

1 CITY AND COUNTY OF DENVER

STATE OF COLORADO

2 HOUSE THIRD AND FINAL READING

HELD ON FEBRUARY 18, 2013

3 HOUSE BILL 13-1224

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5 REPORTER'S TRANSCRIPT

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9 recording by Angela Smith, Professional Reporter and  
10 Notary Public.

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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  
4 1224, Representative Fields, Senator Hodge,  
5 concerning prohibiting large-capacity magazines.

6 THE CHAIRMAN: Representative Fields.

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

9 And I move House Bill 1224 on the  
10 final passage.

11 THE CHAIRMAN: Mr. Minority Leader.

12 MINORITY LEADER: Thank you, members.

13 You know, members, we heard a vigorous  
14 debate and discussion on this bill on Friday. We  
15 talked about the lack of evidence that this bill is  
16 going to do anything to enhance public safety in a  
17 meaningful way.

18 We also talked about the impact this  
19 piece of legislation is going to have on the people,  
20 the state of Colorado.

21 We talked about one business in  
22 particular, and then we talked about another. We  
23 talked about the loss of jobs that this piece of  
24 legislation is going to cause based on a hunch that  
25 this piece of legislation is going to have any

1 impact on public safety.

2 Then there was an amendment run to  
3 this bill to try to keep the manufacturer, Magpul,  
4 in the state of Colorado.

5 Members, I believe that was  
6 inconsistent. That amendment to this bill was  
7 inconsistent to accomplish the bill sponsor's goals.  
8 And I'm here to tell you, if you haven't seen it,  
9 look in the Denver Post. The editorial board agrees  
10 with me.

11 And I want to read for you part of  
12 that discussion in the editorial section of the  
13 Denver Post. It says the amendment -- the one that  
14 exempts manufacturers -- the amendment said  
15 Representative Daniel Kagan, Democrat, Cherry Hills  
16 Village, should make it clear that all manufacturers  
17 will be able to still sell and transfer these  
18 high-capacity magazines to individuals in other  
19 states, the U.S. military, and law enforcement  
20 personnel.

21 We want them, manufacturers, to stay  
22 here in Colorado. It would be sad to see them  
23 leave. After a lively debate in the House on  
24 Friday, the amendment was added and the entire  
25 measure was approved. But Republicans that day

1 raised a fair question, if banning high-capacity  
2 magazines is really about public safety, why should  
3 Democrats bar Coloradoans from buying them, but  
4 meanwhile, give their blessings to Colorado -- to  
5 Coloradoans who make the same objects for export to  
6 other states. Surely those voting for the bill  
7 would favor other states, and indeed Congress  
8 itself, banning high-capacity magazines.

9           To be clear, we don't blame Democrats  
10 for trying to save valuable jobs, but they are  
11 inconsistent -- but are they inconsistent?  
12 Absolutely. Hypocritical? Perhaps that too.

13           Members, I'm here to tell you today  
14 this bill is now, as it's amended, absolutely  
15 inconsistent. This bill, as it's written today,  
16 it's written for the purpose -- we heard people down  
17 in this well talk about the purpose of this bill. I  
18 think the bill sponsor said this bill is designed to  
19 prevent these instruments of war from getting into  
20 citizens' hands. We don't want that to happen.

21           And then the sponsors of this bill  
22 came down and read the names of every person that  
23 was impacted by one of these horrific tragedies that  
24 happened over the last -- the last year. Read the  
25 names from the victims of the Aurora theater

1 shooting, and then read the names of the victims  
2 from the Newtown tragedy. And then passed this  
3 amendment that said, you know what, Coloradoans, you  
4 can't have these magazines because they're  
5 instruments of war, but folks in Newtown,  
6 Connecticut, go right ahead and buy them, because  
7 we're going to benefit from the tax revenue we get  
8 from the manufacturer.

9 In fact, people in the other 49 states  
10 in this great union and people throughout the world,  
11 you can go ahead and purchase these magazines  
12 because, apparently, they're not instruments of  
13 destruction when they're purchased outside the  
14 borders of Colorado. They are only instruments of  
15 destruction when purchased within the borders of the  
16 state of Colorado.

17 It is completely unfathomable to me  
18 that we would pass a piece of legislation with such  
19 gross inconsistencies associated with it.

20 THE CHAIRMAN: Representative  
21 Sonnenberg.

22 REPRESENTATIVE SONNENBERG: Thank you,  
23 Mr. Speaker.

24 And, members, Representative Waller  
25 hit the nail on the head. But I want to elaborate

1 on some of the facts that came up Friday. And I,  
2 indeed, asked the same question, what is the goal of  
3 this bill. If the goal of this bill is to reduce  
4 horrific events and gun violence, all we have to do  
5 is look at other states.

6 Illinois, for example, has a maximum  
7 capacity of a magazine at 12. They're number two in  
8 the nation for gun violence. Maryland has a  
9 20-capacity magazine. Maryland is third in gun  
10 violence. California has a high-capacity magazine  
11 limit at 10. They're fifth.

12 I think it's clear that there is no  
13 correlation between the size of a magazine and the  
14 amount of gun violence in a state.

15 So what is the purpose and the goal of  
16 this bill, especially now that we have an  
17 inconsistent amendment as part of that bill? Is it  
18 just to do something because you feel you have to do  
19 something?

20 I understand the desire to want to do  
21 something. I understand the desire to fix a  
22 problem. Unfortunately -- unfortunately, this bill  
23 won't fix that. This bill will never keep evil  
24 people from doing evil things.

25 Members, I ask you to keep in mind, as

1 you move forward and as we are about to vote, please  
2 keep in mind the impact that this has on the people  
3 of Colorado.

4           Knowing that the evidence is there  
5 that this will have no impact on criminals, I ask  
6 for your no vote.

7           THE CHAIRMAN: Representative Holbert.

8           REPRESENTATIVE HOLBERT: Thank you,  
9 Mr. Speaker.

10           Members, we are negotiating, in my  
11 opinion, with the rights of law-abiding citizens.  
12 We have all received hundreds, if not thousands of  
13 appeals from our constituents of this great state  
14 and nation to rethink this course of action.

15           We are prescribing for the people of  
16 Colorado that we shall not have access to plastic or  
17 metal boxes with a spring and two metal plates, an  
18 object that cannot be a deadly weapon, has never  
19 murdered anyone. And we're being told that  
20 residents of our state will not have as ready access  
21 to these plastic or metal parts, unless they work  
22 inside of a building where those parts are made or  
23 unless they work for law enforcement.

24           The people who work for government  
25 will be allowed access to those metal or plastic



1 objects more readily than the citizens, the people  
2 for whom government works.

3 My friend, Representative Fields, I  
4 know cares passionately about this bill and has  
5 endured an experience in my life that I pray I will  
6 not. I know she cares passionately about this bill.  
7 But I care passionately about the United States  
8 Constitution and the constitution of this state and  
9 the oath that we've taken.

10 And I ask you to please be thoughtful  
11 of your vote. Is this bill going to do what it  
12 promises to do, to improve public safety? No.

13 Is this bill reasonable, as  
14 Representative Sonnenberg so rightly pointed out?  
15 Have we negotiated some convenient compromise with a  
16 manufacturer or manufacturers here in our state to  
17 avoid political and economic heat?

18 Is this principally the right thing to  
19 do? Having principal positions is not about winning  
20 or losing. Having principal positions is about  
21 doing what is right, regardless of the pressure to  
22 compromise.

23 I ask you, friends, please vote no on  
24 House Bill 1224.

25 And thank you for your time and

1 consideration.

