CITY AND COUNTY OF DENVER
STATE OF COLORADO

JUDICIAL COMMITTEE MEETING

Held on March 4, 2013

HOUSE BILL 13-1224

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

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

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

SENATOR HODGE: Thank you, Madame Chair.
Thank you members of the committee. Before I begin my presentation, I do need to tell you that there is an amendment coming.

THE CHAIRWOMAN: Okay.

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

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

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

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

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

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

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

Manufacturers argued that requiring a different serial number for each magazine would create a significant expense in the manufacturing process. This amendment will make sure that they do not incur those expenses while also ensuring that law enforcement will be able to tell the difference between newly
manufactured high-capacity magazines that will be illegal on the streets of Colorado and those previously owned magazines that are grandfathered in.

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

THE CHAIRWOMAN: Okay.

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

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

Revision has been made in this legislation to allow the manufacturer of larger capacity magazines for transfer to a branch of the armed forces, government agency, a firearms retailer
who sells outside of Colorado, a foreign national government approved by the United States government for such transfers, an out-of-state transferee who may legally possess a large capacity magazine.

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

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

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

Mayors Against Illegal Guns conducted a study of every mass shooting between January 2009 and January 2013 that was identifiable to FBI data and media reports. They found that high-capacity magazines were used in at least 28 percent of those incidents.
That's disproportionate to their use in overall crime, which is estimated at about 2 percent.

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

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

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

This bill is an attempt to reduce the slaughter. In several cases, the shooter had trouble reloading, which gave others the opportunity to react and interfere. Many believe that had this ban been in place, there would have been fewer dead in Newtown.
Enough. I ask for your support on this bill.


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

THE CHAIRWOMAN: Senator Hodge.

SENATOR HODGE: Thank you, Madame Chair. Senator King, I think there's a certain amount of evidence in what I've just read to you, the number of magazines and when people were able to interfere.

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair. Senator Hodge, have you had an opportunity to read the National Institute of Justice under the Obama administration's Department of Justice, their summary of select firearm violence preventative strategies?

THE CHAIRWOMAN: Senator Hodge.
SENATOR HODGE: Thank you, Madame Chair.

Senator King, no.

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

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

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

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

We've done this, have we not?

THE CHAIRWOMAN: Senator Hodge.

SENATOR HODGE: We've done what,
Senator King?

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Are there other --

Senator Hodge.

SENATOR HODGE: Thank you, Madame Chair.

Thank you, Senator King.

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

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

Senator Hodge, as part of the 1994 assault weapons ban, the production of high-capacity magazines was halted. A comprehensive study by the Center For Disease Control nine years later looked at 51 studies covering the full pathology of gun control measures including this ban, and concluded that none, none could be proven to reduce crime. In 2005 the American Journal of paleontol -- Preventative Medicine
did a similar survey and came up with the same results.

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

SENATOR ULIBARRI: Thank you, Madame Chair.

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

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

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

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

SENATOR HODGE: That's correct.

SENATOR LUNDBERG: And first, it appears, from what I'm reading here I believe, that terminology,
"Or can be readily converted to accept more than," is
still in there or not?

THE CHAIRWOMAN: Senator Hodge.

SENATOR HODGE: Thank you.

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

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame
Chair.

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

THE CHAIRWOMAN: Senator Hodge.

SENATOR HODGE: Thank you.

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

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Okay. Thank you,
Madame Chair.

Several questions. One, let's just start
with the standard magazine where it's no more than 15.
Readily converted, are you aware of how easily
convertible most of these -- or many, I don't know
about most, but many of the standard magazines are, in
that you can add sections to them?

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

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

THE CHAIRWOMAN: Senator Hodge.

SENATOR HODGE: Thank you.

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

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

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Senator Hodge.

SENATOR HODGE: Thank you.

I'm talking about the count of eight shells.

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

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

And therefore, what you're talking about here, and I want people to understand that it may say
eight, but it's going to work out this way: Since there's a one-and-a-half-inch shell that is manufactured, it's a load for competition shooting rather than bird hunting, for example, but nonetheless, it fits in the same gun, one-and-a-half-inch means 12 inches is eight.

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

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

THE CHAIRWOMAN: Senator Hodge.

SENATOR HODGE: Thank you.

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

THE CHAIRWOMAN: Senator Lundberg --

SENATOR LUNDBERG: Thank you, Madame Chair.
Well, I'll be anxious to hear,
particularly on the side of those who think this is a
good idea, how this technically works out to anything
more than three shells for a three-and-a-half-inch
12-gauge shell when eight obviously means no more than
12 inches length to put in eight one-and-a-half-inch
shells.

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

SENATOR KING: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Senator Hodge.

SENATOR HODGE: Thank you, Madame Chair.

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

SENATOR KING: Thank you.

THE CHAIRWOMAN: Members, (inaudible) we
have two more minutes before the 20 minutes
(inaudible). Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Senator Hodge.

SENATOR HODGE: Thank you, Madame Chair. Thank you, Senator Lundberg. It's very quickly done if you're a competent person. But all the people who have been involved in these mass shootings were not necessarily competent shooters.

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

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

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

Once the expert witnesses for both the proponents and the opponents have spoken, I mean, on either side, once they have finished, then the other
witnesses will be given three minutes. But we're going
to start with the proponents.

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

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

THE CHAIRWOMAN: I beg your pardon?

MR. CHIPMAN: Excuse me?

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

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

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

For those of you who have seen file
footage of the attempt on President Reagan's life, what
do you remember? I remember Secret Service agents and
local police standing tall and holding their positions.

I remember firearms being drawn only after the incident had ended and the president and others were shot.

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

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

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

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

Today's killers are no different than failed assassins 30 years ago. The only difference is that today's killers had easy access to far more lethal firearms with the ability to accept high-capacity ammunition magazines.
So will limits to the capacity of magazines prevent determined shooters from doing harm? Of course not. But they may prevent a would-be killer from becoming a killing machine. High-capacity magazines place our law enforcement officers directly in harm's way. These magazines are commonly used in gun crimes and in police murders.

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

According to the Washington Post, magazine limits were associated with a 60-percent decline in the share of crime guns with high-capacity magazines recovered in Virginia between 1998 and 2004. After the federal law expired, the share of crime guns recovered in this state with high-capacity magazines increased each year through 2010, more than doubling from the 2004 low.

During my career as a member of ATF's version of SWAT, I performed countless high-risk
tactical operations. Early during my career I was issued a six-shot 357-magnum revolver. Later I carried a 9-millimeter, and then a 40-caliber semiautomatic pistol.

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

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

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

THE CHAIRWOMAN: Thank you, Mr. Chipman.

Are there questions? Senator King.

SENATOR KING: Thank you, Madame Chair.

Mr. Chipman, have you ever shot anybody?

THE CHAIRWOMAN: Mr. Chipman.

MR. CHIPMAN: I have not.

THE CHAIRWOMAN: Senator King.
SENATOR KING: It's true you've been shot at.

THE CHAIRWOMAN: Mr. Chipman.

MR. CHIPMAN: I have not.

THE CHAIRWOMAN: Senator King.

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

THE CHAIRWOMAN: Mr. Chipman.

MR. CHIPMAN: I have been involved in dozens.

