CITY AND COUNTY OF DENVER

STATE OF COLORADO

JUDICIAL COMMITTEE MEETING

Taken on March 4, 2013

HOUSE BILL 13-1229

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REPORTER'S TRANSCRIPT

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THE CHAIRWOMAN: Welcome to the presentation on 1229.

SENATOR CARROLL: Thank you, Madam Chair.

Thank you, Committee.

I'm here today to present House Bill 1229 for your consideration. And intense--intense issue though it is, I wanted to start with -- I do think everyone agrees that law-abiding citizens should be able to own firearms and that guns should be kept out of the hands of dangerous criminals.

As we all know, it is illegal for someone convicted of certain crimes to own or possess a firearm, but how do we enforce that? The only way we have to know whether or not someone is a law-abiding citizen or dangerous criminal is through a background check.

House Bill 1229 simply requires the exact same background check before the private purchase of a gun that we already use when a gun is purchased from a licensed dealer or at a gunshow.

I'm hearing this bill because gun violence has become an epidemic. And while 34 Americans die on average every day as a result of gun violence, this issue hit personally home for me when 70 people were
shot down in the Aurora Century Movie Theater in my district this summer, fatally injuring 12 people.

It's true a background check may not have stopped his first killing spree, but at least he couldn't pass a background check and legally purchase guns for a second one.

We have been performing background checks for licensed gun sellers since 1993 and for gunshows in Colorado since 2002. But times have changed. And in the modern reality as we know, right now approximately 40 percent of all the guns that are being sold are happening in private transactions. So at one point, your licensed firearms dealers and your gunshows were really where most people were making their purchases, and that of course has made sense.

Yet, if we leave 40 percent of the purchases without any screening mechanism of any kind, again to draw the line between law-abiding people who are fully entitled to the purchase and people who, under current Colorado law, convicted felons, who are not.

This matters, this loophole matters when we do realize that 80 percent of the handguns that are found at crime scenes were actually purchased through private sellers. And if you think about it, that makes sense. If you are a criminal and you know you can't
pass a background check, why would you go to a licensed
gun dealer or a gunshow where you know they're going to
run a background check?

    Now, that said, many do. And we've caught
a good number of people who are ineligible under
Colorado law through that mechanism. Yet, right now, by
leaving this loophole, it is an exception that threatens
to swallow the norm. And if we don't close it, it
really begs leave to the effectiveness of running
background checks in the other 60 percent when it is so
easy to circumvent.

    Under the current law, 100 percent of
criminals could purchase their guns through private
sellers. Every criminal in the state of Colorado could
simply evade a background check.

    We have data to tell us that background
checks do work. And I'll be the first to acknowledge
that nothing is perfect. This mechanism has, in fact,
detected in block sales of over 700,000 sales nationally
of guns that would have gone to criminals but for the
background check. In 2012, in Colorado alone, 5,607
applicants were denied because background checks
revealed ineligible criminal purchasers.

    So why are background checks a good idea?
In states that require a background check for every
handgun sale, there are 38 percent fewer women who are shot to death by intimate partners, according to the Department of Justice. Data also shows that after Colorado closed the gunshow loophole, Colorado went from the 17th largest source of guns found at crime scenes in other states, down to 32nd by 2009.

The rate of suicide with a firearm in states with background checks on every gun sale is 49 percent lower than on states that don't. And to be clear, the attempts are equivalent across states, of 49 percent fewer suicide fatalities in the states that do the universal background.

The overwhelming majority of the public, including NRA members polled, support background checks and closing loopholes for private sales, according to three separate polls, the most recent of which was actually conducted February 21st to 24th.

That's not why we do what we do. At the end of the day, this is a difficult issue to approach, but the background check is the one and only way we have as a society to filter between making sure that law-abiding citizens can enjoy 100 percent of their rights to purchase the firearms of their choosing, but make sure that, at the same time, we keep guns out of the hands of dangerous criminals or convicted felons.
I ask for your support on House Bill 1229.

In my view, it is time to modernize Colorado's gun laws so that no one can purchase a firearm without a background check. Thank you.

THE CHAIRWOMAN: Let me turn that on.

Thank you so much, Senator Carroll.

So I'll open it up to any of the committee members who might have a question for the sponsor, also reminding all of us here that we want to hear as many -- as much of the public on these bills as possible.

Is there any questions from committee members?

See none.

I think we have a list of -- of your expert witnesses. So I can first call your first witness, Ron Sloan.

And, Ron, as you're walking up, I'll let everybody know that what I'll ask is that when you get up to the mic, that you would introduce yourself and who you're representing, if anybody. But there are a lot of individuals that aren't able to be here today that are listening, so we want to be as clear.

And, also, as a communication for all of us, the norm that we have is that we come through the chair. And then we identify -- so I can identify who's
speaking for our listening audience.

Go ahead, Mr. Sloan.

MR. SLOAN: Thank you, Madam Chair.

My name is Ron Sloan, and I am the director of the Colorado Bureau of Investigation. And I am here today representing the Colorado Department of Public Safety and the Colorado Bureau of Investigation in support of House Bill 1229.

What I thought I might do is briefly go through the process that is currently in place and has been in place since Colorado InstaCheck was reinstated, if you will, in 1999.

Currently, all firearms transfers by licensed firearms dealers that we refer to as FFLs, those federally -- federal firearms licensees, and at gunshows require a background check on the transferee, the individual who will be receiving the firearm in the transfer. And what that background check is intended to do is try to determine whether or not that transferee, the individual receiving the firearm, can legally possess a firearm by federal law and Colorado law.

In calendar year 2012, just to give you an idea of the volume that we've been experiencing through Colorado InstaCheck, we processed 343,302 transfer requests. Of those 343,302, we denied transfer on 7,362
of those transfers. That's about 2.1 percent. The numbers of denials have been running at that rate for about three years now, at the 2 to 2.5 percent denials.

In Colorado, those denials are based upon firearms prohibitors, factors that would require that the transfer be denied because there is a prohibitor to that individual being transferred the firearm to possess a firearm, to legally possess it. And by my count, I believe there are 11 different prohibitors that we utilize.

In order to attempt to determine that, we check seven different databases. Four of those databases are the same databases that FBI NICS checks. That's the National Crime Information Center, the FBI NICS database, the FBI III, Interstate Identification Index, and immigration databases. And then in Colorado, we check three more databases. Colorado Division of Motor Vehicles and, nationally, the Division of Motor Vehicles to verify ID, the Colorado Crime Information Center, and the Colorado judicial database, PAS, P-A-S.

Those are unique to Colorado. And because of our checking of those three unique databases, we were able to identify 1915 of those 7,362 denials that would not have been caught by FBI NICS checks alone.

The types of things that we're able to see
in those three databases that the FBI would not see in FBI NICS are issues such as protection orders that are not in the National Crime Information Center, felony juvenile adjudications -- in other words, an individual has been adjudicated as a juvenile for an offense that would be considered a felony if that individual were an adult -- domestic violence convictions not contained in the National Crime Information Center, fugitives of justice, individuals who have active warrants for their arrests, and felony convictions that are not contained in the National Crime Information Center.

