CITY AND COUNTY OF DENVER
STATE OF COLORADO
JUDICIAL COMMITTEE MEETING
Held on March 11, 2013
House Bill 13-1224

REPORTER'S TRANSCRIPT

This transcript was taken from an audio recording by Jodi M. Wagner, Registered Professional Reporter and Notary Public.
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MR. MAJORS: House Bill 1224 by Representative Fields and Senator Hodge concerning prohibiting large capacity ammunition magazines.

Senator Hodge?

SENATOR HODGE: Thank you, Mr. President. I move House Bill 1224 on the third reading and final passage.

House Bill 1224 prohibits the sale, transfer, or possession of an ammunition-feeding device that is capable of accepting more than 15 rounds of ammunition or a 28-inch tube of shotgun shells.

It grandfathers in those currently in one's possession and it allows for manufacturers to remain manufacturing what they have always done.

I ask for an aye vote.

UNIDENTIFIED SPEAKER: Senator Hodge, I do have an amendment on the desk.

Senator King, would you like to ask for permission to offer a third-reading amendment?

SENATOR KING: (Inaudible.)

UNIDENTIFIED SPEAKER: So at this point, there is not a third-reading amendment being asked for. So then Senator Brophy is in queue.
SENATOR BROPHY: Mr. President and Members and Citizens of Colorado, I'm going to ask for a no vote on House Bill 1224 today and I want to tell you a few more things about this bill.

If you -- if you all remember right, here about ten days ago I explained very carefully how this bill banned the sale of the common shotgun in the State of Colorado as of July 1st of this year.

And there have been a couple of attempts in committee to solve that problem. And finally, with the help of Dave Kopel, the problem of the ban of the sale of the common shotgun in Colorado was solved.

But we have another problem with this bill that we explained to you on Friday night, but I'm afraid that it must have gone missed during the debates. So listen now as I tell you how it is that this bill will ban the sale of the most popular handgun sold in the United States of America.

The most popular handgun sold in the United States of America is a Glock handgun. It's a semi-automatic pistol. Some of the Glocks have magazine capacity built in that are greater than 15, and we all understand that those are going to be banned with this bill.

But the problem that we have -- and this
is how this bill actually bans the sale of all Glock
handguns and most other semi-automatic handguns in the
State of Colorado come July 1st. And that's in the
definition part, just as it was with the shotguns.

And the important part of the definition
that you need to look at is on page 2, starting at
line 12, where the bill defines what a large capacity
magazine is for the law. And the important words are
starting on line 12: "Or that is designed to be
readily converted to accept more than 15 rounds."

Glock, as an original equipment
manufacturer, makes a magazine extension that allows
their magazines to hold five more rounds for a
9 millimeter and four more rounds for a 40 cal pistol,
and it's designed that way.

The deck plate at the bottom of the
magazine comes off, the extension slips on, and the
deck plate goes back in there. That's the way it's
designed and, therefore, this bill bans the sale of
those magazines in Colorado starting July 1st of this
year.

So I guess you could say you can still
buy the pistol, but it just becomes a paperweight
because it takes a magazine to feed it. So just as I
pointed out about ten days ago that your bill affected
almost every hunter in the State of Colorado by banning
the sale of shotguns starting July 1st, it still
affects almost every person in the Colorado who owns a
handgun or intends to buy the most popular handgun sold
in America today, the Glock semi-automatic handgun.

Now, I think you can suggest, since it's
the most popular handgun sold in the United States of
America, it is commonly used by citizens for lawful
purposes and, therefore, the bill is clearly
unconstitutional. And I will ask for you to vote no
for it based on that reason alone.

Now, I'll give you a couple of other
reasons to vote no for the bill. 1224, unlike the
previous bill that we passed, 1229, which was under
consideration by the exact same legislature, 1224 makes
absolutely no provision for the temporary transfer of
any what are defined as high-capacity magazines.

That means that, if you take one of your
grandfathered magazines to the shooting range that
happens to hold more than 15 rounds and hand it to the
person beside you to allow them to shoot your firearm
or use it in their firearm, you have broke the law and
you are both going to go to prison for -- jail for
12 months. This is a misdemeanor two on this bill.

And the courts will have no other choice
than to assume that the legislature did not mean for a temporary transfer to be allowed because the legislature clearly allowed for temporary transfers, if you remember, nine exceptions in another bill under consideration on exactly the same day that this bill passed.

So you understand while there is this theoretical grandfather clause for your 15, 16 in a round and above detachable magazine, it doesn't do a lot of good unless you just want to keep your toys and play with them only yourself.

If, on the other hand, you want to do like I do, allow my soon-to-be 11-year-old son to fire one of my rifles -- again, blowing up watermelons typically -- the scary black rifles have a slidable stock so that the little guy can actually reach around and avoid the scar that I told you guys about from the scope that I got from my dad's rifle when I was little.

This bill makes my handing him the rifle that he's been shooting for about three years now a misdemeanor two, punishable by up to 12 months in prison and a $5,000 fine.

Is that really what you intend to do? If it is, that's pretty disappointing. If it isn't, then I will ask you to vote against this bill. How far
-- how far do you want to go pushing gun control in Colorado?

MR. PRESIDENT: Senator Cadman.

SENATOR CADMAN: Thank you, Mr. President.

This bill criminalizes legal products in Colorado. Nobody debated that. Actually, nobody really debated anything. On the other hand, these are so dangerous, so threatening, that we should outlaw their use here; but we have a bill that protects the manufacturing of those items here and ships them out of state. We can go out of state and buy them legally. It sounds a little selfish. It may sound somewhat hypocritical.

This bill is about passing something. I've heard the proponents. I've sat through this in the House because you just don't get enough over here. I sat through this in the committees. I kept hearing the sponsor say we have to pass something, we have to pass something. If you don't believe me, I actually have it recorded. I'd be glad to share it with you. It's about passing something and solving nothing, nothing in the way of public safety.

There are people outside of this building and even outside the state that want all guns
eliminated from private possession, anywhere and everywhere in our country. But there is no appetite for that. So get the mags, get what you can. And as you've already heard, this bill eliminates the use of those weapons because these mags are part of the use of the weapons.

This bill tells Colorado citizens that some of their property is legal for them now, but illegal for them later and virtually illegal for anyone but them to use them ever again. That's what the word possess does to ownership of magazines. They've got to be in your possession. Illegal to share with my wife, my kids, my friends, my colleagues. Those aren't always mutually exclusive.

What we will get out of this ban in Colorado for public safety is absolutely nothing. I know I've said it before, but it bears repeating. Nothing, zero. What we will get is confusing. There will be a cast of doubt placed on the legal ownership and use of this product that is now legal for some to use, but illegal for others to use after the date of the ban -- a product that if you owned ten before the ban, you purchased them in Colorado, you would be a criminal trying to replace broken or worn out magazines in Colorado after the ban goes into place. It makes no
Bear with me a little bit. Let's compare this ban to something that we've already banned in Colorado. We have a ban on most fireworks here. I know we shared a little bit about this in session. Many municipalities allow some sales of some fireworks -- whistles, sparklers, spinners -- but things that leave the ground or explode are illegal everywhere in the state. Everywhere. No firecrackers, no bottle rockets, no skyrockets, you know, the fun stuff.

How well is that working? I can tell you it's not. On the 4th of July, there's a 360 degree fireworks show. Now, if I had the Senator's hair from Grand Junction, I would do that spinning thing that he does to show you.

There is a 360 degree fireworks show in my neighborhood in the middle of Colorado Springs that can't be matched by anything that the Rockies or the Sky Sox put on. Even the main 4th of July shows at Fort Carson and Memorial Park are no match for the annual Red, White and Boom of the Homestead Trail Amateur Pyrotechnicians. That's what I call them.

One of my neighbors actually brings his -- he's a contractor. He pulls his flatbed trailer...
out, puts it in the middle of the street, blocks it up, pulls his vehicle away so he doesn't light the gas tank on fire, and he starts launching these things from the middle of the street. They light them up, they drop them in the canisters, and boom, a towering ball of fire and thunder explodes over our homes in the middle of the city.

On the 5th of July and a garbage day after the 4th, this is what you can find literally strewn about our neighborhood. Boom, these are the big aerials. These are the ones you expect to see at a Sky Sox game. It's unbelievable.

You can't buy them here, but they sure are used here. They're everywhere. And when you call the authorities, the Colorado Springs Police Department, they say they can only respond if there's an injury or a fire because there's just too many to handle.

We always try to be home on the 4th for two reasons: to keep the hoses ready and to keep the dogs in the basement. One year we weren't home on the 4th. We were in Pueblo, Lake Pueblo State Park. Great place. They were launching these things, these exact canisters right in the campground next to us.

And we're in tents, in tents right in
the campground next to us. They're banned. They're illegal border to border, but you can drive to any of our neighboring states and just toss them in your car. And it's my understanding that several of the big warehouses for these things up in Cheyenne belong to people that live in Denver. It's ironic, isn't it?

So now we will have a ban on this plastic or metal part and we will have the same result. Except there won't be any way to distinguish that they are pre-ban or post-ban. And unlike the fireworks, it's obvious when they leave the ground and they explode, they're illegal.

No one will be able to identify whether they were legally obtained or not legally obtained. Again, casting a shadow of illegality on hundreds of thousands of people who have these magazines already and use them legally.

For what? Will we be safer? No. Will criminals heed this ban? Of course not. That's why they're criminals. Kind of goes like that, doesn't it? And frankly, from our own Justice Department under President Barack Obama, the statistics are not on your side on this one. We were told that some of our debate was unfair, that some of the photos weren't fair, they were too personal, that the assertions about economic
impact and loss of revenue were unfair or exaggerated.

Well, the debate, if you could call it that, was based on facts, on history, on knowledge.
The photos were real with real people legally using normal capacity magazines firing weapons with not one person getting hurt, not one. The economic impact and the revenue lost to families is going to be real.

We heard true stories from genuine people who are about to lose their livelihoods as businesses across the front range relocate out of Colorado. For those Colorado citizens and business owners who shared their personal stories, they were berated in our committees. And I apologize. The treatment you received by this body was unfair.

Let me tell you what else was unfair.

It's unfair that this law casts thousands of law-abiding citizens, including many of us in this chamber, into the same lot as criminals, killers, mass murderers.

Actually, it's despicable. It's unfair that hundreds of people came from all over the state and were shut out of the process that is supposed to be open and accessible. It's unfair that many who did get a chance to testify were maligned in the public hearings by the very legislators who represent them.
It's unfair that this assembly is using horrific tragedies to push a national agenda on gun control, in spite of the fact that the statistics already prove that this bill will do nothing for public safety.

It's unfair that elected law enforcement officials from across our state were virtually dismissed out of hand and denied an opportunity to testify on this bill and others. It's unfair that with the passage of this package of bills, the de facto Governor of Colorado is New York Mayor Michael Bloomberg.

MR. PRESIDENT: Senator Cadman,

30 seconds.

SENATOR CADMAN: May I continue my time into my next segment?

MR. PRESIDENT: You may.

SENATOR CADMAN: Thank you,

Mr. President.

Many proponents of this legislation, when asked why, have said we must do something, we have to do something. They claim this Bill 1224 is just the first step in a long journey. Wow. A first step. Seven bills. Second step. Third step. Fourth step. Seven steps. Now you're on a roll, on a long journey.
A long journey to government confiscation, a journey to eliminating the Second Amendment Rights altogether.

You know, I would much rather take my chances out on the street. I'd much rather -- I'd rather take my chances of dying in a country where men and women are free than living in a country that isn't.

I believe the Founders felt that way when they put the Second Amendment in place and we swore to uphold that on opening day.

This is our chance to uphold that solemn promise that we made to the people that elected us.

And do that today by voting no.

MR. PRESIDENT: Senator King?

SENATOR KING: Thank you, Mr. President.

This is an emotional event for many. I want to start by apologizing to my friends on this side of the aisle. Friday, I read some research. I read that as a part of the 1994 and badly named 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 review of gun control measures, including this ban, and concluded that none could be proven to reduce crime. The American Journal of
Preventative Medicine did a similar survey and came up with much the same conclusion.

I know it's hard to believe, Mr. President, as stoic as I am and unemotional, but I got pretty fired up and challenged my friends to a debate about that. And we voted and we were done at 11:30 on Friday night. I got into my car and drove 254 miles in a snowstorm, got home at about 4:00 in the morning and was wide awake, trying to answer a question.

And the question was: Why did I want my red-headed friend and adversary from Aurora to come down to the well and do what we do best, which is fight in public about policy?

Why did I want my friend who is a principal to come down to the well and educate me, to school me on this information?

Why did I want my friend, who is a doctor, to come to the well and tell me where these 51 studies that the Center for Disease Control were wrong, that they had bad information?

The reason is -- the reason that I wanted to have that debate was because I wanted to be wrong. I wanted you to convince me that all of this information is wrong. I prayed that it was nothing
more than plastic and springs. I wanted it to be that simple. I wanted it to be simple.

My whole life has been studying violence and that simple answer would have been key. I did not want it to be about neurotransmitter pathways. I did not want it to be about serotonin or norepinephrine or adrenaline or dopamine or any natural chemical imbalance. I did not want it to be about those complicated chemical computers that we all have on our shoulders.

Saturday morning, when I got up, I looked at our local newspaper and the headline was "Guns used in more suicides than any other weapon."
And I thought, Well, there's the answer. We just get rid of the guns and we won't ever have suicides again.

It is not that simple. That is the problem. It is not that simple. And I'm reminded of that saying about insanity is doing something over and over and over again and expecting a different result.

I try and figure out why someone would kill their mother and then kill innocent children, and I want it to be as simple as plastic and springs. I wonder why someone would dress up like a Joker and go into a theater and kill innocent people and I want it
to be as simple as plastic and springs, but it is not. It is much more complex than that. That is violence. We are complex organisms, and springs and plastic is not going to cover it.