THE CHAIRWOMAN: Senator King.

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

THE CHAIRWOMAN: Mr. Chipman.

MR. CHIPMAN: No.

THE CHAIRWOMAN: Senator King.

SENATOR KING: It was three.

THE CHAIRWOMAN: Senator King.

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

THE CHAIRWOMAN: Mr. Chipman.

MR. CHIPMAN: I would hope that hammer wasn't used in a murder.
THE CHAIRWOMAN: Senator King.

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

THE CHAIRWOMAN: Mr. Chipman.

MR. CHIPMAN: No, sir.

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Mr. Chipman.

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

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

Can you give me a better metric? I mean, you represent yourself as being quite familiar with firearms and how these things work, can you give me a
better way to measure this? Because I don't think it makes any sense. I don't think number of shells makes sense when there's a wide range of length of shells.

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

THE CHAIRWOMAN: Mr. Chipman.

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

SENATOR LUNDBERG: I see. Okay. Thank you.

THE CHAIRWOMAN: (Inaudible) Senator--

I'm only calling upon those members of the judiciary committee today, Senator Baumgardner.

SENATOR BAUMGARDNER: Thank you, Madame Chair.

THE CHAIRWOMAN: Are there any other questions?

Thank you for being here today.

Patricia Maisch. Oh, I'm sorry, just a moment, Mr. Chipman, I think Senator King--

SENATOR KING: Don't go away so quick,

Mr. Chipman.

Thank you, Madame Chair.
Mr. Chipman, have you had the opportunity
to read the National Institute of Justice's
presentation on extended magazines?

THE CHAIRWOMAN: Mr. Chipman.

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

THE CHAIRWOMAN: Senator King.

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

THE CHAIRWOMAN: Mr. Chipman.

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

SENATOR KING: Thank you.

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Thank you. I do have
one more question. And that's -- well, actually, a
couple of questions around this subject of access
availability of high-capacity magazines. Do you know how many high-capacity magazines are out there right now?

THE CHAIRWOMAN: Mr. Chipman.

MR. CHIPMAN: I do not.

THE CHAIRWOMAN: Senator Lundberg.

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

THE CHAIRWOMAN: Mr. Chipman.

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

SENATOR LUNDBERG: Okay. Thank you.

THE CHAIRWOMAN: Thank you.

Senator King.

SENATOR KING: Thank you, Madame Chair.
Mr. Chipman, can you tell me, do you know the most popular personal safety firearm in the United States?

THE CHAIRWOMAN: Mr. Chipman.

MR. CHIPMAN: No.

THE CHAIRWOMAN: Senator King.

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

THE CHAIRWOMAN: Mr. Chipman.

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

SENATOR KING: Correct.

THE CHAIRWOMAN: Senator King.

SENATOR KING: I'm done.

THE CHAIRWOMAN: Okay. Any other questions?

Mr. Chipman, thank you for being here today.

MR. CHIPMAN: Thank you.

THE CHAIRWOMAN: Patricia Maisch? Oh, Mr. Chipman, could you sign a slip outside so that we
know that you were here today? Thank you.

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

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

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

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

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

MS. MAISCH: I'm a survivor of the active shooting tragedy in Tucson on January 8th, 2011, that took the lives of Dorothy Morris, Phyllis Schneck, Dorwin Stoddard, Judge John Roll, Gabe Zimmerman, and
beautiful little Christina Taylor Green, just 9 years old.

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

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

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

When those 19 seconds of rapid fire turned to the 20th second, with a momentary pause in the firing, two brave men, Richard -- Roger Salzgeber
and Bill Badger tackled that deranged young man with the gun. The killing spree stopped. 19 seconds and 33 bullets.

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

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

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

That young man with the gun was ready, willing, and nearly able to continue his murderous rampage and to slaughter the innocents had he not been stopped at that very moment when he changed his magazine.
I shudder to think of the consequences if he had a magazine of 50 rounds or a hundred rounds like the shooter in Aurora. That high-capacity magazine, coupled with a semiautomatic weapon, gave horrific killing capacity to a shooter.

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

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

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

No need for me to remind you of the
brutality and suffering in this very state at Columbine
High School and at the movie theatre in Aurora.

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

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

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

We owe it to all those little children.

We owe it to all those murdered, all those taken from
us in Tucson, taken in Aurora, taken in Newtown, taken
on our streets, and taken in our neighborhoods to pass
this bill.

And although I do believe statistical
information is important, as Senator King said, we
should let the emotion out of this? I think Senator King needs to rethink that and to consider both statistical information and the emotional damage these high-capacity magazines cause.

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

Are there any questions or comments?

Thank you for being here.

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

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

Jane Dougherty.

SENATOR LUNDBERG: Madame Chair?

THE CHAIRWOMAN: Yes, Senator Lundberg.

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

THE CHAIRWOMAN: Thank you, Senator
Lundberg. I'm very much, though, wanting to keep the protocol going much like what we experience on the senate floor.

Thank you for being here today,

Ms. Dougherty. Please introduce yourself and proceed with your testimony.

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

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

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

That morning, 700 students were in the school at Sandy Hook. A new security system had been installed, and the front doors were locked. Authorities now know that the gunman used the assault weapon to literally shoot an entrance into the building.
Upon hearing the loud gunfire, Principal Dawn Hochsprung and School Psychologist Mary Sherlach went out to confront this gunman. My sister Mary and Dawn were murdered in the school lobby while running towards the shooter, who was armed with a large amount of high-capacity magazines. Each magazine held 30 rounds.

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

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

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

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

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

THE CHAIRWOMAN: Thank you. Are there any questions?

Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

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

And the comment is this: That we're not fighting over whether that was -- should be prevented. We all desperately want to find a prevention. But limiting the ability of individual citizens to defend
themselves, and that's what each one of these pieces of legislation, and this one, in particular, in many ways does, I should hope that we can find some common ground of agreement that these awful tragedies should be prevented, but there's a real deep disagreement as to how we get there, so ...

THE CHAIRWOMAN: Thank you, Senator Lundberg.

Any others? Senator King.

SENATOR KING: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Ms. Dougherty.

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

But the large-capacity magazine that he held was the same type of weapon that we use in war. And he had enough fire power to act as a platoon to
slaughter these babies, helpless children in classrooms. We need to reduce the number of rounds in these ammunitions, it will save lives.

SENATOR KING: Thank you.

THE CHAIRWOMAN: Thank you very much for being here.

MS. DOUGHERTY: Thank you.

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

MR. HOOVER: Thank you for having us.

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

MR. HOOVER: My name is Dave Hoover.

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

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

I'm one of five children, my parents have 18 grandchildren. My father is a true American hero. The man served one tour in Korea, two tours in Vietnam. The worst day of our lives growing up was the day that we found out he'd been shot down over
Vietnam. They sent him home, he spent 10 days at home, and then sent him back to Vietnam to serve out his tour.

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

We learned to hunt, we learned to shoot here in Colorado. We've been here since the '60s when my father bought land here. And then we finally ended up here in '92 -- or 1972 -- '76, excuse me, '76. I finished college here, got my degree, and I'm currently working as a sergeant for a police department.

