CITY AND COUNTY OF DENVER
STATE OF COLORADO
Judicial Committee Meeting
Held on February 18, 2013
HOUSE BILL 13-1229

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REPORTER'S TRANSCRIPT

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This transcript was taken from an audio recording by Elissa Steen, Registered Professional Reporter and Notary Public.
THE CLERK: -- Representatives Fields and McCann, also Senator Carroll, concerning criminal background checks performed pursuant to the transfer of firearms, in connection there with making an appropriation.

SPEAKER OF THE HOUSE: Representative Fields.

REPRESENTATIVE FIELDS: Mr. Speaker, I move House Bill 1229 on third reading and final passage.

SPEAKER OF THE HOUSE: Is there any discussion?

Representative Gardner.

REPRESENTATIVE GARDNER: Thank you, Mr. Speaker.

Members, colleagues, by the time we reach our third reading vote on a bill, there's seldom, if anything, to be said that might change any member's vote. That clearly is the case this morning.

And so, as I speak to you, this principal audience from my remarks are not
those of you in this chamber, but rather the citizens of Colorado, thousands of whom have communicated with all of us over the past several days. In fact, more than on any issue that I have received in seven sessions. And overwhelmingly those voices have been in opposition to these bills. And some of these may -- in fact did -- take me to task for not having compelled others of you to vote no on these bills.

The e-mails, letters, phone calls cited various facts and arguments against this and the other bills.

But citizens, Coloradans, as you watch these votes this morning, you should understand very clearly, those facts do not matter. Those arguments have little persuasive power, because the underlying fact is that there are, when we face a bill of this sort and its companions, two basic world views that are in competition.

Now, one could write a whole doctoral thesis on the differences and the sociological reasons why one may hold those world views, but for the moment, suffice it
to say, and I will say, as evenly as I possibly can, that with respect to these bills, the one view is that greater government control -- greater government control of firearms -- will be both successful and make us safer and more secure, and that any loss or infringement of rights or liberty is offset by that security.

The other view, held by myself and others, is that greater gun control will not promote public safety, but rather make us less safe, less secure, and most assuredly less free.

Once you subscribe to one view or the other, facts can be disputed. Competing facts are easily presented. Arguments made, arguments dismissed, all based on one's world view.

And perhaps a member of the other side of the aisle will come to you, even on a Friday evening late, and say you were very compelling. And I might say, And it changed your vote? And the answer would be, Well, of course not, but you were compelling, because there are two competing world views on this
issue.

So people of Colorado, citizens, there is only one debate and one argument that has mattered on this bill and its companions. That debate was done and complete on November 6, 2012. Now, the facts do not matter, and the politics are very simple.

Coloradans, I want to speak to you, each of you, as personally as I can from this chamber and in this venue. Citizen, if you voted for one set of candidates on that election day, you effectively voted to support these bills --

SPEAKER OF THE HOUSE:

Representative Gardner, can you keep to the topic of the bills?

REPRESENTATIVE GARDNER: Indeed, Mr. Speaker. And if my argument is too subtle, I apologize, because this is on the bills and why these bills are being voted on as they are and will have the outcome that they do.

Notwithstanding any small numbers of the majority party that may vote against one
or all of these bills, it is the world view
that controls the vote of these bills. One
being that greater control of firearms by
government, and even perhaps in the future
registration of weapons, for which this bill
and the others set this stage, that greater
control, greater public supervision, greater
government supervision, is not only
necessary, but it is the right thing to do
for our citizens. And if you voted
otherwise, then you voted in opposition to
these bills, citizen.

But, there were not enough. Not
enough of you, not enough of us here in this
chamber, and not enough, I believe,
understanding of what is at stake here, for
it is nothing less at stake on this bill and
the others than our liberty.

Our founders knew that the majority
was not always right. The Bill of Rights was
written and adopted to prevent the tyranny of
the majority. And the Second Amendment, no
less than the First or the Fourth or the
Fifth, was adopted to protect the safety and
security of those who find themselves in the
minority of opinion.

This bill and the others are no less a part of that greater debate, that battle between those competing world views. This right is no less than the right of free speech, or the right of privacy in one's home, or the safety and security of one's person and effects.

It is the question of the power of government versus the power -- the individual. And I know not what end, if any, that larger debate may reach, as it seems to be so stark in our country today.

I know that however well-intentioned -- I do indeed believe that the sponsor and those voting for this bill are well-intentioned -- but no matter how well-intentioned, this bill is an infringement. A court may call it a reasonable infringement. A court may call it a necessary infringement. A court -- and courts can be wrong, as you well know -- may say that it's an infringement that can be done, but it is, nevertheless, an infringement, and it will bring less safety,
less security, and surely less freedom.

And so to our colleagues in the Senate who have yet to hear this bill, I would ask you to consider what is at stake.

And to our Governor, who has recognized that such bills may well bring little, if any, public safety, I ask you to consider the infringement and our safety and our security that will be lost by that infringement.

And, to my fellow citizens and Coloradans, no matter the outcome, I ask you to consider in the next and ultimate battle, whether to stand with liberty and to know that when you do so, you stand with our founders for the rights that they understood so clearly and fought for so dearly. For this bill, and each like it, places liberty in opposition to the power of the state, and that is what, in the larger sense, this bill brings to us, the decision that we make today, as we do something, do something, for liberty.

