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3 HOUSE BILL 13-1224

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

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3 UNIDENTIFIED SPEAKER: House Bill 1224  
4 by Representative Fields, also Senator Hodge,  
5 concerning prohibiting large-capacity magazines.

6 THE CHAIRMAN: Representative Fields.

7 REPRESENTATIVE FIELDS: Good morning,  
8 Mr. Chair. It's a pleasure to serve with you.

9 THE CHAIRMAN: Good morning  
10 Representative Fields, and with you.

11 REPRESENTATIVE FIELDS: I move House  
12 Bill 1224 and the Judiciary Committee report.

13 THE CHAIRMAN: To the committee  
14 report, Representative Fields.

15 REPRESENTATIVE FIELDS: Members, the  
16 committee report makes some minor changes. It  
17 changes the establishment for the limitation on  
18 ammunition from 15 rounds, from 10 to 15, and it  
19 moves the shotgun limit from 5 to 8.

20 It also addresses -- if you look on  
21 page 3, line 3, we've substituted some wording to  
22 address a .22 caliber rimfire ammunition. And we've  
23 also done some edits and changed some words from "a"  
24 to "any." And then we also put -- on page 4,  
25 line 12, we inserted the word "lawful," which holds

1 law enforcement accountable for unlawful use of a  
2 high-capacity magazine.

3 THE CHAIRMAN: Representative Holbert.

4 REPRESENTATIVE HOLBERT: Thank you,  
5 Mr. Chairman.

6 Representative Fields, I wonder if you  
7 would please explain the significance of the number  
8 15 relative to the number 10. As we are  
9 specifically discussing weapons that are  
10 semi-automatic and fire one round per trigger pull,  
11 what is the significance of the numbers 10 and 15?

12 THE CHAIRMAN: Representative Fields.

13 REPRESENTATIVE FIELDS: Thank you,  
14 Mr. Chair. And thank you Representative Holbert for  
15 that question.

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

20 I urge a yes vote on the committee  
21 report.

22 THE CHAIRMAN: Are there any more --  
23 Representative Holbert.

24 REPRESENTATIVE HOLBERT: Thank you,  
25 Mr. Chairman.

1                   Representative Fields, is there any  
2                   standard capacity in detachable box magazines --  
3                   metal or plastic objects that hold other objects --  
4                   is there any number that might mirror standard of  
5                   these -- of these plastic or metal parts?

6                   THE CHAIRMAN: Representative Fields.

7                   REPRESENTATIVE FIELDS: Thank you,  
8                   Mr. Chair.

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

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

14                  THE CHAIRMAN: Representative Holbert.

15                  REPRESENTATIVE HOLBERT: I just wonder  
16                  though, Representative Fields, are there any  
17                  detachable box magazines, plastic, metal parts with  
18                  a spring in it -- are any of these manufactured in a  
19                  15-round configuration?

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

23                  THE CHAIRMAN: Representative Fields.

24                  REPRESENTATIVE FIELDS: Mr. Chair, as  
25                  previously stated, we've heard testimony from

1 David Chipman, who indicated that 15-round mags are  
2 a standard-issue equipment.

3 THE CHAIRMAN: Representative Waller.

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

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

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

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

24 And so I don't think that's what we're  
25 talking about. We're supposed to be talking about

1 public safety here and how this impacts public  
2 safety.

3           So I believe the question for you,  
4 Representative Fields, is how is it that a  
5 10-capacity round -- or a 10-capacity magazine round  
6 is going to enhance public safety or a 15-capacity  
7 round -- magazine round is going to further enhance  
8 public safety or detract from public safety.

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

12           THE CHAIRMAN: Representative Fields.

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

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

22           And so that is the common thread that  
23 we see in these massacres, is they're using  
24 high-capacity magazines so they can unload as many  
25 bullets as they can to kill as many people as they

1 can in our schools, in our theaters, and in our  
2 church.

3           Sandy Hook, 26 dead. Century Theater,  
4 Aurora shooting, 12 dead, 58 injured. Safeway,  
5 Arizona, 6 dead, 13 wounded. Louisiana, 3 dead.  
6 ABC, Inc., in Missouri, 4 dead. Fort Hood, 13 dead,  
7 34 wounded. LA Fitness Center, 4 dead. American  
8 Civic Association in New York, 14 dead, 4 wounded.  
9 Alabama, 11 dead. Virginia Tech -- I can go on and  
10 on and on. Like I said, there's 34. Virginia Tech,  
11 32. Hunting Camp, 6 dead.

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

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

23           In Aurora, his capacity magazine  
24 jammed. He had a hundred-round clip. And the only  
25 reason that we weren't able -- that he wasn't able



1 to kill more people was because that gun jammed.

2 In Sandy Hook, he had a 30 magazine.  
3 And when I think about those babies, it just makes  
4 me want to cry. And they were able to tackle him  
5 once he was done with that 30 magazine.

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

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

16 THE CHAIRMAN: Representative McNulty.

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

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

24 It is not just about the tool, it is  
25 about the character of this nation and the direction

1 in which we are heading. That's what we ought to be  
2 concerned about.

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

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

18 The problem, colleagues, is this, it  
19 underlines the basic fallacy behind this amendment  
20 and behind this bill. We are not safer. We are not  
21 safer by limiting the constitutional rights of law  
22 abiding firearms owners. And we do not respect the  
23 victims, those who have lost their lives and the  
24 families who suffered, by arguing over whether it's  
25 11 bullets or 16 bullets.

1                   We do them honor and we do our nation  
2                   and we do our constituents honor when we respect the  
3                   Constitution and understand that the discussion is  
4                   much broader than the size of a magazine.

