CITY AND COUNTY OF DENVER
STATE OF COLORADO

HOUSE SECOND READING
HELD ON FEBRUARY 15, 2013

HOUSE BILL 13-1224

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REPORTER'S TRANSCRIPT

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SPEAKERS:  PAGES
Representative Fields  3, 5, 7, 32, 38, 62, 86, 96
Representative Holbert  4, 5, 20, 27, 46, 59
Representative Waller  6, 27, 42, 61, 67
Representative McNulty  9, 56
Representative Salazar  12, 29, 54
Representative Lawrence  15
Representative Murray  16, 22, 26, 52
Representative Wright  17, 25, 50
Representative Pabone  23
Representative DelGrosso  24
Representative Sonnenberg  31, 86
Representative Gardner  33, 73
Representative Hullinghorst  38
Representative Duran  39
Representative Priola  48
Representative Landgraf  53
Representative Conti  85
Representative Stephens  90
Representative McCann  97
UNIDENTIFIED SPEAKER: House Bill 1224
by Representative Fields, also Senator Hodge,
concerning prohibiting large-capacity magazines.

THE CHAIRMAN: Representative Fields.

REPRESENTATIVE FIELDS: Good morning,

Mr. Chair. It's a pleasure to serve with you.

THE CHAIRMAN: Good morning

Representative Fields, and with you.

REPRESENTATIVE FIELDS: I move House

Bill 1224 and the Judiciary Committee report.

THE CHAIRMAN: To the committee

report, Representative Fields.

REPRESENTATIVE FIELDS: Members, the

committee report makes some minor changes. It

changes the establishment for the limitation on

ammunition from 15 rounds, from 10 to 15, and it

moves the shotgun limit from 5 to 8.

It also addresses -- if you look on

page 3, line 3, we've substituted some wording to

address a .22 caliber rimfire ammunition. And we've

also done some edits and changed some words from "a"

to "any." And then we also put -- on page 4,

line 12, we inserted the word "lawful," which holds
law enforcement accountable for unlawful use of a
high-capacity magazine.

THE CHAIRMAN: Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you,

Mr. Chairman.

Representative Fields, I wonder if you
would please explain the significance of the number
15 relative to the number 10. As we are
specifically discussing weapons that are
semi-automatic and fire one round per trigger pull,
what is the significance of the numbers 10 and 15?

THE CHAIRMAN: Representative Fields.

REPRESENTATIVE FIELDS: Thank you,

Mr. Chair. And thank you Representative Holbert for
that question.

After listening to the testimony, I
thought it would be a better balance, and based on
what we heard from our gun owners, to increase that
capacity from 10 to 15.

I urge a yes vote on the committee
report.

THE CHAIRMAN: Are there any more --

Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you,

Mr. Chairman.
Representative Fields, is there any standard capacity in detachable box magazines -- metal or plastic objects that hold other objects -- is there any number that might mirror standard of these -- of these plastic or metal parts?

THE CHAIRMAN: Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Chair.

And we had some strong testimony from David Chipman, and he said that the standard issue for what we're trying to do here would be 15.

So once again, I urge an aye vote on House Bill 12 -- committee report on 1224.

THE CHAIRMAN: Representative Holbert.

REPRESENTATIVE HOLBERT: I just wonder though, Representative Fields, are there any detachable box magazines, plastic, metal parts with a spring in it -- are any of these manufactured in a 15-round configuration?

I'm somewhat familiar with these, but I -- these objects, but I am not familiar with the significance of either 10 or 15.

THE CHAIRMAN: Representative Fields.

REPRESENTATIVE FIELDS: Mr. Chair, as previously stated, we've heard testimony from
David Chipman, who indicated that 15-round mags are a standard-issue equipment.

THE CHAIRMAN: Representative Waller.

REPRESENTATIVE WALLER: Thank you, Mr. Chair.

Well, you know, I understand, Representative Fields, that 15 might be standard-issue equipment, but I didn't think that's what this debate was about. I didn't think that's what we we're here to talk about today.

I understand the reason you're bringing this bill forward today is because you believe that this bill is going to in some way enhance public safety. I mean, that's truly what this is about.

I don't think we're about -- I'm talking to the committee report. This -- I don't think that we're discussing whether or not we want to ban a certain capacity magazine just because, for one reason or another, that's what's standard, that's what we have. Because if that were the discussion, we would be talking about 30, which is a standard-capacity magazine for a rifle.

And so I don't think that's what we're talking about. We're supposed to be talking about
public safety here and how this impacts public

So I believe the question for you, Representative Fields, is how is it that a

10-capacity round -- or a 10-capacity magazine round

is going to enhance public safety or a 15-capacity

round -- magazine round is going to further enhance public safety or detract from public safety.

What is the study that shows banning any capacity is going to have an impact on public safety?

THE CHAIRMAN: Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Chair.

And I -- we're supposed to be talking about the committee report. If we want to talk about public safety, let's do that. Let's talk about public safety. Because I have a report here that shows that over the course of the last four or five years, we've had 34 mass shootings using high-capacity magazines.

And so that is the common thread that we see in these massacres, is they're using high-capacity magazines so they can unload as many bullets as they can to kill as many people as they
can in our schools, in our theaters, and in our church.


ABC, Inc., in Missouri, 4 dead. Fort Hood, 13 dead, 34 wounded. LA Fitness Center, 4 dead. American Civic Association in New York, 14 dead, 4 wounded. Alabama, 11 dead. Virginia Tech -- I can go on and on and on. Like I said, there's 34. Virginia Tech, 32. Hunting Camp, 6 dead.

So when you talk about public safety and the equation to high-capacity clips, this is what you have in common. If your goal is to shoot and kill as many people as possible using a high-capacity magazine, it doesn't give an opportunity for someone to intervene.

What has saved lives in all these massacres is when they try to unload or when they try to redo their ammo, someone can come in there and rush them and knock them down on the ground. That's what happened in Aurora.

In Aurora, his capacity magazine jammed. He had a hundred-round clip. And the only reason that we weren't able -- that he wasn't able...
to kill more people was because that gun jammed.

In Sandy Hook, he had a 30 magazine.

And when I think about those babies, it just makes me want to cry. And they were able to tackle him once he was done with that 30 magazine.

Now, I would like to talk about the bill, and let's move beyond this committee report, so that I can talk about the overall restrictions and requirements of this bill. But that's how it relates to public safety. If we limit it to 15, it gives us an opportunity to increase safety by maybe intervening, if someone wants to harm citizens in the state of Colorado or elsewhere.

So, once again, I urge a yes vote on this committee report.

THE CHAIRMAN: Representative McNulty.

REPRESENTATIVE McNULTY: Thank you, Mr. Chairman, and thank you, Representative Fields.

And there is no doubt that those unspeakable acts, the horror that happened, should never be forgotten. And we should learn from those terrible tragedies as much as we can to reduce violence in our communities.

It is not just about the tool, it is about the character of this nation and the direction
in which we are heading. That's what we ought to be concerned about.

To this committee report, at the beginning of our House Judiciary -- the House Judiciary Committee meeting, a magazine that held 11 bullets was a dangerous high-capacity magazine. And the argument was made that one that held 10 bullets was a dangerous high-capacity magazine.

By the time House Judiciary Committee was finished, it was 16 bullets that constituted a dangerous high-capacity magazine. Now, I don't call into question any of the logic behind that amendment, and I know -- suspect Representative Salazar will be here shortly to explain to us that difference and why a dangerous high-capacity magazine changed on the vote of the members of the House Judiciary Committee.

The problem, colleagues, is this, it underlines the basic fallacy behind this amendment and behind this bill. We are not safer. We are not safer by limiting the constitutional rights of law abiding firearms owners. And we do not respect the victims, those who have lost their lives and the families who suffered, by arguing over whether it's 11 bullets or 16 bullets.
We do them honor and we do our nation and we do our constituents honor when we respect the Constitution and understand that the discussion is much broader than the size of a magazine.

The school board members who are here today are on the frontline of this generational shift. What's happening in our schools, what's happening in our homes, what's happening in our communities that is leading to this change that has happened.

It is been drastic and it has been dramatic and it is not because of one tool. Violence is carried out in many forms. Let's have a conversation about how we bring character, integrity to our families and to our communities.

To pull our noses up out of our iPads and iPhones and BlackBerries, to get off of Facebook and get out of our coffee shops and actually have that human interaction again, to have that face-to-face conversation that, yes, causes us to understand each other a little bit better. Get out of our basements playing video games. Get out and play kick ball. That will help reduce violence.

Colleagues, it is not the size of the magazine. It is not 11 bullets. It is not 16
bullets. It is us. We have the obligation to root
out the true cause of this increase in violence and
to do something about it.

Thank you, Mr. Chairman.

THE CHAIRMAN: Representative McNulty,

thank you.

Representative Salazar.

And I would remind all members that we
are on the committee report of the Judiciary
Committee to House Bill 1224.

REPRESENTATIVE SALAZAR: So thank you
very much, Mr. Chair.

And to speak to the committee report,
we moved an amendment -- or I moved an amendment to
raise the capacity of the clip itself from 10 to 15
to address primarily what Representative McNulty was
talking about, which is we have to take into
consideration the rights of law-abiding citizens who
carry guns.

And the reason why we went from 10 to
15 is because we heard the people who were there
speaking on Tuesday evening. And I know some of you
weren't there the entire time, but we were. And the
question was asked, not on limiting bullets, but it
was about the number of bullets a person would feel
safe with in a magazine.

And I asked people specifically during that debate about their magazines. Chief of police showed up with their magazines and they had 14. Other individuals talked about having 10, but having multiple magazines around them for their safety.

One gentleman talked about walking a trail with his wife and having an open-carried weapon. And in that open-carried weapon, he had a magazine of 10 in there, but he also had two other extra clips of 10 with him.

We heard an individual who was a reserve officer with one of our local jurisdictions, and he said that he carried 15, but he always had multiple clips of 15 on him.

So in trying to balance public safety, along with the rights of Americans, and knowing that you can't carry a clip on you that has an infinite number of bullets, it was about a matter of trying to figure out where do people feel safe.

People aren't walking around with drums of a hundred on their hips. In fact, there was laughter from gun supporters that these drums are toys, even though 68 rounds or so were fired off in Aurora. It was about how safe do you feel,
what's that number. And from what everybody said, it was around 10 to 15.

So in trying to make a balance here between public safety and the rights of Americans, that's why I moved to have the bill amended to go from 10 to 15, knowing that Americans can still have -- and that Coloradoans can still have how many number of 15-round clips you want with you, but it's 15.

Now, you say how does that make anybody safer. Try telling that to Congresswoman Gabby Giffords. Where that individual stopped to reload, because he didn't have a drum and he certainly didn't have a clip that held an infinite number of bullets, he stopped to reload, and in that four-second time period he was able -- he was stopped. People were able to jump upon him.

We're trying to take people's rights into consideration, along with the rights of individuals who have the right to life, which is also a constitutional right.