Thank you.

SPEAKER OF THE HOUSE: Representative
McCann.

REPRESENTATIVE McCANN: Thank you, Mr. Speaker.

This bill is really about a level playing field for everyone who wants to purchase a gun in Colorado. We already require background checks. And the reason we do that is because we don't want people who have felony convictions, who have domestic violence convictions, who have restraining orders against them to purchase guns here in our state of Colorado. And this is a public safety issue.

So -- and we know people do fail the background checks. Just in January we had 56,000 background checks run here in Colorado. Of that amount, almost a thousand were denied. So background checks do prevent people who shouldn't have guns from buying guns.

All this bill is doing is saying, we are not going to let someone who fails a background check through a licensed firearm dealer go a different route because they can't legally possess a firearm. We're not
going to let them go on the Internet and buy a gun from someone out of state, from someone in state. We're not going to let them buy from a private seller. Because the whole point of the bill -- the whole point of background checks -- is to prevent people who shouldn't have guns from having them.

And that's an argument that we have heard from several of you today, about why don't we do something about keeping people from getting guns who shouldn't have guns.

Well, that's what this bill does. This bill says, if you have the things that are already in our law that say you should not possess a gun, then you should not be able to buy a gun here in Colorado.

During the debate on Friday, I went through some of the situations where there have been shootings by people who would not have passed a background check under our -- the background check requirements here in Colorado. I won't go through those again, but, suffice it to say, there are several.

Many of these mass shootings, where people who would not have passed a background
check under this law in Colorado, were able
to -- to obtain guns and use them for
horrific crimes.

   And the other thing that really
corns me a lot, having worked with
domestic violence victims, is access to guns
by those who have restraining orders or those
who've been involved in domestic violence.

   And we know that people who get into
emotional situations in domestic violence
situations often end up using a weapon
against their -- their loved one, their
partner, their spouse, and then often against
themselves as well. These are people who
should not have access to weapons here in
Colorado.

   As I mentioned before, 13 women were
murdered last year by those who had been in
relationships with them, even though they had
restraining orders.

   What this bill will do is say to
those people you cannot purchase a weapon if
you have a restraining order against you or
if you have a domestic violence conviction.

   It's a very, very sad situation for
people who are living in fear every day from someone that they have been in a relationship with, and this bill will increase their safety.

As I mentioned previously, I find I -- I don't really understand the objection to this bill because those of you who have purchased your guns legally went through a background check. I don't understand why you wouldn't want everyone to have to go through a background check just like you did so that we don't have people getting these weapons who should not possess them.

So I would ask for a yes vote on this bill. It clearly is a matter of public safety. It clearly will make our state safer and will result in less death and less suicide by gun here in our state of Colorado.

Thank you.

SPEAKER OF THE HOUSE: Representative Gerou.

REPRESENTATIVE GEROU: Thank you, Mr. Speaker.

And I think we're all pretty clear
about you're either one way or you're --
you're the other way on this bill and all the
bills probably today. I don't think anybody
is sitting on the fence. And -- and I'm
not -- I'm not going to assume that -- that I
can change a mind today, but I would like to
address what this bill means to me
personally.

Representative McCann just told us
that what the bill does is it creates a level
playing field. And with all due respect, it
does not. What it does is it completely
changes the playing field.

During the course of our debate on
the bill on Friday, I mentioned the fact that
I had received firearms from my uncle when he
passed away. And -- and I was concerned
because had this bill been in effect when my
uncle passed away, I would not have been able
to receive those firearms without going for a
background check. And a lot of people might
say, who cares? I mean, so it's a background
check. If you've got nothing to hide, you've
got nothing to be worried about.

I bring up again the supposition of
this bill is that you are guilty until proven innocent. And that's not what we do in this country. That's not the way we live. That's not the way we were raised.

I think you've heard me say before in the past that I'm -- I'm from Wyoming. I grew up in a ranching family. I grew up with four brothers. I have two brothers that are surviving. One of my brothers that I lost about -- oh gosh, I think it's probably been about seven years ago -- has two sons. And it's very important to my sister-in-law, their mother, that they not lose their ties to our family.

My parents have set up a trust such that when they're gone, the family ranch is split evenly among the children, those surviving and those not, which is pretty incredible because in Wyoming girls don't normally inherit.

I mean, there's a reason why I am so stubborn, crusty and definite about everything. If you grew up with my four brothers, you'd be the same way I am. You might be worse. But I'm also grateful for
that background because what it does is it helps me come down here and make decisions. Sometimes I'm on this side of the aisle; sometimes I'm on that side of the aisle. But as Representative Vigil so eloquently put it, I believe in the same thing he does: Vote your conscience, vote your district, vote your party. And by the time I get through those first two, I really have a hard time deciding. The third, the party, is usually one of the last things that I look at.