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

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

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

24                  Colleagues, it is not the size of the  
25                  magazine. It is not 11 bullets. It is not 16

1 bullets. It is us. We have the obligation to root  
2 out the true cause of this increase in violence and  
3 to do something about it.

4 Thank you, Mr. Chairman.

5 THE CHAIRMAN: Representative McNulty,  
6 thank you.

7 Representative Salazar.

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

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

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

20 And the reason why we went from 10 to  
21 15 is because we heard the people who were there  
22 speaking on Tuesday evening. And I know some of you  
23 weren't there the entire time, but we were. And the  
24 question was asked, not on limiting bullets, but it  
25 was about the number of bullets a person would feel

1 safe with in a magazine.

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

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

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

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

21 People aren't walking around with  
22 drums of a hundred on their hips. In fact, there  
23 was laughter from gun supporters that these drums  
24 are toys, even though 68 rounds or so were fired off  
25 in Aurora. It was about how safe do you feel,

1       what's that number. And from what everybody said,  
2       it was around 10 to 15.

3                       So in trying to make a balance here  
4       between public safety and the rights of Americans,  
5       that's why I moved to have the bill amended to go  
6       from 10 to 15, knowing that Americas can still  
7       have -- and that Coloradoans can still have how many  
8       number of 15-round clips you want with you, but it's  
9       15.

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

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

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

24                      THE CHAIRMAN: Representative  
25       Lawrence.

1                   REPRESENTATIVE LAWRENCE: Thank you,  
2 Mr. Chair, and thank you for the opportunity to  
3 speak to this.

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

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

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

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

1 of arrogance.

2 THE CHAIRMAN: Representative Murray.

3 REPRESENTATIVE MURRAY: Thank you,  
4 Mr. Chair.

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

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

19 So let's -- let's get back to the  
20 facts about what is real in terms of what's standard  
21 and what's high capacity. And let's put what's  
22 standard into the hands of law-abiding people,  
23 because we know that the bad guys are definitely  
24 going to have the standard no matter what we do with  
25 the law.



1 I urge a no vote on this committee  
2 report.

3 THE CHAIRMAN: Representative  
4 Sonnenberg -- sorry, Representative Wright.  
5 Representative.

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

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

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

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

23 Now, when we're talking about going  
24 from 10 to 15, are we making our society 5 rounds  
25 more safe? No, we're not.

1                   This is an arbitrary -- this is an  
2                   arbitrary amendment. It makes no difference to  
3                   public safety whether there are 10 rounds in a  
4                   magazine, whether there are 15 rounds in a magazine,  
5                   or whether there are 30 rounds in a magazine.

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

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

22                  Now, the issue here is, in fact,  
23                  public safety. I could not agree more. The  
24                  argument is very pertinent, and that is the safety  
25                  of our children, the safety of our communities. We

1 have seen so many devastating shootings that I too  
2 want to act. But this is not the solution.

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

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

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

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

22 Thank you.

23 THE CHAIRMAN: Representative  
24 Sonnenberg.

25 Representative Holbert.

1                   REPRESENTATIVE HOLBERT: Thank you,  
2 Mr. Chairman.

3                   To the committee report and this, in  
4 my opinion, arbitrary number of 15, there have been  
5 comments, I believe, in the committee hearing and  
6 certainly in the conversation in our society around  
7 this bill. And sometimes I hear the question, why  
8 would anyone need a magazine that would hold 10 or  
9 15, 20 or 30. Does it take 20 or 30 rounds to shoot  
10 a deer? No. I teach my sons to be accurate, and  
11 they have harvested deer with one shot.

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

19                   And when I make that comment, some  
20 say, oh, he's talking about government or one  
21 person. No. Tyranny is an uncontrolled exercise of  
22 power, murder, rape, assault. Those are examples of  
23 individual tyranny. And the Second Amendment is our  
24 defense. We, the people, it is our defense against  
25 tyranny. It is that equalizer for people of small

1 stature or gender to stand equal as we, the people.

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

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

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

22 If we have the detachable box  
23 magazine -- again to the committee report -- that  
24 holds 10 rounds, it would take 10 pulls of the  
25 trigger. If it holds 15 rounds, it takes 15

1 individual conscious decisions to fire those 15  
2 rounds. If it's 20, 20 decisions; 30, 30 decisions.

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

9 I ask for a no vote on the committee  
10 report.

11 THE CHAIRMAN: Representative Murray.

12 REPRESENTATIVE MURRAY: Thank you,  
13 Mr. Chair.

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

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

25 So if we're talking constitutionality,

1 let's talk about the facts here and that a standard  
2 common use of a magazine is 30 rounds.

3 I urge a no vote on this committee  
4 report.

5 THE CHAIRMAN: Representative Swalm.  
6 Representative Pabone.

7 REPRESENTATIVE PABONE: Thank you,  
8 Mr. Chair.

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

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

21 If that's where you want to have this  
22 argument, we can have this argument. But it would  
23 be my suggestion that we pass the committee report,  
24 and if there's further discussion on the number or  
25 size that there -- as we know, there's unlimited

1 opportunity to offer amendments. But a no vote on  
2 the committee report is actually reducing the number  
3 of rounds and shells available.

4 With that, I ask for an aye vote.

5 THE CHAIRMAN: Representative  
6 DelGrosso.

7 REPRESENTATIVE DelGROSSO: Thank you,  
8 Mr. Chair.

9 And, Representative Pabone, thank you  
10 for reminding us that we are on the committee report  
11 and we are arguing the arbitrary number of changing  
12 10 to 15.