2 THE CHAIRMAN: Representative McCann.

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

5 This obviously is a very challenging  
6 issue and a very emotional one for many people. I  
7 would like to, however, address the argument that  
8 large-capacity magazines -- limiting the size of  
9 large-capacity magazines will not have an impact on  
10 public safety.

11 For me, this is a public safety issue  
12 for our citizens here in Colorado. And we have seen  
13 that high-capacity magazines have been a common  
14 thread linking many of these mass shootings.

15 But in addition, the Department of  
16 Justice has found that high-capacity magazines are  
17 used in 14 to 26 percent of gun crimes, and more  
18 alarming, 31 to 41 percent of fatal police  
19 shootings.

20 The chiefs of police of this great  
21 state are supporting this bill. These kinds of  
22 magazines are used in attacks on police officers.  
23 And as noted, many result in death of police  
24 officers across the country.

25 Many of the high-profile mass

1 shootings did involve high-capacity magazines,  
2 including Newtown, Connecticut, when Mr. Lanza used,  
3 or is alleged to have used, multiple 30-round  
4 magazines.

5 Oak Creek, Wisconsin, when Wade  
6 Michael Page killed six people and wounded three  
7 others at a Sikh temple with a semi-automatic  
8 handgun and three 19-round magazines.

9 In Aurora -- unfortunately, we are all  
10 too familiar with the Aurora situation -- Holmes  
11 allegedly used two semi-automatic handguns, a  
12 shotgun, and an assault weapon equipped with  
13 100-round drum magazine.

14 In Tucson, Arizona, Jared Loughner  
15 shot and killed 6 people, including a U.S. Federal  
16 District Judge, and wounded 13 others, including  
17 U.S. Representative Gabby Giffords. Loughner fired  
18 all 33 rounds from a semi-automatic handgun with a  
19 33-round magazine.

20 And the thing that's critically  
21 important to remember in that case, colleagues, is  
22 that the fact that he had to reload is what caused  
23 that couple of instant hesitation, when a bystander  
24 was able to successfully attack him and take him  
25 down. It was because he was reloading one of those

1 high-capacity magazines that he was prevented from  
2 killing additional people. And we think that is  
3 also what happened with respect to Mr. Holmes, his  
4 gun jammed, so he was unable to continue his mass  
5 murder.

6 Fort Hood, Texas, Major Hasan shot and  
7 killed 13 people and wounded 34 others during a  
8 rampage at the Fort Hood military installation. He  
9 allegedly used a semi-automatic handgun and 20- and  
10 30-round ammunition clips, magazines.

11 And in Binghamton, New York, Mr. Wong  
12 shot and killed 13 people and injured four others,  
13 firing 99 rounds from two semi-automatic handguns,  
14 at least one 30-round-capacity magazine was found at  
15 the scene.

16 A 2010 survey by the Police Executive  
17 Research Forum, not a liberal think tank, reported  
18 that since the ban expired -- this is the assault  
19 weapons and high-capacity ban that we had  
20 federally -- since it expired in 2004, 37 percent of  
21 police agencies report seeing noticeable increases  
22 in criminals' use of assault weapons, and 38 percent  
23 reported seeing noticeable increases in criminals'  
24 use of semi-automatic firearms with high-capacity  
25 magazines.

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

6                   I would also note that the U.S.  
7                   Supreme Court has stated that the Second Amendment  
8                   right is not unlimited.

9                   And I appreciate Representative  
10                  Holbert's impassioned plea about the Second  
11                  Amendment. This bill will not take away Second  
12                  Amendment rights. What it does is impose reasonable  
13                  constraints on the exercise of that right, just as  
14                  we do on other constitutional rights.

15                 And finally, members, I would say that  
16                 in response to the argument about Magpul leaving  
17                 Colorado, every state chooses what they want to do  
18                 with respect to gun safety. What we're talking  
19                 about here is what Colorado is going to do. If  
20                 other states continue to allow large-capacity  
21                 magazines, then they will be able to possess them in  
22                 those states. But what we're saying here is that  
23                 this is a matter of public safety for Colorado.

24                 This bill does not require any company  
25                 to leave Colorado. It would be their choice. But

1 what this bill does is provide for a safer  
2 environment for all of us here by a reasonable  
3 limitation on use of high-capacity magazines.

4           And it really -- it really asks the  
5 question of why does someone need more than 15  
6 rounds at a time to use in a pistol or a rifle.  
7 Fifteen rounds is a lot of rounds. As many of you  
8 have pointed out, it doesn't take very long to  
9 reload, but it can cause that hesitation that could  
10 save the next 15 lives.

11           So I would ask for a yes vote on this  
12 bill.

13           THE CHAIRMAN: Representative Priola.

14           REPRESENTATIVE PRIOLA: Thank you,  
15 Mr. Speaker.

16           And, members, I have given a lot of  
17 thought on what we're doing, what these -- not just  
18 this bill, but the other three bills -- mean to our  
19 state and our nation. And I couldn't help but feel  
20 like we've been here before. Somehow, seems like,  
21 things like this have happened in the past with  
22 politicians and tragedies and so on and so forth.

23           And then I thought back to one -- and  
24 I think all of us would agree -- was a knee-jerk  
25 reaction by politicians, that if we could go back in

1 time, we would rewrite a wrong and not do what our  
2 forefathers did in taking away civil rights and  
3 constitutional rights, when American men and women  
4 were killed and the public's anger was so strong  
5 that they asked politicians to do something. We  
6 must do something for public safety. It's about  
7 public safety and we must do something.

8 But after the threat had passed, after  
9 time had healed wounds, we reflected on what we had  
10 done, had actually taken away freedom from those  
11 American citizens. And with hindsight, we can now  
12 be remorseful.

13 What am I speaking of? Think about  
14 it, the Japanese interns. In 1941 and '42,  
15 Americans were asking politicians, this group over  
16 here, they're a threat to public safety, we must  
17 remove them from the coasts because they'll sabotage  
18 ships and they'll blow up our Navy ships and  
19 they'll --

20 THE CHAIRMAN: Representative Priola,  
21 can we keep it onto House Bill 1224?

22 REPRESENTATIVE PRIOLA: Mr. Speaker,  
23 this is to the bill and to the other three bills.  
24 This is about Second Amendment constitutional rights  
25 and the civil rights of Coloradoans and Americans.

1                   Just as it was then, just as it is  
2 now, our constituents say just do something to make  
3 them feel better about the pain and anguish we all  
4 feel. But changing the law will not ever change the  
5 heart of men.

6                   Every time we pass a law down here to  
7 take away freedoms and rights from law-abiding  
8 citizens, we all lose a little bit of freedom.

9                   Representative McCann brought up a lot  
10 of folks who have supported this. And I say to  
11 that, sheriffs in Colorado don't support this, or  
12 the other bills, as well.

13                   We've seen news stories about how  
14 Washington politicians are trying to influence this  
15 debate. And I tell you, there is no coincidence  
16 here. This is about a national dialogue and a  
17 national push to take away our Second Amendment  
18 rights, to reduce our Second Amendment rights, to  
19 take away a little bit of freedom from all of us,  
20 like was once done back in the early '40s with our  
21 friends, the Japanese interns, who had lived here  
22 for generations, who had built businesses and had  
23 community structures on the coasts of this country  
24 and who were brought here to the Midwest.

25                   I actually walked through a building



1 that was on our family's farm, where back then they  
2 had a program where you could have Japanese interns  
3 come work in the fields, and I thought, hmm, how  
4 quaint. That kind of reminds me of the amendment  
5 that was dropped on this bill to still allow Magpul  
6 to work in the state, even though we don't like what  
7 they do as a policy matter.