House Bill 1229 would require that all firearms transfers undergo the same background check of the transferee; and that's the key here. It's the individual who would be receiving the transfer of the firearm. That would be accomplished through federally licensed firearms dealers, through FFLs. And it's an identical process that we would use within CBI InstaCheck to do those background checks as those firearms are taken into the inventory technically of an FFL. And the FFL would complete the Alcohol, Tobacco and Firearms Form 4473 for the transaction and the request for the transfer. And they would send that information to CBI, either electronically via the Net -- we have a secure Internet connection with the FFLs -- or
telephonically to CBI.

Truly we believe this would add value by preventing transfer of firearms to prohibited individuals who are prohibited by law, by existing law, to possess a firearm.

Important in the bill are the issues that are -- the components that are built in that would attempt to assure compliance with private firearms transfers. And those are the civil -- the civil liability provisions of the criminal offense of a class 1 misdemeanor for failing to comply with those provisions, and upon conviction for that class 1 misdemeanor an individual would be prohibited, again, to possess a firearm for two years, if they were convicted of not complying with the provisions of this particular bill, should it become law.

Additionally, in House Bill 1229 are the components of CBI InstaCheck being able to receive information and data on mental health adjudications in real-time, electronically, from Colorado Judicial. Currently, we do receive that information; however, there is a delay in that information, and it can be delayed up to six months' time.

That information currently is batch-processed on a CD by Colorado Judicial, is
directly sent to FBI NICS, and entered into the FBI NICS system. And that's entered in on an every-six-month basis by FBI NICS. So when Colorado InstaCheck checks that database, you can have as much as a six-month delay in accessing that information, if someone has been adjudicated mentally ill and prohibited to possess a firearm.

Also in that provision in House Bill 1229 are the provisions for the restoration of rights for those individuals who would be adjudicated as mentally ill and prohibited to possess a firearm. And the restoration of rights is a very important piece of House Bill 1229.

That's the extent of the technical testimony that I wanted to provide for all of you. And I would be happy to answer any questions Madam Chair or any members of the committee might have.

THE CHAIRWOMAN: Thank you, Mr. Sloan. So I would ask -- thank you, and thank you, Mr. Sloan.

So is there any questions from the committee? Senator Crowder.

SENATOR CROWDER: Thank you, Madam Chair.

Mr. Sloan, welcome to the capitol today.

I was curious, you said out of the 343,000 that were checked, there's roughly 2.1 percent that were
caught as being an illegal purchaser of firearm. Do you
have some type of a conviction rate on that? If these
individuals -- if there's 2.1 percent that are caught, what is your conviction ratio to that 2.1 percent?

THE CHAIRWOMAN: Mr. Sloan.

MR. SLOAN: Madam Chair.

Senator Crowder, the denial of transfer of a firearm is not a criminal charge. So none of those individuals would be convicted, per se, for the simple act of denying the transfer of a firearm.

THE CHAIRWOMAN: Thank you. Senator Harvey.

SENATOR HARVEY: Thank you, Madam Chair.

I wanted to follow up on that question, before I got to my real question. Thank you for being here.

Of that 2.1 percent that were denied, how many -- was that completely denied, or was that on the initial denial and then they came back and proved something other than what they got caught on and then were able to purchase the gun, do you know?

THE CHAIRWOMAN: Mr. Sloan.

MR. SLOAN: Madam Chair, thank you.

Senator Harvey, of the 7,362 that were denied, 54 percent of those individuals availed
themselves to the appeal process that is available for anyone who is denied the transfer of a firearm. Of that 54 percent -- and I have the numbers here I can go to -- of that 54 percent, 56 percent of that 54 percent -- so you're getting down to about 30 percent, 31 percent -- actually, their denials were reversed.

Now, I need to bring it to your attention that those 7,362 denials were all lawful denials by factors that would indicate they are prohibited to possess. When an individual appeals, pursuant to House Bill 1411, House Bill 10-1411, the onus is now on CBI to do the research for the appellate to determine whether or not that denial should stand or be overturned. And that is the work that we do in our appeals section of InstaCheck.

THE CHAIRWOMAN: Senator Harvey, continue.

SENATOR HARVEY: But what I'm trying to get to, that 2.1 percent denied is not the number of individuals who should not have been buying guns; it's the number of denials. So if you actually got down to the total number of individuals who actually should have been denied the purchase of a gun, that was probably down to about one and a half percent, if I do my numbers correct. What are your thoughts? Isn't that right?

THE CHAIRWOMAN: Mr. Sloan.
MR. SLOAN: Madam Chair.

Senator Harvey, the numbers would be pretty close to that. And I bring your attention to the fact that those denials were lawful denials, but there are issues that come up with the denial of any firearm transfer in terms of being able to determine whether or not there are factors that also exist that would reverse that denial, whether it's done through Colorado InstaCheck or whether it's done through FBI NICS, as it is in other states.

SENATOR HARVEY: I understand that.

THE CHAIRWOMAN: Senator Harvey continuing.

SENATOR HARVEY: Should I ask my real question? My biggest concern with this bill is the definition of a transfer, because we're getting into a point where I can't leave town and give my wife permission to use my gun to protect herself if I haven't done a background check on that, with my reading of the bill. And I think that's an unnecessary burden to put on the citizens of Colorado, but I think it's an unnecessary burden to put on you to have to have a background check on every transfer of lending of a gun to somebody when they -- whatever the circumstances may be. It's not a sale of a gun; it's the transfer of a
gun, the way the bill is written. What are your thoughts about that?

THE CHAIRWOMAN: Mr. Sloan.

MR. SLOAN: Thank you, Madam Chair.

I believe that there are a number of exceptions that are built into the bill, one of which is the transfer of a firearm to an immediate family member as long as they are not prohibited to possess. And there are a number of other provisions that would be an exception to having to go through the transfer process.

THE CHAIRWOMAN: Senator Harvey.

SENATOR HARVEY: You're halfway correct. That is, if I'm giving the gun to somebody, a family member, the bill has an exception for that. If I'm just lending the gun to somebody, there is no exception to that. So if I'm leaving town, my wife is left unprotected. I'd have to do a background check on her to lend her the gun, the way the bill is written, for her to be able to utilize my gun, or I will have a misdemeanor charge that could put me in jail for 18 months.

Do you believe that's appropriate?

THE CHAIRWOMAN: Mr. Sloan, you may answer that, if you wish.

MR. SLOAN: Madam Chair, thank you.
I'm not in a position really to interpret what the exceptions are at this point. And if you were ever in a position where you had to do the interpretation of whether or not that was a temporary transfer of a firearm to an immediate family member, then you would be put in the position of deciding whether or not that person was prohibited to possess that firearm under those circumstances.

THE CHAIRWOMAN: Senator Harvey.

SENATOR HARVEY: So I'm trying to understand what you just said. It's up to me to determine whether it's appropriate to give my wife the gun or not when I leave town to protect herself. Under this rule, under this bill, the way it's written, a transfer is a transfer, but the exception is if I'm giving it to my wife. So if I'm just loaning it to my wife when I leave town, that is an illegal transfer.