I want us to make good decisions, decisions based on evidence, decisions based on information like, for example, the American Journal of Preventative Medicine, or, for example, the Center for Disease Control, 51 studies. And 51 studies said it is not as simple as plastic and springs, so let's move on.

I would ask for a no vote on this (inaudible) legislation. Thank you, Mr. President.

MR. PRESIDENT: Senator Baumgardner.

SENATOR BAUMGARDNER: Thank you, Mr. President.

Well, that raised a lot of questions, didn't it? Mine are not as complex as that. One of the things that I wanted to talk about, one of them. I should be done within the next, oh, ten minutes or so.

And I've come up to speak on almost every one of these bills, and maybe there's several members here that is tired of me coming up and speaking on these bills. But my constituents, as we all have constituents, continue to call me and e-mail me and say, Don't stop the fight. Stay in there. Protect my
rights. Make sure we're represented.

Last Friday, 10:30, 11:00, when I came up and I had all these cards from constituents -- and not only mine, but people from all over the state -- begging the legislature to not pass any of these gun laws.

The one that was most on their mind was this piece of legislation. Mainly because they felt whether we feel here, whether we feel it's not part of it, they felt that it was an infringement, again, on their Second Amendment Rights. And again, whether we believe it or not, they believe, I believe it's an infringement on their rights.

We talked for hours and hours on the jobs. And we come down here and that's all we tout most of the time -- jobs and the economy, jobs and the economy, and what we're going to do down here in the State of Colorado to make sure that we keep people working.

We talked about businesses that have said we will leave. And when we leave, they'll be hundreds of people, possibly over a thousand people because of the satellite businesses, that will be affected by this piece of legislation. Those people will now be out of work.
We talked about unemployment, that we seemed to be recovering right now. So what do we want to do? We want to drive more business out of the State of Colorado and our unemployment rates will go back up. And when those unemployment rates go back up, then there's more people on unemployment. Then we have to pay for it. And again, where's that money going to come from?

Limiting the size of a magazine is not going to stop bad people from doing bad things. You heard from a retired state patrolman through me that in a short order of time he can teach people and does train people on self-defense. And in a matter of seconds, you can change those magazines out. Many of the atrocities that we've seen throughout this state and throughout the country, ten-round clips, ten-round magazines -- excuse me.

And right now, 15 rounds. We want to set that magic number at 15 rounds. And let's hope nothing ever happens again, but chances are it might. So now, we're going, Well, 15 is not the number. Let's do ten. Let's do five or one. And it was said earlier, is this just one of many steps to disarm the citizens of the United States?

We've remained a free country for over
two centuries because law-abiding citizens are armed. Criminals, by definition, they don't follow the law. If we limit the law-abiding citizen, the type of firearm, the type of magazine that they can own, how will they defend themselves? How will they defend their family?

How will we defend our livestock from the people that live in rural Colorado that do sling their AR-15 over their shoulder when they go out, when they do sling that AK-47 over their shoulder when they go out to make sure that their calves are okay, to make sure their sheep are okay, to make sure that the mountain lion or the bear or the coyote hasn't decimated their herd? Drastically affect rural Colorado.

I, like anybody else in this state, have the right to defend myself and my family from criminals, and the Constitution also says from foreign and domestic enemies. Limiting the size of a magazine is not going to stop someone that is mean, someone that suffers from mental illness, someone that, if their gun does not have a large-capacity magazine or a standard-capacity magazine, which many of these firearms have -- many firearms that people have, have 17, 19 rounds. That's in a handgun. These would now
be outlawed. That's a standard-capacity magazine that comes with that firearm.

A law-abiding citizen that has not broken any laws should have the right guaranteed to them by a Constitution that I believe should not be limited.

Vote no on House Bill 1224, not because I ask for it, but because a large group of Coloradans who showed up here during testimony, who showed up here in the chambers, the ones that were heard, the ones that were not heard.

MR. PRESIDENT: Senator Baumgardner,

30 seconds.

SENATOR BAUMGARDNER: Thank you,

Mr. President. I'll finish up.

Please. I'm asking for those people. Vote no on this piece of legislation. Thank you, members. Thank you, Mr. President.

MR. PRESIDENT: Senator Lambert. I'm not starting the close yet, Senator Lambert.

SENATOR LAMBERT: Thank you,

Mr. President.

It was my pleasure to serve, as you know, in foreign service overseas. I was the defense attache in Stockholm, Sweden. I was able to travel to
France, Germany, England, Denmark, a lot of European countries. I spent about -- I think it was about two weeks in Switzerland.

We are told in this bill that having high -- so-called high-capacity magazines and having rifles in our society is somehow unsafe. I was very impressed by the Homeland Security and probably most impressed of any country in the world with the Homeland Security of the Swiss. They have a very, very well planned out system of deterrence.

And as far as I know, as far as I recall, it's about the only country in Europe that hasn't been successfully invaded, at least for hundreds of years. They buy some of our products. I think they buy American F-18 fighters. They put them inside of revetments, inside of mountains in case they are bombed and they roll out onto a runway and take off with high-performance aircraft. But one of the reasons that the Swiss are not invaded is because they have a citizen army.

Now, I've been told that their sergeants show up at their door and put a tape measure on the handle of the door and stretch it out I think it's 15 feet or whatever it is, ten meters. And if you don't have your assault rifle within that distance from your
front door, you'll be on report. And oh, by the way, the 300 rounds of ammunition that every citizen in Switzerland, every home, has to have within ten feet of their front door.

Isn't it interesting that the model we're looking at today is patterned after New York City or maybe Washington D.C. or maybe Chicago, where guns are banned and yet have the highest crime rates and murder rates in this country? Shouldn't we be looking at another model, maybe like Switzerland, that has the lowest crime rate in the world? There are no drive-by shootings. Are you kidding?

A lot of people put their money in Swiss banks. I don't -- I don't have enough money. But there are not a lot of bank robberies. It's generally what we would call a civil society because people know their limits. People don't commit violent crimes in Switzerland. It's a great place to visit.

We have trusted people in the United States that should be defending our liberties. Here in Colorado, our National Guard, our six military bases, plus all the National Guard bases we have. We have hundreds of thousands of veterans who have served our country with the training to protect us here at home as well.
And yet when I offered an amendment on Friday without comment, it was turned down to have a waiver of this incredibly dangerous law for active duty military, for active -- for reservists, for our National Guard members and their families, who they might just have to leave the gun around the home to protect. I don't know if we have background investigations or not when you leave on a deployment. But shouldn't we be relying upon our law enforcement officers, our veterans, our active duty military and National Guard members to know what the right thing is to do instead of taking away their rights to defend themselves and to defend our country? This bill does not do this. This bill creates a moral hazard of extreme proportions of higher crime for this state.

And yet, we have an alternative and I would implore my fellow members to vote against this bill, to at least recognize that there is another way. There is a model. It is not confiscating weapons. It is not confiscating magazines.

Let's look at the Swiss. Let's look at a lot of other places that have well-trained and that case sort of a well-regulated militia, which is what was contemplated by our Constitution, and yet they are
citizens. We have the same model here in the United States successfully throughout our American history where our citizens were expected to have the freedom to be able to defend our own country and our own communities. And yet, now we're passing that threshold of freedom of self defense into an impractical, unenforceable world which we've seen in other models just lead to more crime, more violence.

Please vote no on this bill.

MR. PRESIDENT: Senator Lundberg.

SENATOR LUNDBERG: Thank you,

Mr. President.

It was George Orwell who coined the term "double speak." And if you recall, in that book, "1984," the big issue was the tyrannical government that found ways to manipulate the population by taking a term or a phrase or a word and turning its meaning on its head. I want to start with that concept with the 1224 because I believe that 1224 is employing that technique of double speak, because it says banning high-capacity magazines.

Now, we've been over this before, but we need to go over it again until everyone in Colorado understands that this is double speak. It's banning magazines that can hold more than 15 rounds of
ammunition or can be readily converted to do that. You saw this before, but this is the PMAG 10, holds 10 rounds. Is it banned? Yes. Why? Because here's what it takes to convert it. Put the spring in and you have much more than 15-round capacity from a PMAG 10.

Now, what does that make this part? Illegal. Because it doesn't -- the law doesn't state that it has been converted. It just is designed to be converted. Well, it is. And that's the way these magazines function. So this is a ban on any capacity magazines, any capacity. That's the first point.

House Bill 1224 is a ban on magazines of any capacity. That's one point.

Here's the next one. This is an anti-jobs bill. You've heard of the direct implications, that being that the manufacturer Magpul that does produce these units employs about 200 people. They have suppliers that they have intentionally drawn from the State of Colorado and we've heard many, many testimonies from those suppliers, how grateful they are that PMAG intentionally kept their business at home.

This is not just built in the USA, but built in a Colorado company.

They're all leaving the State and it's not out of spite. It's out of the economic necessity
of producing a product that's legal in its state of origin. The gun owners of our country and probably around the world know better than to support a business that has capitulated to the gun control measures of its local state. It makes every bit of sense for them to leave if they're to stay in business. So anything we put in this bill that says oh no, you can still come and build your product here, you just can't sell it here falls on deaf ears that know better. That's a false hope that's let out.

So it's jobs, jobs, jobs, but that's just the first part of the jobs. Because I've been assured by people from around this country that they will not support Colorado's hunting industry either. This is a destination state. This is a big business for Colorado. It's not just a few hundred jobs. It's a significant portion of our state's economy. House Bill 1224 tells those people stay away because you're second-class citizens in our state.

That's another point, but that's not the most important point. Because the most important point is the ability of citizens to defend themselves and their family, to defend their property. In my District up in Larimer County, that's -- there are a lot of people who live a long way away and I still remember
the gentleman from Livermore up in the northwest corner
of the county telling me I'll tell you how big the
capacity magazine I need and that's one more than the
guy that comes up against me because I'm -- you know,
the police, the sheriff's department can show up and
fill out the report, but they can't fix the problem.

He understands and it's his
Constitutional God-given right to defend himself. But
we're saying only with one hand tied behind your back.
Now, that's even assuming that I buy into the double
speak of this one's legal. No, it's not. It's not
legal. If this is the magazine for your firearm, you
can keep the gun, but you can't keep what feeds it.
And you know, we've had discussion on other bills where
we've discussed, well, can you legally transfer it here
or there or does it have to have a background check?

Well, that discussion is off the table
with 1224 because you can't transfer it, period. You
can't pass it on to your children. You can't give it
to someone. You can't sell it to someone. You can't
transfer it. It's illegal. And it's not just this,
it's this. This is illegal by the standards of House
Bill 1224.

This bill is the gun ban bill of 2013.
And we've had a few others that have not made it
through the system for which I am grateful, but it
doesn't really matter much because -- because this
still seems to be the end game. And I've been down
here long enough to know that there's a little bit of
shuffle that you do when you go through the process.
If what you want at the end of the day is a pretty
substantial gun control measure that bans a lot of
what's out there, this is it, 1224.

Some of the other bills have some
long-term consequences that will potentially leap that
direction, but you don't need to go any further than --
what is it? -- July 1st of 2013 and suddenly, all of
these are at least called into question because you can
say well, wait a minute. I owned this before that
date, but you're going to have to prove that to a Judge
in order to maintain that authority. And otherwise,
they take it away and charge you with the crime of
merely possessing it.

House Bill 1224, the gun ban bill of the
2013 session. The people of Colorado have spoken very
clearly and each one in this room knows that very well.
Vote no.

MR. PRESIDENT: Senator Johnston.

SENATOR JOHNSTON: Thank you,

Mr. President. I'm going to go ahead and pay my fine
proactively, Mr. President, because I plan to break the rules.

Senator King, I also couldn't sleep Friday night. And I had a much shorter drive than you did, it was only about ten miles. But I got home and couldn't go to sleep either. And it was because I felt that I owed you an answer on Friday.

I felt like it is easy in issues this tense and this closely held to avoid the conflict rather than to walk into it. But I feel like if our friendship means anything, it means on the issues most deeply held to you I ought to owe you an answer if we disagree. And so -- so I want to say a few words about some of the points that you made and others have made.

And the first is I do want to say something about the people involved in this debate, and particularly about the folks on this side of the chamber who have opposed this measure. I want to say that -- and apologies to Senator Roberts and Senator Marble -- I may use the phrase "guys" because it describes the majority of you.

I want to say that one of the things that makes me proud to serve in this body is that you are the type of men that escort the women members of our caucus out of the committee hearing on this bill to
ensure their safety, even for a policy they've just voted for that you believe deeply against.

You are the kind of people that if I ever find myself on Flight 93 or in Theater 9 or in Sandy Hook, I hope I look up and see these faces in that room. Yeah, I read the great essay from Colonel Grossman and you, my friends, are in a world of sheep and wolves, you are sheepdogs and I want to say thank you for that.

And so what is the question that we are asking here? I think the truth is that any society that holds more than one value, holds no value absolutely. And that means that the sacred right to bear arms, just like the sacred right to freedom of speech, just like the sacred right to freedom of privacy, has limits. Liberty curbs equality, equality curbs liberty, just in the way that these rights are balanced against each other.

And I think our lives and our laws now reflect that truth. We're not here debating today whether or not we have the right to bear an RPG or an M-1 tank or a Black Hawk helicopter or a bazooka or the arms that might reasonably be required if we were going to require a well regulated militia today to defend ourselves against foreign invasion.
We made that decision when we established a professionalized Army in this country. We made that decision when we supported policies that had America wage and win an arms race that made us the single superpower in the world, I think policies that made this country safer. But it means that it's no longer personally possible or fiscally possible for us to believe that every household in America can win an arms race against every foe.

But I believe there is a different war that we are talking about today that is deeply important. And that is a war fought by the hollow men in this country, fought by the people whose emptiness is so deep that they try to fill it by finding senseless ways to cause pain in lives of the innocent. That's the war we're talking about here.