That's why we moved it to 15. That's why the committee report should be passed.

THE CHAIRMAN: Representative Lawrence.
REPRESENTATIVE LAWRENCE: Thank you, Mr. Chair, and thank you for the opportunity to speak to this.

I was also one of those members who sits on judiciary, so I heard the testimony. And the most compelling testimony that I heard came from Mr. Robles, who described a robbery at his business.

Three armed men came into his business and they were bent on killing him. If it hadn't been for the fact that he had a standard-capacity magazine in his gun at that time, he would be dead today.

I think that's something that we all need to take pause and think about. You talk about the ability to have magazines on your hip, well, that's what the bad guys do. They plan ahead. They bring extra magazines. But what about that innocent victim, what about that business owner who's just minding his own business. He's not thinking that somebody's going to come in and try to murder him that day. He wasn't anticipating needing multiple magazines on his hip.

And the fact that this body thinks that we know what a law-abiding citizen will need in that instance of self-defense, to me, is the height
of arrogance.

THE CHAIRMAN: Representative Murray.

REPRESENTATIVE MURRAY: Thank you, Mr. Chair.

Yes, I was in that 12-hour committee hearing also with Representative Salazar. And I would like to point out that those smaller clips that he was referring to are for pistols, not for rifles; that we had person after person, who are shooting enthusiasts, who came and just quietly described how they used their rifles. And most of them were 20 and 30 magazines. So a standard magazine within the industry is 30.

We have a manufacturer in this state that looked in dismay when somebody said do you make a 15. They said no. And do you have plans to make a 15. Well, no, because a standard magazine is 30. And that's the preponderance of what they make.

So let's -- let's get back to the facts about what is real in terms of what's standard and what's high capacity. And let's put what's standard into the hands of law-abiding people, because we know that the bad guys are definitely going to have the standard no matter what we do with the law.
I urge a no vote on this committee report.

THE CHAIRMAN: Representative Sonnenberg -- sorry, Representative Wright.

Representative.

REPRESENTATIVE WRIGHT: Thank you, Mr. Chair.

And I too serve on the Judiciary Committee and listened to a great deal of testimony from hundreds of individuals who were waiting to testify. In fact, we went so long that we reached a time limit and the opponents to this bill could not even finish their testimony.

And the issue here is -- and I did not hear this in Representative Salazar's statement -- when we're talking about the committee report to go from 10 to 15 rounds in these magazines, we heard testimony, person after person, who stated that they use more than 15 rounds in their rifle magazines, as Representative Murray pointed out.

In my district, I have a large contingency of sportsmen who hunt with these rifles.

Now, when we're talking about going from 10 to 15, are we making our society 5 rounds more safe? No, we're not.
This is an arbitrary -- this is an arbitrary amendment. It makes no difference to public safety whether there are 10 rounds in a magazine, whether there are 15 rounds in a magazine, or whether there are 30 rounds in a magazine.

I'm speaking as a former law enforcement officer. I've had guns pointed at me, loaded firearms pointed at me, and I would not feel safer in the field as a law enforcement officer whether or not this bill passes. Because the reality is a well-trained individual, someone who's practiced any small amount, can quickly change these magazines out.

You can go on YouTube -- and I would encourage you to do this. There are videos on YouTube that train you how to quickly change out a magazine. Any law enforcement officer who's had any small amount of training can quickly change out these magazines. It doesn't matter if you have three rounds in the magazine. You can change these magazines out within a matter of seconds.

Now, the issue here is, in fact, public safety. I could not agree more. The argument is very pertinent, and that is the safety of our children, the safety of our communities. We
have seen so many devastating shootings that I too
want to act. But this is not the solution.

   Again, I've been in the field. I've
looked into the eyes of evil. And the eyes of evil
are not the weapon that's being used. They're the
person behind the weapon.

   So, Representative Fields, I too want
increased public safety. It breaks my heart, as
much as yours, that we see these tragedies happen.
But this is not the solution. We absolutely have to
make our community more safe. And the way that we
do that is by giving the people that need -- that
are truly defenseless are our women.

   Many of the women that we heard
testify they can't defend themselves unless they're
armed. Why are we limiting their ability to defend
themselves.

   So I would encourage you, as we look
at this committee report and this increase from 10
to 15, are we truly five times safer by doing this.
And I argue, no, we're not.

   Thank you.

THE CHAIRMAN: Representative
Sonnenberg.

   Representative Holbert.
Representative Holbert: Thank you, Mr. Chairman.

To the committee report and this, in my opinion, arbitrary number of 15, there have been comments, I believe, in the committee hearing and certainly in the conversation in our society around this bill. And sometimes I hear the question, why would anyone need a magazine that would hold 10 or 15, 20 or 30. Does it take 20 or 30 rounds to shoot a deer? No. I teach my sons to be accurate, and they have harvested deer with one shot.

But the reason that we, the people, need — should have access to these inanimate parts, a box, a spring, a follower, a base plate, is the same reason that our law enforcement needs these tools. Because these tools are not for taking — harvesting deer or elk, they're for defending we, the people, against tyranny.

And when I make that comment, some say, oh, he's talking about government or one person. No. Tyranny is an uncontrolled exercise of power, murder, rape, assault. Those are examples of individual tyranny. And the Second Amendment is our defense. We, the people, it is our defense against tyranny. It is that equalizer for people of small
stature or gender to stand equal as we, the people.

That uncontrolled exercise of power is why we, the people, have the Second Amendment right to these inanimate detachable box magazines.

And I would ask for those who understand this technology and are familiar with the terminology, members, it would be so helpful if we could not use the word clip. That's the wrong word. And when people who understand this technology hear the word clip, they try to understand why are we talking about clip in the conversation about magazine. It's similar to showing someone a golf ball and talking about a golf shoe. Same sport, different item.

If you would, please, I would be so grateful if we could use the word magazine because that's what we're talking about, small magazines that detach out of the handle, the grip of a pistol, or a detachable box magazine that would come out of the bottom, generally, of a semi-automatic rifle that, again, fires one round per trigger pull.

If we have the detachable box magazine -- again to the committee report -- that holds 10 rounds, it would take 10 pulls of the trigger. If it holds 15 rounds, it takes 15
individual conscious decisions to fire those 15 rounds. If it's 20, 20 decisions; 30, 30 decisions.

I ask you to take into consideration who comes first in the constitution. It is we, the people. It is our job to trust the people we represent more than the people who work for government. We need to be conscious and concerned about the people for whom government works.

I ask for a no vote on the committee report.

THE CHAIRMAN: Representative Murray.

REPRESENTATIVE MURRAY: Thank you, Mr. Chair.

One story about the 20 and 30 being in common use. There's a delightful woman that came and testified, and she's a trainer of teenagers, for the most part, but she does train some adults, and she says it's standard, when they're out on the range, they're using 20- and 30-round magazines.

The lawyers in the crowd, when we were discussing the constitutionality of this issue, said that, you know, the ultimate test is common use. And I gleaned from that hearing that common use is not 15 rounds, but it is 30 rounds.

So if we're talking constitutionality,
let's talk about the facts here and that a standard common use of a magazine is 30 rounds.

I urge a no vote on this committee report.

THE CHAIRMAN: Representative Swalm. Representative Pabone.

REPRESENTATIVE PABONE: Thank you, Mr. Chair.

And I just want to remind everyone what we're debating about, which is the committee report. And the committee report changes the 10 rounds to 15 rounds and the number of shells from 5 to 8.

So if you're saying that you want to vote no on the committee report, you are actually arguing to keep the limits at 10 and 5. That is the natural conclusion of your urging of a no vote. So I just want to make sure that the members and the body and the audience understands what a no vote on the committee report would mean.

If that's where you want to have this argument, we can have this argument. But it would be my suggestion that we pass the committee report, and if there's further discussion on the number or size that there -- as we know, there's unlimited
opportunity to offer amendments. But a no vote on
the committee report is actually reducing the number
of rounds and shells available.

With that, I ask for an aye vote.

THE CHAIRMAN: Representative

DelGrosso.

REPRESENTATIVE DelGROSSO: Thank you,

Mr. Chair.

And, Representative Pabone, thank you
for reminding us that we are on the committee report
and we are arguing the arbitrary number of changing
10 to 15.

We've heard no evidence at all to even
support 10 or 15. We heard testimony -- or we heard
comments from Representative Salazar about how
everybody came to committee and talked about, well,
10 to 15, that would make them feel safe.

I was not a member of the committee,
but I listened to about two hours of the testimony
and I didn't hear one person say that.

So we are still talking about the
committee report and we still are talking about the
arbitrary number of 10 to 15 and if there should be
any number at all.

So thank you.
THE CHAIRMAN: Representative Wright.

REPRESENTATIVE WRIGHT: Thank you, Mr. Chair.

And I would echo Representative DelGrosso's remarks. We are, in fact, debating the committee report, because we are, in fact, debating whether or not this number is arbitrary, and back to the core of this bill, which I know it is intended for is increased public safety.

The core of the argument of going from 10 to 15 rounds is have we increased public safety. No, we haven't. We haven't increased public safety by limiting it to 10. And I would argue the public is no more safe with 15.

We're talking about rifles that are being used by sportsmen. We're talking about rifles that are being used. And we heard in testimony these rifles are the most commonly used tools for self-defense in the home. All of them accept 30 rounds.

So are we safer in our homes by limiting these magazines by half. That is not an argument for more public safety.

This is like saying to the automobile enthusiast that we're going to limit vehicles to
V6s. So you can drive a V4 or a V6. What about the folks who -- what about the folks who want a V8. Because, ladies and gentlemen, automobiles kill more people in this country than guns. So this is the same argument.

Thank you.

THE CHAIRMAN: Representative Murray.

REPRESENTATIVE MURRAY: Thank you, Mr. Chair.

I appreciate Representative Pabone's comments about voting no on this particular committee report. And anybody that knows me, I'm in my fifth year now, if I can help make a bad bill better and feel like I can live with that bill at the end of the day, I'm the first person to go to the other side of the aisle and work through those details.

But there are some bad bills that just can't be fixed and sometimes you have to stand on principle. And this is one of times that I am standing on the principle that the issue that we're talking about is a constitutional right and common use in our country and our state, and that we should not be abridging that. And I'm not going to dicker around with modifying the numbers.
I urge a no vote on this committee report.

THE CHAIRMAN: Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you, Mr. Chairman.

I echo the sentiments, the words of Representative Murray. Fifteen is not somehow less offensive to me. The question here is whether the government that works for me, works for we, the people, will limit access to an inanimate object. And 10 is not somehow more offensive, and 15 somehow less offensive, or 30 half as offensive as that.

The question is, as Representative Murray pointed out, does this government trust the people for whom it works or not. And we're negotiating with constitutional rights of law-abiding citizens. And I'm not interested in negotiating a deal, a number that is somehow more politically comfortable or less offensive to some.

I ask for a no vote on the committee report.

