

1 CITY AND COUNTY OF DENVER

2 STATE OF COLORADO

3 JUDICIAL COMMITTEE MEETING

4 Held on March 4, 2013

5 HOUSE BILL 13-1224

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7 REPORTER'S TRANSCRIPT

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

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3 UNIDENTIFIED SPEAKER: Okay. I'm going
4 to call off the names. If your name is called, I need
5 you to stand on this corner over here. We're going to
6 start lining up the witness testimony. Dave Chipman,
7 Patricia Maisch, Jane Dougherty, Theresa and
8 Dave Hoover -- this is Bill 1224. Dr. Mike Doberson,
9 Jessica Watts, Tom Mauser, John Buckley,
10 Chief Bill Kilpatrick, Marjorie Sloan, Don Macalady,
11 M. and Teresa Hobbs (phonetic), Jesse Ogas,
12 Dr. Mark Thrun. If your name is called, we need you to
13 stand against that wall.

14 THE CHAIRWOMAN: And the names that he
15 called are the expert witnesses for the proponent of
16 the bill. We also -- before we bring the expert
17 witnesses from the opponent's side, we will also do the
18 same so that we can try to line up people so we don't
19 miss somebody this time around.

20 So, ladies and gentlemen, we're going to
21 resume the judiciary committee's business at hand.
22 We're going to be now taking up House Bill 1224.
23 Senator Hodge, we're going to welcome you. And please
24 proceed with your bill and introduction of your bill.

25 SENATOR HODGE: Thank you, Madame Chair.

1 Thank you members of the committee. Before I begin my
2 presentation, I do need to tell you that there is an
3 amendment coming.

4 THE CHAIRWOMAN: Okay.

5 SENATOR HODGE: And I need to tell you
6 what the amendment does because I think it may matter
7 to the people who are testifying afterwards.

8 Number one. It creates a separate
9 clearer definition for high-capacity magazines for
10 shotguns. It amends the bill to make sure that future
11 sale to common hunting shotguns with the ability to
12 accept tube extenders are not outlawed by the language
13 of the law.

14 With our amendment, owners can have
15 attachments and six magazines, and manufacturers can
16 still make the same guns they've always made. But the
17 combination of capacity between the fixed capacity of
18 the firearm and any extender cannot be more than eight.

19 This language clarifies what
20 high-capacity magazines will be banned that are
21 specifically designed to be readily converted to accept
22 more than 15 rounds of ammunition. This will make
23 clear that it will be illegal to sell magazines that
24 are smaller than 15 rounds, but are designed to stack
25 together like Lego's to make much larger,

1 higher-capacity magazines.

2 Number two. This portion of the
3 amendment includes retailers that sell directly to the
4 government and law enforcement agencies -- any
5 exception for legal sale of high-capacity magazines in
6 Colorado to government entities and to law enforcement.

7 Number three. This portion of the
8 amendment clarifies that only manufacturers who are
9 specifically exempt from the penalties of the bill are
10 allowed to transfer high-capacity magazines out of
11 state.

12 And number four. The identification
13 markings for large capacity magazines, this amendment
14 clarifies that manufacturers of high-capacity magazines
15 in Colorado will not be required to put serial numbers
16 on each high-capacity magazine, but instead, we require
17 to add a permanent stamp or marking that indicates the
18 magazine was manufactured after the effective date of
19 the bill.

20 Manufacturers argued that requiring a
21 different serial number for each magazine would create
22 a significant expense in the manufacturing process.
23 This amendment will make sure that they do not incur
24 those expenses while also ensuring that law enforcement
25 will be able to tell the difference between newly

1 manufactured high-capacity magazines that will be
2 illegal on the streets of Colorado and those previously
3 owned magazines that are grandfathered in.

4 The amendment should be up here shortly.
5 When it is, I will ask that it be passed out.

6 THE CHAIRWOMAN: Okay.

7 SENATOR HODGE: And I bring you
8 House Bill 13-1224. House Bill 1224 prohibits the
9 sale, transfer, or possession of an automatic
10 ammunition feeding device that is capable of accepting
11 or that can easily readily be converted to accept more
12 than 15 rounds of ammunition or more than eight shotgun
13 shells.

14 Those with larger capacity currently in
15 one's possession are grandfathered in, but must be kept
16 in the possession of the current owner. Violation of
17 this would be a Class 2 misdemeanor. A second offense
18 would be a Class 1 misdemeanor. And it's a Class 6
19 felony to have a larger than 15-round magazine or eight
20 shotgun shell shotgun in the commission of a felony or
21 any crime of violence.

22 Revision has been made in this
23 legislation to allow the manufacturer of larger
24 capacity magazines for transfer to a branch of the
25 armed forces, government agency, a firearms retailer

1 who sells outside of Colorado, a foreign national
2 government approved by the United States government for
3 such transfers, an out-of-state transferee who may
4 legally possess a large capacity magazine.

5 They may be transferred to the armed
6 forces, like a government agency or other entities on
7 that behalf. A large capacity magazine manufactured on
8 or after July 1 must include a manufactured date or
9 some other indication of when it was manufactured if
10 the amendment is passed. Colorado Bureau of
11 Investigation may promulgate rules necessary for the
12 implementation of this section.

13 High-capacity magazines have one purpose
14 and one purpose only, and that is to quickly kill large
15 numbers of people. Many of these are larger than we
16 currently give our armed forces who are in war.

17 The Department of Justice found them to
18 be used in 14 to 26 percent of crimes, and 31 to
19 41 percent of fatal police shootings, depending on what
20 city you surveyed.

21 Mayors Against Illegal Guns conducted a
22 study of every mass shooting between January 2009 and
23 January 2013 that was identifiable to FBI data and
24 media reports. They found that high-capacity magazines
25 were used in at least 28 percent of those incidents.

1 That's disproportionate to their use in overall crime,
2 which is estimated at about 2 percent.

3 Mass shootings in which they were used
4 resulted in an average of 15.6 total people shot.
5 That's 123 percent more people shot than in other
6 incidents -- 7.0 and 8.3 deaths, 54 percent more deaths
7 than in other incidents.

8 A study in Virginia after the time -- and
9 that is -- you've got passed out to you this little
10 chart -- indicates when the magazine ban was in effect,
11 high-capacity magazines recovered from crime scenes
12 gradually decreased. In 2004 when the ban expired, you
13 can see the high-capacity magazines that were recovered
14 from crime scenes again went up, and that continues to
15 rise.

16 Our current mass shootings: In Newtown,
17 30-round magazine; in Oak Creek, 19-round magazine; in
18 Aurora, a hundred-round drum; in Tucson, a 33-round
19 drum; at Fort Hood, 20- and 30-round magazines;
20 Binghamton, a 30-round magazine.

21 This bill is an attempt to reduce the
22 slaughter. In several cases, the shooter had trouble
23 reloading, which gave others the opportunity to react
24 and interfere. Many believe that had this ban been in
25 place, there would have been fewer dead in Newtown.

1 Enough. I ask for your support on this
2 bill.

3 THE CHAIRWOMAN: Thank you,
4 Senator Hodge. Are there questions for Senator Hodge?
5 Senator King.

6 SENATOR KING: Thank you, Madame Chair.
7 Senator Hodge, as a member of the powerful JBC, I'm
8 wondering if evidence-based decision-making versus
9 emotional decision-making, if that is not a better way
10 to make state policy. Do you have a comment on that,
11 one way or the other?

12 THE CHAIRWOMAN: Senator Hodge.

13 SENATOR HODGE: Thank you, Madame Chair.

14 Senator King, I think there's a certain
15 amount of evidence in what I've just read to you, the
16 number of magazines and when people were able to
17 interfere.

18 THE CHAIRWOMAN: Senator King.

19 SENATOR KING: Thank you, Madame Chair.

20 Senator Hodge, have you had an
21 opportunity to read the National Institute of Justice
22 under the Obama administration's Department of Justice,
23 their summary of select firearm violence preventative
24 strategies?

25 THE CHAIRWOMAN: Senator Hodge.

1 SENATOR HODGE: Thank you, Madame Chair.

2 Senator King, no.

3 THE CHAIRWOMAN: Senator King.

4 SENATOR KING: Thank you, Madame Chair.

5 It says that, Any potential to reduce
6 lethality requires the massive reduction in supply. It
7 says that in five cities studied, (inaudible) found
8 that in criminal use of large-capacity magazines during
9 the 10-year ban had no effect on violent crime.

10 It says, In order to have an impact,
11 large-capacity magazine regulations need to be sharply
12 curtailed, their availability to reduce -- reduce
13 restrictions on imports, manufacturing, sale, and
14 possession. Any exemption of previously-owned
15 magazines would nearly eliminate any impact on violent
16 crime.

17 The program would need to be coupled with
18 an extensive buy-back of existing large-capacity
19 magazines. With an exemption, the impact of the
20 restrictions would only be felt when the magazines
21 degrade or when they no longer are compatible with guns
22 in circulation. This would take decades to realize.

23 We've done this, have we not?

24 THE CHAIRWOMAN: Senator Hodge.

25 SENATOR HODGE: We've done what,

1 Senator King?

2 THE CHAIRWOMAN: Senator King.

3 SENATOR KING: Thank you, Madame Chair.

4 We have already done high-capacity bans
5 on magazines, and it has reduced violent crime zero,
6 that coming from the Obama administration's Department
7 of Justice.

8 THE CHAIRWOMAN: Are there other --
9 Senator Hodge.

10 SENATOR HODGE: Thank you, Madame Chair.
11 Thank you, Senator King.

12 The Virginia study indicates that in the
13 10 years, which is not decades, that the ban was in
14 place, there was a reduction in use of high-capacity
15 magazines in crimes.

16 THE CHAIRWOMAN: Senator King.

17 SENATOR KING: Thank you, Madame Chair.

18 Senator Hodge, as part of the 1994
19 assault weapons ban, the production of high-capacity
20 magazines was halted. A comprehensive study by the
21 Center For Disease Control nine years later looked at
22 51 studies covering the full pathology of gun control
23 measures including this ban, and concluded that none,
24 none could be proven to reduce crime. In 2005 the
25 American Journal of paleontol -- Preventative Medicine

1 did a similar survey and came up with the same results.

2 THE CHAIRWOMAN: Senator Ulibarri, and
3 then I'll go to Senator Lundberg.

4 SENATOR ULIBARRI: Thank you, Madame
5 Chair.

6 I just wanted to note from the same
7 report in referencing the Virginia study that, in fact,
8 the use of high-capacity magazines went down between
9 1999 and 2004, and then the percentage of use of those
10 in crimes doubled between 2004 and 2010 when the
11 magazine ban had expired.

12 So, in fact, the same study that's being
13 cited currently indicates an increased use of
14 large-capacity magazines when the ban was lifted. So I
15 think the evidence is there. Thank you very much,
16 Senator Hodge, for bringing this bill.

17 THE CHAIRWOMAN: Senator Lundberg.

18 SENATOR LUNDBERG: Thank you, Madame
19 Chair.

20 Senator Hodge, I've got a few questions
21 about how this bill works. And I'm trying to -- I just
22 got the amendment that I believe is Amendment 23?

23 SENATOR HODGE: That's correct.

24 SENATOR LUNDBERG: And first, it appears,
25 from what I'm reading here I believe, that terminology,

1 "Or can be readily converted to accept more than," is
2 still in there or not?

3 THE CHAIRWOMAN: Senator Hodge.

4 SENATOR HODGE: Thank you.

5 That terminology is still in there, but
6 it has a limit of how much you could put in if it's
7 readily -- only on the shotgun portion.

8 THE CHAIRWOMAN: Senator Lundberg.

9 SENATOR LUNDBERG: Thank you, Madame
10 Chair.

11 So you've made a modification on the
12 shotgun side, but not on the other magazines; is that
13 correct?

14 THE CHAIRWOMAN: Senator Hodge.

15 SENATOR HODGE: Thank you.

16 The limitation is still the same, it's
17 eight shotgun shells or 15 rounds in another magazine.

18 THE CHAIRWOMAN: Senator Lundberg.

19 SENATOR LUNDBERG: Okay. Thank you,
20 Madame Chair.

21 Several questions. One, let's just start
22 with the standard magazine where it's no more than 15.
23 Readily converted, are you aware of how easily
24 convertible most of these -- or many, I don't know
25 about most, but many of the standard magazines are, in

1 that you can add sections to them?

2 Are you suggesting that those should all
3 be remanufactured so that somehow they don't come apart
4 easily or something like that, which makes it very
5 counterproductive, especially when they're produced to
6 military standards where they -- you know, these things
7 need to be field strippable and cleanable in as quick
8 as a fashion as possible.

9 Is that your intention, that the designs
10 that allow you to connect something to it be somehow --
11 I don't even know how, you know, to redo those
12 because -- I'm asking the question because from the way
13 I read this, the readily convertible means a 10-round
14 magazine, in many cases, is readily convertible. And
15 so you're saying those should be considered high
16 capacity, as well?

17 THE CHAIRWOMAN: Senator Hodge.

18 SENATOR HODGE: Thank you.

19 No. In the military grade, we are
20 suggesting you can continue to manufacture whatever you
21 need for our military. What we are suggesting are
22 those Lego type that you can put together quickly.

23 In a shotgun, if you have seven shells in
24 your shotgun, you can add one and make eight. If you
25 have a three-shot shotgun, you can add one of those and

1 have eight, you could add five more.

2 THE CHAIRWOMAN: Senator Lundberg.

3 SENATOR LUNDBERG: Thank you, Madame
4 Chair.

5 Well, let's move on to the shotguns a
6 little bit. What do you mean by eight shells? Is this
7 a specified length? Are you talking about -- you know,
8 let's talk about a 12-gauge, for example. Are you
9 talking about a three-and-a-half-inch shell? Are you
10 talking about a two-and-three-quarter-inch shell? Are
11 you talking about a one-and-a-half-inch shell?

12 THE CHAIRWOMAN: Senator Hodge.

13 SENATOR HODGE: Thank you.

14 I'm talking about the count of eight
15 shells.

16 THE CHAIRWOMAN: Senator Lundberg.

17 SENATOR LUNDBERG: Thank you, Madame
18 Chair.

19 Well, since one-and-a-half-inch is the
20 way it works -- and shotgun shells go in the -- you
21 know, the holder for the shells, it's a tube. It
22 doesn't have individual slots, it's a tube. You put it
23 in there, and so there's a length.

24 And therefore, what you're talking about
25 here, and I want people to understand that it may say

1 eight, but it's going to work out this way: Since
2 there's a one-and-a-half-inch shell that is
3 manufactured, it's a load for competition shooting
4 rather than bird hunting, for example, but nonetheless,
5 it fits in the same gun, one-and-a-half-inch means
6 12 inches is eight.

7 Now, that translated into a whopping
8 three three-and-a-half-inch shells. So is that really
9 what we're talking about here or are we talking
10 about -- you know, this terminology of number of shells
11 is a bit absurd when we have different lengths which
12 accommodate, therefore, different numbers of shells.

13 Tell me why the rationale or -- you know,
14 why it's put together in such a way as to use this
15 nonsensical measurement when, you know, it's not going
16 to apply in most of the cases.

17 THE CHAIRWOMAN: Senator Hodge.

18 SENATOR HODGE: Thank you.

19 I believe that eight shells means eight
20 shells no matter the length. We do have a specialist
21 that will be able to help you further if you have
22 further questions on that.

23 THE CHAIRWOMAN: Senator Lundberg --

24 SENATOR LUNDBERG: Thank you, Madame
25 Chair.

1 Well, I'll be anxious to hear,
2 particularly on the side of those who think this is a
3 good idea, how this technically works out to anything
4 more than three shells for a three-and-a-half-inch
5 12-gauge shell when eight obviously means no more than
6 12 inches length to put in eight one-and-a-half-inch
7 shells.

8 THE CHAIRWOMAN: Thank you. Any further
9 questions? We have about three minutes before the
10 (inaudible). Go ahead, Senator King.

11 SENATOR KING: Thank you, Madame Chair.

12 Senator Hodge, in your opening you said
13 high-capacity magazines were designed for one thing and
14 one thing only, killing large numbers of people
15 quickly. Can you think of any circumstance where
16 high-capacity magazines were designed for one thing and
17 one thing only, saving large numbers of people?

18 THE CHAIRWOMAN: Senator Hodge.

19 SENATOR HODGE: Thank you, Madame Chair.

20 Thank you, Senator King. I'm sure that
21 that has happened. I believe our police have that
22 capability.

23 SENATOR KING: Thank you.

24 THE CHAIRWOMAN: Members, (inaudible) we
25 have two more minutes before the 20 minutes

1 (inaudible). Senator Lundberg.

2 SENATOR LUNDBERG: Thank you, Madame
3 Chair.

4 Let me ask one other question. And that
5 is, this reloading period that apparently is this great
6 protection, do you know how long it -- Senator Hodge,
7 how long it actually takes to reload a magazine by,
8 well, the average competent person?

9 THE CHAIRWOMAN: Senator Hodge.

10 SENATOR HODGE: Thank you, Madame Chair.

11 Thank you, Senator Lundberg. It's very
12 quickly done if you're a competent person. But all the
13 people who have been involved in these mass shootings
14 were not necessarily competent shooters.

15 THE CHAIRWOMAN: Our first 20 minutes is
16 up. Senator Lundberg, did you want to ask more?

17 SENATOR LUNDBERG: No, we'll get into it.

18 THE CHAIRWOMAN: All right. Our first
19 20 minutes is up, and so we are going to move to the
20 testimony phase. The sponsor has asked first that we
21 hear from the proponents. And again, those who have
22 been brought in as expert witnesses will not be timed.

23 Once the expert witnesses for both the
24 proponents and the opponents have spoken, I mean, on
25 either side, once they have finished, then the other

1 witnesses will be given three minutes. But we're going
2 to start with the proponents.

3 And the first person to call forward is
4 David Chipman. Good afternoon, Mr. Chipman. Please
5 introduce yourself and proceed with your testimony.

6 MR. CHIPMAN: Sure. My name is
7 David Chipman.

8 THE CHAIRWOMAN: I beg your pardon?

9 MR. CHIPMAN: Excuse me?

10 THE CHAIRWOMAN: Oh, I'm sorry, Chipman,
11 yeah. Okay.

12 MR. CHIPMAN: In May of last year, I
13 retired after 25 years as a special agent with the
14 Bureau of Alcohol, Tobacco, Firearms, and Explosives.
15 I maintain a unique perspective as to the capabilities
16 of good guys with guns and bad guys with guns.

17 It is not always clear that a person with
18 a firearm possesses evil intent until they fire the
19 first round. Criminals can shoot continuously until
20 the moment they run out of ammunition before even the
21 most seasoned law enforcement professionals, or as was
22 the case in Tucson, a member of the public can respond.

23 For those of you who have seen file
24 footage of the attempt on President Reagan's life, what
25 do you remember? I remember Secret Service agents and

1 local police standing tall and holding their positions.
2 I remember firearms being drawn only after the incident
3 had ended and the president and others were shot.

4 John Hinckley fired six rounds from a
5 22-caliber revolver in less than two seconds. Imagine
6 how history might have been different if Hinckley had
7 used a firearm equipped with a magazine capable of
8 firing 30 rounds.

9 A lot has changed since 1981. 30 years
10 later in Tucson, Arizona -- later in Tucson, Arizona,
11 Jared Loughner used a 9-millimeter handgun and 33-round
12 magazine to murder 6 and wound 13, including
13 congressman Gabby Giffords.

14 At a movie theatre in Aurora, Colorado,
15 James Holmes used an assault rifle with a hundred-round
16 drum magazine and other firearms to murder 12 and wound
17 58.

18 At the Sandy Hook Elementary School,
19 Adam Lanza used an assault rifle with 30-round
20 magazines to slaughter 20 children and 6 teachers.

21 Today's killers are no different than
22 failed assassins 30 years ago. The only difference is
23 that today's killers had easy access to far more lethal
24 firearms with the ability to accept high-capacity
25 ammunition magazines.

1 So will limits to the capacity of
2 magazines prevent determined shooters from doing harm?
3 Of course not. But they may prevent a would-be killer
4 from becoming a killing machine. High-capacity
5 magazines place our law enforcement officers directly
6 in harm's way. These magazines are commonly used in
7 gun crimes and in police murders.

8 According to the Department of Justice,
9 high-capacity magazines are used in 14 to 26 percent of
10 gun crimes and in 31 to 41 percent of fatal police
11 shootings. A 2010 survey by the Police Executive
12 Research Forum reported that since regulation of
13 magazine capacity expired in 2004, 38 percent of police
14 agencies reported seeing increases in the use of
15 high-capacity magazines by criminals.

16 According to the Washington Post,
17 magazine limits were associated with a 60-percent
18 decline in the share of crime guns with high-capacity
19 magazines recovered in Virginia between 1998 and 2004.

20 After the federal law expired, the share
21 of crime guns recovered in this state with
22 high-capacity magazines increased each year through
23 2010, more than doubling from the 2004 low.

24 During my career as a member of ATF's
25 version of SWAT, I performed countless high-risk

1 tactical operations. Early during my career I was
2 issued a six-shot 357-magnum revolver. Later I carried
3 a 9-millimeter, and then a 40-caliber semiautomatic
4 pistol.

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

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

13 A magazine is a piece of equipment meant
14 to be used in self-defense or for sport and should not
15 be designed to render our law enforcement outgunned,
16 nor for the opportunity for mass murderers to slaughter
17 our neighbors and to extinguish the unmet potential of
18 innocent children. Thank you.