And let's make no mistake. The defining characteristic of this war is that it is a war fought by cowards, which means, Senator Brophy, they will never post on the website that they'd like to challenge us and meet us in the town square of Wray. Because they know that the number of Americans that would show up to fight that battle would be so vast, even the great eastern plains of Colorado probably couldn't fit them all.
They may be cowards, but they aren't fools, which means they will never fight this war in a place where we're ready or we're prepared. And the irony is if they did, none of us would probably need more than a musket from the 18th Century, because a hundred-million Americans standing arm to arm shooting one round each would be plenty to mow down whichever cowards would show up at that fight.

But that's not the way they're going to fight this. They're going to fight this not on the battlefields of America, but on the playing fields of America. They're going to fight this not in the times when we have an AR-15 and a couple of 60-round magazines in our pocket. They're going to fight it when we have a box of popcorn and a movie ticket in our hands or when we have a library book or a Disneyland pass. Those are the moments they're going to fight.

And that's a hard reality to face, because that means in those moments, we are going to be outgunned. Because let me tell you, there was one debate that was heated around this issue, which is what if there were an SRO at Sandy Hook?

Well, I can tell you we had an SRO at our school for five years and that SRO carries a gun. He carries one gun. But the task of taking lives and
the task of saving lives are fundamentally different
endeavors and they require different tools, which is
why on that SRO's belt, he also has a radio. He has
tools of communication. He has tools of peace. He has
a telephone. He has handcuffs.

And you know what? He'd never have
space to carry an AR-15 with him because he is going to
spend 99 percent of his time doing what every adult in
an elementary school does every day, which is putting
Band-Aids on kids' knees and asking them how their day
was and carrying them to class if their leg's broken
and ruffling their hair and (inaudible) and pick up
basketball. The cost of living and loving is that it
takes up so much space in our lives. It fills our
hands. It fills our pockets. It fills our hearts.

The hollow men have no such burden.

Think of the man that walked into Theater 9 or into
Sandy Hook. Every single ounce of his being is filled
with hate. Every pocket is filled with ammo. Every
shoulder is filled with a gun. Every hand is filled
with another one.

And unless we plan to put down all of
the rest of things that we value to compete with him,
unless we plan to hollow ourselves out so much that we
also are that empty and have nothing else to carry, we
will never walk into that battle as prepared as he is.

Because when I walk into the Aurora theater and I do often, I have about seven pockets in my coats. And one of them's got a bottle and one of them's got a pacifier and one of them's got a snake book and one of them's got a half-eaten fruit bar and one of them's got a cell phone and one's got my wife's car keys. And I hope that the next time I'm in one of those theaters that there is someone sitting next to me with a concealed carry permit. I do.

That's why I had concerns about the bill on Friday. But even that man, even one of us in this chamber sitting next to me in Theater 9 with a concealed carry permit, when I walk into that theater, I'm hopefully holding two things. I'm holding a Coke and I'm holding my wife's hand.

I might drop that Coke for a concealed carry permit to pick up my gun. I'm never dropping my wife's hand, which means I always only got one hand to fight with and he's always got at least two. Because he's got nothing to hold that's nearly as valuable as my wife's hand is.

And so the bad news is, in that moment, we are going to be outgunned. The good news is in America, that never means we're going to be outfought.
Todd Beamer was outgunned on Flight 93. He won that battle. Jean Hassam at the New Life Church in Colorado Springs was outgunned. She had a simple 15-round magazine against a guy with an AR-15. She only needed ten of those rounds to hit him and knock him down.

You take -- my favorite story, the 74-year-old Lieutenant Colonel Badger at Gabby Gifford's shooting. He was outgunned, didn't even have a gun. But it didn't stop him from tackling the shooter and ending that massacre. Actually, he was -- he was joined by a man, (inaudible), who actually had a concealed carry permit, but didn't use it. Why? Because in the incident, he responded as fast as he could and just tackled him. He never got the gun out of the holster.

In those moments, being outgunned doesn't mean being outfought. It just means we need a chance to let American people be heroes. It means we need the chance. Because I think those folks that are willing to fight for their families are always going to fight harder than those that are willing to die for fame.

So what I find the most shocking about the Newtown story, what broke my heart the most on that is when the story broke at the end of the day, I
couldn't believe it. There were no survivors. There
has never been a mass shooting in America where there
were no survivors. And you know the story no one wants
to tell about that? Do you know why? It's because
every single bullet mattered. Because he put the gun
to the head of a five-year-old execution style one
after another and made sure he never missed.

MR. PRESIDENT: Senator Johnston, 30

seconds.

SENATOR JOHNSTON: Can I use,

Mr. President, my next ten?

MR. PRESIDENT: You may.

SENATOR JOHNSTON: And so here's why

that matters. We lost 26 people that day.

Mr. Sherlock, whose wife died that day, the school
psychologist, testified that when he reloaded his
30-round mag, in that 11 seconds that he reloaded, 11
kids got away. You gave us that 11 seconds and we
prevented a body count of 26 from being 37. All we
needed was that 11 seconds. And so the hard question
to ask is what if that were a 15-round mag? We could
have picked 11 of those little five-foot coffins and
chosen not to fill them in that 11 seconds.

Senator Brophy, I was invited to your
party last year and I plan to come this year. And when
I come, I want to bring my boys. And I think there is no place safer or more enjoyable frankly for them to shoot than with you on your farm. I think they'd love it. And I will be happy when this bill passes to make two stops on the way to that party. I will stop and buy Mrs. Brophy a bottle of wine, which I should, because I have at least a little bit of good home training. And I will be happy to stop on the way to buy my own ten-round mag for my kids to use in your guns.

And I have every bit of confidence that there will be on the market that magazine for me to buy in July in the same way that there is right now because I too like to search online, Senator Brophy.

(inaudible) right now online a Glock 17, 9 millimeter. You can buy it right now, $499. It says right here at the bottom choose your options, California, Hawaii, Massachusetts, New Jersey, New York models come with ten-round magazines.

I believe in capitalism. It's a fierce thing, which means I'm sure you will have that option on here to buy in Colorado a 15-round magazine. But what matters more than that is that when they get there and they get to shoot that gun and I am sure the first ten rounds that they shoot nothing will come within a
country mile of a watermelon. But then they for the
first time unpack that first clip and in the 11
seconds, if I've trained them well, they'll look up and
they'll give you a big smile and they will say thank
you for letting them have this great fun experience for
teaching them how to do it safely. About 11 seconds.

All I'm saying is if in that same 11
seconds, somewhere else in this State, that buys a man
like Steve King enough time to clear his holster and
take a shot at somebody, if that buys him enough time
to even clear his head and take a swing at somebody,
then that means we put 11 fewer kids in boxes in the
next year or two years. That is an 11 seconds that I
will trade.

You're right, we can't get the kids back
that we've already lost, but we can sure refuse to send
them more. We can right now fight the increase in
class sizes in heaven. We can do that. But it's going
to take our ability to make a commitment on values.
Because this is a true dilemma. Dilemmas are when you
have competing values on both sides. I am willing to
trade the 11 seconds of that inconvenience for the 11
kids we don't have to bury.

If we just one time give someone in this
chamber or the next theater or baseball game or public
gathering enough time to be a hero, we have seen over
and over and over in this country, if you give the
American people a chance, they will fight for us and
they will keep us safe. We're not asking for it all.
We're just asking for 11 seconds to give them a chance.
I ask for an aye vote.

MR. PRESIDENT: Senator King?
SENATOR KING: (Inaudible.)
MR. PRESIDENT: So to Senator Roberts.
Okay.

SENATOR ROBERTS: Thank you,
Mr. President.

Well, and I want to thank our esteemed
colleague from Denver, because I know there's a lot of
passion and thought in there and a lot of good points.
It will take me a while to unpack some of them and I'm
not sure I followed all of them. But I want to talk
about this bill, House Bill 1224 and why I'm opposed to
it.

I brought this up on Friday and I ask
you if you haven't looked at your fiscal note, because
that's the best Reader's Digest version I see for this
bill. I want to remind you what this bill does. So
beginning on July 1st, 2013, the following actions are
subject to criminal penalties:
Sale, transfer or possession of a large-capacity magazine is a class two misdemeanor. Second and future violations of the prohibition of the sale, transfer or possession of a large-capacity magazine is a class one misdemeanor. And use of a large-capacity magazine in the commission of a felony or crime of violence is a class six felony.

If you go to the second page of our fiscal note, it will talk to you about the four new crimes that are created. And I would tell you that a number of my constituents -- and I have heard from many, many of those constituents, they'd probably be okay with that one new felony charge for those who are already committing crimes. Where the big issue comes is creating three new misdemeanor crimes for my currently law-abiding citizens who come July 1 will no longer be law-abiding citizens, but under this bill will become criminals.

So who will this bill affect? If only it would make our children more safe, if only it would make going to a movie a safe experience, but who will this actually affect? It's going to affect my constituents. And when they go to court the first time for a violation of this, whether it was knowing or unknowing, then they'll go again a second time and
perhaps there will be a Judge there that says well gee,
you didn't get it the first time, let's up the ante.
Well actually, the ante is upped by this bill.
And then what happens the next time? So
do you actually put them in jail? Yeah, basically as I
read the bill, that is what it does. It puts them in
jail. Who else is going to be impacted by this bill?
Well, I think criminal defense attorneys are going to
have a real windfall with this. I think the public
defenders probably ought to look at adding some public
defenders because they'll be defending my constituents.
Who else is impact by this bill is my
sheriffs. And I've tried to tell you repeatedly I have
eight sheriffs. I've now spoken with seven of them.
They each let me know how unenforceable this is. It's
unenforceable particularly in my district because I
live in the four corners, because Utah, Arizona and New
Mexico are way, way closer to us than Denver.
They are very concerned because when we
create a new law, there's an expectation that they're
going to go out there and they're going to enforce that
law. What they're telling us is they can't do it. Not
because they don't want to do it, but because how in
the world do you actually make this work? To me, this
is a Metro Denver solution for an entire state that
does not work.

Now, who won't this bill affect? It's not going to affect the criminals. It's not going to -- it's not going to affect those people you're trying to catch for the felony and it isn't going to affect the determined, violent and mentally ill person who are the people who are walking into the theaters and the classrooms and mowing people down. They're not going to be deterred by this.

I get frustrated sometimes here. I feel like the urban rural divide of Colorado shows up in many ways. In no way does it show up more than in this bill. I've talked before about how many Coloradans are incredibly proud and rightfully proud of the western slope and rural Colorado and the fact that your calendars have our lands on them.

The fact that the Colorado State map has six out of its ten pictures come from my District because we're all very proud of the rural area. Well, you know, the rural area doesn't take care of itself by itself. It's the people who live in it who actually take care of it.

I want to talk about the sheriffs and what their position was on this bill in particular, the ban on high-capacity magazine. And this is a letter
that the sheriffs had sent out explaining their
opposition to this bill.

Law enforcement officers carry
high-capacity magazines because there are times when
ten rounds might not be enough to end the threat.
County sheriffs of Colorado believe the same should
hold true for civilians who wish to defend themselves,
especially if attacked by multiple assailants.

Recently, a young mother in Georgia
defending herself and her two children, needed all six
bullets in her 38 caliber handgun to stop one intruder.
She hit him five times and still he was able to get
into his car and drive away. Fortunately, the young
mother prevailed. Had there been more than one
assailant, the outcome may not have been the same
because she would have been out of ammunition.

Also -- and this is the county sheriff
speaking. Also, we know that in high pressure, high
adrenaline situations, people may not be as accurate
with their shots. Thus, they may need more ammunition
to neutralize a threat. When seconds matter, county
sheriffs of Colorado do not want to deny a law-abiding
citizen the ability to defend himself and his family
based on an arbitrary limit on how many bullets should
be in one magazine clip.
There are studies -- and they've been brought up this morning even -- that would dispute that this will make any public safety difference. I have had the opportunity to go to some foreign countries with the national conference of state legislatures to do town hall meetings, working with legislators in Algeria and in South Africa. When my friends and neighbors are called by those, including some in this chamber, lunatic fringe or right-wing wackos because they care about their Second Amendment Right, it is deeply offensive.

Having been to these countries where today real time 2013, people are sitting on a powder keg or, in fact, fights in their street, it is not being a wacko to be concerned about caring for your citizenry and for the rights guaranteed to us under our Constitution. I look at Syria today. I look at Egypt today. Again, I don't think it's lunatic fringe to have concerns for that.

Who I see this bill impacting is the grandmother who lives down the long, dirt road, 40 minutes if she's lucky from law enforcement when she has that intruder. And yes, we do have intruders who come into our homes and want to cause harm. I see this bill impacting the rancher who's up against a bear or a
mountain lion. And again, it's not just on the
calendars. It's not just on our state map. These are
the caretakers of our land. They're the caretakers of
the beef you like to eat in your restaurants or at your
dinner table.

And probably most emotionally to me, the
person who this will impact is the veteran in the
wheelchair, who I told some of you who were actually in
the room last week about, but I'll tell it now. Some
of you might not have been here. Tyler Wilson, the
young man who served in Afghanistan, who took four
shots and is forever paralyzed in a wheelchair, who now
lives here in Metro Denver.

He's the young man who tried to testify
a week ago today, who showed up at 7:30 in the morning
and finally had to leave at 4:00 unable to testify
despite having signed up for that because nobody could
get around to hearing from him. That is a disgrace and
it hurts my heart.

Tyler wanted to tell you how he needs a
right to defend himself now that he will spend the rest
of his life in a wheelchair. He feels handicapped, not
just by the wheelchair, but by this bill and the
inability to defend himself as he lives in the streets
of Metro Denver. And I can tell you that the people
who will be impacted the most are the people who are 
not going to comply with this law.