THE CHAIRMAN: Representative Waller.

REPRESENTATIVE WALLER: Thank you, Mr. Chair.

You know, Representative Salazar, I've
got to tell you, I take a little bit of umbrage with your comments earlier. We're talking about the difference between 10 and 15 and why one arbitrary number is more appropriate than another arbitrary number.

And, Representative Salazar, you said that you ran the amendment to change one arbitrary number, 10, to another arbitrary number, 15, because that's what everybody -- quote, everybody in the committee agreed upon.

I don't sit on the House Judiciary Committee either, but I spent a tremendous amount of time watching this debate in the House Judiciary Committee, listening to this debate in the House Judiciary Committee, and looking at all of the people that were there to testify in the House Judiciary Committee.

And it seems odd to me that a member of this body would say everybody. Words that were just spoken down in this well a few minutes ago, everybody. Everybody agreed that 15 was the right number.

Representative Salazar, apparently you weren't present in the committee when the hundreds of pro Second Amendment people were there to testify
and say 15's not appropriate.

There isn't an arbitrary number that is appropriate. When we're considering this legislation, when we're considering the issues that's coming before us, we have to listen to the testimony of all people. We have to consider the opinions of everybody, truly everybody that comes to testify in the hearing.

And I'm here to tell you, members, not everybody in the House Judiciary Committee said there was a difference between 10 and 15. In fact, there were hundreds there that said otherwise.

THE CHAIRMAN: Representative Salazar.

REPRESENTATIVE SALAZAR: Thank you, Chair.

I'd like to move -- I move an amendment, which is L014, and I ask that it be displayed.

THE CHAIRMAN: Amendment 014 is properly displayed.

To the amendment, Representative Salazar.

REPRESENTATIVE SALAZAR: Thank you, Mr. Chair.

Also, upon taking the testimony of
individuals into consideration, we heard from representatives from a company located here in Colorado called Magpul. And the way that the original bill was drafted, there was some concerns that there would not be a manufacturer exemption. And so, with speaking with the sponsor, as well as representatives of Magpul, and listening to the very real testimony of individuals who'd be affected if there was an amendment, we drafted one to give Magpul the option to encourage them to keep Colorado jobs in Colorado.

And this amendment here will allow them to continue manufacturing of any size clip -- any size magazine, excuse me -- since we want to get into that, but that we're going to -- that they could manufacture any size magazine in Colorado for a branch of the armed forces, a department agency or political subdivision of the state of Colorado or any other state, or the United States Government, arms retailer outside the state of Colorado, a foreign national government that has been approved by the United States Government, an out-of-state transferee who may legally possess a large capacity magazine, so any member of the public outside of the state of Colorado. And it would also protect those
employees who either are in the process of helping
create those magazines, possessing those magazines
for the purpose of selling or transferring to the
aforementioned government agencies, as well as
people. And also, it protects those who possess the
magazine for the sole purpose of transporting the
magazine to an out-of-state entity on behalf of the
entity.

So this has been vetted. Seems to be
good language for our Colorado companies. And I ask
that we -- I ask for a positive vote on L014.

THE CHAIRMAN: Is there any further
discussion on L014?

Representative Sonnenberg, to the
amendment to the House Judiciary Committee report,
Amendment L014?

REPRESENTATIVE SONNENBERG: Thank you,
Mr. Chairman.

And how ironic. It's about the money.
It's all about the money. Is that what this
argument's about? We don't care about people
anywhere else in the country. Is that the argument
you're making?

Members, I believe that this business
is important to Colorado. I believe it's a vital
business to Colorado. The point of the matter is that the amendment here shows the true colors, that this is about keeping a business and doesn't care about the people that are affected.

Members, I ask on principle for a no vote on the amendment. As you've seen the true colors now of the amendment, I have -- I would ask for a no vote on the amendment. And now that you know what the bill is about, vote no on the bill.

THE CHAIRMAN: Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Chair.

And this is not about the money. This is about our kids. It's about protecting their future. This is what this is about. High-capacity magazines have no place in our communities. They have no place in our theaters. They have no place in our churches.

High-capacity magazines only have one purpose. And they should be in the theater of war. They should be in a theater of war. What this amendment does -- and I support it, and I'm in favor of it --

THE CHAIRMAN: Representative Fields, we are on Amendment L014 concerning the ability to
manufacture in the state of Colorado. Just a gentle reminder.

REPRESENTATIVE FIELDS: Thank you, Mr. Chair. I apologize.

But this is not about money. This is about allowing a business to be able to thrive in the state of Colorado and to continue to be able to employ people.

This bill is not going to impact their business. They'll still be able to produce their products in a way that complies with this bill.

So I urge an aye vote on Amendment L014.

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Thank you, Mr. Chair.

Well, members, as we consider this bill and we consider the committee report and to this amendment, a significant issue was addressed about how this bill affected manufacturing in Colorado. And frankly, there was a lot of -- a lot of scrambling, if you will, to try to figure out -- well, we don't want to -- we don't want to put 700 jobs at risk.

And so there were all of these --
there was all this thinking around to have a
manufacturer manufacture a product that we -- or
some, not me -- some say, well, we shouldn't have
that product out on the street, but we're going to
have them manufacturing.

It's sort of -- it sort of reminded me
of a -- of a curious anomaly that I found this past
summer when I had occasion as a member of the
uniformed law commission to visit Nashville,
Tennessee. And one of the side tours was to the
Jack Daniels distillery, which is a big industry
there. And the relevance of this story is that one
of the curious things about the Jack Daniels
distillery is you can't buy the product in the
county in which the product is manufactured.

So you can't buy Jack Daniels where
the distillery works. And all of those rationale --
all those rationale, very logical lawyers who were
on that tour, chuckled and rolled their eyes and
said, you know, now, there's some hypocrisy for you.
You can -- you can distill it there, you can even
hand out little bottles for all the tourist who come
by your major industry in your county, but don't be
buying that product there. That product's not good
for you. But, you know, for everybody outside this
county, who's going to spend a lot of money and
bring it in to us, that'll be good.

What this amendment purports to do is
allow the manufacture of high-capacity magazines.
Because let's not make any bones about it, we have a
major small business employer in Colorado that is
legitimately manufacturing for military, law
enforcement, and the private market. And there are
those who are suddenly finding their assumptions
about how good this product is or isn't challenged.

As Representative Sonnenberg says,
it's about the money, apparently.

For those of you who suddenly think
this amendment is a good idea, I ask you, how is
that different than the distillery, the local
distillery, where that product's really bad and you
shouldn't be using it and selling it here. But, you
know, for those of you who want to spend your money
and sell it to your -- sell it to your citizens, oh,
that'll be fine. And, of course, when it's alcohol,
we sort of roll our eyes and think it's hypocritical
and a bit funny. But conceptually, it is no
different. And, in fact, in this case, it's a good
deal worse.

Either you believe -- either you
believe that high-capacity magazines in the private
market are dangerous for children, are dangerous for
citizens, are a danger to public safety and they
ought not be manufactured and sold to our friends in
Kansas, Nebraska, New Mexico, Texas, Wyoming, Utah,
because that would be wrong for us to be sending
that product somewhere else, or you believe the
product should be sold.

And when this product is
manufactured -- and I -- make no mistake, I believe
that this manufacturer is engaged in a very
respectable activity, selling high-capacity
magazines for legitimate purposes, for recreational
shooters, for those who want to use them for
self-defense, frankly, as well as the military and
law enforcement market. So make no mistake about
that, as I stand here and speak to this.

But I really am asking you to show a
little consistency here. What do you really
believe? Because one of the things that everyone
acknowledges about this, if they're the least bit
honest is this, these high-capacity magazines will
continue to be legal in Nebraska, Kansas, Texas,
New Mexico, Arizona, Utah, Wyoming.

And -- and I will speak to this at
length later on the bill, but just as a basic matter
to this amendment, what you're really saying is
it'll be okay with you to manufacture these -- we'll
prohibit them in Colorado, but it'll be okay to
manufacture and send them to our neighboring states.

And, oh, by the way, there's no way --
there's no way, that as an effective matter, that --
Representative Salazar, Representative Fields,
there's no way that, as a practical matter, that
you're not going to prevent these high-capacity
magazines from coming back into Colorado.

I mean, unless you want to set up
checkpoints and stop every car in and out, as I
suggested in the -- in the committee hearing that,
you know, maybe we'd have checkpoints on both sides
of the border, those for -- those for going out to
check on -- on the so-called legal marijuana, and
those coming in for high-capacity magazines. And I
don't think we're going to do that, nor should we.

But I suggest to you that
Representative Sonnenberg's point is very well
taken. If you think these magazines are a bad
thing, then the idea that you would vote for an
amendment or propose an amendment that allows their
manufacture in our state because we're going to make
some money, is nothing less than hypocritical.

Or if they're really not that bad or they compromise the public safety such that you don't mind them being manufactured and sold in your neighboring states and across the country, then I have to ask you, is this about public safety or is this about appearances?

Because the appearance, in my mind, of this amendment is pretty cynical.

Thank you.

THE CHAIRMAN: Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Chair.

And I guess I need to explain the bill as it relates to this amendment, because in the bill, we already had crafted language to protect this manufacture. Because, as I had stated earlier, high-capacity clips should be in war. And what this company does, as you see on the amendment up there, is that they sell to the United States Government.

I want our government to have access to high-capacity clips, magazines -- but I'm going to say clip, magazines. You know what I'm talking about. I want them to have the type of weaponry that's needed to defend our company -- our country.
So it's not being hypocritical. It's about the safety of our nation. It allows them to sell to branches of the armed forces. This is nothing to do about hypocrisy.

So I urge a yes vote on this amendment.

THE CHAIRMAN: Representative Hullinghorst.

REPRESENTATIVE HULLINGHORST: Thank you, Mr. Chair.

And I stand in support of this amendment and this bill.

To the amendment, I think it's unnecessary to cast dispersions on those of us who support this amendment, in terms of it being only about money, or certainly not about the safety of our children and people in the state of Colorado.

I know that all of you sit here today -- all 65 are here because you care very much about the people of Colorado and the businesses and the schools and everything else that is a part of our society. We're here to make it safer.

And my opinion is that this amendment helps a business that primarily sells ammunition to law enforcement and to the federal government, to
the defense department to provide for our defense.
I support all those things. I support that company.

This is an amendment that supports making it possible for that company to operate in the state of Colorado within the parameters that we believe will make the state of Colorado safer for everyone who lives here. And that's why I support the amendment.

THE CHAIRMAN: Representative Duran.

REPRESENTATIVE DURAN: Thank you, Mr. Chair.

And I do rise in support of this amendment. It is offensive that the motives behind this amendment have been questioned down here in the well, an accusation that this amendment is coming forward simply because of money.

You know what, down here, what we do in a Democratic process, we take into consideration businesses. We take into consideration the public. We take into consideration a variety of different voices to come up with legislation.

