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

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REPORTER'S TRANSCRIPT
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This transcript was taken from an audio recording by Angela Smith, Professional Reporter and Notary Public.
Attendees:
Representative Buckner
Representative Court
Representative Gardner
Representative Lawrence
Representative McLachlan
Representative Murray
Representative Pettersen
Representative Salazar
Representative Wright
Representative Lee
Representative Kagan (Chairman)

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

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

We are going to limit witness testimony to two minutes of direct testimony from the witness in each case, except for one witness from the industry who has specifically requested that they have a little longer to explain technicalities about the production of capacity -- large-capacity magazines and the such that simply cannot be accomplished in the time of the two-minute limit, and they have asked for a five-minute limit on their direct testimony, and that we have agreed
But all the proponents of this bill will be limited to two minutes. All the opponents will be limited to two minutes, and then there will be no limit on the question and answer period for each witness from the members of the committee.

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

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

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

High-capacity magazines have one purpose and that is the rapid use and to be able to kill a large number of people. They allow a gunman to fire a large number of rounds. That round could
be 30. It could be 50. It could be 100. But what we do know is that it happens quickly, because what they're trying to do in some of these massacres is they're trying not to reload.

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

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

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

And when the gun jammed, when it
happened to James Holmes, we were able to avoid some
more devastation that could have happened in that
theater.

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

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

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

We need to do something about the
accessibility of these high-capacity magazines so
that we can stop the horrific acts before they ever
get started. So by banning high-capacity magazines,
it doesn't infringe on the rights of responsible gun
owners, but it does restore sensible safeguards that
protect our families and our children.

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

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

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

THE CHAIRMAN: Thank you,
Representatives Fields.

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

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

REPRESENTATIVE GARDNER: Mr. Chair,
before we move on -- I'm sorry, I'm sort of waving.

THE CHAIRMAN: Representative Gardner -- (inaudible).

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

THE CHAIRMAN: Representative Gardner, go ahead.

REPRESENTATIVE GARDNER: Thank you.

And for the sponsor, I'm trying to figure out how this bill works for a manufacturer, because it seems to me that the way the bill is drafted -- and maybe I just misunderstand this -- it's against the law to possess a magazine if it sort of comes into existence after the passage of the bill, and yet, the bill seems to contemplate that a manufacturer should put -- if there's a manufacturer in Colorado, they should put markings on the bill [sic].

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

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

MS. METZGER: Thank you, Mr. Chair.
And thank you, Representative Gardner, for your question.

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

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

THE CHAIRMAN: Thank you.

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

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

REPRESENTATIVE FIELDS: Oh, the proponents, please.

THE CHAIRMAN: Proponents?

REPRESENTATIVE FIELDS: Yes.

THE CHAIRMAN: Thank you, Representative Fields. And we have the -- somewhere
a list of proponents who are going to testify.

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

Excuse us.

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

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

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

THE CHAIRMAN: Thank you. Please proceed.

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

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

On the morning of December 14th, a 20-year-old man with mental health problems was able to access a number of powerful weapons and a large amount of high-capacity magazines because they were
in his home. That morning 700 students were in the school at Sandy Hook. A new security system had been installed and the front doors were locked.

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

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

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

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

In fact, 11 children managed to escape
when the shooter stopped to reload and a little boy yelled "run."

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

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

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

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

Are there any questions for Ms. Dougherty?

Thank you, Ms. Dougherty.

JANE DOUGHERTY: Thank you.
THE CHAIRMAN: Please accept our
thanks for having been willing to come and share
that with us.

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

DAVID CHIPMAN: Thank you, sir.

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

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

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

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

For those of you who have seen file
footage of the attempt on President Reagan's life,
what do you remember?

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

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

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

As a tactical operator whose job it was to safely apprehend the most dangerous felons in America, the government could have issued me
magazines of any capacity. They chose 15.

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

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

Thank you.

THE CHAIRMAN: Thank you, Mr. Chipman.

Are there any questions for this witness?

Seeing none, thank you, sir.

DAVID CHIPMAN: Thank you.

THE CHAIRMAN: Dr. Doberson.

Dr. Doberson, welcome, and thank you for patiently waiting all afternoon to testify on House Bill 1224. Please state your name for the record.

Tell us who you are and who you represent, if anyone other than yourself, and proceed to give us your testimony.

MICHAEL DOBERSON: My name is Michael Doberson. I'm a physician with a specialty in
forensic pathology, and I'm also the coroner and
medical examiner for Arapahoe County.

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

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

The most devastating wounds I've seen
have been the result of high-velocity rounds. And
these are typically fired by semi-automatic weapons
such as the AR-15. And these are easily equipped
with high-capacity magazines, which, as you know,
are readily available. These are basically military
weapons which have been introduced into our civilian
spaces, our streets, our shopping malls, our
workplaces, and above all, our schools.
These rounds have devastating effects on the human body, even when only one strikes. Can you imagine what happens when multiple bullets fired from a high-capacity magazine impacts someone? Well, I can. Unfortunately, I can.

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

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

THE CHAIRMAN: Dr. Doberson, thank you.

Representative Gardner.

REPRESENTATIVE GARDNER: Thank you.

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

I assume you're aware that we had such a ban nationally from 1994 to 2004. Are you aware of that National Institute of Justice, which is kind
of the think tank for the U.S. Department of Justice, found that there wasn't any particular discernable benefit to the limitation on high capacity -- so-called high-capacity magazines. I don't know if you're familiar with that research or not. I'm just wondering.

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

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Yes. Thank you.

Do you know of any other studies, sir?

THE CHAIRMAN: Dr. Doberson.

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

REPRESENTATIVE GARDNER: Thank you.

THE CHAIRMAN: Any further questions for Dr. Doberson?

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

MICHAEL DOBERSON: Thank you.

THE CHAIRMAN: We very much appreciate it.
Golden Police Chief Bill Kilpatrick.

Chief Kilpatrick, welcome. Thank you for coming.

And please state your name for the record and tell us who you're with and proceed with your testimony.

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

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

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

Given this statement from the highest court in the land, that gun rights are not
unlimited, the appropriate question for this committee today is, is a limitation on high-capacity magazines an appropriate action for the state of Colorado and will it lead to enhanced public safety while protecting individual rights under the Second Amendment.

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

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

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

While a criminal chooses to utilize these weapons and their -- excuse me. When a
criminal chooses to utilize these weapons and their
accompanying high-capacity magazines, officers have
minimal opportunity to protect themselves and the
public.

   Limitations on large-capacity

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

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

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

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

THE CHAIRMAN: Thank you.

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

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

Are there any questions for the chief?

Representative Wright.

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

THE CHAIRMAN: Chief.

BILL KILPATRICK: So to officers, there's certain handguns we're allowed to carry.
So, for example, I have a Glock 23. It has 13 in
the magazine.

THE CHAIRMAN: Representative Wright.

REPRESENTATIVE WRIGHT: Thank you.

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

THE CHAIRMAN: Chief Kilpatrick.

BILL KILPATRICK: Yes.

THE CHAIRMAN: And, Representative
Wright.

REPRESENTATIVE WRIGHT: Thank you,
Mr. Chair.

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

THE CHAIRMAN: Chief Kilpatrick.

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

THE CHAIRMAN: Representative Wright.

REPRESENTATIVE WRIGHT: Thank you for
that. You know, that's one of my concerns with this
bill. Again, well-intentioned, but someone who has
simply trained themselves with -- off of YouTube video, quite frankly, could change these magazines very quickly.

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

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

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

In essence, what Heller was deciding is that a weapon in common use at the time. In common use at the time, meaning a modern weapon is
considered a reasonable weapon and it's considered a lawful weapon to possess.

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

THE CHAIRMAN: Chief Kilpatrick.

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

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

Representative Salazar.

REPRESENTATIVE SALAZAR: Thank you, Mr. Vice Chair.

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

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

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

BILL KILPATRICK: I'm certain he did not.

REPRESENTATIVE SALAZAR: And you said
that it only takes you maybe seconds to drop your
empty magazine, load up a new clip, in order to
defend yourself against criminals?

BILL KILPATRICK: That's correct.

REPRESENTATIVE SALAZAR: Okay. And

that being the case, you don't know how many people
in the United States would have that kind of
specialized training to be able to drop an empty
clip, put up a new one, just in a matter of seconds?

BILL KILPATRICK: Well, I know that

most people don't have a lot of training that police
officers do, but I'm certain there are lots of folks
who train pretty regularly.

THE CHAIRMAN: Representative Salazar.

REPRESENTATIVE SALAZAR: I guess the
reason why I'm asking this question is because of
something Representative Wright said, is that in
situations where you might have 10 rounds or a
5-round clip, that not many people outside of those
who have some type of military or police training
are going to be able to drop those clips, load them
up within just a matter of seconds; that it might be
that perpetrators such as Adam Lanza and James
Holmes, it might take them awhile to get those clips
in in that kind of a situation. Whereas, if they
have a drum that holds 100, barring any type of -- any type of jamming, all they have to do is just pull the trigger. Is that right?

THE CHAIRMAN: Chief Kilpatrick.

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

THE CHAIRMAN: Representative Wright.

REPRESENTATIVE WRIGHT: Thank you, Mr. Chair.

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

THE CHAIRMAN: Chief Kilpatrick.

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

REPRESENTATIVE WRIGHT: Thank you.

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

Are you familiar with a 2010 survey by
the Police Executive Research Forum that concluded that since the assault weapon ban expired in 2004, that 37 percent of police agencies reported seeing noticeable increase in criminals' use of assault weapons, and that 38 percent reported seeing notable report about increase in criminals' use of semi-automatic firearms with high-capacity magazines?

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

THE CHAIRMAN: Could you expand upon that, sir.

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

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

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

THE CHAIRMAN: Please proceed.

BILL KILPATRICK: So for example, I know that the State of Virginia found that since their assault ban expired, that prior to the --
while the assault ban was in place, they found that there were less high-capacity magazines found at crime scenes than after the assault ban expired.

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

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

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

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

THE CHAIRMAN: Thank you.

Are there any further questions for Chief Kilpatrick?

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

BILL KILPATRICK: Thank you.

THE CHAIRMAN: Is there a Jessica
Watts in the audience? Ms. Watts, would you identify yourself for the record and tell us who you're representing, if anyone.

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

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

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

I am only 28 years old and my life has been directly impacted four times by gun violence. My husband was a student at Columbine, and on that fateful day he was lucky to make it out alive. I was the babysitter for teenage victim Emily Keyes, who was shot in the head and murdered in Platte Canyon High School in 2006.

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

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

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

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

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

I implore you to pass this bill.

Hopefully then, I will not get a fifth call saying
that a loved one that I've known has been killed by
a gun.
THE CHAIRMAN: Thank you, Ms. Watts.

Are there any questions for Ms. --

Jessica Watts?

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

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

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

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

I'm not sure if the committee is aware that while the testimony for both this bill and 1229 have been going on this afternoon, Christopher Dorner has been surrounded in Southern California, and he has shot two police officers, one of them
fatally. I would assume that Mr. Dorner's probably
equipped with high-capacity magazines.

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

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

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

I have seen this up close. I wish
that I didn't have to. I wish that I didn't have to
tell loved ones that they have just lost family
members. I wish that I didn't have the memories of
praying with those families. But I sincerely wish
that this body take some responsible steps in making
sure that something like this doesn't happen again.
Every time that someone changes the magazine, it is an opportunity to disable them. It's another opportunity for a misfeed of the next round of ammunition. And I think that it's a rational step towards trying to change a horrific situation in our country, in our state.

THE CHAIRMAN: Thank you, Mr. Buckley.

Are there any questions for Mr. Buckley?

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

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

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

The statement that defines our organization, endorsed by all of our members, says the following: We are hunters and cherish the privilege of being able to use firearms to pursue recreation and food for our families.
Nevertheless, we do not support the proliferation of guns that have no relationship to or utility for lawful hunting of game animals and varmints, nor do we support the sale of guns and other weapons to persons with a history of violent crimes or mental instability.

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

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

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

So who does need weapons with magazines that can fire 30 to 100 times in a few seconds without reloading? Certainly the list includes terrorists and mass murderers, but it also
includes those fearful of mass attack by neighbors or government.

They are certainly not necessary for protection of the family from intruders or robbers. We feel that these high-capacity magazines have no utility for hunters or any other law-abiding American citizens and should be banned. We therefore urge enactment of HB13-1224.

THE CHAIRMAN: Mr. Macalady, thank you for that testimony. Are there any questions for this witness?

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

THE CHAIRMAN: Mr. Macalady.

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

So people do use them just for the

sake of saying they've used them for hunting, in my

opinion.

REPRESENTATIVE LEE: Thank you, sir.

Mr. Macalady, thank you so much for coming. We very

much appreciate it.

Tom Mauser, please come forward, sir.

Welcome back, Mr. Mauser. We appreciate your

contributing to our deliberations here. Please

state your name for the record, say who you

represent and proceed with your testimony.

TOM MAUSER: Thank you, Mr. Chairman.

My name is Tom Mauser, from Littleton, and this time

I'm back as a board member and spokesman for

Colorado Cease Fire, an organization that advocates

for stronger gun safety laws.

I'm the father of Daniel Mauser, who

was murdered at Columbine, and I'm here today

honoring him, my son, by wearing the shoes he was

wearing that tragic day.

He was wearing these shoes in the

library of Columbine where, like all the others in

that library, he was pinned down helplessly under a

table as two well-armed teenagers wreaked havoc and
Thanks to the killers' arsenal, it was impossible to escape during reloading. The Columbine killers had high-capacity magazines holding 52, 32, and 28 rounds.

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

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

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

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

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

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

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

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

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

THE CHAIRMAN: Thank you, sir.
Are there any questions for Mr. Mauser?

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

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

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

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

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

It was traumatic. I've often said that high-capacity magazines should only be in the hands of those of us who have served, to support and defend the Constitution, of high-capacity magazines,
weaponry, those entities that are special ops and
police forces or the military, those who serve in
special operations.

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

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

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

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

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

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

And let us go back to Mr. Mike
McGuire.

Karina -- Mare Frazier. Chuck Sexton.

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

Madam -- ma'am, please step forward.

Are you signed up, ma'am?
GAIL VALETA: I am signed up.

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

GAIL VALETA: That's all right.

THE CHAIRMAN: Please state your name for the record.

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

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

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

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

There was nothing that we were able to
do at that church to prevent this tragic shooting.

But I saved the paper from the Denver Post from 2007, and it says this: A large shipment of ammunition was sent to Murray's post office box in Greenwood Village. The shipment was delivered to him, but only after authorities had been alerted and determined he could legally possess it.

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

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

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

THE CHAIRMAN: Thank you very much, Reverend.

Are there any questions for the Reverend?

Seeing none, thank you so much for
coming and waiting all this time and testifying.

GAIL VALETA: Thank you.

THE CHAIRMAN: We very much appreciate it.

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

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

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

WALTER HEIDENFELDER: I'm sure they will be.