So let's talk about what this bill will do. What this bill will do is -- I am struggling because I have multiple firearms that my uncle gave to me. My uncle gave them to one child out of five. And I have a -- two nephews: Chris is a senior -- well, he's -- he's in his last year of -- he's getting his doctorate in neuroscience engineering, and he's at Berkeley. It's really important to Chris to maintain his -- his connections to Wyoming. It really is. I mean, he doesn't live there. He hasn't lived there. He grew up in
Colorado until they moved to Kentucky. He hasn't been in Wyoming at all, but that -- that heritage -- that heritage is important.

So if I make a transfer of the guns, I can't do it in Colorado. He was born in this state. I can't do it in Colorado without a background check. What kind of a message am I sending to my nephew? I love you. I miss your father. He was my -- my best friend. But you can't have anything that has to do with the heritage of the men in your family that has to do with a firearm unless you go through a background check. That's what I'm telling him.

His younger brother, Peter, all Peter wants to do is finish college and teach high school. Same thing, what am I telling him? And you might think, oh, well, she's just whining, this is just family. But you know what? This is family. This is our heritage.

And I know I'm not going to change your minds, but what I would like you to remember is that when you vote yes on this bill, you're killing a part of the heritage
of our state, and you're killing part of the
liberties of our state.

Thank you.

SPEAKER OF THE HOUSE: Representative
Stephens.

REPRESENTATIVE STEPHENS: Thank you,
Mr. Speaker.

Members, this bill and its companion
bill, as I think in our second reading
debates and now today, we kept talking about
what does this really do?

I understand Representative McCann's
concern and certainly understand that through
this people that would -- that have domestic
violence records are now on some level -- the
belief is that they be identified; however,
I'm of the belief that -- and we have seen
that when evil's intent on doing evil, evil
wins.

But what concerns me most -- and I
know some have said, Well, this creates a gun
registry, that this can move on to something
far beyond what we thought, and, you know,
normally I might say not so sure about that.

But, you know, I brought up this
fiscal note, and I'm going to bring it up again because this fiscal talks about 24 people to 29 people, and then we move on to the part that -- that really wasn't announced, and that's 56 more people on top of those 24 and 29 people, for a supposed system update.

Folks, we don't -- we don't have 50-something people even right now doing background checks. If this doesn't concern you, I don't know what will. I -- I -- so now we'll be at somewhere between 70- to 80-something people.

And -- and because this wasn't brought out in the front part of the fiscal, it says, well, he might ask for it at budget time. We'll -- we'll ask for it at budget time later. The reason this is brought up is because it will be. It will be. Mark my words. I've seen this one too many times, that this absolutely will be brought up.

Why? 79-80 people? Do we have that many transfers? I mean, do we have that many things that will be going on to close the loophole that we're going to require that
many people?

Folks, I have a very big concern about this and about where it goes. And in other states that -- that look and talk about this, I just have to say, you know, I know we're at the front edge of this, and I -- I understand that.

And I think what's happening today is historic, and I think we should be very somber about it. I think we should be very somber about this and very somber about the other things, the other bills coming up before us.

But I have to say, if this isn't registry and we are not doing what we should do in a very quick manner -- I know we have some backups here, but not for 80-something-plus people. We're creating new departments in and of themselves, and that to me is a pause for concern.

So with that, I do not support House Bill 1229 or any of the other four bills.

Thank you.

SPEAKER OF THE HOUSE: Representative DelGrosso.
REPRESENTATIVE DELGROSSO: Thank you, Mr. Speaker.

And Representative Stephens took a little bit of my thunder, but I will try to expand on what she was trying to hint at and the fact that we brought this up the other day on second reading, and we still never heard how is this bill going to be enforced.

You can enforce the up-front gun registration, when I go into the local dealer or if I go to the gun -- gun -- to the gun show. But you know who owns the weapon at that point, and so you can say we're transferring that.

But if there's two guys out in the woods, they're hunting, and Representative Gerou has one of the guns that she inherited from her uncle and she's out there with us too and she shows me this awesome gun that she inherited, and I was like, you know, Representative Gerou, I'd really love to have that. And somehow, whether through a trade or a purchase or whatever it is, I acquire that weapon, but there is no -- nothing out there that shows that she owns those weapons.
And when I take possession of that, that I own the weapon.

And so there is -- the only way this bill can be enforced is through a registry. You have to know who owns the weapon to be able to get this fiscal note to know who's breaking the law and who's transferred a weapon from one person to the other.

So let's not kid ourselves when we think that this is only black helicopter stuff, that that's a registry. That's the only way this bill can be enforced.

I urge a no vote on House Bill 1229.

SPEAKER OF THE HOUSE: Representative Lawrence.

REPRESENTATIVE LAWRENCE: Thank you, Mr. Speaker.

I rise in opposition to this bill for numerous reasons really. I have some information in front of me. There was a CDC panel review, 51 studies regarding the effectiveness of gun control laws. Based on that review, they could not say that gun laws prevented a single crime.

The survey included, among other
issues, studies of the effectiveness of gun
and ammunition bans, licensing and
registration laws, child access laws, and
waiting periods.

There was some slight evidence that
a waiting period to purchase a firearm may
reduce gun suicide rate in older persons,
while not affecting the overall suicide rate.

And again, I have to go back to what
Representative Stephens and Representative
DelGrosso brought up. If this is not gun
registration, how is a transfer of arms going
to be verified?