And today, in honor of recognizing some of the issues with the bill, this amendment has come forward to address a legitimate concern of a local Colorado company. And in that democracy and
in that compromise, we are accused of doing this
simply about money. That is -- that is ridiculous.
This is what we're down here to do.

    I want to commend Representative Salazar for bringing this forward and taking in
consideration the voices that have been -- that told
us that this is going to affect their business. And
it is a compromise.

    And at some point, we need to have a
real conversation about what we are going to do
about the gun violence that we have in this country.

    This is not about money. This is
about people. This is about kids. These are about
kids that have been shot over and over and over
again. This is what this debate is about.

    And the only, only solution that I
heard today to some of the situations that we are
facing in this country is, well, get people off of
Facebook and have them go have coffee. I heard, get
people out to go and have them play kick ball.

    Let me tell you, the issues that we
are dealing with are much, much more than we need to
have more personal interaction. I am tired of
seeing kids die year after year after year after
year.
This is not about money. This is about coming up with solutions to a terrible problem that we have.

Thank you.

THE CHAIRMAN: Representative Waller.

REPRESENTATIVE WALLER: Thank you, Mr. Chair.

And I'll start my comments with addressing Representative Duran's issues.

You know, members, the goal we're trying to accomplish here today, and one of the primary goals we have as a body, is to do our part to enhance public safety. And make no mistake, this legislation isn't about gun safety, or at least it shouldn't be about gun safety.

This legislation, if we really want to save kids' lives, should be about public safety.

Republicans, as well as Democrats, want to enhance public safety. In fact, as a prosecutor, I have ran legislation in this assembly to do that very thing. I have run legislation to reduce recidivism by changing some of our drug laws. That enhances public safety. Because that is our goal here.

You know what, members, I have two
kids in Colorado public schools. My son goes to Horizon Middle School and my daughter goes to Remington Elementary School, and I drop them off at school when we're not in session. And like any father, I let them go into the custody and care of that school, and I think about their safety when I do it. Because public safety is the thing that I am concerned about.

And you know what, if I thought putting an arbitrary number on -- on some sort of capacity for bullets would in some way enhance public safety for my children, I'd come to the table and I'd talk about it. I'd be there.

THE CHAIRMAN: Representative Waller, we're, at the moment, discussing the manufacturing exemption that is in this amendment. So if you could go more directly to the manufacturing exemption.

We very much want to hear your views on those border issues, but perhaps now is not the right time for that. Perhaps you might direct yourself more directly to the Amendment L014.

REPRESENTATIVE WALLER: We're going to get there, Mr. Chair. Thank you for that. And I appreciate the fact that you very much want to hear
my opinions on this today. And they will -- we will
get to that point.

Well, the discussion, though, is in
this amendment what we're doing. We're exempting
manufacturers. And Representative Duran came down
here and said she takes umbrage or offense to the
fact that -- that this amendment in some way is not
going to enhance public safety.

And I was merely trying to explain
through this discussion that we believe that this
amendment is inconsistent with the purpose of this
bill. Not only is it inconsistent, it is wildly
inconsistent with the purpose of this bill.

I mean, if you think about it,
members, this is what this amendment does, the bill
is all about let's get rid of high-capacity
magazines because it's going to make our kids safe
in our public schools. That's what we heard down
here today. That's what people said. That's what
they said about this very amendment. It's going to
make our kids safer if we get rid of magazines.

Well, accept we still want them to be
produced. We don't want them in Colorado, but we
want them to be produced. But we only want them to
be produced for military purposes or police
protection purposes.

And the majority leader came down here and said, you know what, the vast majority of their production is for military purposes, for police purpose, for governmental purposes.

Madam Majority Leader, I'd encourage you get out and see Magpul, because that's not accurate. It's not accurate. Magpul produces over 50 percent of their products for civilian consumption, not for military consumption in any way. It is for civilian consumption and this amendment prevents them from doing that. Makes them uncompetitive in the marketplace.

Now, Representative Salazar came down here and said that this amendment's been well vetted, that it is supported by the industry. But I think that the discussion needs to go one step further.

This amendment does nothing to keep that manufacturer and those 700 jobs in the state of Colorado. The company has said, you put in arbitrary limits on magazine capacity, we are leaving the state of Colorado because we can no longer be competitive. We cannot be competitive in the marketplace if you put this arbitrary number on
us.

So maybe the amendment's been vetted.

I don't know, but it doesn't matter. It doesn't matter at all, because at the end of the day, it doesn't accomplish anything. All it does is takes an arbitrary figure and makes it even more arbitrary than it is.

THE CHAIRMAN: Representative Murray.

Representative Stephens.

Representative Fields -- no Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you, Mr. Chairman.

Members, I rise in opposition to this amendment. I oppose oops 14.

Because Representative Duran is right, this isn't just about money. There are other reasons. There's political convenience. Because of the oops amendment, we're recognizing that an inanimate object has been demonized.

I've heard magazines referred to as rapid-fire magazines. Magazines don't fire. It's a piece of plastic or metal with a spring in it.

So now we're running the oops amendment that this inanimate object that has been
THE CHAIRMAN: Excuse me, Representative Holbert, for a moment.

Members and guests, the noise level seems to be going up. Would respectfully request to keep them down so that we can all hear what Representative Holbert has to say.

Thank you very much.

Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you, Mr. Chairman.

These objects have been so demonized. And the political tsunami of opinion was built up so quickly. And then, probably for some, there was a realization that one of the world's leading manufacturers of these inanimate objects is right here in Colorado.

So there's political convenience to say oops, maybe we didn't know that, and step back and avoid that confrontation with a company that directly or indirectly employs a thousand people in this state and generates tax revenue, some of which goes into our schools.

I also want to point out for the people in the gallery, the people we represent who
are watching via internet or television, the oops amendment is a way for those who support this bill to avoid the oops in New York that law enforcement and the military wasn't exempted.

And once again, we, the people, need to stand up and make our voices heard that government shall not trust the people who work for government more than the people for whom government works.

This amendment is wrong for multiple reasons. If we're here for public safety, then let's apply the same standard of public safety to all people in all corners of this state.

But it isn't about public safety. It's about a political agenda. And I ask a no vote on oops 14.

THE CHAIRMAN: Representative Priola.

REPRESENTATIVE PRIOLA: Thank you, Madam -- or Mr. Chair.

I am speaking against this amendment because Magpul will not support this bill with the amendment or without the amendment. They will not support the bill or the amendment or the committee report because of principle.

They believe in the Second Amendment,
as I do. And on that principle and on that right, we will not equivocate. We will not negotiate.

The Second Amendment is there for the people, not for the government. And 10 rounds, 15 rounds, 16 and a half rounds, whatever the number, it's equivocation on a right.

The Second Amendment right, I, as an American, am very proud we have. Because we're -- for 200-plus years, we've not been in the same spot as our fellow man in North Africa, in the Middle East. I saw a piece in the Denver Post yesterday of a gentleman in Syria who was using a handmade giant slingshot to lob a grenade at the government that they were trying to overthrow.

There's a reason our Founding Fathers saw a wisdom in putting the Second Amendment into law. They understood history. They understood what kings and Syrians had struggled with.

Magpul will not equivocate on this amendment or any other amendment, as I will not equivocate.

I ask you to vote no on this and the bill. This is bad policy for the state of Colorado. We're a western state. Our forefathers came here and they needed guns for
self-defense, not just for hunting.

I know for a lot of the legislators
who live in -- live in the city, you probably don't
have experience with guns, but that doesn't give you
the right to take away a Second Amendment right from
other Coloradoans.

Please, vote no on the amendment and
the bill.

THE CHAIRMAN: Representative Wright.

REPRESENTATIVE WRIGHT: Thank you,
Mr. Chair.

Representative Salazar, Representative
Fields, Representative Duran, I am -- I am not
questioning your motives here. I think that you
truly are attempting to establish a compromise. I
believe that. And I do believe that in your minds
this is about public safety.

However, I'm concerned that Amendment
L014 may be misguided. And here's why. My district
is 20 miles from the Utah state line, 20 miles. My
home is literally located 20 miles from a state
line. It's important for us to remember we have
four sides of this state and four states surrounding
us that don't have this law in place.

And now we're exempting -- if you look
at line 12 and line 17 -- the transfer of these
magazines out of state within -- within 75 miles of
my home, someone would be able to cross the state
line and go buy a magazine that was manufactured in
Colorado.

Secondly, what message does this send
to our small businesses. We're going to have
retailers -- a retailer that's located literally
20 miles from the state line in my district who
can't sell these magazines, but 50 miles away the
retailer across the state line can. What economic
message is that sending at the retail level, not the
manufacturing level, but the retail level. It's
going to have an economic impact.

And then what message are we sending
to the kids that are going to the school 75 miles
away from my home in Utah. Are they safer? If this
truly is about the safety of our children, we're not
making our kids safer in the states that surround
us, by allowing a manufacturer to continue
manufacturing these magazines in our state.

If that truly is the argument, if this
is truly about public safety, then why are we even
looking at this amendment.

Thank you.
THE CHAIRMAN: Representative Murray.

REPRESENTATIVE MURRAY: Thank you, Mr. Chair.

Members, I'd like to talk about the integrity of this business that we're discussing. My observation of them, they didn't -- in committee, they didn't ask for this amendment. And in discussions with them, they said, you know, how can we manufacture a product in the state that we can't sell in this state.

And it's about their relationship to their customers. There's a lot of talk these days about customer relationships. There's a premium put on it, that companies understand that they need to have that close relationship with their customers. Their customers are people that want 30-round magazines.

So, you know, I'm not going to say whether they're going to leave the state or not, but, you know, they have a real philosophical conflict going on in their company right now as to whether they should stay in the state where they cannot serve their customers directly, that they have to go around state lines to sell to their customers, if that's what ends up happening.
So, you know, we shouldn't be demonizing business. We shouldn't be extolling business. We should be recognizing the issues that they face every day in a relationship with their customers. And many of them are retail, they're not just defense. Many of them are retail customers that they will be able to sell at Cabela's in Utah and in Wyoming and in Kansas and in New Mexico. But they won't be able to sell their product in my county in Cabela's -- the new Cabela's going in in Lone Tree.

So good luck to them, if this bill passes, in making the decisions that they have to make in a state that basically says we want your money, but please, we don't want to see your product in this state.

I urge a no vote on principle on this amendment.

THE CHAIRMAN: Representative Landgraf.

REPRESENTATIVE LANDGRAF: Thank you, Mr. Chairman.

L014 does not exempt businesses that we haven't already talked about. And two of those businesses are in my district. One is Apex Gun
Parts. The other is Arms of America. One of those businesses is entirely veteran owned. The other one employs 20 employees. They have $3.5 million in sales.

My concern here is they do not contribute $46 million to the economy, and therefore, they are being overlooked. They are deemed irrelevant by this amendment. And that's a travesty.