19 THE CHAIRWOMAN: Thank you, Mr. Chipman.

20 Are there questions? Senator King.

21 SENATOR KING: Thank you, Madame Chair.

22 Mr. Chipman, have you ever shot anybody?

23 THE CHAIRWOMAN: Mr. Chipman.

24 MR. CHIPMAN: I have not.

25 THE CHAIRWOMAN: Senator King.

1 SENATOR KING: It's true you've been shot
2 at.

3 THE CHAIRWOMAN: Mr. Chipman.

4 MR. CHIPMAN: I have not.

5 THE CHAIRWOMAN: Senator King.

6 SENATOR KING: So you've never been
7 involved in a critical incident involving a firearm.

8 THE CHAIRWOMAN: Mr. Chipman.

9 MR. CHIPMAN: I have been involved in
10 dozens.

11 THE CHAIRWOMAN: Senator King.

12 SENATOR KING: So, Mr. Chipman, you said
13 that these magazines are commonly used in murder. Can
14 you tell me how many murders in Colorado in 2011 these
15 magazines were involved with?

16 THE CHAIRWOMAN: Mr. Chipman.

17 MR. CHIPMAN: No.

18 THE CHAIRWOMAN: Senator King.

19 SENATOR KING: It was three.

20 THE CHAIRWOMAN: Senator King.

21 SENATOR KING: Mr. Chipman, can you tell
22 me how many murders this caused in 2011?

23 THE CHAIRWOMAN: Mr. Chipman.

24 MR. CHIPMAN: I would hope that hammer
25 wasn't used in a murder.

1 THE CHAIRWOMAN: Senator King.

2 SENATOR KING: 22. Mr. Chipman, did you
3 help write this legislation?

4 THE CHAIRWOMAN: Mr. Chipman.

5 MR. CHIPMAN: No, sir.

6 THE CHAIRWOMAN: Senator King.

7 SENATOR KING: Thank you, Madame Chair.

8 THE CHAIRWOMAN: Senator Lundberg.

9 SENATOR LUNDBERG: Thank you, Madame
10 Chair.

11 My question has -- still has to do with
12 the capacity of a shotgun. In your estimation, how
13 many shells -- if a one-and-half-inch load for a
14 12-gauge is a readily available load, how long does an
15 eight-shell magazine or tube constitute?

16 THE CHAIRWOMAN: Mr. Chipman.

17 MR. CHIPMAN: Again, my math would be no
18 different than what you exhibited during the past
19 questioning.

20 THE CHAIRWOMAN: Senator Lundberg.

21 SENATOR LUNDBERG: Thank you, Madame
22 Chair.

23 Can you give me a better metric? I mean,
24 you represent yourself as being quite familiar with
25 firearms and how these things work, can you give me a

1 better way to measure this? Because I don't think it
2 makes any sense. I don't think number of shells makes
3 sense when there's a wide range of length of shells.

4 Is there any way to reasonably capture a
5 definable limit other than the smallest possibility,
6 and therefore, 12 equals three three-and-half-inch
7 loads?

8 THE CHAIRWOMAN: Mr. Chipman.

9 MR. CHIPMAN: I don't have an opinion
10 about that, sir.

11 SENATOR LUNDBERG: I see. Okay. Thank
12 you.

13 THE CHAIRWOMAN: (Inaudible) Senator --
14 I'm only calling upon those members of the judiciary
15 committee today, Senator Baumgardner.

16 SENATOR BAUMGARDNER: Thank you, Madame
17 Chair.

18 THE CHAIRWOMAN: Are there any other
19 questions?

20 Thank you for being here today.
21 Patricia Maisch. Oh, I'm sorry, just a moment,
22 Mr. Chipman, I think Senator King --

23 SENATOR KING: Don't go away so quick,
24 Mr. Chipman.

25 Thank you, Madame Chair.

1 Mr. Chipman, have you had the opportunity
2 to read the National Institute of Justice's
3 presentation on extended magazines?

4 THE CHAIRWOMAN: Mr. Chipman.

5 MR. CHIPMAN: No, but I did listen to you
6 read it.

7 THE CHAIRWOMAN: Senator King.

8 SENATOR KING: And so you're aware that
9 in five cities which were studied, they found that that
10 had no decrease in violent crime related to those
11 magazines?

12 THE CHAIRWOMAN: Mr. Chipman.

13 MR. CHIPMAN: Again, what I was pointing
14 out in my testimony, and I don't know specifically how
15 they measured crime, was the fact that although crime
16 might not be prevented in every case, the capacity of a
17 shooter to kill multiple people may be reduced. So
18 what I'm not sure about in that study, were they
19 measuring criminal incidents or the numbers of people
20 harmed, and that, I don't know.

21 SENATOR KING: Thank you.

22 THE CHAIRWOMAN: Senator Lundberg.

23 SENATOR LUNDBERG: Thank you. I do have
24 one more question. And that's -- well, actually, a
25 couple of questions around this subject of access

1 availability of high-capacity magazines. Do you know
2 how many high-capacity magazines are out there right
3 now?

4 THE CHAIRWOMAN: Mr. Chipman.

5 MR. CHIPMAN: I do not.

6 THE CHAIRWOMAN: Senator Lundberg.

7 SENATOR LUNDBERG: Okay. This is kind of
8 hard. I'm -- I was looking for some expert information
9 here. Do you -- can you tell me what the likely
10 scenario is of this law going into effect in Colorado
11 in affecting criminals' access to high-capacity
12 magazines? Or is this just designed to make sure that
13 the law-abiding citizen is held back?

14 THE CHAIRWOMAN: Mr. Chipman.

15 MR. CHIPMAN: My prediction would be that
16 it would have a similar impact as we've seen in other
17 places. I described, and I believe the senator
18 described, what the experience was in Virginia. And
19 what I would imagine is over time, and not immediately,
20 but over a length of years you would see reductions in
21 their use and seeing them in crimes.

22 SENATOR LUNDBERG: Okay. Thank you.

23 THE CHAIRWOMAN: Thank you.

24 Senator King.

25 SENATOR KING: Thank you, Madame Chair.

1 Mr. Chipman, can you tell me, do you know
2 the most popular personal safety firearm in the United
3 States?

4 THE CHAIRWOMAN: Mr. Chipman.

5 MR. CHIPMAN: No.

6 THE CHAIRWOMAN: Senator King.

7 SENATOR KING: It's a Glock 17. Do you
8 know why it has 17 in its name?

9 THE CHAIRWOMAN: Mr. Chipman.

10 MR. CHIPMAN: One thing I would ask you
11 is I don't know that that's -- what you're saying is
12 correct, I don't know that. But I will take it that
13 you believe that the Glock 17 is the most popular. And
14 I would imagine it's called a 17 because it has a
15 capacity of 17 rounds.

16 SENATOR KING: Correct.

17 THE CHAIRWOMAN: Senator King.

18 SENATOR KING: I'm done.

19 THE CHAIRWOMAN: Okay. Any other
20 questions?

21 Mr. Chipman, thank you for being here
22 today.

23 MR. CHIPMAN: Thank you.

24 THE CHAIRWOMAN: Patricia Maisch? Oh,
25 Mr. Chipman, could you sign a slip outside so that we

1 know that you were here today? Thank you.

2 Welcome, Ms. Maisch. Please introduce
3 yourself and proceed with your testimony.

4 MS. MAISCH: I'm Patricia Maisch from
5 Tucson, Arizona. My sister Mickey Zay is a 40-year
6 resident of Colorado Springs, and she is here with me
7 today and stands by my word to you. We are asking you
8 to support your House Bill 1224 to limit magazine
9 capacity to 15 rounds.

10 Thank you, distinguished members of this
11 committee, for allowing me to speak with you today on
12 this very important legislation. I'm wondering how
13 many of you might have witnessed a mass shooting or any
14 shooting where a murder has been committed.

15 Unfortunately, I have. And I want to
16 share that experience with you today in the hope that
17 it will give you some clarity and resolve in this
18 effort to reduce gun violence.

19 THE CHAIRWOMAN: And, Ms. Maisch, may I
20 ask you just to speak up just a little bit more so we
21 can hear your good voice.

22 MS. MAISCH: I'm a survivor of the active
23 shooting tragedy in Tucson on January 8th, 2011, that
24 took the lives of Dorothy Morris, Phyllis Schneck,
25 Dorwin Stoddard, Judge John Roll, Gabe Zimmerman, and

1 beautiful little Christina Taylor Green, just 9 years
2 old.

3 You might think the number of rounds in a
4 magazine doesn't matter much. If so, you are mistaken.
5 Without a doubt, it definitely does matter. Maybe
6 you'd believe that the seconds it takes to change a
7 magazine doesn't make much difference in saving lives,
8 they most certainly can.

9 You have likely been bombarded with
10 numbers and statistics, but I want you to think about
11 numbers that mean a great deal to me and the other
12 Tucson survivors. 33 is the number of bullets
13 discharged into the crowd from a single extended
14 magazine. 13 is the number of innocent people who lay
15 on the cold sidewalk that day with physical wounds,
16 many, life threatening.

17 Six is the number of innocents who were
18 brutally slaughtered on that same cold sidewalk in
19 front of the Safeway. 19, 19 is the number of seconds
20 it took that young man with a gun to slaughter 6,
21 physically wound 13, and emotionally wound countless
22 others.

23 When those 19 seconds of rapid fire
24 turned to the 20th second, with a momentary pause in
25 the firing, two brave men, Richard -- Roger Salzgeber

1 and Bill Badger tackled that deranged young man with
2 the gun. The killing spree stopped. 19 seconds and 33
3 bullets.

4 Consider this: If the Tucson shooter had
5 gone to Wal-Mart that morning, and by law, could
6 purchase only a magazine with 15 rounds, this
7 afternoon, as I speak to you, Christina Taylor Green
8 might be jumping off the school bus, blowing kisses to
9 her mom or waving to her friends, but she is not. She
10 was killed by bullets from a gun held by the hand of a
11 young man.

12 High-capacity magazines definitely make a
13 difference in a mass shooting. Our shooter was stopped
14 not by a good guy with a gun, but by two ordinary
15 citizens without a gun. The gunman was reloading with
16 a second 33-round magazine that failed.

17 When Roger and Bill brought him down on
18 the sidewalk right next to me, their heroism gave me
19 the opportunity to grab a third magazine from the
20 shooter. Their heroism stopped the killing.

21 That young man with the gun was ready,
22 willing, and nearly able to continue his murderous
23 rampage and to slaughter the innocents had he not been
24 stopped at that very moment when he changed his
25 magazine.

1 I shudder to think of the consequences if
2 he had a magazine of 50 rounds or a hundred rounds like
3 the shooter in Aurora. That high-capacity magazine,
4 coupled with a semiautomatic weapon, gave horrific
5 killing capacity to a shooter.

6 The destruction those bullets caused our
7 slain friends and family is not what appears so very
8 sanitized on movie screens and television programs, not
9 pink, not clean, and not peaceful. The destruction of
10 a human body hit by bullets is sadly, incredibly
11 grotesque, from pink, to blue, to gray in a matter of
12 seconds, with hands curling up, pools of blood, gaping
13 mouths, and eyes wide open.

14 One Tucson survivor reports her hair
15 covered in blood from her husband's wounds and gray
16 brain matter from one of those murdered. Another
17 reports splinters of skull bones from one of the
18 brutally murdered men imbedded in his face.

19 The children and teachers at Newtown
20 murdered by a young man with semiautomatics were
21 riddled with bullets, some with as many as 11 bullets.
22 Slaughtered with wounds so grievous and gruesome that
23 some parents could not bear to physically identify
24 their beautiful children.

25 No need for me to remind you of the

1 brutality and suffering in this very state at Columbine
2 High School and at the movie theatre in Aurora.

3 We hear lots of numbers and statistics in
4 this important debate, including ones that I have
5 shared with you. Here are a few more horrible numbers
6 for you. In the two and a half months since the
7 murders in Newtown, more than 2,400 people have been
8 brutally murdered with guns.

9 Such numbers are just numbers until it's
10 your child or your husband or your wife or your mother
11 or your father or your sister or your brother or your
12 friend, until it's your turn to get the call.

13 When deciding how to vote on this
14 life-saving, incredibly important legislation,
15 put your child or your grandchild or any 9-year-old's
16 name that you love and cherish in the place of
17 Christina Taylor Green's name or in the place of
18 Veronica Moser-Sullivan's name.

19 We owe it to all those little children.
20 We owe it to all those murdered, all those taken from
21 us in Tucson, taken in Aurora, taken in Newtown, taken
22 on our streets, and taken in our neighborhoods to pass
23 this bill.

24 And although I do believe statistical
25 information is important, as Senator King said, we

1 should let the emotion out of this? I think
2 Senator King needs to rethink that and to consider both
3 statistical information and the emotional damage these
4 high-capacity magazines cause.

5 THE CHAIRWOMAN: Thank you for being
6 here. And just for future reference, we don't mention
7 individual names. But we are happy that you're here
8 today.

9 Are there any questions or comments?
10 Thank you for being here.

11 MS. MAISCH: Thank you. And I'm sorry, I
12 didn't know that rule.

13 THE CHAIRWOMAN: That's all right. Thank
14 you.

15 Jane Dougherty.

16 SENATOR LUNDBERG: Madame Chair?

17 THE CHAIRWOMAN: Yes, Senator Lundberg.

18 SENATOR LUNDBERG: An important order on
19 one element, and that is, citizens have every right to
20 mention individual legislators' names. We've had --
21 tried to enforce that rule on the senate floor among
22 senators, but I would not want to repress the opinions
23 and the statements on the part of citizens speaking to
24 the legislature in any way.

25 THE CHAIRWOMAN: Thank you, Senator

1 Lundberg. I'm very much, though, wanting to keep the
2 protocol going much like what we experience on the
3 senate floor.

4 Thank you for being here today,
5 Ms. Dougherty. Please introduce yourself and proceed
6 with your testimony.

7 MS. DOUGHERTY: Good afternoon. My name
8 is Jane Dougherty, and I've lived in Colorado for the
9 past 21 years. I'm here to express my strong support
10 for House Bill 1224 to limit high-capacity magazines to
11 no more than 15 rounds.

12 My sister Mary Sherlach was the school
13 psychologist at Sandy Hook Elementary School. Mary
14 lost her life along with five other educators and
15 20 children on December 14th, 2012.

16 On that morning, a 20-year-old man with
17 mental health problems was able to access a number of
18 powerful weapons and a large amount of high-capacity
19 magazines because they were in his home.

20 That morning, 700 students were in the
21 school at Sandy Hook. A new security system had been
22 installed, and the front doors were locked.
23 Authorities now know that the gunman used the assault
24 weapon to literally shoot an entrance into the
25 building.

1 Upon hearing the loud gunfire, Principal
2 Dawn Hochsprung and School Psychologist Mary Sherlach
3 went out to confront this gunman. My sister Mary and
4 Dawn were murdered in the school lobby while running
5 towards the shooter, who was armed with a large amount
6 of high-capacity magazines. Each magazine held
7 30 rounds.

8 The shooter made his way into two
9 classrooms, where he shot and killed four more adults
10 and 20 little children. The ammunition used at
11 Sandy Hook was meant to cause massive tissue damage.

12 The damage inflicted on my sister Mary's
13 body was so severe, that her own husband was not
14 allowed to say good-bye. Mary had to be identified by
15 her school ID. She went to work that morning, and he
16 never saw her again.

17 To quote my brother-in-law,
18 Bill Sherlach, Simple arithmetic says that a smaller
19 magazine needs to be replaced more often than a larger
20 magazine. This alone leads to short increments of time
21 when intervention could occur and the body count might
22 be less. In fact, at Sandy Hook 11 children managed to
23 escape the shooter when he stopped to reload and a
24 small child yelled, Run.

25 Events like these are the kinds of

1 experiences that you think will never touch you. But
2 here in Colorado, we know all too well that they
3 certainly can. We have seen firsthand what these
4 weapons and high-capacity magazines are capable of, and
5 that these massacres can and will continue to affect us
6 here in Colorado if we do not pass this bill.

7 We cannot wait for yet another massacre
8 to transpire before we take real action. We need to
9 honor my sister Mary's life and all the lives lost as a
10 result of gun violence. You are our elected leaders.
11 Honor your oath of office, to protect and defend. Pass
12 this legislation. Thank you.

13 THE CHAIRWOMAN: Thank you. Are there
14 any questions?

15 Senator Lundberg.

16 SENATOR LUNDBERG: Thank you, Madame
17 Chair.

18 It's not a question, but it is a comment.
19 And that is, I'm deeply sorry for your loss. That was
20 a shooting that I think every American with any common
21 sense of decency hurt deeply over.

22 And the comment is this: That we're not
23 fighting over whether that was -- should be prevented.
24 We all desperately want to find a prevention. But
25 limiting the ability of individual citizens to defend

1 themselves, and that's what each one of these pieces of
2 legislation, and this one, in particular, in many ways
3 does, I should hope that we can find some common ground
4 of agreement that these awful tragedies should be
5 prevented, but there's a real deep disagreement as to
6 how we get there, so ...

7 THE CHAIRWOMAN: Thank you, Senator
8 Lundberg.

9 Any others? Senator King.

10 SENATOR KING: Thank you, Madame Chair.

11 I also am sorry for your loss. Is not
12 the real question here, the real issue here mental
13 health issues, mental health protocols, mental health
14 best practices, not only in Colorado, but in the
15 United States? And should that not be the number-one
16 priority?

17 THE CHAIRWOMAN: Ms. Dougherty.

18 MS. DOUGHERTY: I certainly believe
19 mental health is a factor in all of these situations,
20 but not every one of them. My sister was an advocate
21 for mental health. And I truly believe that young man
22 did not get the help that he needed.

23 But the large-capacity magazine that he
24 held was the same type of weapon that we use in war.
25 And he had enough fire power to act as a platoon to

1 slaughter these babies, helpless children in
2 classrooms. We need to reduce the number of rounds in
3 these ammunitions, it will save lives.

4 SENATOR KING: Thank you.

5 THE CHAIRWOMAN: Thank you very much for
6 being here.

7 MS. DOUGHERTY: Thank you.

8 THE CHAIRWOMAN: Theresa Hoover and
9 Dave Hoover. Good afternoon, thank you for being here.

10 MR. HOOVER: Thank you for having us.

11 THE CHAIRWOMAN: Please introduce
12 yourselves and proceed with your testimony.

13 MR. HOOVER: My name is Dave Hoover.

14 MS. HOOVER: I am Theresa Hoover, the
15 mother of AJ Boik. He was murdered in the Aurora
16 theatre shooting on July 20th.

17 MR. HOOVER: My nephew, AJ, was murdered
18 in the Century 16 theatre on July 20th of last year. I
19 have been directly affected by gun violence and have
20 been the victim of gun violence during my life.

21 I'm one of five children, my parents have
22 18 grandchildren. My father is a true American hero.
23 The man served one tour in Korea, two tours in Vietnam.

24 The worst day of our lives growing up was
25 the day that we found out he'd been shot down over

1 Vietnam. They sent him home, he spent 10 days at home,
2 and then sent him back to Vietnam to serve out his
3 tour.

4 The man is dedicated. He couldn't be
5 here today, he's helping a family friend in Arizona, my
6 mother, and he supports this bill, as well, as do our
7 family. He understands the battlefield.

8 We learned to hunt, we learned to shoot
9 here in Colorado. We've been here since the '60s when
10 my father bought land here. And then we finally ended
11 up here in '9 -- or 1972 -- '76, excuse me, '76. I
12 finished college here, got my degree, and I'm currently
13 working as a sergeant for a police department.

14 I've been in law enforcement 29 years.
15 I'm not here on behalf of my department. I don't speak
16 for my department, I speak for myself. I'm here as
17 AJ's uncle. I am and many of our family members are
18 republicans, we vote.

19 We can't get a majority of the people in
20 this country to vote, yet, pay attention to what's
21 going on and have a say, we know that. I believe in
22 the majority of the conservative ideas that are
23 pontificated upon by conservative leadership. I work
24 in a field that holds conservative views.

25 Many, a vast majority of the people that

1 I work with support a ban on high-capacity magazines.
2 It protects lives, it saves lives because it limits the
3 number of rounds that you can put downrange.

4 When you reload, you've got to take time
5 to change the magazine. And when you're protecting a
6 family, you can certainly protect yourself by
7 exchanging magazines, a 15-round clip, but it gives you
8 the opportunity for those who are in the battle at the
9 time to take action.

10 Doing -- I have some words of advice for
11 our senators who worry about doing the right thing.
12 Your children, friends, or families could have been at
13 Columbine High School or watching a movie in Aurora.
14 Do the right thing, be true to yourselves and all of
15 those that you represent in your district, you
16 represent republicans and you represent democrats, as
17 well.

18 Many people are tired of our legislators
19 because they only represent one side and don't listen
20 to both. All that I ask is that you demonstrate the
21 integrity that people expect.

22 I was at Columbine that year, and that
23 year the NRA felt it was important to make a statement
24 by holding a gun rally, rather than sit at a table and
25 discuss the issue.

1 Preventing the purchase of high-capacity
2 magazines will limit the number of rounds that can be
3 used against your constituents at any given time and
4 will allow those in the battle to take action. The
5 best way to protect yourself, obviously, is to vote if
6 you are worried about a tyrannical government. It's
7 time to restore the faith in our elected officials,
8 it's time to do the right thing.

9 I want to leave you with this: Obviously
10 I have a personal connection to this issue. July 20th
11 at 2:37 my wife and I received a phone call from an
12 hysterical woman that didn't know where her son was. I
13 love my sister, and she has had to raise two boys
14 alone. My parents were with them daily as they grew
15 up, and AJ was truly a renaissance man.

16 (Inaudible) viola for four years at
17 Gateway High School. He loved doing the things that
18 many young men love doing, ceramics, he was a catcher
19 for the baseball team. He wanted to be an art teacher
20 when he graduated from the Rocky Mountain College of
21 Art and Design.