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

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

I'm a substitute teacher. And besides these 28 kids this morning, I have served in three school systems and more than 65 schools in the Metro
area, over 300 assignments. All of those school
environments have been, as Representative Shield
said, sacred. I do not want to see those sacred
environments diminished by commandos running up and
down the halls with AK-47s.

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

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

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

Thank you very much for letting me
THE CHAIRMAN: Well, thank you very much for testifying, Mr. Heidenfelder.

Are there any questions for this witness?

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

WALTER HEIDENFELDER: Thank you.

THE CHAIRMAN: Thank you, sir.

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

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

This committee will stand in recess.

(A recess was taken.)

THE CHAIRMAN: We are now at the testimony phase of the -- of House Bill 1224 before the House Judiciary Committee. We have heard from opponents of the legislation. We are now going to
hear from -- we have heard from proponents of the
legislation. We are now about to hear from
opponents of House Bill 1224, beginning with
Mr. Doug Smith.

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

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

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

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

Magpul is a consumer products company
founded by a former U.S. Marine dedicated to
intelligent design and innovation. Magpul produces
nearly 500 products here in Colorado that are
distributed and sold across the United States and the world.

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

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

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

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

Based on these principles, we
completely agree with the Colorado Sheriff Association's position that a high-capacity magazine ban will not improve public safety, will not reduce crime, and would endanger the lives of Colorado residents by unduly restricting their ability to defend themselves.

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

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

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

Magpul products are sought after because of our innovative design, performance, function and form. We have numerous testimonials
from U.S. and allied service members and law
enforcement officers about how our products have
saved lives due to superior performance to other
options in the marketplace.

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

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

If HB-1224 were to be enacted as law
in the state, those plans for Colorado expansion
would be cancelled. HB-1224 would be devastating to
Magpul and our Colorado-based business partners. If
this bill is passed, we will be unable to continue
our business here in Colorado and we will be forced
to take our operation and business activity through
our subcontractors and suppliers out of the state,
taking work that is a projected 2013 Colorado spend
of nearly $85 million and additional millions in tax
revenue.

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

THE CHAIRMAN: Thank you, Mr. Smith.

Mr. Smith, you say that if House Bill 1224 were to
be enacted into law, you will cease production in
Colorado, or you would cease to expand in Colorado?
Which is it?

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

THE CHAIRMAN: Well, I'm very pleased
to be able to inform you, Mr. Smith, that your
understanding of the bill is completely wrong, and
to reassure you that whether or not House Bill 1224
passes, you will still be able to manufacture
everything that you manufacture now. None of it
will be prohibited for manufacture in the state of Colorado.

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

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

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

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

Are there any questions for Mr. Smith?

Representative Court.

REPRESENTATIVE COURT: I think
Representative Gardner was first.

THE CHAIRMAN: Representative Gardner.

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

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

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

THE CHAIRMAN: Mr. Smith.

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

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Thank you.

And you're doing about $46 million annually and employing something like 200 people and that sort of accounts for 500 people total?

THE CHAIRMAN: Mr. Smith.

DOUG SMITH: Correct. Our spend in
2012, sir, was 46 million. Our projected spend is 85 million in 2013.

THE CHAIRMAN: Representative Gardner.

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

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

THE CHAIRMAN: Mr. Smith.

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

THE CHAIRMAN: Representative Gardner.
REPRESENTATIVE GARDNER: Thank you.

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

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

THE CHAIRMAN: Mr. Smith.

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

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Yes. Thank you.

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

THE CHAIRMAN: Mr. Smith.

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

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Yes. Thank you.

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

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

The other thing that's puzzling to me -- and I really would look for some clarification of the drafters -- I don't really see any specific exception for a company like yours. There's
reference to manufacturing, but I don't see anything
that says all of your employees and everything else.
So I share your concern about this bill, and I
appreciate you being here to let us know about it.
Thank you.

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

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

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

I can tell you that I don't think it's
the intent of the bill to prohibit the
manufacturer. I suddenly understand, after
listening to the dialogue between you and
Representative Gardner, what the -- what the concern
is. And I -- I would urge the sponsor of the
bill -- I would ask the sponsor of the bill whether
you -- whether you intend, through this bill, to
prohibit the manufacture or inhibit the manufacture
of large-capacity magazines in Colorado, and if you
do not, would you be willing to accommodate the
commens that have been raised here today,
Representative Fields.

REPRESENTATIVE FIELDS: Thank you,
Mr. Chair. And the intent of the bill is to not to
have an adverse impact on the ability to
manufacture. The way I interpret the bill is that
it provides an exception that you can continue to
produce and manufacture this type of equipment.
But if there needs to be more clarity
to the language in the bill, then absolutely I will
entertain an amendment to address that.

THE CHAIRMAN: Thank you,
Representative Fields.

Representative Gardner.

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

Well, maybe that's not the intent of
the bill -- and I appreciate the sponsor -- the
chairman, rather, jumping in and interpreting the
legislation for those of us who are not as educated
about the English language as others, perhaps,
because we were born in Texas.

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

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

THE CHAIRMAN: Representative Fields.

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

THE CHAIRMAN: Mr. Sweetman, please state your name, state what you do for a living, and
see if you can shed some light on what you believe the language of this bill is -- implies.

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

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

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

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

RICHARD SWEETMAN: Mr. Chair, not exactly. If I could quote the language. The
offense shall not apply to the transfer or
possession of a large-capacity magazine that is
manufactured for, imported, sold, or transferred to,
or possessed by any of the following. And then
there are two classes set forth. The first is
department, agency or political subdivision of the
state of Colorado, any other state for the United
States government.

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

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

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Yes. Thank
you.

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

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

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

THE CHAIRMAN: Mr. Sweetman.

RICHARD SWEETMAN: Thank you, Mr. Chair.

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

REPRESENTATIVE GARDNER: Thank you. And my comment -- don't take it as a reflection on your fine work, because I know from working with you
you draft faithfully to my request, and I assume you
do so for other members, as well. So thank you,
Mr. Sweetman.

THE CHAIRMAN: Are there any --

Representative Court.

REPRESENTATIVE COURT: Thank you,

Mr. Chair.

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

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

THE CHAIRMAN: Mr. Smith.

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

That percentage does range between 20
and 50 percent of our business, depending on that
period of the spending by the U.S. government or
periods of contracts that we're fulfilling with
foreign allies.

THE CHAIRMAN: Representative Court.

REPRESENTATIVE COURT: Thank you.

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

THE CHAIRMAN: Mr. Smith.

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

REPRESENTATIVE COURT: Thank you.

THE CHAIRMAN: Representative
McLachlan.

REPRESENTATIVE McLACHLAN: Thank you,
Mr. Chairman.

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

Is there a National Defense Act or
some type of federal act that we could link to this
particular statute, which would allow us to define 
allied nations with which you are authorized to sell 
weapons to, so that they would also be encompassed 
within this limitation?

THE CHAIRMAN: Mr. Smith.

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

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

THE CHAIRMAN: Representative 
McLachlan.

REPRESENTATIVE McLACHLAN: Thank you, 
Mr. Chairman.

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

So if there's a term or if there's a
National Defense Act, or if we were to use, for example, or approved by the United States government, would that be -- would that be -- would that enable you to sell your product to allied nations?

THE CHAIRMAN: Mr. Smith.

DOUG SMITH: It would allow us to, yes.

THE CHAIRMAN: Thank you, Representative McLachlan.

Representative Murray.

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

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

THE CHAIRMAN: Mr. Smith.

DOUG SMITH: We do.

THE CHAIRMAN: Representative Murray.

REPRESENTATIVE MURRAY: Thank you.

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

THE CHAIRMAN: Mr. Smith.

DOUG SMITH: That is correct.
THE CHAIRMAN: Representative Murray.

REPRESENTATIVE MURRAY: Thank you.

So we've identified another issue here.

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

What is the impact of that on your business?

THE CHAIRMAN: Mr. Smith.

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

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

THE CHAIRMAN: Representative Murray.

REPRESENTATIVE MURRAY: Thank you, Mr. Chair.

And I guess I would ask the sponsor,
Representative Fields, what is the purpose of having the serial number stamped on the magazines?

THE CHAIRMAN: Representative Fields.

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

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

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

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

THE CHAIRMAN: Oh, right. Mr. Smith.

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

THE CHAIRMAN: Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Chair.

Absolutely, a date would do the same thing.

THE CHAIRMAN: Representative Gardner,
then Representative Salazar.

        REPRESENTATIVE GARDNER: Yes. Thank you.

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

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

        Is that true, Mr. Smith?

        THE CHAIRMAN: Mr. Smith.

        DOUG SMITH: That's correct.

        THE CHAIRMAN: Representative Salazar.

        REPRESENTATIVE SALAZAR: Thank you,

        Mr. Chair.

        Mr. Smith, just really quickly, just
give me a procedural explanation of after you're
done manufacturing your item, how do you send it?

THE CHAIRMAN: Mr. Smith.

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

THE CHAIRMAN: Representative Salazar.

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

THE CHAIRMAN: Mr. Smith.

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

REPRESENTATIVE SALAZAR: Thank you.

THE CHAIRMAN: Mr. Smith, I have
really found this exchange -- and I want to thank
particularly Representative Gardner for raising
issues. And I want to thank you for raising this
issue. Because if -- and I haven't determined how
I'm going to vote on this bill, but if I vote for
this bill, I will only vote for this bill if there
is a reasonable prospect that the bill will
absolutely protect your manufacturing capacity here
in Colorado.
And it is not my intention, if I support this bill, to encourage its passage if it's going to impact on manufacturing here in Colorado beyond the requirement of putting certain markings on the magazines.

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

But having said that, Mr. Smith.

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

As mentioned in my testimony, in accordance with the Colorado Sheriffs Association's policy paper, these firearms, these magazines are
commonly used in self-defense situations, and not having access to standard-capacity magazines by civilians in Colorado is a problem for us --

THE CHAIRMAN: Understood --

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

THE CHAIRMAN: Understood, Mr. Smith.

And thank you for taking the time to convey your views and your company's views on this legislation.

Representative McLachlan.

REPRESENTATIVE McLACHLAN: Again,

thank you, Mr. Chairman.

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

THE CHAIRMAN: Mr. Smith.

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

REPRESENTATIVE McLACHLAN: What other magazines do you -- do you manufacture, for example,
low-capacity magazines?

THE CHAIRMAN: Mr. Smith.

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

REPRESENTATIVE McLACHLAN: Excuse me.

Thank you, Mr. Chairman. I'm sorry.

THE CHAIRMAN: You're welcome, sir.

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

THE CHAIRMAN: Mr. Smith.

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

THE CHAIRMAN: Representative McLachlan.

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

THE CHAIRMAN: Mr. Smith.

DOUG SMITH: I'm assuming he was referring to their handgun.
REPRESENTATIVE McLACHLAN: Thank you, Mr. Smith.

THE CHAIRMAN: Representative Salazar.

REPRESENTATIVE SALAZAR: Thank you, Mr. Chair.

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

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

THE CHAIRMAN: Mr. Smith.

DOUG SMITH: I believe that is correct.

THE CHAIRMAN: Representative Salazar.

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

So then that being the case, anything that you manufacture above the 10, you would be -- you understand that you would be protected in being able to make and to transfer, to possess, by this
law, if it's amended?

THE CHAIRMAN: Mr. Smith.

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

THE CHAIRMAN: Representative Salazar.

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

THE CHAIRMAN: Mr. Smith.

DOUG SMITH: Thirty rounds.

THE CHAIRMAN: Representative Salazar, thank you.

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

So thank you, sir.

DOUG SMITH: Thank you, Chairman.

THE CHAIRMAN: Our next witness is --
oh, Mr. Sweetman, I'm going to release you, sir, from -- you will have about two hours on parole. I hope it goes well for you, sir.

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

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

THE CHAIRMAN: Please proceed.

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

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

2002, Memorial Day weekend, I was a small business owner. I was at my business. Three
men came in under the ruse of conducting normal business. Now, these three men waited until close of business, while one of them snuck around behind me and opened fire, without any type of letting me be aware of anything. I had no -- I had no passive compliance given to me. There was no, give me your money. There was no anything.

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

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

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

They obviously had no intent for the law for a high-capacity ban or anything like that when they had murder on their mind. They were there
for one reason. They were there to murder me.

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

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

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

Are there any questions for Mr. Robles?

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

THE CHAIRMAN: Please.

CHARLES ROBLES: The Honorable Representative Court -- and with all due respect -- in her defense of the last bill, she had said that she knew that it would not stop the violence, but that if it had saved one person, one person, that it was worth it all. Well, here I am. Here I am in living proof that high --
THE CHAIRMAN: I am absolutely serious. This is not theater. We don't applaud. We don't boo. This is a judiciary committee hearing. We are trying to find good public policy. We are not assisted if members of the public treat this like a political rally or a cheap spectacle.

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

THE CHAIRMAN: No. No. No. I'm not talking to you. I'm just talking to people who are applauding here. Excuse me. So I would just ask you to desist, members of the audience.

Mr. Robles.

CHARLES ROBLES: I just beg this committee, I pray to this committee that they do not pass a law that takes away the rights of citizens to defend themselves against people intent upon murder, citizens that have done nothing but have worked hard their whole lives and contributed to the community. I beg of you that you hold the same standard that Representative Court held on the first.

THE CHAIRMAN: Thank you, Mr. Robles.
Are there any questions for Mr. Robles?

Representative Lawrence.

REPRESENTATIVE LAWRENCE: Thank you, Mr. Chairman.

And thank you so much for being here. That's an extremely compelling story. My question is, during the attack, did you have a chance to call 911? How long did it take for help to arrive?

THE CHAIRMAN: Mr. Robles.

CHARLES ROBLES: You know, the initial action of the event probably took course -- it seemed like a long time, but it was probably less than 30 seconds. After -- after everything had quieted down and I was able -- at that point, my body lay in a pool of blood, my legs underneath me not able to work. I had to crawl across the shop with my arms to get to a cell phone or a telephone. I called -- I think it took them about two or three minutes to arrive on scene.

Unfortunately, I had made the mistake of saying that I thought one was still in the building, so they would not enter. They wouldn't enter. They had to wait until SWAT got there. So I laid there bleeding and bleeding and bleeding until
they were able to get in.

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

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

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

And in that, I have to tell you we all owe you our thanks. So thank you very much for your
testimony, Mr. Robles, we appreciate it.

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

THE CHAIRMAN: Thank you.

Our next witness is Andrew McKinnis.

Is Andrew McKinnis here?

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

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


Gordon Garland.

Mr. Garland, welcome to the House Judiciary Committee. Please come forward and tell us your name, sir, for the record, who you represent, and then please proceed with your testimony.
GORDON GARLAND: Thank you, Mr. Chair.

My name is Gordon Garland. I'm a Colorado native. I was born locally in Holyoke. I grew up on the Great Plains. I've been here in Denver for 25 years. I've been in the real estate brokerage and investment business. And I live in Representative Court's district. So I'm one of these people that's opposed to this bill.