Just last week -- or this week, we had the Economic Development Caucus here. These are people who are looking to attract businesses to Colorado, businesses that we need badly. What kind of message are we sending businesses wanting to come to Colorado? We're telling them we want business, but we do not want you.

I strongly urge a no vote on L014.

Thank you.

THE CHAIRMAN: Representative Salazar.

REPRESENTATIVE SALAZAR: Thank you, Mr. Chair.

I'm, once again, asking for a yes vote on L014. I -- maybe I just remember things differently on what happened on Tuesday night, but we were supposed to take into consideration what
people had to say there.

Magpul was there, and they said that under the current legislative proposal that it didn't exempt them.

And I remember quite clearly that one of our good representatives, Representative Gardner, was concerned about it, just like I was, listening to what they had to say about their business. And he asked them questions about it, are you exempt, the language of it. He even talked to Chair Kagan about that, that I don't think that this language exempts them.

Well, in listening to them, that's what we have. Because even Representative Gardner was concerned about it. And this is what we've developed. And this is what we've proposed. And yes, this was ran through Magpul.

Now, ultimately, they may be against the bill, but this language here represents what they were looking for in an option to stay, if they decide to do so.

It's not about money. It was about listening to people. It was about listening to a Colorado company employing Coloradoans who were concerned that they would not be within the confines
of the law.

This represents us listening to the constituency base. Now, all of a sudden it's about money. Well, I'm just trying to figure out which side the bread is buttered on here. Is it about keeping Colorado jobs here? Is it about keeping a Colorado company here, or has it now become something different?

Let's be consistent in what we're trying to say. Is it about listening to the people? Is it about listening to Magpul? Or is it about, all of a sudden, we just want their money?

If you were concerned about all -- about not having them here, then why ask them the question at all? Why even express any concern at all in judiciary about them leaving, if we didn't have an exemption?

I'm requesting a vote of yes on L014.

Thank you.

THE CHAIRMAN: Representative McNulty.

I presume this is to Amendment 014?

REPRESENTATIVE McNULTY: Thank you, Mr. Chairman. You'd be correct, since I raised my hand as we have this debate in front of us.

Representative Salazar, I appreciate
the fact that you and some of your colleagues are
attempting to dig your way out of a pit that you've
gotten yourself into. It is moderately creative,
but ultimately, it shows that this bill is lost.
This bill is lost.

The many amendments that were offered
to it in committee, how many amendments must be
offered to this bill, watering it down, admittedly,
from its additional -- original purpose, watering
the bill down until the realization is that you
aren't doing anything. Aren't doing anything.
This is an important employer in
Colorado, and there's no doubt about it. These guys
came to Colorado, built this from the ground up,
bootstrapped it. Ought to be celebrated, not
condemned.

And know that this amendment shows
very real problem that exists with the bill, these
magazines that are built and transported,
standard-capacity magazines, by the way. And at
some point, I'm sure that we will have a lesson on
the difference between sidearm magazines and rifle
magazines, because they are fundamentally different.
The amount of rounds that each holds is
fundamentally different.
But when you look at this amendment,
they can be transported to anyone, anyone outside of
the state of Colorado who has a legal right to buy
them. But what we also know is that underlying
provisions in the bill make it unworkable for anyone
to manufacture magazines in the state of Colorado.

So sure, you can play your little
games with this amendment here, and I appreciate the
situation that you found yourself in. I'm not going
to say I haven't been there too, because I have.
But it's not going to do anything.

So who is next? Who is next? What
unfavored manufacturer will be next? Will it be the
distillers? Will it be the winemakers on the
Western Slope? Will it be the niche tobacco
manufacturers? What are we going to decide is
unfavorable? What is next? What is the next
industry that has to leave the state of Colorado
because this state legislature has put up the
going-out-of-business sign?

Colleagues, this is a very sensitive
issue, a very important issue and no part of this
debate should diminish the fact that this is a very
important issue. But let's not pretend that this is
about something else. Let's not pretend that we're
trying to save jobs and save tax revenues, when in reality, what we're doing is driving an important manufacturer out of the state of Colorado and causing questions in the minds of every other manufacturing operation that exists and operates in the state of Colorado.

Colleagues, think carefully as you vote on this amendment and on the committee report.

THE CHAIRMAN: Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you, Mr. Chairman.

I commit to you this is the last time I'll speak to the amendment, this amendment, oops. Representative Salazar, if I were on the judiciary committee, I would not have offered this amendment. I would not have tried to relieve the pain.

There are two stimuli that we all respond to, just like Pavlov's dog, pleasure and pain. And this amendment is an attempt to reduce the pain. The oops amendment is an attempt to reduce the political pain of killing a thousand jobs in Colorado. Oops.

And it's not my job or the minority's
job to help you reduce the pain of the awkward situation that the bill's sponsor and those who support the bill have found themselves in.

I ask for a no vote.

THE CHAIRMAN: Representative Murray.

REPRESENTATIVE MURRAY: Thank you, Mr. Chair.

I wanted to confirm my sense of where Magpul was in this issue. And they've been very clear to me and just told me that they do not support this amendment. And just as I indicated, it's about their relationship with their customers. So I urge a no vote on behalf of a business that wants to maintain their integrity in the state of Colorado.

THE CHAIRMAN: Is there any further discussion on Amendment L014, amending the House Judiciary Committee report on House Bill 1224? Seeing none, the question before the committee of the whole is the adoption of Amendment L014. All those in favor say aye.

UNIDENTIFIED VOICES: Aye.

THE CHAIRMAN: All those opposed say, no.

UNIDENTIFIED VOICES: No.
Amendment L014 is adopted.

We are to the bill. Are there any further -- sorry, we are back to the -- we are back to the House Judiciary Committee report.

Representative Waller.

REPRESENTATIVE WALLER: Thank you, Mr. Chair.

Well, members, here's where we are, in this discussion. Now that we've passed this amendment, we've created more arbitrary standards that are going to do absolutely nothing to -- no evidence to show us that they're going to enhance public safety in any way.

These arbitrary standards that are in this bill were 15, arbitrary; manufacturers' exemption, arbitrary. So with all the arbitrariness we have in this bill, we've done nothing, absolutely nothing to enhance public safety.

We'll continue this debate.

THE CHAIRMAN: Are there any further comments on the House Judiciary Committee report?

Seeing none, the question before the committee of the whole is the adoption of the House Judiciary Committee report to House Bill -- on House
Bill 1224. All those in favor of the judiciary committee report being adopted say aye.

UNIDENTIFIED VOICES: Aye.

THE CHAIRMAN: All those opposed say no.

UNIDENTIFIED VOICES: No.

THE CHAIRMAN: The Judiciary Committee report is adopted.

To the bill, members.

Representative Gardner -- oh,

Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Chair.

High-capacity magazines have one purpose. That purpose is to kill, steal and destroy. High-capacity magazines were designed to have one purpose and that is to kill large numbers of people quickly.

In Sandy Hook, the gunman used a high-capacity magazine to steal, kill, and destroy the lives of 60 -- 26 people and their families.

These children and families of that community were robbed. They were raped of the promising futures of these young people. These family units, their lives are devastated because of gun violence.
I did a look at the ages of the victims that were murdered in Sandy Hook Elementary School. We had Charlotte Bacon, 6 years old. And if you think about the average life expectancy being 75, then she just lost -- we lost 70 years.

Daniel Barden, 7 years old. Rachel D'Avino, one of the teachers, 29 years old. Olivia Engel, 6 years old. Josephine Gay, 7 years old.

Ana Greene, 6 years old. Dylan Hockley, 6 years old. Madeleine Hsu, 6 years old. Catherine Hubbard, 6 years old. Chase Kowalski, 7 years old.

Jessie Lewis, 6 years old. James Mattioli, 6 years old.


Benjamin Wheeler, 6. And Allison Wyatt, 6 years old.

I've calculated theirs lost years, and it equated to 1,585 years of their life was lost.

The shooter in this situation used a 30-round magazine that held bullets that were able to kill, steal and destroy the lives of far too many.
It has become very clear to me that there is no place in our community for these super-sized magazines in our sacred places like schools, in our churches. They have no places in our malls.

We also had a mass shooting in Aurora. It was on July 20th. A shooter killed 12 people and injured 58. In 90 seconds, he was able to do that much damage. We have learned that James Holmes entered the Aurora theater and he had a hundred-bullet capacity magazine. That is more than three times the size of a magazine that's given to a soldier in Iraq.

High-capacity magazines belong in theaters of war and not in our local movie theaters. Such weaponry have no purpose in civilian hands. Since the horrific act of these shootings, I have been working in the trenches with the families and with our community to try to put their lives back together after this horrific tragedy.

We have seen over and over again of recent massacres, and the only thing that all of these massacres have in common is a high-capacity magazine that is capable of firing these bullets at a rapid pace.
We're somewhat fortunate in Aurora that, that night on July 20th, that the gun jammed. But there's no doubt if that gun did not jam, then we would have probably had much more death and loss. Let's talk about what happened in Tucson with Representative Gabby Giffords. She was hosting a town hall meeting, and we had a gunman go in there and kill 6 people, and he wounded 13 others.

The only reason that massacre stopped is because an onlooker tackled him down as he was struggling to reload his semi-automatic weapon, after he already discharged 31 rounds.

These high-capacity magazines have no purpose in our community. They're used for war. We need to do something about the accessibility of these high-capacity magazines so that we can stop the horrific acts before they start. We can do something. We've heard about this bill does not do anything. We can do something and we can do something right now by banning these high-capacity magazines without infringing on the rights of responsible gun owners.

In 2012 alone, there have been seven mass shootings. That's a record amount of
casualties. In fact, I was just told that in the state of Colorado, we have more gun death than we have automobile accidents where someone lost their lives. We have more gun violence in the state of Colorado.

And in the 62 cases where there's been mass shootings, the gunman was stopped by a civilian because he was trying to reload. That is public safety.

Members, what House Bill 1224 will do, it will prohibit the sale or the transfer of any feeding device capable of accepting 15 rounds or 8 shotgun. Large-capacity ammunition feeding devices lawfully possessed on the date of this enactment, if it passes, will still be legal. You can have those. But you cannot sell them and you cannot transfer them.

And there's penalties. There's penalties associated with noncompliance, which will be a class 2 misdemeanor punished by a fine of $1,000 or up to 12 months in jail.

The bill does create some exemptions. You heard about that in the previous amendment that we just offered and it was passed. The bill also creates a process in which you can keep the weapons
that you have or the magazine clips that you currently have.

In closing, I ask that you join me and 62 percent of Colorado voters who support a ban on high-capacity magazines. I ask you to support a national survey that found that 72 percent of voters nationwide support banning magazines that hold more than 10 or 15 rounds at a time.

I also saw a survey that indicates that 47 percent of NRA members agree with such a ban, and that 59 percent of gun owners also support a ban. So, members, I ask for your support.

And I'm reminded of what Gabby Giffords said, and she said we must do something. Doing nothing is no longer an option. This is about having some solutions. This is a solution. And there's several different approaches that we can take to ensure a commonsense approach to gun safety.