22 My daughter, Amanda, was born
23 three months before AJ -- sorry, Theresa -- and those
24 two were very close, more best friends than cousins.
25 AJ took Amanda, her friends from college, and his

1 girlfriend (inaudible) camping the weekend before he
2 was murdered.

3 I watched this man walking towards his
4 '89 Honda, which was a piece of crap, sorry, filled
5 with those wonderful girls. I told him to take care of
6 them. He stopped, turned around, came back, gave me a
7 hug. He said, Don't worry, Uncle David, I will, it's
8 going to be okay.

9 That's the kind of man my nephew was.
10 The day he was going to watch a midnight premier with
11 his girlfriend, the love of his life, he was at our
12 house, mowing our yard to earn money. I got home to
13 this surprise, it was wonderful for my wife, and was
14 more surprised when she told me that she had paid him
15 \$40 to mow our yard. At that rate, he'd be over every
16 week and I'd be broke. He loaded up the recyclables
17 and pulled weeds, also, so I gave him a pass on that.

18 She bought him, my daughter, and friends
19 pizza before he left. One slice left, and when AJ was
20 offered it, he said, That's okay, I'll leave the scraps
21 for Uncle David, he'll be hungry when he gets home from
22 work. I'd eaten before getting home and didn't eat
23 that pizza, and it still sits in our freezer. I can't
24 bring myself to throw it away.

25 There are 11 other very beautiful and

1 very special people that were murdered that night and
2 58 others that were wounded. They deserve better. And
3 those victims in the future deserve better, as well.

4 We need to take a real and responsible
5 look at the number of rounds that these people have at
6 any given time to send downrange. We need to give our
7 constituents, your constituents an opportunity to
8 survive. Thank you. Please support this bill.

9 THE CHAIRWOMAN: Ms. Hoover, did you want
10 to say anything?

11 MS. HOOVER: He speaks for me. I'd make
12 you all cry if I'd sit up here and talk, so ...

13 MR. HOOVER: It's okay, you make me cry
14 every day, Theresa.

15 MS. HOOVER: I hope you understand the
16 importance of this and how you can affect and change
17 lives and save lives, frankly, because those few
18 seconds in between having to reload can make a
19 difference, as you've just heard.

20 THE CHAIRWOMAN: Thank you. Are there
21 any questions for the Hoovers? We want to thank you
22 for being here.

23 MS. HOOVER: Thank you very much.

24 MR. HOOVER: Thank you.

25 THE CHAIRWOMAN: Tom Mauser. Hi,

1 Mr. Mauser, welcome. Good to see you. Please
2 introduce yourself and proceed with your testimony.

3 MR. MAUSER: Sure, thank you. Thank you,
4 Madame Chair.

5 My name is Tom Mauser. I am a board
6 member and spokesman for Colorado Ceasefire, an
7 organization that advocates for stronger gun safety
8 laws. I'm also the father of Daniel Mauser, who was
9 killed at Columbine.

10 And I'm here today honoring my son, in
11 fact, by wearing the shoes he was wearing that tragic
12 day at Columbine. My son was in the library at
13 Columbine, where like all the others, he was pinned
14 down under a table as two well-armed teenagers wreaked
15 havoc and murder. Thanks to a killer's high-capacity
16 magazine, it was impossible to escape during reloading.

17 I'm really bothered that I hear a
18 number -- I've heard a number of people say that the
19 assault weapons -- the ban against assault weapons and
20 high-capacity magazines at a national level obviously
21 didn't work because one was used at Columbine.

22 But I think the people who say that know
23 doggoned well that all of the existing magazines and
24 assault weapons were grandfathered in, that's why it
25 was a problem. It's a long-term fix, not a short-term

1 fix.

2 Over these years I've been nagged with
3 the question of why this country does nothing to limit
4 these magazines. We are clearly enabling, enabling
5 disturbed people and gang members and terrorists to
6 wreak havoc, injury, and death.

7 No, we can't stop all people who want to
8 repeat what my son's killers did, but do we have to
9 make it so doggoned easy for them? We know there are
10 more of these disturbed people out there. I know that
11 because I get messages from people who claim to be
12 admirers of the Columbine killers. We know they're out
13 there, so why do we make it so easy for them to mow
14 people down? I don't think we should.

15 We've heard the issue come up here in
16 hearing this morning of emotions. And I want to
17 address that. Yes, there are emotions involved. We
18 have told emotional stories, how can we not. But you
19 know, they're not -- emotions and evidence-based
20 materials are not mutually exclusive things.

21 I was able to grieve and think at the
22 same time, yes. And, in fact, sometimes you get a
23 pretty clear mind when you've been through what I've
24 been through. And you see things a lot more clearly
25 and you become more dedicated and you do read the

1 facts. The fact is that you need to -- emotions are
2 real.

3 You know, I read a lot of emotion in the
4 letters to the editor in the newspaper, anger. We hear
5 emotions out here on the street here today. Those are
6 emotions. It's what makes us human. And I think as
7 humans, let's do the right thing. Let's stop being
8 enablers. Let's not pretend these magazines make us
9 safer and don't cause irreparable harm.

10 The eyes of the nation are on us to see
11 how we react to this in Colorado. Please do the right
12 thing. We've had far, far too many lives, too many
13 people mowed down. Please do the right thing. Thank
14 you.

15 THE CHAIRWOMAN: Thank you very much.
16 Are there any questions for Mr. Mauser? Any comments?
17 Seeing none, thank you very much for being here.

18 MR. MAUSER: Thank you, appreciate it.

19 THE CHAIRWOMAN: I'm going to call John
20 Buckley. Good afternoon. Please introduce yourself
21 and proceed with your testimony.

22 MR. BUCKLEY: Thank you, Madame Chair,
23 members of the committee.

24 My name is John Buckley. I'm a gun
25 owner, I'm a father, I'm a husband. But more

1 importantly in this context, I had a unique experience,
2 in that I was a paramedic for over 20 years. I was
3 also a member of a SWAT team for two years.

4 Over my 20-plus years of experience, I've
5 cared for over hundreds of gunshot victims. I've cared
6 for them. I've told their families that their loved
7 ones weren't coming home. I've prayed with those
8 families. And over those 20 years, I've literally
9 washed gallons of blood out of the back of my ambulance
10 or my helicopter.

11 My wife is a nurse. She works at
12 Children's Hospital. And she cared for one of the
13 Aurora shooting victims. As a member of a SWAT team,
14 I've faced armed suspects who had more ammunition on
15 them than I had.

16 There has to be a sensible, logical
17 solution to this. And I think that the reasonable
18 solution here is the bill that's before you today, to
19 limit the magazine capacities to 15 rounds. There's no
20 reason that the armed suspect with evil intentions
21 should have more ammunition at their disposal than I
22 did as a tactical operator. I believe members of the
23 committee have law enforcement experience. There's
24 just no reason that they should be outarming us and
25 outgunning us.

1 If I could take a moment, I would like to
2 address a couple of questions that have been before
3 other witnesses before the committee prior to me.
4 There was a discussion of the logic of the number of
5 shells in a shotgun.

6 And while I certainly don't profess to be
7 a firearms expert by any stretch, I certainly have
8 trained on shotgun use in the tactical setting, and I
9 believe that the number of shells that you are
10 attempting to limit, that the length of the magazine or
11 the tube that the shotgun shells are carried in is not
12 the issue so much as the number of targets that an
13 individual could engage with that firearm before
14 they're reloading. I think that's what we're talking
15 about here.

16 I certainly have trained myself in
17 reloading my firearm. I know the muscle memory
18 argument. I know that someone who has extensive
19 experience in firearms can change their magazine in a
20 very short amount of time, but I don't believe that
21 there is much evidence before the committee to suggest
22 that the majority of shooters in these situations where
23 they have used high-capacity magazines have had that
24 experience, that they have been trained to change a
25 high-capacity magazine or a low-capacity magazine in a

1 brief amount of time.

2 I think that's all I have to say. Thank
3 you.

4 THE CHAIRWOMAN: Thank you, Mr. Buckley.
5 Any questions or comments? Senator King.

6 SENATOR KING: Thank you, Madame Chair.

7 Can you speak to the idea that if you
8 outlaw high-capacity magazines, the only person who
9 will have high-capacity magazines is the criminal?

10 MR. BUCKLEY: No.

11 THE CHAIRWOMAN: Mr. Buckley.

12 MR. BUCKLEY: My apologies.

13 Senator King, I believe that given that
14 you are planning to grandfather all existing magazines,
15 that that argument is false.

16 SENATOR KING: Thank you.

17 THE CHAIRWOMAN: Thank you, Mr. Buckley,
18 for being here.

19 MR. BUCKLEY: Thank you.

20 THE CHAIRWOMAN: Chief Bill Kilpatrick.
21 Good afternoon, Chief, welcome. Please introduce
22 yourself and proceed with your testimony.

23 MR. KILPATRICK: Good afternoon. My name
24 is Bill Kilpatrick. I am a police chief of the City of
25 Golden. And I am here representing the Colorado

1 Association of (inaudible).

2 As stated by the Supreme Court in the
3 Heller case, like most rights, the rights secured by
4 the Second Amendment is not unlimited. The right is
5 not a right to keep and carry any weapon whatsoever in
6 any manner whatsoever and for whatever purpose.

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

14 Surveys show that Americans carry
15 firearms for protection, for target shooting, or for
16 hunting. None of these functions require a
17 high-capacity magazine. High-capacity magazines were
18 designed for combat to kill large numbers of people in
19 a short amount of time. Protection, target shooting,
20 and hunting do not demand the rapid release of large
21 amounts of ammunition.

22 High-capacity magazines are frequently
23 used in mass shootings, like those which occurred at
24 Columbine, Virginia Tech, Fort Hood, Tucson, Aurora,
25 Oak Creek, and Newtown.

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

5 When a criminal chooses to utilize these
6 weapons and their accompanying high-capacity magazines,
7 officers have minimal opportunity to protect the public
8 or themselves. Limitations on high-capacity magazines
9 are often adopted in concert with limitations on
10 assault weapons.

11 High-capacity magazine limitations should
12 not be restricted to assault weapons because they
13 increase the capacity, and thus, the potential
14 lethality of any firearm that can accept a
15 high-capacity magazine, including a firearm that is not
16 an assault weapon. Therefore, a limitation on
17 high-capacity magazines can reduce the lethality of
18 many more firearms than a limitation on assault weapons
19 alone.

20 As officers sworn to uphold the law and
21 to protect the Constitution of the United States and
22 the state of Colorado, we believe that placing a
23 limitation on high-capacity magazines is a commonsense
24 approach that can serve to protect the public and law
25 enforcement officers while continuing to grant citizens

1 their Second Amendment right to keep and bear arms, and
2 therefore, we support the passage of House Bill 1224.

3 THE CHAIRWOMAN: Thank you, Chief.

4 Are there any questions? Senator
5 Lundberg.

6 SENATOR LUNDBERG: Thank you, Madame
7 Chair.

8 Chief, I appreciate you bringing up the
9 question of where the legal limits are. I think we're
10 going past those limits of the Colorado Constitution,
11 that a pertinent part of Section 13 says, "The right of
12 no person to keep and bear arms in defense of his home,
13 person and property, or in aid of the civil power when
14 thereto legally summoned, shall be called in question."

15 If it's not calling that right into
16 question by limiting -- and remember one other thing,
17 too. It isn't just banning high-capacity magazines,
18 it's defining them as any magazine that can be readily
19 converted to. So it's banning, you know, a lot of the
20 designs of magazines that are out there today, so it's
21 limiting that severely.

22 Where is the line? Where do we cross the
23 line where we are actually, by Colorado Constitutional
24 standards, calling into question or, you know, walking
25 over that right to bear arms in defense of your home,

1 person, and property?

2 THE CHAIRWOMAN: Chief.

3 MR. KILPATRICK: Well, Senator, I think
4 ultimately, that's the decision of the courts to
5 determine. But I believe the Supreme Court, and the
6 courts in general, have ruled that reasonable
7 determinations can be made, and magazine capacities
8 have been determined to be reasonable.

9 THE CHAIRWOMAN: Senator Lundberg.

10 SENATOR LUNDBERG: Thank you, Madame
11 Chair.

12 I would have just accepted the answer.
13 But I must tell you that I don't believe the courts are
14 the sole arbiters of what is right and wrong. I should
15 hope that you would at least give the legislature some
16 of that responsibility, as well. If not, maybe we
17 should just scrap this and turn to the courts and say,
18 Where do we go? But that's a bit of an aside.

19 So basically, you're going to give a pass
20 on it and say, I don't know. But this isn't it, I
21 guess; is that correct?

22 THE CHAIRWOMAN: Chief Fitzpatrick.

23 MR. KILPATRICK: Kilpatrick.

24 THE CHAIRWOMAN: Kilpatrick, I'm sorry.

25 MR. KILPATRICK: Well, sir, I think the

1 legislature makes the law, and the courts decide
2 whether they're legal or not, constitutional or not,
3 yes, sir.

4 UNIDENTIFIED SPEAKER: (Inaudible.)

5 THE CHAIRWOMAN: Senator King.

6 SENATOR KING: Thank you, Madame Chair.

7 Chief, in personal protection, in
8 self-defense of your family and friends, how many
9 rounds do the chiefs of police think is enough?

10 THE CHAIRWOMAN: Chief Kilpatrick.

11 MR. KILPATRICK: I think the chiefs of
12 police didn't have a specific discussion about that in
13 terms of ultimate numbers. I think the chiefs think
14 that the limitation on magazines and the fact that
15 15 -- well, whether it was 10 or whether it was 15,
16 that the ability to switch out magazines is a -- that
17 some number is reasonable, and that an ability to
18 switch magazines makes sense.

19 THE CHAIRWOMAN: Senator King.

20 SENATOR KING: Thank you, Madame Chair.

21 Chief, do you think that the chiefs of
22 police would think that one more round than the bad guy
23 is enough?

24 THE CHAIRWOMAN: Chief Kilpatrick.

25 MR. KILPATRICK: I'm not sure I know how

1 to answer that. I think when you're attempting to
2 protect yourself, you're going to use as many as you
3 think is reasonable.

4 SENATOR KING: Thank you.

5 THE CHAIRWOMAN: Okay. Seeing no others,
6 thank you very much for being here,
7 Chief Kilpatrick.

8 MR. KILPATRICK: Thank you.

9 THE CHAIRWOMAN: Marjory Sloan. Good
10 afternoon, Ms. Sloan, I should say Mayor Sloan,
11 welcome. Please introduce yourself and proceed with
12 your testimony.

13 MS. SLOAN: Thank you, Madame Chair. And
14 the (inaudible) committee, I appreciate the chance to
15 be here today.

16 I am Marjorie Sloan. I'm the mayor of
17 Golden. And I'm a member of Mayors Against Illegal
18 Guns, a national bipartisan coalition of about
19 800 mayors, actually.

20 Like Colorado's senators, mayors are in
21 continuous contact with our residents and voters as
22 they go about their daily lives. In October 2012,
23 Golden city council passed a resolution calling on our
24 state leaders to take active steps to curb gun
25 violence.

1 I applaud your caring, your courage, and
2 your respect for the legislative process in beginning
3 this conversation. And to help you with that duty, I
4 can tell you unequivocally that the vast majority of
5 residents who talk to me on the streets, stores, and
6 gathering places, support the Constitutional
7 commonsense restrictions on high-capacity magazines
8 proposed in this bill.

9 Why? Newtown, Oak Creek, Tucson, Aurora,
10 those used to be names of places where people went
11 about their work and they lived. Now they stand for
12 places where people died, died because of high-capacity
13 magazines. Golden doesn't want that to happen to any
14 other place in Colorado or in our country.

15 These weapons were originally designed
16 and specifically designed to kill a large number of
17 people in a short period of time. And they've made it
18 possible for mass shooters in recent incidents to kill
19 or injure from 9 to 70 people in a single incident.

20 Here an enforceable legislation will save
21 lives by taking these magazines off the street. I do
22 ask you to vote in favor of House Bill 1224. It
23 respects the Second Amendment, it's logical, and it has
24 widespread support. So I encourage you to vote in
25 favor of the proposed bill.

1 THE CHAIRWOMAN: Thank you, Mayor Sloan.

2 Are there any questions for Mayor Sloan?

3 No comments?

4 Thank you for being here. We appreciate
5 it.

6 MS. SLOAN: Thank you for the
7 opportunity.

8 THE CHAIRWOMAN: Don Macalady. Thank you
9 for being here. Please introduce yourself and proceed
10 with your testimony.

11 MR. MACALADY: Senator Guzman, members of
12 the judiciary committee, thank you very much for the
13 opportunity to speak to you today. My name is
14 Donald Macalady, and I represent an organization called
15 Hunters Against Gun Violence.

16 The statement that defines our
17 organization, which is endorsed by all of our members,
18 says the following: We are hunters and cherish the
19 privilege of being able to use firearms to pursue
20 recreation and food for our families.

21 Nevertheless, we cannot support the
22 proliferation of guns that have no relationship to or
23 utility for lawful hunting of game animals and
24 varmints; nor do we support the sale of guns and other
25 weapons to persons with a history of violent crime or

1 mental instability.

2 Accordingly, we support a ban on the sale
3 of semiautomatic weapons that are designed primarily
4 for rapidly killing or incapacitating large numbers of
5 people. We also support a ban on the sale of large
6 magazines or armor-piercing ammunition for these
7 weapons. We further support universal background
8 checks for gun purchases made at the expense of the gun
9 buyer.

10 We are a growing group of hunters,
11 including hunters varying in age from 20 to 75. We are
12 in strong support of House Bill 1224. Arguments
13 against this bill and similar bills proposed in other
14 states are largely based on a supposed infringement of
15 the Second Amendment rights.

16 There's nothing in this statement, this
17 amendment, nor in the subsequent Supreme Court
18 interpretations that supports this allegation.
19 Large-capacity magazines for pistols and assault
20 weapons are designed to give the weapons they serve a
21 large capacity for rapidly killing people. They have
22 no relationship to hunting. And in fact, are illegal
23 for hunting in many states.

24 So who needs weapons with magazines that
25 can fire 30 to a hundred times in a few seconds without

1 reloading? The list includes terrorists, mass
2 murderers, and those fearful of a mass attack by their
3 neighbors or their government. They are certainly not
4 necessary for protection of a family from intruders or
5 robbers.

6 We feel that these high-capacity
7 magazines have no utility for hunters or any other
8 law-abiding American citizen, and should be banned. We
9 therefore urge the enactment of Bill HB 1224.

10 THE CHAIRWOMAN: Thank you very much.

11 Any questions? Seeing none, thank you
12 very much for being here. Amad Cou (phonetic) and
13 Teresa Shone (phonetic). All right. Jesse Ogas.
14 Please introduce yourself and proceed with your
15 testimony. Thank you for being here.

16 MR. OGAS: Thank you. Thank you
17 Chairman, Madame Chairman.

18 Hola, hello, I'm Jesse Ogas. I'm here
19 today as a private citizen, a father, a grandfather, a
20 community leader, a hunter, and a gun owner. I come
21 from a long line of gun owners and hunters.

22 As a gun owner and a former NRA member, I
23 believe in the Second Amendment. I believe it is
24 important that we need to ensure that it is preserved.
25 With that said, it is also my responsibility to be part

1 of the conversations that have been avoided for the
2 past 25 years.

3 Some of the most powerful corporate
4 dollars are in the pockets of many of our politicians
5 and organizations that have built a powerful lobby
6 machine. Sadly, it's not just about our precious
7 Second Amendment rights, it's about money.

8 As an avid hunter I will tell you that if
9 I take a high-velocity assault weapon with a magazine
10 that holds 30 rounds or more and proceed to shoot an
11 elk, I would be picking lead out of remaining burger
12 meat that it would be -- that would be left, and it
13 would be a silly argument for me to make, as a hunter,
14 for the need of this type of weapon. Most hunters in
15 our nation will tell you this.

16 So let's have the true conversation on
17 why these weapons of mass destruction are being made
18 accessible to anyone across this mighty nation. We
19 have those who will tell you that removing these
20 weapons will be the first step in taking away our
21 rights to hunt and to protect ourselves.

22 There are those who will tell you that we
23 need to ban all weapons and we should only have them in
24 the hands of our law enforcement. I believe that there
25 is a middle ground here and that we need to come to the

1 table and be part of the conversation.

2 But as long as we have politicians,
3 organizations, and others who refuse to see the need
4 for sensible conversation and actions, and continue to
5 have pockets lined by powerful lobbyists and
6 corporations, we cannot move forward with a positive
7 result.

8 Limiting magazine capacity to 15 rounds
9 is one of the most reasonable approaches that strike a
10 balance between preserving the rights of hunters,
11 sportsmen, and responsible gun owners; and protecting
12 the safety of our children and of our family.

13 I strongly urge you to support this bill.
14 I'm only one voice, and my voice, alone, will not bring
15 change or create open and honest dialogue. But my
16 voice, with the voices of others, can make a difference
17 and work to bring change in our crisis of gun violence
18 across our mighty nation. Thank you.

19 THE CHAIRWOMAN: Thank you.

20 Senator King.

21 SENATOR KING: Thank you, Madame Chair.

22 Thank you, sir, for testifying. I guess
23 my question would be the same as I've asked earlier.
24 When it comes to your protection, when it comes to
25 protection of your family, how many rounds is enough?

1 THE CHAIRWOMAN: Mr. Ogas.

2 MR. OGAS: Thank you, Madame Chairman.

3 Senator, I would think that that -- it
4 depends on what kind of a shot that you are. For my
5 own personal, what I believe is I have my rifle and I
6 have a handgun. I don't think I need 15 rounds to kill
7 an intruder.

8 THE CHAIRWOMAN: Senator King.

9 SENATOR KING: How about a group of
10 intruders? How about a home invasion? How about a
11 gang that has set upon your family?