We talk down here about emptying our 
prisons and the jails and the appropriateness of 
criminal penalties and I will tell you that my people 
will not do this. They will not give up their rights 
under the Second Amendment. They will not accept an 
arbitrary ten, as if that is going to save somebody in 
particular. If you are motivated, you will mow down 
people with whatever you have.

MR. PRESIDENT: Senator Roberts, 20 
seconds.

SENATOR ROBERTS: That's fine, and I'll 
go into my next ten minutes if I'm not done.

MR. PRESIDENT: Okay.

SENATOR ROBERTS: Thank you,
Mr. President.

MR. PRESIDENT: Okay.

SENATOR ROBERTS: So I would suggest 
that you be prepared to jail the grandmother who lives 
down the dirt road. You be prepared to go after the 
rancher, who is actually using it as a tool on his tool 
belt, no different than a wire cutter or the shovel he 
needs to use on his job on his daily rounds around the 
ranch.
And you be prepared to jail people like Tyler Wilson, because I do not believe they will comply with this. And I for one cannot support a bill that is asking people, law-abiding citizens, to become criminals. It is just wrong.

MR. PRESIDENT: Senator King.

SENATOR KING: Thank you, Mr. President.

Though defensive violence will always be a sad necessity, in the eyes of men of principle, it would be even still more unfortunate if wrongdoers should dominate just men, St. Augustine. Sir Johnston, I would gladly fight the good fight for you so you don't have to let go of your wife's hand.

Government should never put law-abiding citizens under the boot of violent criminals. Government should never allow law-abiding citizens to be outgunned by criminals. The first law of nature is every creature's right to self defense.

My friends, on a somewhat different topic, please do not be confused that the goals and objectives of Barack Hussein Obama, of Joe Biden, of Michael Bloomberg are the same goals and objectives as the majority of your constituents.

Mr. President, I look forward to the vice president of the United States coming to Colorado
and going to Durango to help the representative on his recall election. He owes him that. He does. He owes him that. The man was in office for two months as a state representative when he gets a call from the vice president of the United States lobbying him. Joe Biden and Michael Bloomberg do not know what's important for Colorado.

MR. PRESIDENT: Senator King, stay on the bill.

SENATOR KING: Thank you, Mr. President.

Compelling interest. We have a compelling interest for the people we represent. If someone should call and say hey, we think it's in the best interest that we send all our water to California, we have a compelling interest to say no, that is not good for the people that I represent. Colorado is a very diverse State. You know that. We are more diverse than the City of Chicago, than the City of New York, than Washington D.C.

Yes, Denver has its inner city violence issues and they're doing their best to deal with that. But those issues are not in Wray, Colorado. Those issues are not in Loma, Colorado. Those issues are not in Snowmass, Colorado. Those issues are not in Durango, Colorado. Just like the wonderful hunting and
fishing are not in Downtown Denver. We have people coming here from all over the world to enjoy our quality of life.

We want our sportsmen who come here from all parts to be able to go to Sportsman's Warehouse, to (inaudible), to local sporting shops and get the things that they need to get to have a successful hunt or fishing expedition in Colorado. We have a compelling interest here to realize that we are a diversified state with many issues. We have inner city violence problems. But we also have urban areas where that ability to be able to find a magazine, that ability to not have to drive to Green River, Utah.

And if I thought for one second the 11 seconds would functionally save 11 lives, that those bad guys and the millions of magazines out there could not find what they are looking for, if we could functionally do that, okay. Sure. But that's not the world that we live in. And the world that we live in, we've done studies on this and it doesn't change violence. Good people going to the breach change violence. Good people standing up in the theater with a concealed carry permit and maybe not just one prevent violence.

Why don't these cowards ever go to the
cop bars? Why? Because we know that as soon as they pull out a gun, there's going to be 10 or 15 cops there with guns. That's why they go to schools.

And I totally agree with you, Senator Johnston. School resource officers spend a good percentage of their time loving and taking care of kids, just like the teachers that are teaching there, that would gladly take a bullet for their kids. But those school resource officers there are there to put up and give the good fight, outgunned or not. That's what they're going to do. Because they'd rather expend a round than take one, because doing that saves lives.

This is a complicated issue and that -- when I first started talking about I'd love it to be just plastic and springs. We haven't done any studies of this in Colorado. None, zero. We haven't had the ability -- and that's why I wanted to debate and thank you. Thank you so much. I would love to have done that on Friday, back and forth for as long as we wanted to talk about that stuff because that's how you solve problems. And I appreciate your courage in coming up and just saying.

We need to find solutions, but it's not, ladies and gentlemen, always going to be the easiest question. The easiest question would be springs and
plastic. It's not. It's humans, very sick humans, chemically-challenged humans, humans that will kill their own mother and innocent children. Humans that would dress up like the Joker and go into a theater that's a no gun zone.

MR. PRESIDENT: Senator King, 30 seconds on your second take.

SENATOR KING: This is a more complex answer to this question for our State. Our state is diversified enough -- our state is talented enough to figure this out. But it isn't the simple answer of plastic and springs. I would ask for a no vote.

MR. PRESIDENT: Very quickly to those watching from the gallery and on the camera. You've seen two of the three of the last senators lay money on the table and that may be of interest to you.

It is the custom and practice here that senators are fined for rule violations and Senator Johnston and Senator King were prepaying their fine because it is a violation of the rules to address senators by name as opposed to addressing them as the gentleman or gentle lady from whatever District they're from or from whatever community live in. That's how we normally do it.

Senator Johnston knew he was going to
call Senator King and Senator Brophy by name and that's why he paid the fine ahead of time. And Senator King knew he was going to react to Senator Johnston for his comments and that's why they put that money on the table. Senator Lundberg won't be violating any rules and he now has the floor for the second time.

SENATOR LUNDBERG: Thank you,

Mr. President. I appreciate your confidence in my abilities to stay within the rules, which I will, one of which is to acknowledge that it's not in the rules. It's actually in the Mason's Rules by some interpretations, but the senate rules are really silent on that particular point, but I won't violate any of the assumed rules either.

I will make reference to the senator from Denver who did have some comments that I believe were not -- well, they were curious actually, because in listening to most of his -- the discussion, it would sound like the counsel and advice is to vote against this bill because this bill takes away some of the abilities of the citizens of Colorado to have the firearms that they see are appropriate for themselves. And you know, there's another element on this too.

There seems to be this disconnect on what this bill even says. Now, I've said this before,
but I repeat it again. It's not about some concept of high-capacity magazines, because it captures virtually all magazines that are out there today. Sure, there may be some production in the future of some magazine that could not be converted, but it will be at the compromising of the actual ability to field strip the magazine. And so it will be an inferior product from that perspective.

But this is not about limiting the high-capacity magazines in the hands of the bad guys. This is about banning all mag -- essentially banning all magazines that are out there today, from future sale or transfer of any sort, putting in question those that are actually in possession of people today simply because of the mechanics of all that.

This bill does not cure any problems as we've been -- as some have tried to lead us to believe. In fact, it strikes me that double speak still reigns supreme in some of the arguments and debates we hear down here. Because this bill bans magazines that are necessary for the function of many firearms that the citizens of Colorado own today. And this bill won't fix the problem when some lunatic shows up in some gun-free zone and thinks they've got a free-fire shot at everyone.
By the way, 11 seconds was used as an example of what it -- what time it takes to change out a magazine. Now, that's a painfully long time and they're not designed to take 11 seconds. Here's what 11 seconds is. I yield 11 of my precious seconds up here to the clock.

There we go. 11 seconds. It's probably time to change the magazine four times out. As a matter of fact, that's about what it takes if you're kind of fumbling a bit and don't quite have everything at your fingertips. We're not buying 11 seconds for anybody. What we're doing is we're holding one arm behind the back of the honest citizen from being able to defend themselves and their family when they really need it the most.

If there's anything hollow about the arguments we've heard, it's the hollow false hope that this bill puts before people that it will somehow fix something. It won't. It makes it more difficult for the honest citizen to defend themselves. It criminalizes what should be a common practice of being able to transfer the ownership of a -- of a small magazine to somebody else. It defeats the principle of safety.

You know, if individual citizens are to
be commended for their responsibility to look after the
well-being of others, should we be getting in the way
of them being able to do that? Because that's what
1224 is doing. It's -- it's, as I said earlier, it's
the gun ban bill. Oh, it doesn't ban them all. We've
seen some legislation here this year that tried to go
further down that road and -- and that seemed to be an
impossible path. So this is as much of the, you know,
the elephant you can bite off at this point in time.

Well, it's -- it's not fixing the
problem. It's making it worse. House Bill 1224 is a
-- a -- a bill that defeats the real purpose of
defense. And remember one other thing too, that
defense for the citizen doesn't mean unloading, you
know, everything with both barrels. It means having
that ability of deterrence. And each one of these
steps that we take in this bill that's before us today
is the biggest step before us now, just limits that
ability a little bit more. And it sends that message,
don't worry, we're in charge, you're not.

And, you know, there's a reason why the
Second Amendment was written and put as the very Second
Amendment. They understood the necessity for a free
society to have citizens who can defend themselves and
their families and their communities. We must not go
down this road. I implore you to reconsider what would appear to be a vote set in concrete right now. Is there no better way than disarming the people of Colorado? I say there is. Senator Lambert -- oh, no. He didn't notice.

And the good senator from Colorado Springs, and a lot of you there, noted that Switzerland has found a better way for centuries. Why oh why do we have to rush down the hollow promise of somehow somebody else is going to do it for you? And I believe there is a best way and it's the American way. It's the -- it's the path of responsible citizens, capable and allowed to defend themselves and everything within this bill says no, you don't. We're going to stop you first and foremost. Please, please don't go down this road. Vote no on 1224.

MR. PRESIDENT: Senator Renfroe?

SENATOR RENFROE: Thank you,

Mr. President.

Members, I rise in opposition of this bill also and I think many of the reasons have been brought up. I'll start I guess -- I think it does fall into three categories again. You have Constitutional reasons, you have flaws in the bill that I think cannot be reconciled and then you have safety reasons also
that I don't think matter. And the one that does -- we
talked a lot on seconds about, which I don't think is
-- well, I guess it is important also is the loss of
businesses to our State.

I think the senator from Wray was very
right when he stated and correct in the concerns with
this bill on page two, lines 12 through 14, talking
about a detachable magazine, box drum, fed strip or
similar device capable of accepting or that is designed
to be readily converted to accept more than 15 rounds
of ammunition. That does cover almost every handgun
that is commonly used by law-abiding citizens for
lawful purposes. So I think that does bring in the
Constitutional issues with this bill.

One area that -- you know, we talked
earlier on other bills about loopholes and loopholes
and loopholes. Well, there's been a group that's
formed across this country that's called the police
loophole and they have a website on it. And what it
is, it's actually gun companies that have started not
selling their product to law enforcement until that
product is allowed by law-abiding citizens. That list
is pretty long.

And my concern when we start looking at
that is look what that does to innovation. When you
start restricting where a product's going to go, the
innovation of that product is probably not going to be
as sound and as solid as it was when you have the free
market and you have the competition for that product
everywhere.

A senator came up and talked -- from
Denver came up and talked and I thank him for those
words, his eloquent words, about a war with hollow men.
When I've talked on these issues, I've used a little
bit different words I guess. I've talked -- I've said
that until we change the evil that is in a person's
heart, until we change a person's heart, you're going
to have evil in the world. And that is something that
we can't reconcile with this bill.

The senator from Denver talked about 11
seconds and it's tragic to think of somebody standing
there reloading over a group of unarmed people or
children anywhere and I wish we would have addressed
that in other measures that were before us, but we
defeated those to allow protection to happen in that
case.

But here's my question to not only the
senator from Denver, but to every single one of you
that will vote on this. 11 seconds within that. So
because that 11 seconds, you want to reduce the size of
a magazine. Can you guarantee me that the criminal is going to obey? Is he going to only have a ten-round magazine from now on? Can you guarantee me that? Can you guarantee the next person that has a criminal break into their home, break into their business or the next parents who send their kids off to school or a movie and that hollow man comes in, can you guarantee that he will have less than a 15-round magazine?

Because if you can't guarantee me that, what you're doing is you're making me or whoever is there that obeys the law at a disadvantage, tactically from a firepower standpoint to whoever it is that is that evil person that wants to inflict harm. Can you guarantee me that they will obey this law?

Look at -- and that's what we -- that's my frustration with this entire gun debate. I don't feel like anybody listens to that question right there. Law-abiding citizens will obey this. Unless they don't know what our -- the loopholes and how we've crafted our law and they just happen to by their ignorance break the law.

But can you guarantee me that that criminal, that thug, that evil person, that wolf, whatever designation, that hollow man, whatever definition you want to give me, that they're not going
to get one of the -- I've heard numbers of 180 million
magazines that are out there -- that are standard
capacity 30-round magazines?

I think that's the question you have to
ask yourself if you're going to vote yes on this bill.
Because that's what you're telling your constituents.
That's what you're telling the people of Colorado.

Otherwise, what you should be doing is
you should vote no on this bill and you should bring
another bill to confiscate and ban everything. Because
until you can collect them all, you can't guarantee me
that that hollow man, that criminal, that wolf, that
thug, or we could say even at some point maybe even
just a mentally-deranged person that needs help, isn't
going to have a 30-round magazine.

Can you guarantee that to your
constituents? To Colorado? That's why I'm voting no
on this bill, because I know for a fact that criminals
don't obey the law. They break the law. They look for
every advantage they can. They don't volunteer -- they
don't go into a place they know that they're going to
be outmatched, outmanned. They're going to look for
the easiest target. They're going to look for the
place to go that they will guarantee as much disaster,
tragedy or probably in their minds success, however you
want to word it. You can't guarantee me or the people of Colorado they won't use what's available out there.