This is one step that we can take to reduce gun violence, by limiting the capacity of a high-capacity clip to 15.

We can do something. We can do better. And it's time for us to do something. It's time we stop the bloodshed. Enough is enough. And I ask you to vote yes on House Bill 1224.
THE CHAIRMAN: Representative Waller.

REPRESENTATIVE WALLER: Thank you, Mr. Chair.

Members, I've got to tell you, it's frustrating being here right now having this discussion. It's frustrating that we're here talking about gun safety, when we should be talking about public safety. Public safety is a discussion we need to have in this chamber.

You know, I appreciate Representative Fields coming down here and reading the names of the victims of these horrible tragedies. I do. They're isn't a Republican -- there isn't a person in this chamber, whether it be a voting member, a member of the press corps, somebody that's in the gallery right now who wants to see horrible tragedies like Sandy Hook and like the Aurora theater shooting happen. None of us, not one of us, wants to see something like that ever happen again.

And so then we have to start having the discussion, not about gun safety, but about public safety, about what the right approach is to make our children safer in Colorado public schools. The discussion we need to have is about public safety that will make our kids safer when they go to
theaters in Colorado.

And it's frustrating to me that we're going to arbitrarily make a decision about how we're going to accomplish that goal. No study. No facts. Nothing to say we're going to -- that this piece of legislation is in any way going to enhance public safety.

You know, I'm going to talk about it now, Representative Kagan. I have two kids in Colorado public schools. Truman goes to Horizon Middle School. Camile goes to Remington Elementary School. I drop those kids off. I want them to be safe when they're in school. I want them to be well-protected and cared for when they're there. I worry about them.

Camile, in fact, has to send me a text message every day. She's just turned 10. We're allowing her to walk home on her own. She's got to send me a text message every day saying, Dad, I made it home safe, that one and a half blocks.

She has to do that because I'm concerned about her. I'm concerned about her welfare. And I am concerned about her safety. I want to make sure she's protected. I want to make sure all Colorado school children are protected.
But you know what, members, here's the difference, here's what we're arguing about. Does this bill accomplish that goal. Does this bill in any way enhance public safety.

You know what, I think the Governor said it pretty well, after the Aurora theater shooting, when he -- and I'm paraphrasing here, you know, when he effectively said there isn't a piece of gun control legislation that would have prevented this tragedy from happening.

And you know what, Representative Fields, there isn't.

This bill, this piece of legislation that we're putting forward is not going to prevent tragedies from happening in the future. It just simply isn't going to do that.

So what are we doing here. We have a company. We've talked a lot about it so far. This company's worth $400 million. Started in a Colorado basement.

You know, I hear the Governor consistently talk about the entrepreneurial spirit of Coloradans. The founder of this company embodies that. Started this company 10 years ago in his basement with an idea. Today it's worth
$400 million.

Their products are produced locally. They're not produced in China and then brought here and shipped out. They're produced locally. Those products are distributed on a global scale.

We have a manufacturer right here in our state that distributes -- that exports on a global scale. They directly employ 200 people, indirectly employ 4 to 500 more. And they want to grow. They put $46 million into Colorado's economy every single year.

In fact, I was just talking to the owner yesterday. He said, you know, how fortuitous this piece of legislation was, we were a week away from signing a lease on a new production facility, one that expanded our capacity significantly. We're not going to do that now. We're going to hold off to see what happens with this piece of legislation.

Well, we've heard it. If it passes, they're gone. They're leaving. It doesn't matter about the amendment that we just passed. That might make some people feel good. Still arbitrary. But they've said it, we are going to leave this state if this bill passes. We don't have a choice. Still have to put a serial number on it. Still have to
date stamp it. We don't have the capacity for that.

We can go to Wyoming and produce them without having
to do that.

So what are we doing. What are we
doing here? We have no evidence to show that
banning these magazines in any way is going to
enhance public safety. In fact, I went back and I
tried to find some studies on this. And there was
some studies done. And they said for the assault
weapons ban that expired in 2004, researchers could
not credit the ban with a drop in overall gun
violence during the same period.

No evidence to show that banning these
magazines is going to have any appreciable effect on
public safety. But we're going to pass it anyway.
We want to make ourselves feel better. We want to
feel good about what we're doing, and so we're going
to pass this piece of legislation for no other
reason, none, zero, other than to feel good.
Because there's no evidence that it's going to have
an appreciable impact on public safety.

So when we pass this bill, understand
this, members, know what the impact -- because this
bill, the reality is, while it's not going to have
an impact on public safety, it's going to have a
significant impact on Colorado's economy. It's
going to have a significant impact on the livelihood
of 700 Colorado working families. For what? On a
hunch, we're going to put 700 Colorado working
families' livelihood in jeopardy on a hunch, on a
guess, nothing more than a guess, that this bill is
going to have an impact on public safety.

I don't think that's the way we should
be legislating in this building. We shouldn't be
legislating to a gut reaction, to a guess, to a
hunch. There's too much at stake. There are too
many people's lives who are going to be affected in
a negative manner, if we push this piece of
legislation on a hunch.

Members, we need to -- it is our
obligation to vote no on this piece of legislation.
Because it's nothing, nothing more than a hunch that
it's going to have an impact on public safety.

THE CHAIRMAN: Representative Gardner.

REPRESENTATIVE GARDNER: Thank you,
Mr. Chair. And thank you Representative Waller for
that dispassionate evaluation of this legislation.

I heard this bill in judiciary, and I
tried to weigh exactly the things that you
addressed, Representative Waller, the question of
will this bill do anything positive for public safety. Will we, on balance, improve public safety.

Now, there are probably a lot of things that we can do legislatively that would improve public safety that we don't do. We don't do, because there's not a single thing we do that doesn't have some cost and some benefit. And we engage in the cost-benefit analysis whether we know we're doing that consciously, as do I, or whether we just do it unconsciously. And I tried to do that analysis as I heard this bill.

And as Representative Waller noted, it seemed to me, when we got finished with all the testimony and the presentations by the sponsors, that the primary benefit of this bill was that we would be able to leave here and walk outside this building and say we did something.

And that's sort of the popular cry, when horrific things happen, the natural human reaction is do something. But we ought to do something that matters.

The problem with this bill as drafted, as amended, is that these 15-round magazines, these 8 shotgun shell magazines are widely available.

There's -- one of the things that we heard in
testimony was that there's already been a run on them. You actually can't buy one in the state now. That may be an exaggeration, but that's kind of what I heard was, you can't get one in the state now. So the first thing is, if not having a lot of them on the street was our goal, just the very introduction of the bill put a lot more of them on the street.

And it is the natural human reaction that those citizens who might not purchase one or might have just been thinking about it, might have taken a pass or might think, well, whatever -- or even, by the way, those citizens who are very shrewd economically and entrepreneurially may run out and buy those things because they know there's a run on them. And the value of them on the black market I do not approve, and I am not promoting, but it is a simple fact the value of them on the black market may be double or triple.

So just the very introduction of the bill may have been counterproductive.

I asked the question of one of the witnesses who said, you know, it's already been a run on these. I said, well, you're a federal firearms licensee, an FFL, and I know you and I would not violate the law, but how easy would it be
to buy a high-capacity magazine and bring it back to Colorado. And as Representative Wright noted, it's only a few miles from his home to the state line.

I almost venture, given the way the tenor of this debate is going, or the timing of this debate, I almost venture I could get myself excused and drive to Cheyenne and buy several of these and be back before we vote on the bill. It's not that difficult.

And we're not, thank goodness, I hope -- and knock on wood, we're not going to stop every car going in -- coming into the state to check for high-capacity magazines.

And you can say, well, but it's against the law, and people should obey the law. Well, don't kid yourselves, legislators, just because you said so doesn't mean people do so. They have to regard what we do as legitimate.

I mean, we hear this argument all the time. We hear it about alcohol. We hear it about drugs. Do you think it's any different with respect to firearms, that somehow everybody's going to obey the law with respect to those, when they don't obey it with respect to other things in the law that they don't, sort of at their core, regard as legitimate.
And so a person who is bent on having
the high-capacity magazine, particularly someone who
is a wrongdoer, is going to have the ability to
cross the state line and get a high-capacity
magazine and bring it back, if they even do that and
they even worry about it. Because there are,
apparently, an awful lot of them out there now, a
good deal more, because this bill was introduced.

Maybe they'll be excess capacity for a
while. That'll be very productive.

And I feel I must comment about this
notion that this high-capacity magazines have only
one purpose. I mean, to say that, I'm sure it's
said in all sincerity, and that that is the belief
of the sponsor, but to say that is to say that my
friends and neighbors and constituents who own
weapons with high-capacity magazines are only
interested in killing.

I mean, that's what you're really
implying, is that the people here, both on the
floor, in the gallery, and within the hearing of my
voice in Colorado who own these, they must all be
bent on killing. And I know that not to be the
case. Some are recreational shooters. Some are
hunters. Maybe that's one category. Many are
concerned about self-defense. But I don't think they're concerned about killing.

And to characterize them that way, I must object. It's strident. It's emotionally satisfying, but it doesn't really comport with the facts. Or if it does, then the world is a much more dangerous place than I think it is, and I happen to think it's a fairly dangerous place. But it's much more dangerous than I think it is, and I probably need to go get a weapon with a high-capacity magazine, which I don't, at the moment, happen to own.

But nevertheless, is the world that evil, that the only reason anyone ever owns one of these -- and there are a lot of them sold, hundreds of thousands -- that all those people are bent on killing. Because that's what the sponsor's argument is, that there's only one purpose for these and that's to kill people. And that's not so.

One of the things that occurred during the Judiciary Committee discussions on this bill was that witnesses in favor of the bill invoked all of the horrific incidents that we're all so familiar with. Even -- even invoking things like the Murrah Building bombing, which I have yet to figure out how
you link that, other than it was a horrific and evil thing to happen in the world.

But I think the connection must be this, evil things happen, we must do something, and it doesn't matter if the something doesn't really work. We can leave this building. We can stand here. We can leave the building. We can go and say I did something.

And I don't know -- again, I don't -- I don't question the motives. I'm sure they're sincere, but I would ask, the same as I ask family members, as I've asked my children over the years, as I've asked friends who propose things, I say, will that really address the problem or will you just feel better when you're done.

And if it's your own personal action which is otherwise legal, then -- and it makes you feel better, then maybe that's fine, but when you impose it on everyone else, as a legislator, that's called public policy.

And maybe others don't feel better. In fact, maybe they feel less safe and less secure and less free. And the gain will have not been to make them more safe, more secure, and more free.

Now, this bill, sort of stripped to
its cold realities is this, it is difficult to
enforce. It is easily circumvented by taking a trip
to a neighboring state. It's difficult to
prosecute. Because the way the bill reads, it says,
if a person is alleged to have violated the
prohibition asserts that he or she is permitted to
legally possess a large-capacity magazine, pursuant
to Paragraph A, basically, possessed a
large-capacity magazine before the effective date of
the bill, the prosecution has the burden of proof to
refute the assertion.