The CBI has stated that once you go
through a background check, that information,
once you are approved for that sale, that
information is deleted from their database in
24 hours. So if you're stopped by a police
officer and you say, I have a weapon in the
car, how is he going to be able to check to
see whether you went through a background
check unless this is registration?

And I've been told over and over
again by the sponsors that's not what it is,
but I also just heard from Representative
Fields that these are all incremental steps, and we're not done with this yet. That certainly gives me pause on all four of these bills.

There are issues in this bill that are just unclear and unenforceable.

The transfer of a family item from one generation to the next. This bill only allows for a direct transfer to direct family members. Well, what about blended families, aunts and uncles, cousins, nephews? I think it's unreasonable to ask a member of my family to go through a background check to be given something that was owned by a member of their own family.

But ultimately this law is unenforceable. If, as Director Sloan of the CBI stated several times, background check information is deleted after 24 hours, this law is unenforceable, and it is just a bad law. We don't need to add layer upon layer of things that are unenforceable in this state.

I urge a no vote on this bill.

SPEAKER OF THE HOUSE: Representative
Representative Holbert.

REP. HOLBERT: Thank you, Mr. Speaker.

Members, I rise in opposition to House Bill 1229.

As Representative Stephens and Representative Lawrence have both accurately pointed out, this system cannot work without some future move towards registration. You cannot account for these objects -- rifles, handguns. You can't account for them unless you have some registration database.

And I believe Representative Stephens is absolutely right, to have that many people coming online, that many full-time equivalents into our state payroll, there's got to be something bigger. Maybe we haven't seen all the bills. Maybe that's yet to come this -- this session. I -- I don't know. Maybe that's some time off in the future, but this is designed obsolescence. This is designed failure. This bill can't work.

It troubles me that sometimes I --
I'm left with the impression that people who have never purchased a gun, never gone through that background check, are attempting to regulate and modify that process.

This process, if this bill becomes law, could provide greater protection for firearms dealers because they keep the documentation. But if you've ever purchased a firearm, I would be shocked to know that you actually have a copy of that form that you fill out or any sort of receipt that shows that you actually passed that background check, because it's not for your security, it's not for the purchaser's security, it's for the firearms dealer, that they cannot conduct this transaction without going through that background check.

So now two private citizens will walk into a firearms dealer, and we had the conversation on second reading as to whether the firearms dealer would be required to provide this service, and we were assured no, but again, an amendment to clarify that was defeated.

But that firearms dealer doesn't
give the purchaser or the seller documentation to show that that transaction was conducted legally. The firearms dealer maintains that documentation for him or herself, for their own protection. So it's been pointed out over and over again, if you're driving down the street with a firearm in your car, which, by the way, in Colorado is legal, now it may not be unless you can prove how you came into possession of that firearm, and you can't without registration.

How can you tell where that handgun with that serial number came from? If you can show that you bought a particular model handgun, how can you prove that it's that one?

You can't. It is impossible. And given that impossibility, it is clear that this bill is either totally misguided and the people do not understand what they're doing, or it's completely intentional, and it leads to registration. That's not -- that's not black helicopters, as was mentioned earlier, that's blatantly obvious. And the people of Colorado know it.
Look at the e-mails that you've received. Listen to those phone messages. The voters understand what we're doing here. And I ask for a no vote on 1229.

SPEAKER OF THE HOUSE: Representative Kagan.

REPRESENTATIVE KAGAN: Thank you, Mr. Speaker.

I ask, members, is there no middle ground? Is there nothing in the area of public safety on which we can agree, not even these modest steps? I suggest there is. I suggest there should be.

This bill asks that when people transfer a firearm, they should be careful. They should do it with care. They should know to whom they are giving a gun. And this bill suggests is that we will all look out for each other.

That is a modest step on which I would have hoped that we could agree, because I think there should be a middle ground, and a middle ground is this: Let's look out for each other and make sure that we're all careful for the good of all of us when we
transfer a firearm. Let's make sure that we
do not give firearms, sell firearms, transfer
firearms to people who none of us want to
have them. Let's cover for each other.
Let's work together. Let's stand together.
And for that reason, let's vote yes
on House Bill 1229.

SPEAKER OF THE HOUSE: Representative
Saine.

REPRESENTATIVE SAINÉ: Thank you,
Mr. Chair.

Esteemed colleagues, I stand before
you today in opposition of this bill because
I do not believe this bill will prevent
criminals from buying guns. It will just
keep criminals from buying them from a
certain avenue.

Sponsor, Representative McCann, said
that she didn't understand the objections to
bill. So let me see if I can explain.

CBI has been criticized for the
length of time it takes over a federal
background check. I'll explain a little bit
more on that in just a moment.

But I want to express that I know
that if you hear a thousand negative stories about something, it's hard to change your paradigm.

There's been a lot of hypotheticals here as far as what could happen in a certain scenario without a background check. So allow me to run a few nonhypotheticals past you.

For example, in Clearwater, Florida, at 1:05 in the morning, a man started banging on a patio door, beat on the family's truck, and then opened that patio door. And after numerous shouted warnings to stop, to stop, a single -- a 16-year-old boy fired a single rifle shot, wounding the attacker.

