridge  
19 you have in order to handle that.

20 Also, as far as some other comments,  
21 since I'm an instructor, I would tell you, if I  
22 have -- myself, I will be changing a magazine in two  
23 minutes or two seconds. If I have another person  
24 I'm instructing, which I did this past week on three  
25 different occasions, three to six seconds. You need

1 to be able to swap the magazines out.

2 But I really think the oldest part of  
3 English common law is what we have as the right of  
4 self-defense. As a safety instructor working  
5 through the data from the Center for Health  
6 Statistics and the National Shooting Sports  
7 Foundation, I will tell you that the average citizen  
8 is safe. And I congratulate all of my students,  
9 every class I have, because I value them as the  
10 safest group of people I could possibly associate  
11 with, and that data's here. You probably don't have  
12 access to it because you're not members. I am.

13 I would also dare (inaudible) clear to  
14 you that in looking at where fatalities occur, and  
15 looking at the cities, and thinking about the drug  
16 culture, I personally anticipate that the Mexican  
17 cartels are going to start selling us AR-15s,  
18 30-round magazines, that the Department of Justice  
19 furnished to them.

20 I am also concerned that the  
21 Department of Homeland Security is also ordering  
22 AR-15s for their people, which have collapsable  
23 stocks, and curiously enough, full automatic  
24 selector switches on the guns. That's not news.  
25 Check with your friend Janet in D.C., you'll find

1 that out.

2 Overall, in my perspective -- and then  
3 I'll end, since it's the last -- I'd take a look at  
4 where murders are occurring. If I look at Chicago,  
5 and we've talked about that. If we take a look at  
6 Detroit, we can talk about that.

7 Nationally, we only had a little over  
8 600 people killed unintentionally in this country,  
9 unintentionally. If we look at Chicago, they had  
10 over 500 murders. They had 411 for Detroit. Go to  
11 Philadelphia. Take a look at St. Louis. Take a  
12 look at San Francisco.

13 I think, if you try to put bans in,  
14 you're going to have more problems than you ever  
15 thought you would have, just as the County of  
16 Mendocino, California, law enforcement forecast that  
17 we're going to be in trouble here in Colorado in  
18 three years.

19 My other concern is not going to make  
20 you happy at all, because all of these centers for  
21 high homicides are all ruled by people in the  
22 Democratic Party.

23 THE CHAIRMAN: Mr. Gresky, thank you  
24 for your testimony.

25 Are there any questions for

1 Mr. Gresky?

2                   Seeing none, may we thank you, sir,  
3 for coming forward.

4                   PAUL GRESKY: Thank you for letting me  
5 make my statement. Thank you very much --

6                   THE CHAIRMAN: We're the better for  
7 it --

8                   PAUL GRESKY: Thank you.

9                   THE CHAIRMAN: I regret that we have  
10 run out of time. I do regret it. And I know it's  
11 frustrating, but we have to have some kind of time  
12 limits, and this is the place that we're at. Be  
13 assured your views are important.

14                   I want to give everybody who has not  
15 had the opportunity to testify in opposition to  
16 House Bill 1224, the opposition to -- the  
17 opportunity to at least register their opposition to  
18 the bill so that we may have some sense of the  
19 sense of feeling among the public.

20                   So I would ask all those who are in  
21 opposition to the bill, but have not been able to so  
22 state, just please stand so that we know that you  
23 can't -- and I note for the record, again, this is a  
24 large proportion of the crowd here.

25                   So it would be better if we had been

1 able to listen to everybody, but let the record  
2 reflect, thank you for coming and thank you for  
3 standing and registering your opposition to the  
4 bill.

5 UNKNOWN SPEAKER: Mr. Speaker.

6 THE CHAIRMAN: You are not recognized,  
7 sir.

8 UNKNOWN SPEAKER: I'm asking to be  
9 recognized.

10 THE CHAIRMAN: And I'm declining to  
11 recognize you, sir.

12 Thank you very much for being here.

13 The witness testimony phase is over. We will take a  
14 recess, and we will come back and consider  
15 amendments.

16 (A recess was taken.)

17 THE CHAIRMAN: We are on House Bill  
18 1224. The witness testimony phase is complete. We  
19 are now to the amendment phase of House Bill 1024  
20 [sic], and I would ask, are there any amendments?

21 Representative Salazar.

22 REPRESENTATIVE SALAZAR: Yes. Thank  
23 you, Mr. Chair. I'm going to be offering an  
24 amendment. L.005.

25 THE CHAIRMAN: Are you moving that,

1 Representative Salazar? Are you moving L.005?

2 REPRESENTATIVE SALAZAR: Yes. I'm  
3 moving L.005.

4 THE CHAIRMAN: Is there a second to  
5 L.005?

6 REPRESENTATIVE COURT: Second.

7 THE CHAIRMAN: Seconded by  
8 Representative Court. L.005 does what,  
9 Representative Salazar?

10 REPRESENTATIVE SALAZAR: Yes. Thank  
11 you very much, Mr. Chair. In terms of listening to  
12 today's testimony -- sorry. I'm just pulling up  
13 some information here that I can read off of.

14 After listening to today's testimony,  
15 it's painfully clear that a number of individuals  
16 here are concerned about the limit on the number  
17 of -- the limit on the clips being at 10. And so in  
18 listening to the testimony of the police chiefs, as  
19 well as a gentleman here who talked about having  
20 15-round clips, and I believe he said that he had  
21 four 15-round clips around him.

22 And also considering the magnitude of  
23 the constitutional question that we have going, I'm  
24 offering this amendment that strikes out 10 and  
25 substitute 15. And the reason for that is because I

1 asked a question, and it seems that people  
2 misapprehended my question.

3 The question was with the physical  
4 clip itself. I asked the question of how many  
5 bullets was enough for the physical clip, not how  
6 many you can carry in total. It's the matter of the  
7 physical clip.

8 So you can have a 15-round clip and  
9 you could have as many 15-round clips as possible,  
10 but it was just the physical clip itself. And from  
11 hearing from the chief from, I believe, Gilpin, he  
12 said that he carries a clip on him that holds 14.

13 This other gentleman, who I believe  
14 was a reserve officer, said that he has 15-round  
15 clips. And then after taking a look at the website  
16 on AR-15s, looks like you can go from a 5-round clip  
17 all the way up to quite a bit.

18 And it seems that in terms of trying  
19 to strike a balance here, particularly paying  
20 attention to the constitutional questions that have  
21 been raised, seems like 15 seems to be the number  
22 that most people seem to have. And that's why I'm  
23 offering this amendment, is to strike 10 and to  
24 substitute 15.

25 THE CHAIRMAN: Representative

1 McLachlan.

2 REPRESENTATIVE McLACHLAN: Yes,  
3 Mr. Chairman, if it please the committee, at this  
4 time I'd like to offer a substitute amendment, House  
5 Bill 1224, amendment L.006, and it is different than  
6 Representative Salazar's proposal. And I would ask  
7 that it be circulated and read to the committee.

8 REPRESENTATIVE PETERSEN: Second.

9 THE CHAIRMAN: Seconded by  
10 Representative Pettersen.

11 So Representative McLachlan, your  
12 amendment would be a substitute to Representative  
13 Salazar's amendment, which increased the permissible  
14 number of rounds from 10 to 15 in a magazine for  
15 sale in Colorado and possession in Colorado.