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

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

I was particularly touched by Mr. Gates' testimony a little bit earlier today, but he said his son had fallen under the influence of psychotropic drugs. He ended up taking his own life. And I can relate to that because my wife, who became a U.S. citizen after moving here from Canada, we were married about 13 years ago. And the first real exposure that I had to her family was when I
was called to Toronto to -- I didn't think -- I did not think that I'd react that way.

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

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

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

GORDON GARLAND: Thank you.

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

GORDON GARLAND: Thank you, Mr. Chair.

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

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

Mr. Smith, welcome, sir. Thank you
for coming to the hearing on House Bill 1224. We
much appreciate it. Please tell us your name for
the record and who you represent and then proceed
with your testimony, sir.

ZAK SMITH: Thank you, Mr. Chairman.

My name is Zak Smith and I speak for myself, my
family, and my friends.

THE CHAIRMAN: Thank you, please
proceed.

ZAK SMITH: I live in Fort Collins.

I'm a small business owner. Now, I am in the
firearms industry, involved in manufacturing
firearms, training and competitive shooting events.
I'm here to oppose 1224.

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

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

The U.S. Supreme Court has recently
ruled in Heller that individuals have a right to
possess and use firearms for self-defense,
especially those firearms in common use and most suited for self-defense.

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

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

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

Finally, the Front Range is home to a flourishing ecosystem of firearms-related small businesses, ranging from manufacturing to research and development to self-defense training and
competitive shooting events. My own business is involved in several of these areas.

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

Thank you.

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

Are there any questions for Mr. Smith?

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

Representative Lee, my apologies.

REPRESENTATIVE LEE: Thank you,

Mr. Chairman.

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

THE CHAIRMAN: Mr. Smith.

ZAK SMITH: Sure. Thank you. So I'm involved in writing about firearms, how they work, how to shoot effectively. I'm also involved in
training. A lot of people are interested in self-defense training because we have a concealed carry bill here in Colorado. And the -- you know, the choice firearm for concealed carry is usually a midsized pistol that holds between, you know, 12 and 17 rounds.

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

REPRESENTATIVE LEE: Thank you.

THE CHAIRMAN: Representative McLachlan.

REPRESENTATIVE McLACHLAN: Yeah.

Thank you for coming here today, sir.

Thank you, Mr. Chairman.

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

THE CHAIRMAN: Mr. Smith.

ZAK SMITH: Thank you.

I think the confusion on the whole 15-round issue comes from 15 is a pretty standard number for handguns, but to my knowledge, the same
as what the Magpul rep said, I don't believe there's any rifle magazines that hold 15 rounds.

THE CHAIRMAN: Representative --

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

THE CHAIRMAN: Mr. Smith.

ZAK SMITH: With regard to rifle magazines?

THE CHAIRMAN: Representative McLachlan.

REPRESENTATIVE McLACHLAN: Yes, sir.

THE CHAIRMAN: Mr. Smith.

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

REPRESENTATIVE McLACHLAN: Thank you.

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

Mr. Leon Green. Mr. Green, we're glad you could tear yourself away from your children and join us here in the House Judiciary Committee.

Please state your name for the record, tell us who you represent, and then proceed with your testimony.

LEON GREEN: Thank you, sir. My name is Leon Green and I represent my children, my two
children in the back, along with my wife.

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

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

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

Whether I -- and I've shot -- I've taken 18 classes at Front Sight and other places. And because of that, whether I have 10, I have a 20-round clip, a magazine, it doesn't matter. It's a matter of how effective they are.
So you can go through the incrementalism like I heard at 2:30 this afternoon saying, oh, we'll have 10 now, next year we'll do 8, thereafter we'll do 5. And we'll just get to a point where that one person says, oh, you only need 2 or 3, the hunter.

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

Thank you.

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

Are there any questions for this witness?

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

Robert Parker. Welcome, sir. Thank you for coming and helping us with our deliberations, Mr. Parker. Please state your name,
who you're representing, and proceed with your
testimony, sir.

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

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

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

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

I am concerned that there will be a
lot of people unjustly arrested and detained and
require the services of attorneys to prove that they
were lawful owners of that magazine before the ban went into effect.

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

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

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

Are there any questions for Mr. Parker?

REPRESENTATIVE LEE: Thank you, Mr. Chair.

Mr. Parker, I'm looking at the bill, and just to clarify the actual terms of the bill,
what it says is that a person who possesses a magazine after July 1, 2013, it's a violation. But there are -- the requirement is on the authorities to establish that -- the prosecution has the burden of proof. If you say I had it before July 1, they have to prove the contrary.

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

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

THE CHAIRMAN: Mr. Parker.

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

As far as I know, Magpul is our only major manufacturer. There are hundreds of gun manufacturers across the country, and even more magazine manufacturers, both foreign and domestic,
that produce magazines that do not put dates on them. So how am I -- am I going to be detained until I can show that that magazine that does not carry a date, manufactured by a non-Colorado magazine manufacturer. And that's my concern.

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Yes, thank you.

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

THE CHAIRMAN: Mr. Parker.

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

One of my vendors told me that in a 15-minute period, on the Monday after Sandy Hook,
they sold over 100,000 Magpul magazines in 15
minutes after opening.

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Thank you,

Mr. Vice Chair.

Let me ask you about something also.

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

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

THE CHAIRMAN: Mr. Smith.

ROBERT PARKER: It's Mr. Parker.

THE CHAIRMAN: Parker. Sorry.

ROBERT PARKER: Thank you, sir. Yes,
it would be very simple to drive just out of state,
Sidney, Nebraska. You could go to Cabela's. They
carry Magpul products, as well as Springfield, Colt
and everybody else that makes high-capacity
magazines for both handguns and long guns.

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

THE CHAIRMAN: Representative Gardner.

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

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

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

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

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

Thank you.

THE CHAIRMAN: Thank you for your testimony, sir.

ROBERT PARKER: Thank you.

THE CHAIRMAN: Appreciate it.

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

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

JUSTIN SMITH: Yes, Mr. Vice Chair.

I'm Justin Smith. I'm the sheriff of Larimer County, Colorado. I'm here representing the citizens of my county. I'm also a board member of the County Sheriffs of Colorado. So also
representing the Sheriffs of Colorado.

THE CHAIRMAN: Thank you, sir.

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

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

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

BRUCE HARTMAN: Thank you, sir.

THE CHAIRMAN: Mr. Smith.

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

THE CHAIRMAN: Certainly.

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

As a sheriff, I don't have the luxury of working on emotion. I have to work based on
logic. Officers in the field have to remain logical.

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

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

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

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

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

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

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

THE CHAIRMAN: Thank you, Sheriff
Are there any question for the sheriff?

Representative Wright.

REPRESENTATIVE WRIGHT: Thank you, Mr. Vice Chair.

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

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

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

And I know there was testimony earlier that somehow it's difficult for someone to learn to drop a magazine and reload. I've spent hundreds of hours on the range. I could teach anyone in here
within five minutes to be able to do that same
thing. They're going to be able to do it.

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

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

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

THE CHAIRMAN: Representative Wright.

REPRESENTATIVE WRIGHT: Thank you,

Mr. Vice Chair.

And Sheriff Smith, I would ask also
you, as the highest elected lawman in your area of
the state, do you believe that this bill, if it were
passed, is constitutional under the Colorado Constitution and the Second Amendment?

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

THE CHAIRMAN: Thank you, Sheriff Smith.

Representative Salazar.

REPRESENTATIVE SALAZAR: Thank you, Vice Chair.

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

So then if you have access to a 100-round drum that you could use in defense of the
public, how would you feel if the perpetrator had a
100-round drum and is shooting at you?

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

THE CHAIRMAN: Sheriff Wiggins --

Smith.

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

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

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

THE CHAIRMAN: Representative Salazar.

REPRESENTATIVE SALAZAR: Okay. And I
appreciate that they're junk. Okay. What's the
largest -- what's the largest magazine clip that you
have?

THE CHAIRMAN: Sheriff Smith.

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

THE CHAIRMAN: Representative Salazar.

REPRESENTATIVE SALAZAR: Thank you,
Mr. Chair.

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

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

THE CHAIRMAN: Sheriff Smith.

JUSTIN SMITH: I don't believe I'm in
a role to make that judgment on the individual and
what they have. If you're going to take it away from one, then take it away from all.

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

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

THE CHAIRMAN: Representative Salazar.

REPRESENTATIVE SALAZAR: Thank you, Mr. Chair.

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

And -- but I'm -- because of this balancing act that we have to do here on the judiciary, where we have to balance not only public safety but with the rights of the citizens. When I
hear a sheriff saying that a citizen should be just
as armed as a police officer, but not all citizens
are law abiding, I'm just -- I'm trying to ferret
out from you, is that okay with you, for a
non-law-abiding citizen to be able to fire the same
amount of rounds at you that you're firing at them?

THE CHAIRMAN: Sheriff Smith.

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

I heard the testimony of Director Sloan. What you may be surprised to learn is I have
no access to a magical database that tells me who
can and can't have the weapons. I would ask, if
you're going to do something for the citizens and do
something for the deputies, help create a database
that's easily accessible that identifies those who
are prohibited from having the weapons. A deputy in
the field does not have access. It will take him
days to determine that. And that's one of the
challenges of the bill that was passed out of here
earlier, it doesn't address that.
Director Sloan went through a whole
list of things that his staff has to do in an office
in order to determine that. I would certainly ask,
and I would be glad to work with this -- with anyone
in this legislature to handle those things. Give us
tools to remove these firearms from dangerous
people, whether they're convicted felons or they
have mental health conditions. I'd be glad to work
with you. I'd plead for that opportunity. I'd work
with you.

THE CHAIRMAN: Thank you, sir.

Representative Buckner.

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

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

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

THE CHAIRMAN: Sheriff Smith.

JUSTIN SMITH: I learned a long time
ago to be careful about speculating. So for me to
speculate about the chiefs, I would let them address
why they came to the conclusions they did. What I
can tell you is they're appointed by city officials,
and I don't know of many police chiefs who
publically disagree with their bosses and still have
jobs. That's one thing to consider.

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

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

And I can tell you one of the
challenges I've gotten -- this is a good point -- is
a lot of my residents may be an hour and a half from
the closest deputy going as fast as they can safely
to get to them. And we have people up in our
mountains that way, as do the other sheriffs here
with me. Hour and a half -- we consider ourselves
the calvary -- before we get there. And I can tell
you it does give me a different perspective.
The people who live in my areas very much are people who will take care of themselves. They aren't necessarily looking for a deputy around the corner. They understand it may be hours. And that may give a little difference. Because a police chief may feel confident that they can have an officer there on a 911 call in five minutes or less. I can easily be an hour and a half. And I just, in good conscious, can't strip my citizens of that ability to defend themselves until we can show up and help them. That is probably my best speculation.

THE CHAIRMAN: Representative Buckner.

REPRESENTATIVE BUCKNER: Thank you. Have you had any conversations at those gatherings where police chiefs and sheriffs are at the same place at the same time, so it's not all speculation? Surely you've had those conversations at some point in your life.

THE CHAIRMAN: Representative McLachlan.

REPRESENTATIVE McLACHLAN: I thank you. Representative Buckner asked my question.

Thank you.
THE CHAIRMAN: Thank you.

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

UNKNOWN SPEAKER: (Inaudible.)

THE CHAIRMAN: Sheriff Hartman.

BRUCE HARTMAN: Yes, sir.

THE CHAIRMAN: Please proceed and give us your testimony.

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

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

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

In our position paper, the sheriffs asked for no action this year so every person could
come to the table so we have a comprehensive plan.

That didn't occur, and that's fine, but I think you find that some of the questions -- and term it resistance if you want -- is these aren't going to make us safer.

The deputies are going to be in the middle of a heck of a decision-making process. And it's even in here that the prosecution has to prove it.

I think there are better ways to address the issue. The problem with the violence didn't occur overnight or at Sandy Hook. It's been decades in building. We can't fix it overnight either. And everybody wants to help address that problem, but I don't believe the bills I've seen are going to be an effective means for that.

THE CHAIRMAN: Thank you, Sheriff Hartman.

Are there questions for Sheriff Hartman?

THE CHAIRMAN: Representative McLachlan.

REPRESENTATIVE McLACHLAN: Thank you, Mr. Chairman.

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

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

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

THE CHAIRMAN: It's just easier for the people listening online if they know who's speaking. So please go ahead, Sheriff Hartman.

Thank you, sir.

BRUCE HARTMAN: Thank you, sir.

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

And I would second Sheriff Smith's
suggestion, let's work with CBI to find a way, whether it's access for our deputies to the Insta-Check system or some way so they know at 3 o'clock in the morning that it's a prohibited person.

THE CHAIRMAN: Representative McLachlan.

REPRESENTATIVE McLACHLAN: Thank you, Mr. Chairman. So just for the audience here that may not be familiar, would you tell us what the NCIC and the CCIC systems are.

THE CHAIRMAN: Sheriff Hartman.

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

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

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

THE CHAIRMAN: They are a tough act to follow.

GARRETT WIGGINS: I agree.

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

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

The other thing that I would like to mention is the time that it takes to do a mag exchange. Coming from a -- as a prior SWAT member and a firearm's instructor, when I'm on my A game, I can do a mag exchange in about a second to a second and a half. And when I fumble around a lot, I can get it done in about three or four seconds.
So I can teach -- as Sheriff Smith indicated, I can take anybody in this room, and after about 5 or 10 minutes of instruction, I can have you doing the same thing.

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

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

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

I think we've heard some testimony today in regard to people that have had to use more than 10 rounds to defend themselves. And I think if
there was some research done we would find a whole
lot more of those. And they would probably
outnumber the number of incidents that we've seen
where people have used these weapons in an evil
manner.

THE CHAIRMAN: Thank you, Sheriff
Wiggins.

Representative Murray.

REPRESENTATIVE MURRAY: Thank you,
Mr. Chair.

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

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

And I think you've also pointed out a
tension that we have between the rural and the
urban. You know, we're still in the wild west out
here. We have a lot of open spaces, a lot of people
that have to defend themselves and their families.

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

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

THE CHAIRMAN: Thank you.

GARRETT WIGGINS: You're welcome.

THE CHAIRMAN: Representative Salazar.

REPRESENTATIVE SALAZAR: Thank you, Mr. Chair.

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

But you would agree that it's a fair statement that -- let's say that you're in the course of training somebody and you had someone else
shooting at them with a paint ball. They might react a little bit differently in an actual attack on them in trying to change that magazine, because, well, they're not going to be as carefully trained as you.

Wouldn't you agree with that?

THE CHAIRMAN: Sheriff Wiggins.

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

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

THE CHAIRMAN: Representative Salazar.

REPRESENTATIVE SALAZAR: Thank you, Mr. Chair.

And so then that raises the other aspect of it, is that the shooter who's coming in
also may not be as trained, if they're being shot
at, as well. Let's say, for example, the individual
who shot -- shot at -- I just spaced her name -- the
congresswoman out of Arizona -- that in the course
of him trying to change out his magazine, which
took -- he didn't even get to change it out, because
it was taking him so long that he was tackled, that
not everybody is going to react the same way in
being able to change out a magazine. I guess that's
the point.