I'm asking the department for whom you are speaking for, if you think that's an appropriate use of your time and of the citizen's right to self-protection.

THE CHAIRWOMAN: Mr. Sloan.

MR. SLOAN: Thank you, Madam Chair.

If you transferred it to your wife, and you felt it didn't comply with the provision that's currently in the bill, if this becomes law, and you were
to take that firearm to an FFL and do the transfer
check, we would do our job and carry it through and do
that, do that transfer background, if you chose to
interpret it that way, that you needed to do that.

And as long as your wife was not
prohibited to possess a firearm, we do that just like
any check that we do.

THE CHAIRWOMAN: I'm going to give you one
more question, just so we can try to get through.

SENATOR HARVEY: I appreciate that.

This is the key part for me. I'm asking
the department who is coming here to testify in support
of this bill, if you think that it's appropriate for me
to have to do an FFL on my wife when I leave town so
that she can protect herself. Yes or no?

THE CHAIRWOMAN: Mr. Sloan, again, we
don't want to give the impression that you're under
cross-examination, so you're either welcome to answer
that or not. Mr. Sloan.

MR. SLOAN: Thank you, Madam Chair.

If you choose to call it other than a bona
fide gift to your wife, then she would be required to go
through this transfer, yes, process.

SENATOR HARVEY: Yes, you think that's
appropriate?
MR. SLOAN: It would be appropriate under the law, yes.

THE CHAIRWOMAN: Try to go through the chair as well, I remind our committee members.

Thank you, Mr. Sloan. Any other questions?

Thank you, I appreciate it.

Our next witness is Mr. Mark Kelly. Is Mr. Mark Kelly . . .

MR. KELLY: Hello.

THE CHAIRWOMAN: Welcome, Mr. Kelly. Go ahead and identify yourself for our listening audience and who you're representing today, and welcome.

MR. KELLY: Well, my name is Mark Kelly. I'm a retired Navy captain, retired astronaut, husband of Congresswoman Gabrielle Giffords, and also am part of an organization called Americans for Responsible Solutions, which is looking for a common-sense gun law legislation.

THE CHAIRWOMAN: Great. Thank you, welcome, and go ahead and proceed with your testimony.

MR. KELLY: Thank you, Madam Chair.

Thank you for inviting me here today.

Arizona and Colorado don't just share a border; we share strong traditions of gun ownership and sportsmanship.
With that tradition has always come an abiding commitment to the responsible exercise of our Second Amendment rights. That responsibility will be the focus of my remarks today.

As you know, my family has been immeasurably affected by gun violence. Gabby's gift for speech is a distant memory. She struggles to walk and she's partially blind. And a year ago, she left a job she loved, serving the people of Arizona. But in the past two years, we have watched Gabby's determination, spirit, and intellect conquer her disabilities.

We don't come to the debate on gun violence as victims. We offer our voices as Americans. We're a lot like many of your fellow citizens, following this debate about gun violence here in Colorado. We're moderates. Gabby was a Republican long before she was a Democrat. We're both gun owners, and we take that right and the responsibilities that come with it very seriously. And our hearts break every time the TV news breaks to yet another shooting. After 20 kids and six of their teachers were gunned down in their classroom at Sandy Hook, we said, This time must be different; something needs to be done. We're simply two reasonable Americans who have said: Enough.

On January 8 of 2011, a young man walked
up to Gabby at her constituent event in Tucson, leveled his gun, and shot her through the head. He then turned down the line and continued firing. In 15 seconds, he emptied his magazine. It contained 33 bullets and there were 33 wounds. As the shooter attempted to reload, he fumbled. A woman named Patricia Maisch, who is here at the state capitol today, grabbed the next magazine, others restrained him, and the carnage ended.

The killer in the Tucson shooting suffered from severe mental illness, but even after being deemed unqualified for service in the Army and expulsion from Pima County College, he was never reported to mental health services.

On November 30th of 2010, he walked into a sporting good store, passed a background check, and walked out with a semiautomatic handgun. He had never been legally adjudicated as mentally ill. And even if he had, Arizona at the time had over 121,000 records of disqualifying mental illness that had not been submitted into the system.

Looking back, we can't say with certainty, only if we had done, this wouldn't have happened. There wasn't just one thing that would have prevented the Tucson shooting from being written into the history books.
You know, Gabby is one of roughly 100,000 victims of gun violence in America each and every year. Behind every victim lays a matrix of failure and inadequacy, in our families, in our communities, in our values, in our society's approach to poverty, violence, and mental illness, and, yes, also in our politics and in our gun laws.

We have a simple message: The breadth and complexity of gun violence is great, but that is not an excuse for inaction.

There's another side to our story as well. Gabby is a gun owner, and I'm a gun owner. We have our firearms for the same reasons that millions of Americans just like us have guns, to defend ourselves, to go hunting or target shooting. We believe wholly and completely in the Second Amendment and that it confirms the power on all Americans the right to own a firearm for protection, collection, and recreation. We take that right very seriously, and we would never, ever give it up, just like Gabby would never relinquish her gun and I would never relinquish mine.

But rights demand responsibility. And this right does not extend to criminals. And it does not extend to the mentally ill. When dangerous people get guns, we are all vulnerable. At the movies, at
church, conducting our everyday business, meeting with
the government official, and time after time after time,
at school, on our campuses, and in our children's
classrooms.

When dangerous people command the
lethality of 33 or 100 round magazines, we are all the
more vulnerable. Dangerous people with weapons
specifically designed to kill quickly and efficiently
have turned every single corner of our society into
places of carnage and gross human loss.

Gabby and I are pro gun ownership. We are
anti-gun violence. And we believe that in this debate,
our leaders should look not towards special interests
and ideology, which would push us further apart, but
towards compromise, which brings us together.

80 percent of Coloradans support requiring
all private sales to go through a licensed dealer and be
subject to a background check. 92 percent of Americans
want universal background checks, democrats and
republicans and gun owners and NRA members and everybody
else.

We believe whether you call yourself pro
gun or anti-gun violence or both, that we can all work
together to pass sensible laws and save lives.

Thank you.
THE CHAIRWOMAN: Thank you, Mr. Kelly.

Appreciate that.

We have a question from a couple committee members. So Senator Crowder.

SENATOR CROWDER: Thank you for being here, Mr. Kelly. My condolences. I know it's an unfortunate situation you've been through.

What I have heard you tell us is that the gentleman who did the shooting did go through a background check, but it was the mental -- the mental illness was what was not adhered to. Don't you think we'd be a little more apt to go after mental illness if we would background check?

You indicated several issues about compromise. And I can tell you I'm not an NRA cardholder, but I am very, very pro Constitution. And my stand on this particular deal so far is that it is an infringement on gun rights, and that's where I stand.

But what I'm asking you is: Would we not be far better off going after a mental illness type situation than we would for background checks, because the background check, as you described it, was followed by the letter of the law, yet there was a shooting?

THE CHAIRWOMAN: Mr. Kelly.

MR. KELLY: Well, I believe the most
common-sense thing we can do, that most Americans
support, is to provide for universal background check.