12 THE CHAIRWOMAN: Mr. Ogas.

13 MR. OGAS: Thank you, Madame.

14 Well, I would hope that that would not
15 come, that I would not have to live through that kind
16 of an experience. But in the event that I did --

17 SENATOR KING: (Inaudible) don't think
18 you would.

19 MR. OGAS: Well, I would hope not. But
20 in the event that I did, I would say, you know what,
21 I'd give it my best shot.

22 SENATOR KING: Thank you.

23 MR. OGAS: Thank you.

24 THE CHAIRWOMAN: Senator Lundberg.

25 SENATOR LUNDBERG: Thank you, Madame

1 Chair.

2 Sir, I think you bring up some
3 interesting points that we need to look a little deeper
4 into. That is, the real discussion on why we're really
5 here, what we're trying to accomplish.

6 The first question I would have for you
7 is: Is the Second Amendment -- or I should say, was
8 the Second Amendment written, and Section 13 of
9 Article II in the Colorado Bill of Rights that says,
10 "The right of no person to keep and bear arms in
11 defense of his home, person and property, or in aid of
12 the civil power when thereto legally summoned, shall be
13 called in question," does that have anything to do with
14 duck hunting?

15 THE CHAIRWOMAN: Mr. Ogas.

16 MR. OGAS: Senator, I'm here as a hunter.
17 I'm here -- you know, from my perspective, I vote to
18 elect you and all the other senators here to guide and
19 to hopefully make sure that our laws are fair.

20 What I would say to you, that all voices
21 need to be at this table, and that we all need to have
22 those open and honest conversations that we have a
23 tendency to avoid.

24 I would say there's two extremes, one on
25 the right and one on the left. And I would say there's

1 a wonderful opportunity for dialogue to all come to the
2 middle and figure out how we can control our babies
3 that are creating murderers throughout our communities.

4 THE CHAIRWOMAN: Senator Lundberg.

5 SENATOR LUNDBERG: Thank you, Madame
6 Chair.

7 I take that as a no on the duck hunting
8 part. But let me be a little more to the point and put
9 it on the table. And that is -- and you tell me if I'm
10 right or wrong on this.

11 MR. OGAS: Okay.

12 SENATOR LUNDBERG: The Second Amendment
13 was written so that the citizens of this great nation
14 can defend themselves and their family and their
15 property from invasion from without and invasion from
16 within, from the personal intruder to, quite frankly,
17 the government that's out of control. That's why they
18 wrote it in 1787; is that not so?

19 THE CHAIRWOMAN: Mr. Ogas.

20 MR. OGAS: Thank you, Madame.

21 Yes, sir, that is correct.

22 SENATOR LUNDBERG: Good.

23 THE CHAIRWOMAN: Thank you very much for
24 being here today.

25 MR. OGAS: Thank you.

1 THE CHAIRWOMAN: Andy Logan. Thank you
2 for being here, Mr. Logan. Please introduce yourself
3 and proceed with your testimony.

4 MR. LOGAN: Thank you, Madame Chair.

5 My name is Andy Logan, and I'm here
6 representing the group Hunters Against Gun Violence.
7 And thank you to the members of the committee for
8 letting me speak.

9 I'm a father of two, two young children,
10 a young boy and a younger girl. I'm 41 years old.
11 I've been hunting since I was 11. I'm a former member
12 of the NRA, and I'm currently in the market to buy some
13 new guns. I'm looking to buy a 20-gauge, a new
14 12-gauge, and I'd like to get a 243 autoloader,
15 actually.

16 Hunting is a huge part of me and my life.
17 I've spent the last 15 years on the plains of Colorado
18 and in the mountains where I bow hunt, rifle hunt, I
19 duck hunt, everything in between. Just two weeks ago I
20 returned from a successful wild boar hunt in Texas, and
21 I'd be happy to share that story with you if you're
22 interested.

23 It's going to seem ironic to some of you,
24 and many in this room, that I come here actually to
25 support House Bill 1224 in order to preserve and

1 protect my Second Amendment rights. So, you know, I
2 can hear some giggles behind me, how can you really
3 rectify those two positions?

4 And to simplify, let's first kind of
5 remove ourself from the moral argument that's part of
6 this conversation, or at least should be. And I know
7 that everyone in this room wants to avoid these
8 tragedies like we saw at Sandy Hook and other places.

9 So let's just ignore the fact that people
10 in the United States are far more likely to be victims
11 of gun violence here than in other countries where
12 firearms are a part of the culture. Let's also pretend
13 that these numbers, these deaths and injuries are just
14 the cost of our freedom and let's wash our hands of
15 that responsibility.

16 But now, let's consider the fact that the
17 country is starting to move in a direction where
18 they're favoring gun control more and more as a result
19 of the mass shootings that flash across our TVs and
20 come out of our radios.

21 33 percent of American households own
22 guns. That means that 67 percent do not. So when do
23 the 67 percent decide that enough is enough and move to
24 drastically curtail our Second Amendment rights?

25 It's to prevent this latter scenario that

1 I'm here and that I'm supporting this reasonable gun
2 control in the form of House Bill 1224. We need to get
3 a plan in place that's a model for the entire country,
4 lead by example, and move our society away from gun
5 violence and allow us law-abiding citizens to continue
6 to own and use firearms.

7 That's the reason why I'm here before you
8 today and why I support all of you to support this
9 bill. And I'm also happy to hear the senator here's
10 earlier comments about the amendments to the bill,
11 because I did look at Senator Brophy's comments on the
12 TV, and I think he has a very valid point.

13 I think that, you know, everyone in this
14 room -- well, that's not true. The people on the
15 committee understand the intent of the law. And the
16 senator beside me here specified her intent was not to
17 make commonly-owned shotguns illegal.

18 And there are solutions to a lot of the
19 questions that I've heard the committee members raise
20 today, such as magazine capacity and length of magazine
21 tubes, et cetera.

22 So I think by getting the voice to the
23 table and, you know, people actually trying to find a
24 solution that works for all of us, you know, for the
25 67 percent without guns, but also people like me who

1 like guns, who own guns, would like to own more guns,
2 and enjoy shooting in all of its forms, there are
3 solutions that we can find if we work together. Thank
4 you.

5 THE CHAIRWOMAN: Thank you.

6 Senator Lundberg.

7 SENATOR LUNDBERG: Thank you, Madame
8 Chair.

9 Thank you for coming. Can you tell me a
10 little bit more about your group, Hunters Against Gun
11 Violence? How long have you been around? How many
12 members do you have? Where are they from?

13 MR. LOGAN: Yes. We're --

14 THE CHAIRWOMAN: Mr. Logan.

15 MR. LOGAN: Sorry, Madame Chair.

16 We're a fledgling group. The idea
17 started after Columbine, and we actually marched in the
18 protest outside of the NRA's convention shortly after
19 Columbine. We wore our blaze orange, and had some
20 national coverage. Unfortunately, we're all full-time
21 employed, or at that time we were, husbands and dads,
22 and we weren't able to continue with it.

23 But, you know, after Sandy Hook, we've
24 gotten together and -- gotten together with Mayors
25 Against Illegal Guns and, you know, we're beginning to

1 grow. So I don't know what the exact numbers are, but
2 I think in a few months from now, they'll be a lot
3 larger than they are today.

4 THE CHAIRWOMAN: Senator Lundberg.

5 SENATOR LUNDBERG: Thank you. Maybe I
6 didn't hear, how many members do you have?

7 THE CHAIRWOMAN: Mr. Logan.

8 MR. LOGAN: I'm not sure of the exact
9 number.

10 SENATOR KING: Can you give me a range?

11 MR. LOGAN: I think it's 75.

12 SENATOR KING: Thank you.

13 THE CHAIRWOMAN: Any other questions?

14 Thank you, Mr. Logan, for being here.

15 MR. LOGAN: Thank you.

16 THE CHAIRWOMAN: Jack Dais. Welcome.

17 Please introduce yourself and proceed with your
18 testimony.

19 MR. DAIS: Chairwoman Guzman, members of
20 the judiciary committee, thank you for the opportunity
21 to speak to you today. My name is Jack Dais. I
22 represent the organization Hunters Against Gun
23 Violence, with I think maybe around 40 people or so
24 right now.

25 I'll be brief and just provide a few

1 words. I'm here today because I'm saddened by the
2 large and increasing gun violence in Colorado and
3 around the United States. I have read House Bill 1224
4 and believe that I largely understand it.

5 Because I believe that restrictions on
6 magazine size will help reduce gun violence, I urge the
7 senate to pass the bill, and I hope that Governor
8 Hickenlooper will sign it into law.

9 I've hunted pheasant, quail, and rabbits
10 for more than 60 years; deer and elk for more than
11 50 years; and have lived in Colorado for the last
12 33 years. Wandering around Colorado's farms, ranches,
13 and public lands helps me stay connected to my rural
14 roots and spend quality time with my son, my friends,
15 and my German short hair pointer. And my wife and I
16 love the meat.

17 As hunters, we are limited to three
18 rounds in our shotguns and six rounds in our rifles.
19 My main message to you today is that in all these
20 years, I have not once heard a hunter complain about
21 these three- and six-round limits, not once that I can
22 recall. In fact, some of the better hunters tell me
23 that one round is all I should need.

24 Again, I urge you to pass the bill. And
25 I hope that the 10- and 15-round limits in the bill

1 will not in a big way hamper the enjoyment of
2 law-abiding folks who use large numbers of rounds in
3 lawful ways that I do not now understand. Thank you
4 for having me.

5 THE CHAIRWOMAN: Thank you. Any
6 questions? Seeing none, thank you very much for being
7 here.

8 MR. DAIS: Thank you.

9 THE CHAIRWOMAN: Dr. Mark Thrun.
10 Welcome, Dr. Thrun. Please introduce yourself and
11 proceed with your testimony.

12 DR. THRUN: Thank you, Madame Chair.

13 My name is Mark Thrun. I'm a public
14 health physician here in Denver. I serve on the board
15 of directors of the Colorado Public Health Association.
16 I'm here today representing this organization in
17 support of House Bill 1224.

18 The Colorado Public Health Association,
19 affiliated with the American Public Health Association,
20 is comprised of hundreds of members who serve the state
21 of Colorado as public health officials or have general
22 interest in community well-being and health.

23 There are few public health issues that
24 impact the community, our community in such a tragic
25 and horrendous manner as the violence of one person

1 using a firearm against another person.

2 In medicine we measure response times in
3 matters of seconds. Within just a few seconds, lives
4 can be saved, within the time it takes to change a
5 magazine. As firearm regulation is a public health
6 issue, and as this body has proven, it can impact the
7 public's health through the development of lives and
8 fair laws such as the one proposed here today, we urge
9 you to vote in support of this bill.

10 As it has with other matters of public
11 health, from hospital infection data reporting to
12 establishing speed limits on highways, this body has
13 the authority, both legally and morally, to promote the
14 common welfare to protect the public's health.

15 We urge you to limit opportunities in
16 which mass killings can occur. We urge you to limit
17 magazine capacity. We urge you to vote for
18 House Bill 1224.

19 THE CHAIRWOMAN: Thank you. Are there
20 any questions for ... Senator King.

21 SENATOR KING: Thank you, Madame Chair.

22 Doctor, in a list of priorities, magazine
23 capacity, concealed carry, carrying on college
24 campuses, background checks, and best practices in the
25 United States for mental health for -- best practices

1 for mental health protocol, where are you, in the list
2 of priorities, rate that?

3 THE CHAIRWOMAN: Dr. Thrun.

4 DR. THRUN: Thank you, Madame Chair.
5 Thank you, Senator King.

6 In all matters related to health, the
7 answer isn't always as easy as prioritizing one versus
8 another. And in my opinion and in the opinion of many
9 public health officials, we need to address many
10 different health issues from a variety of means. And
11 indeed, if possible, I would prioritize almost
12 everything that you've mentioned.

13 THE CHAIRWOMAN: Senator King.

14 SENATOR KING: Thank you, Madame Chair.

15 I guess in trying to maybe hold your feet
16 to the fire a little bit more, isn't the real issue
17 that we're talking about here today is mental health
18 and keeping weapons out of the hands of unstable
19 people? And should that not be the priority of this
20 legislature?

21 THE CHAIRWOMAN: Dr. Thrun.

22 DR. THRUN: Thank you, Madame Chair.

23 Absolutely mental health needs to be
24 addressed. But should that be a sole priority?
25 Absolutely not. And there are many ways to address

1 health issues. Just as to address diabetes, one
2 doesn't just educate somebody to eat better. In fact,
3 it takes exercise, eating more healthily, it takes
4 medications at times.

5 And so yes, of course, we should
6 prioritize mental issues, but that does not mean that
7 limiting high-capacity magazines or expanding
8 background checks should not also be prioritized.

9 THE CHAIRWOMAN: Senator King.

10 SENATOR KING: Thank you, Madame Chair.
11 And I'm not saying it shouldn't be prioritized. What
12 I'm saying is that the problem is people. And should
13 it not be the best practices, the best protocols, the
14 best way of dealing with mentally ill people be the
15 number-one priority?

16 THE CHAIRWOMAN: Dr. Thrun.

17 DR. THRUN: Thank you, Madame Chair.

18 With all due respect, Senator, indeed, I
19 think you're right, but the problem is not solely with
20 people. Indeed, we don't try to convince people to
21 drive their cars more slowly. We don't try to convince
22 people to wear a seat belt. We don't try to convince
23 people to stop going through a stop sign, as I did this
24 morning, late, taking my kids to school.

25 We have laws that establish limits on

1 what is allowable and what is not allowable to protect
2 the general health. And we, as a society, have chosen
3 to abide by those laws in the interest of the common
4 welfare, and I don't think this is very different.

5 THE CHAIRWOMAN: Senator King.

6 SENATOR KING: Thank you, Madame Chair.

7 Well, Doctor, 33 people a day are
8 murdered by drunk drivers, a hundred thousand people a
9 year, but we're not banning cars. It's the people that
10 are the problem that are driving those cars. And just
11 like with drunk drivers, the mental health of people
12 having access to weapons is the number-one key issue,
13 and quite frankly, the number-one issue the State
14 should be addressing.

15 THE CHAIRWOMAN: Dr. Thrun. Oh, I'm
16 sorry.

17 SENATOR KING: Do you disagree?

18 DR. THRUN: Senator King, of course I
19 don't disagree. I've worked in healthcare for all of
20 my life. And indeed, you are right, we do not
21 prioritize mental health services as we should.

22 That said, it's my understanding there
23 are not bills being proposed that would ban guns akin
24 to the car analogy, and so -- yet, we do accept, as a
25 society, limits upon our ability to be able to utilize

1 that car, from an age limit, to how fast we can use it,
2 to all kinds of different things that we, as a society,
3 that you all, as a legislature, choose to ask us to do.
4 And we do that in the interest of health.

5 So no, Senator, I don't disagree with you
6 at all. I think that mental health should absolutely
7 be prioritized, but so, too, should a myriad of other
8 things.

9 THE CHAIRWOMAN: Senator King.

10 SENATOR KING: Doctor, thank you. That
11 was a great exchange. I appreciate your testimony.

12 THE CHAIRWOMAN: Other questions for
13 Dr. Thrun? Seeing none, thank you very much for being
14 here today.

15 DR. THRUN: Thank you, Madame Chair.

16 THE CHAIRWOMAN: (Inaudible) minutes
17 left. That concludes the expert testimony. And we're
18 going to move as much as we can to -- having a few
19 extra people, I'm going to call this young man right
20 here to come up and testify. Oh, no, you're on the
21 other side, sorry. You could go ahead. Senator Hodge,
22 do you mind if I bring him up? Sorry. Sorry, sorry,
23 sorry.

24 Okay. So we have -- okay, I need to go
25 on to ... Okay. Let's see. Janet Hartman, is she

1 here? Carol Bell? Tom Sullivan? Yes, sir, would you
2 come forward. And after Tom Sullivan, is there a
3 Patricia Taylor? Is there a Ron Pierre? And if
4 there's a Doug Smith, we might be able to get those
5 three.

6 So welcome. Please introduce yourself
7 and proceed with your testimony.

8 MR. SULLIVAN: My name is Tom Sullivan.
9 I'm the father of Alex Sullivan, who was murdered in
10 the Aurora Theatre massacre on July 20th, 2012. I come
11 before you today to speak in favor of House Bill 1224,
12 preventing large-capacity ammunition magazines in
13 Colorado.

14 7 months, 12 days ago, while Alex went to
15 the movies to celebrate his birthday, just as he had
16 done countless times before with me, his mother Terri,
17 and his sister Megan, this night he was senselessly
18 murdered by a man who walked into that theatre with a
19 weapon equipped with a hundred-round magazine. He
20 opened fire, killing 12, including my son Alex, and
21 injuring physically 58 others.

22 The emotional injuries sustained by the
23 so-called survivors will be a burden that not only they
24 will endure for the rest of their lives, but injuries
25 that will be felt by the community they live in.

1 Alex was seated in the 12th row, center
2 of the theatre. Perfect place to watch a movie of one
3 of his favorite super heroes. But sadly this night, he
4 was in the middle of the kill zone. Alex was enjoying
5 a movie on his birthday one second, and the next
6 second, he was dead.

7 He never had a chance to move from his
8 seat for cover or protect himself in any way. A
9 100-round magazine spraying the theatre with bullets
10 took any chance he had away from him, and that's why my
11 son Alex is dead.

12 I am not here today to advocate to take
13 anything away from anyone. I'm only asking that in the
14 future, when a massacre like the one Alex was in at the
15 Aurora theatre, and we will have another unless we, as
16 a community, do something about this, that in the
17 future, someone else may have the time to get to safety
18 or somehow protect themselves when someone opens fire.

19 I am not a gun owner, nor do I hunt for
20 food or sport, nor have I ever taken any target
21 practice, so I would rely on the stories I have heard
22 from those that do about the amount of time it would
23 take to change out a 15-round magazine, and how that
24 somehow hinders their fun at the range or puts them in
25 some kind of threatening position.

1 I heard here at the capitol when it was
2 debated in the House how Vietnam vets taped magazines
3 together to give them more fire power in war. And I
4 was told in the elevator ride to the gallery by one
5 gentleman that he could switch a magazine in less than
6 three seconds.

7 I come before you today to ask for that
8 three seconds of added life for my son Alex. I know
9 that as I stand here today, that time will never be
10 added to Alex's short 27-year life. But I ask that you
11 add that three seconds of life to all of the citizens
12 of Colorado.

13 In the event that we ever are thrust into
14 an event like we witnessed on 20 July, 2012, I ask that
15 we give all those involved that extra three seconds,
16 that they might have enough time to get to safety or
17 someone will have that time to take that shooter to the
18 ground and save lives of Coloradans.

19 THE CHAIRWOMAN: Thank you, Mr. Sullivan.
20 Are there any questions? Thank you very much for being
21 here.

22 And we have time for probably one more.
23 Oh, we have six minutes. All right, please come
24 forward. Are you Carol Bell?

25 MS. TAYLOR: I'm Patricia Taylor.

1 (Inaudible.)

2 THE CHAIRWOMAN: Okay. You're Patricia
3 Taylor. All right. Thank you, Ms. Taylor. Please
4 introduce yourself and proceed with your testimony.
5 You have three minutes.

6 MS. TAYLOR: Thank you. My name is
7 Patricia Taylor. Thank you, Madame Chair and members
8 of the committee, for listening to my very brief
9 testimony.

10 I'm here in support of House Bill 1224,
11 and I encourage you all to support it, as well. I'm
12 here as a mother, the grandmother of 11, a registered
13 nurse, and a mental health professional. I also grew
14 up in Bethel, Connecticut, right next to Newtown. I
15 have a dear friend whose grandson is a student there,
16 and I knew three of the families who lost children.

17 I don't think there's anything left to
18 say. I believe that this is common sense. Common
19 sense needs to rule here. I am not here to take away
20 anybody's guns. I do not feel that private citizens
21 need high-capacity ammunition magazines any more than
22 we need drones, chemical weapons, anthrax spores, or
23 any other weapons that are used in military settings.

24 That's really all I have to say. I just
25 want to encourage you all to support this, to protect

1 the citizens of this state. I feel that other people's
2 life end where safety starts for the rest of us.

3 And the one thing I just want to add is
4 this: I've given this a lot of thought since my friend
5 called me the day that her grandson's school was blown
6 apart. And I believe if the founding fathers could
7 come back for one hour, that they would tell us that
8 this is not the intent of the Second Amendment, to give
9 every weapon to everybody. Thank you very much.

10 THE CHAIRWOMAN: Thank you. Are there
11 any questions? Seeing none, thank you very much for
12 being here.

13 MS. TAYLOR: Thank you.

14 THE CHAIRWOMAN: Okay. I think I called
15 Ron Pierre, is he here?

16 MR. PIERRE: I am.

17 THE CHAIRWOMAN: All right. Great.
18 Thank you. You have -- thank you for being here.
19 Please introduce yourself and proceed. You have
20 three minutes.

21 MR. PIERRE: Thank you, Madame Chair, for
22 having me.

23 My name is Ron Pierre, and I presently
24 live in Canada and work in Canada. However, I have
25 immediate family who are here in the state of Colorado,

1 so I'm a frequent visitor of Colorado.

2 Unfortunately, I was visiting in Denver
3 when the Aurora shooting happened last summer. To all
4 those who were directly impacted by this tragedy allow
5 me to say, I'm very deeply sorry.

6 We're all here because we recognize we
7 all have a serious problem and that something needs to
8 be done. I'm speaking here as a father, as a brother,
9 and as a police officer. We have to draw the line
10 somewhere. The question is: Where do we start? And
11 that's why I'm here today to support the passage of
12 Bill 1224.