THE CHAIRMAN: Sheriff Wiggins.

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

It could have been from behind. It
could have been from the side. So without knowing
all the circumstances -- I mean, we could speculate
and we could play that what-ifs forever. But I
understand your point.
THE CHAIRMAN: Sheriffs, thank you so much for your public service to the people of the state of Colorado and for adding to your burdens by coming down here and presenting us with your views. It was public spirited of you and nothing less than we expect. But we very much appreciate it. Thank you so much.

GARRETT WIGGINS: Thank you, Mr. Chair.

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

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

SAM MYRANT: My name is Sammy Myrant, and I represent myself and my family. And first of all, I'd like to -- I earlier expressed my condolences to Representative Fields on her loss. My loss goes on every day. The man who committed 16 felony counts of rape, child abuse on this child gets out of prison this year. So there are times when we're going to need a magazine of high capacity.

He's a member of the Aryan
Brotherhood, and he gets out of prison this year. And he has sworn to kidnap her and us, rape her again in front of us, then kill us in front of her.

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

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

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

I have many police officer friends. Bruce Vanderjack was a friend of mine. We worked together as security officers. There is no one who
is responsible for your protection but yourself.

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

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

THE CHAIRMAN: Representative Salazar.

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

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

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

THE CHAIRMAN: Mr. Myrant.

SAM MYRANT: Well, first of all, I am disabled, so I can't put a clip in and out very quickly. I drop them, even when I'm practicing at
the range. So I want to have as many in my Glock 17
that I can have. And I carry 17 in there all the
time. My wife carries 15 in hers.

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

THE CHAIRMAN: Representative Salazar.

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

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

REPRESENTATIVE SALAZAR: Thank you.

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

Mr. Myrant, I just want to say, as
other witness -- as I've said to other witnesses,
this is not something you enjoy talking about. This
is not something you want to be thinking about.
There is a tragedy that you've endured, and yet
you've came here and you've told us about it and
you've dwelled on it for the day, and you've done it
for the public good. And we all appreciate that,
sir. Thank you.

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

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

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

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

DAVE GILL: Thank you, Mr. Chairman.

My name is Dave Gill. I am the vice president of
the Colorado Shooting Association.

I'd like to mention a comment made by
Thomas Sole that I think really we have been getting
to tonight. With all the discussion about gun
control, I've not heard anybody on any side of this
issue mention how many lives are saved by guns every
year, which are far more than are lost, even in the
mass shootings that get so much media attention.
But most of the media never mention the lives saved
by guns.

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

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

I apparently misunderstood who I was
talking to. They were a gang, and they were not
amused that I had shown disrespect for them and
asked them to leave the private property and pick up
their trash. They came at us in a very clear
predatory manner, were attempting to surround us.
When I had asked them to please stop, do not come
any closer, stay back, show me your hands, they
ignored me and kept coming towards me.

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

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

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

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

So I would ask you to please consider
that guns are also frequently used as items to defend ourselves.

THE CHAIRMAN: Thank you. Mr. Gill.

Are there any questions?

Representative Salazar.

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

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

THE CHAIRMAN: Mr. Gill.

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

Now, I am fairly proficient with a firearm, and I can shoot quickly and accurately. And it takes me about one second to drop a magazine and put a fresh magazine in. So not everyone is capable of doing that. If I'm not in practice, I'm
not capable of doing it either. So there isn't a
magic number.

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

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

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

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

So I am going to call for Michael
Welcome, Mr. McPeake.

MICHAEL McPEAKE: Mr. Chairman.

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

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

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

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

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

There's lots of civilian people,
private citizens that think just like me. There
cannot be enough bullets when you need them, period.
If you have 10, you will need 11.

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

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

THE CHAIRMAN: Mr. McPeake, thank you,
sir, for your testimony.
Are there any questions for
Mr. McPeake?

Thank you, sir.

MICHAEL McPEAKE: Thank you.

THE CHAIRMAN: We appreciate you
coming forward.

Michael Bane. Mr. Bane, welcome, sir.
You're a patient man. Thank you for waiting so long
and giving us the benefit of your testimony. Please state your name, tell us who you represent, and then proceed.

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

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

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

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

When we start talking about these magazines, my best numbers -- and I am in the
business. But my best numbers are that there may be
a 100 million magazines with a capacity above 10 in
the United States, and probably as many as 10
million in Colorado.

So what I see here is a law that is -- 

at least a proposed law that it doesn't accomplish
what you hope to accomplish, because criminals are
criminals. One of the shows that I do -- I spent a
lot of time with law enforcement going through
large-scale crimes and committing -- and creating
simulations for those crimes to see how they run.

And the key thing we see, especially with crimes
with gangs, with large number of assailants, is they
don't pay attention to the law anyway.

They're not going to be affected by
this. But they are an awful lot of civilians,

law-abiding civilians in Colorado, who will be
affected by this.

I think it's a law that's not
enforceable. It doesn't appear to accomplish what I
think we all want to accomplish, which is making
people safe. But more than that -- I teach, as an
instructor myself, in my shows -- I believe that the
AR-15 is the finest platform I've seen for
self-defense. It is my choice.
I say that it is my choice because like a lot of people, and some of my friends in this room who are out front in this fight, we all routinely receive credible death threats, what the gentleman who spoke here, the sheriffs would term credible death threats. So we have to choose ourselves the optimum self-defense tool.

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

THE CHAIRMAN: Thank you, Mr. Bane.

Are there any questions for Mr. Bane?

Mr. Bane, thank for joining us.

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

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

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

Andrew Hamilton. Mr. Hamilton, welcome, sir. Please state your name, who you represent, and proceed.
ANDREW HAMILTON: Andrew Wayne Hamilton, representing myself, my family, and my friends.

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

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

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

We should not be hindered by this proposed legislation in providing protection to our families and ourselves.
It was short.

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

Are there any questions for Mr. Hamilton?

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

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

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

THE CHAIRMAN: Gabaldon.

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

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

I am very pro any capacity that the citizen needs to protect themselves from violence. I think that any laws that restrict the capacity of a clip diminishes the capacity of the citizen to
protect themselves under any and all consequences that they might suffer.

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

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

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

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

I was pulled between two row houses one time by three very large guys who attempted to
gang-rape me. And thanks to two of my neighbor
friends, they saved me. There was no guns there,
but I'm telling you there was violence.

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

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

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

I have heard testimony of people here
today who were in situations where they were
confronted with violence and all they could see and
thought about was the gun. But they never
thought -- and I thought maybe it's because of where
I grew up and how I grew up, I think about defending
myself.

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

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

And I think that if we do not learn
from history, we are bound to repeat it. And our
constitution was written with that in mind. And
there are greater threats to our security than just
rapists and people who want to beat me over the head
with pipes and use horrifying weapons against me.
If people want to harm you, they will do it with --
that are bad people out there. There aren't bad
guns.
THE CHAIRMAN: Thank you,
Ms. Gabaldon.
Are there any questions for this very
courageous witness?
Representative Patterson.
REPRESENTATIVE PATTERSON: Thank you,
Mr. Chair.
And I'm really sorry for your
experiences. You said that you would support any
capacity for citizens to be able to protect
themselves. What if that meant having limitations
so that we could reduce the lives that are -- that
are caused during a mass shooting?
THE CHAIRMAN: Ms. Gabaldon.
BONNIE GABALDON: Yes. I'm sorry.
I think that I do not believe that
there should be any limitation imposed on the right
of the citizenry to protect themselves. I believe
that there are some crazy people out there who will
inflict harm.
And, yes, I don't think that it's the
large -- because I think that the people are looking
at the capacity magazine out there and the person
who is inflicting, they're not looking at the
criminal. They're not looking at the person behind
that gun, and there are some very crazed people.

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

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

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

BONNIE GABALDON: Thank you for listening.

THE CHAIRMAN: -- of your experience.

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

Lillie Williams. Adam Thompson.

Jimmy West.

UNKNOWN SPEAKER: (Inaudible.)

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

UNKNOWN SPEAKER: (Inaudible.)

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

BOB EDMISTON: Thank you, Mr. Chair.

(Inaudible) sit this somewhere.
THE CHAIRMAN: Mr. Edmiston, for the record, has given some documents to Ms. Shipley, who is distributing them, one copy each to the members of the committee.

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

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

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

As stated in the first handout, information from Dr. Cates and Mr. Mauser indicate that criminals do not obey the law. This ban will not inconvenience them. We have a fear that what this ban will likely do is what prohibition did to the use of alcohol in the United States, and I believe that is to create widespread disregard for law and order, to have a corrupting effect on law
enforcement, promote the rise of criminal gangs that are in the business of selling the banned product.

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

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

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

In the infamous Dalton Gang raid on Coffeyville, Kansas in 1892, one of the bank robbers, Emmett Dalton, was hit 21 times by law enforcement and armed citizens. He survived to serve out his prison sentence and go on the road.
with Frank James. Talking about the evils of crime.

We urge a no vote on this bill.

THE CHAIRMAN: Thank you then,

Mr. Edmiston. Much appreciated, sir.

Are there any questions for this

witness?

Seeing none, thank you so much for

your testimony here this evening --

BOB EDMISTON: Thank you, Mr. Chair,

and committee.

THE CHAIRMAN: -- for your patience,

sir, waiting to deliver it.


Mr. Higgs. Welcome, sir.

JOHN HIGGS: Good evening,

Mr. Chairman.

THE CHAIRMAN: Welcome, Mr. Higgs, and

good evening to you, sir. Thank you for your

patience. Please tell us your name, who you

represent.

JOHN HIGGS: My name is John Higgs.

I'm representing myself and my wife, and I am

opposed to this bill.

Mr. Chairman, I'm -- I think I'm one

of the most fortunate people in the world. I was
born an Englishman and I was able to come here and
became an American citizen. And I want to make two
brief points --

THE CHAIRMAN: Same here.

JOHN HIGGS: You too?

THE CHAIRMAN: Yes.

JOHN HIGGS: Great. High five.

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

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

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

In 1993, in Chelsea, Michigan, a
39-year-old chemistry teacher facing a disciplinary
matter at Chelsea High School, shot the
superintendent to death, shot the principal in the
leg, slightly wounded a journalism teacher. And he
was taking Prozac and he had also been seeing a
psychiatrist.

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

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

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

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

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

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

Representative Lee.

REPRESENTATIVE LEE: Thank you, Mr. Chairman.

What's your second point, sir?

JOHN HIGGS: My second point is a short story, but I'll make it as quick as I can.

It's a personal story, and it occurred in 1981 when my wife and I were still living in the east end of London, which is pretty much Jack-the-Ripper country -- it's not a very good part of town -- there was a riot in our street.

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

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

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

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

Thank you.

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

JOHN HIGGS: Thank you. Good
afternoon.

THE CHAIRMAN: Thank you so much.

Brenda Blake. Dan Newman. Mr. Newman, thank you for being so patient, waiting so long. Please give us your testimony, and before you do so, just for the record, identify yourself.

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

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

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

THE CHAIRMAN: Thank you, Mr. Newman.

And we are benefited by hearing them.

Any questions for Mr. Newman?
Mr. Newman, thank you, sir.

DAN NEWMAN: You're welcome.

THE CHAIRMAN: Members of the public,

we've gone past already the two-hour limit that I put on the testimony, but I know there are scores of people who still have not testified. So we're getting down to the last moment.

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

STEVE MARTIN: Martin.

THE CHAIRMAN: Steve Martin.

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

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

Thank you very much for your indulgence. I would like to raise several legal questions. I would like to point out, to begin with, very briefly, that I oppose this legislation on moral grounds. I believe it's a violation of fundamental human rights. I oppose it's a violation of fundamental human right. I oppose it on constitutional grounds.
That being said, I have deep concerns about the standard of possession for these magazines being the mechanism of punishment. There are many cases where someone might be in possession of a magazine and not be aware of it.

What if my daughter, for example, borrows my car. I have some of these magazines in the back as part of my range kit, but she's unaware of that, and she gets pulled over. She's still liable criminally for possession of those items.

Another example is, for example, long-haul truckers, over-the-road truckers, and especially truckers who do LTL, what if they're transporting some of these from a warehouse to a Cabela's, for example, but they happen to go across I-25 or I-70, or what have you, they're not aware that that's a prohibited item in this state.

They might have 500 magazines in their load and not be aware of that. And each one of those is punishable by a year in jail, the way this is written. I think 500 years in the jail for a trucker who doesn't know what he's carrying is fairly ridiculous.

I will be generous and I will assume this is an unintended consequence of the
legislation.

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

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

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

Thank you for your indulgence.

THE CHAIRMAN: Mr. Martin, don't go
anywhere, until and unless members of the committee have any questions for you.

STEVE MARTIN: I'd be happy to take questions.

THE CHAIRMAN: But if none of the members have questions, please accept our thanks for being so patient and waiting so long and for the concise and very interesting testimony. You've raised questions which need to be raised.

STEVE MARTIN: Thank you very much, Chairman.

THE CHAIRMAN: Thank you, Mr. Martin. Carrying on through, we're down to the last vestiges. There was a gentleman here who had been very anxious to testify. I assume you have signed up, sir?

UNKNOWN SPEAKER: Yes, I have.

THE CHAIRMAN: And then we'll come to those last few. And it's somewhat -- I know it is really rather imperfect, but I'm afraid I'm just going to take four or five more witnesses and then call the testimony phase complete. And that's a necessity, I'm afraid.

Sir, state your name for the record, please. Tell us who you represent.
LEE REEDY: My name is Lee Reedy. I represent my wife and myself.

THE CHAIRMAN: Fantastic. Welcome, sir. Thank you for waiting so long. Please proceed with your testimony.

LEE REEDY: To much of America, a firearm is a symbol that you are a citizen, a responsible person who can be trusted with an instrument of considerable power that enables you to protect yourself, your family, and your property.

To the elite, a firearm is a symbol of barbarism and a lack of trust in their fellow citizens and reliance on government.

I would agree that violence is rarely the answer, as we've heard before in this testimony, but when it is, it becomes only the answer. That is to say, at that point, the number one priority is to survive, and the focus has got to be on taking away the attacker's ability to continue and resume -- or continue or resume the attack.

I's oppose HB13-1224 for a number of reasons, but I'd like to bring up a couple of things that I haven't heard yet.

There's no exemption that I can tell for entities like security companies, who rely on
having duty weapons like the Glock 22, Glock 23.

They typically have 13 or 15 rounds.

There's no exemption for statutorily authorized agencies that are not actually employees. And to this, I refer to the Colorado Mounted Rangers. They are an all-volunteer organization and yet they are not covered in the exemptions of this bill.

There are no exemptions for school resource officers who would be in the most and best place to make the changes or to effect a defense of children.

And I don't think the committee really realized it or not, but when you entertained an amendment to okay Magpul as a manufacturer of products, it kind of sounded like what you said was, oh, it's okay to manufacture them here, you just can't have them here. And that really sounded hypocritical.

And, you know, I don't mean it to sound accusatory, but it really kind of sounded like the focus was, oh, we want the taxes and we want the manufacturing and the jobs, but we don't want the magazines, God forbid.