Columbia, South Carolina, two gas station employees had just left work after midnight, and two men attempted to rob them, beating them about the head and neck with a shovel handle. The male employee broke away long enough to draw a handgun from his pocket and shoot his attacker.

Detroit, Michigan, a mentally disturbed man yelled that the President was going to have him killed and started firing
at people in passing cars. A man at the scene had a permit to carry a concealed handgun and fired shots that forced the attacker to run away.

I'll give you just a couple more.

What if you had an ex-boyfriend or abusive spouse that broke in your door? What do you expect those women to do while they're waiting on a background check? Throw a kitchen knife? Throw a shoe?

Well, let me tell you about what happened in Columbia Falls, Montana. This indeed happened. An ex-boyfriend broke into a woman's home to sexually assault her. She got away long enough to get her pistol and hold her attacker at gunpoint until the police arrived.

There are 40 such stories, where folks used handguns or guns or rifles defensively, 40 of these stories in a two-week period.

The two-week period was between March 11-17 of 2001, and July 22-28, 2001.

It may shock you to know that guns are actually used 1.5 to 3.4 million times a
year, defensively used. So why don't we hear
about this more often? You don't seem to
hear about these stories because probably
nothing, you know, nothing bad happened or
something bad or worse was avoided.

There are many surveys where people
are asked if they were victims of a gun
incident. Often that survey is a little bit
skewed because they're not going to answer
that they were victims, some of these folks.
They're not going to answer that they're
victims of a crime because simply they
weren't because they had a gun to defend
themselves and quickly.

Background checks would not have
stopped the killers at Newtown. There were
three instances the week that Newtown
happened. We had Newtown, we had a shooting
in the Clackamas Mall in Washington State,
and we had a theater shooting down in San
Antonio.

Consider, again, folks, that we know
the killers intend to die at the scene.
Consider that when equal force showed up, the
shooting stopped. Either a concealed-carry
weapon holder showed up, pointed his weapon, and the shooter took his own life, or the police showed and shot the shooter. Killers are cowards. They're stopped only when equal force shows up or the threat of equal force shows up.

And criminals agree that they prefer unarmed victims. And this background check on transfers is certain to create more victims.

Consider this: The wait time for a background check of a woman seeking to protect herself against an abusive partner; an employee who switched to evening shift suddenly and finds himself in a dangerous situation, how long shall they wait? How long shall these women wait?

Or a college student who decides they need to take night classes, and they have to walk on campus alone, there's no call boxes. How long shall they wait? How long should they wait to defend themselves when we know that only the law-abiding will abide with these gun laws? Criminals will never, ever abide by these gun laws. They will not
be caught by background checks, and if they are, they'll just simply buy them someplace else.

I urge a no vote, colleagues. I urge a no vote on this bill. Don't let them wait. Don't let them wait.

Thank you.

SPEAKER OF THE HOUSE: Representative Wilson.

REPRESENTATIVE WILSON: Thank you, Mr. Speaker.

It's an interesting situation I find myself in. Because of my age, I'm one of the more senior members here on the floor, but because of my experience, I'm a newbie. So it's a rather unique experience.

In the short time I've been here, there's three things that I've learned, and I think they are important things to consider as we talk about these bills.

Number one, I'm amazed at the collective wisdom of this body. It's -- it's truly humbling and -- and an honor to serve with you. It's just amazing to me the -- the collective wisdom that's -- that's here.
I've also been amazed that both sides tend to dig in their heels, and I must have missed that part in anatomy class in college, where it said when you dig in your heels, it automatically shuts off your hearing because I've noticed that, unfortunately, these impassioned speeches that we make up here oftentimes fall on deaf ears, and that's a shame.

For example, Representative Fields, I passionately believe in the same things that you do, and I -- I fully understand what you're -- what you're working on and what you're trying to do. I also passionately disagree with how you're trying to do it.

But that's the way it is, and that's why I think we need to listen to both groups and try to find that common ground, because that's what's going to make the difference.

The third thing I've learned is that our best-intentioned legislation that we are passing or trying to pass in this body, oftentimes, the unintentioned (sic) consequences make it bad legislation. And I've had some of my bill ideas fall prey to
that, essentially because my best intentions

didn't work out that well.

1229, 1229. It's not bad

legislation in its intent, but the

enforcement of 1229 makes it bad legislation

in its function.

This last Friday evening I asked one

of the bill's cosponsors, Representative

McCann, if I were stopped by law enforcement,

how would I prove that the weapons in my

backseat were owned legally before this

legislation went through?

The first response was, You'll have

a background check. No, I won't, because I

owned these weapons before this went into

effect, and part of them were passed down.

The second answer, Well, you'll have a

receipt. No, I won't, because my parents are

dead, my grandparents are dead, and some of

those weapons that I now possess were

acquired 10, 20, even 30 years ago. Third

answer, then the police will decide.

That's when the lights went off.

The police would decide my guilt or

innocence. Am I really innocent until proven
guilty? You see, we've been talking about infringement on Second Amendment rights, I think this is larger than that.

That tramples, ladies and gentlemen, on my fundamental right to be innocent until proven guilty. It should not be on my shoulders to prove my innocence in that situation.