13 Though it's a step, a small step,
14 nevertheless, it's a step in the right direction,
15 because the limit of the amount of rounds in a magazine
16 and the exchange of magazines can surely save lives.
17 And I hope you will give that a thought. Even though
18 it's a small step, they have a great impact in
19 somebody's life. Thank you for having me.

20 THE CHAIRWOMAN: Thank you. Are there
21 any questions?

22 Thank you very much for being here.

23 MR. PIERRE: Thank you.

24 THE CHAIRWOMAN: So (inaudible), that
25 concludes the testimony on the proponents' side. We're

1 going to continue now with the opponents.

2 Mr. Sargent, Mr. Sargent, I want to call
3 out the names of the preferred witnesses. And just as
4 you helped get the opponent ones, we hope that you all
5 could sort of round these folks up.

6 One would be David Kopel, Evan Todd --
7 and if you're in the room, will you please sort of move
8 in this direction so we can have you --
9 Richard Fitzpatrick, Libardo Jimenez, Jessica Johnson,
10 Tara Heller, Harold Byers, Greg Alfred, Michael Shain,
11 Justin Otis, Robert Parker, Sheriff Kirk Taylor,
12 Charles Rogeless (phonetic), Dudley Brown,
13 Daniel Carey, and Laura Carnot.

14 If you need my list, Mr. Sargent, you can
15 use this. You need to -- oh, I see, Mr. Kopel is here,
16 he's number one, so we could probably start there. But
17 it would be helpful to begin to find those folks and
18 round them up and get them here.

19 Hi, Mr. Kopel. Please come forward and
20 introduce yourself. You are a -- one of our special
21 preferred witnesses, so there's no time limit on your
22 presentation.

23 MR. KOPEL: Thank you, Madame Chair.
24 Nevertheless, I will try to be succinct and brief. I
25 am David Kopel. I'm an adjunct professor of

1 Constitutional law at Denver University's Sturm College
2 of Law. Also the research director of the Independence
3 Institute located just a few blocks from here. But as
4 always, all scholars from DU or the Independence
5 Institute testify on their own behalf only.

6 Let me start with two of the technical
7 issues that have come up on this bill. The first one
8 is about the fact that in the attempt to say, the
9 maximum capacity of a shotgun is eight rounds, there is
10 the problem that not all shotgun rounds are of the same
11 size. Some are three and a half inches long, some are
12 one and a half inches long.

13 And so a magazine -- if someone has a
14 magazine for which he -- a 12-gauge shotgun that holds
15 eight rounds for the purposes he typically uses it for,
16 but that -- and he never thinks of it as holding more
17 than eight rounds, and that's all the experience he
18 has, but he could be charged under this bill because
19 the magazine which holds eight three-and-a-half-inch
20 shells certainly has the ability to hold a larger
21 number of shorter shells, shotgun-length shells, as
22 other senators have explained, are not all of a single
23 length.

24 So I was thinking about this while the
25 proponents were speaking, and there actually is a

1 fairly straightforward solution to this. And that is,
2 if you say eight rounds, three-and-a-half-inch shells,
3 that's 28 inches on the magazine tube.

4 Just make that the rule, the magazine
5 tube can't be more than 28 inches. And then you have
6 eight rounds for the three-and-a-half that the person
7 might use, and yes, you could have -- and that could
8 hold more for shorter rounds, but then we have
9 something that's very definite so a person knows
10 exactly what the law is and is not and what he can do,
11 and doesn't have to worry about whether his magazine is
12 illegal because somebody else could put shorter shells
13 in it which he never uses.

14 That seems like a straightforward thing
15 and actually gets the law closer to being something
16 that even though people may disagree with it, pro or
17 con, at least provides a clearly identifiable standard
18 for citizens to obey and for law enforcement to know
19 what to enforce.

20 A second concern is on this readily
21 convertible issue for handguns and rifles. These
22 magazines are basically rectangular boxes or they might
23 be slightly curved. The way they work is, the
24 magazines are pushed up by a spring that's on the
25 bottom of the magazine. And the spring doesn't touch

1 the bullets, the rounds of ammunition directly, there's
2 sort of a flat plate called the follower that is in
3 between the spring and the ammunition.

4 The problem with readily convertible is,
5 if you have, say, a 15-round magazine, you can open it
6 up, that's not a hard thing to do, and snip the spring.
7 The spring will then be shorter and compress further,
8 and then you could put 16 rounds in there.

9 Now, would I ever advise anybody to do
10 that? Definitely not, because that magazine was made
11 to have a spring of a certain size to properly push
12 each round of ammunition up so you'd be more likely to
13 cause a misfeed, a failure of the magazine.

14 But the danger of the readily convertible
15 language is, in those cases where there's a police
16 officer or a prosecutor who has it in for somebody, it
17 makes it possible to bring the charge against that
18 person who had properly, legally a 15-round magazine.

19 Now, obviously if you do snip the spring
20 and put in six -- so that it can put in 16, then you've
21 got a 16-round magazine. That's an actual 16-round
22 magazine under this bill, so no problem with the
23 prosecution under that.

24 The problem is that 15s and sometimes
25 even small -- even a 13, you snip the magazine enough,

1 you could -- it could physically hold 16 or 17. It
2 wouldn't function as well, but it could do that. So I
3 would suggest that as technical corrections, which are
4 still very -- both of those consistent with the spirit
5 and the intent of this bill.

6 There was also discussion early on about
7 the -- what the research has shown. And let me see if
8 I can -- and there was a bunch of different studies
9 that came in. Let me see if I can clarify what that --
10 what they say.

11 When the 1994 federal ban was passed
12 which banned magazines over 10, part of the compromise
13 to pass that was that it would have a 10-year sunset,
14 and that over the course of the 10 years, there would
15 be a federally directed study of the effectiveness of
16 that law, and then congress, at that point in 2004 at
17 the sunset time, could decide whether to renew the ban
18 or not, taking into account partly what the study said.

19 The organization chosen to perform the
20 study was the Urban Institute, which is a well
21 respected, left-leaning think tank in Washington, D.C.
22 It was Janet Reno's Department of Justice that chose
23 the Urban Institute. And I don't think anybody has
24 ever accused Attorney General Reno's Department of
25 Justice of being excessively biased in any pro-gun

1 direction.

2 There were several interim studies, and
3 then the final study was published in 2004 based on the
4 nine years of data nationwide up through 2003. They
5 found -- and I'm talking specifically about the
6 magazine ban in there. They found no statistically
7 discernible evidence that this had saved any lives.

8 And notably, they also found no
9 statistically discernable evidence that it had any
10 effect on gunfights, such as, you know, maybe the
11 average number of rounds of ammunition fired in a
12 gunfight might have decreased. They looked for that
13 and couldn't find any statistically significant
14 evidence to that effect.

15 That's one of the reasons that this
16 January another analysis by the National Institute of
17 Justice, which is the research arm of the
18 U.S. Department of Justice, which was -- this was
19 supposed to have been kept secret, but it got leaked,
20 and it said, The magazine ban isn't going to do any
21 good unless you make a major effort to, as they said,
22 buy back the existing supply of magazines, which is to
23 say, we'll have mandatory confiscation and pay people
24 something for their magazines.

25 And I think Senator Hodge and most of

1 Colorado public opinion recognizes what an absolute
2 catastrophe that would be, to try to force confiscation
3 at this point. So the question is, what -- is it
4 realistic, based on what the National Institute of
5 Justice has said, to say that this really will be
6 something that will make a difference in saving lives.

7 People have talked about various
8 atrocious crimes and the use of different sized
9 magazines in that. But let's take a look at -- and
10 there was a study from Michael Bloomberg's group that
11 began -- the first data point was January 2009, which,
12 of course, is a rather selective and interesting data
13 point because that's just the right time to avoid
14 Virginia Tech, which happened in 2008.

15 Virginia Tech was the worst. We had, I
16 believe, 32 people murdered there, more than any of the
17 others. There the murderer had only a 15-round Glock
18 magazine and a 10-round magazine for his Walther
19 pistol. So you could have Virginia Tech here with
20 magazines that remain legal under this bill.

21 I'm not sure it's really realistic to say
22 that you're going to reduce the death toll when
23 Virginia Tech suggests the opposite. And really, what
24 the studies -- I will say I'm not a spokesman for the
25 county sheriffs of Colorado, but I did represent them

1 in the Colorado Supreme Court in the CU carry case, and
2 the brief we presented certainly said that the most
3 important thing in reducing the death toll in these
4 attempted mass murders is the response time, how long
5 does it take 'til there's someone who can start
6 fighting back with a firearm.

7 And when it's 20 minutes as in Newtown or
8 longer than that, because the building doors were
9 chained shut at Virginia Tech, then ammunition and
10 firearm type issues become a lot less important than
11 the excessive length of the response time.

12 I also would like to, very quickly -- I
13 know many of you sincerely respect the Second Amendment
14 and (inaudible) the Supreme Court said about this. I
15 was on the oral argument team in front of the Supreme
16 Court in District of Columbia versus Heller, and the
17 Court did not say that the Second Amendment is absolute
18 in all respects, just as hardly anything else in the
19 Constitution is absolute in all respects.

20 And it did call out some identifiable
21 types of legitimate constitutional gun control. And at
22 the same time, said that other kinds of gun control
23 were not legitimate.

24 What the DC case was about, of course,
25 was a handgun ban. And we've had witnesses come in and

1 say that in certain crimes, magazines of particular
2 sizes were used, absolutely true. But if you wanted to
3 have a hearing on a handgun ban, you could have
4 witnesses who would come in and talk about that, and
5 the line would be a thousand times longer.

6 Handguns are -- as a class are vastly
7 more used for bad purposes in crimes, including mass
8 murders, the magazines of any particular capacity.
9 Handguns are used in over half the homicides in the
10 United States, the large majority of handgun homicides,
11 and then you add in armed robberies and other handgun
12 crimes, you're into the hundreds of thousands.

13 And knowing all that -- so the total
14 damage of handguns in criminal hands is orders of
15 magnitude larger than that of particular sized
16 magazines. And yet, the Supreme Court said, You can't
17 ban handguns. Because the Court was saying, You don't
18 look only at the misuse of something because there is a
19 right to arms in the Constitution.

20 And that's the point of that, is you take
21 some of the legislative discretion away because we're
22 making a permanent rule that some things are just off
23 limits for how far you can go in restricting people's
24 rights. And so the Court said you can't --
25 notwithstanding the large criminal misuse of handguns,

1 you can't ban handguns because they are the type of
2 firearm that is overwhelmingly chosen by law-abiding
3 citizens for the lawful purpose of self-defense in the
4 home.

5 And more broadly, explaining why in the
6 Court's view the Supreme Court was right in 1939 to
7 have held a ban on sawed-off shotguns, that there's a
8 distinction between what the line is for what kind of
9 arms, and this would include accessories, as well, are
10 or are not within the scope of arms that are protected
11 by the Second Amendment is those that are typically
12 used by law-abiding citizens for lawful purposes.

13 And I'd suggest that the shift in this
14 bill from 10 to 15 made a lot of progress in that
15 direction in complying with the Supreme Court's
16 interpretation, but there's still some room to go. If
17 you look -- 82 percent of new handguns manufactured in
18 this country are semiautomatics.

19 A very large number of them, a large
20 percentage have magazines in that 11 to 20 range. And
21 of course many of them, the Glock pistol with a
22 17-round magazine or a 19-round magazine, 17s, 19s, and
23 20s are typically used by law-abiding citizens for
24 lawful purposes. The sales figures show that.

25 There are not enough criminals in this

1 country, enough mass murderers or any other kind of
2 miscreants to supply the market for these arms. For
3 rifles, up to 30 is standard. Not high capacity, not
4 some accessory you buy afterwards, but the standard
5 magazine that is made by the factory that you buy with
6 the gun as part of the standard equipment.

7 The AR 15 rifle for years has been the
8 most popular best-selling rifle in the United States.
9 There's at least 4 million of them right now in private
10 hands, and then probably a lot more based on recent
11 months. The AR 15 comes with a standard 30-round
12 magazine.

13 Law-abiding citizens choose an AR 15 with
14 a 30-round magazine or a Smith and Wesson pistol with a
15 17-round magazine for the same reasons those firearms
16 are so popular with law enforcement, because they are
17 good choices for lawful self-defense.

18 And the Supreme Court says, You look at
19 what people actually do. In a way, it's a kind of
20 living constitution to say, Well, what does the Second
21 Amendment mean today, look at how people actually
22 exercise the right, and that's what the right is about,
23 not some theoretical thing, but the practical exercise.

24 And for the practical exercise of that
25 right, rifle magazines up to 30, handgun magazines up

1 to 20 are within the Supreme Court's common use test.
2 Obviously this issue may be litigated eventually, but
3 I'd prefer that it not be.

4 And if this committee changed the limits
5 to those I said, to 20 and 30, then I think as someone
6 who has sketched out this possible case, it becomes a
7 much, much harder case to win because can you say that
8 the 50 -- are 50-round magazines rarely used in crime?
9 Yeah, but they're rarely used by anybody partly because
10 they're so unreliable. So it would be a lot -- it's a
11 more difficult argument to put them in the Supreme
12 Court's common use test.

13 And as one -- one final point I'd suggest
14 is as Senator Giron said upstairs in one of the
15 hearings, that the proper decorum in the Colorado
16 legislature is to not impugn the motives of other
17 people, which is a good rule.

18 And I would urge that as this debate goes
19 forward and is discussed, that we not impugn the
20 millions, literally, the tens of millions of people in
21 this country who own magazines of more than 15 rounds.
22 They didn't buy them because they want to be mass
23 murderers.

24 Maybe you think that they -- you know,
25 they use them for target shooting competitions and you

1 think that's not very important. Or maybe you think
2 the fact that they want a 19-round magazine for
3 protection is they're being excessively cautious, I
4 don't agree with that, but at least one can say that in
5 a polite way.

6 But to say that these are only made and
7 only sold to people who want to engage in mass murder
8 is really an inappropriate slander of tens of millions
9 of law-abiding people. Thank you.

10 THE CHAIRWOMAN: Thank you very much.
11 Very interesting, as usual, Mr. Kopel. You're
12 always -- I can see why you're a good professor. And I
13 enjoy watching you on Friday nights on Colorado Inside
14 Out.

15 Senator King.

16 SENATOR KING: Thank you. Thank you,
17 Madame Chair.

18 Professor, can you speak to the interest
19 of Mayor Bloomberg and his interest in Colorado and
20 specifically, this legislation?

21 THE CHAIRWOMAN: Mr. Kopel.

22 MR. KOPEL: Well, it's no secret that
23 Colorado -- ever since the book "Megatrends" was
24 published back in the 1970s, Colorado is a trendsetting
25 state nationally. And Mayor Bloomberg, who has this

1 very strong antigun agenda, has said -- it's not a
2 secret, he said publicly that Colorado is his
3 organization's top priority because passing more
4 oppressive antigun laws in New York or New Jersey,
5 while an easy thing to do, doesn't really impress the
6 national media or anyone else, and passing something in
7 Colorado is seen as more of a trendsetting kind of
8 thing.

9 As an aside, I will mention one of my
10 good friends, Richard Feldman, he used to work -- he
11 was an NRA lobbyist and then he went to work for a
12 firearms trade association, with which his relationship
13 ended unhappily. And so he, looking for a job, ended
14 up working for Mayors Against Illegal Guns.

15 And he was of the point of view that of
16 course we should crack down on the stores, the bad
17 actors, and have stronger enforcement against them.
18 And he ultimately wasn't able to continue working for
19 Mayors Against Illegal Guns because he would go to some
20 of these stores in Virginia and say, This store, this
21 particular one is a model store. They're great,
22 they're following all the rules. And not only
23 following the letter of the law, but they have very
24 well-trained employees who are constantly on the
25 lookout for straw purchases and prohibited persons and

1 things like that.

2 And he said, You go back and tell that to
3 Mayor Bloomberg, it's just like talking to a wall.
4 This is not a guy who was a moderate gun control guy,
5 this is a guy who just doesn't like guns, you know,
6 very much of his Medford Massachusetts roots, in my
7 friend Richard Feldman's view of the mayor, and he
8 certainly knows the mayor much better than I do, which
9 is to say not at all.

10 SENATOR KING: Thank you.

11 THE CHAIRWOMAN: Are there any other
12 questions for Mr. Kopel? Seeing none, thank you very
13 much for being here today.

14 MR. KOPEL: Thank you very much, Madame
15 Chair.

16 THE CHAIRWOMAN: Let's see, I lost my
17 list. Evan Todd. Evan Todd? There you are. Please
18 have a seat. Have a seat there in either place, and
19 welcome. Please introduce yourself and proceed with
20 your testimony.

21 MR. TODD: Thank you. My name is
22 Evan Todd. I am a survivor of the Columbine massacre.
23 On that day, I was in the library. I was the first
24 student targeted in the library. One of the murderers
25 fired three shots at me, wounding me in the left side

1 of my back, my neck, my face.

2 After they went around and stole many
3 lives and injured many people, they made their way back
4 to where I was at, pointed guns in my face, and I had
5 to talk them out of murdering me. Thank you for
6 hearing my testimony today.

7 I believe House Bill 1224 is unfounded
8 and I don't believe it will do anything to curb
9 violence. However, it does seize freedoms from regular
10 Coloradans like myself. This bill seems politically
11 conceived and emotionally driven.

12 It's just not based on facts or in
13 reality. This bill seems to capitalize on horrific and
14 tragic events. At Columbine, the two murderers used at
15 least 17, I believe, 17 10-round magazines in one
16 weapon.

17 But the two weapons that caused the
18 majority of the death and destruction in the library
19 were a double-barrel shotgun and a pump-action shotgun
20 that held three to four rounds. That sounds like load
21 capacity to me, and still, they were able to murder
22 12 students and one teacher.

23 At Virginia Tech where 32 people were
24 murdered, the murderer used two pistols, as the
25 previous person said, with a 10- and 15-round capacity.

1 This law doesn't seem like it would have
2 changed Columbine or Virginia Tech. And it also hasn't
3 been proven that magazine capacity has any correlation
4 with death toll. It seems like House Bill 1224 singles
5 out law-abiding citizens who mean no harm, like myself,
6 the citizens who follow the laws, not the criminals.

7 This bill sets the stage for every
8 American to be outgunned by criminals. On some models,
9 like the ARs and the AKs, 30-round is the standard
10 magazine capacity. This law would tell citizens of
11 Colorado that they must use half capacity, 15 rounds.
12 I don't see the logic in that.

13 This bill will dictate to Coloradans that
14 they must defend themselves in certain instances with
15 one arm tied behind their back while criminals ignore
16 the laws.

17 As I look at some of the bills being
18 talked about today, I see a pattern. There seems to be
19 a common thread. They seem like they are stealing away
20 freedoms from people who mean no harm or (inaudible),
21 yet, empower criminals. The law-abiding will follow
22 the laws and go with the 15-round magazine, and
23 criminals will not.

24 I just -- the one thing I have to ask is,
25 who does this bill really benefit? And I ask that you

1 vote no on this house bill, and that I am opposed to
2 it. And I thank you for your time.

3 THE CHAIRWOMAN: Thank you, Mr. Todd.
4 Senator Lundberg.

5 SENATOR LUNDBERG: Thank you, Madame
6 Chair. Mr. Todd, I want to thank you for coming today
7 and giving your perspective, which is certainly a
8 clearer view than I. Unfortunately, you've got a much
9 clearer view of the realities of this, and again, I
10 thank you for coming.

11 MR. TODD: Thank you, sir.

12 THE CHAIRWOMAN: Anyone else? I also
13 want to thank you for coming and for all of your
14 ability to even come here and speak today, and hope
15 that your journey back towards healing and wholeness
16 since Columbine has been a good one and will continue
17 to be a good one.

18 And I appreciate what you've said today.
19 It gives me some good insight. Thank you very much.

20 MR. TODD: Thank you. Thank you, all.

21 THE CHAIRWOMAN: Richard Fitzpatrick.
22 Welcome, Mr. Fitzpatrick.

23 MR. FITZPATRICK: Thank you.

24 THE CHAIRWOMAN: Please introduce
25 yourself and proceed with your testimony.

1 MR. FITZPATRICK: Good afternoon. My
2 name is Richard Fitzpatrick, and I'm president and
3 founder of Magpul Industries Corp. I'm here
4 representing the company and myself.

5 In early House hearings, our chief
6 operations officer, Doug Smith, explained the economic
7 impact this bill would have on Colorado if Magpul was
8 forced to leave. Others testifying today will cover
9 the practical, the technical, and the Constitutional
10 challenges to this bill.

11 For my part, I think it would be good if
12 I explained a little about the Magpul Colorado store.
13 In 1994 I finished my enlistment in the U.S. Marine
14 Corps. I made Colorado my home primarily because of
15 the mountains and the state's frontier history.

16 I settled into a new career as a software
17 engineer and kept thinking about a product I
18 contemplated while in the military. It was a simple
19 rubber loop attached to the base of a rifle magazine
20 that allowed control under stress during a reload. In
21 1999, with a leap of faith, I used my entire savings to
22 apply for a patent on the idea, and built an injection
23 mold to manufacture it. I simply called the product by
24 its function, a mag pull, and named the company after
25 it.

1 The company foundations were rooted in
2 education, training, and individual responsibility that
3 I learned in the Marine Corps. For a while, the
4 company's growth was managed by me in my spare time.
5 However, by late 2003, I could not physically ship and
6 build the orders that were coming in while working my
7 software job. So I committed to run Magpul as a
8 full-time business with the help of Doug Smith and
9 Mike Mayberry, a skilled designer and engineer from the
10 mountain bike industry.