THE CHAIRMAN: Thank you, sir.
Are there any questions for this witness?

Thank you, sir, for coming and waiting so long.

LEE REEDY: Thank you for allowing me to speak.

THE CHAIRMAN: I'm sorry we couldn't give you longer. And I'm sorry we couldn't get to more witnesses.

What I'm going to do is I'm going to take the next four witnesses on the list, whoever they may be. And I apologize that I can't take everybody. I will take the next four witnesses, and then -- we've gone over our time allotted already -- and then we will call the testimony closed.


ANDREW LaFONTAINE: Thank you, Mr. Chairman.

THE CHAIRMAN: Welcome.

ANDREW LaFONTAINE: My name is Andrew LaFontaine. I am from Greenwood Village. Representative Kagan, you and I have not met, but it's nice to finally put a name with a face.
I am not a member of the NRA, nor am I a member of the Rocky Mountain Gunners Association or any other gun rights advocacy group. In fact, I am a registered Democrat, and I am opposed to the measures currently under consideration.

I am a licensed attorney, and I know that we have a number of other licensed attorneys that are sitting on this committee. It is, in fact, the judiciary committee. We have, so far, not considered the constitutional implications of HB-1224, and I would like to use my time today to do that.

Under the District of Columbia versus Heller, the standard for what is constitutionally protected are weapons that are in common use at the time by members of the public for lawful purposes, and those purposes include self-defense.

I am speaking directly to other Democrats who, like myself, I believe firmly support the Bill of Rights. If you are in support of the Bill of Rights, Representative Court, Representative Patterson, Representative Salazar, I believe that you have to support not just the First and the Fourth and the Fifth and Sixth and the Seventh, but also the Second.
I would like to hear from the judiciary committee how they believe that this bill that is currently under consideration is not prima facie unconstitutional.

THE CHAIRMAN: Thank you very much for the question, Mr. LaFontaine. Thank you for being here.

Members of the committee, do you have any questions for Mr. LaFontaine?

Representative Wright.

REPRESENTATIVE WRIGHT: Thank you, Mr. LaFontaine. Appreciate your compelling testimony. I'm wondering -- you mentioned that you are an attorney. And you cited Heller, which I also cited in a previous question of another witness testifying today.

Tell me what type of law you practice and how you reached this conclusion and if there was a dissenting opinion that we should take into consideration today.

THE CHAIRMAN: Mr. LaFontaine, if you'd like to tackle that.

ANDREW LaFONTAINE: I practice civil litigation. I do not practice constitutional law. However, I am an owner of several firearms that
would be restricted by this particular bill, 
including a Glock 17, which has a 17-round magazine, 
an AR-15, which has a 30-round magazine, both of 
which came from the factory. 

These two weapons are the same weapons 
that you will find on the hips and in the patrol 
cars of every cop in the state. And they are the 
same guns that are found in the homes of vast 
majority of people who support gun rights in the 
state. 

And so as the weapon that is most 
commonly used by those individuals for lawful 
purpose of self-defense, it would seem to me that 
under the Heller decision, they are ipso facto 
constitutional. And I would like to know from the 
committee if they believe that this bill will 
survive a constitutional challenge, because I'm 
happy to be a plaintiff. 

THE CHAIRMAN: Representative Wright. 

REPRESENTATIVE WRIGHT: Well, I'll 
answer your question. I do not believe that it's 
constitutional. I've heard a lot of testimony today 
that argues that it's not our role to guess what the 
judiciary might decide. I wholeheartedly disagree. 

We are a separate branch of government
for a reason, and I think our duty is to create good law that is, in fact, not unconstitutional.

We have a framework here laid before us by the Supreme Court, and I think it's a bad move for us to pass this law today. So I appreciate you bringing that forward in a nonpartisan fashion today.

THE CHAIRMAN: Any further questions?

Representative McLachlan.

REPRESENTATIVE McLACHLAN: Thank you, Mr. Chairman.

I'm also a Democrat. So you overlooked me. I'm sure it was unintentional.

ANDREW LaFONTAINE: I'm sorry, Representative McLachlan.

REPRESENTATIVE McLACHLAN: That's quite all right. Thank you.

I wanted to ask you, do you think there's any limitation that the Constitution imposes on weapons? And, for example, is there any law that could be constitutional regarding the magazine size? For example, could we have a limitation on magazines over 100 rounds?

THE CHAIRMAN: Mr. LaFontaine.

ANDREW LaFONTAINE: Representative, I
do believe that there are constitutional 
limitations. I believe that those are set forth in 
Heller.

I will state that as a personal 
matter, I own a hundred-round drum. It is a toy for 
me. It is fun for taking out to the field and 
blasting away. I do not think that that has 
constitutional protection. I do not believe that 
that is commonly used by members of the public for 
the lawful purpose of self-defense.

I believe that that could reasonably 
be restricted. I would rather not give mine up, but 
I do believe that it could be restricted in the 
police powers of the state.

I do not believe that the 30-round 
magazines that came from the factory with my AR-15 
would be constitutionally -- would be capable of 
constitutional prohibition.

THE CHAIRMAN: Representative 
McLachlan.

REPRESENTATIVE McLACHLAN: Thank you, 
Mr. Chairman.

What about, for example, hand 
grenades, would that be a reasonable weapon for 
self-defense?
THE CHAIRMAN: Mr. LaFontaine.

ANDREW LaFONTAINE: I do not believe so. Again, Heller, I think, sets for the relevant standard that weapons that are specifically designed and used in a military context are not -- do not have constitutional protection. I do not believe that there is a lawful self-defense purpose for a hand grenade.

Again, this is my personal opinion, not practicing constitutional or Second Amendment law. However, I do not believe that a hand grenade has a legitimate purpose for self-defense.

The same cannot be said of a handgun with 17-plus rounds or a rifle with 30-plus rounds.

REPRESENTATIVE McLACHLAN:

Mr. Chairman.

THE CHAIRMAN: Representative McLachlan.

REPRESENTATIVE McLACHLAN: One final question. You agree with me, I'm sure you're aware that sub-machine guns have been barred by the federal government. And the constitutionality of that limitation has been in place since 1930 or somewhere in that area, are you not?

THE CHAIRMAN: Mr. LaFontaine.
ANDREW LaFONTAINE: Representative, I believe that you're incorrect. They're not barred by the federal government. They're simply taxed. The National Firearms Act in 1931 imposed a $200 transfer tax on machine guns. And there's really no difference between a machine gun and a sub-machine gun, just the caliber of bullets they use. But a $200 transfer act was imposed on machine guns.

That was upheld, I believe, by United States versus Miller. Although that case, I think, dealt with a short-barrel shotgun. The rationale was that machine guns were not lawful -- were not used by members of the public commonly for self-defense. The same being true for a short-barreled shotgun.

Again, I do not think that that applies to an AR-15 or to a Glock 17 pistol.

REPRESENTATIVE McLACHLAN: Thank you very much for your answers.

THE CHAIRMAN: Thank you, Mr. LaFontaine. And seeing no further questions, may we just offer our appreciation for you having waited so long to testify and for giving us the benefit of your thoughts on this.
ANDREW LaFONTAINE: Thank you, Representative Kagan. I supported you in 2012. I hope to be able to support you in the next election.

THE CHAIRMAN: Thank you,

Mr. LaFontaine.

Mark Dunem. Edward Irvine.

Mr. Irvine, thank you for coming down. Please state your name for the record.

EDWARD IRVINE: Thank you very much.

My name is Edward Irvine. I'd like to speak opposed to the bill.

THE CHAIRMAN: Very good. Please tell us your reasons.

EDWARD IRVINE: I'd like to start out with an open invitation to the members of the committee who have made statements clearly showing that they're not adept to (inaudible) firearms. I didn't fire a firearm until about five years ago. I realized that the terminology can be confusing, but if any of you want to come to the range with me, if anyone would like to come to my house, I'd like to demonstrate certain factors.

I was advised that I couldn't bring magazines into the hearings, because I wouldn't be able to get through security. I'd like to
demonstrate why a reduced-capacity magazine is bad.

I personally have got (inaudible) gun.

It came with a factory standard 15 (inaudible) magazine. I also bought a reduced-capacity 10-round magazine. I asked my wife to load the gun or load the two magazines last night. She could fit 8 rounds in the 15-round standard-capacity magazine.

As you're aware, when you compress the spring, the force gets higher. She could fit two rounds in the 10-capacity magazine.

If you reduce the people to having a two-capacity magazine, what you're effectively saying is those who are physically strong enough to load the magazine can have 10 rounds. People like my wife, who physically couldn't feed more rounds in the magazines, are often not offered the same protection by law.

I'd like to voice a further opinion on reading the law that says you've taken away my rights to sell and transfer my personal property.

Now, I rank these as a violation of my Fourth Amendment rights. You're telling me that I, as a collector, have 500 to a $1,000 worth of magazines that I now cannot move. I cannot sell them. I cannot transfer them.
The State, while letting me physically keep the item, has taken away my property rights, and I have not been given due process on this.

I'd finally like to finish with the committee, as with other people, and indeed yourself, mention the fact that I was born in the United Kingdom. I grew up in England, and when violence is mentioned, I do not associate it with the good.

I'd like to tell you the story of one of my best friends growing up who was murdered because he didn't have the right to defend himself. He was beaten so badly by a drug addict, he lay in a coma for three days before he died. He wasn't able to protect himself.

I personally have been a victim of violence. I've not once, but twice had my skull stomped on. So I've got a boot print on the side of my face and a fractured skull, because in the United Kingdom, I was not able to defend myself.

I beg you to reconsider this bill, because you are putting people's lives at danger.

Thank you.

THE CHAIRMAN: Thank you for sharing some of your painful experiences with us. It's
important to hear these things. And you have the
guts to come forward and talk about them, so that's
appreciated, sir.

So are there any questions for this
witness?

Thank you.

EDWARD IRVINE: Thank you.

THE CHAIRMAN: Justin Hayward.

UNKNOWN SPEAKER: Sorry, I do not have
pizza (inaudible).

THE CHAIRMAN: My apologies for not
having provided pizza to every member --

JUSTIN HAYWARD: Hello. Okay. I have
not done this before. Thank you for letting me
speak today. My name is Justin Hayward.

Mr. Chairman, Rhonda. I come from Bailey, Colorado.
I was born and raised in this beautiful state.

I'm here to express my thoughts today
about some of the proposed legislation regarding
guns being talked about today.

My parents came from communist Russia
and have seen firsthand some of the toll that is
caused on society by the over-regulation of arms.

Regarding House Bill 1224 discussing
large-capacity magazines, I am opposed to this
legislation for many reasons. Most importantly, I
do not believe you have the right to choose for me
and my family how many bullets we need to defend
ourselves or our households.

Please do not take away the choice
that we have made for ourselves in the event of the
unforeseeable. Under the Second Amendment, we
should have the right to arm ourselves in ways that
we are comfortable with and see fit.

Second, I believe the existing
compromise between civilians and government is
reasonable and does not need any change. The
weapons of war that the media and some members of
the Democratic Party are talking about are far
faster than their ability to shoot than their
semi-automatic civilian counterparts.

Taking away standard-capacity
magazines will do nothing to prevent crime or save
lives, but it will take away the ability of all
law-abiding citizens to protect themselves.

Please remember, if they work for law
enforcement, they work for civilians. Pretty much
it.

THE CHAIRMAN: Thank you, sir. It was
short, but clear, concise --
JUSTIN HAYWARD: I try. I'm a logger for a living. So I'm not a lawyer.

THE CHAIRMAN: Mr. Hayward, thank you, sir.

Are there any questions for Mr. Hayward, before we take testimony from our last witness?

Thank you, Mr. Hayward, for coming forward --

JUSTIN HAYWARD: You're welcome.

Thank you, Chairman. And thank you, committee, for letting me speak.

THE CHAIRMAN: Thank you.


UNKNOWN SPEAKER: (Inaudible.)

THE CHAIRMAN: I didn't understand what you said.

UNKNOWN SPEAKER: (Inaudible.)

THE CHAIRMAN: The last name was Mr. Dave Bufflar from Denver, Colorado. Sorry.

Brian Lane. Brian Lane from Lakewood. Randy Fisher. Karl Schwols, S-c-h-w-o-l-s. We've
heard from Mr. Martin. Trevor Souther. Doug Smith.

Mr. F. Paul Gresky. Mr. Gresky, thank you so much

for waiting all this time.

PAUL GRESKY: (Inaudible) late.

THE CHAIRMAN: It's getting late, but

we're certainly interested to hear what you have to

say, and we very much appreciate you waiting to say

it.

PAUL GRESKY: Thank you, Mr. Chairman,

members of the judiciary. I'm going to have a

little bit of a choppy presentation because most of

my points have already been covered before.

But I'd like you to know that I am a

federally licensed firearms dealer. I am a state

firearms instructor, a national firearms instructor.

I've been the president of two Sportsmen's Clubs. I

am a past Colorado State Instructor of the Year.

I'm an ex-army captain. I've been

recognized for my work, not only through the

National Shooting Sports Foundation, for which I'm a

member, but also by the U.S. Congress for my work.

The Laramie County Board of Commissioners, and the

Colorado Legislature has sent me letters of

commendation.

And I'm here to speak for my over
15,000 students that I have taught in Colorado, not
counting the people I train for concealed carry,
which curiously are about 50 percent female, which
gives you an idea of the state of disrepair of this
country.

I'm opposed to this bill, and I see no
value to it. It does not do anything to work on
criminals. It tries to criminalize owners of
firearms.

There's been some questions by
Mr. Salazar about how many bullets does it take. I
would share with you, as an army officer, that the
caliber .45 automatic Colt pistol was developed in
the Philippines Resurrection, in that war, because
of .38s wouldn't stop a person who is drunked up.
If you have a person that's on hashish or other
drugs, they may be dead, but they don't know it and
they're still coming. So you need every cartridge
you have in order to handle that.

Also, as far as some other comments,
since I'm an instructor, I would tell you, if I
have -- myself, I will be changing a magazine in two
minutes or two seconds. If I have another person
I'm instructing, which I did this past week on three
different occasions, three to six seconds. You need
to be able to swap the magazines out.

But I really think the oldest part of English common law is what we have as the right of self-defense. As a safety instructor working through the data from the Center for Health Statistics and the National Shooting Sports Foundation, I will tell you that the average citizen is safe. And I congratulate all of my students, every class I have, because I value them as the safest group of people I could possibly associate with, and that data's here. You probably don't have access to it because you're not members. I am.

I would also dare (inaudible) clear to you that in looking at where fatalities occur, and looking at the cities, and thinking about the drug culture, I personally anticipate that the Mexican cartels are going to start selling us AR-15s, 30-round magazines, that the Department of Justice furnished to them.

I am also concerned that the Department of Homeland Security is also ordering AR-15s for their people, which have collapsible stocks, and curiously enough, full automatic selector switches on the guns. That's not news. Check with your friend Janet in D.C., you'll find
that out.