13 We've heard no evidence at all to even  
14 support 10 or 15. We heard testimony -- or we heard  
15 comments from Representative Salazar about how  
16 everybody came to committee and talked about, well,  
17 10 to 15, that would make them feel safe.

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

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

25 So thank you.



1 THE CHAIRMAN: Representative Wright.

2 REPRESENTATIVE WRIGHT: Thank you,  
3 Mr. Chair.

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

10 The core of the argument of going from  
11 10 to 15 rounds is have we increased public safety.  
12 No, we haven't. We haven't increased public safety  
13 by limiting it to 10. And I would argue the public  
14 is no more safe with 15.

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

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

24 This is like saying to the automobile  
25 enthusiast that we're going to limit vehicles to

1 V6s. So you can drive a V4 or a V6. What about the  
2 folks who -- what about the folks who want a V8.

3 Because, ladies and gentlemen,  
4 automobiles kill more people in this country than  
5 guns. So this is the same argument.

6 Thank you.

7 THE CHAIRMAN: Representative Murray.

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

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

18 But there are some bad bills that just  
19 can't be fixed and sometimes you have to stand on  
20 principle. And this is one of times that I am  
21 standing on the principle that the issue that we're  
22 talking about is a constitutional right and common  
23 use in our country and our state, and that we should  
24 not be abridging that. And I'm not going to dicker  
25 around with modifying the numbers.

1 I urge a no vote on this committee  
2 report.

3 THE CHAIRMAN: Representative Holbert.

4 REPRESENTATIVE HOLBERT: Thank you,  
5 Mr. Chairman.

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

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

20 I ask for a no vote on the committee  
21 report.

22 THE CHAIRMAN: Representative Waller.

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

25 You know, Representative Salazar, I've

1 got to tell you, I take a little bit of umbrage with  
2 your comments earlier. We're talking about the  
3 difference between 10 and 15 and why one arbitrary  
4 number is more appropriate than another arbitrary  
5 number.

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

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

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

23 Representative Salazar, apparently you  
24 weren't present in the committee when the hundreds  
25 of pro Second Amendment people were there to testify

1 and say 15's not appropriate.

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

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

13                   THE CHAIRMAN: Representative Salazar.

14                   REPRESENTATIVE SALAZAR: Thank you,  
15 Chair.

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

19                   THE CHAIRMAN: Amendment 014 is  
20 properly displayed.

21                   To the amendment, Representative  
22 Salazar.

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

25                   Also, upon taking the testimony of

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

12           And this amendment here will allow  
13 them to continue manufacturing of any size clip --  
14 any size magazine, excuse me -- since we want to get  
15 into that, but that we're going to -- that they  
16 could manufacture any size magazine in Colorado for  
17 a branch of the armed forces, a department agency or  
18 political subdivision of the state of Colorado or  
19 any other state, or the United States Government,  
20 arms retailer outside the state of Colorado, a  
21 foreign national government that has been approved  
22 by the United States Government, an out-of-state  
23 transferee who may legally possess a large capacity  
24 magazine, so any member of the public outside of the  
25 state of Colorado. And it would also protect those

1 employees who either are in the process of helping  
2 create those magazines, possessing those magazines  
3 for the purpose of selling or transferring to the  
4 aforementioned government agencies, as well as  
5 people. And also, it protects those who possess the  
6 magazine for the sole purpose of transporting the  
7 magazine to an out-of-state entity on behalf of the  
8 entity.

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

12                   THE CHAIRMAN: Is there any further  
13 discussion on L014?

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

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

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

24                   Members, I believe that this business  
25 is important to Colorado. I believe it's a vital

1 business to Colorado. The point of the matter is  
2 that the amendment here shows the true colors, that  
3 this is about keeping a business and doesn't care  
4 about the people that are affected.

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

10 THE CHAIRMAN: Representative Fields.

11 REPRESENTATIVE FIELDS: Thank you,  
12 Mr. Chair.

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

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

24 THE CHAIRMAN: Representative Fields,  
25 we are on Amendment L014 concerning the ability to



1 manufacture in the state of Colorado. Just a gentle  
2 reminder.

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

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

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

12 So I urge an aye vote on Amendment  
13 L014.

14 THE CHAIRMAN: Representative Gardner.

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

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

25 And so there were all of these --

1       there was all this thinking around to have a  
2       manufacturer manufacture a product that we -- or  
3       some, not me -- some say, well, we shouldn't have  
4       that product out on the street, but we're going to  
5       have them manufacturing.

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

16                      So you can't buy Jack Daniels where  
17      the distillery works. And all of those rationale --  
18      all those rationale, very logical lawyers who were  
19      on that tour, chuckled and rolled their eyes and  
20      said, you know, now, there's some hypocrisy for you.  
21      You can -- you can distill it there, you can even  
22      hand out little bottles for all the tourist who come  
23      by your major industry in your county, but don't be  
24      buying that product there. That product's not good  
25      for you. But, you know, for everybody outside this

1 county, who's going to spend a lot of money and  
2 bring it in to us, that'll be good.

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

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

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

25           Either you believe -- either you

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

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

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

25           And -- and I will speak to this at

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

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

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

20 But I suggest to you that  
21 Representative Sonnenberg's point is very well  
22 taken. If you think these magazines are a bad  
23 thing, then the idea that you would vote for an  
24 amendment or propose an amendment that allows their  
25 manufacture in our state because we're going to make

1 some money, is nothing less than hypocritical.