16 In what way does your substitute  
17 change Representative Salazar's proposal?

18 REPRESENTATIVE McLACHLAN: Well, in  
19 addition to confirming that the acceptable rounds of  
20 ammunition would be 15, I'm also increasing the  
21 rounds for shotguns, which is under the current  
22 proposed bill, increasing from 5 to 8. And I'm  
23 cleaning up some of the language.

24 And so that's the purpose of this  
25 amendment. And I'd be happy to put forth the

1 additional reasons, if the committee desires.

2 THE CHAIRMAN: Representative Salazar,  
3 your substitute is on the table. I believe that for  
4 technical reasons, I have to move to -- move to  
5 amend your substitute. And I'd -- I'd like to  
6 consult with Mr. Sweetman here.

7 Mr. Sweetman, it seems to me, looking  
8 at Amendment 4, and then Amendment 6 offered by  
9 Representative McLachlan as a substitute, and then  
10 looking at Amendment 7, which is intended to be  
11 offered, that if Amendment 6 were adopted,  
12 Amendment 7 could not be because of the settled  
13 question arising from the strike in Amendment 6 of  
14 page 3, line 1.

15 And I just wonder if you could shed  
16 some light on this, Mr. Sweetman, because that's  
17 what I understand might be a technical problem with  
18 these three amendments, before we really consider  
19 them and vote on them.

20 RICHARD SWEETMAN: Thank you,  
21 Mr. Chair, committee members.

22 Yes, I think there is a potential  
23 settled question issue here, specifically in the  
24 L.006 offered by Representative McLachlan. You'll  
25 see on line 3 of the amendment there is an amendment

1 made to page 3, line 1.

2 And in Amendment L.007, which has not  
3 yet been offered, there is an instruction on line 5  
4 that says page 3, lines 1 through 3.

5 So there are ways to resolve this.

6 THE CHAIRMAN: Thank you.

7 In that case, the -- the question  
8 before the committee at the moment is Mr. --  
9 Representative McLachlan's substitute amendment to  
10 Representative Salazar's amendment. And I move to  
11 amend Representative McLachlan's L.006 by deleting  
12 line 3 of L.006. And I offer that as a conceptual  
13 amendment. Delete line 3 of L.006.

14 Is there a second?

15 REPRESENTATIVE COURT: Second.

16 THE CHAIRMAN: Representative Court.

17 Is there any discussion of that?

18 Representative Gardner.

19 REPRESENTATIVE GARDNER: Yes. Thank  
20 you, Mr. Chair. Well, I -- perhaps it's just  
21 because the hour is late, but I'm -- in anticipation  
22 of where you're going with Amendment L.007, to avoid  
23 the settled question, I'm not quite sure how to  
24 discuss these, but what is it you intended to do  
25 with L.007, Mr. Chair, because what I see here in

1 the printed bill is that large-capacity magazine, if  
2 you go through there, does not mean something that's  
3 been permanently altered, et cetera, and you're  
4 striking that.

5 Is it your intention that what you're  
6 striking there would continue to be a large-capacity  
7 magazine?

8 THE CHAIRMAN: I did not understand  
9 that question, Representative Gardner.

10 REPRESENTATIVE GARDNER: My apologies,  
11 Mr. Chair. I guess I'm just trying to figure out  
12 what the purpose of L.007 -- what you're trying to  
13 preserve the right to bring under the rules that  
14 I'm -- you, know before I vote on the amendment to  
15 L.006, I guess I'd like to understand why I want to  
16 preserve that right under the rule.

17 THE CHAIRMAN: I understand,  
18 Representative Gardner, I think. And the answer to  
19 your question is that L.007 will not be a viable  
20 option for the technical reasons that Mr. Sweetman  
21 has alluded to and drawn our attention to, as an  
22 expert on these matters.

23 And we want to be in a position, I  
24 suggest to you, to at least consider L.007. And we  
25 cannot consider L.007 in due course if we have

1 already settled the question of the reading of  
2 line 1 on page 3. And that will have been done,  
3 unless we amend it out of L.006 and the amendment to  
4 L.006.

5 And that's why I offer this conceptual  
6 amendment. And I hope that's entirely clear,  
7 Representative Gardner.

8 Is there any more discussion of the  
9 Kagan conceptual amendment to Representative  
10 McLachlan's L.006?

11 Representative Wright.

12 REPRESENTATIVE WRIGHT: Thank you,  
13 Mr. Chair. Since the -- since your conceptual  
14 substitute amendment includes the language in L.006  
15 and L.005, I'm just wondering -- maybe this was  
16 already addressed and I missed it. If I did, I  
17 apologize. But on line 4 and line 5 of the  
18 amendment it's changing "a" to "any," in front of  
19 person.

20 And I'm wondering why there's that  
21 sudden change. I hadn't heard discussion on that  
22 change.

23 THE CHAIRMAN: Representative Wright,  
24 which amendment are you referring to now?

25 REPRESENTATIVE WRIGHT: Mr. Chairman,

1 both Amendment L.005 and L.0046 on lines 4 and 5,  
2 page 3, line 10, strike "a" and substitute "any".  
3 That is a person who violates subsection, that would  
4 be changed to any person who violates subsection.

5 THE CHAIRMAN: That's correct,  
6 Representative Wright. And that's a matter which I  
7 think we should discuss, if we get to L.006. The  
8 matter under discussion right now is the Kagan  
9 amendment to the substitute amendment, L.007, which  
10 has been moved as a substitute to L.005.

11 So the only question or the discussion  
12 of the moment is whether it is appropriate to  
13 amend -- Mr. Sweetman.

14 RICHARD SWEETMAN: I apologize,  
15 Mr. Chair. I believe you misspoke. The substitute  
16 amendment is L.006.

17 THE CHAIRMAN: Sorry. Thank you,  
18 Mr. Sweetman, and you've really been correct.

19 The matter before the committee is the  
20 Kagan amendment to L.006, which is a substitute  
21 amendment offered, moved, and seconded as a  
22 substitute to L.005.

23 And so the question before us is not  
24 yet, Representative Wright, and it will be, what is  
25 the sense or lack of sense in changing the word "a"

1 to "any," because that is in Amendment 006. At the  
2 moment we're discussing amending line 3 out of  
3 L.006.

4 And seeing no further discussion, I  
5 move that Kagan conceptual amendment to L.006 delete  
6 line 3 of L.006.

7 Ms. Shipley, will you --

8 UNKNOWN SPEAKER: Second.

9 THE CHAIRMAN: Yes. That's right. We  
10 didn't -- but is there any objection?

11 Representative Gardner?

12 THE CHAIRMAN: Ms. Shipley, please  
13 take the roll.

14 MS. SHIPLEY: Representatives.  
15 Buckner.

16 REPRESENTATIVE BUCKNER: Yes.

17 MS. SHIPLEY: Court.

18 REPRESENTATIVE COURT: Yes.

19 MS. SHIPLEY: Gardner.

20 REPRESENTATIVE GARDNER: No.

21 MS. SHIPLEY: Lawrence.

22 REPRESENTATIVE LAWRENCE: No.

23 MS. SHIPLEY: McLachlan.

24 REPRESENTATIVE McLACHLAN: Yes.

25 MS. SHIPLEY: Murray.

1 REPRESENTATIVE MURRAY: Yes.  
2 MS. SHIPLEY: Pettersen.  
3 REPRESENTATIVE PETERSEN: Yes.  
4 MS. SHIPLEY: Salazar.  
5 REPRESENTATIVE SALAZAR: Yes.  
6 MS. SHIPLEY: Wright.  
7 REPRESENTATIVE WRIGHT: No.  
8 MS. SHIPLEY: Lee.  
9 REPRESENTATIVE LEE: Yes.  
10 MS. SHIPLEY: Mr. Chair.  
11 THE CHAIRMAN: Yes.