Law-abiding citizens will obey the law. You will put them at a disadvantage with this bill. You will make them less safe. That is a fact. And that's not even getting into what businesses will or will not leave the State, the other side of it.

That's not even talking about the 238 people that came to testify in committee on this bill in opposition to it and only three were allotted time to testify or out of the 34 that came in support that only 16 of them were able to testify, because we rammed these bills through. We didn't think of the unintended consequences. We didn't really debate this bill. We didn't listen to the citizens.

So again, I just want to leave you -- can you guarantee the people of Colorado that that next evil person will not have one of these magazines?

MR. PRESIDENT: Senator Renfroe, 30 seconds.

SENATOR RENFROE: Vote no on this bill. Protect the people of Colorado.

MR. PRESIDENT: Senator Crowder?

SENATOR CROWDER: Thank you,
We should never succumb to terrorism at the expense of our God-given rights. Southern Colorado does not and will not adhere to the very idea of lessening our rights for the purpose of a solution that does not exist. Vote no on this. Thank you.

MR. PRESIDENT: Senator Brophy?

SENATOR BROPHY: Thank you, Mr. President.

And Senator Johnston so much for coming down and having the courage of your convictions to state why it is that you believe this bill is the appropriate course for the people of the State of Colorado. I hope I can earn your no vote.

For those of you who don't know, the senator was talking about an essay that I had shared with him Friday night by Lieutenant Colonel Dan or Dave? Dave Grossman. Brilliant man. And the essay is called "Of sheep, Wolves and Sheepdogs," and if any of you want it, I have it on my iPad. You can read it or I can e-mail it to you. It is telling. It tells you a lot about the kind of people that you will find who rush to the sound of the gunfire. I don't know if I qualify, but I'd like to think that I do.

And we've heard that there are in the hundreds of millions of detachable magazines, in the
mid teens of millions of standard-capacity 30-round magazines in existence in this country. We heard the discussion about whether or not it would be appropriate to have RPGs or M-1 Abram tanks or Black Hawk helicopters.

Well, let me remind you on the latter three there, there is, as far as I know, no example of criminal use of that type of weaponry in this country. So it's a fair argument to say that we don't need to have those under the Second Amendment. We can have that discussion at some point if we really wanted to.

But we know that the wolves use standard-capacity 30-round magazines. We know that. And this bill denies to the sheepdogs the opportunity to meet the wolves with the same amount of force. Tying an arm behind the back of the men that rush to the sound of danger, instead of giving them equal footing. That is the wrong way to go.

Now, one of the greatest things that the Founding Fathers of this country gave us besides the founding documents is the Constitution that sets the framework of this country, the Bill of Rights that protects our rights, is that they took the time to -- in the Federalist Papers and in other writings -- explain to us what these natural rights mean that the
senator from Grand Junction was talking about.

As a -- as a person, you have the right to protect yourself and your family and your property against those who want to do you harm or take it from you. That's a natural right. You have that as individuals. You're born with it and that's what it means to have a natural right that comes from nature's God.

And the Founding Fathers told us that it was unacceptable for a government to take that natural right away from you without due process. This isn't -- this doesn't constitute what they considered due process. That was a court of law when you have proven that you no longer deserve that right or can't be trusted with it.

One of the other Founding Fathers wrote about this saying that it wasn't just that you had the right to protect yourself, your family and your property, you actually have a duty. It was Joe Storey who wrote that. You have a duty to protect your family.

And so while one of the senators have said this bill would only affect law-abiding citizens because the wolves, the hollow men, the criminals wouldn't follow this law, they would still find a way
to access those 30-some-odd million standard-capacity
rifle magazines or 150-some-odd million detachable
magazines, you know they will. They do it all the
time. They do it now, illegally in many cases.

It puts the rest of us into a difficult
position and I do not like saying this, but I'm going
to tell you right now. I will not obey this law.

MR. PRESIDENT: No displays. No public
displays. This is a legislative hearing, not a rally.

SENATOR BROPHY: Some day when I need
one or when my son needs one, a standard-capacity
Magpul magazine, a company that you guys are running
out of the State of Colorado, some day I will hop in my
Prius and I will drive to Sidney, Nebraska to the
Cabela store and I will buy what I or he needs to be
the sheepdog of the family, to protect against the
wolves.

I imagine when I get up there, I will
see a lot of Colorado license plates. Because I really
doubt that very many people are going to be willing to
give up their right and to forgo their duty to protect
their families and their property against the wolves.

We talked a lot on Friday about the
economic consequences of this, but the personal
consequence of this legislation is that I will
willfully and purposefully and civilly disobey this
law. Vote no.

MR. PRESIDENT: Senator Scheffel?

SENATOR SCHEFFEL: Thank you,

Mr. President.

Colleagues, as we've been discussing and
debating this, I couldn't help but think again of a
time given the seriousness of this discussion and
what's obviously at stake on occasion when this aisle
once again disappeared. With my colleagues, this side
and this side, there's no aisle. My colleagues had the
privilege of attending the reopening of the Aurora
Theater. There was no aisle that night. The profound
experience was really more like walking into a
cathedral.

I didn't stay for the movie because I
couldn't. That's not something I could do that night,
but I was there for the ceremonial part and was proud
to serve in this body and be there, was proud to be a
citizen of Colorado and be there, proud of the speakers
and was particularly proud of our governor. I thought
his words were very appropriate that night. There was
no aisle that night.

And again, in the face of unspeakable
hurt and harm, there were families there that night and
I referred to them earlier, there are people affected by criminals in our society that have done harm that we will never recover from. Families will always have a hole. People will always have injuries. And in this topic, we must never lose sight of that. I must never lose sight of that.

And the desire to reach out and do something is so strong, you can taste it. You can feel it. It screams out from within we must do something. And as hard as it is to weigh that unspeakable hurt and the seriousness and gravity of those crimes against the attempt of 1224, I must conclude that it's not an appropriate match. We look at the crime. We look at the criminal. We look at the tools that they use and we settle in on magazine capacity prohibitions and then it gets bizarre from there.

We're once again finding ourselves firmly in the grasp of confusion and -- and -- and lack of clarity. These bills are confusing. Who's going to get caught up in this net? We're once again talking about families and relatives and sons and daughters and wives and protections and self defense, things that go to the very core of our history and our being and our Constitution and we can't seem to figure it out.

I sat through the demonstrations.
They've been sitting up here. They've been brought up to this podium many times. If you touch this stuff, you can't figure it out. Springs and attenuators and base plates that pop in and pop off and sometimes pop up and sometimes hit you in the face, it makes no sense. A 15 becomes a 10, becomes a 30.

The bad guys are not going to take the time to figure this stuff out. I would love it if as a result of this, we could get 11 seconds for the good guys like the senator from Grand Junction to jump into the fray. We're not going to get 11 seconds. We're going to get 11 more rounds. The bad guys are not going to obey this. They're not going to figure this out. They're not going to slip out the base plate and do this, that or other thing.

What's the word in here; readily convertible, readily converted. They're not going to take the time to figure out what that means. And if we get it right here in Colorado and we get -- you know, start manufacturing these things and assume that's even do-able, they're not going to waste time with that. They're going to go across the border.

The minority leader's example of fireworks was dead-on and we know that. That's something we tangibly experience every year. And we
all kind of laugh about it and we all kind of smirk about it. A bunch of us probably even participate in it. But it's not funny when it comes to this. The bad guys aren't going to listen to this.

I love -- I didn't love -- I -- the testimony was so clear during committee, I didn't hear -- I heard this in the committee I sat in. I wasn't on the committee. But the discussion that took place about how many rounds is the right answer? 15, 10, 5, 30, a drum, who knows, right?

The conclusion was crystal clear; one more than the bad guy. Assume when there's trouble, when there's good guys and bad guys, it's foolhardy to assume anything other than they're going to be coming at you with everything they've got and you better plan on being able to respond plus one.

I said it in a different body and I have to say it again here. Our work isn't done. There's no evidence that this is going to increase public safety. This is not going to work and I hate to say that. People are still going to look at this body to figure it out because I don't think this is going to do it.

What it will do is infringe on the rights of law-abiding citizens. Those are the folks that are going to try to fare through this. Those are
the folks that are going to get caught up in the net
and find themselves on the wrong side of the law and
have to try to figure that out and hire lawyers and
handle that and it's going to be -- it's going to be
unfortunate. The bad guys are going to care less.
These things are going to be as available as ever.

During the second reading, you saw the
cartoon up here, and it was funny; but it was frankly
kind of sad, because it's true. And who's going to get
catched in the crossfire, not initially, but probably
eventually it's going to be all these companies.
Remember the (inaudible) and they're not just
companies. They're people. They're people that are
citizens of this State that are working hard and
raising families and planning for futures and sending
people to college and they're leaving. I was looking
back at my notes.

It was at a minimum 15 letters were
read. I know because we had each member read one of
them, but each member probably read two or three other
ones, of companies that are saying -- I remember the
littlest one I think was five employees, the big one
obviously Magpul, we know that. People that are going
to be affected by this.

The conclusion. If you discount the
business, if you discount law-abiding citizens getting caught in the fray. We can't get past the fact that the bad guys aren't going to do this. They're going to ignore this. They're going to be well-armed, well-equipped. They're going to have as many magazines as they can get their hands on. They're going to be intent on doing harm.

But for me it begins and ends back at the basics. The right of the people to keep and bear arms shall not be infringed. 1224 is an infringement. I'm voting no and I think you should too.

MR. PRESIDENT: Senator Grantham.

SENATOR GRANTHAM: Thank you,

Mr. President.

I'd like to thank the senator from Denver for his comments earlier and his description of, you know, the possible events and I share the sentiment that if I was in that situation, I would not want to let go of my wife's hand either. Try as I might, she would insist on letting go because she likes to use two hands when she takes aim.

In all seriousness, folks, I do ask for a no vote on this. We look at our -- at our own Colorado Constitution, there are no words that are unfamiliar to us in the last few days. We've heard
them many times here at this podium. Article 2, Section 13, 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 into question.

Even when we look back a few sections earlier, we look at inalienable rights in Section 3. All persons have certain natural, essential and inalienable rights among which may be reckoned; the right of enjoying and defending their lives and liberties. The right to self defense, to self preservation. And of course, the Second Amendment to our US Constitution, a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

With apologies to my friend from Wray, I will probably be trying to make that constitutional case, even if it is like a Christian and a Buddhist trying to have a theological argument.

When we look back in history and we look at our Founders when they wrote those words, context I think is important. We look at what they were going through when they said the right of the people, the right of the people to keep and bear arms shall not be
infringed. You know, we could fast -- we could fast forward through most of our history, through the history of the world, even since the founding of this country and we can find examples of many different types of acts of aggression by dictators, by other forms of government in the attempt to take arms from the people. But just looking at that over-arching theme, what would the attempted subjugation of a -- of another otherwise free people, what would that look like?

Would it include the restricting of a free law-abiding citizen? Would it restrict their access to firearms? Would it restrict their access to equipment necessary to operate those arms? When that attempt at restricting one's access to those things is unsuccessful, as history tells us it is, when the law-abiding citizens are forced into lawlessness. When the black market activity in those arms and equipment stores, when the cross-border activity commences, what is the next step in controlling these items?

If these items are truly as bad as some believe, as some believe that they are, if they are so evil that they must contained, then the only recourse is to remove them from the possession of the populace. There's a word for that. It's called confiscation.
But that is the logical end, isn't it? If these items are that bad and we cannot contain them, even by this law, the activity will continue, the demand for them will continue, the existence of those that are already on the market is still real, it leads to one conclusion.

Now, imagine, imagine this otherwise free people, who have only exercised their natural right, the natural right to self defense, the natural right and freedom of commerce, but they are now because of a law considered lawless. They are considered law breakers, but only because of the edict of the ruling authority, only because of the fiat of legislative bodies.

In your mind, what would their natural reaction be? What would their reaction be for these free people to such an intrusion, such an invasion of their rights, of their freedoms, of their liberty? What would it be? Would it be to just roll over? Would it be to roll over and accept this violation? Well, that would be one option. And you can see many examples of that option in this world. You can see it across this country. You can see this example across time where those who were once free rolled over.

Or perhaps the reaction that you would
hope for is that these free people would stand. They would stand up for themselves. They would use whatever means are available to them to prevent such abridgments of their liberties. And when those were exhausted, then and only then, would they go to their option of last resort, revolt. Not because they want to, because they have to.

Now, while we may hope for this response, it is atypical. This is not what you would commonly see, history proves that. Isn't the typical that we see for people in this situation just to roll over and take it like the good little citizens they are? Yes, that's typical.

In fact, there is only one example in history of a free people doing the atypical and that's us. That is our Forefathers. The Sons of Liberty in 1773 through the most famous party ever in the Boston Harbor and the reaction by Parliament was to pass the Coercive Acts of 1774.

One of the provisions of those acts was the import ban on firearms and gunpowder. When that failed and it was bound to fail, the confiscations begin 1774-1775. What's the out workings of that? I think we know the answer to that; revolution and independence. It was these men who experienced this,
the slow legislative creep of infringements on our natural rights; the right of self defense and to keep and bear arms. These men gave us the words of the Second Amendment; the right of the people to keep and bear arms shall not be infringed.

MR. PRESIDENT: Senator Grantham, 30 seconds.

SENATOR GRANTHAM: I will continue into my second one, sir.

MR. PRESIDENT: Okay. Continue.

SENATOR GRANTHAM: It is our Colorado Forefathers in 1876, who in the spirit of the Founders, gave us Article 2, Section 13; 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 into question.

Just words? Just words? Not to the Founders. What about for us? If this legislation effectively bans this equipment and several senators have come up here and shown you exactly how that is going to happen, regardless of this number, this arbitrary number we have in this legislation, it effectively bans this equipment and subsequently bans specific weapons and that is not an infringement? Then, what in the world does "shall not be infringed"
mean?