In fact, in one of the other bills during that debate in front of our committee, the statement was made, you should be happy to prove your innocence. No, I am happy that I am innocent until proven guilty. In this country that assumes that right, ladies and gentlemen, the fact remains, even the most heinous of crimes, they are presumed innocent until proven guilty. That famous word, alleged, that we hear on the news channels each and every day.

Colleagues, this bill presents a quagmire of presumed guilt. A quagmire of presumed guilt. I find it unbelievable that we would even consider a bill that would open myself and the law-abiding citizens of Colorado to the assumption of guilt in any
degree.

I urge a no vote on 1229.

SPEAKER OF THE HOUSE: Madame Majority Leader.

REPRESENTATIVE HULLINGHORST: Thank you, Mr. Speaker.

I stand in support of this bill, and I thank the sponsors for bringing it. It is a very reasonable bill. It's a bill that protects public safety.

There are all kinds of facts and figures that show that that happens with the current legislation about background checks, the current law that we all abide by in this state.

This is a -- an expansion of that.

This closes a loophole. This will keep us safer. And I hear from my constituents that they think that this is a very good approach. It's a very important approach that we should pursue. That's why I support it so strongly.

This will keep people safer.

I resent the implication that unless we all arm ourselves, we will not be adequately protected. I hope that there are
people that really don't believe that. I certainly don't believe that. I resent the implication that I should arm myself to protect myself.

Now, I know some of you think I'm slightly petite and small, but I feel like I can protect myself pretty well. But guess what? What the chips are down, I want to be able to rely on a good government. I want to be able to rely on the law enforcement people that we rely on and that we hire as a government and a people to protect us.

There are situations where I cannot protect myself, and I will not pretend that buying a gun will solve that problem. But I do want to know that we do things here that make us safer, and this bill will make me feel safer because I know that we will prevent additional people who should not own guns from having guns.

The people in this state want us to do this. I believe it's the right thing to do, and I ask for a yes vote.

SPEAKER OF THE HOUSE: Representative Murray.
REPRESENTATIVE MURRAY: Thank you, Mr. Speaker.

In addition to many of the arguments that have been brought in opposition to this bill, I would like to add my questioning of -- of the procedures that have been set up.

Basically we are asking people who are not selling the product that they're having to perform a background check for, for $10, to perform a government function.

If any of you've been in a mom-and-pop gun shop on a weekend, it's a very busy place, and people are looking at guns, you know, and so they generally have employees that are -- are helping customers. And I'm just picturing a line of people out the door that -- that have just, you know, been willed a gun or have privately bought and sold a gun, and literally lined up at the door, you know, getting impatient like at the post office, why aren't these people helping me to get my background check for this transaction?

That's not a reasonable expectation
of government to have of a retail operation.

So I would say that, you know, when -- when this procedure was structured, it should have been through government, if that's government's desire, rather than forcing it upon retailers for a $10 fee, for Pete's sake. They're going to have to hire additional employees to effect this bill.

And so I think what we'll see next is, they'll be coming to us saying we need more money for this. Well, so then we're charging more for a Second Amendment right that we shouldn't be charging anything for.

So I -- I take to heart Representative Fields' comments that this is just a first of many bills, or this group is a first of many bills. And it saddens my heart, because, you know, what we're seeing is the beginning of the end of some freedoms that we've always enjoyed here in the West.

And I urge -- I urge a no vote on this bill.

SPEAKER OF THE HOUSE: Representative Salazar.

REPRESENTATIVE SALAZAR: Thank you,
Mr. Speaker.

So I spoke here in the well on Friday, and I said that I had some concerns about this bill. I thought that this bill didn't take into consideration, I think what Representative Lawrence had indicated, blended families. I certainly didn't feel that the definition of immediate family in this bill took into consideration how Latino families are.

I have a cousin who is raised with us, and I call him my brother, I don't even call him my cousin. And he's younger than me, so he's my little brother, even though he's much larger than I am. And I was concerned that I wouldn't be able to -- to just give him my guns if I so decided to do so.

But I had some -- I had dinner with him last night, and I said, man, I said this bill is just killing me because it just doesn't take into consideration some factors, particularly when it comes to family.

And he looked at me, and he goes, Dang Brother, I've already passed one
background check, I can always pass another one. Why do I care?

And I just looked at him, and I was like, Well, yes, but it's the imposition of it all.

And he says, Well, when you go purchase a weapon, that's already there. If you're going to give me the gun, I'm fine to go through another background check. And I said, Are you sure about that? He said, Yeah. What's the problem?

And that clarified an awful lot of things for me. And that's why I'm going to urge a yes vote on this bill. Because, as I indicated during our Judiciary Committee meeting, I wanted to see this bill move forward, and I wanted to see this bill move forward because, if it takes one tool away from a criminal in being able to purchase a weapon from a private seller, then that's what we should be doing.

I have to agree with Representative Kagan, I really don't see what's wrong with this bill. There's nothing wrong with it at all.
So I urge a yes vote.

SPEAKER OF THE HOUSE: Representative Szabo.

REPRESENTATIVE SZABO: Thank you, Mr. Speaker.

And to acknowledge Representative Hullinghorst, I am small in stature also. And I am standing up.