Overall, in my perspective -- and then I'll end, since it's the last -- I'd take a look at where murders are occurring. If I look at Chicago, and we've talked about that. If we take a look at Detroit, we can talk about that.

Nationally, we only had a little over 600 people killed unintentionally in this country, unintentionally. If we look at Chicago, they had over 500 murders. They had 411 for Detroit. Go to Philadelphia. Take a look at St. Louis. Take a look at San Francisco.

I think, if you try to put bans in, you're going to have more problems than you ever thought you would have, just as the County of Mendocino, California, law enforcement forecast that we're going to be in trouble here in Colorado in three years.

My other concern is not going to make you happy at all, because all of these centers for high homicides are all ruled by people in the Democratic Party.

THE CHAIRMAN: Mr. Gresky, thank you for your testimony.

Are there any questions for
Mr. Gresky?

Seeing none, may we thank you, sir, for coming forward.

PAUL GRESKY: Thank you for letting me make my statement. Thank you very much --

THE CHAIRMAN: We're the better for it --

PAUL GRESKY: Thank you.

THE CHAIRMAN: I regret that we have run out of time. I do regret it. And I know it's frustrating, but we have to have some kind of time limits, and this is the place that we're at. Be assured your views are important.

I want to give everybody who has not had the opportunity to testify in opposition to House Bill 1224, the opposition to -- the opportunity to at least register their opposition to the bill so that we may have some sense of the sense of feeling among the public.

So I would ask all those who are in opposition to the bill, but have not been able to so state, just please stand so that we know that you can't -- and I note for the record, again, this is a large proportion of the crowd here.

So it would be better if we had been
able to listen to everybody, but let the record reflect, thank you for coming and thank you for standing and registering your opposition to the bill.

UNKNOWN SPEAKER: Mr. Speaker.

THE CHAIRMAN: You are not recognized, sir.

UNKNOWN SPEAKER: I'm asking to be recognized.

THE CHAIRMAN: And I'm declining to recognize you, sir.

Thank you very much for being here.

The witness testimony phase is over. We will take a recess, and we will come back and consider amendments.

(A recess was taken.)

THE CHAIRMAN: We are on House Bill 1224. The witness testimony phase is complete. We are now to the amendment phase of House Bill 1024 [sic], and I would ask, are there any amendments?

Representative Salazar.

REPRESENTATIVE SALAZAR: Yes. Thank you, Mr. Chair. I'm going to be offering an amendment. L.005.

THE CHAIRMAN: Are you moving that,
Representative Salazar? Are you moving L.005?

REPRESENTATIVE SALAZAR: Yes. I'm moving L.005.

THE CHAIRMAN: Is there a second to L.005?

REPRESENTATIVE COURT: Second.

THE CHAIRMAN: Seconded by Representative Court. L.005 does what, Representative Salazar?

REPRESENTATIVE SALAZAR: Yes. Thank you very much, Mr. Chair. In terms of listening to today's testimony -- sorry. I'm just pulling up some information here that I can read off of.

After listening to today's testimony, it's painfully clear that a number of individuals here are concerned about the limit on the number of -- the limit on the clips being at 10. And so in listening to the testimony of the police chiefs, as well as a gentleman here who talked about having 15-round clips, and I believe he said that he had four 15-round clips around him.

And also considering the magnitude of the constitutional question that we have going, I'm offering this amendment that strikes out 10 and substitute 15. And the reason for that is because I
asked a question, and it seems that people
misapprehended my question.

The question was with the physical
clip itself. I asked the question of how many
bullets was enough for the physical clip, not how
many you can carry in total. It's the matter of the
physical clip.

So you can have a 15-round clip and
you could have as many 15-round clips as possible,
but it was just the physical clip itself. And from
hearing from the chief from, I believe, Gilpin, he
said that he carries a clip on him that holds 14.

This other gentleman, who I believe
was a reserve officer, said that he has 15-round
clips. And then after taking a look at the website
on AR-15s, looks like you can go from a 5-round clip
all the way up to quite a bit.

And it seems that in terms of trying
to strike a balance here, particularly paying
attention to the constitutional questions that have
been raised, seems like 15 seems to be the number
that most people seem to have. And that's why I'm
offering this amendment, is to strike 10 and to
substitute 15.

THE CHAIRMAN: Representative
McLachlan.

REPRESENTATIVE McLACHLAN: Yes,

Mr. Chairman, if it please the committee, at this
time I'd like to offer a substitute amendment, House
Bill 1224, amendment L.006, and it is different than
Representative Salazar's proposal. And I would ask
that it be circulated and read to the committee.

REPRESENTATIVE PETTERSEN: Second.

THE CHAIRMAN: Seconded by
Representative Pettersen.

So Representative McLachlan, your
amendment would be a substitute to Representative
Salazar's amendment, which increased the permissible
number of rounds from 10 to 15 in a magazine for
sale in Colorado and possession in Colorado.

In what way does your substitute
change Representative Salazar's proposal?

REPRESENTATIVE McLACHLAN: Well, in
addition to confirming that the acceptable rounds of
ammunition would be 15, I'm also increasing the
rounds for shotguns, which is under the current
proposed bill, increasing from 5 to 8. And I'm
cleaning up some of the language.

And so that's the purpose of this
amendment. And I'd be happy to put forth the
additional reasons, if the committee desires.

THE CHAIRMAN: Representative Salazar,
your substitute is on the table. I believe that for
technical reasons, I have to move to -- move to
amend your substitute. And I'd -- I'd like to
consult with Mr. Sweetman here.

Mr. Sweetman, it seems to me, looking
at Amendment 4, and then Amendment 6 offered by
Representative McLachlan as a substitute, and then
looking at Amendment 7, which is intended to be
offered, that if Amendment 6 were adopted,
Amendment 7 could not be because of the settled
question arising from the strike in Amendment 6 of
page 3, line 1.

And I just wonder if you could shed
some light on this, Mr. Sweetman, because that's
what I understand might be a technical problem with
these three amendments, before we really consider
them and vote on them.

RICHARD SWEETMAN: Thank you,
Mr. Chair, committee members.

Yes, I think there is a potential
settled question issue here, specifically in the
L.006 offered by Representative McLachlan. You'll
see on line 3 of the amendment there is an amendment
made to page 3, line 1.

And in Amendment L.007, which has not yet been offered, there is an instruction on line 5 that says page 3, lines 1 through 3.

So there are ways to resolve this.

THE CHAIRMAN: Thank you.

In that case, the -- the question before the committee at the moment is Mr. -- Representative McLachlan's substitute amendment to Representative Salazar's amendment. And I move to amend Representative McLachlan's L.006 by deleting line 3 of L.006. And I offer that as a conceptual amendment. Delete line 3 of L.006.

Is there a second?

REPRESENTATIVE COURT: Second.

THE CHAIRMAN: Representative Court.

Is there any discussion of that?

Representative Gardner.

REPRESENTATIVE GARDNER: Yes. Thank you, Mr. Chair. Well, I -- perhaps it's just because the hour is late, but I'm -- in anticipation of where you're going with Amendment L.007, to avoid the settled question, I'm not quite sure how to discuss these, but what is it you intended to do with L.007, Mr. Chair, because what I see here in
the printed bill is that large-capacity magazine, if
you go through there, does not mean something that's
been permanently altered, et cetera, and you're
striking that.

Is it your intention that what you're
striking there would continue to be a large-capacity
magazine?

THE CHAIRMAN: I did not understand
that question, Representative Gardner.

REPRESENTATIVE GARDNER: My apologies,
Mr. Chair. I guess I'm just trying to figure out
what the purpose of L.007 -- what you're trying to
preserve the right to bring under the rules that
I'm -- you, know before I vote on the amendment to
L.006, I guess I'd like to understand why I want to
preserve that right under the rule.

THE CHAIRMAN: I understand,
Representative Gardner, I think. And the answer to
your question is that L.007 will not be a viable
option for the technical reasons that Mr. Sweetman
has alluded to and drawn our attention to, as an
expert on these matters.

And we want to be in a position, I
suggest to you, to at least consider L.007. And we
cannot consider L.007 in due course if we have
already settled the question of the reading of line 1 on page 3. And that will have been done, unless we amend it out of L.006 and the amendment to L.006.

And that's why I offer this conceptual amendment. And I hope that's entirely clear, Representative Gardner.

Is there any more discussion of the Kagan conceptual amendment to Representative McLachlan's L.006?

REPRESENTATIVE WRIGHT: Thank you, Mr. Chair. Since the -- since your conceptual substitute amendment includes the language in L.006 and L.005, I'm just wondering -- maybe this was already addressed and I missed it. If I did, I apologize. But on line 4 and line 5 of the amendment it's changing "a" to "any," in front of person.

And I'm wondering why there's that sudden change. I hadn't heard discussion on that change.

THE CHAIRMAN: Representative Wright, which amendment are you referring to now?

REPRESENTATIVE WRIGHT: Mr. Chairman,
both Amendment L.005 and L.0046 on lines 4 and 5, page 3, line 10, strike "a" and substitute "any". That is a person who violates subsection, that would be changed to any person who violates subsection.

THE CHAIRMAN: That's correct, Representative Wright. And that's a matter which I think we should discuss, if we get to L.006. The matter under discussion right now is the Kagan amendment to the substitute amendment, L.007, which has been moved as a substitute to L.005.

So the only question or the discussion of the moment is whether it is appropriate to amend -- Mr. Sweetman.

RICHARD SWEETMAN: I apologize, Mr. Chair. I believe you misspoke. The substitute amendment is L.006.

THE CHAIRMAN: Sorry. Thank you, Mr. Sweetman, and you've really been correct.

The matter before the committee is the Kagan amendment to L.006, which is a substitute amendment offered, moved, and seconded as a substitute to L.005.

And so the question before us is not yet, Representative Wright, and it will be, what is the sense or lack of sense in changing the word "a"
to "any," because that is in Amendment 006. At the moment we're discussing amending line 3 out of L.006.

And seeing no further discussion, I move that Kagan conceptual amendment to L.006 delete line 3 of L.006.

Ms. Shipley, will you --

UNKNOWN SPEAKER: Second.

THE CHAIRMAN: Yes. That's right. We didn't -- but is there any objection?

Representative Gardner?

THE CHAIRMAN: Ms. Shipley, please take the roll.

MS. SHIPLEY: Representatives.

Buckner.

REPRESENTATIVE BUCKNER: Yes.

MS. SHIPLEY: Court.

REPRESENTATIVE COURT: Yes.

MS. SHIPLEY: Gardner.

REPRESENTATIVE GARDNER: No.

MS. SHIPLEY: Lawrence.

REPRESENTATIVE LAWRENCE: No.

MS. SHIPLEY: McLachlan.

REPRESENTATIVE McLACHLAN: Yes.

MS. SHIPLEY: Murray.
Representative Murray: Yes.

Ms. Shipley: Pettersen.

Representative Pettersen: Yes.

Ms. Shipley: Salazar.

Representative Salazar: Yes.

Ms. Shipley: Wright.

Representative Wright: No.

Ms. Shipley: Lee.

Representative Lee: Yes.

Ms. Shipley: Mr. Chair.

The Chairman: Yes.

And that amendment passes by 8 to 3.

We're now to Amendment L.006, which has been moved. And it is L.006 without line 3, which has been amended out of L.006.

And Representative McLachlan, you were the movement. Is there anything further you'd like to say in explanation of L.006?

Representative McLachlan: Yes. Thank you, Mr. Chairman.

First of all, I think this bill represents a tension between our desire to limit the capacity of mass murders, such as we've experienced in this state on numerous occasions, through the magazine capacity limitation and the rights of gun
owners to defend themselves in these circumstances.

And giving that tension, I believe,
first of all, Representative Fields, with all due
respect, I think 10 is an unreasonable limitation,
and so I offer 15 as a reasonable amount, which will
allow someone to reasonably defend themselves. And
I think it will meet each and every constitutional
challenge.

I also point out that we had a bulk of
testimony from many witnesses, including Mr. Chipman
and others, that 15 rounds is sufficient to
adequately defend someone under most circumstances.
And, of course, as the testimony shows, you can also
have more than one magazine in your possession.
There's no magazine limitation whatsoever.

So for that reason, I offer Amendment
006 and think it is good policy and would allow the
bill to go forward. I think the bill still needs
some work, which it will receive, I'm sure,
subsequent to this committee. But I offer L.006 for
this reason.

THE CHAIRMAN: Are there any further
comments on L.006?

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Yes,
Mr. Chair. I didn't know it was seconded, but I do have a --

THE CHAIRMAN: Representative Gardner, it was seconded before -- before.

REPRESENTATIVE GARDNER: Very well.

Mr. Chair, if I may?

THE CHAIRMAN: Certainly,

Representative Gardner.

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

Well, in the spirit of that, of improving this bill, then I would like to move an amendment to L.006 that is conceptual but very straightforward.

On line 2 of L.006, I would like to change the number 15 to 31 and the number 8 to 20.

UNKNOWN SPEAKER: Seconded.

THE CHAIRMAN: Okay. The amendment to L.0006 has been moved and seconded. Unless there is any further discussion, Ms. Shipley, will you please take the roll.

Representative Gardner?

REPRESENTATIVE GARDNER: Yes. Thank you. As I listened to the testimony, I found nothing compelling or magical about 15 rounds or 8
rounds. And, in fact, what I found was there was very little evidence that 10 or 15 -- but, by the way, the willingness to move this thing from 10 to 15 simply speaks to the fact that there's not magic to the number 15.

And as I've discussed with those in the audience this evening and my constituents, I find that a more workable and acceptable and sensible number is 31 rounds of ammunition or 20 rounds of shotgun shells. So that's the reason for bringing the conceptual amendment. And I appreciate the chair entertaining it.

THE CHAIRMAN: Representative Gardner, I will entertain it.

And I would ask if there's any objection to the conceptual amendment. There is. So being there is an objection, Ms. Shipley, will you take the roll. And this is the Gardner conceptual amendment to L.006.

And, Ms. Shipley, take the roll, please.

MS. SHIPLEY: Representatives.

Buckner.

REPRESENTATIVE BUCKNER: Yes.

MS. SHIPLEY: Court.
REPRESENTATIVE COURT: Yes.

MS. SHIPLEY: Gardner.

REPRESENTATIVE GARDNER: Yes.

MS. SHIPLEY: Lawrence.

REPRESENTATIVE LAWRENCE: Yes.

MS. SHIPLEY: McLachlan.

REPRESENTATIVE McLACHLAN: No.

MS. SHIPLEY: Murray.

REPRESENTATIVE MURRAY: Yes.

MS. SHIPLEY: Pettersen.

REPRESENTATIVE PETTERSEN: No.

MS. SHIPLEY: Salazar.

REPRESENTATIVE SALAZAR: No.

MS. SHIPLEY: Wright.

REPRESENTATIVE WRIGHT: Yes.

MS. SHIPLEY: Lee.

REPRESENTATIVE LEE: No.

MS. SHIPLEY: Mr. Chair.

THE CHAIRMAN: No.

That conceptual amendment fails by a vote of 4 to 7.