I think what that probably does is,
for people in Colorado who want to circumvent this
law -- once again, I don't approve. I don't
advocate for -- I just make the observation that
what you want to do is buy a large-capacity magazine
in Cheyenne or Albuquerque or Topeka or Saint
George, at a secondhand or from a dealer who has an
older high-capacity magazine manufactured a few
years ago. And that way, all you -- you know, when
stopped or when your house is subjected to an
illegal search, for some reason, or a legal search,
for that matter, all you need to say is my
high-capacity magazine, I've owned that forever. I
don't need to prove I owned it forever, I just need
to assert that. You prove otherwise.

And I ask myself, if that's what you really want to put a stop to, why do you make it so difficult to prosecute. It's not that I advocate for the bill, but I wonder if you riddle it with exceptions, when you get done, will you be able to say anything more than I did something, but does the something do anything.

The bill is objected to by a large number of citizens in such a way that its legitimacy is in question. And friends, colleagues, let's be honest with each other, just because we say it's the law, if a large segment of the population does not recognize the law as legitimate, then not only do those who at the core recognize it -- or failed to recognize it as legitimate and are prone to violate it, an even greater segment of the population is very prone not to report it.

And it's difficult to prosecute it if it does. So why would you bother.

I think we have addressed at length the fact that this bill is of limited or no utility in actually addressing the problem. And it is, notwithstanding the amendment, damaging to jobs and the economy in our state.
My friend, Representative Landgraf, my fellow El Paso countian, noted two businesses that, notwithstanding the manufacturing exemption, there were small businesses in Colorado that wouldn't get this business because somebody would drive to Cheyenne or Ruidoso.

In fact, we might, you know, if we prohibit enough of these things, we might create a thriving economy just across the border for firearms dealers, because that's the reality.

This all seems to me to be in the name of doing something. And, you know, I'll even grant the sincerity and the commitment, however much I disagree with it, of doing something, if I hadn't heard the majority, as is the practice here, on Amendment L014 say, all in favor say aye. Aye. All oppose, no, equally loud from where I stood. The ayes have it. And put L014 on this bill.

And what that amendment does, it says, hey, you know, this really bad thing, the only purpose of which, says the sponsor, the only purpose of which, the sponsor says multiple times, is to kill people.

Now, I don't believe that, but I will -- I will take that argument for a moment. If
that's the only purpose, and we buy into that as a reason we ought to vote for it, how in the world can you morally -- how in the world can you morally support L014 for the manufacturing of something that you assert the only purpose in the world is to kill people. There is no other purpose, says my friend and colleague, the sponsor.

Now, I don't believe that. But I do think that a little consistency might be in order. So if you're going to make inflammatory arguments because you believe them -- and, again, I -- grant you, I think -- I think those who argue that believe that. But if they do, then they need to believe it. They need to have the courage of their convictions, because the consequence of allowing otherwise is to allow the very reasonable assumption on my part that it's okay -- if the only purpose is killing, it's okay to manufacture killing instruments in Colorado and export them somewhere else. That's okay.

Well, I don't believe the first, so I don't believe the second, and would not support either the first or the second. But a little consistency, a little intellectual honesty, some ingenuous consistent debate would go a long way.

This bill is about doing something.
It's not about doing something effective, or it is, in my view, the most hypocritical, cynical, jaded thing that I have seen in the seven sessions I have been here. Either this bill was right as drafted, and maybe even needed to be stronger than it was, or, as amended, it is nothing less than an exercise in hypocrisy and cynicism.

And in an institution where, unfortunately and sadly, from time to time, there's a good deal of that. I wish otherwise. I know all of you do as well, but life is what it is and the process will always and was ever thus.

But we could rise a little higher today and say to the people of Colorado, we're not going to just do for the sake of doing. We're going to legislate in a way that is effective. And we may disagree across the aisle about which thing is the most effective, but we will do something that is consistent, honest, ingenuous, and effective, or we will admit that legislators cannot solve each and every problem, cannot erase each and every thing, and that we should not simply interfere with the safety, security, and freedom of citizens simply for the sake of doing something.

Members, search your soul and ask
yourself -- I can't answer for you, and I -- if you disagree with me, I don't -- I don't question in any way your motive, but I do ask you to think about this logically and ask yourself if this bill, as amended, is going to do anything at all, other than allow us to leave this building and say, oh, well, we did something.

I think the answer to that is that it does nothing, or it does something so cynical that I would not, for my own part, want to be associated with a yes vote on it. And so I ask for a no vote.

THE CHAIRMAN: Representative Court.

REPRESENTATIVE COURT: (Inaudible.)

THE CHAIRMAN: Representative Conti as well.

REPRESENTATIVE CONTI: Thank you, Mr. Chair.

We interrupt this debate for a very important announcement. Lunch. For this side of the aisle, it will be available around 12:15 over in Barney Ford. And for the Republican members of the caucus -- thank you, Mr. Chair -- it will be -- we will be sharing the break room over here. And we do have a menu planned for those members who are observing a meat fast on Friday.
Thank you.

THE CHAIRMAN: Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Chair.

And to my colleague, Representative Gardner, and friends, I can share with you that I'm truly insulted by your comments in reference to how you're questioning my integrity as it relates to this bill by saying it does absolutely nothing.

This is a solution to address the gun violence that we are experiencing right now in our nation and in this state. This does address public safety. And to question the hypocrisy of it and my integrity as a lawmaker down here is very offensive to me.

I believe in this bill. It took great lengths to draft the content and the language in this bill. I worked with stakeholders way back in the summer, after the shooting theater. We pulled together law enforcement. We pulled together mental health professionals. We pulled together other organizations that are addressing gun violence, like Cease Fire and Safe Colorado and Mayors Against Illegal Guns.

There was a lot of conversation into a
debate about this. And it wasn't to try to do
nothing. And it's not about feeling good. This
bill is a very strategic approach to address
violence in our state and our nation.

So I'm here to say that I am somewhat
offended, because if I'm going to put my name on a
bill, it's because I believe in it and I believe
that the approach is a good one.

And I ask the support of everyone here
as an aye vote.

THE CHAIRMAN: Representative
Sonnenberg.

REPRESENTATIVE SONNENBERG: Thank you,
Mr. Chair.

Members, I know Representative
Gardner, in his talk and his explanation, was not
challenging the integrity of the bill sponsor, as I
am not challenging that integrity.

The question was, and is raised, will
this bill have an effect. Show me the data. Show
me somewhere where we have data that says that a
magazine with 10 or 12, or for that matter, the
amendment, the 15, will have an impact on lives
saved.

If this is about public safety, show
me some results of where we've seen that in effect, where we've seen that happen. Because it makes a difference whether we legislate on facts or legislate just to legislate.

With the amendment put on the bill, where now it makes it okay for an organization or a group or a business to sell outside the state of Colorado, what we have now created is the ultimate fireworks stand.

There's a number of us, yes, we know there's fireworks and they're illegal to shoot up in the air and those type of things in Colorado. And those of us who live on the border, yeah, we drive to Wyoming and we buy the cool fireworks. And then we're safe when we use them. And what we have done with this bill now with the amendment has created a fireworks stand for our surrounding states to sell high-capacity magazines.

The fact of the matter is that I need to correct something. You heard the statement earlier about more people died in car accidents than from gun violence. Oh, I'm sorry. You heard the other way around, that there were more people killed in gun violence than with cars. Understand that that is a skewed number, that 83 percent nationwide
of all gun deaths are self-inflicted suicides. So
you can't compare apples and oranges and make a
logical assertion about those gun deaths.

The fact of the matter is that I don't
believe limiting the size of a magazine will have
any effect, any effect whatsoever, no different than
outlawing a Corvette or a piece of farm machinery.
Because, as you know, there are more people killed
on farms, one of the most riskiest businesses in the
country. This would be no different than if we
outlawed something like that, something -- a car or
farm machinery.

Simply because high-capacity magazines
will never -- and limits on high-capacity magazines
will never, ever keep evil people from doing evil
things. And that's what this is about.

I don't care how large the size of
magazine, if there is a magazine, if there is a
single shot, we cannot legislate to keep evil people
from doing evil things.

What we will do is create an
opportunity for evil people to find other ways to
get the weapons of their choice. The only impact
this will have is on those of us law-abiding
citizens.
If it's truly about public safety, truly about public safety, this bill doesn't do that. I wonder if it's truly about public safety, because the amendments that have been added tends to believe that maybe in every other state, except Colorado, we don't care about public safety. If that's the case, vote yes.

If you do care about public safety, do something that's meaningful, vote no on this bill.

THE CHAIRMAN: Representative Stephens.

REPRESENTATIVE STEPHENS: Thank you, Mr. Chair. Thank you, members.

A number of years ago, when one of our first school shootings took place in Paducah, Kentucky, I went to interview the families of the victims. And I cannot tell you a more heart-wrenching, terrible time than to be with families who have just lost their children to a senseless tragedy.

These parents talked glowingly about their children, about how they were completely, obviously, unsuspecting. They had bright futures ahead of them. And it probably -- for me, it was the one event that motivated my commitment to school
safety. When I was elected to the legislature, it's one of the first issues that I chose to address.

Because all of us, whether it is Sandy Hook or Paducah or Columbine or Virginia Tech, there is that moment where we say, what could we do. What can we do. What must be done.

And, in fact, as parents, when death happens at a young age, all of us ask that question. We ask it whether they're drinking and driving. We ask that in a number of situations.

We passed a school safety bill that allowed schools to create plans in Colorado in case of an emergency. And like Representative Waller, with my own son, when he was in school, I would say to him, Nick, if something breaks out at school, if you hear gunshots, what is your exit plan. My son, my sweet little, at the time, 14-year-old son would look at me, I don't know. I don't know, Mom, we're kind of talking about it.

Isn't it awful we have to talk about it. But that is the age in which we live. And so I would work with him on an exit plan, an exit strategy, as school safety and parents want to do.

But what this bill does not address, and what has been said is no one's here to challenge
the integrity of what must we do. I mean, what can we do. It's emotional.

Representative Fields, as a mom, I cannot -- how you deal with the things you do and the way you do with dignity at the loss of your son, I don't know. I don't know that I have that in me like you. You are amazing.

But I can tell you, as we deal with other issues here, we always look at fact-based evidence. We always look at what are best -- what are we learning here in America, what are we doing.

And one thing that I've referred to and I've read with interest is our county sheriffs of Colorado position paper on this issue. And these are the county sheriffs from Delta, Las Animas, Mesa, Gilpin, Laramie, Pueblo, Elbert, Douglas, Rout. And what they're saying is gun control does not equate to lower crime rates, which is really what we strive for.

Washington, D.C., and Chicago, two cities known for their strict gun control laws, have some of the highest rates of violent crime.