8 It is about the money. That's what  
9 it's about.

10 And some day my children and  
11 grandchildren may not look back at this point in  
12 particular, but they'll look back at other points,  
13 and they'll say that was a salient time we lost that  
14 right. That was the point.

15 I ask you, members, to seriously look  
16 hard at what you're doing and what this means, not  
17 just to our constituents in our districts and the  
18 papers and the media this year. Think about the  
19 long-term ramifications of this and how we are  
20 inevitably changing the dialogue and the meaning of  
21 the Constitution of the United States, the important  
22 thing that our founders put in place for important  
23 reasons.

24 Please vote no on this bill.

25 THE CHAIRMAN: Representative Vigil.

1                   REPRESENTATIVE VIGIL: Thank you,  
2 Mr. Speaker. And I'm only going to get up here once  
3 for all four bills. So, Mr. Speaker, if you would  
4 allow me some latitude to speak to all four of the  
5 bills.

6                   THE CHAIRMAN: Yes, Representative  
7 Vigil.

8                   REPRESENTATIVE VIGIL: I will not be  
9 speaking to them in detail, but I will be referring  
10 to them. I'm here to explain why I'm not going to  
11 vote yes on any of these bills. I'm going to vote  
12 no against all four bills. And I'm not here to  
13 disparage any motives to the sponsors. They're dear  
14 friends of mine. I'm not here to cast judgment on  
15 anybody who may vote for it or against it. I am  
16 here merely to explain my beliefs. And I'm here to  
17 explain why I think this is not a good thing for  
18 Colorado.

19                   Colorado has been a western state ever  
20 since it has become a state. My family came here in  
21 the early 18 -- mid-1850s -- '40s. They carried  
22 weapons to settle this land, as well as axes and  
23 hoes and shovels. This was part of our heritage.  
24 This is part of what it took to settle this land. I  
25 cannot turn my back on that.

1                   I feel like I have to defend our  
2                   Second Amendment. It is said that it is not being  
3                   limited, but Colorado has already been a great  
4                   state.

5                   If you look in this House of  
6                   Representatives, which I am so proud to serve in, if  
7                   you look above us, you've got Barney Ford, first  
8                   black man to vote in the state of Colorado.

9                   Across the street, the Ralph Carr  
10                  Center. He believed, as Representative Priola said,  
11                  the United States Government did a bad thing in  
12                  taking this group -- this group of people out and  
13                  separating -- segregating them.

14                  We have our first black speaker of the  
15                  house. And our Honorable Mark Ferrandino, first  
16                  openly gay speaker of the house. Proud things that  
17                  we have done in Colorado.

18                  I hope that this act that we do on  
19                  these bills today is not a first for Colorado to go  
20                  backwards in the progressive way that we have  
21                  always -- Colorado's always been.

22                  The first bill I believe is nothing  
23                  more than hardware paranoia. I believe we have to  
24                  just deal with what really -- the person behind the  
25                  trigger. That person is mentally ill. He has maybe

1 asked for help, hasn't gotten it. Maybe he's a  
2 veteran who has killed himself. We have an epidemic  
3 of self-inflicted gunshot wounds. Our service  
4 people deserve better than that.

5           The other bills -- I'll only mention  
6 the background check bill because my best friend, my  
7 worse critic, my wife told me, she said, you know,  
8 not having background checks is reckless. And I  
9 says, well -- you know, well, maybe I need to  
10 explain that just a little bit.

11           I am for background checks. And I am  
12 for initial background checks. And I am actually  
13 for background checks if initially they had some  
14 type of mental health adjudication, that if people  
15 aren't well and are seeing mental professionals,  
16 they should not be had -- or have a gun. And they  
17 shouldn't get one until, perhaps, maybe there's a  
18 process, a judge or someone could restore that  
19 process back to them.

20           But this private sale stuff, I don't  
21 think it's going to work. There's already laws on  
22 the book that says if I sell a gun to a known felon  
23 or somebody I know shouldn't have a gun, somebody  
24 who's mentally defective, and this person does  
25 something wrong with it, I am responsible for it,

1 just myself, for doing such an idiotic thing.

2 And, you know, there's -- so I am for  
3 background checks in that capacity, but not for the  
4 private sales checks.

5 And how I got to these votes, first --  
6 first of all, I vote my conscious. My conscious is  
7 clear that I'm doing the right thing for Colorado  
8 and for the people of Colorado.

9 Second is my district, District 62, is  
10 rural Coloradoans, a frontier still, communities.  
11 They still hunt and fish. A lot people have  
12 assisted living down there and they rely heavily  
13 upon what they need to get through the day, and that  
14 includes weapons sometimes and high-capacity  
15 magazines. Sometimes it's bow and arrows.  
16 Sometimes it's knives. But it is what it is, and I  
17 cannot vote for that.

18 Thirdly, my party. And I thank my  
19 party for being so gracious. And I think that's  
20 what makes our party so diverse and strong. They've  
21 been tolerant with me. Although we disagree and I  
22 disagree with them and I stand against them on this  
23 vote, they've been very respectful, and I thank them  
24 for that.

25 And the last is my values, rural

1 Colorado values. I don't believe that I betray  
2 anything, in my mind, in my morals, or in my  
3 lifestyle by saying no.

4 And secondly, I stand for jobs in  
5 Colorado for companies like Magpul and all the  
6 people that are affiliated with them. And I hope --  
7 regardless of what happens here, I implore Magpul to  
8 try to work with the State of Colorado, if this bill  
9 does pass. And I ask you to please stay in  
10 Colorado. You're a very valuable company, and so  
11 are all the subsidiaries that work with you.

12 And I want to thank this body here.  
13 It's an honor to serve with every one of you, and  
14 I'll continue to work with you.

15 Thank you very much for your time.

16 THE CHAIRMAN: Representative Joshi.

17 REPRESENTATIVE JOSHI: Thank you,  
18 Mr. Speaker. And thank you, colleagues.

19 I stand here in opposition of this  
20 bill. And I will explain why. I'm not going to  
21 repeat what we heard Representative Waller has  
22 mentioned about the Denver Post editorial page.  
23 It's very obvious that this bill is inconsistent and  
24 probably hypocritical.

25 We have heard about in particular

1 about the public safety argument, and that's what  
2 it's about. But I also would like to go a little  
3 further, and I would like to read the very last line  
4 from the same editorial. It says: It won't stop  
5 the violence, we realize, but it could easily save  
6 lives.

7           Members, English was not my first  
8 language. Probably I learned about third or fourth  
9 in the line. To me, even that way isn't the  
10 violence that destroys the lives. And how can we  
11 save lives when it won't stop violence? Anybody can  
12 explain that in plain English to me?

13           And, again, limiting Magpul in  
14 Colorado, but not in other states. Do you think  
15 that my grandkids are expendable to you, just to  
16 save your children? No way. I have nephews and  
17 nieces who also live in other states. You would  
18 expend them to save your children.

19           And we are focusing on the wrong  
20 issues right now. We heard over the weekend the  
21 country singer, Cindy McCrady, took her life. How  
22 many bullets took her life? One. It wasn't the  
23 bullet, it was her mental illness. We know she was  
24 in a mental institution for almost 10 days. And she  
25 was released, and then she went home and did this.

1                   So we are focusing on the wrong thing.  
2       We need to take care of our citizens for what the  
3       problems they have.

4                   So, colleagues, let's do the right  
5       thing and take care of what really is the issues and  
6       problems here, and don't focus on the wrong things.

7                   Thank you, and vote against this bill.

8                   MADAME SPEAKER: Mr. Speaker.

9                   THE SPEAKER: Thank you, Madam Speaker  
10       Pro Tem.

11                   And I rise in support of this  
12       legislation. And I appreciate the debate we've been  
13       having, and I know it will continue with all the  
14       people in the well, both Friday and today. It's  
15       been a respectful and good debate. And it shows  
16       what this body can do. Even though we may disagree  
17       on issues, we air those and then come down to a  
18       vote.