11 Operations were moved out of my basement,
12 and we rented a small section of a storage building
13 next to our injection molder in Erie. Employees
14 followed, including Jessica Johnson, who will be
15 testifying today. Jessica is one of the first seven
16 full-time employees of which all are still at Magpul
17 almost a decade later, something I'm very proud of.

18 With the added horsepower, Magpul grew
19 rapidly, continuing to release products at a steady
20 rate. At this point we're doubling size every 10 to
21 12 months. We'd already moved into a new location,
22 occupying the whole building, and followed that by
23 leasing several other surrounding buildings.

24 Not being satisfied with what was
25 available in polymer technology, we began working with

1 the developers in the industry to custom compound
2 plastic to our own specifications. This led to the
3 original Magpul PMAG being introduced to the
4 marketplace in 2007. It immediately changed the
5 benchmark of what a polymer magazine could do.

6 In 2008, the first MREV, or military
7 revision PMAG was released, and fast became the most
8 used M16, M4 polymer magazine in U.S. combat history.
9 It has now been fielded in the millions, and has a
10 documented positive affect on soldiers' survivability.

11 In 2008, with our commitment to education
12 and training, we began releasing a series of
13 comprehensive training DVDs. These videos educated
14 hundreds of thousands on firearms as tools that require
15 responsibility, with the emphasis on learning to be an
16 asset to society, and not a liability.

17 In 2010 Magpul was one of the first
18 companies to buck consumer import trends and introduce
19 a U.S. made iPhone case. The Magpul case was designed
20 and tooled and manufactured completely here in
21 Colorado, and was priced one-third less of the
22 comparable cases brought in from China.

23 With the majority of our tooling and
24 production within 30 miles of our Erie headquarters, we
25 have led the way in showing that U.S. manufacturers can

1 become competitive with low-cost imports by using
2 efficiency of local vendors.

3 Today Magpul employs approximately 200
4 people and many more indirectly through our
5 subcontractors. We put tens of millions of dollars
6 every year into the local Colorado economy. We are
7 proud to help to revitalize American industry, but we
8 are still governed by the principles that the company
9 was founded on 13 years ago.

10 Saying that we can stay in Colorado and
11 sell magazines to civilians in neighboring states, but
12 not to our fellow Coloradans is counter to these
13 values.

14 The legislation does nothing to improve
15 public safety. A fact that has even been acknowledged
16 by legislators who support the bill. There's still
17 legal problems, including lack of definition regarding
18 marketing and serialization, and what is a readily
19 convertible or permanently modified magazine.

20 This bill will cause significant damage
21 to the Colorado economy and to the people of the state.
22 We will move our operations out of the state if this
23 bill is passed into law. For these reasons, along with
24 the other facts and arguments against it, we urge you
25 to oppose House Bill 1224. Thank you.

1 THE CHAIRWOMAN: Thank you.

2 Senator King.

3 SENATOR KING: Thank you, Madame Chair.

4 Thank you, Mr. Fitzpatrick, for jobs,
5 jobs, jobs, it is appreciated. Is it my understanding
6 that because of the ability to easily modify magazines,
7 that this legislation, in essence, would ban all
8 magazines in Colorado?

9 THE CHAIRWOMAN: Mr. Fitzpatrick.

10 MR. FITZPATRICK: In effect, for the
11 magazines we produce, that is correct. And if I can, I
12 can demonstrate with some bodies that we have here, if
13 that's acceptable.

14 THE CHAIRWOMAN: Sure, Mr. Fitzpatrick,
15 that would be fine.

16 MR. FITZPATRICK: To give an example,
17 this is a 20-round magazine that's produced here, and
18 this is a 10-round magazine that's produced here.
19 Under most cases, you would think the law would allow
20 us to produce and sell the 10-round magazine to
21 Coloradans.

22 But, in fact, the magazine normally takes
23 a floor plate, it goes on the bottom of the magazine
24 such like this. By removing the floor plate, you can
25 actually just get an adapter, which you can make the

1 magazine from a 10 into a 30 that easily. You can also
2 take it off and actually make it into a 40-round
3 magazine if you wanted to, or even go so far as to just
4 continue on.

5 So this magazine, under the readily
6 adaptable, could not be sold here in Colorado. And our
7 problem is that also, the definition of "readily
8 adaptable" would have to go to some rules committee and
9 they would have to come up with a method to describe
10 how to fix the magazine so that it could not accept
11 more rounds. That would be a tremendous burden on us
12 legalitywise and also, manufacturingwise.

13 THE CHAIRWOMAN: Senator King.

14 SENATOR KING: Thank you, Madame Chair.

15 Mr. Fitzpatrick, are you and your company
16 being courted by other states that would like your jobs
17 and your company in their state?

18 THE CHAIRWOMAN: Mr. Fitzpatrick.

19 MR. FITZPATRICK: Right now we consider
20 the fight here to be in Colorado. But if we have to
21 move, at that point in time, we have had a number of
22 states that have approached us with opportunities for
23 relocation, yes.

24 SENATOR KING: Thank you.

25 THE CHAIRWOMAN: Any other questions?

1 Seeing none. Thank you very much for being here.

2 MR. FITZPATRICK: Thank you.

3 SENATOR KING: Madame Chair, I have one
4 last question.

5 THE CHAIRWOMAN: Sorry, I missed you. Go
6 ahead, Senator King.

7 SENATOR KING: Mr. Fitzpatrick, my
8 understanding is that the economic contribution of arms
9 and ammunition in Colorado is 190,780,000; is that
10 correct?

11 THE CHAIRWOMAN: Mr. Fitzpatrick.

12 MR. FITZPATRICK: I'd like you to define
13 that a little bit better. We know what our spend
14 contribution into that is, which is approximately
15 45 million for last year and a projected of 85 million
16 for next year.

17 THE CHAIRWOMAN: Senator King.

18 SENATOR KING: Okay. Thank you, Madame
19 Chair.

20 You caught me off guard there. 35 this
21 year and 85 next year? Is that what -- as far as your
22 company is concerned, is that what I just heard?

23 THE CHAIRWOMAN: Mr. Fitzpatrick.

24 MR. FITZPATRICK: I believe so, yes.

25 SENATOR KING: Thank you, Madame Chair.

1 I have no more questions.

2 THE CHAIRWOMAN: (Inaudible) okay.

3 Senator King.

4 SENATOR KING: Thank you, Madame Chair.

5 I have one more question.

6 THE CHAIRWOMAN: Go right ahead.

7 SENATOR KING: Can you give us an idea of
8 how many magazines are in the United States?

9 THE CHAIRWOMAN: Mr. Fitzpatrick.

10 SENATOR KING: How ubiquitous is it?

11 MR. FITZPATRICK: It's hard to make
12 tallies because there's so many magazine manufacturers,
13 but it is in the tens of millions.

14 SENATOR KING: Tens of millions.

15 MR. FITZPATRICK: It could be more.

16 SENATOR KING: Or more. Thank you, sir.

17 THE CHAIRWOMAN: So, Mr. Fitzpatrick,
18 since this is the first time I've seen those, are you
19 saying that you don't have a 15-round one made, and
20 that people would have to buy this part and that part?

21 Mr. Fitzpatrick.

22 MR. FITZPATRICK: Not quite. The
23 magazine capacities go up for the rifles 10, 20, 30, in
24 those segments. However, the flanges that are built
25 into the magazines to accept the floor plate also

1 allows it to accept extenders.

2 And to give you an example, the most
3 common magazine out -- common pistol out there, for
4 example, is the Glock pistol. That utilizes the same
5 flanges on the base of the magazine, and there are
6 extenders available commercially for every available
7 caliber of that magazine, have been for decades.

8 THE CHAIRWOMAN: Okay. I was not
9 understanding. I was thinking that maybe you would
10 have to redesign a particular kind of magazine to fit a
11 15 size.

12 Mr. Fitzpatrick.

13 MR. FITZPATRICK: It's not so much the
14 capacity, it's just the fact that the body, itself, can
15 be extended by the nature of attaching a floor plate.
16 So even a 10-round magazine, which legally would be --
17 for capacitywise, be legal in the state, the fact that
18 you could slide off the base plate and slide on an
19 extender would, therefore, make this 10-round magazine
20 as legal as a two-round magazine doing the same thing
21 or a 15-round magazine doing the same thing.

22 THE CHAIRWOMAN: Uh-huh. Gotcha. Thank
23 you.

24 Senator King.

25 SENATOR KING: Thank you, Madame Chair.

1 Mr. Fitzpatrick, would this legislation
2 make the most popular personal safety firearm in the
3 United States, the magazine, illegal?

4 THE CHAIRWOMAN: Mr. Fitzpatrick.

5 MR. FITZPATRICK: I would have to -- if
6 you're referring to the AR 15, the -- it is the most
7 popular defense rifle in the United States, that would
8 be correct. The standard capacity magazine is
9 30 rounds that's shipped to military and also to normal
10 civilian sales, it's a 30-round magazine. It's
11 actually the first magazine that we ever produced for
12 the AR 15 platform.

13 THE CHAIRWOMAN: Senator King.

14 SENATOR KING: Thank you, Madame Chair.

15 I actually was talking about the Glock 17
16 as far as a handgun is concerned. And I'd asked that
17 of a previous expert witness, and just wondered if you
18 had an opinion on that.

19 THE CHAIRWOMAN: Mr. Fitzpatrick.

20 MR. FITZPATRICK: In reference to the
21 Glock, then yes, it would make all Glock magazines,
22 including smaller capacity Glock magazines, illegal due
23 to the nature of the flanges on the bottom of the
24 magazine.

25 SENATOR KING: Thank you.

1 year, have you thought about going public?

2 THE CHAIRWOMAN: Mr. Fitzpatrick.

3 MR. FITZPATRICK: Until just recently, we
4 were quite happy not knowing anyone (phonetic) that we
5 existed in the state doing what we were doing. But
6 there's always an option.

7 THE CHAIRWOMAN: Thank you very much for
8 being here. I think that's all the questions. Thanks
9 so much for being here.

10 MR. FITZPATRICK: Thank you.

11 THE CHAIRWOMAN: Libardo Jimenez. Good
12 afternoon. Thank you for being here. Please introduce
13 yourself and proceed with your testimony.

14 MR. JIMENEZ: Thank you, Madame Chair.
15 Thank you for the opportunity to speak today. My name
16 is Libardo Jimenez. I am the production manager for
17 Magpul Industries.

18 I first heard about Magpul Industries
19 when I was an enlisted Marine in 2003. Ever since then
20 I was intrigued by the culture that this company had.
21 After I left the Marine Corps, I worked as a Colorado
22 Department of Corrections officer, and also held
23 several jobs in the oil field.

24 In 2008 I was finally given an
25 opportunity after I was laid off in the oil field jobs.

1 And Magpul would give me a chance with no background in
2 (inaudible) was a godsend to me.

3 I first came in as a helping hand in the
4 shop, cleaning the floor and doing whatever odd jobs
5 needed to be done. After several months of doing this,
6 I was promoted to the assembly area, during which we
7 were able to more than double the production output.

8 I was taught about assembly processes,
9 testing, plastic injection molding, personnel
10 management, and a host of other topics. I was then
11 promoted to production supervisor in the summer of
12 2009. During that time we started to see a substantial
13 growth within the company.

14 I worked closely with my production
15 manager, and continued to learn and to provide an
16 increasingly growing department. In March 2011 I was
17 promoted to production manager, a role that I still
18 hold today.

19 Being able to come into the company that
20 fosters growth within and rewards accomplishment is
21 exactly what I had always been looking for. It is the
22 same culture and mentality that has allowed so many of
23 our coworkers to succeed and excel within the company.

24 If House Bill 1224 passes, these
25 opportunities will disappear for me and others. Magpul

1 will not be able to continue to provide these types of
2 opportunities to other Coloradans.

3 Working for Magpul has gave me the tools
4 I need to provide for my family, while still being able
5 to keep in touch with the military roots that got me to
6 where I am today. Losing this job would surely be a
7 huge negative impact on my livelihood and severely
8 impact my family's quality of life. On behalf of my
9 family and coworkers, I urge you to vote no on
10 House Bill 1224.

11 THE CHAIRWOMAN: Thank you very much.
12 Thank you very much for being here. Mr. Jimenez, how
13 many years have you worked with Magpul? I didn't hear
14 that, Mr. Jimenez.

15 MR. JIMENEZ: I'm sure it's been about
16 four and a half years.

17 THE CHAIRWOMAN: Four and a half years.
18 Senator Ulibarri.

19 SENATOR ULIBARRI: Thank you, Madame
20 Chair.

21 And thank you, Mr. Jimenez, for being
22 here today and sharing your perspective. I just wanted
23 to thank you for coming here. Were you asked by your
24 employer to come testify?

25 MR. JIMENEZ: I was given an opportunity

1 to come testify, and I gladly volunteered to do so.

2 THE CHAIRWOMAN: Senator Ulibarri.

3 SENATOR ULIBARRI: Mr. Jimenez, I just
4 heard from your employer that last year he made
5 \$45 million, this year, \$85 million, that may make a
6 decision to move. Do you believe if that company were
7 to move, that another company would not move in to fill
8 the market demand?

9 THE CHAIRWOMAN: Mr. Jimenez.

10 MR. JIMENEZ: I don't know.

11 SENATOR ULIBARRI: Thank you.

12 THE CHAIRWOMAN: Any other questions for
13 Mr. Jimenez?

14 Thank you very much for being here. And
15 please know that we care about you and your family, as
16 well.

17 Oh, Senator King.

18 SENATOR KING: Thank you.

19 How many employees do you manage?

20 THE CHAIRWOMAN: Mr. Jimenez.

21 MR. JIMENEZ: Thank you, Madame Chair. I
22 manage the production section of the company, which is
23 well over 150 employees.

24 SENATOR KING: And how many -- I'm sorry,
25 Madame Chair.

1 THE CHAIRWOMAN: That's all right.

2 Please go ahead, Senator King.

3 SENATOR KING: And how many of those 150
4 employees have families?

5 THE CHAIRWOMAN: Mr. Jimenez.

6 MR. JIMENEZ: I would have to venture
7 that everybody has a family.

8 SENATOR KING: Thank you.

9 THE CHAIRWOMAN: Thank you very much for
10 your being here today. And thank you very much for
11 serving in the United States military.

12 MR. JIMENEZ: Thank you, ma'am.

13 THE CHAIRWOMAN: Take care.

14 Jessica Johnson. Hi, Ms. Johnson,
15 welcome.

16 MS. JOHNSON: Hi.

17 THE CHAIRWOMAN: Please introduce
18 yourself and proceed with your testimony.

19 MS. JOHNSON: Thank you for the
20 opportunity to speak today.

21 My name is Jessica Johnson. I have
22 worked for Magpul in the customer service and sales
23 department for eight years. And I am the first Magpul
24 employee hired. I handle some of our largest dealer
25 distributor accounts and deal directly with our

1 customers on a daily basis.

2 Magpul has been a great place to work. I
3 have watched the company grow, and am glad to have been
4 able to grow with it. I love my job and I love coming
5 to work every day. My husband also works at Magpul.
6 He was the third Magpul employee hired, and he is the
7 shipping and receiving manager.

8 In addition to our employment, my
9 daughter, sister, and niece work here, as well.
10 Previously my in-laws, mother, father, and stepson,
11 have all worked for Magpul, and deciding to leave for
12 different reasons, all which are good.

13 Magpul has given my husband and I such an
14 awesome opportunity to grow, that we don't think we
15 could start over at a new company, nor would we want
16 to. Our hope is that Magpul will still be able to use
17 us if they are forced to move. But we do not know
18 exactly what's going to happen.

19 We have one child still at home with us
20 who will be going to high school next year. The
21 thought of moving to another state and leaving our
22 friends and family have been very stressful for him
23 also. He asks us every day if Magpul has decided to
24 move and where we would be moving.

25 I have another son who has a good job in

1 Colorado, and he would not move with us. I am very
2 close to my family, and leaving my kids, my sisters,
3 parents, nieces, and nephews would be extremely hard
4 for me. We have made friends with our coworkers, some
5 of whom we have worked for over 14 years with.

6 This bill affects so many family members,
7 friends, and coworkers. Colorado is our home. If this
8 bill is passed, it will put so many people out of work.
9 I do not believe that passing this bill is going to
10 help the violence in this state or country. I ask on
11 behalf of my family, coworkers, friends, Magpul, and
12 myself that you please vote no on this bill.

13 THE CHAIRWOMAN: Thank you, Ms. Johnson.
14 Thank you for being here because you really do give a
15 personal picture of what a company is all about, and we
16 really do appreciate it.

17 MS. JOHNSON: Thank you.

18 THE CHAIRWOMAN: Thank you very much.
19 Senator Aguilar.

20 SENATOR AGUILAR: Thank you, Madame
21 Chair.

22 Actually, maybe not so much to you.
23 Senator Hodge, my understanding is that the bill was
24 modified in the house so that Magpul Industries can
25 continue to work in Colorado; is that correct?

1 THE CHAIRWOMAN: Senator Hodge.

2 SENATOR HODGE: Thank you, Madame Chair.

3 Yes, Senator Aguilar, it was.

4 SENATOR AGUILAR: And so if we were to
5 pass the bill as modified, it would be Magpul's
6 personal choice to move out of our state, they would
7 not be forced to move out of our state because of this
8 bill; is that correct?

9 THE CHAIRWOMAN: Senator Hodge.

10 SENATOR HODGE: Thank you, Madame Chair.

11 That is correct, Senator Aguilar.

12 SENATOR AGUILAR: Thank you.

13 Then I would encourage you to talk with
14 your employer. Thank you.

15 THE CHAIRWOMAN: Senator Lundberg.

16 SENATOR LUNDBERG: Thank you, Madame
17 Chair.

18 THE CHAIRWOMAN: Senator Lundberg.

19 SENATOR LUNDBERG: I think I might be
20 able to give the committee a little bit of insight into
21 this suggestion that Senator Aguilar gave because I met
22 with some of the officials with Magpul, and asked them
23 okay -- and I begged them. I said, Look, please don't
24 leave, give us a chance to at least repeal the bill.

25 But they explained, and it makes perfect

1 sense, too, that they have a clientele -- international
2 clientele. And for them to actually produce a product
3 that's illegal in the state that produces it in sends a
4 message that is just completely unacceptable to the
5 industry.

6 And I perfectly understand that. You
7 know, to suggest otherwise is to tell them you don't
8 know how to run your business. Well, they do. And
9 they know the only way to run their business is in a
10 state that allows their business to be fully legal.

11 THE CHAIRWOMAN: Senator Aguilar.

12 SENATOR AGUILAR: Thank you, Madame
13 Chair. And I do think that is a personal choice of the
14 company, but I want to make clear that this bill would
15 not make what they do illegal.

16 THE CHAIRWOMAN: Are there other points?
17 questions? Nothing from my right side. Okay.

18 Well, thank you again for being here
19 today and sharing with us your thoughts and your
20 background and your experience.

21 MS. JOHNSON: Thank you, Madame Chair.

22 THE CHAIRWOMAN: Thank you.

23 Cara Heller. Hi, Ms. Heller.

24 MS. HELLER: Hi.

25 THE CHAIRWOMAN: Thanks for being here.

1 Please introduce yourself and proceed with your
2 testimony.

3 MS. HELLER: Thank you, Madame Chair, for
4 having me today.

5 My name is Cara Heller, and I'm a proud
6 Magpul employee. I'm a Colorado native, I'm married,
7 and I have two sons, ages 2 and 9. I work hard every
8 day as a compliance specialist, making sure we abide by
9 all federal, state, and city laws and regulations based
10 on the products we make and sell and who we sell them
11 to.

12 Magpul treats me with the utmost respect,
13 and has given me a great job with career progression
14 and opportunities I've never had with any other job in
15 Colorado. This includes my professional training,
16 health and educational benefits to better myself and my
17 family.

18 If I felt that this law banning magazines
19 over 15 rounds would protect my 9-year-old and
20 2-year-old son, I would gladly sacrifice my job for
21 their protection. But I know that this bill will not
22 protect them. It only takes one bullet to hurt my
23 boys.

24 As I told you, I'm a compliance
25 specialist. So I know and ensure that we do not sell

1 more than a 10-round magazine in the Chicago area, yet,
2 even with a 10-round magazine, Chicago has had an
3 extraordinary number of deaths in the last several
4 years.

5 And yet, I do know, and you know, too,
6 that the loss of my job and career will have a
7 devastating affect on my boys and my family. That, we
8 all know is for certain. I urge you to vote no on 1224
9 and to find a true solution for our protection. My
10 boys and I are counting on it.

11 THE CHAIRWOMAN: Thank you, Ms. Heller.
12 Are there any questions? Seeing none, thank you very
13 much for being here.

14 MS. HELLER: Thanks for your time.

15 THE CHAIRWOMAN: Harold Byers (sic).
16 Thank you for being here today.

17 MR. DORANS: Thank you.

18 THE CHAIRWOMAN: Please have a seat and
19 introduce yourself and proceed with your testimony.

20 MR. DORANS: Thank you, Chair.

21 My name is Rich Dorans, and I'm the vice
22 president of operations for PTA plastics. PTA has
23 operations in Longmont, Colorado, and Oxford,
24 Connecticut. PTA has been in business 60 years. On
25 March 1st, we celebrated our one-year anniversary of

1 becoming an employee-owned company.

2 I'm here today on behalf of the
3 175 employee owners of PTA plastics. Throughout the
4 '80s and '90s, the plastics industry in Colorado was at
5 its peak. The consumer electronics and computer
6 industries relied heavily on the Colorado injection
7 molding community.

8 During the late 1990s the industry was
9 faced with a significant challenge. Offshoring was no
10 longer a threat, it was a reality, and it happened
11 very, very quickly. PTA felt the impact of work moving
12 to China. Well, we were fortunate to have a
13 diversified market portfolio.