            To address your question about
specifically what happened in Arizona, yes, he passed a
background check. He should not have passed a
background check. I mean, he was clearly mentally ill.
The Army knew that he was an admitted heavy drug user.
Those records should have been in the system. If they
weren't -- if they would have been in the system, he
would have failed the background check at the gun store.
But he had another option. I suppose if that happened
that day, he would have went down the street to the
gunshow or bought his gun through a private sale on the
Internet. That should not be an option for criminals.

            Since 1999, 1.7 million criminals have
failed a background check. Why do we give them the
option to go to a gunshow or the Internet to get their
gun? How many lives would we have saved if over --
since 1999, a criminal couldn't get a gun without
passing a background check? I'm sure it's probably
thousands.

            So the most common-sense thing we can do
right now is to close the gunshow loophole, to close the
private seller loophole to prevent criminals from
getting a gun.
THE CHAIRWOMAN: Again, I'm going to let people -- we have a couple questions because we were taking a lot of time, I think, from the public that they're not going to get. So, Senator Crowder, go ahead.

SENATOR CROWDER: I guess the point I'm trying to make, when the gentleman bought the gun, he did pass the background, he was not a criminal. He didn't turn criminal until after he bought the gun.

THE CHAIRWOMAN: Yes, Mr. Kelly.

MR. KELLY: When he bought the gun, he was conspiring to assassinate a member of Congress. He wasn't a convicted criminal. But, by any measure, by any common-sense measure, this is somebody who should not have had a gun. And if the record of his mental illness and his record from the U.S. Army was included in the system, he would have never passed that background check. So that's certainly something that needs to be fixed.

I mean, in some cases, the background check needs to be better. But we can't give criminals and the mentally ill the option of walking down the street to a gunshow and buying a gun without a background check. I mean, it doesn't make any sense. It's like having the two lines at the airport. Here's
the one where you have to go through security and here's
the one with no security. Which one is the terrorist
going to choose?

THE CHAIRWOMAN: Senator Carroll.

SENATOR CARROLL: Thank you, Madam Chair.

I also just wanted to point to one of the
important parts of the bill that isn't going to get as
much attention is the fact that it moves us to
real-time, live-time mental health upload and download
of information. So that will move from every six months
to at least simultaneous, but with information in and
out. And it's not a very talked-about provision of the
bill, but to your point on properly detecting the mental
health stuff, that is one of the upgrades in the bill.

THE CHAIRWOMAN: Thank you, Senator
Carroll.

I'll now move to Senator Harvey.

SENATOR HARVEY: Thank you. And thank
you, Mr. Kelly, for being here. You're an American hero
and one of mine. I appreciate your service to the
country and your efforts in the astronaut program. I'm
jealous. But you're also an incredible husband to step
aside from that incredible career to be by your wife's
side, and that is commendable.

Throughout your testimony, you talked
about private sales, and you said, I think it was, 92 percent -- is that your figure? -- that respondents in polls said that they supported background checks on private sales. But that's not what this bill is, as you heard my previous questions. This bill is specifically talking about transfers of guns.

I'm not sure the public would think 92 percent in favor of saying I can't give my wife my gun when I leave town to protect herself. Can you clarify where you come down on the transfer part or the private sales part?

THE CHAIRWOMAN: Mr. Kelly.

MR. KELLY: Well, I certainly -- you know, both Gabby and I are strong supporters of universal background checks. And before the transfer of ownership of a gun is made, there should be a background check with that.

I bought a gun in October -- it was October or November -- a hunting rifle at Wal-Mart. I went through a five-minute background check. It took something less than five minutes. I think it's a small price to pay to keep all of us a little bit safer, is where everybody is required to do a background check, like most responsible gun owners do now.

With regards to the specifics about the
Colorado bill, I'm not an expert on the specifics of the legislation, so I can't answer that question directly. But both Gabby and I are strong supporters of making sure criminals and the mentally ill do not have easy access to firearms.

THE CHAIRWOMAN: Thank you, Mr. Kelly. So I think we'll go ahead -- thank you for being here, and I certainly would echo all of what Senator Harvey said -- I know your name -- and thank you for being here and certainly send our regards to your wife.

MR. KELLY: You're very welcome. Thank you for the opportunity to testify in front of the committee. Thank you.

THE CHAIRWOMAN: And so I think the next -- we have a video from Dan Oates, the Aurora police chief.

MR. OATES: Good afternoon. I want to thank Chairman Giron and all the members of the state affairs committee for this opportunity to testify by video and not appear in person.

I am testifying today wearing two hats. First, I represent the City of Aurora and the city council. We all know that Aurora has had its share of gun violence recently. Council feels strongly that House Bill 1229 will make Aurora safer.
Second, I represent the Colorado Association of Chiefs of Police, the 115 executives who work every day throughout Colorado to keep people safe and to reduce gun violence.

The challenge against gun violence in Aurora and in Colorado and in America is broad and multifaceted. There is no easy solution. There is no one bill that does it all. We need to do many smart things at once. House Bill 1229 won't stop all our problems, but it will stop some, and it will do so simply and smartly.

We need to be better at enforcing existing laws. Everyone says they agree on this, including the NRA, the gun lobby, and those who are passionate about the Second Amendment. While we have admitting rules, state and federal, that say felons can't possess guns, the same is true with persons convicted of domestic violence and persons adjudicated under the EO (phonetic).

These rules mean nothing without background checks on all gun sales. Today, 40 percent of gun sales are transfers that occur without a background check, and this is madness.

Whoever says a convicted felon cannot possess a gun means nothing if the felon can buy the gun
from someone who doesn't know or doesn't want to know
that he is a felon. A rule that says a man that's been
convicted of abusing his partner cannot have a gun means
nothing if the same man can buy a gun from a private
dealer without a background check.

Police chiefs are all too fully aware of
the tragedies that have occurred, and will continue to
occur, because members who should not have access to a
gun can get a gun without a background check and kill
their partner in a deranged moment.

In 2000, the citizens of Colorado voted by
70 percent to support closing the gunshow loophole. The
passage of Amendment 22 requires that Colorado verify
that a person purchasing a gun at a gunshow is not a
criminal or has not been adjudicated mentally ill. This
is a common-sense measure that those who talk about
law-abiding citizens possessing firearms should not have
a disagreement with. Still, our existing law has a much
bigger loophole than the one closed by Amendment 22.

Today it is certainly legal for someone to
sell firearms to another individual with no background
check. We police chiefs know the tragic consequences of
this loophole. Our officers routinely recover weapons
from convicted felons. Why? Because they obtain them
through this loophole. Sometimes our (inaudible) are
too late and a horrible and violent crime has already occurred.

According to a recent John Hopkins report, nearly 80 percent of inmates could have used a handgun in a crime, had acquired it through a transaction with an individual who was not a licensed gun dealer.

Colorado's current system allows criminals and dangerously mentally ill persons to legally buy and possess these weapons through a private sale, with no background check. Again, this is madness.

You have the power in your hands today to correct this. It's true that this bill will not solve all the gun crime in Colorado, but this is not a reason to deny its passage. It will solve some of our problems. House Bill 1229 will reduce gun crime and violence in Colorado.