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

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

10 Thank you.

11 THE CHAIRMAN: Representative Fields.

12 REPRESENTATIVE FIELDS: Thank you,  
13 Mr. Chair.

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

21 I want our government to have access  
22 to high-capacity clips, magazines -- but I'm going  
23 to say clip, magazines. You know what I'm talking  
24 about. I want them to have the type of weaponry  
25 that's needed to defend our company -- our country.

1                   So it's not being hypocritical. It's  
2                   about the safety of our nation. It allows them to  
3                   sell to branches of the armed forces. This is  
4                   nothing to do about hypocrisy.

5                   So I urge a yes vote on this  
6                   amendment.

7                   THE CHAIRMAN: Representative  
8                   Hullingerhorst.

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

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

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

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

23                  And my opinion is that this amendment  
24                  helps a business that primarily sells ammunition to  
25                  law enforcement and to the federal government, to

1 the defense department to provide for our defense.

2 I support all those things. I support that company.

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

9 THE CHAIRMAN: Representative Duran.

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

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

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

22 And today, in honor of recognizing  
23 some of the issues with the bill, this amendment has  
24 come forward to address a legitimate concern of a  
25 local Colorado company. And in that democracy and



1 in that compromise, we are accused of doing this  
2 simply about money. That is -- that is ridiculous.  
3 This is what we're down here to do.

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

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

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

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

21 Let me tell you, the issues that we  
22 are dealing with are much, much more than we need to  
23 have more personal interaction. I am tired of  
24 seeing kids die year after year after year after  
25 year.

1           This is not about money. This is  
2 about coming up with solutions to a terrible problem  
3 that we have.

4           Thank you.

5           THE CHAIRMAN: Representative Waller.

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

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

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

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

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

25           You know what, members, I have two

1 kids in Colorado public schools. My son goes to  
2 Horizon Middle School and my daughter goes to  
3 Remington Elementary School, and I drop them off at  
4 school when we're not in session. And like any  
5 father, I let them go into the custody and care of  
6 that school, and I think about their safety when I  
7 do it. Because public safety is the thing that I am  
8 concerned about.

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

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

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

23           REPRESENTATIVE WALLER: We're going to  
24 get there, Mr. Chair. Thank you for that. And I  
25 appreciate the fact that you very much want to hear

1 my opinions on this today. And they will -- we will  
2 get to that point.

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

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

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

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

1 protection purposes.

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

6 Madam Majority Leader, I'd encourage  
7 you get out and see Magpul, because that's not  
8 accurate. It's not accurate. Magpul produces over  
9 50 percent of their products for civilian  
10 consumption, not for military consumption in any  
11 way. It is for civilian consumption and this  
12 amendment prevents them from doing that. Makes them  
13 uncompetitive in the marketplace.

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

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

1 us.

2 So maybe the amendment's been vetted.

3 I don't know, but it doesn't matter. It doesn't

4 matter at all, because at the end of the day, it

5 doesn't accomplish anything. All it does is takes

6 an arbitrary figure and makes it even more arbitrary

7 than it is.

8 THE CHAIRMAN: Representative Murray.

9 Representative Stephens.

10 Representative Fields -- no

11 Representative Holbert.

12 REPRESENTATIVE HOLBERT: Thank you,

13 Mr. Chairman.

14 Members, I rise in opposition to this

15 amendment. I oppose oops 14.

16 Because Representative Duran is right,

17 this isn't just about money. There are other

18 reasons. There's political convenience. Because of

19 the oops amendment, we're recognizing that an

20 inanimate object has been demonized.

21 I've heard magazines referred to as

22 rapid-fire magazines. Magazines don't fire. It's a

23 piece of plastic or metal with a spring in it.

24 So now we're running the oops

25 amendment that this inanimate object that has been

1 demonized probably --

2 THE CHAIRMAN: Excuse me,  
3 Representative Holbert, for a moment.

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

8 Thank you very much.

9 Representative Holbert.

10 REPRESENTATIVE HOLBERT: Thank you,  
11 Mr. Chairman.

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

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

24 I also want to point out for the  
25 people in the gallery, the people we represent who

1 are watching via internet or television, the oops  
2 amendment is a way for those who support this bill  
3 to avoid the oops in New York that law enforcement  
4 and the military wasn't exempted.

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

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

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

17 THE CHAIRMAN: Representative Priola.

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

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

25 They believe in the Second Amendment,



1 as I do. And on that principle and on that right,  
2 we will not equivocate. We will not negotiate.

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

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

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

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

22 I ask you to vote no on this and the  
23 bill. This is bad policy for the state of Colorado.

24 We're a western state. Our  
25 forefathers came here and they needed guns for

1 self-defense, not just for hunting.

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

7 Please, vote no on the amendment and  
8 the bill.

9 THE CHAIRMAN: Representative Wright.

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

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

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

25 And now we're exempting -- if you look

1 at line 12 and line 17 -- the transfer of these  
2 magazines out of state within -- within 75 miles of  
3 my home, someone would be able to cross the state  
4 line and go buy a magazine that was manufactured in  
5 Colorado.

6 Secondly, what message does this send  
7 to our small businesses. We're going to have  
8 retailers -- a retailer that's located literally  
9 20 miles from the state line in my district who  
10 can't sell these magazines, but 50 miles away the  
11 retailer across the state line can. What economic  
12 message is that sending at the retail level, not the  
13 manufacturing level, but the retail level. It's  
14 going to have an economic impact.