14 Senior management made a conscious
15 decision in 2000 to focus our marketing on the medical,
16 defense, and security markets. We felt these markets
17 were less likely to move manufacturing to low-cost
18 countries.

19 Our industry, once again, was impacted
20 with the aftermath of 9-11 and crippled by the
21 recession of 2008, 2009. PTA successfully weathered
22 those storms and was fortunate to begin a partnership
23 with Magpul in 2010.

24 Magpul's business philosophy is very
25 unique and extremely uncommon today. Their goal is to

1 source as much as they can on the Front Range of
2 Colorado. Their presence and growth has made a
3 significant impact to the injection molding community
4 in Colorado.

5 PTA has grown with Magpul. We've seen
6 double-digit growth over the past three years. We've
7 increased staffing by nearly 20 percent, added five
8 molding machines, and two machining centers which are
9 used to build tools. We've invested over \$2 million in
10 capital over the last two years.

11 It's unfortunate our 175 employee owners
12 are faced with the threat of losing a significant piece
13 of business due to our top customer leaving the state
14 of Colorado.

15 While the gun control issue is
16 emotionally and politically charged, we must be aware
17 that in any legislation that has near and long term
18 negative impacts on our tenuous economy. It's about
19 jobs, our employees, and their families.

20 Magpul has been loyal to Colorado since
21 their inception, and it would be unjust to see them
22 leave and stimulate the economy of another state. On
23 behalf of PTA's 175 employees, I urge you to not put
24 our Colorado jobs and our Colorado company at risk. I
25 urge you to stop House Bill 1224 from moving forward.

1 Thank you very much.

2 THE CHAIRWOMAN: Thank you, Mr. Dorans.
3 Senator King.

4 SENATOR KING: Thank you, Madame Chair.
5 Thank you, Mr. Dorans, for encouraging
6 jobs, jobs, jobs in Colorado, we appreciate that.
7 Could Magpul get what you do cheaper in India?

8 THE CHAIRWOMAN: Mr. Dorans.

9 MR. DORANS: In India?

10 SENATOR KING: China, overseas, you pick
11 the location.

12 THE CHAIRWOMAN: Mr. Dorans.

13 MR. DORANS: Absolutely. They could
14 probably get a much cheaper property, and not the
15 quality that is produced in the state of Colorado.

16 THE CHAIRWOMAN: Senator King.

17 SENATOR KING: Thank you.

18 Mr. Dorans, can you speak to the loyalty
19 of Magpul?

20 THE CHAIRWOMAN: Mr. Dorans.

21 MR. DORANS: You know, in today's day and
22 age, there aren't many customers that are as loyal as
23 Magpul is. The entire Front Range of Colorado, you
24 know, if you look back in the 1980s, 1990s, it was --
25 we were at the top, we were number one when it came to

1 injection molding.

2 Most of that did go away, that business
3 did evaporate. It's been a blessing to have somebody
4 like Magpul come in and really stimulate the injection
5 molding economy in the state of Colorado. They are
6 very loyal.

7 THE CHAIRWOMAN: Senator King.

8 SENATOR KING: Thank you, Madame Chair.

9 So Magpul has 200, roughly, employees;
10 you said that you have 175 employees, all with
11 families. Can you give me an idea of how many
12 businesses would be affected and how many people would
13 be affected, jobs would be affected should this
14 legislation pass?

15 THE CHAIRWOMAN: Mr. Dorans.

16 MR. DORANS: I can't speak for the entire
17 industry. You know, in -- the supply chain is huge.
18 And the supply chain for everything that we're doing
19 with Magpul is within the state of Colorado. So it not
20 only affects the injection molders, but it affects tool
21 makers, it affects polishers, it affects heat treaters,
22 welders, a number of other employees, as well, and
23 their families.

24 THE CHAIRWOMAN: Senator King.

25 SENATOR KING: Thank you, Madame Chair.

1 Mr. Dorans, can you advise me who would
2 have that answer? Who would know exactly how many
3 families, businesses would be -- would it be Magpul?

4 THE CHAIRWOMAN: I'm sorry, Mr. Dorans.

5 MR. DORANS: Magpul would have a better
6 idea than I because I'm not sure of their entire supply
7 chains.

8 SENATOR KING: Thank you. Appreciate it.

9 THE CHAIRWOMAN: Any other questions for
10 Mr. Dorans? Thank you very much for being here. Good
11 information.

12 MR. DORANS: Thank you very much.

13 THE CHAIRWOMAN: Mr. Michael Shain.

14 Welcome, Mr. Shain.

15 MR. SHAIN: Thank you.

16 THE CHAIRWOMAN: Please have a seat and
17 introduce yourself and proceed with your testimony.

18 MR. SHAIN: Thank you, Madame Chair.

19 My name is Michael Shain. I run a
20 company called Aimpro. It's located in Golden,
21 Colorado. And although we're not nearly as large as
22 Magpul or the previous companies that have been up
23 here, we are in the firearms industry. We like to
24 think that some day we would have a similar trajectory
25 as Magpul.

1 My background is in law enforcement. I
2 moved my business from California to Colorado 10 years
3 ago because the onerous and oppressive regulations and
4 laws in California made it very difficult for me to
5 operate a firearms-related business.

6 I operate the Mossberg Law Enforcement
7 Service Center. We service all the law enforcement
8 shotguns for all the agencies across the United States.
9 They're sent to my facility in Golden for service. I'm
10 also the Mossberg national law enforcement instructor.

11 Although I'm not here representing
12 Mossberg, our focus is obviously -- the majority of our
13 focus is on shotguns at this time, although we do deal
14 in other firearms.

15 So you have me at a little bit of a
16 disadvantage because I had planned to come up here and
17 talk a great deal about shotguns and the language in
18 the bill that has to do with shotguns. I'm encouraged
19 to hear from Senator Hodge that there's been some
20 amendment to that language, but I just want to make
21 sure that I understand it.

22 Because the economic impact of the kind
23 of, you know, under-the-radar shotgun language that
24 really hasn't been focused on could be enormous for the
25 state of Colorado. And I want to remind the committee

1 that there are more than 1,200 federally
2 firearms-licensed dealers in the state of Colorado.

3 Some of them are mom and pop operations,
4 some of them are larger shops, big-box stores. All of
5 those dealers, manufacturers, gunsmiths would be
6 affected by this legislation in a negative economic
7 way.

8 So if you'd permit me, I have to kind of
9 delete some of my talking points because you caught me
10 off guard with your amendment. Although I'm
11 encouraged, I do want to say that I'm here to represent
12 my business. We have only a few employees. We had
13 planned to add more employees, although that's on hold
14 for the time being.

15 I represent them, I represent my
16 customers, and I believe that I represent all of the
17 legal gun-owning citizens of Colorado that are
18 concerned about this legislation.

19 The bill, prior to the amendment that was
20 offered up today by Senator Hodge, is deeply flawed in
21 the area of shotguns. And although Professor Kopel and
22 folks from Magpul are a very difficult act to follow,
23 I'd like to just touch on a couple of technical aspects
24 about the shotgun legislation.

25 And if I may ask Senator Hodge, if I'm

1 correct, that the modification to the bill will make
2 any shotgun that can accept eight rounds of shotgun
3 ammunition, is that the language that we're moving to?

4 Because the original language, can be
5 converted to accept, I think has been touched on today
6 as being flawed, because I can literally take any
7 shotgun with a tubular magazine and convert it to hold
8 more than eight rounds of ammunition.

9 So that would mean that virtually -- and
10 I would say, in the state of Colorado, if you were to
11 go into any of the gun stores today that have any
12 product on their shelf, 80 percent of their shotguns
13 would have tubular magazines, pump and semiautomatic
14 shotguns. So 80 percent of the shotguns sold in the
15 state of Colorado would fall under the readily
16 convertible to hold more than eight rounds.

17 So the language would need to be
18 explicitly in the affirmative, any shotgun that does
19 hold more than eight rounds or has been modified to
20 hold more than eight rounds would fall under the
21 restriction. Am I correct in understanding that?

22 THE CHAIRWOMAN: Senator Hodge, do you
23 have some information or a response for us on that?

24 SENATOR HODGE: Thank you, Madame Chair.

25 We are just limiting however you get

1 there to eight. You can put the magazine on to make it
2 eight --

3 THE CHAIRWOMAN: Mr. Shain.

4 MR. SHAIN: Thank you, Madame Chair.

5 Senator Hodge, I'm sorry, forgive me, I
6 don't understand how you get there from here, is what
7 I'm saying. Any of these shotguns, by virtue of their
8 design -- and I'm sorry, I have a white paper here that
9 might be helpful. If the members of the committee
10 would like to look this over, I'd be happy to
11 distribute it. I'm not sure how it's done.

12 THE CHAIRWOMAN: Yeah, Ms. Smith will get
13 it from you and (inaudible).

14 MR. SHAIN: And this addresses some of
15 these technical issues. Tubular magazine shotguns and
16 detachable box or drum magazine shotguns can simply not
17 be described or dealt with in the same way from a
18 design or technical standpoint.

19 Tubular magazines by design are the
20 attachment point for the barrel on most shotguns that
21 use a tubular magazine, virtually all of them. So by
22 design, a shotgun with a tubular magazine falls within
23 this description, in the original bill, of any shotgun
24 that can be readily converted to accept. That's why
25 the language must be changed to be in the affirmative,

1 any shotgun that will accept or has been converted to
2 accept.

3 Because right now under the bill, the way
4 that it is written, virtually every hunting shotgun in
5 the state of Colorado that uses a tubular magazine will
6 fall under this restriction. That means that I won't
7 be able to give my son my hunting shotgun when we go
8 hunting together or when he takes it out to go hunting
9 on his own. I won't be able to leave it to him when
10 I'm gone.

11 It means that hunters from out of state
12 who come to Colorado for the purposes of hunting upland
13 game, duck, geese, and bring a shotgun with a tubular
14 magazine, either a pump or a semiautomatic shotgun,
15 after July 1st, a shotgun that can be readily converted
16 to accept more than eight rounds of magazine -- or
17 excuse me, eight rounds of ammunition will be
18 criminals.

19 They won't come to Colorado anymore. All
20 the revenue that we see from those hunters, possibly
21 hundreds of thousands of them, they won't be here to
22 buy our fuel, to eat in our diners, to buy our supplies
23 from the local gun stores, they won't buy out-of-state
24 hunting licenses.

25 So it's very, very important from a

1 technical standpoint that this language be exactly
2 technically correct. Because at this point in time,
3 those shotguns that we're talking about can't even be
4 given to me for repair after July 1st.

5 Even law enforcement agencies, under the
6 language of this bill, cannot bring their shotguns to
7 me to be repaired or I will be in violation, I'll lose
8 my federal firearms license, and I have a license to
9 manufacture. So this is a very serious issue from the
10 aspect of the shotgun language.

11 And let me just say that there had been
12 testimony before I came up here by Professor Kopel that
13 it was very incisive about the length of the shotgun
14 magazine, too, that it should be 28 inches long because
15 a three-and-a-half-inch-long shotgun shell, the
16 capacity would need to be 28 inches to accommodate
17 eight rounds.

18 Well, 12-gauge shotguns are designed in
19 three basic chambering configurations,
20 two-and-three-quarter-inch, three-inch, and
21 three-and-a-half-inch. And as it was said earlier by
22 one of the senators, there's also a competitive shotgun
23 round that's a little shorty, we call it.

24 And that -- that term, capacity, when
25 being used in connection with a shotgun is just simply

1 not the same as when we use the term capacity with a
2 box or a drum magazine that accepts a metallic
3 cartridge because they're inserted into the magazine in
4 a different way. In a shotgun, they're inserted end to
5 end. In a box magazine or a drum magazine, they're
6 inserted one on top of the other. And the diameter of
7 those center-fire cartridges does not change the way
8 the length of a shotgun shell does.

9 THE CHAIRWOMAN: Mr. Shain, we can -- we
10 will take your information. This is your testimony,
11 not a time to question back and forth. But we will
12 certainly take your testimony. As we've discussed, as
13 (inaudible) discusses this now.

14 But Senator King, do you have a question?

15 SENATOR KING: Yes, Madame Chair, thank
16 you.

17 Mr. Shain, on the possibility that the
18 vice president calls and this bill is not amended,
19 would you -- are you saying that by not being amended,
20 this bill would ban all shotguns and magazines in
21 Colorado?

22 THE CHAIRWOMAN: Mr. Shain.

23 MR. SHAIN: Thank you, Madame Chair.
24 Thank you, Senator.

25 No, I'm not saying that, because

1 double-barrel shotguns, side by side, over and under,
2 and single-barrel break-action shotguns will not be
3 banned, they'll be the only shotguns that are not
4 banned. And they account for probably somewhere
5 between 10 and 20 percent of the overall number of
6 shotguns that are produced and sold in Colorado.

7 But more to your point, the vast majority
8 of all the commonly-used shotguns in Colorado right
9 now, the ones that are used by the hunters, the trap
10 and skeet shooters, the sport and clay users, the folks
11 that shoot competition, three-gun matches, IBPA, IPSC,
12 Steel Challenge, all the folks that use these for
13 sporting and hunting use with a tubular magazine, those
14 guns will be banned, because you're not just banning a
15 magazine with a shotgun, you're banning the entire
16 firearm because you can attach magazines.

17 THE CHAIRWOMAN: Senator King.

18 SENATOR KING: Thank you, Madame Chair.

19 Mr. Shain, thank you for adding to
20 Colorado's economy. Thank you for the jobs that you
21 provide. If, in fact, this bill is not amended, what
22 affect would that have not only on your business, but
23 other businesses within that specific job area?

24 THE CHAIRWOMAN: Mr. Shain.

25 MR. SHAIN: Thank you, Madame Chair. And

1 thank you for the question, Senator, because it's a
2 very important point.

3 As I said earlier, I run a much smaller
4 business than Magpul or the injection molding company
5 that testified before me. But it's a very, very
6 similar situation because I outsource all of my parts
7 to local machine shops. Most of my supply chain is
8 here in Colorado, that I can get here in Colorado.

9 So if this bill is not amended, if it
10 goes forward as written and these shotguns are no
11 longer legal for me to service, repair, modify, sell,
12 or use, for that matter, I have to consider seriously
13 moving out of the state as well as Magpul is doing.

14 I don't want to. I came here because
15 Colorado was a friendly environment. My two kids are
16 in universities here. All of my vendors are here.
17 I've established relationships with them. But you're
18 absolutely right, I may not affect as many jobs as the
19 larger companies like Magpul and the injection molding
20 companies, but our business plan calls for us to expand
21 over the next two years.

22 I moved out of the basement of my home
23 when I started. I'm currently in a 4,400-square-foot
24 facility. My business plans calls for us to be in a
25 10,000-square-foot facility by June of 2014. That

1 isn't going to happen if this bill goes forward.

2 And all of those -- the revenues that
3 come from shotgun use, notwithstanding what happens to
4 my company, all of those mom and pop operations, gun
5 stores, gunsmiths -- and we have two of the best
6 gunsmithing schools in the nation here in Colorado.
7 They've produced some of the best gunsmiths in the
8 nation. All of those resources will be affected by
9 this ban, this effective de facto ban on shotguns with
10 tubular magazines.

11 THE CHAIRWOMAN: Thank you.

12 Mr. Shain, we're going to have to move
13 forward. Thank you so much for being here today.

14 MR. SHAIN: Thank you, Madame Chair. And
15 thanks to the committee for letting me speak today.

16 THE CHAIRWOMAN: Thank you.

17 Sheriff Kirk Taylor. (Inaudible.) Thank
18 you for being here, Sheriff Taylor.

19 MR. TAYLOR: Thank you, Madame Chair.

20 THE CHAIRWOMAN: Please introduce
21 yourself -- well, we'll let everyone get here before we
22 start so you can have the ... Okay. Please introduce
23 yourself and proceed with your testimony.

24 MR. TAYLOR: Good afternoon, Madame
25 Chair. My name is Kirk Taylor. I'm the elected

1 sheriff in Pueblo County, Colorado. I'm also a proud
2 democrat, and prouder still to be here with my
3 colleagues to oppose this bill, 1224.

4 According to some well-educated people in
5 our communities, there's been some link between
6 high-capacity magazine rounds and mass shootings. In
7 fact, there has been a suggestion that less bullets in
8 a magazine is a less lethal combination that makes
9 sense.

10 The problem is, one bullet is lethal.
11 There's a video on YouTube that's produced by a sheriff
12 that shows what I could teach anybody, any of the
13 senators here. As an FBI firearms instructor, I can
14 teach you all within about 15 to 20 minutes on how to
15 reload your magazine in about four seconds. So -- and
16 I think any law enforcement instructor, firearms
17 instructor can do that.

18 Just as more rounds is not less lethal
19 and presents a problematic sense of security somehow,
20 the real answers are found in the use of the weapon and
21 the type of mental capacity it takes to be the shooter.
22 Not necessarily in the amount of rounds and speed in
23 which you deploy the deadly rounds, but the type of
24 person that it takes to do it.

25 I think we find ourselves in a position

1 in the state of Colorado with these gun bills where we
2 can make a difference, when the society is looking for
3 answers, and we lose sight of the forest for the trees,
4 or the side of the real problem for how many bullets
5 are in the stack.

6 The real problem is that (inaudible)
7 societies, schools, teachers, and yet despite all of
8 this, not because of it, they decide to take a human
9 life, it's easy to do. Just this week in Pueblo we
10 decided that threats were enough to seek the person who
11 made them, and that we should look at the person, and
12 lastly to enlist a professional group of educators,
13 mental health professionals, and law enforcement with
14 the parents to isolate another teen who had made
15 threats against one of our institutions.

16 That would not make sense to only make
17 sure that that person had a hundred rounds in
18 10 magazines or 90 in three magazines, what would make
19 sense was to identify, isolate, mandate, educate, and
20 prevent that one person from having any kind of
21 firearm, knife or deadly weapon. And that's what we've
22 done.

23 The problem with this legislation that,
24 in essence, my fellow sheriff's going to get up here
25 and testify, that it's unenforceable to us, as

1 sheriffs. The fact that you can drive across the
2 border to Wyoming and buy all the 30-round clips you
3 want, there's no -- the onus has been on the
4 prosecution to prove that they didn't -- they weren't
5 grandfathered in if this legislation were to pass.

6 If law enforcement, parents, mental
7 health professionals, neighbors, or a teacher wants
8 somebody checked out for a large capacity to hurt
9 others, I think our time would be better spent to
10 release them from the liability that they would incur
11 having told law enforcement about this potentially
12 dangerous individual.

13 If you use a firearm committing a crime,
14 five years mandate with no parole no matter what. I
15 think that's a crime-prevention tool. I have just a
16 couple more things here, and I'll let Sheriff Smith
17 touch on some of the unenforceable aspects of this bill
18 if it should pass.

19 But I just want to say, this bill just
20 doesn't make any sense from our perspective. I sit on
21 the board of directors for the county sheriffs of
22 Colorado, we really looked at this in the light of
23 public safety.

24 In our opinion, it doesn't do anything to
25 enhance public safety. All it does is to minimize our

1 citizens' ability to either target practice or have the
2 ability to own these types of magazines. That's all I
3 have, Madame Chair.

4 THE CHAIRWOMAN: Thank you so much.
5 Sheriff Taylor. Are there any questions for Sheriff
6 Taylor? comments?

7 Senator Lundberg.

8 SENATOR LUNDBERG: Thank you, Madame
9 Chair, I'll be very brief because I know we have a very
10 limited amount of time, only a few more minutes,
11 unfortunately, not enough time for everyone.

12 But gentlemen, I would be remiss if I did
13 not thank you personally on behalf of the people of
14 Colorado for not only standing up for us day in and day
15 out, but standing up for our rights, as well, right
16 here. Thank you very much.

17 THE CHAIRWOMAN: I could call -- the next
18 person is Dudley Brown -- oh, I'm sorry, Senator
19 Aguilar.

20 SENATOR AGUILAR: Thank you. Thank you,
21 Madame Chair.

22 Just one question. What would -- do you
23 think there would be adverse affects on Colorado
24 citizens' safety if we pass this law?

25 THE CHAIRWOMAN: Sheriff Taylor.

1 MR. TAYLOR: An adverse affect. I think
2 any time that you restrict people's property rights in
3 transferring or possessing any type of property,
4 whether it be cows, I happen to raise cattle, or guns,
5 or the ability to purchase something legally, that you
6 adversely affect the constituents that we are sworn to
7 protect.

8 THE CHAIRWOMAN: Senator Aguilar.

9 SENATOR AGUILAR: Thank you, Madame
10 Chair.

11 I think I meant, like, safety. Do you
12 think it would harm anyone's safety if we were to pass
13 this restriction?

14 THE CHAIRWOMAN: Sheriff Taylor.

15 MR. TAYLOR: Yes, ma'am. I mean, in the
16 sense that a citizen who wants to have a 30-round clip
17 to defend themselves would no longer be able to without
18 grandfathering that in. And I think in that kind of
19 conceptual sense, it would have an adverse effect on
20 our constituents.

21 THE CHAIRWOMAN: Senator Aguilar.

22 SENATOR AGUILAR: Thank you, Madame
23 Chair.

24 To the best of your knowledge, has a
25 citizen ever utilized a 30-round clip to defend

1 themselves?

2 THE CHAIRWOMAN: Sheriff Taylor.

3 MR. TAYLOR: No, ma'am. But we had a
4 police shooting with a 30-round clip. 16 rounds were
5 fired at a distance at about 60 feet, and one actually
6 hit its target. So I think the ability to have those
7 rounds in a gun battle, whether it be citizen or law
8 enforcement, is extremely important to have that
9 capacity.

10 THE CHAIRWOMAN: Senator Aguilar.

11 SENATOR AGUILAR: I'm sorry, could you
12 clarify? What do you mean by you had a police
13 shooting? The policeman had 30 rounds or the
14 perpetrator had 30 rounds?