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

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

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

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

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

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

I was at Columbine that year, and that year the NRA felt it was important to make a statement by holding a gun rally, rather than sit at a table and discuss the issue.
Preventing the purchase of high-capacity magazines will limit the number of rounds that can be used against your constituents at any given time and will allow those in the battle to take action. The best way to protect yourself, obviously, is to vote if you are worried about a tyrannical government. It's time to restore the faith in our elected officials, it's time to do the right thing.

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

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

My daughter, Amanda, was born three months before AJ -- sorry, Theresa -- and those two were very close, more best friends than cousins. AJ took Amanda, her friends from college, and his
girlfriend (inaudible) camping the weekend before he was murdered.

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

That's the kind of man my nephew was.

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

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

There are 11 other very beautiful and
very special people that were murdered that night and
58 others that were wounded. They deserve better. And
those victims in the future deserve better, as well.

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

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

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

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

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

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

MS. HOOVER: Thank you very much.

MR. HOOVER: Thank you.

THE CHAIRWOMAN: Tom Mauser. Hi,
Mr. Mauser, welcome. Good to see you. Please introduce yourself and proceed with your testimony.

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

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

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

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

But I think the people who say that know doggoned well that all of the existing magazines and assault weapons were grandfathered in, that's why it was a problem. It's a long-term fix, not a short-term
Over these years I've been nagged with the question of why this country does nothing to limit these magazines. We are clearly enabling, enabling disturbed people and gang members and terrorists to wreak havoc, injury, and death.

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

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

I was able to grieve and think at the same time, yes. And, in fact, sometimes you get a pretty clear mind when you've been through what I've been through. And you see things a lot more clearly and you become more dedicated and you do read the
facts. The fact is that you need to -- emotions are real.

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

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

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

MR. MAUSER: Thank you, appreciate it.

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

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

My name is John Buckley. I'm a gun owner, I'm a father, I'm a husband. But more
importantly in this context, I had a unique experience,
in that I was a paramedic for over 20 years. I was
also a member of a SWAT team for two years.

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

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

There has to be a sensible, logical solution to this. And I think that the reasonable solution here is the bill that's before you today, to limit the magazine capacities to 15 rounds. There's no reason that the armed suspect with evil intentions should have more ammunition at their disposal than I did as a tactical operator. I believe members of the committee have law enforcement experience. There's just no reason that they should be outarming us and outgunning us.
If I could take a moment, I would like to address a couple of questions that have been before other witnesses before the committee prior to me. There was a discussion of the logic of the number of shells in a shotgun.

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

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

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

THE CHAIRWOMAN: Thank you, Mr. Buckley.

Any questions or comments? Senator King.

SENATOR KING: Thank you, Madame Chair.

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

MR. BUCKLEY: No.

THE CHAIRWOMAN: Mr. Buckley.

MR. BUCKLEY: My apologies.

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

SENATOR KING: Thank you.

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

MR. BUCKLEY: Thank you.

THE CHAIRWOMAN: Chief Bill Kilpatrick.

Good afternoon, Chief, welcome. Please introduce yourself and proceed with your testimony.

MR. KILPATRICK: Good afternoon. My name is Bill Kilpatrick. I am a police chief of the City of Golden. And I am here representing the Colorado
Association of (inaudible).

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

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

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

High-capacity magazines are frequently used in mass shootings, like those which occurred at Columbine, Virginia Tech, Fort Hood, Tucson, Aurora, Oak Creek, and Newtown.
As a police chief, I am aware of data suggesting that perhaps as many as one in five officer-involved shootings in the United States involved high-capacity magazines.

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

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

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

THE CHAIRWOMAN: Thank you, Chief.

Are there any questions? Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

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

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

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

THE CHAIRWOMAN: Chief.

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

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

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

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

THE CHAIRWOMAN: Chief Fitzpatrick.

MR. KILPATRICK: Kilpatrick.

THE CHAIRWOMAN: Kilpatrick, I'm sorry.

MR. KILPATRICK: Well, sir, I think the
legislature makes the law, and the courts decide
whether they're legal or not, constitutional or not,
yes, sir.

UNIDENTIFIED SPEAKER:  (Inaudible.)

THE CHAIRWOMAN:  Senator King.

SENATOR KING:  Thank you, Madame Chair.

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

THE CHAIRWOMAN:  Chief Kilpatrick.

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

THE CHAIRWOMAN:  Senator King.

SENATOR KING:  Thank you, Madame Chair.

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

THE CHAIRWOMAN:  Chief Kilpatrick.

MR. KILPATRICK:  I'm not sure I know how
to answer that. I think when you're attempting to
protect yourself, you're going to use as many as you
think is reasonable.

SENATOR KING: Thank you.

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

MR. KILPATRICK: Thank you.

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

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

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

Like Colorado's senators, mayors are in
continuous contact with our residents and voters as
they go about their daily lives. In October 2012,
Golden city council passed a resolution calling on our
state leaders to take active steps to curb gun
violence.
I applaud your caring, your courage, and your respect for the legislative process in beginning this conversation. And to help you with that duty, I can tell you unequivocally that the vast majority of residents who talk to me on the streets, stores, and gathering places, support the Constitutional commonsense restrictions on high-capacity magazines proposed in this bill.

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

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

Here an enforceable legislation will save lives by taking these magazines off the street. I do ask you to vote in favor of House Bill 1224. It respects the Second Amendment, it's logical, and it has widespread support. So I encourage you to vote in favor of the proposed bill.
THE CHAIRWOMAN: Thank you, Mayor Sloan.

Are there any questions for Mayor Sloan?

No comments?

Thank you for being here. We appreciate it.

MS. SLOAN: Thank you for the opportunity.

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

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

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

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

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

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

There's nothing in this statement, this amendment, nor in the subsequent Supreme Court interpretations that supports this allegation.

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

So who needs weapons with magazines that can fire 30 to a hundred times in a few seconds without
reloading? The list includes terrorists, mass
murderers, and those fearful of a mass attack by their
neighbors or their government. They are certainly not
necessary for protection of a family from intruders or
robbers.

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

THE CHAIRWOMAN: Thank you very much.

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

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

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

As a gun owner and a former NRA member, I
believe in the Second Amendment. I believe it is
important that we need to ensure that it is preserved.
With that said, it is also my responsibility to be part
of the conversations that have been avoided for the past 25 years.

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

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

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

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

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

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

I strongly urge you to support this bill.

I'm only one voice, and my voice, alone, will not bring change or create open and honest dialogue. But my voice, with the voices of others, can make a difference and work to bring change in our crisis of gun violence across our mighty nation. Thank you.

THE CHAIRWOMAN: Thank you.

Senator King.

SENATOR KING: Thank you, Madame Chair.

Thank you, sir, for testifying. I guess my question would be the same as I've asked earlier. When it comes to your protection, when it comes to protection of your family, how many rounds is enough?
THE CHAIRWOMAN: Mr. Ogas.

MR. OGAS: Thank you, Madame Chairman.

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

THE CHAIRWOMAN: Senator King.

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

THE CHAIRWOMAN: Mr. Ogas.

MR. OGAS: Thank you, Madame.

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

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

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

SENATOR KING: Thank you.

MR. OGAS: Thank you.

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame
Chair.

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

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

THE CHAIRWOMAN: Mr. Ogas.