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

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

25 Thank you.

1 THE CHAIRMAN: Representative Murray.

2 REPRESENTATIVE MURRAY: Thank you,  
3 Mr. Chair.

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

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

18 So, you know, I'm not going to say  
19 whether they're going to leave the state or not,  
20 but, you know, they have a real philosophical  
21 conflict going on in their company right now as to  
22 whether they should stay in the state where they  
23 cannot serve their customers directly, that they  
24 have to go around state lines to sell to their  
25 customers, if that's what ends up happening.

1                   So, you know, we shouldn't be  
2                   demonizing business. We shouldn't be extolling  
3                   business. We should be recognizing the issues that  
4                   they face every day in a relationship with their  
5                   customers. And many of them are retail, they're not  
6                   just defense. Many of them are retail customers  
7                   that they will be able to sell at Cabela's in Utah  
8                   and in Wyoming and in Kansas and in New Mexico. But  
9                   they won't be able to sell their product in my  
10                  county in Cabela's -- the new Cabela's going in in  
11                  Lone Tree.

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

17                  I urge a no vote on principle on this  
18                  amendment.

19                  THE CHAIRMAN: Representative  
20                  Landgraf.

21                  REPRESENTATIVE LANDGRAF: Thank you,  
22                  Mr. Chairman.

23                  L014 does not exempt businesses that  
24                  we haven't already talked about. And two of those  
25                  businesses are in my district. One is Apex Gun

1 Parts. The other is Arms of America. One of those  
2 businesses is entirely veteran owned. The other one  
3 employs 20 employees. They have \$3.5 million in  
4 sales.

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

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

17 I strongly urge a no vote on L014.

18 Thank you.

19 THE CHAIRMAN: Representative Salazar.

20 REPRESENTATIVE SALAZAR: Thank you,

21 Mr. Chair.

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

1 people had to say there.

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

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

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

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

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

1 of the law.

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

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

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

18 I'm requesting a vote of yes on L014.

19 Thank you.

20 THE CHAIRMAN: Representative McNulty.

21 I presume this is to Amendment 014?

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

25 Representative Salazar, I appreciate



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

6 The many amendments that were offered  
7 to it in committee, how many amendments must be  
8 offered to this bill, watering it down, admittedly,  
9 from its additional -- original purpose, watering  
10 the bill down until the realization is that you  
11 aren't doing anything. Aren't doing anything.

12 This is an important employer in  
13 Colorado, and there's no doubt about it. These guys  
14 came to Colorado, built this from the ground up,  
15 bootstrapped it. Ought to be celebrated, not  
16 condemned.

17 And know that this amendment shows  
18 very real problem that exists with the bill, these  
19 magazines that are built and transported,  
20 standard-capacity magazines, by the way. And at  
21 some point, I'm sure that we will have a lesson on  
22 the difference between sidearm magazines and rifle  
23 magazines, because they are fundamentally different.  
24 The amount of rounds that each holds is  
25 fundamentally different.

1                   But when you look at this amendment,  
2           they can be transported to anyone, anyone outside of  
3           the state of Colorado who has a legal right to buy  
4           them. But what we also know is that underlying  
5           provisions in the bill make it unworkable for anyone  
6           to manufacture magazines in the state of Colorado.

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

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

21                   Colleagues, this is a very sensitive  
22          issue, a very important issue and no part of this  
23          debate should diminish the fact that this is a very  
24          important issue. But let's not pretend that this is  
25          about something else. Let's not pretend that we're

1     trying to save jobs and save tax revenues, when in  
2     reality, what we're doing is driving an important  
3     manufacturer out of the state of Colorado and  
4     causing questions in the minds of every other  
5     manufacturing operation that exists and operates in  
6     the state of Colorado.

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

9             THE CHAIRMAN: Representative Holbert.

10            REPRESENTATIVE HOLBERT: Thank you,  
11     Mr. Chairman.

12            I commit to you this is the last time  
13     I'll speak to the amendment, this amendment, oops  
14     14.

15            Representative Salazar, if I were on  
16     the judiciary committee, I would not have offered  
17     this amendment. I would not have tried to relieve  
18     the pain.

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

25            And it's not my job or the minority's

1 job to help you reduce the pain of the awkward  
2 situation that the bill's sponsor and those who  
3 support the bill have found themselves in.

4 I ask for a no vote.

5 THE CHAIRMAN: Representative Murray.

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

8 I wanted to confirm my sense of where  
9 Magpul was in this issue. And they've been very  
10 clear to me and just told me that they do not  
11 support this amendment. And just as I indicated,  
12 it's about their relationship with their customers.

13 So I urge a no vote on behalf of a  
14 business that wants to maintain their integrity in  
15 the state of Colorado.

16 THE CHAIRMAN: Is there any further  
17 discussion on Amendment L014, amending the House  
18 Judiciary Committee report on House Bill 1224?

19 Seeing none, the question before the  
20 committee of the whole is the adoption of Amendment  
21 L014. All those in favor say aye.

22 UNIDENTIFIED VOICES: Aye.

23 THE CHAIRMAN: All those opposed say,  
24 no.

25 UNIDENTIFIED VOICES: No.

1 THE CHAIRMAN: The ayes have it.

2 Amendment L014 is adopted.

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

6 Representative Waller.

7 REPRESENTATIVE WALLER: Thank you,  
8 Mr. Chair.

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

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

20 We'll continue this debate.

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

23 Seeing none, the question before the  
24 committee of the whole is the adoption of the House  
25 Judiciary Committee report to House Bill -- on House

1 Bill 1224. All those in favor of the judiciary  
2 committee report being adopted say aye.

3 UNIDENTIFIED VOICES: Aye.

4 THE CHAIRMAN: All those opposed say  
5 no.

6 UNIDENTIFIED VOICES: No.

7 THE CHAIRMAN: The Judiciary Committee  
8 report is adopted.

9 To the bill, members.

10 Representative Gardner -- oh,  
11 Representative Fields.

12 REPRESENTATIVE FIELDS: Thank you,  
13 Mr. Chair.

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

19 In Sandy Hook, the gunman used a  
20 high-capacity magazine to steal, kill, and destroy  
21 the lives of 60 -- 26 people and their families.  
22 These children and families of that community were  
23 robbed. They were robbed of the promising futures of  
24 these young people. These family units, their lives  
25 are devastated because of gun violence.