And forcing Colorado's law-abiding citizens to the black market or across State lines to by an otherwise constitutionally legal product, allowed product, guaranteed right product, if that is not calling our rights into question, then what in the world does "the right of no person . . . shall be called into question" actually mean? Just words? Are we or are we not in this body, the guardians of the plain reading of our Constitution? If not, then what? Are we the lap dogs of the judiciary? I'd rather be a sheepdog.

Are we the lap dogs of the Mayor of New York City? Do we sit in dark corners waiting for the next phone call for instructions? Do we wring our hands waiting for the next Supreme Court ruling so that we know what we have permission to legislate?

Well, of course not. We have the right. As the senator from Wray said, we have the duty. We have the responsibility to legislate to the plain reading of the text of our founding documents. And folks, that plain reading says "shall not be infringed."

The plain reading of our Colorado Constitution says the right of no person shall be
called into question. The plain reading. Are we the
guardians of these words or not? That plain reading
says that 1224 is a violation. That plain reading says
vote no on 1224.

MR. PRESIDENT: There is an amendment on
the desk. Mr. Majors, would you please read
Amendment 35 by Senator King. Oh, I'm so sorry.
You're right.

Senator King, do you want to come up and
address the body and ask for permission to run it
through a reading amendment? Senator King?

SENATOR KING: Thank you, Mr. President.
I move for permission to offer a third reading
amendment to House Bill 1224.

MR. PRESIDENT: Okay. Can you tell us
briefly why you need to offer an amendment on third
reading?

SENATOR KING: Thank you, Mr. President.
We have had some long discussions about
this legislation. It is more complicated than I think
we tend to want to believe. I think everyone in this
room would agree that the number one compelling
interest in our State in reference to violence is
mental health. Yet, we have done nothing in these
seven bills that we have seen to address that. We have
done no studies in reference to this legislation for Colorado. We talked about --

MR. PRESIDENT: Senator King, you have to state why you want to do this right now. So I mean -- and my sense is because this is the final reading and the final House and the only opportunity you're going to have to offer an amendment. Because there's not much more than that as to why you would ask for permission and then if permission is granted, then you can make the argument that I think you're making now.

SENATOR KING: Thank you, Mr. President. This body has been accused of being reactionary. I think that this is of compelling interest to the people of Colorado to ask the commission to look at this, to research this, to take a step back and make decisions based on evidence rather than hysteria. And therefore, Mr. President, I would ask for permission to be able to have this amendment and present this amendment to you.

MR. PRESIDENT: So you've heard the motion asking for permission to offer a third reading amendment. So all those that are in favor of giving permission say aye.

(Senators respond.)

MR. PRESIDENT: Opposed, no?
(No Senators respond.)

MR. PRESIDENT: The ayes have it.

Senator King, you have permission so move it and on to your points.

SENATOR KING: Thank you, Mr. President.

I move --

MR. PRESIDENT: I'm sorry. Hang on.

Let me have Mr. Majors read it first. I'm sorry.

Mr. Majors, would you please read Amendment L-35 to House Bill 1224?

MR. MAJORS: Amendment L035 to House Bill 1224 by Senators King, Roberts, Balmer, Baumgardner, Brophy, Cadman, Crowder, Grantham, Harvey, Hill, Lambert, Lundberg, Marble, Renfroe and Scheffel.

Amend revised bill page 2 --

MR. PRESIDENT: Senator King?

SENATOR KING: Thank you, Mr. President.

I move L-35 to House Bill 1224.

MR. PRESIDENT: Please continue.

SENATOR KING: Like I had said a few moments ago, this body at times has been accused of being reactionary. This is of such compelling interest to the people of the State of Colorado, to our children, that I think that the ability to take a step back, to use evidence-based decision making, the
ability to see what has worked and what does not work,
the ability to present this to the right people in the
room, and the right people in the room are people with
experience of dealing with violence, of dealing with
mental health issues, of dealing with the things that
we have charged the Juvenile and Criminal Justice
Commission to look at.

Those are the right people to look at
this issue. Director Davis, in charge of the
Department of Public Safety, was also in charge of the
Aurora shooting. Retired FBI, a long history of law
enforcement, a long history of evidence-based decision
making. I won't go through who was on the commission.
Suffice it to say, it is people that have life
experience in not only prosecution of criminals,
investigation of criminals, but also in the defense of
criminals. Also, in judgment of criminals. In other
words, DAs, public defenders, judges, law enforcement
officers, members of the Senate, members of the House
to look intensely focusing on issues of compelling
interest to the people of the State of Colorado.

This issue has not been researched by
the State of Colorado and these people have the life
experience, have the work experience to do that. And I
would ask that we send this legislation to them, we
send this issue to them and ask for their research, their input and their recommendations and would ask for an aye vote on this amendment.

MR. PRESIDENT: Senator Roberts?

SENATOR ROBERTS: Thank you, Mr. President. I rise in support of this amendment and here's why. While we haven't had Colorado studies, we have had national-level studies on this particular issue. And if you look at Greg Ridgeway, PhD, Deputy Director of the National Institute of Justice, he had come out on January 4th, 2013 -- and for those that don't know, the National Institute of Justice is the law enforcement agency which is the research and development branch of the Department of Justice, part of the Obama Administration.

Mr. Ridgeway, in looking at large-capacity magazine restrictions, came to the conclusion in order to have an impact, large-capacity magazine regulation needs to sharply curtail their availability to include restrictions on importation, manufacture, sale and possession. An exemption for previously owned magazines would nearly eliminate any impact.

If you go to the bill that's before us, on page 3, lines 19 through 23, specifically have a
grandfather clause in here. So the national-level studies suggests that this bill will have nearly -- any impact has been nearly eliminated by this grandfather clause.

I do agree with Senator King -- or the gentleman from Grand Junction that we should look at this in a Colorado way, a uniquely Colorado way. 80 percent of the land of the State of Colorado is on the western slope. 88 percent of the population lives between Fort Collins and Pueblo. There is no easy answer that fits our State of Colorado.

We, the legislature, since the Colorado Commission on Criminal and Juvenile Justice was formed, we have sent them numerous issues. In 2008, we sent them House Bill 1119, where we directed the Commission to study the reduction of disparities with the Criminal Justice System.

Senate Bill 2009, Number 286, the General Assembly directs the Commission to prioritize the study of sentencing reform while maintaining public safety. House Bill 12-- 1310, just last year, the General Assembly directed the Commission on the development of a comprehensive drug sentencing scheme.

Senate Bill 12-20, the General Assembly encouraged the Commission to create and make publicly
available, a document describing provisions regarding
immunity for persons who suffer or report an emergency
drug or alcohol overdose event.

If we have sent issues at this level,
each one of them important, but if we have sent these
to the Commission to study, why not this one? Why not
this one that talks about life and death situations,
gun violence?

Let's let the people who are in the
streets trying to deal with these issues, let's let
them on a non-partisan basis evidence-based talk as
they do -- and I've been a member of the Commission as
you Senator -- Senate President, have been a long-time
member of the Commission.

We all know that the Commission does
hard work, lots of hard conversations, debate. There
is no rolling over by any one party, diverse
stakeholders at a common table and they come back to us
with recommendations.

Those recommendations come to us as a
legislature, as a whole. None of us are committed to
those recommendations, but they have done the good,
hard work that has not occurred in coming to the
legislature with this bill. I strongly support the
amendment and would appreciate an aye vote.
MR. PRESIDENT: Senator Hodge?

SENATOR HODGE: Thank you,

Mr. President.

And I ask for a no vote. The CCJJ does do incredible work. I absolutely admit that I admire what they do. But the work of the Commission, according to their mission statement, will focus on evidence-based recidivism reduction initiatives and the cost effective expenditure of limited criminal justice funds.

They shall have the following duties:

An empirical analysis of collect evidence based on sentencing policies and practices, alternatives to incarceration, factors contributing to recidivism, to study the outcomes of the Commission recommendations as they are implemented. Anyway, it's a study of recidivism and how to better use our limited funds. I ask for a no vote.

MR. PRESIDENT: Senator Scheffel?

SENATOR SCHEFFEL: Thank you,

Mr. President.

Colleagues, I rise in favor of this amendment. I appreciate the senator from Grand Junction bringing it. I consider it the "slow the wagon train down and keep it in Colorado for a while"
 amendment.

 If we feel at all -- and I'm probably speaking mostly to the folks that intended to vote for this bill -- if anything that's been talked about resonates with you at all, if any of the discussion about the effect on business, the effect on crime, the effect on the rights of citizens and the constitutionality, I believe -- and I think procedurally we could get there -- we all respect the work of the CCJJ. And I had the privilege of serving on it for a while with a number of you.

 They are indeed an extraordinary group of people, very hardworking, very diverse and they don't pull any punches. They roll up their sleeves and really tackle these things. And if we feel at all disquieted about this, which I know I do, and I would -- I think that even resonates with some that are considering voting for it.

 I think this would be a great opportunity to slow the wagon train down. Let's take a step back. Let's make sure we've got a full handle on the intended and unintended consequences and allow this body to do their work. I think the topic, I think the State, I think we would benefit from this accordingly and urge an aye vote.
MR. PRESIDENT: Senator Cadman?

SENATOR CADMAN: Thank you,

Mr. President.

I support this amendment. Talk about getting rid of the six feet here again in the aisle and bringing all the desks together, I think we have found an opportunity to join ranks and submit this to the group that is tasked to evaluate things like this and then present back to this General Assembly their findings.

Because without this, I can guarantee you a couple things. No reduction in crime. We already know that. The Department of Justice has already made that clear. No reduction in crime. The second thing we can guarantee is one of our colleagues, at least one, is going to break the law down the road. The third thing we can guarantee is he's either going to need a car pool or a caravan to get the rest of us with him. That's a fact. This is serious stuff.

We have mutual goals of stopping the violence. Isn't that the focus? Shouldn't that be the focus? It's getting lost. The focus of what we should be doing is getting lost on this bill, this proposal. Something that was supposed to have a arbitrary number, which we now know includes every magazine. But
shouldn't we be focused on stopping the violence?

Shouldn't we be focused on evaluating what makes up the violence? Because we know a majority of violence is not even committed with a firearm. It's not. You can't pretend it is because it is not.

Violence happens. We just saw in Denver a week or so ago, somebody used their car to mow down innocent people in a parking lot and it wasn't even the people that they had an altercation with. They came back later. They were upset and they just picked three people with a 5,000 pound machine full of fuel and mowed them down.

Eight weeks ago, somebody doused people in Denver with lighter fluid and then tried to light them on fire. This happened in an office I worked in with our chief of staff one time. Excuse me, it was attempted. A man walked in with an open can of lighter fluid and told my boss that before she could call 911, that she would be set on fire. Thank God that guy is doing prison time because he went to a congressional office in D.C. with a weapon.

Propane, how many were they trying to set up for Columbine? Was it 90 propane tanks that they were trying to make bombs out of, 90? Tell me what wouldn't be violent. Tell me it wouldn't be
violent around this building with all the cars parked here and the amount of fuel that's stashed around this building. We have a bigger problem than a piece of plastic and a spring and a part of a firearm. We have a deeper assessment that needs to be made than an arbitrary number that we're picking for what's mostly used as a tool.

This is a good amendment. This does say that this General Assembly is making a commitment to taking a real evaluation of something that we all acknowledge is a significant problem and finding real recommendations to address them. Because all you're doing now if you don't adopt this amendment is you're making this little book a little bit thicker. And do you think if you turn back the clock a few months that James Holmes was going to look in here and say oh no, I can't use that. I'm not going to commit murder with something that's been banned. That's ludicrous. That's ludicrous.

Making this book thicker with these words does not make us safer. Getting a pure evaluation of all of these things and the people that commit the crimes with these things would. Let's eliminate this aisle, support this amendment. I'd ask for an aye vote.
MR. PRESIDENT: Further discussion, Senator King?

SENATOR KING: Thank you, Mr. President.

I'll be very brief.

These are our Judges, our prosecutors, our defense attorneys, our investigators, our law enforcement, our human services workers. These are the people that have the life experience to be able to talk about unintended consequences, to be able to talk about the broad spectrum of how complex this issue is. These are the people that have the life experience to be able to step back and make evidence-based decisions, not hysteria-based decisions.

Bad policy is created with hysteria. I would ask that you consider allowing the people that should be in the room, have the life experience to deal with this issue to weigh in on this. Because they're going to see these people anyway. I would ask for your support on this amendment to send this to CCJJ.

MR. PRESIDENT: Senator Hodge, then Senator Newell. Okay. Senator Newell and then Senator Hodge.

SENATOR NEWELL: Thank you, Mr. President. I just -- I will be very brief.

I take offense to the characterization
of anyone's vote coming from hysteria and just want to put that on record. Thank you.

MR. PRESIDENT: Senator Hodge?

SENATOR HODGE: Thank you, Mr. President.

I renew my request for a no vote on this. I know the CCJJ does wonderful work. They do wonderful work on recidivism, alternatives to sentencing. They are not a magazine-capacity committee. Please vote no.

MR. PRESIDENT: Motion before the body is the adoption of Amendment 35 to House Bill 1224. Are there any no votes?


With a vote of 17 ayes, 18 noes, zero absent and zero excused, Amendment 35 has lost.

Back to the bill. Motion before the body is the adoption of -- okay. Further discussion. So Senator Marble?
SENATOR MARBLE: Thank you, Mr. President.

It is my hope that you all voted against that amendment because you plan on killing the bill. It's funny how terminology changes to fit an agenda. In the case in point, look at how a standard-capacity magazine is now called a high-capacity magazine. It serves the purpose of shock and awe.

I want to say something that I had said last Friday and it's a quote from Vice President Joe Biden. Again, nothing we're going to do is going to fundamentally alter or eliminate the possibility of another mass shooting or guarantee that what we will bring -- that we will bring gun deaths down to a thousand a year from what it is now.