12 And that amendment passes by 8 to 3.

13 We're now to Amendment L.006, which  
14 has been moved. And it is L.006 without line 3,  
15 which has been amended out of L.006.

16 And Representative McLachlan, you were  
17 the movement. Is there anything further you'd like  
18 to say in explanation of L.006?

19 REPRESENTATIVE McLACHLAN: Yes. Thank  
20 you, Mr. Chairman.

21 First of all, I think this bill  
22 represents a tension between our desire to limit the  
23 capacity of mass murders, such as we've experienced  
24 in this state on numerous occasions, through the  
25 magazine capacity limitation and the rights of gun

1 owners to defend themselves in these circumstances.

2 And giving that tension, I believe,  
3 first of all, Representative Fields, with all due  
4 respect, I think 10 is an unreasonable limitation,  
5 and so I offer 15 as a reasonable amount, which will  
6 allow someone to reasonably defend themselves. And  
7 I think it will meet each and every constitutional  
8 challenge.

9 I also point out that we had a bulk of  
10 testimony from many witnesses, including Mr. Chipman  
11 and others, that 15 rounds is sufficient to  
12 adequately defend someone under most circumstances.  
13 And, of course, as the testimony shows, you can also  
14 have more than one magazine in your possession.  
15 There's no magazine limitation whatsoever.

16 So for that reason, I offer Amendment  
17 006 and think it is good policy and would allow the  
18 bill to go forward. I think the bill still needs  
19 some work, which it will receive, I'm sure,  
20 subsequent to this committee. But I offer L.006 for  
21 this reason.

22 THE CHAIRMAN: Are there any further  
23 comments on L.006?

24 THE CHAIRMAN: Representative Gardner.

25 REPRESENTATIVE GARDNER: Yes,

1 Mr. Chair. I didn't know it was seconded, but I do  
2 have a --

3 THE CHAIRMAN: Representative Gardner,  
4 it was seconded before -- before.

5 REPRESENTATIVE GARDNER: Very well.

6 Mr. Chair, if I may?

7 THE CHAIRMAN: Certainly,  
8 Representative Gardner.

9 REPRESENTATIVE GARDNER: Yes. Thank  
10 you, Mr. Chair.

11 Well, in the spirit of that, of  
12 improving this bill, then I would like to move an  
13 amendment to L.006 that is conceptual but very  
14 straightforward.

15 On line 2 of L.006, I would like to  
16 change the number 15 to 31 and the number 8 to 20.

17 UNKNOWN SPEAKER: Seconded.

18 THE CHAIRMAN: Okay. The amendment to  
19 L.0006 has been moved and seconded. Unless there is  
20 any further discussion, Ms. Shipley, will you please  
21 take the roll.

22 Representative Gardner?

23 REPRESENTATIVE GARDNER: Yes. Thank  
24 you. As I listened to the testimony, I found  
25 nothing compelling or magical about 15 rounds or 8

1 rounds. And, in fact, what I found was there was  
2 very little evidence that 10 or 15 -- but, by the  
3 way, the willingness to move this thing from 10 to  
4 15 simply speaks to the fact that there's not magic  
5 to the number 15.

6 And as I've discussed with those in  
7 the audience this evening and my constituents, I  
8 find that a more workable and acceptable and  
9 sensible number is 31 rounds of ammunition or 20  
10 rounds of shotgun shells. So that's the reason for  
11 bringing the conceptual amendment. And I appreciate  
12 the chair entertaining it.

13 THE CHAIRMAN: Representative Gardner,  
14 I will entertain it.

15 And I would ask if there's any  
16 objection to the conceptual amendment. There is.  
17 So being there is an objection, Ms. Shipley, will  
18 you take the roll. And this is the Gardner  
19 conceptual amendment to L.006.

20 And, Ms. Shipley, take the roll,  
21 please.

22 MS. SHIPLEY: Representatives.  
23 Buckner.

24 REPRESENTATIVE BUCKNER: Yes.

25 MS. SHIPLEY: Court.

1 REPRESENTATIVE COURT: Yes.  
2 MS. SHIPLEY: Gardner.  
3 REPRESENTATIVE GARDNER: Yes.  
4 MS. SHIPLEY: Lawrence.  
5 REPRESENTATIVE LAWRENCE: Yes.  
6 MS. SHIPLEY: McLachlan.  
7 REPRESENTATIVE McLACHLAN: No.  
8 MS. SHIPLEY: Murray.  
9 REPRESENTATIVE MURRAY: Yes.  
10 MS. SHIPLEY: Pettersen.  
11 REPRESENTATIVE PETTERSEN: No.  
12 MS. SHIPLEY: Salazar.  
13 REPRESENTATIVE SALAZAR: No.  
14 MS. SHIPLEY: Wright.  
15 REPRESENTATIVE WRIGHT: Yes.  
16 MS. SHIPLEY: Lee.  
17 REPRESENTATIVE LEE: No.  
18 MS. SHIPLEY: Mr. Chair.  
19 THE CHAIRMAN: No.  
20 That conceptual amendment fails by a  
21 vote of 4 to 7.  
22 We are back to Amendment L.006 as  
23 amended. Ms. Shipley, will you take the roll -- or  
24 Representative Wright, would you like to add further  
25 to that.

1                   REPRESENTATIVE WRIGHT: Thank you,  
2                   Mr. Chairman.

3                   I was just again going to ask the  
4                   question, on lines 3 and line 5 of this amendment,  
5                   why are we changing the word "a" to "any"? Since we  
6                   have Mr. Sweetman in front of us, I was wondering if  
7                   maybe we can address that.

8                   THE CHAIRMAN: That's -- thank you,  
9                   Representative Wright, for offering.

10                  Mr. Sweetman, why is "a" changed from  
11                  the word "any" in these amendments? What is the  
12                  effect of that?

13                  RICHARD SWEETMAN: Thank you,  
14                  Mr. Chair. I do not know and I cannot identify an  
15                  effect. I don't know.

16                  THE CHAIRMAN: Representative Gardner.

17                  REPRESENTATIVE GARDNER: Yes. Thank  
18                  you.

19                  Let me ask Mr. Sweetman, lines 4 and  
20                  5, if I understood Representative Wright's question,  
21                  we're striking "a" and substituting "any." So we're  
22                  going to say -- instead of saying "a" person who  
23                  violates this subsection, we're going to say "any"  
24                  person who violates this subsection.

25                  Do you think we're substantively

1 changing the meaning of those two provisions,  
2 Mr. Sweetman?

3 THE CHAIRMAN: Mr. Sweetman.

4 RICHARD SWEETMAN: Thank you,  
5 Mr. Chair.

6 Representative Gardner, I don't  
7 believe so, no.

8 REPRESENTATIVE GARDNER: I'm sorry?

9 RICHARD SWEETMAN: No, I don't believe  
10 so.

11 REPRESENTATIVE GARDNER: Okay. Thank  
12 you.

13 THE CHAIRMAN: The question before the  
14 committee is whether Amendment L.006 to House Bill  
15 1224 as amended shall pass.