15 MR. TAYLOR: Actually, the police officer
16 had 30 rounds. And the perpetrator had, I believe,
17 16 rounds. My point was, the citizens should have the
18 same right to defend themselves as the criminals who
19 are putting the ...

20 THE CHAIRWOMAN: Thank you for your
21 testimony today.

22 SENATOR AGUILAR: I'm not done.

23 THE CHAIRWOMAN: The next person --
24 Senator, I need to move on. We have just a few more
25 minutes.

1 The next person is Dudley Brown. Thank
2 you for being here, Mr. Brown. Could you please
3 introduce yourself and proceed with your testimony.

4 MR. BROWN: Thank you, Madame Chairman.

5 Members of the committee, my name is
6 Dudley Brown. I'm with Rocky Mountain Gun Owners. I'm
7 going to try and be real quick since I know we have a
8 limited time. There are many people, of course you
9 know, who have been waiting out in the hallways all day
10 long to speak, especially on this particular bill.

11 Friday about a million and a half people
12 in Colorado got a very rude awakening when some people
13 found out that this bill will ban pump shotguns in the
14 state of Colorado. Now, we've heard some testimony on
15 that earlier. I concur with that testimony.

16 The modification of pump shotguns is
17 virtually limitless in many ways. And that is the most
18 common firearm in the state of Colorado, is a pump
19 shotgun, 12-gauge. And so if that's the intent of this
20 committee and the sponsors of the bill, clearly, you
21 have something to address to a large number of people.

22 I'm going to skip most of the things I
23 was going to say for time. But what I'd like to know
24 is, how many rounds is it okay to defend my family
25 with? How many? It seems kind of arbitrary, doesn't

1 it, how many rounds you'll allow me to defend my family
2 with or to my wife to defend my kids with or the
3 citizen next door to me to defend me with? It's an
4 arbitrary number and we all know it. It was picked out
5 of the air, and it doesn't make any sense.

6 The unintended consequence of this law is
7 that it will be fireworks stands on the border of
8 Wyoming, just like they do fireworks, and they're going
9 to set up stands selling magazines. And people will
10 flaunt it. And I believe it's very detrimental to
11 state law to flaunt that, to pass the kind of laws that
12 people distinctly ignore. And I don't like it.

13 But I would like to give my time here to
14 a lady that -- a member of ours, who is compelling, her
15 name is Lily Tang Williams who signed up to speak, and
16 let her briefly say some words, if that's okay with the
17 chairman.

18 THE CHAIRWOMAN: Sure. We have
19 12 minutes left, and there are two other major groups
20 to testify, so if you could be brief.

21 MS. WILLIAMS: Well, good afternoon,
22 Madame Chair here and to the senators and everybody
23 here. My name is Lily Tang Williams. I was born in
24 communist China. And to grow up there as a child
25 (inaudible) and the police say that they can come knock

1 on our doors at night without searching warrant. And
2 also, we are not allowed to legally own any guns.

3 So when the criminals come to rob our
4 house, we have to defend ourself with a knife, kitchen
5 knife, and whatever we can get our hands on.

6 And I come to this country for freedom
7 and for liberty, including your Second Amendment rights
8 to own guns. And I thought because your Constitution,
9 I loved it, it will protect me forever to have that
10 right with me.

11 But now I see this is slipping away. And
12 I wanted to tell you the horrible stories I grew up in
13 China (inaudible) know that lead under tyranny, it's
14 very, very scary. And I know that lots of people here
15 say, We're not Chinese communists, we are U.S.
16 government. But I can tell you, I see (inaudible), I
17 think global trend that the citizens -- law-abiding
18 citizens are losing their rights --

19 THE CHAIRWOMAN: Ma'am, could you please
20 -- could you please keep your comments to the state of
21 Colorado?

22 MS. WILLIAMS: Yes.

23 THE CHAIRWOMAN: Just to save time.

24 MS. WILLIAMS: I strongly oppose the
25 bill -- I strongly oppose this bill because we limit

1 the magazines for law-abiding citizens to have. I want
2 to ask you a question. Do the criminals limit their
3 magazines? Do they government (inaudible) tyranny to
4 limit to their magazine sizes? If our Constitutional
5 rights are to protect ourself of the tyranny and the
6 criminals, why (inaudible). It's not fair game at all.

7 THE CHAIRWOMAN: Thank you for your
8 testimony.

9 MS. WILLIAMS: And one more thing,
10 Chairwoman. I want to say, I come to this country for
11 freedom, not for tyranny. I wanted to ask you a
12 question. You say communists (inaudible) end up taking
13 my rights away from guns, why should you take my rights
14 away from guns to defend myself? Why? Why? Like,
15 it's a shame on you (inaudible).

16 THE CHAIRWOMAN: Thank you for your
17 testimony.

18 Senator King.

19 SENATOR KING: Thank you, Madame Chair.
20 Mr. Brown, who do you represent and how many members do
21 you have?

22 THE CHAIRWOMAN: Mr. Brown.

23 MR. BROWN: Madame Chairman,
24 Senator King, I represent Rocky Mountain Gun Owners,
25 which is -- I think we have 17,000 members in the state

1 of Colorado. I also represent the National Association
2 for Gun Rights, which has 2.4 million members.

3 SENATOR KING: Thank you.

4 THE CHAIRWOMAN: Okay. Senator Ulibarri.

5 SENATOR ULIBARRI: Thank you, Madame
6 Chair.

7 I wanted to follow up on Senator King's
8 line of questioning.

9 Mr. Brown, does your organization engage
10 in candidate endorsements?

11 THE CHAIRWOMAN: Mr. Brown.

12 MR. BROWN: Of course we do. We have a
13 small donor committee that has a pack.

14 THE CHAIRWOMAN: Senator Ulibarri.

15 SENATOR ULIBARRI: Thank you, Madame
16 Chair.

17 And did your organization ask
18 specifically about this legislation in making any
19 determination for endorsements?

20 THE CHAIRWOMAN: Mr. Brown.

21 MR. BROWN: Senator, yes, actually, we
22 did. We asked both the assault rifle question, we
23 asked magazine ban, we asked a whole slew of questions,
24 I think about 15 questions.

25 THE CHAIRWOMAN: Senator Ulibarri.

1 SENATOR ULIBARRI: Thank you, Madame
2 Chair.

3 So if someone answers your question
4 correctly, are they endorsed and get the money to
5 support your position?

6 THE CHAIRWOMAN: Mr. Brown.

7 MR. BROWN: Not always. There are a
8 whole slew of questions, of course, and they must
9 answer all of them correctly, yeah, before we'll
10 endorse them.

11 THE CHAIRWOMAN: Senator Ulibarri.

12 SENATOR ULIBARRI: Thank you, Madame
13 Chair.

14 So sitting here on this panel before you
15 today, has your organization endorsed and given money
16 to any of the folks sitting here in front of us? I've
17 heard some questions about --

18 UNIDENTIFIED SPEAKER: Madame Chair,
19 that's not appropriate.

20 THE CHAIRWOMAN: Yeah, Senator --
21 Mr. Ulibarri --

22 UNIDENTIFIED SPEAKER: Absolutely. With
23 very little time left, we -- it's not appropriate to
24 deal with this political question.

25 SENATOR ULIBARRI: I want to make my

1 point. I'd like to finish, if possible.

2 THE CHAIRWOMAN: Senator Ulibarri --

3 SENATOR ULIBARRI: I would just like to
4 finish if possible.

5 THE CHAIRWOMAN: Senator Ulibarri --

6 SENATOR ULIBARRI: Because we've heard
7 people asking about whether or not people have received
8 phone calls from the vice president. There's somebody
9 sitting before us today who has given money directly to
10 candidates on this panel.

11 And so I think the question is
12 appropriate, and the other questions were not ruled out
13 of order.

14 UNIDENTIFIED SPEAKER: Yes, Senator, and
15 we're going to give money against your opponents,
16 too -- for your opponents, so thank you.

17 THE CHAIRWOMAN: Thank you for your
18 testimony. And I'm now going to call the last person.
19 There's two people, and we only have about a minute and
20 a half. So I'm going to call Greg Alfred. Mr. Alfred,
21 I'm sorry, but you have about a minute and a half to
22 testify.

23 MR. ALFRED: Okay. Then, if you don't
24 mind, then I'll probably -- I'll read and be more
25 direct and not --

1 THE CHAIRWOMAN: Yes, sure.

2 MR. ALFRED: Good afternoon. My name
3 is -- good afternoon, Madame Chair, and committee
4 members. My name is Greg Alfred. I'm here to oppose
5 HB 1224. I represent myself and the 179 employees,
6 \$6.8 million in payroll and \$650,000 in taxes my
7 companies contribute.

8 I'd like to tell you a little bit about
9 Alfred Manufacturing. We currently employ 149 people
10 at our Denver facility, located in the Globeville
11 neighborhood, District 34, which I believe is Madame
12 Chair's district.

13 These are good-paying jobs with great
14 benefits. We pay 98 percent of our employees' health
15 care insurance. We offer 401(k) savings plans. We
16 have profit sharing programs.

17 If this legislation passes, it would
18 say -- at least 100 of the 150 people employed at my
19 Denver facility will no longer be needed or will lose
20 their jobs. Our 15,000-square-foot expansion plans at
21 this location, along with an additional 50 jobs we are
22 planning for, will be scrapped. It will be necessary
23 for us to set up operation where Magpul relocates.

24 Unfortunately for Colorado, this business
25 that my company does for this customer is easily

1 transportable. It would be easy to move this part of
2 the business to another state. I've already had many
3 requests from other states with legitimate offers
4 supporting a move to their state.

5 If HB 1224 passes, it will not slow down
6 production, but it will cost jobs. It's no wonder
7 these other states are so interested in this business.
8 It is a fairly known statistic that, to answer
9 questions that were asked before, manufacturing jobs
10 create seven more in the supply chain.

11 I'm here today not only for the workers
12 that work for me, but those companies -- those who work
13 for the companies who supply goods and services to us.
14 To be clear, we are talking about thousands of Colorado
15 jobs if Magpul leaves the state.

16 I'm a third-generation Colorado
17 businessman and a fourth-generation Colorado native.
18 It took two and a half generations for us to build our
19 company, reinvesting everything we could back into the
20 business to get it to 50 employees. Since we started
21 doing business with Magpul in the beginning, we have
22 grown to 150 in just the last six years.

23 I heard something earlier that was a
24 little bit disturbing. Magpul spends with their
25 subcontractors, spends with their subcontractors

1 45 million in Colorado purchases. They're talking
2 about increasing that to 85 million next year. That's
3 not their revenue, that's how much they put back in the
4 state to subcontractors such as myself.

5 THE CHAIRWOMAN: Mr. Alfred, I'm sorry,
6 we are out of time.

7 MR. ALFRED: Just one last thing.

8 THE CHAIRWOMAN: I'll let you bring it to
9 the close as fast as you can.

10 MR. ALFRED: Okay. So what I'm saying
11 is, before any legislator casts their vote, I'd
12 personally invite them to tour my Denver facility and
13 meet the people their vote will be impacting.

14 I'd like to personally repeat my offer to
15 you, Madame Chair, to visit our facility. We're right
16 over here between I-25 and I-70. Many of our workers
17 live in your district. Many of these workers are among
18 those who will lose their jobs if HB 1224 passes.

19 Madame Chair and fellow committee
20 members, thank you for allowing me to address. Thank
21 you for serving this great state of ours. And always
22 keep Colorado's best interests driving your decisions.
23 Please vote no on HB 1224.

24 THE CHAIRWOMAN: Thank you very much.
25 Senator Lundberg. Senator Lundberg.

1 SENATOR LUNDBERG: Madame Chair, if I
2 understand it correctly, we are out of time for the
3 allotted time. I appreciate your giving both sides an
4 equal time on everything. But I know a lot of citizens
5 have come who have been unable to express their
6 opinion, except maybe outside of the rules.

7 But would it be appropriate, just simply
8 by a show of hands or something like that, be able to
9 give everybody an opportunity to indicate their support
10 or their opposition to this bill?

11 THE CHAIRWOMAN: That would be
12 appropriate. Those in favor of the bill, raise your
13 hand. Those in opposition? Thank you very much --
14 okay. Thank you very much for being here today.

15 MR. ALFRED: Thank you once again for
16 your time.

17 THE CHAIRWOMAN: So the testimony phase
18 is closed now. We're going to go back to Senator Hodge
19 and any closing remarks. And also, we will move your
20 bill and your amendment. So please go ahead.

21 SENATOR HODGE: Thank you, Madame Chair.
22 No, I think we have covered this -- covered it again.
23 If you would move the bill and the amendment. I'd be
24 happy to explain the amendment again. Or if you're all
25 clear, I'm also good with that.

1 THE CHAIRWOMAN: All right. So members,
2 I'm going to move House Bill 1224. And the amendment
3 L.023. Would you like to describe the amendment? I
4 know you did in the beginning, but --

5 SENATOR HODGE: I'd be happy to do it.

6 THE CHAIRWOMAN: -- hit some points.

7 SENATOR HODGE: Amendment L.023. Amend
8 the bill as we have it in front of us today to describe
9 what a large-capacity magazine means. It means, "A
10 fixed or detachable magazine, box, drum, feed strip, or
11 similar device capable of accepting, or that is
12 designed to be readily converted to accept, more than
13 15 rounds of ammunition; (II) A fixed magazine or
14 similar device that is capable of accepting more than
15 eight shotgun shells; or (III) A detachable
16 magazine --" I'm reading you the amendment. I think
17 you can read the amendment. How about I read you --

18 THE CHAIRWOMAN: Thank you. All right.

19 SENATOR HODGE: -- what it does.

20 THE CHAIRWOMAN: That's good.

21 SENATOR HODGE: All right. It creates a
22 separate clearer definition for high-capacity magazines
23 for shotguns. It makes sure that the future sale to
24 common hunting shotguns with the ability to accept tube
25 extenders are not outlawed by the language of the bill.

1 With this amendment, owners can have
2 attachments and six magazines. And manufacturers can
3 still make the same guns they've always made, that the
4 combination of capacity between the fixed capacity of
5 the firearm and any extender cannot be more than eight.

6 The language clarifies that high-capacity
7 magazines will be banned that are specifically designed
8 to be readily converted to accept more than 15 rounds
9 of ammunition. It will make clear that it will be
10 illegal to sell magazines that are smaller than
11 15 rounds, but are designed to stack together like
12 Lego's to make much larger, higher capacity magazines.

13 Part II of the amendment includes
14 retailers that sell directly to the government and law
15 enforcement agencies in the exception to the legal sale
16 of high-capacity magazines in Colorado, government
17 entities and to law enforcement.

18 No. III, this portion of the amendment
19 clarifies that only manufacturers who are specifically
20 exempt from the penalties of the bill are allowed to
21 transfer high-capacity magazines out of state.

22 And No. IV is the identification marking
23 for large capacity magazines. This amendment clarifies
24 that manufacturers of high-capacity magazines in
25 Colorado will not be required to put serial numbers on

1 each high-capacity magazine, but instead, will be
2 required to add a permanent stamp or marking that
3 indicates the magazine was manufactured after the
4 effective date of the bill.

5 Manufacturers argued that requiring a
6 different serial number for each magazine would create
7 a significant expense in the manufacturing process.
8 This amendment will make sure that they do not incur
9 those expenses while also ensuring that law enforcement
10 will be able to tell the difference between
11 newly-manufactured high-capacity magazines that will be
12 illegal on the streets of Colorado and those previously
13 owned magazines that have been grandfathered in. And
14 that's the amendment.

15 THE CHAIRWOMAN: Thank you. Are there
16 any questions on the amendment? Is there any objection
17 to Amendment L.023? Seeing none, that amendment is
18 passed. We are now to the bill. Any further
19 discussion?

20 UNIDENTIFIED SPEAKER: Madame Chair,
21 (inaudible).

22 THE CHAIRWOMAN: Sir, you are out of
23 order. Sir -- you may need to remove this man if he
24 continues.

25 So we are moving the bill to the

1 committee of the whole.

2 Senator King.

3 SENATOR KING: Thank you, Madame Chair.

4 (Interruption.)

5 SENATOR KING: Thank you, Madame Chair.

6 You know, it's been said that democracy is two wolves
7 and a lamb voting on what's for lunch. And liberty,
8 liberty is a well-armed lamb contesting the vote.

9 Madame Chair, government should never put
10 law-abiding citizens in a position of criminals having
11 the superior weapons of violence. The first law of
12 nature is every creature's right to self-defense.

13 30 years of investigating violent crime,
14 and I have found the answer to the question. For the
15 protection of your family and your life and those you
16 care about, how many rounds are enough? Just one more
17 than the bad guy.

18 Yet economic impact of this legislation
19 to Colorado who just last year, the battle cry was
20 jobs, jobs, jobs, is devastating. I will be a no vote.

21 THE CHAIRWOMAN: Further discussion?
22 Senator Lundberg.

23 SENATOR LUNDBERG: Thank you, Madame
24 Chair.

25 First I want to apologize to the citizens

1 of the state of Colorado for the way this has been
2 forced into a rush situation. What we have before us
3 today is one of seven bills, all of which are designed
4 to further tighten the control of the honest,
5 law-abiding citizen over their Constitutional rights in
6 both the federal government's constitution and the
7 state's constitution.

8 I apologize that many have come from
9 many, many miles away, have been waiting for hours upon
10 end trying to get in just to give their input as a
11 citizen of this state at the public hearing. That is,
12 once again, constitutionally guaranteed.

13 I apologize that the choice was made to
14 put all seven bills in one day. You can't even attend
15 all the hearings because we've got two of them going on
16 at the same time.

17 Now, we've had many people speak both
18 directions, and so this committee has actually gotten a
19 pretty good picture of the situation overall. And for
20 that, I am grateful that we at least have gotten the
21 ideas out there.

22 I should hope this committee has heard
23 not only from the -- those who have been testifying,
24 but from the constant blare of horns and protests
25 outside, from the crowds in the hallways, and I don't

1 know about you, but my aide is counting the e-mails in
2 the thousands now.

3 Senator Hodge, I oppose this bill because
4 it is one of the bills that is designed to further
5 tighten down on the controls of the citizens. And I am
6 going to finish my comments with something that was
7 just handed to me a few minutes ago from somebody who
8 came here to testify and wasn't able to. And I'm not
9 going to read everything, but there are a couple of
10 portions of paragraphs I believe are very well put.

11 This individual says, I, too, was shocked
12 and saddened by the tragedy at Sandy Hook and too many
13 others like it. You believe that tighter gun laws are
14 the answer, I do not. Our actions must be focused on
15 the root of the problem, the erosion of our moral
16 fiber, kids that have been desensitized from hours of
17 violent video games, and the complete failure of our
18 system to recognize and deal with people who show signs
19 of dangerous behavior, these are all contributing
20 factors in this ongoing debate.

21 But somehow it ends up being about guns
22 and high-capacity magazines. This isn't about guns.
23 This is about control. This is about an antigun agenda
24 where the end game is to completely disarm every
25 American citizen. Aren't the 20,000 gun laws that are

1 already on the books enough? I say (inaudible) to
2 that, and no to this bill.

3 THE CHAIRWOMAN: Any further discussion?
4 Senator Aguilar.

5 SENATOR AGUILAR: Thank you,
6 Senator Hodge, for bringing this bill forward. And I
7 want to thank those of you who have been victims who
8 came forward and testified in support of the bill.

9 I do want to say that I am -- continue to
10 be amazed by the hostility that we are hearing from
11 people who are opposed to this bill both here and in
12 committee, honking disrespectfully around the building,
13 and having a gentleman sit here and directly tell my
14 colleague that he's going to give money to his
15 opponent?

16 I've never seen such unprofessional
17 behavior and such emotion-filled inability to think
18 about what the consequences have been and the lives of
19 these people whose lives have been irreparably harmed,
20 and I'll be happy to vote for your bill today.

21 THE CHAIRWOMAN: Any other discussion?

22 I, too, want to thank you for bringing
23 this bill forward. This is a challenging time here in
24 Colorado. Some may say it's the best of -- it's the
25 worst of times and it's the best of times.

1 I believe that these are the times that
2 call for our moving forward. So with that, Ms. Smith,
3 will you please take the vote.

4 MS. SMITH: Senator Aguilar.

5 SENATOR AGUILAR: Yes, ma'am.

6 MS. SMITH: Senator King.

7 SENATOR KING: No, ma'am.

8 MS. SMITH: Senator Lundberg.

9 SENATOR LUNDBERG: No.

10 MS. SMITH: Senator Ulibarri.

11 SENATOR ULIBARRI: Yes.

12 MS. SMITH: Madame Chair.

13 THE CHAIRWOMAN: Aye.

14 MS. SMITH: It passes 3 to 2.

15 THE CHAIRWOMAN: It passes 3 to 2, you're
16 on your way to the committee of a whole.

17 (Inaudible.)

18 THE CHAIRWOMAN: Thank you, Ms. Hodge.

19 We're going to be in a short recess until we get
20 Senator --

21 (Whereupon, the audio recording was
22 concluded.)

23

24

25

CERTIFICATE

STATE OF COLORADO)
CITY AND COUNTY OF DENVER) ss.

I, TERESA HART, Registered Professional Reporter and Notary Public for the State of Colorado, do hereby certify that this transcript was taken in shorthand by me from an audio recording and was reduced to typewritten form by computer-aided transcription; that the speakers in this transcript were identified by me to the best of my ability and according to the introductions made and written materials provided; that the foregoing is a true transcript of the proceedings had; that 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 24th day of June, 2013.

My commission expires: January 15, 2016.

TERESA HART
Registered Professional Reporter
and Notary Public
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