19                   I did want to just finish quoting the  
20       Denver Post editorial because, as the minority  
21       leader read it, I think you would think that the  
22       Denver Post was against this bill. He left off the  
23       last section of this bill -- or of the editorial.  
24       So I just wanted to read it.

25                   On the larger point, though, Democrats



1 continue to have a strong case. In Friday's debate  
2 on the overall bill, Republicans made good arguments  
3 about the various causes of violence, but they never  
4 refuted the fundamental point that a shooter intent  
5 on killing as many people as possible will be  
6 hampered if he has to change the clips on a regular  
7 basis.

8 As Speaker Ferrandino reminded his  
9 colleagues, mass murderer Jared Loughner was tackled  
10 by bystanders when he was trying to reload. Let's  
11 limit the next Loughner to 15-round magazines. It  
12 won't stop the violence, we realize, but it could  
13 easily save lives.

14 That's what this bill is about. This  
15 bill is about trying to save lives. There's a lot  
16 of other debate, a lot of other conversations. I  
17 know there's an argument that this might not save  
18 lives. I think what you see what happened in  
19 Arizona, a bill like this will save lives.

20 And while we have to make sure that we  
21 are careful in protecting the Second Amendment, we  
22 also have to protect life, our Declaration of  
23 Independence, life, liberty and the pursuit of  
24 happiness. And that is also fundamental to what we  
25 do down here in making sure we protect that.

1                   And if we can save lives by passing  
2                   this legislation -- and I believe we do. I believe  
3                   this legislation will help us to save lives in our  
4                   communities, then it is the right thing to do. It  
5                   is a right and reasonable way to look at the Second  
6                   Amendment with responsible regulation to help  
7                   protect people's lives.

8                   It's not, as I said the other day,  
9                   going to solve all the violence in our communities.  
10                  And I think we've heard a lot of talk about mental  
11                  health, and I think that's very important. And  
12                  hopefully -- and I know we will probably see a bill  
13                  later on in this session to deal with mental health,  
14                  and I think that is the right thing to do. We also  
15                  see it in the bill, coming up in a little while,  
16                  some more data-sharing on mental health and  
17                  background checks.

18                  Mental health is a big component, but  
19                  so is this. And this is one piece of a  
20                  comprehensive package. We will not solve this with  
21                  one piece of legislation. No one piece of  
22                  legislation will solve the violence. No legislation  
23                  will solve all the violence. But this is a step in  
24                  the right direction. As we see in what happened in  
25                  Arizona, as we see what's happening in our

1 communities, giving that -- that just split second,  
2 the split second when someone's trying to change  
3 their magazines, split second for someone to tackle  
4 someone, like happened in Arizona, or to flee, to  
5 run out of a theater as someone is shooting, that  
6 split second can save lives.

7 I know there is strong opposition to  
8 this. I know there are strong feelings on this on  
9 both sides of the aisle, and I respect that. That's  
10 what we're supposed to be -- down here, we're  
11 supposed to have strong opinions and fight for what  
12 we believe.

13 But I do believe that this will save  
14 lives. I really applauded Representative Fields for  
15 the work she's done, not just in this legislative  
16 body, but what she's done since the murder of her  
17 son. She has been a strong advocate for ending and  
18 trying to curb the violence in our community she  
19 knows firsthand. And this is a step in that  
20 direction.

21 As the Denver Post says, it might not  
22 stop all of violence, but it will, hopefully, save  
23 some lives.

24 That's why I vote yes, and ask you to  
25 vote yes, to help save the lives in our communities.

1 MADAME SPEAKER: Representative Saine.  
2 Representative Buck.

3 REPRESENTATIVE BUCK: Thank you,  
4 Madam Speaker, Pro Tem.

5 I do implore you to vote no on House  
6 Bill 1324 [sic]. Folks, I bought it before you, and  
7 I don't know if it sunk in, but the common thread  
8 here are drugs. It's mental illness. It's not the  
9 gun. The common thread here is the criminal on  
10 drugs.

11 This bill hurts good citizens and it  
12 hurts good jobs. And I ask you to help us protect  
13 the citizens and protect our constitutional rights.

14 As you know, violence happens in those  
15 gun-free zones. You ask for a split second, in a  
16 split second, someone with a concealed weapon can  
17 take out that shooter. That's what our country is  
18 about, is protecting ourselves and taking out the  
19 bad person. Why do you think that we have to put  
20 more restrictions on our guns?

21 Again, please focus on the drugs and  
22 the mental illness and not on the weapon, please.  
23 Please vote no on House Bill 13-1224.

24 THE CHAIRMAN: Representative Duran.

25 REPRESENTATIVE DURAN: Thank you,

1 Mr. Speaker.

2 I want to thank this -- all the  
3 members for a rigorous debate this last Friday. And  
4 regardless of whether you're a Democrat or a  
5 Republican, this is a tough issue.

6 I rise in support of this bill today.  
7 And over the weekend, I did a little bit of  
8 research. And many of you may not know that in  
9 Colorado, if you are a small game hunter and you  
10 want to hunt pheasants, that you can only have three  
11 shells in your gun to hunt for pheasants. And what  
12 hunters call it is they call it a fair chase, so  
13 that when you shoot the gun, the pheasants have a  
14 fair shot at getting away in time. And by the time  
15 the hunter reloads, those pheasants are already  
16 gone.

17 Right now in Colorado law, we have  
18 more protections for pheasants and small game than  
19 we do human beings. As a six-generation Coloradoan  
20 with a family ranch in southern Colorado, it should  
21 come as no surprise that hunting is a big part of my  
22 family's tradition and heritage. As long as I can  
23 remember, my family and I ate more elk, rabbit, fish  
24 and pheasants than we ever ate chicken or beef. We  
25 would make elk with everything, elk burgers, elk

1 green chili, elk spaghetti sauce. And if you know  
2 how to cook it, it doesn't taste the least bit  
3 gamey. And this year, my nephew, who is 10 years  
4 old, successfully completed his first hunter safety  
5 class. And you can bet that if I ever have a son or  
6 daughter, I'll be the first one to sign them up for  
7 a hunter safety class so that they can continue to  
8 live on the tradition that we have in Colorado.

9           As a Colorado and a state  
10 representative, I am sworn to uphold the  
11 Constitution of the United States. And I could not  
12 support any reform that would ignore Colorado's  
13 western heritage or unreasonably impair the Second  
14 Amendment rights of our citizens. But I also  
15 understand that the right to do so is not unlimited,  
16 especially in a time in which our society suffers  
17 from such a tragic gun violence epidemic.

18           During the 12-hour gun debate last  
19 Friday I said that this is about kids who have been  
20 shot over and over and over again, and that I am  
21 tired of seeing kids die year after year after year.

22           And although I don't talk about it  
23 very much, growing up in Colorado I was not immune  
24 to the effects of gun violence. I remember my high  
25 school sweetheart, his best friend was shot in

1 Denver on 33rd and High Street after members of a  
2 gang drove up to him and shot him. And do you want  
3 to know why? Because he was wearing a Denver  
4 Broncos jacket that they wanted.

5 I remember a friend of mine who I  
6 studied dance with for years and danced in the same  
7 dance company as myself, but she told me the story  
8 about when she was in the cafeteria at Columbine  
9 High School when Eric Harris and Dylan Klebold  
10 committed their awful massacre.

11 And in the latest shooting at the  
12 Century Movie Theater in Aurora, my mother's cousin,  
13 his fiancée and baby were there when James Holmes  
14 opened fire on the crowd. And although they  
15 successfully escaped with minor wounds, the shooting  
16 had a profound effect on their lives.