16 And before we take the roll,  
17 Representative Fields.

18 REPRESENTATIVE FIELDS: Thank you,  
19 Mr. Chair. And I do want to thank Representative  
20 Salazar and Representative McLachlan for their two  
21 amendments changing the limit from 10 to 15, and  
22 then also changing the rounds to 8.

23 And I do need to say that in drafting  
24 this legislation, we put a lot of thought and  
25 consideration into that number. And it is based on

1 the Federal Assault Weapon Ban that was enacted in  
2 1994. And it's my understanding that there are  
3 other states that have this limit in place. It's  
4 California, Hawaii, Maryland, and Massachusetts,  
5 New Jersey.

6 So I'm not in support of changing the  
7 rounds as identified in Amendment L.006.

8 THE CHAIRMAN: Representative Fields,  
9 thank you.

10 Is there anything further before we --  
11 Representative Court.

12 REPRESENTATIVE COURT: Thank you,  
13 Mr. Chair.

14 Representative Fields, I deeply  
15 respect the work that you've done on this bill, but  
16 I do think that the arguments we've heard tonight  
17 are somewhat compelling. So I think that the  
18 substitute that -- the amendment change that  
19 Representative McLachlan has suggested is fair.  
20 Meaning no disrespect to the work that you've done,  
21 I think it's probably a good idea.

22 THE CHAIRMAN: Representative Gardner.

23 REPRESENTATIVE GARDNER: Yes. Thank  
24 you. I appreciate your patience, Mr. Chair.

25 I'm sitting here still scratching my

1 head about lines 4 and 5. If the drafter doesn't  
2 know why "a" would become "any," and if -- and we're  
3 doing it at all, someone must have requested it.

4 And no, I can't compel them to answer  
5 the question. Could somebody tell me why it was  
6 even asked for, because someone must think it means  
7 something to change "a" person to "any" person in  
8 these two provisions.

9 THE CHAIRMAN: Representative Gardner,  
10 that's an interesting question, and I will certainly  
11 ask.

12 Does anybody in the room know who  
13 suggested that "a" be substituted for -- sorry,  
14 strike "a" and substitute "any"?

15 Representative Fields.

16 REPRESENTATIVE FIELDS: No, it was not  
17 requested on my behalf.

18 THE CHAIRMAN: Representative Salazar.

19 REPRESENTATIVE SALAZAR: That was  
20 requested on my behalf. There was a technical  
21 change. Being an attorney, and one who has  
22 litigated an awful lot of cases and read an awful  
23 lot of statutes, I've cited a number of statutes  
24 where the statute cited any person, meaning that it  
25 could be more than just a person. It could be just

1 about anybody.

2 In order to be a little clearer with  
3 the statute, that's the reason why I did it. And if  
4 people have a problem -- and as Mr. Sweetman has  
5 said, doesn't really change much in terms of between  
6 "a" and "any," except for the fact that a person  
7 just means one, and any person could mean,  
8 certainly, more than one.

9 And that's -- and also -- also, it  
10 encompasses just about anybody. And I'm sure that a  
11 person -- an argument could be made that it could  
12 encompass at least one person. Any person, to me,  
13 makes it a little bit helpful for the court when  
14 taking a look at this statute, if it does become  
15 statute.

16 THE CHAIRMAN: Thank you,  
17 Representative Salazar.

18 Representative Gardner.

19 REPRESENTATIVE GARDNER: Yes. Thank  
20 you.

21 And I appreciate that explanation. I  
22 just -- so many times when a word is changed, there  
23 is some implication that it might be substantive,  
24 but as I understand, it's just a matter of clarity  
25 of drafting, and that's perfectly fine. But I

1 wanted to clarify that we weren't somehow making a  
2 change that five years from now the Colorado Supreme  
3 Court will look and say, well, ah-ha, they made a  
4 change from "a" to "any," and it carries great  
5 weight and meaning. But apparently it doesn't. So  
6 that's perfectly fine. Thank you.

7 THE CHAIRMAN: Representative Gardner,  
8 thank you.

9 In that case, I think we are ready,  
10 unless anybody objects to my doing so, to take the  
11 roll on Amendment L.006 as amended by the Kagan  
12 conceptual amendment.

13 Ms. Shipley, please take the roll.

14 MS. SHIPLEY: Representatives.  
15 Buckner.

16 REPRESENTATIVE BUCKNER: Yes.

17 MS. SHIPLEY: Court.

18 REPRESENTATIVE COURT: Yes.

19 MS. SHIPLEY: Gardner.

20 REPRESENTATIVE GARDNER: Pass.

21 MS. SHIPLEY: Lawrence.

22 REPRESENTATIVE LAWRENCE: No.

23 MS. SHIPLEY: McLachlan.

24 REPRESENTATIVE McLACHLAN: Yes.

25 MS. SHIPLEY: Murray.

1 REPRESENTATIVE MURRAY: No.

2 MS. SHIPLEY: Pettersen.

3 REPRESENTATIVE PETTERSEN: Yes.

4 MS. SHIPLEY: Salazar.

5 REPRESENTATIVE SALAZAR: Yes.

6 MS. SHIPLEY: Wright.

7 REPRESENTATIVE WRIGHT: No.

8 MS. SHIPLEY: Gardner.

9 REPRESENTATIVE GARDNER: No.

10 MS. SHIPLEY: Lee.

11 REPRESENTATIVE LEE: Yes.

12 MS. SHIPLEY: Mr. Chair.

13 THE CHAIRMAN: Yes.

14 That amendment passes by a vote of 7

15 to 4. We are now back to the bill and --

16 REPRESENTATIVE SALAZAR: Mr. Chair.

17 THE CHAIRMAN: Representative Salazar.

18 REPRESENTATIVE SALAZAR: Mr. Chair, I

19 don't think that we've closed off amendments as of

20 yet.

21 THE CHAIRMAN: Sorry. Say again.

22 REPRESENTATIVE SALAZAR: We haven't

23 closed off the amendment phase as of yet.

24 THE CHAIRMAN: Oh, no. We certainly

25 haven't, Representative Salazar.

1                   REPRESENTATIVE SALAZAR: I'd like to  
2                   make one more amendment.

3                   THE CHAIRMAN: You're moving an  
4                   amendment?

5                   REPRESENTATIVE SALAZAR: Yes, sir. I  
6                   move L.002.

7                   THE CHAIRMAN: Is there a second for  
8                   L.002?

9                   UNKNOWN SPEAKER: Second.

10                  THE CHAIRMAN: Tell us about L.002,  
11                  Representative Salazar.

12                  REPRESENTATIVE SALAZAR: Thank you  
13                  very much, Mr. Chair.

14                  So in terms of looking at this -- this  
15                  legislation -- and I greatly appreciate the thought  
16                  that Representatives --

17                  UNKNOWN SPEAKER: I already have it.

18                  THE CHAIRMAN: And Representative  
19                  Fields -- that they put an awful lot of effort into  
20                  it, but I noticed something that brought me some  
21                  concern, and I'm sure that it's brought some concern  
22                  to the people here, as well, especially after  
23                  hearing the testimony about -- well, you know, I  
24                  want to make sure that I'm on level ground with  
25                  police officers.