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

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

I would say there's two extremes, one on the right and one on the left. And I would say there's
a wonderful opportunity for dialogue to all come to the
middle and figure out how we can control our babies
that are creating murderers throughout our communities.

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame

Chair.

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

MR. OGAS: Okay.

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

THE CHAIRWOMAN: Mr. Ogas.

MR. OGAS: Thank you, Madame.

Yes, sir, that is correct.

SENATOR LUNDBERG: Good.

THE CHAIRWOMAN: Thank you very much for

being here today.

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

MR. LOGAN: Thank you, Madame Chair.

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

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

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

It's going to seem ironic to some of you, and many in this room, that I come here actually to support House Bill 1224 in order to preserve and
protect my Second Amendment rights. So, you know, I can hear some giggles behind me, how can you really rectify those two positions?

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

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

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

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

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

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

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

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

So I think by getting the voice to the table and, you know, people actually trying to find a solution that works for all of us, you know, for the 67 percent without guns, but also people like me who...
like guns, who own guns, would like to own more guns,
and enjoy shooting in all of its forms, there are
solutions that we can find if we work together. Thank
you.

THE CHAIRWOMAN: Thank you.

Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame
Chair.

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

MR. LOGAN: Yes. We're --

THE CHAIRWOMAN: Mr. Logan.

MR. LOGAN: Sorry, Madame Chair.

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

But, you know, after Sandy Hook, we've
gotten together and -- gotten together with Mayors
Against Illegal Guns and, you know, we're beginning to
grow. So I don't know what the exact numbers are, but I think in a few months from now, they'll be a lot larger than they are today.

THE CHAIRWOMAN: Senator Lundberg.

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

THE CHAIRWOMAN: Mr. Logan.

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

SENATOR KING: Can you give me a range?

MR. LOGAN: I think it's 75.

SENATOR KING: Thank you.

THE CHAIRWOMAN: Any other questions?

Thank you, Mr. Logan, for being here.

MR. LOGAN: Thank you.

THE CHAIRWOMAN: Jack Dais. Welcome.

Please introduce yourself and proceed with your testimony.

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

I'll be brief and just provide a few
words. I'm here today because I'm saddened by the large and increasing gun violence in Colorado and around the United States. I have read House Bill 1224 and believe that I largely understand it.

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

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

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

Again, I urge you to pass the bill. And I hope that the 10- and 15-round limits in the bill
will not in a big way hamper the enjoyment of
law-abiding folks who use large numbers of rounds in
lawful ways that I do not now understand. Thank you
for having me.

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

MR. DAIS: Thank you.

THE CHAIRWOMAN: Dr. Mark Thrun.

Welcome, Dr. Thrun. Please introduce yourself and
proceed with your testimony.

DR. THRUN: Thank you, Madame Chair.

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

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

There are few public health issues that
impact the community, our community in such a tragic
and horrendous manner as the violence of one person
using a firearm against another person.

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

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

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

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

SENATOR KING: Thank you, Madame Chair.

Doctor, in a list of priorities, magazine capacity, concealed carry, carrying on college campuses, background checks, and best practices in the United States for mental health for -- best practices
for mental health protocol, where are you, in the list
of priorities, rate that?

THE CHAIRWOMAN: Dr. Thrun.

DR. THRUN: Thank you, Madame Chair.

Thank you, Senator King.

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

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Dr. Thrun.

DR. THRUN: Thank you, Madame Chair.

Absolutely mental health needs to be
addressed. But should that be a sole priority?

Absolutely not. And there are many ways to address
health issues. Just as to address diabetes, one doesn't just educate somebody to eat better. In fact, it takes exercise, eating more healthily, it takes medications at times.

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

THE CHAIRWOMAN: Senator King.

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

THE CHAIRWOMAN: Dr. Thrun.

DR. THRUN: Thank you, Madame Chair.

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

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

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

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

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

SENATOR KING: Do you disagree?

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

That said, it's my understanding there
are not bills being proposed that would ban guns akin
to the car analogy, and so -- yet, we do accept, as a
society, limits upon our ability to be able to utilize
that car, from an age limit, to how fast we can use it, to all kinds of different things that we, as a society, that you all, as a legislature, choose to ask us to do. And we do that in the interest of health.

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

THE CHAIRWOMAN: Senator King.

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

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

DR. THRUN: Thank you, Madame Chair.

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

Okay. So we have -- okay, I need to go on to ... Okay. Let's see. Janet Hartman, is she
here? Carol Bell? Tom Sullivan? Yes, sir, would you
come forward. And after Tom Sullivan, is there a
Patricia Taylor? Is there a Ron Pierre? And if
there's a Doug Smith, we might be able to get those
three.

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

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

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

The emotional injuries sustained by the
so-called survivors will be a burden that not only they
will endure for the rest of their lives, but injuries
that will be felt by the community they live in.
Alex was seated in the 12th row, center of the theatre. Perfect place to watch a movie of one of his favorite super heroes. But sadly this night, he was in the middle of the kill zone. Alex was enjoying a movie on his birthday one second, and the next second, he was dead.

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

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

I am not a gun owner, nor do I hunt for food or sport, nor have I ever taken any target practice, so I would rely on the stories I have heard from those that do about the amount of time it would take to change out a 15-round magazine, and how that somehow hinders their fun at the range or puts them in some kind of threatening position.
I heard here at the capitol when it was debated in the House how Vietnam vets taped magazines together to give them more fire power in war. And I was told in the elevator ride to the gallery by one gentleman that he could switch a magazine in less than three seconds.

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

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

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

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

MS. TAYLOR: I'm Patricia Taylor.
THE CHAIRWOMAN: Okay. You're Patricia Taylor. All right. Thank you, Ms. Taylor. Please introduce yourself and proceed with your testimony. You have three minutes.

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

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

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

That's really all I have to say. I just want to encourage you all to support this, to protect
the citizens of this state. I feel that other people's
life end where safety starts for the rest of us.

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

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

MS. TAYLOR: Thank you.

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

MR. PIERRE: I am.

THE CHAIRWOMAN: All right. Great.

Thank you. You have -- thank you for being here.

Please introduce yourself and proceed. You have
three minutes.

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

My name is Ron Pierre, and I presently
live in Canada and work in Canada. However, I have
immediate family who are here in the state of Colorado,
so I'm a frequent visitor of Colorado.

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

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

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

THE CHAIRWOMAN: Thank you. Are there any questions?

Thank you very much for being here.

MR. PIERRE: Thank you.

THE CHAIRWOMAN: So (inaudible), that concludes the testimony on the proponents' side. We're
going to continue now with the opponents.

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

One would be David Kopel, Evan Todd -- and if you're in the room, will you please sort of move in this direction so we can have you --


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

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

MR. KOPEL: Thank you, Madame Chair.

Nevertheless, I will try to be succinct and brief. I am David Kopel. I'm an adjunct professor of
Constitutional law at Denver University's Sturm College of Law. Also the research director of the Independence Institute located just a few blocks from here. But as always, all scholars from DU or the Independence Institute testify on their own behalf only.

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

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

So I was thinking about this while the proponents were speaking, and there actually is a
fairly straightforward solution to this. And that is,
if you say eight rounds, three-and-a-half-inch shells,
that's 28 inches on the magazine tube.