For the safety of all Coloradans, I urge you to pass this bill. Thank you.

THE CHAIRWOMAN: Thank you. And so since we are not able to ask any questions -- that's (inaudible), Senator Harvey.

SENATOR HARVEY: He said everything that I wanted to say about sales.

THE CHAIRWOMAN: Great.

So our next witness is David Chipman.
Welcome, Mr. Chipman. Go ahead and introduce yourself and who you represent today.

MR. CHIPMAN: My name is David Chipman, and I served as a special agent with ATF for 25 years. So I'm going to share my experience through that. I'm also a consultant with Mayors Against Illegal Guns.

This past May, I retired as a special agent from the Drug and Alcohol, Tobacco, Firearms and Explosives following 25 years of service. As a SWAT team member, I apprehended some of the most heavily armed and violent criminals in America.

As a leader of ATF's firearms programs division, the attorney general tasked me with developing a comprehensive strategy to prevent gun violence in 15 targeted cities. During my tenure at ATF, I learned firsthand which policing efforts work and which do not. I actually enforced the laws on the books.

Robert F. Kennedy said that Americans needed a system of justice to serve as a shield for the weak and the powerless. I'm here today to confirm what many of us already know. Our shield is not sufficient. Background checks work. They will strengthen our shield. We have seen the positive impact of public safety, of stronger regulations involving gun sales in Colorado and across the nation.
After the shooting at Columbine,
70 percent of Coloradans voted to require unlicensed
sellers at gunshows to conduct criminal background
checks. In 2000, this state was the 17th largest
exporter of guns later found at crime scenes in other
states. A year after the law was passed, Colorado
ranked 27th.

The number of women killed with a firearm
by an intimate partner is 38 percent lower in states
that have closed the private sale loophole for handguns
than in states that do not regulate such sales. The
firearms suicide rates in states that require a
background check before every handgun sale is 49 percent
lower than in states where it is not required.

As an ATF agent, I know criminals acquire
many of their guns through unregulated private sales.
Researchers confirm nearly 80 percent of inmates who
used a handgun obtained it through a private transfer.
Through all of these numbers and figures, we can arrive
at an obvious conclusion. Requiring background checks
for gun sales will prevent violent crimes. Lives will
be saved, plain and simple.

Following the 9/11 attacks, our government
acted with urgency and committed to ensuring that
terrorists would never victimize our citizens again.
The strategy was aggressive and, although not perfect, it has worked.

Our government has failed to respond with similar urgency to prevent future acts of gun violence. Thirty-three Americans continue to be murdered with guns every day in this country. That's over 2400 people murdered with a firearm since Sandy Hook.

We need to act comprehensively. The Brady Bill requires background checks only at licensed firearms dealers, while an estimated 40 percent of gun sales are made by unlicensed persons not required to conduct a check. The Brady Bill operates like a flawed airport security system that ensures only 60 percent of travelers are free of dangerous weapons through screening, while allowing 40 percent of travelers to board the plane unchecked.

In Colorado, the same holds true. Coloradans closed the gunshow loophole only to allow the Internet to continue to thrive as a vast marketplace where prohibited persons can easily purchase firearms with no paperwork and no questions asked.

Why do we continue to make attempts to prevent the last attack as opposed to predicting where we will be attacked next and shore up that vulnerability? The fact that this state and our
government continues to allow the sale of guns without a background check is reckless, irresponsible, and downright dangerous.

Will criminals continue to thwart this regulation? Of course. That's what criminals do. Will law enforcement prevent all crime? Unfortunately, no. But this new law will help police crack down on gun traffickers and trace guns recovered in violent crimes by requiring dealers to maintain the same records they've kept for license sales for 40 years.

This system ensures that there's no registry of gun owners and at the same time helps law enforcement solve crimes.

After Aurora, I thought: Never again. But after Sandy Hook, I think this is going to happen again, and it will until we act. A system that requires a background check for every gun sale is common sense. It works, and it's supported by 92 percent of Americans. Let's do our best to stop the next attack and let's do it today. Thank you for your time.

THE CHAIRWOMAN: Thank you, Mr. Chipman.

Are there any questions? Question from Senator Harvey.

SENATOR HARVEY: Thank you.

If you'll go back a couple pages in your
speech there, you mentioned a percentage of suicides and
murders with handguns in states that have background
checks. Do you remember those statistics?

MR. CHIPMAN: Sure, I do.

SENATOR HARVEY: Are those in states that
have universal background checks on handguns, or just
like in Colorado where you have handgun sales at gun
stores?

THE CHAIRWOMAN: Mr. Chipman.

MR. CHIPMAN: I think it's a variety of
systems that get background checks beyond what is
traditionally just in the gun stores. So different
aspects of the private commerce is regulated.

THE CHAIRWOMAN: Senator Harvey.

SENATOR HARVEY: I don't know this
question, so hopefully you can answer it. How many
states have universal background checks on sales?

THE CHAIRWOMAN: Mr. Chipman.

MR. CHIPMAN: It's less than a dozen. I
don't know specifically. What we do know, though, is
that there's one state, Missouri, who actually had
background checks on handgun sales. And through intense
lobbying, they did away with that process. And
immediately after that law was thrown out and no more
background checks were conducted, gun homicides went up
by 25 percent in Missouri.

So that's another way to look at how these background checks impact things and how they don't work if they're removed.

THE CHAIRWOMAN: Thank you.

A quick question from Senator Harvey.

SENATOR HARVEY: Did they outlaw the transfer of guns without a background check, or was it just the sale of guns without the background check?

THE CHAIRWOMAN: Mr. Chipman.

MR. CHIPMAN: That's a good question that I do not know.

THE CHAIRWOMAN: Thank you.

And seeing no other questions, thank you so much for your testimony.

And so Jane Dougherty.

Thank you, Mrs. Dougherty. Go ahead and introduce yourself and who you represent today.

MS. DOUGHERTY: My name is Jane Dougherty and I represent my family.

I'm from Littleton, Colorado, and I'm here to support House Bill 1229 background checks for all gun sales. We are all sitting here in this room because of one horrific tragedy, the massacre at Sandy Hook Elementary. It was the tipping point for our country,
the point at which we had finally said: Enough to gun violence.

Sitting here in this room are gun control supporters as well as those who oppose gun legislation. We have different viewpoints, opinions, and goals.

On December 14th, 20 children and six women lost their lives at Sandy Hook Elementary School. One of those women was my sister, Mary Sherlach. The murder of my sister has had a profound impact on me. I am now deeply involved in this issue, and I have been educating myself to the facts.

I have heard that the gun rights extremists feel that a background check is somehow a burden, that requiring a background check on every gun sale, including private sales, is too much of a burden to law-abiding gun owners. In that case, I would like to speak directly to all law-abiding gun owners. I would like to tell you what is truly a burden.