1           There's a provision in here that talks  
2 about if a person who has a large-capacity magazine,  
3 if they commit a crime, a felony or a crime of  
4 violence with a high -- a large-capacity magazine,  
5 that they're subjected to a Class 6 felony. But if  
6 you take a look at the exceptions, the exceptions  
7 would be a law enforcement officer employed by a  
8 department, agency or political subdivision of the  
9 State of Colorado, any other state or the United  
10 States government.

11           And my concern is that, let's say that  
12 we have an off-duty or on-duty police officer who  
13 decides to take a large-capacity magazine and commit  
14 a felony or commit a crime of violence. Well, then  
15 they would not -- the prosecutor would not be able  
16 to charge that officer with a Class 6 Felony as they  
17 would anybody else.

18           And so what I'm doing is I'm moving  
19 language on page 4, line 12, and I'm inserting in  
20 there after the word "for" lawful use while the  
21 officer is on duty or off duty. So that way, if a  
22 police officer is engaged in unlawful use of a  
23 large-capacity magazine while committing a felony or  
24 committing a crime of violence, then they could be  
25 subjected to a Class 6 Felony, as well.

1                   And just as a matter of course, I'll  
2     let you know that the Police Chiefs Association has  
3     no problems whatsoever with adding the word "lawful"  
4     in there.

5                   THE CHAIRMAN: We have amendment  
6     L.002. It's been moved and seconded. Is there any  
7     further discussion on L.002? Is there any objection  
8     to -- Representative Fields.

9                   REPRESENTATIVE FIELDS: Yes,  
10    Mr. Chair. No objection, but I think based on the  
11    testimony that we heard today, and in light of  
12    recent events that are going on in California, I  
13    think this is a good amendment to add.

14                  THE CHAIRMAN: Thank you,  
15    Representative Fields. Is there any objection to  
16    L.002? Seeing none, L.002 is adopted.

17                  I move L.007 to House Bill 1224.

18                  REPRESENTATIVE LEE: Second.

19                  THE CHAIRMAN: Representative Lee has  
20    seconded Amendment 007. Members, this is an  
21    amendment which would change the exception which  
22    currently says that a feeding device -- a .22  
23    caliber tube ammunition feeding device does not  
24    count as a high -- a high capacity -- large-capacity  
25    magazine.

1           And this amendment would change that  
2 slightly and specify that a .22 caliber tube  
3 ammunition feeding device might qualify as a  
4 large-capacity magazine. But more specifically, if  
5 it is an attached tubular device designed and  
6 capable of operating only with .22 caliber rimfire  
7 ammunition, then it would be exempted from the  
8 definition of a large-capacity magazine. And I  
9 therefore urge an aye vote on Amendment L.007.

10           Is there any discussion?

11           Representative Murray?

12           REPRESENTATIVE MURRAY: Yeah. I would  
13 ask why line 16 has been deleted on page 2, and  
14 lines 1 and 2 on page 3.

15           THE CHAIRMAN: Representative Murray,  
16 if we're going to change the -- the type of  
17 ammunition feeding device that is exempted from the  
18 definition of large-capacity magazine, which appears  
19 on line 3, then, as a matter of the sense of it,  
20 we -- the drafter, Mr. Sweetman, suggested the most  
21 clear-cut way of doing that was to simply delete the  
22 Roman numeral I -- page 3, strike lines 1 through  
23 3 -- yeah, was to strike those lines and replace it  
24 with the language in Amendment L.007.

25           Mr. Sweetman, if you'd care to clarify

1 why. Why do we have to strike lines 1 through 3 to  
2 achieve this objective?

3 RICHARD SWEETMAN: Thank you,  
4 Mr. Chair.

5 The intention of the amendment, as I  
6 understood it, was to substitute the provision  
7 identified as Roman numeral I in Amendment L.007 for  
8 the provisions that now exist in the bill as Roman I  
9 and II on lines 16 of page 2 and lines 1 through 3  
10 of page 3.

11 So that was the intention, to strike  
12 those provisions, I and II in the bill, and replace  
13 them with the I in the amendment.

14 But Ms. Shipley has pointed out to me  
15 that there is a typo in the amendment on the final  
16 line. It should be page 3, not page 4. Page 3,  
17 line 4, which is a simple conforming amendment to  
18 the amendment.

19 THE CHAIRMAN: Mr. Sweetman, I see the  
20 wisdom. So line 6 -- for this amendment to work as  
21 intended, line 6 of the amendment would have to be  
22 changed to read page 3, line 4. Strike 3 and  
23 substitute 2.

24 RICHARD SWEETMAN: Right.

25 THE CHAIRMAN: Is that what you're

1 talking about?

2 I move to amend L.007 with a  
3 conception amendment. Change line 6 of L.007 from  
4 page 4 strike, to page 3, comma, line 4 strike.

5 UNKNOWN SPEAKER: Second.

6 THE CHAIRMAN: Thank you. Is there  
7 any objection to the Kagan conceptual amendment to  
8 Amendment 007?

9 Representative Gardner.

10 REPRESENTATIVE GARDNER: I don't know  
11 that I have an objection. I'm not sure what has now  
12 happened. If you bear with me and explain once  
13 again what you have done conceptually to amend  
14 L.007, Mr. Chair.

15 THE CHAIRMAN: Representative Gardner,  
16 I think I can. Amendment 007 will delete one of the  
17 Roman numeral paragraphs and make paragraphs 2 and 3  
18 into -- sorry, will delete one of the Roman numeral  
19 paragraphs, and therefore, it is a renumbering  
20 exercise to make paragraph Roman numeral III become  
21 paragraph Roman numeral II, because it will become  
22 the second Roman numeralized subparagraph of II B,  
23 1812 301 II B will then have -- after the Amendment  
24 L.007, should it pass, will have only two Roman  
25 numeral subparagraphs, and therefore we have to

1 change the numeration.

2 Representative Gardner.

3 REPRESENTATIVE GARDNER: Yes. Thank  
4 you. Then I think -- I think that brings me back to  
5 what was my original question about why we had a  
6 conceptual amendment to L.006. Because if I  
7 understand this rather complicated conceptual  
8 amending exercise we're engaged in, we have  
9 effectively deleted or will have effectively deleted  
10 what is in the printed bill a provision that  
11 currently in the printed bill says a large-capacity  
12 magazine does not mean a feeding device that has  
13 been permanently altered so that it cannot  
14 accommodate more than -- and the printed bill said  
15 10 rounds of ammunition.

16 And I guess what I have always been  
17 trying to ask for the past 10 minutes is, why are we  
18 deleting that particular provision? Why is it not  
19 now a feeding device that is permanently altered,  
20 that it cannot accommodate more than 15 rounds of  
21 ammunition?

22 We're deleting a particular item that  
23 the printed bill said is not a large-capacity  
24 magazine. And I can see where someone might own  
25 what is -- or manufacturers may have manufactured a

1 large-capacity magazine and they want to not scrap  
2 everything that they've got on the assembly line.

3 So why are we taking that out?

4 THE CHAIRMAN: Representative Gardner,  
5 I think when we adopted L.006 at that time, L.0006  
6 amended printed bill page 2, line 13, which is the  
7 operative point for the entire bill, changing the  
8 words 10 to 15, because it changed it to accept more  
9 than 10 rounds from that to accept more than 15  
10 rounds or more than 8 shotgun shells.