In dealing with the ban on high-capacity magazines our Association of Sheriffs say this, law enforcement officers carry
high-capacity magazines because there are times when
10 rounds might not be enough to end that threat.

And by the way, at Virginia, it was
10 rounds. At Columbine, it was rounds of 10, 10
rounds.

County Sheriffs of Colorado believe
the same should hold true for civilians who wish to
defend themselves, especially if attacked by
multiple assailants.

Recently, a young mother in Georgia,
defending herself and her two children, as a single
mom, needed all six bullets in her .38 caliber
handgun to stop an intruder. She hit him five
times. He was able to get in his car and drive
away. But the young mom prevailed.

Had there been more than one
assailant, the outcome may not have been the same
because she would have been out of ammunition.

Also, we know that high pressure and
high adrenaline situations, people may not be as
accurate with their shots.

And the county sheriffs of Colorado
who deal in public safety do not want to deny a
law-abiding citizen the ability to defend himself
and his family, based on an arbitrary limit. An
arbitrary limit, not an evidenced-based limit, not
any kind of limit based on sound research. How many
bullets should be in one magazine clip.

You know, we saw, as Representative
Sonnenberg said, when we passed a tax on ag
chemicals, we saw a migration to Nebraska, a black
market developing, because people ran out of
Colorado to get what they needed. And I would
suggest, we will do the same with this.

And as Representative Gardner so aptly
says, unless we've got some sort of border patrol, I
don't know what you think we're going to do, because
people will go other places to get what they want.
So this will not stop in any way.

Our own county sheriffs of Colorado
say that this is not going to do the job.

And we already have subcontractors
from Magpul leaving here. I just talked to the
president of Magpul, they're leaving. They already
see the writing on the wall. Those subcontractors
are gone. They are gone.

Pennsylvania just lost over
$70 million in sales or income tax to Pennsylvania
because in their gun show, they stopped -- they
looked at postponing and stopping the sale of
magazine clips. And you know what, it cost the
state of Pennsylvania, I understand it, but not
because there was such a need.

And school safety, you and I deal with
mental health. And if we really want to talk about
what's evidenced-based, if we really want to deal
with this -- as I spoke to the parents of this
bullied young man who set fire, who started shooting
people in Paducah, or the two young men who were
bullied at Columbine, then if we really want to talk
about mental health, at some point, we're going to
talk about the antidepressants and we're going to
have to talk about the things that kids are on.

Believe me, working at this Capitol,
I've had my share of death threats. I have had my
share of creepies following me. I have had my share
of creepy e-mails. I have had my share, and they
are from people that are concerning, people that you
and I -- and every one of these people that have
shot -- even in high-round capacity, you and I would
go, the people around him have said there was
something not right.

You and I, we have to deal with this
mental health issue in a different way. But this
issue on an arbitrary count of magazine is not going
to do it. It's not going to do it. Our own county
sheriffs have said so. They are saying this will
not protect people. This will not stop this from
happening.

You will create a black market that
goes out of this state. And so that's -- this does
nothing. We wish it would do something, but this
won't. This will not.

Friends, I urge a no vote on this.

Our county sheriffs believe it to be a huge risk to
Colorado and so do I.

THE CHAIRMAN: Members, for your
information, and for the public at large, please be
aware that we will be taking a 20-minute recess at
noon, in 15 minutes from now. Then I will bring the
committee back to order at 12:20 p.m. So 15 minutes
from now there will be a brief recess.

Representative Fields.

REPRESENTATIVE FIELDS: Thank you,

Mr. Chair.

Representative Stephens, I just wanted
to correct a comment that you made about the
Columbine shooting, that there was -- they only used
a 10-capacity magazine. In fact, they had 10, 28,
32, and 52 were used in Columbine.
Thanks.

THE CHAIRMAN: Representative McCann.

REPRESENTATIVE McCANN: Thank you,

Mr. Chair.

Representative Waller, I am not here

for a feel-good purpose supporting this bill. I am

here for public safety. I've spent quite a bit of

my career in the public safety field and I believe

that this bill is designed to increase public

safety.

You said we don't have facts. Well,

Representative Fields gave you some facts, but I'll

give you some more.

High-capacity magazines are commonly

used in gun crimes and in police murders. According

to the Department of Justice, high-capacity

magazines are used in 14 to 26 percent of gun

crimes, and in 31 to 41 percent of fatal police

shootings.

In addition, many of the high-profile

mass shootings identified by Mayors Against Illegal

Guns over the last four years involved high-capacity

magazines. These shootings include the following,

the Sandy Hook massacre, which we have already

discussed. Oak Creek, Wisconsin, on August 5 of
2012, Wade Michael Page killed six people and wounded three others in a Sikh temple with a semi-automatic handgun and three 19-round magazines.

Here in our own state, unfortunately, in Aurora, on July 20th, 2012, James Holmes is accused of shooting and killing 12 people and injuring 58 others during a midnight movie screening. Mr. Holmes used two semi-automatic handguns and a shotgun and an assault weapon equipped with a hundred-round drum magazine.

In Tucson, Arizona, Jared Loughner, on January 8th, 2011, shot and killed 6 people and wounded 13 other, including a federal judge who was killed, and wounding U.S. Representative Gabriel Giffords. Loughner fired all 33 rounds from a semi-automatic handgun with a 33-round magazine.

Fort Hood, Texas, on November 5, 2009, Major Nidal Hasan allegedly shot and killed 13 people and wounded 34 others during a rampage at the Fort Hood military installation. Hasan used a semi-automatic handgun and 20- and 30-round magazines.

In Binghamton, New York, on April 3, 2009, Mr. Wong shot and killed 13 people and injured four others of the American Civic Association,
firing 99 rounds from two semi-automatic handguns.
At least one 30-round-capacity magazine was found at the scene.

So please, don't tell me we don't have the facts and that high-capacity magazines are not used to kill large numbers of people.

Evidence also indicates that the expired federal ban on assault weapons and high-capacity magazines did reduce crime. A 2010 survey by the Police Executive Research Forum, certainly not a liberal think tank, reported that since the ban expired in 2004, 37 percent of police agencies reported seeing noticeable increases in criminals' use of assault weapons. And 38 percent reported seeing noticeable increase in criminals' use of semi-automatic firearms with high-capacity magazines.

The ban was associated with a decline in high-capacity magazines recovered with crime guns in Virginia. According to a Washington Post analysis of Virginia crime gun data, the ban was associated with a 60 percent decline in the share of crime guns with high-capacity magazines recovered in Virginia between 1998 and 2004.

After the federal ban expired, the
share of crime guns recovered in the state with high-capacity magazines increased each year through 2010, more than doubling from the 2004 low.

So please, don't tell me we don't have the facts on our side.

This bill -- I also want to address another fact. This bill does not require nor force any company to leave Colorado. The bill explicitly now indicates that companies can continue to manufacture these and deliver them out of state and to our federal law enforcement and other countries that still allow this type of weapon for their law enforcement.

The decision to stay in Colorado or leave Colorado is their choice. It is not being imposed upon them by this legislature.

I also want to address an argument that was made regarding the fact that some people live close to our borders. That is true. But this is an issue of the State being able to decide what supports public safety for our citizens. This is our State saying we have had enough of these mass shootings, and we certainly have, we will restrict magazine capacity to 15.

It's a commonsense solution, and it
supports the State's right to decide what is
appropriate for the state. There are several states
who ban, not only high-capacity magazines, but
assault weapons. This is our right as a state to
make this choice for our citizens.

Representative Waller -- or Majority
Leader Waller has said this is not a public safety
issue. Well, I beg to differ, colleagues. And I
would direct your attention to the fact that our own
chiefs of police, who are our law enforcement
representatives, support this bill because they know
that these high-capacity magazines result in more
deaths and more injuries to the members of their
police departments.

Unfortunately, Colorado is at the
forefront of this issue because we have had so many
tragedies here in our state. The nation is looking
to us, colleagues, for some guidance and for some
leadership and some courageous leadership. We have
that opportunity in this bill.

And I just want to read a few comments
from petitions that were submitted in support of the
legislation. I won't read too many, but they came
from all over our state. And here's one from David
Anuwy (phonetic) from Gunnison, Colorado. I'm a gun
owner, hunter, and have no qualms about the ideas such as restricting high-capacity magazines or some kinds of assault weapons, requiring background checks or similar measures to help reduce the use of guns in crimes of violence.

Another one from Ron Stanley in Larkspur, Colorado. Yes, I am a gun owner residing in rural Colorado, and I do support your efforts. And he put the emphasis on "do."

Another one for Alexander Ball in Longmont, Colorado. As a gun owner, I am strongly in favor of this collection of legislation. Let's get some useful and fair gun laws passed.

From Arvada, Colorado, Kathy Schram, (phonetic), Please support measures to curb gun violence in Colorado. When my friends and family from out of state hear about each new incident, they think I'm insane to stay here. Taking action to reduce the number of violent incidents will help show our state in the good light it deserves.

From Pueblo West, Colorado, Nancy Rivers. At first, it might appear -- sorry. How many more massacres will it take. Common sense. If not now, when.

From Centennial, Colorado, Kathleen
Walker. I applaud your taking decisive steps towards curbing gun violence. This isn't a case of government imposing restriction on an individual right. It's a case of the people as a community pleading for their government to take decisive steps to restore law, order and safety for the good of all.

One more from Crestone, Colorado, Tom McMurray. As a gun owner and former hunter, I know there is absolutely no need for high-capacity magazines. There is also a great need for universal background checks with no exceptions.

And one more from Littleton, Colorado. John Cornly (phonetic). Please support sensible gun regulation. I am a lifelong hunter and gun owner, but I support banning assault rifle, high-volume ammunition devices, universal background checks, et cetera. Our forefathers who developed the Bill of Rights would be incredulous at how the Second Amendment is currently being interpreted.

So I won't read more — well, let me read just one more.

From Trinidad, Colorado, from Monty Beaver. I am a retired law enforcement firearms training officer and an NRA life member. I fully
support this position, and I believe that if one
can't hit a target with 10 shots, they should give
up gun ownership. When I joined the NRA, the
organization supported mandatory background checks
and other sensible firearm laws.
So this is not something that's
limited to urban areas, colleagues. These are
quotes from people in your districts in rural
Colorado who support sensible gun safety laws.
This bill is a public safety bill. We
are in the forefront in this state, and I hope that
we have the courage to pass some sensible, common
sense gun safety legislation.
Thank you.
THE CHAIRMAN: Representative --
Madame Majority Leader.
MAJORITY LEADER: Thank you,
Mr. Chair.
I move that the committee stand in
recess until 12:20. And that's 12:20 promptly. We
will proceed with the discussion then.
THE CHAIRMAN: This committee is in
recess.
(End of audio file.)
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 8th day of
July 2013.

My commission expires January 22,
2015.

___________________________
Angela Smith
Reporter, Notary Public
Calderwood-Mackelprang, Inc.