But you know what? Maybe I don't have the confidence of Representative Hullinghorst. If a 200-pound, six-four man comes after me, I want equal force. That's all I want. I don't want more force. I want equal force to know that I have a chance to become a grandmother, to play with my grandchildren whenever they come.

I don't want to have to choose whether I walk in the streets, go about my community alone. I don't want to have to be fearful if I choose not to be. I want every tool that would be at my disposal.

I believe that this bill gives empowerment to the criminals. Representative Kagan mentioned common ground. Common ground is equal force.
It's not someone being stronger or bigger than you.

So many of the bills we bring here highlight the criminal's rights. And there are two opinions on that. The question is: Who am -- who are we obligated to protect, our children, our law-abiding citizens, or the criminal?

Thank you for your time.

SPEAKER OF THE HOUSE: Representative Schafer.

REPRESENTATIVE SCHAFER: Thank you, Mr. Speaker.

Members, I want to make a general comment about all these bills. And that's a comment I've heard many times, that there's nothing we can do, we can't prevent gun violence.

If you would think back about 30 years ago, do you remember when we said there's nothing we can do about sexual assault. People are just going to get raped, harassed? Do you remember when we said there's nothing we can do about drunk driving? People have a right to drive, they
have a right to drink? How about there's
nothing we can do about smoking? There's
nothing we can do today about gun violence,
right?

Well, I urge you to think back on
what we have done over the last 30 years for
dangerous, violent practices that were
killing millions of people, shattering the
lives of their families, and costing the
government millions of dollars.

I refuse to stand here or to sit
here and vote for doing nothing.

Will these things we vote for
eliminate gun violence? Of course not. The
previous bills we've passed did not eliminate
rape, sexual harassment, smoking, drunk
driving. Did they significantly reduce these
dangerous, violent practices against us,
against our family members, against our
citizens? They certainly did.

And, therefore, I ask for your
support on this bill, 1229, and the other
bills.

Thank you.

SPEAKER OF THE HOUSE: Representative
REPRESENTATIVE SAINÉ: Colleagues,
we've heard there's nothing we can do about
gun violence. Well, I think there is
something we can do. We can sure -- make
sure that more law-abiding citizens have guns
to protect themselves.

Consider the Aurora Theater
shooting. There -- there would have been
numerous theaters around the Aurora Theater
that was chosen, but the killer didn't go to
the one that was the largest theater. He
didn't go to the closest theater. He had to
drive past several theaters, in fact, the one
that advertises itself as being the largest
theater in Colorado. He went to the only one
that had a sign posted: No conceal-carry
weapons are allowed.

So, Representative Salazar, I
disagree. Let's not give criminals another
tool because if you only delay the
law-abiding citizens from getting guns, you
give an advantage to the criminal.

And let me tell you something about
being a woman having been attacked by a man
much larger than myself. It's not equal force, even in hand-to-hand situations.

And if you're in a rural area, the police can be up to 30 minutes away. And a kitchen knife just doesn't -- that just doesn't cut it. It just -- it just really doesn't.

And if we're going to rely on government, even in the urban areas, the reason I want a concealed-carry is it's too hard to carry a policeman around.

And let's consider one more thing. Background checks, restrictions on gun ownership, actually hurt the people, particularly poor blacks in urban areas where there is high crime, statistically because they cannot protect themselves.

If there are background checks in the transfer of weapons, you will only slow down the law-abiding citizens and give another tool to aid the criminal.

I urge a no vote.

Thank you.

SPEAKER OF THE HOUSE: Representative Fields.
REPRESENTATIVE FIELDS: Thank you,

Mr. Speaker.

And I -- I -- I guess I first need to respond to Representative Saine's comment about the -- the shooter in Aurora because that did happen in my district. And where he lived, you know, that theater was right in the neighborhood, was right in the community. He did not have to pass other theaters to get there. That theater was the closest theater to his residence. Okay.

This bill is not about equal force. This bill is about addressing private sales because right now, in the State of Colorado, private sales are unregulated.

We've been hearing some comments about, you know, these bills do absolutely nothing. This bill will not do anything. And I can tell you that 80 percent of the voters in Colorado believe that a background check is a reasonable thing to do before a gun is transferred.

40 percent of all guns are purchased privately. And convicted felons know that if they want to buy a gun, simply go on the
Internet or simply look at a classified ad.
And if you see someone advertising a gun,
all's you have to do is call them up, and
that gun will be transferred.

Currently the CBI system works. I
have a chart here that says that 956 people
were denied access to a gun based on
completing a CBI check. 956, that's close to
a thousand.

What this bill does, it expands our
current system, which is proven to work.
It -- it proved that 956 people in the month
of January should not have a gun. Why? And
this is from CBI InstaCheck, because they had
committed homicide, because 22 of them had
sexually assaulted someone. Some of them had
robbery, some of them had burglary and
dangerous drugs and other situations. So it
works.

We had -- we heard conversation
about evil. If people are intending on doing
evil, they will just do evil. Well, I will
tell you evil cannot prevail in the presence
of right. And I believe this bill is doing
the right thing, because we are our brother's
keepers, and we need to make sure that before
a gun is transferred, if that person doesn't
meet the disqualifiers, to keep that person
from having a gun.