17 Perhaps this debate at the Colorado  
18 legislature over closing the background loopholes,  
19 additional investments in mental health, and  
20 commonsense gun safety regulations are not the only  
21 answers to the gun violence that we face in this  
22 country, but it is a meaningful and necessary step  
23 forward.

24 And to not take action and simply say  
25 that the problem is too difficult is not taking our

1 oath of office seriously.

2 In order to form a more perfect union,  
3 we must work to promote the general welfare, safety,  
4 and security of the public. In order to create a  
5 more perfect union, we must establish justice. And  
6 in order to create a more perfect union, we must  
7 include domestic tranquility. And that is why I  
8 rise in support of this bill.

9 Thank you, Representative Fields, for  
10 your courage for standing up for what so many people  
11 before us were fearful of doing.

12 THE CHAIRMAN: Representative Coram.

13 REPRESENTATIVE CORAM: Thank you,  
14 Mr. Speaker.

15 Members, I rise in opposition of this  
16 bill. We all remember 9/11. Over 3,000 lives were  
17 lost that day. It will live with us forever. Not a  
18 single shot was fired.

19 The fact is, if you wish to cause  
20 death and destruction, an evil mind will figure a  
21 way do it.

22 If making laws would stop this, we  
23 would not lose the 17,000 lives that is lost each  
24 year to heroin and cocaine. The fact is, it will  
25 continue.



1           We're saying we're doing this to save  
2 the children. If passing a law saves the children,  
3 Chicago would be a prime example. Chicago has some  
4 of the toughest gun laws in the nation, yet, last  
5 year, over 440 school-age children were shot in  
6 Chicago. Approximately 60 of them died. A law did  
7 not change that.

8           It seems that if denying the free  
9 access of our Second Amendment rights of law-abiding  
10 citizens would stop crime, it's not true. Criminals  
11 will ignore the law. They will actually be  
12 emboldened by the fact that they know that I cannot  
13 defend myself on an equal basis. Your friends and  
14 neighbors cannot defend themselves. Think about  
15 what we're doing here.

16           I am a proud Coloradoan, a native of  
17 rural Colorado. And like Representative Vigil, I  
18 have rural Colorado values. And my district's  
19 probably 95 percent in favor of us saying let's  
20 stop -- let's analyze what the problem is. It's the  
21 mental issues behind those doing evil that we must  
22 address.

23           And we can pass this bill, but I  
24 assure you, much like the use of heroin and cocaine,  
25 those criminals will not care. They will continue

1 to do harm and take the lives of our children that  
2 we must try to protect.

3 We are doing nothing here to save  
4 those children's lives. Thank you.

5 THE CHAIRMAN: Representative Rankin.

6 REPRESENTATIVE RANKIN: Thank you,  
7 Mr. Speaker.

8 You know, this, in my mind, is a bill  
9 based on hope. And I have hope. I want to do  
10 things for our citizens. I think it's a bill based  
11 on the very best of intentions of people who I've  
12 come to deeply respect. There's no question that  
13 the intentions behind this bill are good.

14 But at the bottom line -- and it's  
15 also based on the idea that we must do something.  
16 And my constituents are telling me that we must do  
17 something. I share that belief very deeply. But --  
18 but this bill is based on a very small premise, when  
19 we narrow it down. And we've heard that come up  
20 this morning maybe for the first time, we've heard  
21 the term split second.

22 What we're really buying here is a  
23 couple of seconds in a situation where a mass  
24 murderer is changing magazines. That might take one  
25 second, it might take ten. And we hope, we hope in

1 that time that someone is courageous enough to run  
2 up and tackle this person. Or more likely what  
3 we're hoping is that somebody in the room has a  
4 weapon and knows how to use it. That's what we're  
5 buying here. We're buying just a couple of seconds  
6 in these situations, these tragic situations.

7           And I wonder what we'll willing to pay  
8 for those few seconds. Is it really worth it? Is  
9 it really worth it to buy those few seconds in these  
10 isolated instances? Maybe it is. But are we  
11 willing -- are we willing to -- as Representative  
12 Vigil so eloquently stated, are we willing to say  
13 that the heritage of Colorado is vulnerable, that we  
14 can change it?

15           Are we willing to say to our citizens,  
16 who feel very deeply about their Second Amendment  
17 rights, that we're willing to push on those? Maybe  
18 not take them away. They're good arguments.

19           I mean, you know, we can say that we  
20 have, as legislators, the right to limit their  
21 rights in certain ways. And we do. But are we  
22 willing to do that? Are we willing to divide our  
23 citizens this dramatically to buy a couple of  
24 seconds in a situation where we only hope something  
25 good will happen?

1           Are we even focusing on the right  
2    thing? Perhaps. Perhaps. I would suggest that  
3    this bill should apply to the size of magazines in  
4    video games. We're training people to use magazines  
5    of unlimited capacity.

6           Maybe violence in the media has  
7    something to do with this. Does anybody believe  
8    that? Maybe we should be focusing on mental illness  
9    and identifying those people and treating them.

10           Maybe this is not the best thing to  
11   do. Maybe we're praying so much for this two  
12   seconds in isolated situations that we should tell  
13   our citizens that we're going to work on the right  
14   things, not just something that we hope will happen.

15           Thank you, members. I urge you to  
16   vote no on this bill.

17           THE CHAIRMAN: Representative  
18   Humphrey.

19           REPRESENTATIVE HUMPHREY: Thank you,  
20   Mr. Speaker.

21           Mr. Speaker, a law-abiding citizen can  
22   more effectively save lives with a standard-capacity  
23   magazine larger than 15 rounds in capacity.

24           This bill will not stop the deranged  
25   few. It will diminish the Second Amendment rights

1 of all.

2 I have an e-mail here from an  
3 individual who was addressing the economic impact of  
4 House Bill 1224. He writes the following -- the  
5 font's a little bit smaller here. He states: I  
6 moved to Fort Collins to work in high-tech 15 years  
7 ago. For the last 10 years, the economy has not  
8 been great. Everyone has been struggling to get by  
9 for some time.

10 However, there are a few areas of the  
11 economy that are growing. One of those growth  
12 sectors is firearms. The Front Range has a  
13 flourishing ecosystem of growing companies in the  
14 firearms industry. In fact, I left my stable  
15 high-tech job in 2012 to pursue my own business  
16 full-time.

17 I am a small business owner living in  
18 Fort Collins. My companies are involved in  
19 competitive targetting shooting events, training for  
20 citizens, police and military, and manufacturing.  
21 My manufacturing company is 66 percent owned by  
22 Fort Collins residents.

23 The four gun bills under consideration  
24 1224, 1226, 1228, and 1229, are causing massive  
25 disruption to all aspects of our business

1 operations. Of these, the worst is 1224.

2 I'm sure you've heard of the situation  
3 of Magpul based in Erie. My company has strategic  
4 partnership with Magpul. The economic gains from  
5 this relationship are in jeopardy due to these gun  
6 bills.

7 If Colorado passes 1224, or 1226, 1228  
8 or 1229, we will be forced to relocate our  
9 businesses, employees, prosperity, factories,  
10 families, and households to other states.

11 Besides the highly publicized 600 jobs  
12 that Magpul alone would take out of Colorado,  
13 businesses such as mine would easily comprise double  
14 that amount. In these tough economic times,  
15 Colorado cannot afford to reject thousands of people  
16 who are people who are contributing to economic  
17 growth. Thank you for your time, Zak Smith. That  
18 concludes his e-mail.