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

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

    A second concern is on this readily
convertible issue for handguns and rifles. These
magazines are basically rectangular boxes or they might
be slightly curved. The way they work is, the
magazines are pushed up by a spring that's on the
bottom of the magazine. And the spring doesn't touch
the bullets, the rounds of ammunition directly, there's
sort of a flat plate called the follower that is in
between the spring and the ammunition.

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

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

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

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

   The problem is that 15s and sometimes
even small -- even a 13, you snip the magazine enough,
you could -- it could physically hold 16 or 17. It
wouldn't function as well, but it could do that. So I
would suggest that as technical corrections, which are
still very -- both of those consistent with the spirit
and the intent of this bill.

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

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

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

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

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

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

And I think Senator Hodge and most of
Colorado public opinion recognizes what an absolute catastrophe that would be, to try to force confiscation at this point. So the question is, what -- is it realistic, based on what the National Institute of Justice has said, to say that this really will be something that will make a difference in saving lives.

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

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

I'm not sure it's really realistic to say that you're going to reduce the death toll when Virginia Tech suggests the opposite. And really, what the studies -- I will say I'm not a spokesman for the county sheriffs of Colorado, but I did represent them
in the Colorado Supreme Court in the CU carry case, and
the brief we presented certainly said that the most
important thing in reducing the death toll in these
attempted mass murders is the response time, how long
does it take 'til there's someone who can start
fighting back with a firearm.

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

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

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

What the DC case was about, of course,
was a handgun ban. And we've had witnesses come in and
say that in certain crimes, magazines of particular sizes were used, absolutely true. But if you wanted to have a hearing on a handgun ban, you could have witnesses who would come in and talk about that, and the line would be a thousand times longer.

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

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

And that's the point of that, is you take some of the legislative discretion away because we're making a permanent rule that some things are just off limits for how far you can go in restricting people's rights. And so the Court said you can't -- notwithstanding the large criminal misuse of handguns,
you can't ban handguns because they are the type of firearm that is overwhelmingly chosen by law-abiding citizens for the lawful purpose of self-defense in the home.

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

And I'd suggest that the shift in this bill from 10 to 15 made a lot of progress in that direction in complying with the Supreme Court's interpretation, but there's still some room to go. If you look -- 82 percent of new handguns manufactured in this country are semiautomatics. A very large number of them, a large percentage have magazines in that 11 to 20 range. And of course many of them, the Glock pistol with a 17-round magazine or a 19-round magazine, 17s, 19s, and 20s are typically used by law-abiding citizens for lawful purposes. The sales figures show that.

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

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

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

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

And for the practical exercise of that
right, rifle magazines up to 30, handgun magazines up
to 20 are within the Supreme Court's common use test.

Obviously this issue may be litigated eventually, but I'd prefer that it not be.

And if this committee changed the limits to those I said, to 20 and 30, then I think as someone who has sketched out this possible case, it becomes a much, much harder case to win because can you say that the 50 -- are 50-round magazines rarely used in crime?

Yeah, but they're rarely used by anybody partly because they're so unreliable. So it would be a lot -- it's a more difficult argument to put them in the Supreme Court's common use test.

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

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

Maybe you think that they -- you know, they use them for target shooting competitions and you
think that's not very important. Or maybe you think the fact that they want a 19-round magazine for protection is they're being excessively cautious, I don't agree with that, but at least one can say that in a polite way.

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

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

Senator King.

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

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

THE CHAIRWOMAN: Mr. Kopel.

MR. KOPEL: Well, it's no secret that Colorado -- ever since the book "Megatrends" was published back in the 1970s, Colorado is a trendsetting state nationally. And Mayor Bloomberg, who has this
very strong antigun agenda, has said -- it's not a
secret, he said publicly that Colorado is his
organization's top priority because passing more
oppressive antigun laws in New York or New Jersey,
while an easy thing to do, doesn't really impress the
national media or anyone else, and passing something in
Colorado is seen as more of a trendsetting kind of
thing.

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

And he was of the point of view that of
course we should crack down on the stores, the bad
actors, and have stronger enforcement against them.
And he ultimately wasn't able to continue working for
Mayors Against Illegal Guns because he would go to some
of these stores in Virginia and say, This store, this
particular one is a model store. They're great,
they're following all the rules. And not only
following the letter of the law, but they have very
well-trained employees who are constantly on the
lookout for straw purchases and prohibited persons and
And he said, You go back and tell that to Mayor Bloomberg, it's just like talking to a wall. This is not a guy who was a moderate gun control guy, this is a guy who just doesn't like guns, you know, very much of his Medford Massachusetts roots, in my friend Richard Feldman's view of the mayor, and he certainly knows the mayor much better than I do, which is to say not at all.

SENATOR KING: Thank you.

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

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

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

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

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

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

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

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

At Virginia Tech where 32 people were murdered, the murderer used two pistols, as the previous person said, with a 10- and 15-round capacity.
This law doesn't seem like it would have changed Columbine or Virginia Tech. And it also hasn't been proven that magazine capacity has any correlation with death toll. It seems like House Bill 1224 singles out law-abiding citizens who mean no harm, like myself, the citizens who follow the laws, not the criminals.

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

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

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

I just -- the one thing I have to ask is, who does this bill really benefit? And I ask that you
vote no on this house bill, and that I am opposed to it. And I thank you for your time.

THE CHAIRWOMAN: Thank you, Mr. Todd.

Senator Lundberg.

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

MR. TODD: Thank you, sir.

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

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

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

THE CHAIRWOMAN: Richard Fitzpatrick.

Welcome, Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you.

THE CHAIRWOMAN: Please introduce yourself and proceed with your testimony.
MR. FITZPATRICK: Good afternoon. My name is Richard Fitzpatrick, and I'm president and founder of Magpul Industries Corp. I'm here representing the company and myself.

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

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

I settled into a new career as a software engineer and kept thinking about a product I contemplated while in the military. It was a simple rubber loop attached to the base of a rifle magazine that allowed control under stress during a reload. In 1999, with a leap of faith, I used my entire savings to apply for a patent on the idea, and built an injection mold to manufacture it. I simply called the product by its function, a mag pull, and named the company after it.
The company foundations were rooted in education, training, and individual responsibility that I learned in the Marine Corps. For a while, the company's growth was managed by me in my spare time. However, by late 2003, I could not physically ship and build the orders that were coming in while working my software job. So I committed to run Magpul as a full-time business with the help of Doug Smith and Mike Mayberry, a skilled designer and engineer from the mountain bike industry.

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

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

Not being satisfied with what was available in polymer technology, we began working with
the developers in the industry to custom compound
plastic to our own specifications. This led to the
original Magpul PMAG being introduced to the
marketplace in 2007. It immediately changed the
benchmark of what a polymer magazine could do.

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

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

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

With the majority of our tooling and
production within 30 miles of our Erie headquarters, we
have led the way in showing that U.S. manufacturers can
become competitive with low-cost imports by using efficiency of local vendors.

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

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

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

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

Senator King.

SENATOR KING: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Mr. Fitzpatrick.

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

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

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

But, in fact, the magazine normally takes a floor plate, it goes on the bottom of the magazine such like this. By removing the floor plate, you can actually just get an adapter, which you can make the
magazine from a 10 into a 30 that easily. You can also
take it off and actually make it into a 40-round
magazine if you wanted to, or even go so far as to just
continue on.