11 And when we changed -- in Amendment  
12 006, we changed those lines 12 and 13. When we  
13 changed lines 13 and 14, effectively, we had made  
14 the change. This change did not need to be made  
15 because the large-capacity magazine, this paragraph  
16 B, it's talking about feeding devices.

17 So we've already changed the  
18 definition of a magazine with L.006, that's  
19 increased it from 10 to 15. Now, we will talk about  
20 .22 caliber tube ammunition feeding devices. And  
21 that can most eloquently be done simply by L.007,  
22 the professional opinion of Mr. Sweetman.

23 Representative Gardner.

24 REPRESENTATIVE GARDNER: Thank you,  
25 Mr. Chair. Well, I'm not going to belabor the

1 point, but it seems to me that we're striking --  
2 whether it's 10 rounds or 15 rounds, we're striking  
3 a conceptual piece of the bill with L.007, and I've  
4 yet to receive any explanation for why we would  
5 strike that conceptual piece of the bill. And  
6 perhaps it's just me.

7 But I guess I will wait for the  
8 committee report and its inevitable conclusion, but  
9 I will oppose L.007 for that reason.

10 THE CHAIRMAN: Representative Murray.

11 REPRESENTATIVE MURRAY: Thank you,  
12 Mr. Chair.

13 Well, maybe Representative Gardner  
14 won't belabor the point, but I will. I just want to  
15 be clear that we understand that what we have  
16 eliminated is a feeding device that has been  
17 permanently altered so that it cannot accommodate  
18 more than 10 rounds of ammunition. You want to  
19 delete that, correct?

20 THE CHAIRMAN: That is correct.

21 Representative Murray.

22 REPRESENTATIVE MURRAY: And so you're  
23 saying that you will substitute that to -- that in  
24 the amendment that we're now looking at, Amendment  
25 007, that it's sufficient to say that it's an

1 attached tubular device designed to accept and  
2 capable of operating only with a .22 caliber rim  
3 fire ammunition, that that is one and the same item;  
4 is that correct?

5 THE CHAIRMAN: No.  
6 Representative Murray.

7 REPRESENTATIVE MURRAY: So why do you  
8 want to eliminate a feeding device that has been  
9 permanently altered?

10 THE CHAIRMAN: Representative Murray,  
11 a -- the paragraph B says that a large-capacity  
12 magazine that is a prohibited large-capacity  
13 magazine under the bill -- a prohibited  
14 large-capacity magazine does not mean -- and  
15 therefore this is an allowed device, it is an  
16 attached tubular device designed to accept and  
17 capable of operating only with .22 caliber rimfire  
18 ammunition.

19 And that is a -- a -- that is an  
20 amendment which makes clear that a .22 caliber  
21 rimfire ammunition feeder, which is an attached  
22 tubular device, is not considered a large-capacity  
23 magazine.

24 Representative Wright.

25 REPRESENTATIVE WRIGHT: Mr. Chairman,

1 I believe we're talking about two different things,  
2 and that's our concern with eliminating subsection  
3 Roman numeral I. What we're taking about -- and I  
4 believe maybe the drafter could talk about this --  
5 is that a feeding device that has been permanently  
6 altered so that it cannot accommodate more than 10  
7 rounds of ammunition may not be a tubular device.  
8 It may actually be a magazine that can be loaded  
9 into a weapon that someone, because of this new law,  
10 would be able to change or adapt to accept, in this  
11 case now, less -- 15 rounds or less.

12 They may be able to take a 30-round  
13 magazine that they already own and convert it to a  
14 15-round or less.

15 If we remove this language, they won't  
16 be able to adapt the magazine any longer under law.

17 THE CHAIRMAN: This committee will  
18 stand in recess.

19 (A recess was taken.)

20 THE CHAIRMAN: We are in the amendment  
21 phase of House Bill 1224. We are discussing the  
22 merits, or lack thereof, of Amendment L.007. It has  
23 been pointed out by astute members of the committee  
24 that perhaps Amendment L.007 deletes a protection in  
25 the bill for those who have altered their magazines

1 so that they cannot accommodate more than 10 rounds  
2 of ammunition.

3 Of course that must be 15 rounds of  
4 ammunition, if amendment L.00 -- L.006, which is the  
5 McLachlan substitute amendment, is adopted.

6 I think the committee members are  
7 correct who have pointed this out. Thank you for  
8 doing that. That is what we do here. And  
9 therefore -- oh, that's right. Yes. We are on the  
10 Amendment 007 amendment to fix the paragraph  
11 numbering as a result of L.007.

12 And now, it is suggested -- I beg the  
13 committee's indulgence for one minute, because I  
14 want to get us out of here and I want to get this  
15 done right. And I think I'm going to be offering a  
16 conceptual amendment, but I want to make sure I do  
17 this right and don't delay this any longer.

18 I think I'm going to -- let me just  
19 tell you where I'm going with this. I think I'm  
20 going to withdraw Amendment L.007. And I will first  
21 withdraw the conceptual amendment to L.007.

22 I will then -- this is what I am  
23 thinking of doing -- then withdrawing L.007 itself,  
24 assuming the seconds' agree to withdraw their  
25 seconds. And then, if that happens, then positing a

1 conceptual amendment which keeps in the permanently  
2 altered saving clause for feeding devices that are  
3 permanently altered -- because as honorable members  
4 have correctly pointed out, that is an important  
5 part of the bill -- which changes the word 10 to 15  
6 to reflect the effects of the McLachlan amendment,  
7 but which changes paragraph 2, a .22 caliber tube  
8 ammunition feeding device to the words, an attached  
9 tubular device designed to accept and capable of  
10 operating only with .22 caliber rimfire ammunition.

11 And I think that will achieve what I  
12 am trying to achieve.

13 So Representative Gardner, I wonder if  
14 you think that that might at least get put before  
15 the committee what I was trying to get put before  
16 the committee with L.007?

17 REPRESENTATIVE GARDNER: I believe so.

18 THE CHAIRMAN: Well, I feel much  
19 reassured, Representative Gardner. In that case, I  
20 withdraw the Kagan conceptual amendment to --  
21 amendment L.007, and ask the second whether the  
22 second is willing to withdraw his second.

23 UNKNOWN SPEAKER: (Inaudible.)

24 THE CHAIRMAN: Noting that he does,  
25 that conceptual amendment to L.007 is withdrawn.

1 I also withdraw Amendment L.007, and I  
2 ask my second, Representative Lee, whether you agree  
3 to withdraw your second to Amendment L.007?

4 REPRESENTATIVE LEE: I do.

5 THE CHAIRMAN: Then Amendment L.007 is  
6 withdrawn.

7 And now, members, I offer a conceptual  
8 amendment, the Kagan second conceptual amendment.  
9 The conceptual amendment will do the following: On  
10 page 3, line 1 of the printed bill, delete the word  
11 "ten" and replace with the word "fifteen," and  
12 delete line 3 of page 3 of the printed bill, and  
13 replace with Roman numeral II, an attached tubular  
14 device designed to accept, and capable of operating  
15 only with .22 caliber rimfire ammunition; 4. End of  
16 conceptual amendment.