19 This bill is arbitrary with this  
20 number of 15 rounds. It has no reasonable evidence  
21 basis. It is a job killer. It diminishes the  
22 freedom and safety of Americans. So please, please,  
23 vote no on this bill.

24 A hunch and good intentions do not  
25 warrant a yes vote. Thank you.

1 THE CHAIRMAN: Representative Saine.

2 REPRESENTATIVE SAINÉ: Thank you,  
3 Mr. Speaker.

4 As Representative Sonnenberg said,  
5 this bill won't keep evil people from doing evil  
6 things. What it will do is lose law-abiding  
7 citizens their jobs.

8 I challenge anyone, can you tell me  
9 any area, anyplace where magazine restrictions or  
10 gun bans, where they've been enacted, can you tell  
11 me, of any of those places, have the murder rates  
12 gone down as a result? And you can't. Not over any  
13 decade.

14 Even island nations that have enacted  
15 gun control laws, magazine restrictions or bans,  
16 their murder rate has increased. And they have no  
17 neighbor to blame.

18 You've heard from here, Adam Thompson,  
19 who pulled other kids to safety from the Columbine  
20 shooting, that magazine limits would not have  
21 stopped the Columbine killers. They were planning  
22 on killing everyone with propane bombs. Would they  
23 have been hampered by a magazine restriction? No.

24 Earlier I heard a statement that this  
25 is a bill with good intentions -- and it surely

1 is -- and that it had no impact on public safety or  
2 no correlation on public safety. But I disagree  
3 respectfully.

4           Again, any area, even Europe -- folks  
5 point to Europe as having lower murder rates than  
6 the U.S. because of their magazine ban restrictions,  
7 gun control laws. But they used to be lower before  
8 the bans.

9           You won't save lives with this  
10 legislation. Because who obeys the laws?  
11 Law-abiding citizens. Who is going to obey gun  
12 laws? Law-abiding citizens.

13           What this bill will do -- what this  
14 bill will do is encourage criminals to purchase  
15 magazines with more than 30 rounds because nobody  
16 else will have them.

17           Representative McCann bought up  
18 instances of mass shootings. Well, what do these  
19 mass shootings have in common? We know from the  
20 killers' manifestoes, their notes, that they planned  
21 to die at the scene of the crime. Seventy-five  
22 percent of the time mass shooters die at the scene  
23 of their crime. Those that don't couldn't bring  
24 themselves to pull the trigger. And we know this  
25 from their communications.



1                   Their intent clearly, again, from  
2                   their communications, is to put their parents, the  
3                   community, and the world on trial by killing more  
4                   people than the other mass shooters before them, to  
5                   outdo the other mass shooters before them.

6                   So would any restriction curb this  
7                   intent? No. They can simply now go to Wyoming.  
8                   They can buy it on the black market, or they can  
9                   make a magazine. It's plastic, metal springs.

10                  Again, you heard from hero Adam  
11                  Thompson, would magazine restrictions have stopped  
12                  the Columbine tragedy, and it wouldn't -- the  
13                  answer's no.

14                  The only thing this bill achieves is  
15                  more mass murderers and kills the jobs of the law  
16                  abiding.

17                  I urge you to vote no today. I urge  
18                  you to keep Magpul in my district, to keep 600 jobs  
19                  in Colorado. I urge you, colleagues -- it's an  
20                  honor to serve with you. I urge you to vote no.  
21                  Thank you.

22                  THE CHAIRMAN: Representative Murray.

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

25                  I'd like to refer to Representative

1 Duran's comments about pheasants. What we're  
2 talking about today, law-abiding citizens are the  
3 pheasants. We're not the hunter. We're the hunted.  
4 And we're talking about criminals who are shooting  
5 at us as pheasants.

6 We're asking that we be given a fair  
7 shot at being able to -- no pun intended. We're  
8 asking that we be given the opportunity to shoot  
9 back, as pheasants are allowed to fight back. So  
10 remember, when you're talking about shooting  
11 pheasants, who's the hunter and who's the hunted.

12 Many of us have seen the YouTube  
13 videos and TV stories about Sandy Hook parents and  
14 neighbors who just came out and said, you know,  
15 something's wrong with our society. But the guns  
16 are not the issue, it's the people using the guns  
17 and the issues in society related to those guns.

18 So yes, let's do something. But is  
19 what we're doing today the correct thing? And I  
20 would say no.

21 I'd like to remind everybody that  
22 10-round magazines were used repeatedly in  
23 Columbine. And that was a gun-free zone. So, you  
24 know, they had free rein to keep using one magazine  
25 after another.

1                   The question was asked, why do we need  
2 more rounds? Well, it's because that criminals have  
3 more rounds. So do we think that if we're going to  
4 outlaw a larger magazine that the bad guys won't  
5 have those magazines. It doesn't work that way.  
6 They're going to have the larger magazines and we're  
7 not. Again, we're the hunted, and we're just  
8 waiting for them to shoot us.

9                   I would remind you that our county  
10 sheriffs -- I mean, we're a western state. Our  
11 county sheriffs have come out unequivocally opposed  
12 to the bills that we're seeing today. They want our  
13 help as law-abiding citizens. They need us. They  
14 say they need us against the bad guys. And they see  
15 these bills, particularly the magazine restriction,  
16 as something that gets in the way of their  
17 preserving our safety.

18                   So it's been repeated many times, you  
19 know, what the criminals are doing in various  
20 situations. We can all come up with our little  
21 anecdotal stories. But we're not talking about  
22 criminals with this bill and effect on criminals.  
23 We're talking about its effects on law-abiding  
24 citizens, our friends, our neighbors, ourselves.

25                   Vote no on this bill.

1 THE CHAIRMAN: Mr. Minority Leader.

2 MINORITY LEADER: Thank you,  
3 Mr. Speaker.

4 You know, I wasn't going to come back  
5 up again and talk, but then, Mr. Speaker, you said  
6 something that I felt like I had to come and  
7 address. You know, you read the rest of that Denver  
8 Post editorial and, you know, I apologize if I in  
9 any way tried to infer or my words in any way  
10 inferred that the Denver Post editorial board was in  
11 opposition to this bill. That's not the point I was  
12 trying to make at all.

13 I was trying to point out the  
14 monumental inconsistency associated with creating a  
15 manufacturer's exemption in the state of Colorado,  
16 yet not allowing Coloradoans to purchase the  
17 magazines.

18 We heard it. And I apologize if that  
19 point wasn't clear. So I'm going to try to  
20 articulate it a little bit better this time.

21 We've heard the bill sponsors come  
22 down here and say these are tools of war, they  
23 belong in the battlefield. In fact, I think the  
24 bill sponsor said these belong in the theater of  
25 war, not theaters in Colorado or theaters at home.

1                   How can you say they don't belong in  
2 theaters at home, but we're going to allow you to  
3 purchase them in Arizona.

4                   Mr. Speaker, you came down here and  
5 talked about Jared Loughner, tragedy that was  
6 committed in Arizona. This bill doesn't do anything  
7 to protect him -- or protect the victims in that  
8 circumstance.

9                   This bill doesn't do anything to  
10 protect the victims in Sandy Hook Elementary,  
11 because of the monumental inconsistency that was  
12 placed in this bill.

13                   Representative McCann came down here  
14 and said, you know what, each state's free to handle  
15 this issue on their own. Well, Representative  
16 McCann, you had a bill that handled the situation.  
17 You had a bill that said these things won't be sold,  
18 period, at all. But because we want the tax  
19 revenue, and because we want the jobs in the state  
20 of Colorado, we were willing to exempt manufacturers  
21 to allow these -- as the bill sponsor said, these  
22 tools of war to be sold in every theater -- or to be  
23 sold in every state in the union, to be sold across  
24 the border in Wyoming and then to come back into the  
25 state of Colorado.