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

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Mr. Fitzpatrick.

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

SENATOR KING: Thank you.

THE CHAIRWOMAN: Any other questions?
Seeing none. Thank you very much for being here.

MR. FITZPATRICK: Thank you.

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

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

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

THE CHAIRWOMAN: Mr. Fitzpatrick.

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

THE CHAIRWOMAN: Senator King.

SENATOR KING: Okay. Thank you, Madame Chair.

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

THE CHAIRWOMAN: Mr. Fitzpatrick.

MR. FITZPATRICK: I believe so, yes.

SENATOR KING: Thank you, Madame Chair.
I have no more questions.

THE CHAIRWOMAN: (Inaudible) okay.

Senator King.

SENATOR KING: Thank you, Madame Chair.

I have one more question.

THE CHAIRWOMAN: Go right ahead.

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

THE CHAIRWOMAN: Mr. Fitzpatrick.

SENATOR KING: How ubiquitous is it?

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

SENATOR KING: Tens of millions.

MR. FITZPATRICK: It could be more.

SENATOR KING: Or more. Thank you, sir.

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

Mr. Fitzpatrick.

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

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

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

Mr. Fitzpatrick.

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


Senator King.

SENATOR KING: Thank you, Madame Chair.
Mr. Fitzpatrick, would this legislation make the most popular personal safety firearm in the United States, the magazine, illegal?

THE CHAIRWOMAN: Mr. Fitzpatrick.

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

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Mr. Fitzpatrick.

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

SENATOR KING: Thank you.
THE CHAIRWOMAN: So Mr. Fitzpatrick, I have this other question about your budget. How much of your budget is based on supplying the military? How much of the sales and so forth?

Mr. Fitzpatrick.

MR. FITZPATRICK: It varies. It depends on deployments by military units. But essentially it ranges from 50 percent to 20 percent. So 20 percent of the military or to 50 percent to the military, it depends on what military operations are going on at the time.

THE CHAIRWOMAN: So then the nonmilitary sales then do make a good part of your business, it sounds like.

Mr. Fitzpatrick.

MR. FITZPATRICK: It does make a good part of the business. But that's also separated into military -- sorry, law enforcement and other professionals, as well as the civilian (inaudible) market.

THE CHAIRWOMAN: I see. Okay. Thank you.

Senator King.

SENATOR KING: Thank you, Madame Chair.

So 45 million last year, 85 million next
year, have you thought about going public?

THE CHAIRWOMAN: Mr. Fitzpatrick.

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

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

MR. FITZPATRICK: Thank you.

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

MR. JIMENEZ: Thank you, Madame Chair.

Thank you for the opportunity to speak today. My name is Libardo Jimenez. I am the production manager for Magpul Industries.

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

In 2008 I was finally given an opportunity after I was laid off in the oil field jobs.
And Magpul would give me a chance with no background in (inaudible) was a godsend to me.

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

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

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

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

If House Bill 1224 passes, these opportunities will disappear for me and others. Magpul
will not be able to continue to provide these types of opportunities to other Coloradans.

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

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

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

THE CHAIRWOMAN: Four and a half years.

Senator Ulibarri.

SENATOR ULIBARRI: Thank you, Madame Chair.

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

MR. JIMENEZ: I was given an opportunity
to come testify, and I gladly volunteered to do so.

    THE CHAIRWOMAN: Senator Ulibarri.

    SENATOR ULIBARRI: Mr. Jimenez, I just

heard from your employer that last year he made
$45 million, this year, $85 million, that may make a
decision to move. Do you believe if that company were
to move, that another company would not move in to fill
the market demand?

    THE CHAIRWOMAN: Mr. Jimenez.

    MR. JIMENEZ: I don't know.

    SENATOR ULIBARRI: Thank you.

    THE CHAIRWOMAN: Any other questions for
Mr. Jimenez?

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

    Oh, Senator King.

    SENATOR KING: Thank you.

    How many employees do you manage?

    THE CHAIRWOMAN: Mr. Jimenez.

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

    SENATOR KING: And how many -- I'm sorry,

Madame Chair.
THE CHAIRWOMAN: That's all right.

Please go ahead, Senator King.

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

THE CHAIRWOMAN: Mr. Jimenez.

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

SENATOR KING: Thank you.

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

MR. JIMENEZ: Thank you, ma'am.

THE CHAIRWOMAN: Take care.

Jessica Johnson. Hi, Ms. Johnson, welcome.

MS. JOHNSON: Hi.

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

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

My name is Jessica Johnson. I have worked for Magpul in the customer service and sales department for eight years. And I am the first Magpul employee hired. I handle some of our largest dealer distributor accounts and deal directly with our
customers on a daily basis.

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

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

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

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

I have another son who has a good job in
Colorado, and he would not move with us. I am very close to my family, and leaving my kids, my sisters, parents, nieces, and nephews would be extremely hard for me. We have made friends with our coworkers, some of whom we have worked for over 14 years with.

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

THE CHAIRWOMAN: Thank you, Ms. Johnson.

Thank you for being here because you really do give a personal picture of what a company is all about, and we really do appreciate it.

MS. JOHNSON: Thank you.

THE CHAIRWOMAN: Thank you very much.

Senator Aguilar.

SENATOR AGUILAR: Thank you, Madame Chair.

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

SENATOR HODGE: Thank you, Madame Chair.

Yes, Senator Aguilar, it was.

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

THE CHAIRWOMAN: Senator Hodge.

SENATOR HODGE: Thank you, Madame Chair.

That is correct, Senator Aguilar.

SENATOR AGUILAR: Thank you.

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

THE CHAIRWOMAN: Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

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

But they explained, and it makes perfect
sense, too, that they have a clientele -- international clientele. And for them to actually produce a product that's illegal in the state that produces it in sends a message that is just completely unacceptable to the industry.

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

THE CHAIRWOMAN: Senator Aguilar.

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


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

MS. JOHNSON: Thank you, Madame Chair.

THE CHAIRWOMAN: Thank you.

Cara Heller. Hi, Ms. Heller.

MS. HELLER: Hi.

THE CHAIRWOMAN: Thanks for being here.
Please introduce yourself and proceed with your testimony.

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

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

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

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

As I told you, I'm a compliance specialist. So I know and ensure that we do not sell
more than a 10-round magazine in the Chicago area, yet,
even with a 10-round magazine, Chicago has had an
extraordinary number of deaths in the last several
years.

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

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

MS. HELLER: Thanks for your time.

THE CHAIRWOMAN: Harold Byers (sic).

Thank you for being here today.

MR. DORANS: Thank you.

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

MR. DORANS: Thank you, Chair.

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

I'm here today on behalf of the

175 employee owners of PTA plastics. Throughout the

'80s and '90s, the plastics industry in Colorado was at

its peak. The consumer electronics and computer

industries relied heavily on the Colorado injection

molding community.

During the late 1990s the industry was

faced with a significant challenge. Offshoring was no

longer a threat, it was a reality, and it happened

very, very quickly. PTA felt the impact of work moving

to China. Well, we were fortunate to have a

diversified market portfolio.