This bill is widely supported by a
whole host of people. This bill is supported
by law enforcement. This bill is
supported -- I mean, there's just a whole
list of organizations that support background
checks before a transfer of a gun.

This should be a bill that -- where
we should have some common ground. We should
all be able to agree that we don't want to
see someone who doesn't meet the criteria to
owning a gun, which means if you're a
convicted felon or if you are mentally ill
and you're not supposed to have access to a
gun, then you shouldn't have one.

And that's what this bill does.
It's going to keep the hand -- the guns out
of the hands of people who are dangerous and
for people who should not have them.

So, members, I urge you to join me
and 80 percent of the Colorado voters in
supporting background checks for the transfer
of guns.

Thank you.

SPEAKER OF THE HOUSE: Representative McCann.

REPRESENTATIVE McCANN: Thank you, Mr. Speaker.

I'd like to address some of the points that were made.

First, actually, Representative Saine, Representative Hullinghorst, this bill actually will make you safer because that large man that you described will not be able to have a gun if he has a record, if he is a criminal. This is the point of this bill, is that those who should not have weapons will not be able to purchase them.

So the bill is not about taking away Representative Saine's right to have a gun or any of -- anyone in this chambers right to have a gun -- as long as they can pass a background check.

So arguments about being overpowered aren't really relevant to the issue of this bill, which is that it will require background checks by everyone.
And that is currently our situation with respect to people who buy them from licensed dealers or at gun shows.

The arguments that are being made would argue against background checks at all. Delays in waiting for the background check to clear, things of that sort, would argue against what is already in our law, and that is that we do require background checks. The $10 fee is already in our law. The fact that the dealers must keep the record of a sale is already in our law. The fact that if the purchaser requests a copy of the background check clearance, that's already in our law.

And, Representative Wilson, I have wanted to speak directly to you because we did have this conversation.

This is -- this is the way the law is now for background checks. So if you have guns in your car that you have obtained through a background check, that's the way the law is now. There's no requirement that you show the police something.

What happens is it's the transfer of the weapon that's illegal. So if you were
ever charged with something like that, your dealer has a record of that, and that is our current law.

So it's -- we're not changing anything of that proof requirement or any enforcement requirement in this bill. All we're doing is extending our current law to people who purchase the guns privately or through the Internet.

We're not changing enforcement requirements. We're not changing any of that. It's really a very simple bill to expand that the -- the fact that everyone who purchases a gun needs to have a background check. It's common sense. It's reasonable -- it's a reasonable requirement, and it is supported by the vast majority of our constituents.

I would remind our colleagues that in 2000 -- in 2000, the people of Colorado voted 70 percent to 30 percent to require background checks in gun shows. That's already in our statute. And the way this bill would apply does not change any of that, does not change enforcement, does not change
the way we do the business. It simply expands it to private sales, clearly supported by the majority of Colorado residents.

And just -- I just want to also mention that -- respond to this idea that you can't will a gun to your -- your child. The law -- the bill allows for transfer to family members and also by operation of law. So Representative Gerou will be able to leave her firearms to her children under this bill.

And, finally, I want to just point out again a few statistics because of the need for data.

According to Department of Justice statistics, in states that require background checks for every handgun sale, 38 percent fewer women are shot to death by intimate partners.

In 2011 the most -- the year for which most recent data is available, at least 13 of the 34 domestic violence deaths in Colorado occurred in cases where the domestic violence offender used a firearm despite being prohibited under the law from
purchasing or possessing firearms. So this bill will directly address those situations where a domestic violence offender is able to purchase a firearm.

We also know that — well, according to one study, domestic violence assaults involving a firearm are 23 times more likely to result in death than those involving other weapons or bodily force.

Another study found that abused women are five times more likely to be killed by their abuser if the abuser owns a firearm.

This bill is a common-sense response to require everyone, not just those of you seated here, but everyone who wants to purchase a firearm to — to go through a background check. It's a safety issue. It will provide a safer environment for all of us here in Colorado.

And I urge a yes vote.

SPEAKER OF THE HOUSE: Any further discussion?

Seeing none, the question before the House is the passage of House Bill 1229 on third reading and final passage.
Mr. Kolar, please open the machine.

And, members, proceed to vote.

Close the machine.

With 36 aye votes, 29 no votes, zero excused, and zero absent, House Bill 1229 is passed.

Cosponsors, closed --

(Whereupon, the recording was concluded.)
CERTIFICATE

STATE OF COLORADO                 )
CITY AND COUNTY OF DENVER                 )     ss.

I, Elissa Steen, Registered Professional Reporter and Notary Public in and for the State of Colorado, do hereby certify that this transcript was taken in shorthand by me from an audio recording and was reduced to typewritten form by computer-aided transcription; that the speakers in this transcript were identified by me to the best of my ability and according to the introductions made and written materials provided; that the foregoing is a true transcript of the proceedings had; that I am not attorney, nor counsel, nor in any way connected with any attorney or counsel for any of the parties to said action or otherwise interested in its event.

IN WITNESS WHEREOF, I have hereunto affixed my hand and notarial seal this 21st day of June, 2013.

________________________________
Registered Professional Reporter

and

Notary Public