A burden is hearing about a mass shooting in Connecticut, working with your family through the chaos, trying to confirm it is your sister's school. A burden is getting a call from your niece telling you, "We lost her," that your sister is gone, and having to call your own children to tell them that their aunt has been killed. A burden is everything that comes after
this horrific news, explaining a mass shooting to your 10-year-old son, trying to get 15 family members across the country the week before Christmas, walking into your sister's house and seeing your devastated brother-in-law and nieces, then standing in a wake line for four hours, listening and comforting more than 800 mourners who have come to pay their respect to your sister, Mary. Touching the small wood box that holds your sister's remains and trying to hold yourself up during her funeral mass.

A true burden is waking up every day with the realization that you will never see your sister again.

A background check is not a burden. It is a process that will save lives. It will help prevent guns from getting into the hands of those that will do harm. It may even save the lives of your family, your children, your sister.

If you are truly a law-abiding gun owner, you should support background checks for all gun sales.

Thank you.

THE CHAIRWOMAN: Thank you so much.

Appreciate your being here today and being able to give that powerful testimony, as difficult as it was, I'm sure, and continues to be.
So is there any questions from the committee? Thank you so much.

MS. DOUGHERTY: Thank you.

THE CHAIRWOMAN: So we have some others that are -- and I think we'll go to a three-minute timer phase. And Julia is going to go ahead and keep that for us.

Our first witness on that is Del Phillips.

Welcome, Pastor Phillips. Go ahead and introduce yourself and who you represent today. Thanks for being here.

PASTOR PHILLIPS: Thank you very much.

I'm Pastor Del Phillips. I'm pastor of The House Worship Center here in Denver, Colorado. I also serve as the vice president of the Greater Metro Denver Ministerial Alliance. I pastor a congregation that is multicultural and diverse in its membership. We have a congregation that's filled with Hispanic members, African Americans, messianic Jewish members, all worshipping together in one house.

I'm here today to share my voice as a pastor representing a diverse membership that's a part of our community. I'm here today to represent the ministerial alliance that represents more than 100 churches all across our metro Denver community. I'm
also here simply to represent myself as a citizen of our community.

And I want to be on record in support of background checks for those private citizens who own guns here in our community. And I want to make it clear that I am not against a gun owner's second right, Second Amendment rights to own a gun.

I am actually in favor of making sure that all of the citizens of our community have a right -- a right to safety, a right to make sure that, as a nongun owner or as a gun owner, that I have a safe environment to take my children to school and a safe environment for my teenagers to go to a movie theater, that I have a safe environment for politicians to leave their community and not to have their life threatened.

And I'm concerned that, as a community, that we are open to the requirements for having background checks for simpler things such as to get a credit card to open up a bank account, to be able to have employment here in our community. We have employers that will pursue background checks.

We don't allow our children to go to certain places for childcare without having background checks. And, more importantly, government officials won't be employed without having background checks. So
my greater question is: Why would we not want to make sure that a person who is carrying a weapon who has the potential to take the life of another individual would not have a background check to make sure that they are fit, to make sure that they are stable, and to ensure that the safety of other citizens in our community is protected?

So I would encourage our leaders that are present here today to support this issue for background checks. You've heard statistics already throughout the day. I won't renew -- I won't renumerate those statistics, but I encourage you to simply consider the necessity of background checks for something that is this vital.

THE CHAIRWOMAN: Thank you so much, and thank you so much for sticking within our time frame. So any questions from the committee? Seeing none, thank you so much for being here, and thank you for the work that you do.

Our next witness is Karina Vargas.

Welcome, Ms. Vargas. Go ahead and introduce yourself, who you're representing today, and welcome.

MS. VARGAS: My name is Karina Sartidine, and I am a youth leader with Together Colorado.
December 6th of 2010 was the date that my life changed completely. Like a regular junior in high school, we loved hanging out with our friends after school, but that day was different. Someone so carelessly took my ability to walk by shooting that gun. If it wouldn't have been for my friends that took my life in their hands, I wouldn't be speaking to you guys today. My 16th year of life was nearly ended. Nothing would ever be the same. Even sleeping wasn't the same.

Everyone loves that good morning stretch when all their bones pop. I don't even get that anymore.

I remember always getting ready in the morning for school, changing like a million times because it was so easy and effortless. Now, it's a workout to even get dressed once. Even when I'm exhausted from pushing myself in my wheelchair all day, I still have to lift my body just to get in bed.

After the shooting, I had a fear of going back because I felt like someone was following me, like people were going to look and stare and feel bad for me, and I didn't want nobody's pity.

That day not only changed my physical life, it literally changed everything. I was left with nothing. My friends abandoned me. My school dropped
me. I was left alone. I was lucky enough to have my family to help me through this because nobody else was around.

Never would I wish this on anybody because it's no picnic. Until this day, there's not one second that goes by that I don't wish that I could walk. I will never give up until the day that I do, and it's a journey that I'm ready to overcome.

If God can move mountains, then I believe that he can help me through this. If that guy didn't have that gun, my goals would be completely different.

I lost a couple of years of my teen years that I will never get back. You take your kids to school thinking that they will be safe, and then the unexpected happens.

Our families have to live in fear because you don't know what can happen anymore. If this bill would have been put in place two years ago, I would be on my feet today. Those who have lost loved ones would be at home with them.

For those who oppose this bill, don't think it's a problem because they haven't been victims. You haven't lost anyone due to this problem. Step in our shoes and you will see that it's not easy.

I'm here today to share my story and bring
awareness to what gun violence does to innocent people in our communities. Thank you.

THE CHAIRWOMAN: Thank you so much. I really appreciate how articulate and your willingness to be with us here today and what an advocate you are. So thank you.

Are there any questions?

Senator Harvey.

SENATOR HARVEY: Just one. I didn't get your name.

MS. VARGAS: Karina Sartidine Vargas.

SENATOR HARVEY: I'll just put Karina down.

MS. VARGAS: Just put Karina Vargas. It's easy.

SENATOR HARVEY: Thank you.

THE CHAIRWOMAN: Thank you so much for being here.

The next witness we have are Theresa and Doug Hoover -- Dave. Sorry. Theresa and Dave Hoover.

Good morning and welcome. I'll go ahead and have you introduce yourself and who you represent today, and each of you will get three minutes, and however you want to proceed.

MR. HOOVER: Good.
Good morning. My name is Dave Hoover.

This is my sister Theresa. My nephew, her son, was AJ Boik, who was killed in the theater last year, July 20th, 2013.

THE CHAIRWOMAN: '12.


I've been directly affected by gun violence and have been the victim of gun violence during my life. I'm one of five children. My parents have 18 grandchildren. My father is a true American hero who served one tour in Korea, two tours in Vietnam.

The worst day of our life growing up as young children was the day we found out that he was shot down over Vietnam. He couldn't be here today. He spent eight days at home when we lived in Ohio and was sent back to Vietnam to finish out his tour. He supports this bill. He supports all these bills, to be honest with you. He knows the battlefield. That's a man who understands the responsibility that comes with the right of owning a firearm. He and my mother are in Arizona right now taking care of a long friend -- a long-term friend.

I'm a police sergeant and have been in law enforcement for over 29 years. I do not speak for the department I work for, but I can tell you the vast
majority of men and women I work with support this bill.

We want to see change.

You're going to hear that we need to enforce the laws that we currently have on the books.