1                   And I only point out this monumental  
2 inconsistency and hypocrisy because I believe we all  
3 know the consequence of passing this bill. And that  
4 consequence is going to do nothing but make us feel  
5 better about ourselves. It's got going to have an  
6 appreciable effect on public safety. We all know  
7 that. And that's why we're allowing this monumental  
8 inconsistency to happen in this piece of  
9 legislation.

10                   I hope I made it more clear this time  
11 than I did last time. This -- the issue related to  
12 this piece of legislation is it's not going to have  
13 an impact on public safety, so let's create an  
14 exemption for manufacturers and let's create a  
15 monumental inconsistency for the rest of the states  
16 in this nation.

17                   THE CHAIRMAN: Representative Holbert.

18                   REPRESENTATIVE HOLBERT: Thank you,  
19 Mr. Speaker.

20                   Second trip. I want to share a  
21 perspective that was e-mailed to me by a gentleman,  
22 Robert Montilibono (phonetic). I hope I pronounced  
23 his name correctly. But he shared with me a  
24 perspective of John Adams. And when Mr. Adams would  
25 become passionate about an issue, he would sometimes

1 take his wig off and throw it onto the floor and get  
2 up on the table and jump up and down. I don't have  
3 a wig, and I think the Speaker would probably gavel  
4 me out of order if I got up on the podium.

5 But I think John Adams probably didn't  
6 exist in a time where the media sat and tweeted and  
7 talked about how emotional he was. He probably  
8 existed in a time where people cared more about the  
9 fundamental issues that were being discussed on the  
10 floor at that moment.

11 And I appreciate Representative Vigil.  
12 Thank you so much. What a courageous thing you have  
13 done. And thank you for your words. And  
14 Representative Joshi, and the passion that you had,  
15 and to Representative Duran, as well.

16 Yes, these are passionate and  
17 important issues for us. We must be clear about  
18 what we're doing. The Second Amendment is not about  
19 hunting. The Second Amendment is not our defense  
20 against pheasants. The Second Amendment is our  
21 defense as free citizens against tyranny.

22 What is tyranny? Tyranny is an  
23 uncontrolled, unrestrained exercise of power. An  
24 individual confronted by a murderer, a mass murderer  
25 knows tyranny. A woman confronted by a rapist knows

1 tyranny. Anyone who has experienced assault or  
2 theft knows tyranny.

3           The Second Amendment allows us this  
4 great equalizer. Men and women, people of large and  
5 small stature, we all have the Second Amendment  
6 opportunity to defend ourselves against tyranny.  
7 And we can't trust, we can't count on government to  
8 do that for us. Because, frankly, we can't carry a  
9 law enforcement officer around with us all the time,  
10 they're just too doggone heavy and there's not  
11 enough of them to go around.

12           The Second Amendment is fundamental to  
13 this nation. It upholds the First.

14           The measure of safety that would be  
15 provided in this bill is directly proportional to  
16 the distance between the next mass murderer here in  
17 Colorado and the state line. Does anyone here think  
18 that the next mass murderer would take pause in  
19 thinking, gosh, I have to drive to Wyoming in order  
20 to fulfill my devious and dastardly plan? No.

21           Do you think that this bill would  
22 prevent that next mass murderer from breaking into  
23 my home or yours to try to obtain those things that  
24 he may not be able to buy in 20- or 30-standard  
25 round capacity, but would have to go buy it in a



1 15-round capacity?

2 Can you understand the silliness that  
3 is presented, that this bill would provide some  
4 greater level of public safety?

5 Members, I thank you so much for your  
6 time. I thank you for your thoughtfulness. I  
7 haven't jumped up on the podium, but I have come  
8 once more to ask you to please be thoughtful on this  
9 bill.

10 Unfortunately, this bill does not  
11 accomplish its goal. It does not improve public  
12 safety. And the right vote is no. I ask you to  
13 join Representative Vigil and I and many others in  
14 voting no on House Bill 1224.

15 Thank you.

16 THE CHAIRMAN: Representative Wright.

17 REPRESENTATIVE WRIGHT: Thank you,  
18 Mr. Speaker.

19 House Bill 1224 does not limit  
20 high-capacity magazines. It limits  
21 standard-capacity magazines under the law. House  
22 Bill 1224 will limit rifle magazine capacity of 30  
23 rounds that have been considered standard and in  
24 common use by sportsmen and in home defense for  
25 decades.

1                    Yet this bill will do nothing to limit  
2                    the evil in a man's heart. This bill will not keep  
3                    that man from committing atrocious acts like the  
4                    ones we have seen of late against our society.

5                    Even our law enforcement community, a  
6                    community of men and women dedicated to public  
7                    safety, a community I was proud to be part of and  
8                    serve, have pointed out the negative implications of  
9                    this law. They have pointed out that this law, in  
10                   fact, will not make our rural communities  
11                   specifically safer. It will make them less safe  
12                   where law enforcement response times are great and  
13                   seconds count.

14                   Regardless of my personal experiences,  
15                   as I addressed you on Friday talking about how I've  
16                   looked down the wrong end of a loaded gun in the  
17                   performance of my duties, regardless of all of those  
18                   personal experiences, I have chosen to defend the  
19                   right of the people to possess firearms.

20                   And I'm here to tell you that this  
21                   bill will not save lives. If anything, specifically  
22                   in rural communities like mine, we're at risk of  
23                   costing lives.

24                   Now, if I believed for one moment that  
25                   this bill would save the life of one child, of one

1 innocent person, I would vote yes. But it won't.  
2 And I'll be voting no. This bill places a great  
3 deal of burden on the people of the state of  
4 Colorado.

5 Friends, let me ask you what happens  
6 now when my cousin, a retired lieutenant colonel  
7 with the United States Air Force, happens to be  
8 driving down the road speeding five miles an hour  
9 over, as he's known to, and he gets stopped, and the  
10 officer sees that he has his AR15 and his 30-round  
11 magazine, which he's owned since he was in the  
12 military, for years. What's the procedure here?

13 I'm here to tell you, as a law  
14 enforcement officer, it's one of two things. That  
15 officer acts on the reasonable suspicion that he's  
16 been presented and arrests my cousin and makes him  
17 go to trial, costing him time, money, and the pain  
18 of going through criminal proceedings. Or law  
19 enforcement doesn't act at all because they  
20 understand that the burden of proof lies with them,  
21 and it's impossible for them to prove that he owned  
22 this 10 years ago or he just bought it after the  
23 passage of this law.

24 There's potential for abuse here.  
25 There's potential for confusion in the law

1 enforcement community. That is what we are  
2 putting -- that's the burden that we're placing on  
3 the people of Colorado.

4 As this bill is written, the police,  
5 having reasonable suspicion of the ownership of a  
6 pre-ban magazine or a post-ban magazine, can now  
7 arrest our citizens for simply speeding five miles  
8 per hour over the speed limit and having their gun  
9 displayed in their car. You're kidding me. You're  
10 kidding me.

11 Now, we saw an amendment from one of  
12 our Democratic colleagues on Friday that sought to  
13 correct the many problems with this bill by adding  
14 spouses of currently serving military members --  
15 adding them as exempted parties. We see the need  
16 for exempted parties, colleagues, because this  
17 legislation is flawed. Well-intended, I understand  
18 the intent, but flawed.

19 Now, House Bill 1224 does not limit  
20 our Second Amendment rights. It, in fact, infringes  
21 them. Let me define infringement for you. A  
22 violation as of law, regulation, or agreement of an  
23 agreement or a breach, an encroachment as of a right  
24 or privilege. The Second Amendment states, friends,  
25 a well-regulated militia necessary to the security

1 of a free state, the right of the people to keep and  
2 bear arms shall not be infringed. And yet, today,  
3 we're moving towards an infringement.