We are back to Amendment L.006 as amended. Ms. Shipley, will you take the roll -- or Representative Wright, would you like to add further to that.
REPRESENTATIVE WRIGHT: Thank you, Mr. Chairman.

I was just again going to ask the question, on lines 3 and line 5 of this amendment, why are we changing the word "a" to "any"? Since we have Mr. Sweetman in front of us, I was wondering if maybe we can address that.

THE CHAIRMAN: That's -- thank you, Representative Wright, for offering.

Mr. Sweetman, why is "a" changed from the word "any" in these amendments? What is the effect of that?

RICHARD SWEETMAN: Thank you, Mr. Chair. I do not know and I cannot identify an effect. I don't know.

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Yes. Thank you.

Let me ask Mr. Sweetman, lines 4 and 5, if I understood Representative Wright's question, we're striking "a" and substituting "any." So we're going to say -- instead of saying "a" person who violates this subsection, we're going to say "any" person who violates this subsection.

Do you think we're substantively
changing the meaning of those two provisions,

Mr. Sweetman?

THE CHAIRMAN: Mr. Sweetman.

RICHARD SWEETMAN: Thank you,

Mr. Chair.

Representative Gardner, I don't believe so, no.

REPRESENTATIVE GARDNER: I'm sorry?

RICHARD SWEETMAN: No, I don't believe so.

REPRESENTATIVE GARDNER: Okay. Thank you.

THE CHAIRMAN: The question before the committee is whether Amendment L.006 to House Bill 1224 as amended shall pass.

And before we take the roll,

Representative Fields.

REPRESENTATIVE FIELDS: Thank you,

Mr. Chair. And I do want to thank Representative Salazar and Representative McLachlan for their two amendments changing the limit from 10 to 15, and then also changing the rounds to 8.

And I do need to say that in drafting this legislation, we put a lot of thought and consideration into that number. And it is based on
the Federal Assault Weapon Ban that was enacted in 1994. And it's my understanding that there are other states that have this limit in place. It's California, Hawaii, Maryland, and Massachusetts, New Jersey.

So I'm not in support of changing the rounds as identified in Amendment L.006.

THE CHAIRMAN: Representative Fields, thank you.

Is there anything further before we -- Representative Court.

REPRESENTATIVE COURT: Thank you, Mr. Chair.

Representative Fields, I deeply respect the work that you've done on this bill, but I do think that the arguments we've heard tonight are somewhat compelling. So I think that the substitute that -- the amendment change that Representative McLachlan has suggested is fair. Meaning no disrespect to the work that you've done, I think it's probably a good idea.

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Yes. Thank you. I appreciate your patience, Mr. Chair.

I'm sitting here still scratching my
head about lines 4 and 5. If the drafter doesn't
know why "a" would become "any," and if -- and we're
doing it at all, someone must have requested it.

And no, I can't compel them to answer
the question. Could somebody tell me why it was
even asked for, because someone must think it means
something to change "a" person to "any" person in
these two provisions.

THE CHAIRMAN: Representative Gardner,
that's an interesting question, and I will certainly
ask.

Does anybody in the room know who
suggested that "a" be substituted for -- sorry,
strike "a" and substitute "any"?

Representative Fields.

REPRESENTATIVE FIELDS: No, it was not
requested on my behalf.

THE CHAIRMAN: Representative Salazar.

REPRESENTATIVE SALAZAR: That was
requested on my behalf. There was a technical
change. Being an attorney, and one who has
litigated an awful lot of cases and read an awful
lot of statutes, I've cited a number of statutes
where the statute cited any person, meaning that it
could be more than just a person. It could be just
about anybody.

In order to be a little clearer with
the statute, that's the reason why I did it. And if
people have a problem -- and as Mr. Sweetman has
said, doesn't really change much in terms of between
"a" and "any," except for the fact that a person
just means one, and any person could mean,
certainly, more than one.

And that's -- and also -- also, it
encompasses just about anybody. And I'm sure that a
person -- an argument could be made that it could
encompass at least one person. Any person, to me,
makes it a little bit helpful for the court when
taking a look at this statute, if it does become
statute.

THE CHAIRMAN: Thank you,
Representative Salazar.

Representative Gardner.

REPRESENTATIVE GARDNER: Yes. Thank
you.

And I appreciate that explanation. I
just -- so many times when a word is changed, there
is some implication that it might be substantive,
but as I understand, it's just a matter of clarity
of drafting, and that's perfectly fine. But I
wanted to clarify that we weren't somehow making a
change that five years from now the Colorado Supreme
Court will look and say, well, ah-ha, they made a
change from "a" to "any," and it carries great
weight and meaning. But apparently it doesn't. So
that's perfectly fine. Thank you.

THE CHAIRMAN: Representative Gardner,

thank you.

In that case, I think we are ready,
unless anybody objects to my doing so, to take the
roll on Amendment L.006 as amended by the Kagan
contemplation amendment.

Ms. Shipley, please take the roll.

MS. SHIPLEY: Representatives.

Buckner.

REPRESENTATIVE BUCKNER: Yes.

MS. SHIPLEY: Court.

REPRESENTATIVE COURT: Yes.

MS. SHIPLEY: Gardner.

REPRESENTATIVE GARDNER: Pass.

MS. SHIPLEY: Lawrence.

REPRESENTATIVE LAWRENCE: No.

MS. SHIPLEY: McLachlan.

REPRESENTATIVE McLACHLAN: Yes.

MS. SHIPLEY: Murray.
REPRESENTATIVE MURRAY: No.

MS. SHIPLEY: Pettersen.

REPRESENTATIVE PETTERSEN: Yes.

MS. SHIPLEY: Salazar.

REPRESENTATIVE SALAZAR: Yes.

MS. SHIPLEY: Wright.

REPRESENTATIVE WRIGHT: No.

MS. SHIPLEY: Gardner.

REPRESENTATIVE GARDNER: No.

MS. SHIPLEY: Lee.

REPRESENTATIVE LEE: Yes.

MS. SHIPLEY: Mr. Chair.

THE CHAIRMAN: Yes.

That amendment passes by a vote of 7 to 4. We are now back to the bill and --

REPRESENTATIVE SALAZAR: Mr. Chair.

THE CHAIRMAN: Representative Salazar.

REPRESENTATIVE SALAZAR: Mr. Chair, I don't think that we've closed off amendments as of yet.

THE CHAIRMAN: Sorry. Say again.

REPRESENTATIVE SALAZAR: We haven't closed off the amendment phase as of yet.

THE CHAIRMAN: Oh, no. We certainly haven't, Representative Salazar.
REPRESENTATIVE SALAZAR: I'd like to make one more amendment.

THE CHAIRMAN: You're moving an amendment?

REPRESENTATIVE SALAZAR: Yes, sir. I move L.002.

THE CHAIRMAN: Is there a second for L.002?

UNKNOWN SPEAKER: Second.

THE CHAIRMAN: Tell us about L.002, Representative Salazar.

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

So in terms of looking at this -- this legislation -- and I greatly appreciate the thought that Representatives --

UNKNOWN SPEAKER: I already have it.

THE CHAIRMAN: And Representative Fields -- that they put an awful lot of effort into it, but I noticed something that brought me some concern, and I'm sure that it's brought some concern to the people here, as well, especially after hearing the testimony about -- well, you know, I want to make sure that I'm on level ground with police officers.
There's a provision in here that talks about if a person who has a large-capacity magazine, if they commit a crime, a felony or a crime of violence with a high -- a large-capacity magazine, that they're subjected to a Class 6 felony. But if you take a look at the exceptions, the exceptions would be a law enforcement officer employed by a department, agency or political subdivision of the State of Colorado, any other state or the United States government.

And my concern is that, let's say that we have an off-duty or on-duty police officer who decides to take a large-capacity magazine and commit a felony or commit a crime of violence. Well, then they would not -- the prosecutor would not be able to charge that officer with a Class 6 Felony as they would anybody else.

And so what I'm doing is I'm moving language on page 4, line 12, and I'm inserting in there after the word "for" lawful use while the officer is on duty or off duty. So that way, if a police officer is engaged in unlawful use of a large-capacity magazine while committing a felony or committing a crime of violence, then they could be subjected to a Class 6 Felony, as well.
And just as a matter of course, I'll let you know that the Police Chiefs Association has no problems whatsoever with adding the word "lawful" in there.

THE CHAIRMAN: We have amendment L.002. It's been moved and seconded. Is there any further discussion on L.002? Is there any objection to -- Representative Fields.

REPRESENTATIVE FIELDS: Yes, Mr. Chair. No objection, but I think based on the testimony that we heard today, and in light of recent events that are going on in California, I think this is a good amendment to add.

THE CHAIRMAN: Thank you, Representative Fields. Is there any objection to L.002? Seeing none, L.002 is adopted.

I move L.007 to House Bill 1224.

REPRESENTATIVE LEE: Second.

THE CHAIRMAN: Representative Lee has seconded Amendment 007. Members, this is an amendment which would change the exception which currently says that a feeding device -- a .22 caliber tube ammunition feeding device does not count as a high -- a high capacity -- large-capacity magazine.
And this amendment would change that slightly and specify that a .22 caliber tube ammunition feeding device might qualify as a large-capacity magazine. But more specifically, if it is an attached tubular device designed and capable of operating only with .22 caliber rimfire ammunition, then it would be exempted from the definition of a large-capacity magazine. And I therefore urge an aye vote on Amendment L.007.

Is there any discussion?

Representative Murray?

REPRESENTATIVE MURRAY: Yeah. I would ask why line 16 has been deleted on page 2, and lines 1 and 2 on page 3.

THE CHAIRMAN: Representative Murray, if we're going to change the -- the type of ammunition feeding device that is exempted from the definition of large-capacity magazine, which appears on line 3, then, as a matter of the sense of it, we -- the drafter, Mr. Sweetman, suggested the most clear-cut way of doing that was to simply delete the Roman numeral I -- page 3, strike lines 1 through 3 -- yeah, was to strike those lines and replace it with the language in Amendment L.007.

Mr. Sweetman, if you'd care to clarify
why. Why do we have to strike lines 1 through 3 to achieve this objective?

RICHARD SWEETMAN: Thank you, Mr. Chair.

The intention of the amendment, as I understood it, was to substitute the provision identified as Roman numeral I in Amendment L.007 for the provisions that now exist in the bill as Roman I and II on lines 16 of page 2 and lines 1 through 3 of page 3.

So that was the intention, to strike those provisions, I and II in the bill, and replace them with the I in the amendment.

But Ms. Shipley has pointed out to me that there is a typo in the amendment on the final line. It should be page 3, not page 4. Page 3, line 4, which is a simple conforming amendment to the amendment.

THE CHAIRMAN: Mr. Sweetman, I see the wisdom. So line 6 -- for this amendment to work as intended, line 6 of the amendment would have to be changed to read page 3, line 4. Strike 3 and substitute 2.

RICHARD SWEETMAN: Right.

THE CHAIRMAN: Is that what you're
talking about?

I move to amend L.007 with a conception amendment. Change line 6 of L.007 from page 4 strike, to page 3, comma, line 4 strike.

UNKNOWN SPEAKER: Second.

THE CHAIRMAN: Thank you. Is there any objection to the Kagan conceptual amendment to Amendment 007?

Representative Gardner.

REPRESENTATIVE GARDNER: I don't know that I have an objection. I'm not sure what has now happened. If you bear with me and explain once again what you have done conceptually to amend L.007, Mr. Chair.

THE CHAIRMAN: Representative Gardner,

I think I can. Amendment 007 will delete one of the Roman numeral paragraphs and make paragraphs 2 and 3 into -- sorry, will delete one of the Roman numeral paragraphs, and therefore, it is a renumbering exercise to make paragraph Roman numeral III become paragraph Roman numeral II, because it will become the second Roman numeralized subparagraph of II B, 1812 301 II B will then have -- after the Amendment L.007, should it pass, will have only two Roman numeral subparagraphs, and therefore we have to
Representative Gardner.

REPRESENTATIVE GARDNER: Yes. Thank you. Then I think -- I think that brings me back to what was my original question about why we had a conceptual amendment to L.006. Because if I understand this rather complicated conceptual amending exercise we're engaged in, we have effectively deleted or will have effectively deleted what is in the printed bill a provision that currently in the printed bill says a large-capacity magazine does not mean a feeding device that has been permanently altered so that it cannot accommodate more than -- and the printed bill said 10 rounds of ammunition.

And I guess what I have always been trying to ask for the past 10 minutes is, why are we deleting that particular provision? Why is it not now a feeding device that is permanently altered, that it cannot accommodate more than 15 rounds of ammunition?

We're deleting a particular item that the printed bill said is not a large-capacity magazine. And I can see where someone might own what is -- or manufacturers may have manufactured a
large-capacity magazine and they want to not scrap
everything that they've got on the assembly line.

So why are we taking that out?

THE CHAIRMAN: Representative Gardner,

I think when we adopted L.006 at that time, L.0006
amended printed bill page 2, line 13, which is the
operative point for the entire bill, changing the
words 10 to 15, because it changed it to accept more
than 10 rounds from that to accept more than 15
rounds or more than 8 shotgun shells.

And when we changed -- in Amendment
006, we changed those lines 12 and 13. When we
changed lines 13 and 14, effectively, we had made
the change. This change did not need to be made
because the large-capacity magazine, this paragraph
B, it's talking about feeding devices.

So we've already changed the
definition of a magazine with L.006, that's
increased it from 10 to 15. Now, we will talk about
.22 caliber tube ammunition feeding devices. And
that can most eloquently be done simply by L.007,
the professional opinion of Mr. Sweetman.

Representative Gardner.

REPRESENTATIVE GARDNER: Thank you,
Mr. Chair. Well, I'm not going to belabor the
point, but it seems to me that we're striking --
whether it's 10 rounds or 15 rounds, we're striking
a conceptual piece of the bill with L.007, and I've
yet to receive any explanation for why we would
strike that conceptual piece of the bill. And
perhaps it's just me.

But I guess I will wait for the
committee report and its inevitable conclusion, but
I will oppose L.007 for that reason.

THE CHAIRMAN: Representative Murray.

REPRESENTATIVE MURRAY: Thank you,
Mr. Chair.

Well, maybe Representative Gardner
won't belabor the point, but I will. I just want to
be clear that we understand that what we have
eliminated is a feeding device that has been
permanently altered so that it cannot accommodate
more than 10 rounds of ammunition. You want to
delete that, correct?

THE CHAIRMAN: That is correct.

Representative Murray.

REPRESENTATIVE MURRAY: And so you're
saying that you will substitute that to -- that in
the amendment that we're now looking at, Amendment
007, that it's sufficient to say that it's an
attached tubular device designed to accept and
capable of operating only with a .22 caliber rim
fire ammunition, that that is one and the same item;
is that correct?

THE CHAIRMAN: No.

Representative Murray.

REPRESENTATIVE MURRAY: So why do you
want to eliminate a feeding device that has been
permanently altered?