1                   I did a look at the ages of the  
2 victims that were murdered in Sandy Hook Elementary  
3 School. We had Charlotte Bacon, 6 years old. And  
4 if you think about the average life expectancy being  
5 75, then she just lost -- we lost 70 years.

6                   Daniel Barden, 7 years old. Rachel  
7 D'Avino, one of the teachers, 29 years old. Olivia  
8 Engel, 6 years old. Josephine Gay, 7 years old.  
9 Ana Greene, 6 years old. Dylan Hockley, 6 years  
10 old. Madeleine Hsu, 6 years old. Catherine  
11 Hubbard, 6 years old. Chase Kowalski, 7 years old.  
12 Jessie Lewis, 6 years old. James Mattioli, 6 years  
13 old.

14                   Grace McDonnell, 7. Anne Marie  
15 Murphy, 52 years old. Emilie Parker, 6 years old.  
16 Jack Pinto, 6. Noah, 6. Caroline, 6. Jessica, 6.  
17 Avielle, 6. Lauren, 30. Mary, 56. Victoria, 27.  
18 Benjamin Wheeler, 6. And Allison Wyatt, 6 years  
19 old.

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

22                   The shooter in this situation used a  
23 30-round magazine that held bullets that were able  
24 to kill, steal and destroy the lives of far too  
25 many.

1                   It has become very clear to me that  
2                   there is no place in our community for these  
3                   super-sized magazines in our sacred places like  
4                   schools, in our churches. They have no places in  
5                   our malls.

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

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

21                 We have seen over and over and over  
22                 again of recent massacres, and the only thing that  
23                 all of these massacres have in common is a  
24                 high-capacity magazine that is capable of firing  
25                 these bullets at a rapid pace.



1                   We're somewhat fortunate in Aurora  
2           that, that night on July 20th, that the gun jammed.  
3           But there's no doubt if that gun did not jam, then  
4           we would have probably had much more death and loss.

5                   Let's talk about what happened in  
6           Tucson with Representative Gabby Giffords. She was  
7           hosting a town hall meeting, and we had a gunman go  
8           in there and kill 6 people, and he wounded 13  
9           others.

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

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

24                   In 2012 alone, there have been seven  
25           mass shootings. That's a record amount of

1 casualties. In fact, I was just told that in the  
2 state of Colorado, we have more gun death than we  
3 have automobile accidents where someone lost their  
4 lives. We have more gun violence in the state of  
5 Colorado.

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

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

18 And there's penalties. There's  
19 penalties associated with noncompliance, which will  
20 be a class 2 misdemeanor punished by a fine of  
21 \$1,000 or up to 12 months in jail.

22 The bill does create some exemptions.  
23 You heard about that in the previous amendment that  
24 we just offered and it was passed. The bill also  
25 creates a process in which you can keep the weapons

1 that you have or the magazine clips that you  
2 currently have.

3 In closing, I ask that you join me and  
4 62 percent of Colorado voters who support a ban on  
5 high-capacity magazines. I ask you to support a  
6 national survey that found that 72 percent of voters  
7 nationwide support banning magazines that hold more  
8 than 10 or 15 rounds at a time.

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

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

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

22 We can do something. We can do  
23 better. And it's time for us to do something. It's  
24 time we stop the bloodshed. Enough is enough. And  
25 I ask you to vote yes on House Bill 1224.

1 THE CHAIRMAN: Representative Waller.

2 REPRESENTATIVE WALLER: Thank you,  
3 Mr. Chair.

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

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

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

1 theaters in Colorado.

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

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

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

21                   She has to do that because I'm  
22 concerned about her. I'm concerned about her  
23 welfare. And I am concerned about her safety. I  
24 want to make sure she's protected. I want to make  
25 sure all Colorado school children are protected.

1           But you know what, members, here's the  
2 difference, here's what we're arguing about. Does  
3 this bill accomplish that goal. Does this bill in  
4 any way enhance public safety.

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

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

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

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

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

1       \$400 million.

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

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

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

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

1 date stamp it. We don't have the capacity for that.  
2 We can go to Wyoming and produce them without having  
3 to do that.

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

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

22 So when we pass this bill, understand  
23 this, members, know what the impact -- because this  
24 bill, the reality is, while it's not going to have  
25 an impact on public safety, it's going to have a



1 significant impact on Colorado's economy. It's  
2 going to have a significant impact on the livelihood  
3 of 700 Colorado working families. For what? On a  
4 hunch, we're going to put 700 Colorado working  
5 families' livelihood in jeopardy on a hunch, on a  
6 guess, nothing more than a guess, that this bill is  
7 going to have an impact on public safety.

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

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

19 THE CHAIRMAN: Representative Gardner.

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

23 I heard this bill in judiciary, and I  
24 tried to weigh exactly the things that you  
25 addressed, Representative Waller, the question of

1 will this bill do anything positive for public  
2 safety. Will we, on balance, improve public safety.