4 Article 2, Section 13 of the Colorado  
5 Constitution reads: The right of no person to keep  
6 and bear arms in defense of his home, person, and  
7 property, or in aid of the civil power when thereto  
8 legally summoned shall be called into question. And  
9 yet, here today, we're calling the people's right  
10 into question.

11 The bill further limits specific types  
12 of firearms for use exclusively by law enforcement  
13 and the military. This is problematic in many ways.  
14 The founders of this great nation gave us the Second  
15 Amendment to allow us to protect ourselves from two  
16 groups, to allow us to defend our families from  
17 those who would do us harm.

18 And also, the founders knew that our  
19 government, no matter how perfect, arguably the most  
20 perfect system in the world, even our government is  
21 capable of tyranny against its own people. Because  
22 it's made up of human beings, all of us are  
23 imperfect and capable of unthinkable against our  
24 own. Look no further, friends, than the history  
25 books for proof of this.

1                   Now, this fact was recently upheld by  
2                   our U.S. Supreme Court, when Justice Scalia wrote:  
3                   The militia, as defined in the Second Amendment, is  
4                   compromised of those physically capable of acting in  
5                   concert for the common defense. The anti-federalist  
6                   feared that the federal government would disarm the  
7                   people in order to disable the citizens militia,  
8                   enabling a politicized standing army of their own to  
9                   rule.

10                   The response was to deny Congress  
11                   power to abridge the ancient right -- ancient right  
12                   of individuals to keep and bear arms so that the  
13                   idea of a citizens militia would be preserved.

14                   This bill does not look towards our  
15                   state and country's future. We need to look at our  
16                   state and country's future survival as a free state  
17                   and consider it here today towards our citizens'  
18                   ability to defend themselves from an out-of-control  
19                   power working no longer for them but against them.

20                   Now, I know that seems unbelievable,  
21                   but didn't it once happen.

22                   It may not be 20 years from now, it  
23                   may not be 100 years from now, but some day, some  
24                   day in this country's future, our people will be  
25                   forced into this situation again, where they're

1 making a decision on whether they band together or  
2 they remain subject to tyranny.

3 And today, the decision that we make  
4 in Colorado will be in the history books and our  
5 future generations will remember us for this  
6 decision.

7 Friends, this bill will not make us  
8 safer. It will make us less safe. This law is  
9 unenforceable. I agree with Governor Hickenlooper  
10 when he said that he doubted tougher gun laws would  
11 have stopped the Aurora shooter. It likely would  
12 have not.

13 I would argue that the criminals in  
14 our community are laughing right now. They're  
15 laughing as they watch us move towards taking away a  
16 right from people who are honest, who obey the laws  
17 that we pass in this room, as we move toward making  
18 our community even more of a fish barrel, the  
19 innocent, taking away the innocent's ability to  
20 protect themselves.

21 I understand the reason for this law.  
22 I understand the reason that Representative Fields  
23 has brought this, and I respect her for wanting to  
24 do something. But this isn't that something. The  
25 long-term implications for all of us are too great.

1                   Thank you for your thoughtfulness.

2                   Thank you for your statesmanship. It's a pleasure  
3                   to serve along all of you, even with your different  
4                   ideas. And I just ask that you consider my thoughts  
5                   today. Thank you.

6                   THE CHAIRMAN: Any further  
7                   conversation?

8                   Representative Fields.

9                   REPRESENTATIVE FIELDS: Thank you,  
10                  Mr. Speaker.

11                  You know, I'm reminded of a quote of  
12                  Shakespeare, and it goes like this: To be or not to  
13                  be. That's the question we have today.

14                  We have a responsibility to either  
15                  lead or not lead. We can either address gun  
16                  violence or we cannot address it. We can either put  
17                  a limit on high-capacity clips or we can let you  
18                  have 100, 50 or 30.

19                  The question is to be or not to be.  
20                  It's about being bold and it's about being  
21                  courageous.

22                  This bill is not about a hunch. This  
23                  bill is not about feeling good. This bill is about  
24                  saving lives. And this bill is about public safety.

25                  Since the Sandy Hook shooting, there's



1     been a loss of lives, 2,045 people have died due to  
2     gun violence. This bill is about making sure our  
3     community is less dangerous. That's what this bill  
4     is about.

5                     When I think about all of the  
6     discussion about Second Amendment rights, this bill  
7     does not infringe on anyone's Second Amendment  
8     right. This bill is just a reasonable approach to  
9     try to help address gun violence.

10                    Would it stop all crime in our state?  
11     No. That's why you're going to see a series of  
12     several bills, because we see this as being an  
13     implemental approach to address gun violence. So  
14     this is just one measure that I personally believe  
15     will save lives.

16                    I stand before you today with a clear  
17     and good conscience because I know on my side I do  
18     have gun-responsible folks who own guns. They  
19     support what I'm doing.

20                    I have support from law enforcement.  
21     We've heard lots of conversation about the sheriffs  
22     and I have support from sheriffs. Not all of them,  
23     but I have support from sheriffs. I have support  
24     from law enforcement. But most importantly, I have  
25     the support of the families that have been impacted

1 by gun violence.

2 After the horrible events that  
3 happened in Aurora, I was compelled to do something.  
4 It was way before there was the White House  
5 initiative to address gun violence. So this is not  
6 something that's based on some kind of White House,  
7 Washington influence. This has been a passion and a  
8 commitment that I've had for a very long time.

9 And it's time for all of us to do  
10 something, because to do nothing is no longer  
11 acceptable, in my view. When I think about the  
12 lives that have been lost over and over and over  
13 again, and people saying, you know, well, we can't  
14 do anything because the gun lobbyists is too strong  
15 or infringed on Second Amendment rights, then I  
16 would say not so. Because it's time that we do  
17 something.

18 Thirty-four people die a day because  
19 of gun violence. And we can no longer walk around  
20 in our society with these blinders on as if nothing  
21 is happening and that we need to remain helpless.

22 Someone said that this bill is about  
23 hope. And I said, yeah, it is about hope, because  
24 it can't be about despair. It's about hope that we  
25 can do something differently to make our community

1 and our public places safer communities to be in.

2 I say to you, members, that enough is  
3 enough. I'm sick and tired of the bloodshed.

4 Limiting the high-capacity magazine to 15 will make  
5 our community less dangerous, because what we have  
6 as a common thread in all of these massacres is a  
7 high-capacity magazine.

8 Since 1985, there's been 34 mass  
9 shootings, and what they all have in common is a  
10 high-capacity magazine. No one needs to have a  
11 100-drum magazine that any can attach to any kind of  
12 gun to kill as many people as they can.

13 Our schools are sacred places. Our  
14 malls are sacred places. Our churches are sacred  
15 places. No one should be able to have these  
16 high-capacity magazines to come in to do as much  
17 damage as they can.

18 So the question is to be or not to be.  
19 It is about doing something. And so what you've  
20 seen on Friday were four measures, and you'll see  
21 more, about doing something to make our community  
22 less dangerous.

23 This is about public safety and it is  
24 about saving lives. Thank you.

25 THE CHAIRMAN: Any further

1 conversation? Seeing none, the question before the  
2 house is the passage of House Bill 1224, and third  
3 and final passage.

4 Mr. Coler (phonetic), please open the  
5 machine. And, members, proceed to vote. Close the  
6 machine.

7 With 34 aye votes, 31 no votes, zero  
8 excused, and zero absent, House Bill 1224 is passed.

9 (End of audio file.)

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CERTIFICATE

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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.