Senior management made a conscious

decision in 2000 to focus our marketing on the medical,

defense, and security markets. We felt these markets

were less likely to move manufacturing to low-cost

countries.

Our industry, once again, was impacted

with the aftermath of 9-11 and crippled by the

recession of 2008, 2009. PTA successfully weathered

those storms and was fortunate to begin a partnership

with Magpul in 2010.

Magpul's business philosophy is very

unique and extremely uncommon today. Their goal is to
source as much as they can on the Front Range of Colorado. Their presence and growth has made a significant impact to the injection molding community in Colorado.

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

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

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

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

THE CHAIRWOMAN: Thank you, Mr. Dorans.

Senator King.

SENATOR KING: Thank you, Madame Chair.

Thank you, Mr. Dorans, for encouraging jobs, jobs, jobs in Colorado, we appreciate that.

Could Magpul get what you do cheaper in India?

THE CHAIRWOMAN: Mr. Dorans.

MR. DORANS: In India?

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

THE CHAIRWOMAN: Mr. Dorans.

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

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you.

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

THE CHAIRWOMAN: Mr. Dorans.

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

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

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Mr. Dorans.

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

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.
Mr. Dorans, can you advise me who would have that answer? Who would know exactly how many families, businesses would be -- would it be Magpul?

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

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

SENATOR KING: Thank you. Appreciate it.

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

MR. DORANS: Thank you very much.

THE CHAIRWOMAN: Mr. Michael Shain.

Welcome, Mr. Shain.

MR. SHAIN: Thank you.

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

MR. SHAIN: Thank you, Madame Chair.

My name is Michael Shain. I run a company called Aimpro. It's located in Golden, Colorado. And although we're not nearly as large as Magpul or the previous companies that have been up here, we are in the firearms industry. We like to think that some day we would have a similar trajectory as Magpul.
My background is in law enforcement. I moved my business from California to Colorado 10 years ago because the onerous and oppressive regulations and laws in California made it very difficult for me to operate a firearms-related business.

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

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

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

Because the economic impact of the kind of, you know, under-the-radar shotgun language that really hasn't been focused on could be enormous for the state of Colorado. And I want to remind the committee...
that there are more than 1,200 federally
firearms-licensed dealers in the state of Colorado.

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

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

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

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

And if I may ask Senator Hodge, if I'm
correct, that the modification to the bill will make
any shotgun that can accept eight rounds of shotgun
ammunition, is that the language that we're moving to?

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

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

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

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

SENATOR HODGE: Thank you, Madame Chair.

We are just limiting however you get
there to eight. You can put the magazine on to make it
eight --

THE CHAIRWOMAN: Mr. Shain.

MR. SHAIN: Thank you, Madame Chair.

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

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

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

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

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

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

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

So it's very, very important from a
technical standpoint that this language be exactly
technically correct. Because at this point in time,
those shotguns that we're talking about can't even be
given to me for repair after July 1st.

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

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

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

And that -- that term, capacity, when
being used in connection with a shotgun is just simply
not the same as when we use the term capacity with a box or a drum magazine that accepts a metallic cartridge because they're inserted into the magazine in a different way. In a shotgun, they're inserted end to end. In a box magazine or a drum magazine, they're inserted one on top of the other. And the diameter of those center-fire cartridges does not change the way the length of a shotgun shell does.

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

But Senator King, do you have a question?

SENATOR KING: Yes, Madame Chair, thank you.

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

THE CHAIRWOMAN: Mr. Shain.

MR. SHAIN: Thank you, Madame Chair.

Thank you, Senator.

No, I'm not saying that, because
double-barrel shotguns, side by side, over and under,
and single-barrel break-action shotguns will not be
banned, they'll be the only shotguns that are not
banned. And they account for probably somewhere
between 10 and 20 percent of the overall number of
shotguns that are produced and sold in Colorado.

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

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Mr. Shain.

MR. SHAIN: Thank you, Madame Chair. And
thank you for the question, Senator, because it's a very important point.

As I said earlier, I run a much smaller business than Magpul or the injection molding company that testified before me. But it's a very, very similar situation because I outsource all of my parts to local machine shops. Most of my supply chain is here in Colorado, that I can get here in Colorado. So if this bill is not amended, if it goes forward as written and these shotguns are no longer legal for me to service, repair, modify, sell, or use, for that matter, I have to consider seriously moving out of the state as well as Magpul is doing.

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

I moved out of the basement of my home when I started. I'm currently in a 4,400-square-foot facility. My business plans calls for us to be in a 10,000-square-foot facility by June of 2014. That
isn't going to happen if this bill goes forward. And all of those -- the revenues that come from shotgun use, notwithstanding what happens to my company, all of those mom and pop operations, gun stores, gunsmiths -- and we have two of the best gunsmithing schools in the nation here in Colorado. They've produced some of the best gunsmiths in the nation. All of those resources will be affected by this ban, this effective de facto ban on shotguns with tubular magazines.

THE CHAIRWOMAN: Thank you.

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

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

THE CHAIRWOMAN: Thank you.

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

MR. TAYLOR: Thank you, Madame Chair.

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

MR. TAYLOR: Good afternoon, Madame Chair. My name is Kirk Taylor. I'm the elected
sheriff in Pueblo County, Colorado. I'm also a proud
democrat, and prouder still to be here with my
colleagues to oppose this bill, 1224.

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

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

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

I think we find ourselves in a position
in the state of Colorado with these gun bills where we can make a difference, when the society is looking for answers, and we lose sight of the forest for the trees, or the side of the real problem for how many bullets are in the stack.

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

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

The problem with this legislation that, in essence, my fellow sheriff's going to get up here and testify, that it's unenforceable to us, as
sheriffs. The fact that you can drive across the border to Wyoming and buy all the 30-round clips you want, there's no -- the onus has been on the prosecution to prove that they didn't -- they weren't grandfathered in if this legislation were to pass.

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

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

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

In our opinion, it doesn't do anything to enhance public safety. All it does is to minimize our
citizens' ability to either target practice or have the ability to own these types of magazines. That's all I have, Madame Chair.

THE CHAIRWOMAN: Thank you so much.

Sheriff Taylor. Are there any questions for Sheriff Taylor? comments?

Senator Lundberg.

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

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

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

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

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

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

THE CHAIRWOMAN: Senator Aguilar.

SENATOR AGUILAR: Thank you, Madame

Chair.

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

THE CHAIRWOMAN: Sheriff Taylor.

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

THE CHAIRWOMAN: Senator Aguilar.

SENATOR AGUILAR: Thank you, Madame

Chair.

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

THE CHAIRWOMAN: Sheriff Taylor.

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

THE CHAIRWOMAN: Senator Aguilar.

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

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

THE CHAIRWOMAN: Thank you for your testimony today.

SENATOR AGUILAR: I'm not done.

THE CHAIRWOMAN: The next person -- Senator, I need to move on. We have just a few more minutes.
The next person is Dudley Brown. Thank you for being here, Mr. Brown. Could you please introduce yourself and proceed with your testimony.

MR. BROWN: Thank you, Madame Chairman.

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

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

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

I'm going to skip most of the things I was going to say for time. But what I'd like to know is, how many rounds is it okay to defend my family with? How many? It seems kind of arbitrary, doesn't
it, how many rounds you'll allow me to defend my family
with or to my wife to defend my kids with or the
citizen next door to me to defend me with? It's an
arbitrary number and we all know it. It was picked out
of the air, and it doesn't make any sense.