We have all heard we must do something, we must do something. But this bill is not the answer. This bill is the wrong thing. We've been discussing here with House Bill 1224 and the others a very misguided focus on plastic and springs instead of the perpetrators of real, true evil acts, the criminal. Yeah, let's concentrate on those hollow, those hollow men, those cowards, who commit these unforgivable crimes that this empty legislation is trying to address.
Our neighboring states seem to get it. They get the data and they are responding appropriately with gun protection legislation, not gun control. We have South Dakota and Wyoming, Idaho, Texas, Utah, just to name a few. And I just want to in response to the good senator who said she was offended by hysteria.

Let's focus on what has been done to law-abiding citizens in the debate over gun control these last few months. It has been said that anyone who has a 30-round mag has one thing on his or her mind and that is to murder. I think that's pretty offensive and unnecessary. The demonization of law-abiding citizens has to stop. Our rights were not endowed by God in order to be regulated by government and especially a government that has total takeover of our gun rights in mind.

I am fortunate, very fortunate, because I am always in the company of concealed carry permit holders. They are responsible and accountable people. They are men and women alike. We've often talked about a woman's right to choose. I choose life. And the freedom to decide how to defend my life and the people I love. I'm not a sheepdog. I'm a little worse. I don't take this bill lightly. I take it as a threat to my safety and security and those of the ones I love.
Much of the data that we have seen or that we have been brought forth with today, it's documented and it's true. And when we look at Sandy Hook, another tragedy to mark up to what? A law-abiding citizen carrying a firearm? No. It's another tragedy to mark up to those that this bill is not addressing and that is those hollow cowards. Get the focus right and the bill will be written with responsibility.

I have to join with Senator Brophy in saying -- and I can say this with no hesitation -- I will not abide by this law if passed. Neither will my family, my friends and from the judge of the e-mails, I doubt most of the people in my District and I represent them. I do not represent the wishes of Washington, nor that of New York or New Jersey or Chicago. The people of my District are the ones I represent and the ones that I will answer to and the ones that I will back when they refuse to follow such an unconstitutional law.

House Bill 1224 is an abomination to our freedoms. And in all good conscience, I can't even understand how it got this far. Vote no on House Bill 1224.

MR. PRESIDENT: Further discussion.
Senator Ulibarri, I'm sorry. I did see you.

SENATOR ULIBARRI: Thank you,

Mr. President.

Today I rise in support of House Bill 1224 and I think I've been debating with myself whether or not I should stand here and open myself up about this bill. But first, I want to thank the bill sponsor for bringing this conversation forth, because I think the conversation about preventing gun violence is an important one for us to have. This specific bill, but the issue more broadly, hits me close to my heart as a parent and as someone who cares about community safety.

I grew up in Adams County, most of you know that. And I grew up just a mile away from the land where my grandfather used to have horses. And I grew up in a family that had -- that had guns for hunting, for self defense, all of those purposes, locked in a cabinet. So I've watched and listened to the arguments move forward throughout the course of the last few months hoping for and expecting a civil debate where we could talk authentically about our Second Amendment Rights and protections to insure that our families and our kids are safe.

You know, the days after Sandy Hook, I drove my son to school every single morning. And we
would listen on the radio, the accounts on NPR about what had happened. And I would have to look at my son and hold onto his hand as I was driving him to school. And then when I would show up, I would have to open up the door still grasping to his hand and let him out. And I was hoping for an honest and civil debate about preventing gun violence here in the State of Colorado and I honestly do not feel that that's what we received as the people of Colorado.

You know, I -- I -- I'm happy to hear that my senator colleague from Denver feels that there are those who would rise to his defense if his life was threatened. Unfortunately, that has not been the case for me during the course of his debate. I have had my life threatened. I've had rape threats against my two-and-a-half-year-old daughter without one person rising in defense. I've had people on little postcards, those massive postcards we've been receiving saying I own an AR-15 and a high-capacity magazine to keep Mexicans out of Colorado. That is the level of debate that I've been witness to and not one colleague who stands in opposition to this bill has risen in opposition to those comments.

So I feel happy for my senate colleague who feels as if folks would rise to his defense. That
has not been the case for me. And as threats of
violence against me and my kids have been rolling in in
e-mails, in tweets, in phone calls, that's the level of
discourse we've had. And it's hard for me to stand
here and -- and hear folks say, well, this isn't going
to solve all of our problems. Guess what? Everything
we do here is part of a bigger -- is part of a bigger
universe. What we do here in Colorado interacts with
what happens in other states. I get that.

I don't believe in a silver bullet
answer. And what I feel like I'm being sold today is a
silver bullet, that one extra bullet is a thing that we
need to keep our community safe and I don't buy that.
I just fundamentally don't buy that, when the threats
of violence have been so high against me and my kids.
In one breath someone says, I'm a law-abiding gun owner
and the next says I really can't wait until your child
is raped. It is very, very difficult -- very, very
difficult for me to stand here and say that this debate
has been civil or that there are folks who aren't
wishing me and my family harm using the tools and
implements that we're discussing today.

But I've been told this is -- this is a
simple matter and I don't think it is. And I hope
after -- after we're done today, we can see this aisle
disappear and we can sit down and have conversations about bipartisan measures that will get us closer to community safety, to ending community violence.

Yes, it is complex. Yes, it is difficult. And yes, it should happen. And I extend my hand across the aisle to talk about what can we do, because the status quo is unacceptable. It is completely unacceptable. And for us to be fighting over one policy without talking about the broader issue makes me very concerned. I wish we would have had a civil debate about this and that is not what I feel like we have gone through.

So I stand here today asking for support on this measure for House Bill 1224. It's not a silver bullet, but it's a starting place for us to have a conversation about how we end community violence. How do we make sure that when we drop off our kids at school that they're safe?

It's one of the reasons I supported the senator from Grand Junction's bill. When we started talking about school safety, we found common ground and we can do that on all of these issues. But when the level of discourse is don't do this or your kids are going to get raped or you're going to lose your life, that is not -- that is not a civil discourse. It makes
it very, very hard for me to have an authentic 
conversation about my values, about the Second 
Amendment, but also about the First and the Fourth. 
I might be giving a different speech 
today. With my roots, growing up raising animals, 
using firearms in a rural part of Adams County, this 
might have been a completely different speech for me. 
And I might have been standing on this side of the 
aisle. But that's not the speech I'm giving today. 
And so today I stand up to ensure that we can start the 
conversation to end community violence, to make sure 
our kids are safe. I ask you to support House Bill 
1224.

MR. PRESIDENT: Further discussion, 
Senator Harvey?

SENATOR HARVEY: Thank you, 
Mr. President.

And, Senator from Adams County, I stand 
appalled at those e-mails that you received and I stand 
here to defend you against anybody that would come 
against you or your children. But the civil debate 
that we're talking about is the civil debate here on -- 
in this chamber, which we really haven't had a debate 
until the senator from Denver came up here to discuss 
the debate.
I assure you, Senator, you and your family are not the only ones that have received threats this year. I can go back and pull up civil union e-mails or e-mails on this bill. I assure you, you're not the only one that has received threats. And like you, I didn't tell the police about them. To me, that's part of the job. People have the right of First Amendment and my wife certainly wanted me to at least give one of them to the state patrol, but I didn't.

But let's have the civil debate here amongst friends. That is what we're paid to do, is have the debate here on the floor. We're talking about how to make our schools safer, how to make Colorado safer, how to make the citizens of Colorado safer. But we keep bringing up the terrible things that have happened around the country. Many people have brought up school violence.

Well, how many of you all know Dawn Hochsprung? Dawn Hochsprung was the principal at Sandy Hook Elementary School when a wolf corralled at the door. A wolf that killed his mother, stole her Glock, stole her six hour, went to an elementary school that was a gun-free zone wearing military garb and went to the locked door carrying those guns he just stole from his mother after murdering her, shot his way into the
school door that was locked at 9:30 after they let

everybody in, and Dawn, the principal, ran to him, ran
to him.

She didn't sit behind a counter and

shoot at him because she was forbidden to do that. She

was forbidden to defend herself and her children

against that wolf growling at the door. That is what

we are talking about here. Evil people will do evil

things and we are putting our citizens and our teachers

and our children and our principals in harm's way. We

are telling them that you have to be not only less

armed, but unarmed in the gun-free zones of Colorado.

This bill is saying if you're not in one

of those gun-free zones, we're going to make you less

armed. It is no less bad policy to say to Dawn: Dawn,

you can have your guns in a safe zone if you are a

resource officer, but all you can do is carry 15

rounds. Because the wolf didn't have 15 rounds. The

wolf had 60 rounds just in two guns. That's not

counting what he had in his military vest.

So we're saying to Dawn, Dawn, thank you

very much for being there and protecting your kids, but

if we pass this law, nobody in the State of Colorado

will be able to protect themselves against that wolf.

That's what we're talking about today.
We're talking about disarming lawful citizens. Not people that will kill their moms, steal their guns, drive across town past multiple schools and go -- multiple large areas and go to a place where there is a gun-free zone and use those gun-free zones on little children. We're talking about disarming law-abiding citizens. It's a sad day in Colorado. I ask for a no vote.

MR. PRESIDENT: Further discussion,

Senator Renfroe.

SENATOR RENFROE: Thank you,

Mr. President.

It's tough sometimes when things happen to us personally in the course of trying to serve down here. My heart does go out to you, Senator, and it is not right. Absolutely wrong, despicable, cowardly for threats or intimidating e-mails to be sent for any reason, any bill. I can -- I'm in the club I guess if you want to call it a club, but I wouldn't want to even say that I guess. It's not right and it's never acceptable.

I am thankful for colleagues coming down today and injecting reasons why there are proponents supporting this bill. We haven't had that and that hurts the people of Colorado without debate. Because
how do we know if we got it right if we don't stand up
and bounce our ideas off each other and try to make
them better?

When I look at this bill, one thing I
can't help but think back to is when I was first
married. I married my high school sweetheart. She
went to school in LA at the fashion institute out
there, and I went to school in the Midwest trying to
play baseball. And then I moved out there chasing her
and proposed and we got to marry -- got married and
lived in West LA, kind of in the Santa Monica area.
And I worked downtown as a paralegal in a law firm.
And we were young, in love, didn't plan on making Los
Angeles and the west coast home. We looked at it as a
full-time vacation to spend about everything we need
and do what we could.

Then along came something that I'll
never forget, was the LA riots. My wife was probably
six months, seven months pregnant with our first child
at the time. We were actually downtown watching
Phantom of the Opera and I'll never forget, as soon as
it was over, they turned the lights on. They wouldn't
even let you clap. And they came on the intercom and
they said go to your car in groups, turn your radio on
and go home as safe as you can, God bless. And I was
like what in the world is going on?

And before we got to our car, we realized that things had been taken into the citizens' own hands or the criminals' own hands or however you want to place it within what went on through LA for the next three days and then rolling into Las Vegas and other places. So we got in our car, started to drive down Figueroa Boulevard to get to the 10 to head to our place. And nobody's on the road because this was, you know, midnight. The play was over. Green lights the whole way, looked good.

So I'm going and all of a sudden out of the blue, I just for some reason I slammed on the brakes in this little sports car I had. And this car came running the red light and sliding sideways and stopped in the middle of the road. And this guy starts to climb out of the backseat and he's get-- he doesn't even open the door, he just climbs out the window. First thing he puts out though is he shows a gun. And we're-- I'm-- we're closer than the door of the Senate to this car that had screeched to a stop in front of us.

I'm there with my pregnant wife and her parents in my little sports car. No gun. No way to defend ourselves at the mercy of that guy for whatever
he wanted to do. That sort of thing changes you and
how you think about protecting your family and the duty
that the senator from Wray talked about. Thankfully in
that situation, the driver must have had other ideas
and he started to take off with that guy hanging out
the car and all he could do was hold on, without
getting a shot off or whatever he was planning to do
with us there in front of him.

And so, of course, I stuck it in gear
and went behind him. I was going probably at least a
hundred down the streets of Los Angeles to get to the
freeway to get home. My wife crying in the seat next
to us -- next to me. I had no way to protect her, but
to ram my car, do something. That changed my life.
That really did.

The next couple days all you could hear
in LA was you could hear explosions. You could see gas
stations with flames higher than this room, this
beautiful chamber. As we drove home, you could see
those and we kind of -- you could see the news. You
could hear the stories of people trying to defend their
homes, their businesses. We would drive by street
after street. I can remember one of the most vivid was
a Payless Shoe Store where the parking lot was nothing
but empty boxes. You couldn't even see asphalt because
of people running in, running out, dropping the box and
heading off with their shoes.

The duty to protect yourself and your
family matters. This bill infringes upon that
inalienable right to do that. You might not think so.
You might think this is a step, this is a first step,
this is doing something. But the fact is, it
encroaches on that inalienable right. I pray that none
of us ever have to be confronted with somebody pointing
a gun at you. I know when the senator the other day
asked if someone had been shot at, when we were on
seconds, thank God I couldn't raise my hand to that.
I'm very thankful. I can say I've had a gun pointed at
me at close range. I don't pray that that -- I don't
wish that on anybody.

This bill makes us less safe. It makes
law-abiding citizens less safe. There's even other
parts of the bill that talks about possession. Is it
going to make us criminals even within the provision --
the possession statute within this bill for the ones
that were grandfathered and get to keep?

I also shared a story the other day when
we were debating about my aide who I guess I can give
you good news, through the Magpul program, he actually
like Saturday he told me his PMAGs came. So he has his
30-round magazines that he won't have to fumble to load
a 10-round to defend himself if he ever thinks that
that is the only option that he has. But that's at
least until the day that we decide that what we've done
today can't solve the problem, which I think you've
heard at least 15 people tell you it can't solve the
problem and it won't. So the next thing is you will be
coming after David's 30-round PMAGs and mine and every
other law-abiding citizen because of what criminals do.
And that's wrong. That's not what this
country was founded upon. Yes, we need to hold
criminals accountable. We need to catch them and we
need to make them pay for what they do. But not at the
expense of the law-abiding citizen. Vote no on this
bill.