17 REPRESENTATIVE COURT: Second.

18 THE CHAIRMAN: Seconded by  
19 Representative Court.

20 Is there any discussion of the Kagan  
21 conceptual amendment?

22 Is there any objection to the Kagan  
23 conceptual amendment?

24 Seeing no objection, the ---

25 REPRESENTATIVE MURRAY: Mr. Speaker.

1 THE CHAIRMAN: Oh, Representative  
2 Murray. Sorry. My apologies, Representative  
3 Murray. I was so keen to get over the line.

4 Representative Murray.

5 REPRESENTATIVE MURRAY: I wanted to  
6 object, you know, because I object in principle to  
7 the limitation of 15 rounds.

8 REPRESENTATIVE MURRAY: I understand,  
9 Representative Murray.

10 Is there any further discussion of the  
11 Kagan conceptual amendment?

12 Hearing none, is there any objection  
13 to it? There is objection.

14 Ms. Shipley, will you please take the  
15 roll.

16  
17 MS. SHIPLEY: Representatives.

18 Buckner.

19 REPRESENTATIVE BUCKNER: Yes.

20 MS. SHIPLEY: Court.

21 REPRESENTATIVE COURT: Yes.

22 MS. SHIPLEY: Gardner.

23 REPRESENTATIVE GARDNER: Yes.

24 MS. SHIPLEY: Lawrence.

25 REPRESENTATIVE LAWRENCE: No.

1 MS. SHIPLEY: McLachlan.  
2 REPRESENTATIVE McLACHLAN: Yes.  
3 MS. SHIPLEY: Murray.  
4 REPRESENTATIVE MURRAY: No.  
5 MS. SHIPLEY: Pettersen.  
6 REPRESENTATIVE PETTERSEN: Yes.  
7 MS. SHIPLEY: Salazar.  
8 REPRESENTATIVE SALAZAR: Yes.  
9 MS. SHIPLEY: Wright.  
10 REPRESENTATIVE WRIGHT: No.  
11 MS. SHIPLEY: Lee.  
12 REPRESENTATIVE LEE: Yes.  
13 MS. SHIPLEY: Mr. Chair.  
14 THE CHAIRMAN: Yes.  
15 And that amendment passes 8 to 3.  
16 Are there any further amendments to  
17 House Bill 1224?  
18 In that case, the amendment phase --  
19 Representative Court.  
20 REPRESENTATIVE COURT: Is the  
21 amendment phase closed?  
22 THE CHAIRMAN: The amendment phase is  
23 not closed, Representative Court.  
24 Are there any further amendments to  
25 House Bill 1224?

1 REPRESENTATIVE GARDNER: Mr. Chair.

2 THE CHAIRMAN: Representative Gardner.

3 REPRESENTATIVE GARDNER: I'd like to  
4 move a conceptual amendment to strike on page 2,  
5 line 1.

6 THE CHAIRMAN: Page 2, line 1.

7 REPRESENTATIVE GARDNER: I withdraw.

8 THE CHAIRMAN: Representative Gardner,  
9 that is withdrawn?

10 REPRESENTATIVE GARDNER: I withdraw.

11 THE CHAIRMAN: Thank you,  
12 Representative Gardner.

13 That motion fails for a lack of a  
14 second, as well. But I am appreciative that you've  
15 withdrawn it.

16 The amendment phase is now closed.

17 Representative Court.

18 REPRESENTATIVE COURT: I move House  
19 Bill 1224 to --

20 THE CHAIRMAN: To the floor, to the  
21 committee of the whole. Representative Court.

22 REPRESENTATIVE COURT: -- to the  
23 committee of the whole with a favorable  
24 recommendation.

25 Representative Court.

1                   REPRESENTATIVE SALAZAR: Second.

2                   THE CHAIRMAN: Seconded by

3 Representative Salazar.

4                   Representative Fields, would you like  
5 to offer any wrap-up?

6                   REPRESENTATIVE FIELDS: Mr. Chair and  
7 committee members, I want to thank you for your hard  
8 work this morning and into the afternoon and into  
9 the evening. We had a very rich debate and a very  
10 civil dialogue on this very important topic as it  
11 relates to gun safety and reform. So for that I say  
12 thank you, Mr. Chairman, the way you facilitated  
13 this discussion with great diplomacy. I just want  
14 to commend you for your service. And I think it's a  
15 great service to serve with all of you. So I want  
16 to thank you.

17                   So in closing, the way the bill is  
18 amended, it establishes some new limits as it  
19 relates to high-capacity ammunition magazines. We  
20 are going to define it, if it passes, to accept not  
21 10, but 15 rounds. And then, on the shotgun shells,  
22 we've moved it up from 5 to 8.

23                   For all the family members that were  
24 here today, and in sharing their stories, I want to  
25 thank you for being a part of this process. And for

1 those who were here expressing their thoughts in  
2 reference to their rights as it relates to guns,  
3 thank you also for participating in this process.

4 High-capacity magazines have a common  
5 thread that's linking to some of the mass shootings  
6 that we've seen. And so I don't want us to forget  
7 Newtown, Connecticut. Remember that on December the  
8 14th, 2012, 26 people were killed. They lost their  
9 lives. And that included 12 -- 20 first-grade  
10 children.

11 Let's not forget Oak Creek. That was  
12 August 5th, 2012, six people were wounded. And that  
13 was based on a 19-round magazine clip.

14 Let's not forget what happened in  
15 Aurora. It was early on July 20th when James Holmes  
16 allegedly shot and killed 12 people and injured 58  
17 people. He had a high-capacity magazine clip that  
18 had 100 rounds of bullets in a magazine clip. And  
19 in 90 seconds, he was able to do that kind of  
20 damage.

21 Let's not forget Representative Gabby  
22 Giffords, when she was doing her civic duty by  
23 holding a town hall meeting in a grocery store, and  
24 at that event, 6 people were killed and 13 others  
25 were wounded.

1                   I could go on and on, and I could talk  
2                   about Fort Hood and other events, but what all of  
3                   these events have in common is high-capacity  
4                   magazines clips.

5                   So today I ask that we take action and  
6                   that we do something to prevent tragedies that  
7                   involve high-capacity magazines clips. So the time  
8                   is now and I urge a yes vote. Thank you.

9                   THE CHAIRMAN: Representative Fields,  
10                  thank you.

11                  Members, the question before the  
12                  committee is shall House Bill 1224, as amended, pass  
13                  to the committee of the whole.

14                  Any discussion to that question?

15                  Representative Gardner.

16                  REPRESENTATIVE GARDNER: Thank you,  
17                  Mr. Chair. I'll try to be brief.

18                  And thank you, Representative Fields.  
19                  I know you feel strongly about this issue and I  
20                  appreciate your commitment to doing what you believe  
21                  to be the right thing.

22                  I commend you, Mr. Chair, for your  
23                  patience in presiding over two very difficult bills  
24                  today.

25                  As I look at this particular bill, I

1 think it is less about the Second Amendment in one  
2 way, and that is that my concerns and objections do  
3 not even reach the Second Amendment issue. The fact  
4 is that at the time of 1994 to 2004, when we had a  
5 federal high-capacity magazine ban, the Center for  
6 Disease Control in 2003 reported on all of these  
7 things, ammunition limits, restriction on purchase  
8 waiting periods, registration, licensing, with the  
9 conclusion that none of these measures  
10 demonstratively reduced gun violence, which is what  
11 everyone in this room -- absolutely every one of us,  
12 I venture to say, would like to do.