THE CHAIRMAN: Representative Murray,
a -- the paragraph B says that a large-capacity
magazine that is a prohibited large-capacity
magazine under the bill -- a prohibited
large-capacity magazine does not mean -- and
therefore this is an allowed device, it is an
attached tubular device designed to accept and
capable of operating only with .22 caliber rimfire
ammunition.

And that is a -- a -- that is an
amendment which makes clear that a .22 caliber
rimfire ammunition feeder, which is an attached
tubular device, is not considered a large-capacity
magazine.

Representative Wright.

REPRESENTATIVE WRIGHT: Mr. Chairman,
I believe we're talking about two different things, and that's our concern with eliminating subsection Roman numeral I. What we're taking about -- and I believe maybe the drafter could talk about this -- is that a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition may not be a tubular device. It may actually be a magazine that can be loaded into a weapon that someone, because of this new law, would be able to change or adapt to accept, in this case now, less -- 15 rounds or less.

They may be able to take a 30-round magazine that they already own and convert it to a 15-round or less.

If we remove this language, they won't be able to adapt the magazine any longer under law.

THE CHAIRMAN: This committee will stand in recess.

(A recess was taken.)

THE CHAIRMAN: We are in the amendment phase of House Bill 1224. We are discussing the merits, or lack thereof, of Amendment L.007. It has been pointed out by astute members of the committee that perhaps Amendment L.007 deletes a protection in the bill for those who have altered their magazines
so that they cannot accommodate more than 10 rounds of ammunition.

Of course that must be 15 rounds of ammunition, if amendment L.00 -- L.006, which is the McLachlan substitute amendment, is adopted.

I think the committee members are correct who have pointed this out. Thank you for doing that. That is what we do here. And therefore -- oh, that's right. Yes. We are on the Amendment 007 amendment to fix the paragraph numbering as a result of L.007.

And now, it is suggested -- I beg the committee's indulgence for one minute, because I want to get us out of here and I want to get this done right. And I think I'm going to be offering a conceptual amendment, but I want to make sure I do this right and don't delay this any longer.

I think I'm going to -- let me just tell you where I'm going with this. I think I'm going to withdraw Amendment L.007. And I will first withdraw the conceptual amendment to L.007.

I will then -- this is what I am thinking of doing -- then withdrawing L.007 itself, assuming the seconds' agree to withdraw their seconds. And then, if that happens, then positing a
conceptual amendment which keeps in the permanently altered saving clause for feeding devices that are permanently altered -- because as honorable members have correctly pointed out, that is an important part of the bill -- which changes the word 10 to 15 to reflect the effects of the McLachlan amendment, but which changes paragraph 2, a .22 caliber tube ammunition feeding device to the words, an attached tubular device designed to accept and capable of operating only with .22 caliber rimfire ammunition.

And I think that will achieve what I am trying to achieve.

So Representative Gardner, I wonder if you think that that might at least get put before the committee what I was trying to get put before the committee with L.007?

REPRESENTATIVE GARDNER: I believe so.

THE CHAIRMAN: Well, I feel much reassured, Representative Gardner. In that case, I withdraw the Kagan conceptual amendment to -- amendment L.007, and ask the second whether the second is willing to withdraw his second.

UNKNOWN SPEAKER: (Inaudible.)

THE CHAIRMAN: Noting that he does, that conceptual amendment to L.007 is withdrawn.
I also withdraw Amendment L.007, and I ask my second, Representative Lee, whether you agree to withdraw your second to Amendment L.007?

REPRESENTATIVE LEE: I do.

THE CHAIRMAN: Then Amendment L.007 is withdrawn.

And now, members, I offer a conceptual amendment, the Kagan second conceptual amendment. The conceptual amendment will do the following: On page 3, line 1 of the printed bill, delete the word "ten" and replace with the word "fifteen," and delete line 3 of page 3 of the printed bill, and replace with Roman numeral II, an attached tubular device designed to accept, and capable of operating only with .22 caliber rimfire ammunition; 4. End of conceptual amendment.

REPRESENTATIVE COURT: Second.

THE CHAIRMAN: Seconded by Representative Court.

Is there any discussion of the Kagan conceptual amendment?

Is there any objection to the Kagan conceptual amendment?

Seeing no objection, the ---

REPRESENTATIVE MURRAY: Mr. Speaker.
THE CHAIRMAN: Oh, Representative Murray. Sorry. My apologies, Representative Murray. I was so keen to get over the line.

Representative Murray.

REPRESENTATIVE MURRAY: I wanted to object, you know, because I object in principle to the limitation of 15 rounds.

REPRESENTATIVE MURRAY: I understand, Representative Murray.

Is there any further discussion of the Kagan conceptual amendment?

Hearing none, is there any objection to it? There is objection.

Ms. Shipley, will you please take the roll.

MS. SHIPLEY: Representatives.

Buckner.

REPRESENTATIVE BUCKNER: Yes.

MS. SHIPLEY: Court.

REPRESENTATIVE COURT: Yes.

MS. SHIPLEY: Gardner.

REPRESENTATIVE GARDNER: Yes.

MS. SHIPLEY: Lawrence.

REPRESENTATIVE LAWRENCE: No.
MS. SHIPLEY: McLachlan.

REPRESENTATIVE MCLACHLAN: Yes.

MS. SHIPLEY: Murray.

REPRESENTATIVE MURRAY: No.

MS. SHIPLEY: Pettersen.

REPRESENTATIVE PETTERSEN: Yes.

MS. SHIPLEY: Salazar.

REPRESENTATIVE SALAZAR: Yes.

MS. SHIPLEY: Wright.

REPRESENTATIVE WRIGHT: No.

MS. SHIPLEY: Lee.

REPRESENTATIVE LEE: Yes.

MS. SHIPLEY: Mr. Chair.

THE CHAIRMAN: Yes.

And that amendment passes 8 to 3.

Are there any further amendments to

House Bill 1224?

In that case, the amendment phase --

Representative Court.

REPRESENTATIVE COURT: Is the

amendment phase closed?

THE CHAIRMAN: The amendment phase is

not closed, Representative Court.

Are there any further amendments to

House Bill 1224?
REPRESENTATIVE GARDNER: Mr. Chair.

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: I'd like to move a conceptual amendment to strike on page 2, line 1.

THE CHAIRMAN: Page 2, line 1.

REPRESENTATIVE GARDNER: I withdraw.

THE CHAIRMAN: Representative Gardner, that is withdrawn?

REPRESENTATIVE GARDNER: I withdraw.

THE CHAIRMAN: Thank you, Representative Gardner.

That motion fails for a lack of a second, as well. But I am appreciative that you've withdrawn it.

The amendment phase is now closed.

Representative Court.

REPRESENTATIVE COURT: I move House Bill 1224 to --

THE CHAIRMAN: To the floor, to the committee of the whole. Representative Court.

REPRESENTATIVE COURT: -- to the committee of the whole with a favorable recommendation.

Representative Court.
REPRESENTATIVE SALAZAR: Second.

THE CHAIRMAN: Seconded by Representative Salazar.

Representative Fields, would you like to offer any wrap-up?

REPRESENTATIVE FIELDS: Mr. Chair and committee members, I want to thank you for your hard work this morning and into the afternoon and into the evening. We had a very rich debate and a very civil dialogue on this very important topic as it relates to gun safety and reform. So for that I say thank you, Mr. Chairman, the way you facilitated this discussion with great diplomacy. I just want to commend you for your service. And I think it's a great service to serve with all of you. So I want to thank you.

So in closing, the way the bill is amended, it establishes some new limits as it relates to high-capacity ammunition magazines. We are going to define it, if it passes, to accept not 10, but 15 rounds. And then, on the shotgun shells, we've moved it up from 5 to 8.

For all the family members that were here today, and in sharing their stories, I want to thank you for being a part of this process. And for
those who were here expressing their thoughts in
reference to their rights as it relates to guns,

thank you also for participating in this process.

High-capacity magazines have a common
thread that's linking to some of the mass shootings
that we've seen. And so I don't want us to forget
Newtown, Connecticut. Remember that on December the
14th, 2012, 26 people were killed. They lost their
lives. And that included 12 -- 20 first-grade
children.

Let's not forget Oak Creek. That was
August 5th, 2012, six people were wounded. And that
was based on a 19-round magazine clip.

Let's not forget what happened in
Aurora. It was early on July 20th when James Holmes
allegedly shot and killed 12 people and injured 58
people. He had a high-capacity magazine clip that
had 100 rounds of bullets in a magazine clip. And
in 90 seconds, he was able to do that kind of
damage.

Let's not forget Representative Gabby
Giffords, when she was doing her civic duty by
holding a town hall meeting in a grocery store, and
at that event, 6 people were killed and 13 others
were wounded.
I could go on and on, and I could talk
about Fort Hood and other events, but what all of
these events have in common is high-capacity
magazines clips.

So today I ask that we take action and
that we do something to prevent tragedies that
involve high-capacity magazines clips. So the time
is now and I urge a yes vote. Thank you.

THE CHAIRMAN: Representative Fields,
thank you.

Members, the question before the
committee is shall House Bill 1224, as amended, pass
to the committee of the whole.

Any discussion to that question?

Representative Gardner.

REPRESENTATIVE GARDNER: Thank you,
Mr. Chair. I'll try to be brief.

And thank you, Representative Fields.

I know you feel strongly about this issue and I
appreciate your commitment to doing what you believe
to be the right thing.

I commend you, Mr. Chair, for your
patience in presiding over two very difficult bills
today.

As I look at this particular bill, I
think it is less about the Second Amendment in one way, and that is that my concerns and objections do not even reach the Second Amendment issue. The fact is that at the time of 1994 to 2004, when we had a federal high-capacity magazine ban, the Center for Disease Control in 2003 reported on all of these things, ammunition limits, restriction on purchase waiting periods, registration, licensing, with the conclusion that none of these measures demonstratively reduced gun violence, which is what everyone in this room -- absolutely every one of us, I venture to say, would like to do.

And so in light of that, I ask myself what is this bill, as I come to vote on it at 10 p.m. Is it good public policy or not.

I read it and I consider the testimony. And I recognize that, first of all, it will be difficult to enforce and be easily circumvented simply by traveling across the state line, purchasing a high-capacity magazine and bringing it back, if one has not already purchased one prior to the effective date of the bill.

It will be incredibly difficult to prosecute simply by the assertion by one in possession of a high-capacity magazine that they
owned it before the effective date, shifting the burden of proof to the prosecutor to prove otherwise.

It is objected to by a large number of citizens in such a way and on such basis and grounds that I believe many citizens question the very legitimacy of this restriction. And as I've already noted, it is a questionable utility in actually addressing the problem of reducing gun violence, that it may have little or no effect, however one may feel that one is taking action.

And in the face of all of that, what we heard this evening is that it will be very damaging to jobs and the economy of our state.

This bill asks us to put 700 jobs and $46 million of annual revenue at risk, on the unsupported assertion that we might, just might, increase public safety by reducing gun violence, for which there's no demonstrable evidence.

For that reason, and not even reaching the Second Amendment of the Constitution of the United States, I simply say without that, this bill is bad public policy. And for that reason I will be a no.

THE CHAIRMAN: Is there any further
discussion of whether the bill shall pass to the committee of the whole as amended?

Representative Murray.

REPRESENTATIVE MURRAY: Thank you, Mr. Chair.

I guess there are so many unanswered challenges to this bill. You know, we haven't heard any response to what about security companies at malls, for example. Right now -- with this bill, they will be limited in how they can defend -- do their job at a mall.

What about SROs in our schools? They will be limited. They are not exempted in this bill and that has gone unanswered.

What about collectors? We haven't answered that issue. And what about a firearms dealer that only deals with commercial -- commercial sales, doesn't deal with retail sales, and they're out of their home. Someone finds them on a list of dealers and they knock on their door in their neighborhood and say here's the $10, I want you to do a background check because my buddy and I are selling guns.

There's just -- there's so many holes in this bill. And I have such respect for
Sponsor Fields and what she is trying to achieve here. But the elephant in the room is the discussion that we had with Magpul.

You know, we have an industry -- we keep saying we're trying to attract industry into the state. And manufacturing, we're trying to keep it in the United States, and here is a successful business, and basically we're telling them, you know, we don't want you in our state anymore.

Regretfully, I'm a no.

THE CHAIRMAN: Thank you. Are there any further comments before we take the roll?

Representative Lawrence.

REPRESENTATIVE LAWRENCE: Thank you, Mr. Chair.

And thank you, Representative Fields, for presenting this bill.

Today we heard testimony from Mr. Robles describing the attack by three armed men bent on murder. The fact that he had the use of a personal defense weapon with a standard-capacity magazine was the difference between life and death in his case.

These magazine are necessary for the defense of life, and I think that's something that
has absolutely been skipped over in all of this
discussion.

And on that basis, I will be a no vote
on this bill.

THE CHAIRMAN: Thank you.

Is there any further discussion of
House Bill 1224 and the question whether it shall
pass as amended to the committee of the whole?

Representative Wright.

REPRESENTATIVE WRIGHT: Thank you,

Mr. Chair.

I would just second the remarks that
I, unfortunately, see this as bad public policy for
the state of Colorado. Just hours ago we passed a
piece of legislation that's going to cost the
taxpayers somewhere to the tune of $3.2 million.
And now, we're systematically, with the next piece
of legislation, telling a business that brings the
state an estimated $47 million annually and employs
upwards of close to 700 people that they should
leave the state.

So this is financial, I think, a
double blow to the state and the people of Colorado.

Secondly, I don't think that this bill
will meet constitutional muster. I think that we've
already seen in Heller that it's been established that weapons used -- common weapons used during the
time are allowed under the Constitution of the United States.

And I know that there's a young attorney in this room who's very willing to be the plaintiff in that case. So I think it's passing bad law that won't be upheld in the state of Colorado.

So I will be a no vote.

THE CHAIRMAN: The question before the committee is whether House Bill 1224 as amended shall pass to the committee of the whole.

Is there any further discussion?

Seeing none, Ms. Shipley, will you please take the vote.

MS. SHIPLEY: Representatives.

Buckner.

REPRESENTATIVE BUCKNER: Yes.

MS. SHIPLEY: Court.

REPRESENTATIVE COURT: Yes.

MS. SHIPLEY: Gardner.

REPRESENTATIVE GARDNER: No.

MS. SHIPLEY: Lawrence.

REPRESENTATIVE LAWRENCE: No.

MS. SHIPLEY: McLachlan.
REPRESENTATIVE McLACHLAN: Yes.

MS. SHIPLEY: Murray.

REPRESENTATIVE MURRAY: No.

MS. SHIPLEY: Pettersen.

REPRESENTATIVE PETTERSEN: Yes.

MS. SHIPLEY: Salazar.

REPRESENTATIVE SALAZAR: Yes.

MS. SHIPLEY: Wright.

REPRESENTATIVE WRIGHT: No.

MS. SHIPLEY: Lee.

REPRESENTATIVE LEE: Yes.

MS. SHIPLEY: Mr. Chair.

THE CHAIRMAN: Yes.

And that bill passes by a vote of 7 to 4.

Thank you very much, members.

Thank you, members of the public, for your patience.

This committee is adjourned.
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.