Let me reassure you this is happening every day in Colorado. We are, and the laws are being enforced in this state. These words of wisdom were given to me when I first started, and I passed them on to those who worked for me: You can't put them all in jail forever, and it's only a 72-hour mental health hold.

Our society gives people the opportunity to change. Some take advantage of this, and many do not.

These children that were killed in our Aurora theater, these children that were killed in Sandy Hook, these children that were killed in Columbine were children of republicans; they were children of democrats. I'm a republican. My family are republicans.

Many of us understand the importance -- and so what? -- to have some reasonableness applied to our state right now. We've had two major shootings in our state, Columbine and now the Aurora theater shooting. It's time for us to make a difference. Many men and women that I work with and am friends with want
to see a difference.

And I'm going to take some of my sister's time, just so you know.

We want to see a difference made in the state, and we want to see our republican representatives do the right thing. Vote -- these could be your children next -- vote for universal background check.

If somebody is not willing to take a background check or go through a background check, then they probably shouldn't own a gun.

Finally, I want to leave you with this:

On July 20th, at 2:37 a.m. -- my wife and I loved AJ -- received a phone call from a historical woman that didn't know where her son was. I love my sister and she has had to raise two boys alone. My parents were with them daily as they grew up.

AJ was a renaissance man who was first-chair viola at Gateway High School. He loved doing ceramics. He was a catcher on the baseball team, and wanted to be an art teacher when he graduated from the Rocky Mountain College of Art and Design.

My daughter Amanda was born three months before AJ. They were very close, more best friends than cousins.

AJ took Amanda, her friends from college,
and his girlfriend, Lasamoa, who was the love of his
life at the time -- he said he wanted to marry her --
camping the weekend before he was murdered. I watched
this young man walking towards his '89 Honda, which was
a really bad car, by the way, filled with these
wonderful girls, and I told him, "Take care of them."

He stopped, turned around, came back, and
gave me a hug. He said, I love you, Uncle David." That
was the last time I saw him. I hold on to that every
day.

The day he was going to watch a midnight
premier with his girlfriend, he was at our house mowing
our yard to earn money. I got home to the surprise from
my wife, and was more surprised when she told me that
she had paid him $40 to mow our yard. He also helped
load the recyclables and pull some weeds. She said,
"Stop, he's your nephew. He's taking his girlfriend to
the movie." She bought him, my daughter and friend
pizza. There was one slice left. When AJ was offered,
he said, "That's okay, I'll leave the scraps for Uncle
David. He'll be hungry when he gets home."

I'd eaten before getting home and didn't
touch that piece of pizza. I can't bring myself to get
rid of it; it's still in the freezer.

AJ was a very special young man. There
were very special people that day that were killed in
the theater, 11 of them, and 58 others that were
wounded. They deserve better than this. They deserve
to have some reasonableness. They deserve to have you,
as our elected representatives, do the right thing, not
just for our families -- it's too late -- but possibly
for your families and everybody else's in Colorado.

It's time for us to make a difference.

Thank you.

THE CHAIRWOMAN: Thank you so much,

Mr. Hoover.

Theresa, would you like to say something?

MS. HOOVER: It's really difficult for me
to be here today, but I just pray that this does not
happen to anybody else's families. This is something
that you should never -- you should never have to bury
your child. And I just want you to keep that in mind
and realize how important that this one thing -- what a
big difference it can make, a huge difference. You can
save somebody else's life. That's what it comes down
to. Thank you.

THE CHAIRWOMAN: Thank you, Theresa.

Thank you, Dave. And, of course, we have no idea, but
our condolences go out to you, what it would be like to
experience what you all are having to experience every
MR. HOOVER: Thank you.

MS. HOOVER: Thank you.

THE CHAIRWOMAN: Thank you for being willing to share your story with us.

Our next witness is Dave Moses.

So, Mr. Moses, go ahead and introduce yourself and who you represent today. And thank you for being here.

MR. MOSES: Hello. My name is David Moses, and I'm representing myself and my family.

One of the reasons that I'm testifying today is that my brother Steven Moses was murdered with a gun in 1986.

My brother was a 23-year-old, talented artist who was winning his battle against the genetic disease cystic fibrosis when he was killed. He was not part of a mass shooting with any notoriety. He was like most of the 11,000 Americans that are killed every year in a homicide with gun violence. He was shot once to the head from behind, on a street in San Francisco, by a complete stranger in a random act of violence.

Though this happened 26 years ago, I think about my brother every day and still grieve over his murder. While it is difficult to describe my own pain...
over my brother's murder and the continued impact on my life, my children and my sister and her family, the effect on my mom is truly indescribable. She was, and is, absolutely destroyed by my brother's murder. And each time she hears of a murder on the news, and of course each time there's a mass shooting, it is like pouring salt in her open wounds that have not healed over the course of 26-plus years.

The common-sense legislation that is before you likely could have prevented my brother's murder. My brother's murderer could not have passed a background check.

It boggles my mind that, in Colorado, where we have enough common sense and enough pain after the Columbine massacre to close the gunshow loophole, that we have not long ago closed the gun sale loophole. It is self-evident to me and I would think all law-abiding Coloradans that making someone undergo a background check prior to obtaining a gun is a good and necessary thing that does not infringe on anyone's rights.

It is incomprehensible to me that private gun sales, which account for 40 percent of all gun sales, do not require background checks. The purchasers in these private sales are still buying a gun that could
be used to kill someone like my innocent brother.

Closing the private gun sale loophole is common sense and is the right thing to do.

THE CHAIRWOMAN: Thank you so much. And, certainly, I can imagine 26 years still doesn't heal that. So thank you for being here today.

Is there any questions from the committee?

I see none.

Thank you so much.

Katie Lyles. Welcome so much and go ahead and proceed to introduce yourself and who you represent today. Thank you.

MS. LYLES: Thank you. My name is Katie Lyles, and I'm here to express my support of House Bill 1229. I represent myself.

This bill is a step towards the comprehensive solution we need to help ensure the safety of our student at schools as well as the safety of the people of Colorado. I speak as a teacher and also as a survivor of the school violence that occurred at Columbine High School.

As a sophomore at Columbine when the shootings happened, and after Columbine, the people of Colorado chose to close the gunshow loophole, but we cannot stop there. It's time to take the next step to
close this major loophole in our gun laws.

On the morning of April 20th, 1999, I
headed to Columbine High School, worried about my tenth
grade math test that I was supposed to take that day and
my upcoming track meet. That math test was never
finished due to the tragic events that unfolded at my
school, leaving 13 dead and countless others wounded,
and all of our innocence shattered.

The shooters at my school obtained their
guns illegally through private sales and straw
purchases. Today they could easily go online and buy
these same weapons without a background check. What is
to stop the next person who chooses from doing just
that?

Now as a teacher of eight years, I
consider every day that I go to work a privilege to be
with my students. I cherish their joy and enthusiasm
and, most importantly, their innocence. I believe it is
our job as a society to protect these virtues in our
young people. I want them to be worried about math
tests and track meets and about science fairs and
student council elections. That is the normal stuff
that builds character.

But we are creating a school culture that
is instead worried about safety and intruders, something
that no student should be aware of.