13           And so in light of that, I ask myself  
14 what is this bill, as I come to vote on it at  
15 10 p.m. Is it good public policy or not.

16           I read it and I consider the  
17 testimony. And I recognize that, first of all, it  
18 will be difficult to enforce and be easily  
19 circumvented simply by traveling across the state  
20 line, purchasing a high-capacity magazine and  
21 bringing it back, if one has not already purchased  
22 one prior to the effective date of the bill.

23           It will be incredibly difficult to  
24 prosecute simply by the assertion by one in  
25 possession of a high-capacity magazine that they

1 owned it before the effective date, shifting the  
2 burden of proof to the prosecutor to prove  
3 otherwise.

4 It is objected to by a large number of  
5 citizens in such a way and on such basis and grounds  
6 that I believe many citizens question the very  
7 legitimacy of this restriction. And as I've already  
8 noted, it is a questionable utility in actually  
9 addressing the problem of reducing gun violence,  
10 that it may have little or no effect, however one  
11 may feel that one is taking action.

12 And in the face of all of that, what  
13 we heard this evening is that it will be very  
14 damaging to jobs and the economy of our state.

15 This bill asks us to put 700 jobs and  
16 \$46 million of annual revenue at risk, on the  
17 unsupported assertion that we might, just might,  
18 increase public safety by reducing gun violence, for  
19 which there's no demonstrable evidence.

20 For that reason, and not even reaching  
21 the Second Amendment of the Constitution of the  
22 United States, I simply say without that, this bill  
23 is bad public policy. And for that reason I will be  
24 a no.

25 THE CHAIRMAN: Is there any further

1 discussion of whether the bill shall pass to the  
2 committee of the whole as amended?

3 Representative Murray.

4 REPRESENTATIVE MURRAY: Thank you,  
5 Mr. Chair.

6 I guess there are so many unanswered  
7 challenges to this bill. You know, we haven't heard  
8 any response to what about security companies at  
9 malls, for example. Right now -- with this bill,  
10 they will be limited in how they can defend -- do  
11 their job at a mall.

12 What about SROs in our schools? They  
13 will be limited. They are not exempted in this bill  
14 and that has gone unanswered.

15 What about collectors? We haven't  
16 answered that issue. And what about a firearms  
17 dealer that only deals with commercial -- commercial  
18 sales, doesn't deal with retail sales, and they're  
19 out of their home. Someone finds them on a list of  
20 dealers and they knock on their door in their  
21 neighborhood and say here's the \$10, I want you to  
22 do a background check because my buddy and I are  
23 selling guns.

24 There's just -- there's so many holes  
25 in this bill. And I have such respect for

1 Sponsor Fields and what she is trying to achieve  
2 here. But the elephant in the room is the  
3 discussion that we had with Magpul.

4           You know, we have an industry -- we  
5 keep saying we're trying to attract industry into  
6 the state. And manufacturing, we're trying to keep  
7 it in the United States, and here is a successful  
8 business, and basically we're telling them, you  
9 know, we don't want you in our state anymore.

10           Regretfully, I'm a no.

11           THE CHAIRMAN: Thank you. Are there  
12 any further comments before we take the roll?

13           Representative Lawrence.

14           REPRESENTATIVE LAWRENCE: Thank you,  
15 Mr. Chair.

16           And thank you, Representative Fields,  
17 for presenting this bill.

18           Today we heard testimony from  
19 Mr. Robles describing the attack by three armed men  
20 bent on murder. The fact that he had the use of a  
21 personal defense weapon with a standard-capacity  
22 magazine was the difference between life and death  
23 in his case.

24           These magazine are necessary for the  
25 defense of life, and I think that's something that

1 has absolutely been skipped over in all of this  
2 discussion.

3 And on that basis, I will be a no vote  
4 on this bill.

5 THE CHAIRMAN: Thank you.

6 Is there any further discussion of  
7 House Bill 1224 and the question whether it shall  
8 pass as amended to the committee of the whole?

9 Representative Wright.

10 REPRESENTATIVE WRIGHT: Thank you,  
11 Mr. Chair.

12 I would just second the remarks that  
13 I, unfortunately, see this as bad public policy for  
14 the state of Colorado. Just hours ago we passed a  
15 piece of legislation that's going to cost the  
16 taxpayers somewhere to the tune of \$3.2 million.  
17 And now, we're systematically, with the next piece  
18 of legislation, telling a business that brings the  
19 state an estimated \$47 million annually and employs  
20 upwards of close to 700 people that they should  
21 leave the state.

22 So this is financial, I think, a  
23 double blow to the state and the people of Colorado.

24 Secondly, I don't think that this bill  
25 will meet constitutional muster. I think that we've

1 already seen in Heller that it's been established  
2 that weapons used -- common weapons used during the  
3 time are allowed under the Constitution of the  
4 United States.

5 And I know that there's a young  
6 attorney in this room who's very willing to be the  
7 plaintiff in that case. So I think it's passing bad  
8 law that won't be upheld in the state of Colorado.

9 So I will be a no vote.

10 THE CHAIRMAN: The question before the  
11 committee is whether House Bill 1224 as amended  
12 shall pass to the committee of the whole.

13 Is there any further discussion?  
14 Seeing none, Ms. Shipley, will you please take the  
15 vote.

16 MS. SHIPLEY: Representatives.

17 Buckner.

18 REPRESENTATIVE BUCKNER: Yes.

19 MS. SHIPLEY: Court.

20 REPRESENTATIVE COURT: Yes.

21 MS. SHIPLEY: Gardner.

22 REPRESENTATIVE GARDNER: No.

23 MS. SHIPLEY: Lawrence.

24 REPRESENTATIVE LAWRENCE: No.

25 MS. SHIPLEY: McLachlan.

1 REPRESENTATIVE McLACHLAN: Yes.

2 MS. SHIPLEY: Murray.

3 REPRESENTATIVE MURRAY: No.

4 MS. SHIPLEY: Pettersen.

5 REPRESENTATIVE PETTERSEN: Yes.

6 MS. SHIPLEY: Salazar.

7 REPRESENTATIVE SALAZAR: Yes.

8 MS. SHIPLEY: Wright.

9 REPRESENTATIVE WRIGHT: No.

10 MS. SHIPLEY: Lee.

11 REPRESENTATIVE LEE: Yes.

12 MS. SHIPLEY: Mr. Chair.

13 THE CHAIRMAN: Yes.

14 And that bill passes by a vote of 7 to

15 4.

16 Thank you very much, members.

17 Thank you, members of the public, for

18 your patience.

19 This committee is adjourned.

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CERTIFICATE

STATE OF COLORADO )

) ss.

CITY AND COUNTY OF DENVER )

I, Angela Smith, Professional Reporter and Notary Public for the State of Colorado, do hereby certify that the above-mentioned hearing was taken from an audio recording and reduced to typewritten form; that the foregoing is a true transcript of the proceedings had; that the speakers in this transcript were identified by me to the best of my ability and according to the introductions made.

I am not attorney nor counsel nor in any way connected with any attorney or counsel for any of the parties to said action or otherwise interested in its event.

IN WITNESS WHEREOF, I have hereunto affixed my hand and notarial seal this 19th day of June 2013.

My commission expires January 22, 2015.

\_\_\_\_\_  
Angela Smith  
Reporter, Notary Public  
Calderwood-Mackelprang, Inc.