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

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

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

22 The problem with this bill as drafted,  
23 as amended, is that these 15-round magazines, these  
24 8 shotgun shell magazines are widely available.  
25 There's -- one of the things that we heard in

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

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

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

21           I asked the question of one of the  
22 witnesses who said, you know, it's already been a  
23 run on these. I said, well, you're a federal  
24 firearms licensee, an FFL, and I know you and I  
25 would not violate the law, but how easy would it be

1 to buy a high-capacity magazine and bring it back to  
2 Colorado. And as Representative Wright noted, it's  
3 only a few miles from his home to the state line.

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

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

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

19 I mean, we hear this argument all the  
20 time. We hear it about alcohol. We hear it about  
21 drugs. Do you think it's any different with respect  
22 to firearms, that somehow everybody's going to obey  
23 the law with respect to those, when they don't obey  
24 it with respect to other things in the law that they  
25 don't, sort of at their core, regard as legitimate.

1                   And so a person who is bent on having  
2     the high-capacity magazine, particularly someone who  
3     is a wrongdoer, is going to have the ability to  
4     cross the state line and get a high-capacity  
5     magazine and bring it back, if they even do that and  
6     they even worry about it. Because there are,  
7     apparently, an awful lot of them out there now, a  
8     good deal more, because this bill was introduced.

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

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

19                  I mean, that's what you're really  
20    implying, is that the people here, both on the  
21    floor, in the gallery, and within the hearing of my  
22    voice in Colorado who own these, they must all be  
23    bent on killing. And I know that not to be the  
24    case. Some are recreational shooters. Some are  
25    hunters. Maybe that's one category. Many are

1 concerned about self-defense. But I don't think  
2 they're concerned about killing.

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

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

20           One of the things that occurred during  
21 the Judiciary Committee discussions on this bill was  
22 that witnesses in favor of the bill invoked all of  
23 the horrific incidents that we're all so familiar  
24 with. Even -- even invoking things like the Murrah  
25 Building bombing, which I have yet to figure out how

1     you link that, other than it was a horrific and evil  
2     thing to happen in the world.

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

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

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

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

25            Now, this bill, sort of stripped to

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

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



1 to assert that. You prove otherwise.

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

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

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

21 I think we have addressed at length  
22 the fact that this bill is of limited or no utility  
23 in actually addressing the problem. And it is,  
24 notwithstanding the amendment, damaging to jobs and  
25 the economy in our state.

1                   My friend, Representative Landgraf, my  
2                   fellow El Paso countian, noted two businesses that,  
3                   notwithstanding the manufacturing exemption, there  
4                   were small businesses in Colorado that wouldn't get  
5                   this business because somebody would drive to  
6                   Cheyenne or Ruidoso.

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

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

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

24                  Now, I don't believe that, but I  
25                  will -- I will take that argument for a moment. If

1 that's the only purpose, and we buy into that as a  
2 reason we ought to vote for it, how in the world can  
3 you morally -- how in the world can you morally  
4 support L014 for the manufacturing of something that  
5 you assert the only purpose in the world is to kill  
6 people. There is no other purpose, says my friend  
7 and colleague, the sponsor.

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

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

25           This bill is about doing something.

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

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

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

25           Members, search your soul and ask

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

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

12                    THE CHAIRMAN: Representative Court.

13                    REPRESENTATIVE COURT: (Inaudible.)

14                    THE CHAIRMAN: Representative Conti as  
15    well.

16                    REPRESENTATIVE CONTI: Thank you,  
17    Mr. Chair.

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

1 Thank you.

2 THE CHAIRMAN: Representative Fields.

3 REPRESENTATIVE FIELDS: Thank you,  
4 Mr. Chair.

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

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

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

25 There was a lot of conversation into a

1 debate about this. And it wasn't to try to do  
2 nothing. And it's not about feeling good. This  
3 bill is a very strategic approach to address  
4 violence in our state and our nation.

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

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

11 THE CHAIRMAN: Representative  
12 Sonnenberg.

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

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

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

25 If this is about public safety, show

1 me some results of where we've seen that in effect,  
2 where we've seen that happen. Because it makes a  
3 difference whether we legislate on facts or  
4 legislate just to legislate.

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

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

19 The fact of the matter is that I need  
20 to correct something. You heard the statement  
21 earlier about more people died in car accidents than  
22 from gun violence. Oh, I'm sorry. You heard the  
23 other way around, that there were more people killed  
24 in gun violence than with cars. Understand that  
25 that is a skewed number, that 83 percent nationwide



1 of all gun deaths are self-inflicted suicides. So  
2 you can't compare apples and oranges and make a  
3 logical assertion about those gun deaths.

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

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

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

21           What we will do is create an  
22 opportunity for evil people to find other ways to  
23 get the weapons of their choice. The only impact  
24 this will have is on those of us law-abiding  
25 citizens.

1                   If it's truly about public safety,  
2 truly about public safety, this bill doesn't do  
3 that. I wonder if it's truly about public safety,  
4 because the amendments that have been added tends to  
5 believe that maybe in every other state, except  
6 Colorado, we don't care about public safety. If  
7 that's the case, vote yes.

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

10                   THE CHAIRMAN: Representative  
11 Stephens.

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

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

21                   These parents talked glowingly about  
22 their children, about how they were completely,  
23 obviously, unsuspecting. They had bright futures  
24 ahead of them. And it probably -- for me, it was  
25 the one event that motivated my commitment to school

1 safety. When I was elected to the legislature, it's  
2 one of the first issues that I chose to address.

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

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

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

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

24 But what this bill does not address,  
25 and what has been said is no one's here to challenge

1 the integrity of what must we do. I mean, what can  
2 we do. It's emotional.