MR. PRESIDENT: Further discussion,
Senator Marble.

SENATOR MARBLE: Thank you,
Mr. President.

And I just wanted to address some of the
conscerns that the good senator from Adams County had
put forth. And in the Marine Corps, they have a
saying; front towards enemy. There's a lot to be said
for that. Many of us have had those e-mails and
threats. I too have had many against my person, my
children. Many of my friends have also had that. And what I want to give you is the thought that if anything were to ever happen, I hope I am there because not only me, but my fellow Republicans, everyone, would be there to protect you and your life and your children.

It is up to us. It's our responsibility to be the protectors of our lives and our families. And one bit of advice to you all, as I have and many Republican and Democrat senators, the next time you get one of those e-mails, hit delete. I'm still opposed to 1224, I always will be. But I am not opposed to helping you defend your family and I know if you chose to carry, you would also be there to defend mine and I thank you.

MR. PRESIDENT: Senator Hill?

SENATOR HILL: Thank you, Mr. President.

May I request now for my 20 minutes instead of being interrupted partway through?

MR. PRESIDENT: Certainly, you can.

SENATOR HILL: Thank you very much. 40 minutes then if that won't work.

MR. PRESIDENT: Five.

SENATOR HILL: Dang it. Wrong way.

We are the hollow men. We are the stuffed men leaning together, headpieces filled with
straw. That's how TS Eliot starts his poem and while I won't use any names, my good friend whose initials are Mike Johnston, brought up a fantastic point and I've had to -- I've had to think on this and reflect on it and jotted down a few notes to share.

See, TS Eliot wrote this poem as an exposition, as an artful exposition on what happens when society loses their dignity, what happens when they lose their liberty, their collective ability to make their own future, to make their own destiny. So in title, his famous poem, one of my favorites, The Hollow Men, when people watch the political process, they expect dignity, but we have not delivered. See, dignity acknowledges the real heart of an issue. Dignity is our reason for rule of law, protection under the Constitution, process, policy.

But unfortunately, my friends, it seems as I watch what we are doing, dignity is missing. The argument here, as I understand it, is that we are trying to protect those who would be future victims in crimes like what happened at Columbine, Virginia Tech, Aurora, Newtown. So I ask you this question: Which of these bills that we've voted on today, this included, would have prevented any of these tragedies?

I've heard from dozens of great Colorado
citizens who hoped to tell you how it would hurt them, how these bills would hurt them, their business, their ability to protect themselves. But they didn't get the time to testify. Why didn't we give them the dignity to testify on these bills? You see, this process demands that we ask questions, that we answer questions. That we put our emotions aside and answer the call of reason. Reason shouts to us from history, from literature, from science, all around us. But we have put it off, we have closed our ears. We are like those sailors with (inaudible), stopped up our ears with wax so that we may not be drawn off course by the enchantment, the beautiful enchantment of reason.

And the tragedy here is that in doing this, we have turned people into pawns to play power politics. We have taken the victims of these tragic shootings and we have paraded them around while arguing for laws that would not have protected them. But it goes deeper. We are a deliberative body. This means we engage in long and contemplative discussion.

I think we've got the long taken care of, but have we contemplated anything? Have we contemplated the heart of what we're doing here? And we owe the people of Colorado the dignity of answering questions, of the chance to speak up when laws are
being made, but this isn't happening. I ask again,
which of these tragedies would have been prevented by
the laws we are voting on here today?

We look in history, we have many lessons
for us; the tragedy of the Dred Scott decision, 1857,
was that it did not acknowledge the dignity, the
God-given dignity, of quote people of African descent
created by God and therefore with inalienable rights to
life, liberty and the pursuit of happiness. Somehow
they argued the Constitution did not protect them.
This pathetic use of government power to protect
established interest led in part to the Civil War and
ultimately to the 14th Amendment. In 1868,
establishing all people born on US soil as US citizens
protected by the Constitution.

Plessy v. Ferguson, 1896, declaring
separate, but equal facilities constitutional. One of
my heroes, Justice John Marshall Harlan, nicknamed the
Great Dissenter, disagreed with this and said the
Constitution was color-blind. It took 58 years for the
court to recognize its mistake overturning Plessy v.
Ferguson with a landmark decision of Brown vs. Board of
Education. Consequently, this is why I enjoy provoking
my lawyerly friends by saying that stare decisis is
Latin for we refuse to admit past mistakes.
Friends, there are many past mistakes in our history; whether it's women's suffrage, civil rights, immigration reform, or even our very own experience with decades of experimenting with gun control. We've learned a lot and we have learned that there's actually no dignity, there's no rational argument for many of these things. Yes. Yes, we can play to emotions, but we cannot appeal to reason. And therefore, we are missing the dignity in these arguments.

The tragedy of all of these debates is that the -- some Americans have argued that we can be a better society, that dignity can be bought if we limit the liberty of others. So today we're here to debate guns and there's been little talk about this dignity, but dignity demands that we say when it comes to the tragic epidemic of violence in our society, guns are not the problem.

Evil is the problem here, friends, and bureaucracy is not the solution to evil. No amount of economics, statistics, math, social science, politics can ever overcome the original sin within our society. Liberty, freeing the human soul, is the only option we have. It's the only real answer. Alexander Solzhenitsyn said it best in The Gulag Archipelago, I
quote: Gradually it was disclosed to me that the line
separating good and evil passes not through states, nor
between classes, nor between political parties, but
right through every human heart and through all human
hearts. This line shifts inside of us, it oscillates
over the years. And even within hearts overwhelmed by
evil, one small bridgehead of good is retained. And
even in the best of hearts, there remains an uprooted
small corner of evil.

Since then, I have come to understand
the truth -- I continue the quote. Since then I have
come to understand the truth of all the religions of
the world. They struggle with the evil inside a human
being, inside every human being. It is impossible to
expel evil from the world in its entirety. But it is
possible to constrict it within each person.

That's within each person, not outside
of each person. And this collection of laws we're
voting on here is an external imposition trying to deal
with an internal problem. In doing so and putting an
external solution, we've abandoned the lessons we've
learned from history and said that evil can be solved
from the outside. And in doing so, we've taken away
the dignity of law-abiding citizens.

You see, this country was built on the
bedrock that everyone is innocent until proven guilty. But these laws will assume the innocent guilty, while the guilty continue to ignore the law. No, I don't think this is intentional, but it's happening. I don't think liberty and dignity are intended to be sold by parading shooting tragedies that would not have been stopped by this legislation.

Friends, the supporters of this bill seem to me in a sad case for their patriotism. For it takes the money of a misguided lobby oiled with the dopamine of political success and undermines the dignity and liberty of all Coloradans. TS Eliot ends his poem saying this is the way the world ends, this is the way the world ends. This is the way the world ends, not with a bang, but a whimper.

This legislation seems to be our collective whimper about a problem that's internal to our souls. So in speaking for our constituents, I will choose to speak for my favorite constituent, my wife. I freely admit my bias here. She wrote this to me after some of the unfortunate comments surrounding the gun debate and she -- it was fantastic because she caveated with this: These comments were intended -- they were not intended to be what the political process, a 24-hour news cycle makes them out to be.
The problem is though, they lack the dignity, the real
debate that was going on.

And so I finish with this. She writes:

My honest response is that one of the goals of a
lawmaker is to protect the dignity of those he or she
is representing. There is a strength and dignity in
having the ability and right to stand up and fight
against someone who is doing wrong to my body. I would
not say vomiting or urinating as a response is the best
way to maintain that self respect and virtue. Of
course, if I were in a desperate situation and had
absolutely no other choice in order to protect myself
from rape, but to follow the suggestions laid out, I
would definitely resort to that.

But why? Why take away my self respect
when that is the very thing I am fighting to keep. By
nature, we are not as strong as our male counterparts.
So we already have that as our disadvantage. If our
government is one that promotes equal rights among his
people, why are they taking away one of the only
options we have to level the playing field when evil is
among us?

While it is true that people are more
prone to stronger reactions in traumatic situations, I
believe that a government that will give each of its
people the opportunity to effectively prepare and equip
themselves for the possibility of evil and danger is
one that offers strength and dignity.

Friends, this bill does not give dignity
to the people of Colorado. It takes their liberty and
offers nothing but a whimper in return. It is the
epitome of bad public policy and we have a duty to vote
no.

MR. PRESIDENT: Further discussion?

Seeing none, the motion before the body is the adoption
of House Bill 1224.

UNIDENTIFIED SPEAKER: Roll call.

MR. PRESIDENT: Roll call has been
requested. Mr. Majors, would you please poll the
senators.

MR. MAJORS: Aguilar?

SENATOR AGUILAR: Aye.

MR. MAJORS: Aguilar, aye. Balmer?

SENATOR BALMER: No.

MR. MAJORS: Balmer, No. Baumgardner?

SENATOR BAUMGARDNER: No.

MR. MAJORS: Baumgardner, no. Brophy?

SENATOR BROPHY: No.

MR. MAJORS: Brophy, no. Cadman?

SENATOR CADMAN: No.
MR. MAJORS: Cadman, no. Carroll?

SENATOR CARROLL: Aye.

MR. MAJORS: Carroll, aye. Crowder?

SENATOR CROWDER: No.

MR. MAJORS: Crowder, no. Giron?

SENATOR GIRON: Aye.

MR. MAJORS: Giron, aye. Grantham?

SENATOR GRANTHAM: No.

MR. MAJORS: Grantham, no. Guzman?

SENATOR GUZMAN: Aye.

MR. MAJORS: Guzman, aye. Harvey?

SENATOR HARVEY: No.

MR. MAJORS: Harvey, no. Heath?

SENATOR HEATH: Aye.

MR. MAJORS: Heath, aye. Hill?

SENATOR HILL: No.

MR. MAJORS: Hill, no. Hodge?

SENATOR HODGE: Aye.

MR. MAJORS: Hodge, aye. Hudak?

SENATOR HUDAK: Aye.

MR. MAJORS: Hudak, aye. Jahn?

SENATOR JAHN: No.

MR. MAJORS: Jahn, no. Johnston?

SENATOR JOHNSTON: Aye.

MR. MAJORS: Johnston, aye. Jones?
SENATOR JONES: Aye.

MR. MAJORS: Jones, aye. Kefalas?

SENATOR KEFALAS: Aye.

MR. MAJORS: Kefalas, aye. Kerr?

SENATOR KERR: Aye.

MR. MAJORS: Kerr, aye. King?

SENATOR KING: No, sir.

MR. MAJORS: King, no. Lambert?

SENATOR LAMBERT: No.

MR. MAJORS: Lambert, no. Lundberg?

SENATOR LUNDBERG: No.

MR. MAJORS: Lundberg, no. Marble?

SENATOR MARBLE: No.

MR. MAJORS: Marble, no. Newell?

SENATOR NEWELL: Aye.

MR. MAJORS: Newell, aye. Nicholson?

SENATOR NICHOLSON: Aye.

MR. MAJORS: Nicholson, aye. Renfroe?

SENATOR RENFROE: No.

MR. MAJORS: Renfroe, no. Roberts?

SENATOR ROBERTS: No.

MR. MAJORS: Roberts, no. Scheffel?

SENATOR SCHEFFEL: No.

MR. MAJORS: Scheffel, no. Schwartz?

SENATOR SCHWARTZ: Aye.
MR. MAJORS: Schwartz, aye. Steadman?

SENATOR STEADMAN: Aye.

MR. MAJORS: Steadman, aye. Tochtrop?

SENATOR TOCHTROP: No.

MR. MAJORS: Tochtrop, no. Todd?

SENATOR TODD: Aye.

MR. MAJORS: Todd, aye. Ulibarri?

SENATOR ULIBARRI: Aye.

MR. MAJORS: Ulibarri, aye.

Mr. President?

MR. PRESIDENT: Aye.

MR. MAJORS: Mr. President, aye.

MR. PRESIDENT: With a vote of 18 ayes, 17 noes, zero absent and zero excused, House Bill 1224 is adopted.

Cosponsors Senator Guzman, Senator Ulibarri, Senator Nicholson, Senator Aguilar, Senator Heath, please add the president.

Majority leader Carroll.

MAJORITY LEADER CARROLL: Thank you,

Mr. President.

I move that we lay over general orders consent calendar.

MR. PRESIDENT: For the motion, all those in favor say aye.
(Senators respond aye.)

MR. PRESIDENT:  Opposed, no?

(No senators respond.)

MR. PRESIDENT:  The ayes have it.

Second reading consent calendar will lay over.

Majority Leader Carroll?

MAJORITY LEADER CARROLL:  Thank you, Mr. President. And just to clarify, that's tomorrow, March 12th.

I also move to lay over general orders second reading of bills until tomorrow, March 12th.

MR. PRESIDENT:  For the motion, all those in favor say aye.

(Senators respond aye.)

MR. PRESIDENT:  Opposed, no?

(No senators respond.)

MR. PRESIDENT:  The ayes have it.

Second reading will lay over until --

(Whereupon the audio recording was concluded.)
CERTIFICATE

STATE OF COLORADO     )

) ss.

CITY AND COUNTY OF DENVER   )

I, Jodi M. Wagner, Registered Professional Reporter and Notary Public for the State of Colorado, do hereby certify that said proceedings were taken from an audio recording and reduced to typewritten form by computer-aided transcription;

That the speakers in this transcript were identified by me to the best of my ability and according to the introductions made;

That the foregoing is a true transcript of the proceedings had; that I am not attorney, nor counsel, nor in any way connected with any attorney or counsel for any of the parties to said action or otherwise interested in its event.


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Jodi M. Wagner
Registered Professional Reporter
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