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

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

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

MS. WILLIAMS: Well, good afternoon,
Madame Chair here and to the senators and everybody
here. My name is Lily Tang Williams. I was born in
communist China. And to grow up there as a child
(inaudible) and the police say that they can come knock
on our doors at night without searching warrant. And also, we are not allowed to legally own any guns.

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

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

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

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

MS. WILLIAMS: Yes.

THE CHAIRWOMAN: Just to save time.

MS. WILLIAMS: I strongly oppose the bill -- I strongly oppose this bill because we limit
the magazines for law-abiding citizens to have. I want to ask you a question. Do the criminals limit their magazines? Do they government (inaudible) tyranny to limit to their magazine sizes? If our Constitutional rights are to protect ourself of the tyranny and the criminals, why (inaudible). It's not fair game at all.

THE CHAIRWOMAN: Thank you for your testimony.

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

THE CHAIRWOMAN: Thank you for your testimony.

Senator King.

SENATOR KING: Thank you, Madame Chair.

Mr. Brown, who do you represent and how many members do you have?

THE CHAIRWOMAN: Mr. Brown.

MR. BROWN: Madame Chairman,

Senator King, I represent Rocky Mountain Gun Owners, which is -- I think we have 17,000 members in the state
of Colorado. I also represent the National Association
for Gun Rights, which has 2.4 million members.

SENATOR KING: Thank you.


SENATOR ULIBARRI: Thank you, Madame

Chair.

I wanted to follow up on Senator King's

line of questioning.

Mr. Brown, does your organization engage

in candidate endorsements?

THE CHAIRWOMAN: Mr. Brown.

MR. BROWN: Of course we do. We have a

small donor committee that has a pack.

THE CHAIRWOMAN: Senator Ulibarri.

SENATOR ULIBARRI: Thank you, Madame

Chair.

And did your organization ask

specifically about this legislation in making any
determination for endorsements?

THE CHAIRWOMAN: Mr. Brown.

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

THE CHAIRWOMAN: Senator Ulibarri.
SENATOR ULIBARRI: Thank you, Madame Chair.

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

THE CHAIRWOMAN: Mr. Brown.

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

THE CHAIRWOMAN: Senator Ulibarri.

SENATOR ULIBARRI: Thank you, Madame Chair.

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

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

THE CHAIRWOMAN: Yeah, Senator --

Mr. Ulibarri --

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

SENATOR ULIBARRI: I want to make my
point. I'd like to finish, if possible.

THE CHAIRWOMAN: Senator Ulibarri --

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

THE CHAIRWOMAN: Senator Ulibarri --

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

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

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

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

MR. ALFRED: Okay. Then, if you don't mind, then I'll probably -- I'll read and be more direct and not --
THE CHAIRWOMAN: Yes, sure.

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

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

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

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

Unfortunately for Colorado, this business that my company does for this customer is easily
transportable. It would be easy to move this part of
the business to another state. I've already had many
requests from other states with legitimate offers
supporting a move to their state.

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

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

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

I heard something earlier that was a
little bit disturbing. Magpul spends with their
subcontractors, spends with their subcontractors
45 million in Colorado purchases. They're talking
about increasing that to 85 million next year. That's
not their revenue, that's how much they put back in the
state to subcontractors such as myself.

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

MR. ALFRED: Just one last thing.

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

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

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

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

THE CHAIRWOMAN: Thank you very much.

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

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

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

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

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

SENATOR HODGE: Thank you, Madame Chair. No, I think we have covered this -- covered it again. If you would move the bill and the amendment. I'd be happy to explain the amendment again. Or if you're all clear, I'm also good with that.
THE CHAIRWOMAN: All right. So members,

I'm going to move House Bill 1224. And the amendment
L.023. Would you like to describe the amendment? I
know you did in the beginning, but --

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

THE CHAIRWOMAN: -- hit some points.

SENATOR HODGE: Amendment L.023. Amend

the bill as we have it in front of us today to describe

what a large-capacity magazine means. It means, "A

fixed or detachable magazine, box, drum, feed strip, or

similar device capable of accepting, or that is
designed to be readily converted to accept, more than

15 rounds of ammunition; (II) A fixed magazine or

similar device that is capable of accepting more than

eight shotgun shells; or (III) A detachable

magazine --" I'm reading you the amendment. I think

you can read the amendment. How about I read you --

THE CHAIRWOMAN: Thank you. All right.

SENATOR HODGE: -- what it does.

THE CHAIRWOMAN: That's good.

SENATOR HODGE: All right. It creates a

separate clearer definition for high-capacity magazines

for shotguns. It makes sure that the future sale to

common hunting shotguns with the ability to accept tube

extenders are not outlawed by the language of the bill.
With this amendment, owners can have attachments and six magazines. And manufacturers can still make the same guns they've always made, that the combination of capacity between the fixed capacity of the firearm and any extender cannot be more than eight.

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

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

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

And No. IV is the identification marking for large capacity magazines. This amendment clarifies that manufacturers of high-capacity magazines in Colorado will not be required to put serial numbers on
each high-capacity magazine, but instead, will be required to add a permanent stamp or marking that indicates the magazine was manufactured after the effective date of the bill.

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

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

UNIDENTIFIED SPEAKER: Madame Chair, (inaudible).

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

So we are moving the bill to the
Senator King.

SENATOR KING: Thank you, Madame Chair.

(Interruption.)

SENATOR KING: Thank you, Madame Chair.

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

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

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

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

THE CHAIRWOMAN: Further discussion?

Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

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

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

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

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

I should hope this committee has heard
not only from the -- those who have been testifying,
but from the constant blare of horns and protests
outside, from the crowds in the hallways, and I don't
know about you, but my aide is counting the e-mails in
the thousands now.

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

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

But somehow it ends up being about guns
and high-capacity magazines. This isn't about guns.
This is about control. This is about an antigun agenda
where the end game is to completely disarm every
American citizen. Aren't the 20,000 gun laws that are
already on the books enough? I say (inaudible) to
that, and no to this bill.

THE CHAIRWOMAN: Any further discussion?

Senator Aguilar.

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

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

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

THE CHAIRWOMAN: Any other discussion?

I, too, want to thank you for bringing
this bill forward. This is a challenging time here in
Colorado. Some may say it's the best of -- it's the
worst of times and it's the best of times.
I believe that these are the times that call for our moving forward. So with that, Ms. Smith, will you please take the vote.

MS. SMITH: Senator Aguilar.

SENATOR AGUILAR: Yes, ma'am.

MS. SMITH: Senator King.

SENATOR KING: No, ma'am.

MS. SMITH: Senator Lundberg.

SENATOR LUNDBERG: No.

MS. SMITH: Senator Ulibarri.

SENATOR ULIBARRI: Yes.

MS. SMITH: Madame Chair.

THE CHAIRWOMAN: Aye.

MS. SMITH: It passes 3 to 2.

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

(Inaudible.)

THE CHAIRWOMAN: Thank you, Ms. Hodge.

We're going to be in a short recess until we get Senator --

(Whereupon, the audio recording was concluded.)
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