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

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

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

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

23 In dealing with the ban on  
24 high-capacity magazines our Association of Sheriffs  
25 say this, law enforcement officers carry

1 high-capacity magazines because there are times when  
2 10 rounds might not be enough to end that threat.

3 And by the way, at Virginia, it was  
4 10 rounds. At Columbine, it was rounds of 10, 10  
5 rounds.

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

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

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

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

22 And the county sheriffs of Colorado  
23 who deal in public safety do not want to deny a  
24 law-abiding citizen the ability to defend himself  
25 and his family, based on an arbitrary limit. An

1 arbitrary limit, not an evidenced-based limit, not  
2 any kind of limit based on sound research. How many  
3 bullets should be in one magazine clip.

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

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

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

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

22           Pennsylvania just lost over  
23 \$70 million in sales or income tax to Pennsylvania  
24 because in their gun show, they stopped -- they  
25 looked at postponing and stopping the sale of

1 magazine clips. And you know what, it cost the  
2 state of Pennsylvania, I understand it, but not  
3 because there was such a need.

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

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

23           You and I, we have to deal with this  
24 mental health issue in a different way. But this  
25 issue on an arbitrary count of magazine is not going

1 to do it. It's not going to do it. Our own county  
2 sheriffs have said so. They are saying this will  
3 not protect people. This will not stop this from  
4 happening.

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

9 Friends, I urge a no vote on this.  
10 Our county sheriffs believe it to be a huge risk to  
11 Colorado and so do I.

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

18 Representative Fields.

19 REPRESENTATIVE FIELDS: Thank you,  
20 Mr. Chair.

21 Representative Stephens, I just wanted  
22 to correct a comment that you made about the  
23 Columbine shooting, that there was -- they only used  
24 a 10-capacity magazine. In fact, they had 10, 28,  
25 32, and 52 were used in Columbine.



1                   Thanks.

2                   THE CHAIRMAN: Representative McCann.

3                   REPRESENTATIVE McCANN: Thank you,  
4                   Mr. Chair.

5                   Representative Waller, I am not here  
6                   for a feel-good purpose supporting this bill. I am  
7                   here for public safety. I've spent quite a bit of  
8                   my career in the public safety field and I believe  
9                   that this bill is designed to increase public  
10                  safety.

11                  You said we don't have facts. Well,  
12                  Representative Fields gave you some facts, but I'll  
13                  give you some more.

14                  High-capacity magazines are commonly  
15                  used in gun crimes and in police murders. According  
16                  to the Department of Justice, high-capacity  
17                  magazines are used in 14 to 26 percent of gun  
18                  crimes, and in 31 to 41 percent of fatal police  
19                  shootings.

20                  In addition, many of the high-profile  
21                  mass shootings identified by Mayors Against Illegal  
22                  Guns over the last four years involved high-capacity  
23                  magazines. These shootings include the following,  
24                  the Sandy Hook massacre, which we have already  
25                  discussed. Oak Creek, Wisconsin, on August 5 of

1 2012, Wade Michael Page killed six people and  
2 wounded three others in a Sikh temple with a  
3 semi-automatic handgun and three 19-round magazines.

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

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

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

23 In Binghamton, New York, on April 3,  
24 2009, Mr. Wong shot and killed 13 people and injured  
25 four others of the American Civic Association,

1 firing 99 rounds from two semi-automatic handguns.  
2 At least one 30-round-capacity magazine was found at  
3 the scene.

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

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

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

25 After the federal ban expired, the

1 share of crime guns recovered in the state with  
2 high-capacity magazines increased each year through  
3 2010, more than doubling from the 2004 low.

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

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

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

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

25 It's a commonsense solution, and it

1 supports the State's right to decide what is  
2 appropriate for the state. There are several states  
3 who ban, not only high-capacity magazines, but  
4 assault weapons. This is our right as a state to  
5 make this choice for our citizens.

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

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

21 And I just want to read a few comments  
22 from petitions that were submitted in support of the  
23 legislation. I won't read too many, but they came  
24 from all over our state. And here's one from David  
25 Anuwy (phonetic) from Gunnison, Colorado. I'm a gun

1 owner, hunter, and have no qualms about the ideas  
2 such as restricting high-capacity magazines or some  
3 kinds of assault weapons, requiring background  
4 checks or similar measures to help reduce the use of  
5 guns in crimes of violence.

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

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

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

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

25 From Centennial, Colorado, Kathleen

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

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

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

21 So I won't read more -- well, let me  
22 read just one more.

23 From Trinidad, Colorado, from Monty  
24 Beaver. I am a retired law enforcement firearms  
25 training officer and an NRA life member. I fully

1 support this position, and I believe that if one  
2 can't hit a target with 10 shots, they should give  
3 up gun ownership. When I joined the NRA, the  
4 organization supported mandatory background checks  
5 and other sensible firearm laws.

6 So this is not something that's  
7 limited to urban areas, colleagues. These are  
8 quotes from people in your districts in rural  
9 Colorado who support sensible gun safety laws.

10 This bill is a public safety bill. We  
11 are in the forefront in this state, and I hope that  
12 we have the courage to pass some sensible, common  
13 sense gun safety legislation.

14 Thank you.

15 THE CHAIRMAN: Representative --  
16 Madame Majority Leader.

17 MAJORITY LEADER: Thank you,  
18 Mr. Chair.

19 I move that the committee stand in  
20 recess until 12:20. And that's 12:20 promptly. We  
21 will proceed with the discussion then.

22 THE CHAIRMAN: This committee is in  
23 recess.

24 (End of audio file.)

25



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.