This became even more apparent about a year ago when I was sitting in complete silence in inky black dark of my classroom storage room. I was surrounded by 24 second-graders who crouched on the floor with me. I whispered to my students that they were doing such a respectful job hiding, and a quiet hand found mine as Anthony, a seven-year-old boy that was cramped next to me, searched for comfort from such an unnatural scenario.

We were conducting our monthly emergency drill. In this case, a lockdown. My heart broke for Anthony and his classmates, that they would have to learn these types of drills at such a young age, if at all. And I thought to myself: This is the result of the Columbine shootings, and this is my reality, and now it is theirs, too.

This is the reality that we live in, and it is a sad one, but I dare say not a helpless one. And that is why we need your help.

I ask you today to pass House Bill 1229 to ensure the safety of our students. We have the power to work together as a society to create a safer world for our schools, and that starts today with the passage of HB 1229. Learn from my experience and do not wait until
you have to experience it firsthand to realize that action needs to happen.

This bill still allows the Second Amendment to thrive while also allowing our young people to be safe and also thrive. This is a reasonable restriction.

Thank you for your time and open-mindedness.

THE CHAIRWOMAN: Thank you so much, and right under the time frame here.

Is there any questions for Ms. Lyles? Doesn't look like it. Thank you so much for being here and for your service to your students.

MS. LYLES: Thank you.

THE CHAIRWOMAN: Amy Miller. Maybe I'm looking at not the revised one. Maybe there's a revised.

Who do you have? Oh, Marjorie Sloan. I must have -- Marjorie, I'm so sorry.

MS. SLOAN: (Inaudible.)

THE CHAIRWOMAN: Well, I apologize. I certainly don't want to miss you.

Mrs. Sloan, go ahead and introduce yourself and who you represent today.

MS. SLOAN: Thank you so much.
THE CHAIRWOMAN: My apologies.

MS. SLOAN: Madam Chair and the committee,
I am Marjorie Sloan. I'm the mayor of Golden. I'm here
today to represent Golden City Council, which, in
October 2012, unanimously passed a resolution in support
of a background check on all gun sales. I'm also
speaking as a member of the national bipartisan
coalition of Mayors Against Illegal Guns. It too
supports closing the private sales loophole.

When discussing this issue, I've often
asked if Golden has a gun violence problem. The answer
is: Gun violence menaces all communities in Colorado,
whether urban, suburban, or rural. The steady stream of
shootings in our country has shocked all of us out of
our trust and the safety in our communities. We have a
problem. And HB 1229 will help solve the problem.

As the NRA says, criminals obtain guns
through theft, black market transactions, and straw
purchases. The private sale loophole is part of the
market for trafficking illegal guns.

The facts are these: 62 percent of
private gun sale sellers on the Internet agree to sell
firearms to buyers who, frankly, admitted they probably
couldn't pass a background check.

80 percent of criminals who use the gun in
their crimes obtain one through a private sale.

Background checks are the only systematic way to stop felons, domestic abusers, and the dangerously mentally ill from buying guns. We can't prevent every gun crime, but conducting a background check on all private transactions will sharply reduce gun violence across the state.

Background checks work. Last year in Colorado alone, background checks stopped 5,832 prohibited purchasers from obtaining a gun. It's difficult to estimate or even imagine the number of guns that slipped through the private sales loophole and found their way into criminal hands.

It's time to take action to fix this loophole. Colorado is a can-do state. At least 83 percent of Coloradans, including a large majority of NRA gun owners, recognize the value of background checks on all gun sales. Please listen to them, like the rest of Colorado, and fix the hole in the fence. Do it and vote yes on HB 1229.

Thank you.

THE CHAIRWOMAN: Thank you so much, Mayor Sloan. I appreciate you being here.

Is there any questions from the committee?

Thank you.
MS. SLOAN: Thank you.

THE CHAIRWOMAN: Now we can have Amy Miller, if she's in the room.

Well, Amy might come a little bit later.

I'm going to go ahead and go to Tom Mauser.

Mr. Mauser, welcome. Go ahead and introduce yourself and who you represent today.

MR. MAUSER: Thank you, thank you, Madam Chair.

My name is Tom Mauser. I'm the father of Daniel Mauser, who was one of the victims at Columbine High School. I'm here today honoring him by wearing the shoes he was wearing that tragic day. And I'm here asking for your support of 1229.

My son was a member of the debate team at Columbine. And one night he asked me a question at the dinner table: Dad, did you know there are loopholes in the Brady Bill? Two weeks later he was killed with a gun purchased through one of those loopholes by two teenagers who knew they wouldn't have to face a background check or leave a paper trail if they bought from a private seller. So I dedicated myself to closing those loopholes.

In 2000, I was spokesman for the Amendment
22 ballot initiative that closed that gunshow loophole in Colorado by an overwhelming vote of 70 percent to 30 percent.

Now, opponents of Amendment 22 predicted the demise of private sellers at gunshows and even the death of the gunshows themselves if Amendment 22 passed. Well, that didn't happen. And you'll no doubt hear the same kind of dire predictions here today. Opponents will say that criminals will always be able to get firearms. Well, they will if you're going to make it easy for them with loopholes. So let's not make it easy. Let's put in a measure of prevention.

I'm sure you've all been flooded with an awful lot of calls and e-mails on this issue, but I ask you to keep in mind that polls show over 85 percent of Coloradans support background checks. So I urge you, listen to the voices of the main streamists, not the extremists.

Finally, the eyes of the nation are upon Colorado. They're looking to see how we respond to these tragedies. Will it be with disregard or concern? With denial or change? With hopelessness or hope?

I'm proud of the choice that Colorado voters made in 2000, and I urge you to make that same choice and make Colorado proud again. Thank you.
THE CHAIRWOMAN: Thank you so much, Mr. Mauser.

I have a question from Senator Crowder.

SENATOR CROWDER: Yes, thank you for being here today. I was just curious: On your 85 percent mark, what do you base that on?

MR. MAUSER: That was a Denver Post poll.

SENATOR CROWDER: A Denver Post poll?

MR. MAUSER: Yes.

THE CHAIRWOMAN: I'm going to go ahead and have us continue to stay and go through the chair.

MR. MAUSER: I'm sorry.

THE CHAIRWOMAN: That's fine. We're all trying to follow our rules up here, too.

SENATOR CROWDER: Thank you, Madam Chair.

THE CHAIRWOMAN: Thanks.

Is there any other questions?

Thank you so much.

MR. MAUSER: Thank you.

SENATOR CROWDER: Nice shoes.

THE CHAIRWOMAN: I'll go ahead and ask for Amy Miller. No.

Okay, we're going to go to Ted Pascoe.

Thank you, Mr. Pascoe. Welcome. Go ahead and introduce yourself and who you represent.
MR. PASCOE: Thank you very much.

My name is Ted Pascoe, and I'm testifying on behalf of Colorado Ceasefire, which is an organization that has been fighting for stronger gun laws for 14 years here in Colorado. We are here to voice our enthusiastic support for House Bill 1229.

The current law requires licensed gun dealers to subject gun buyers to background checks. However, if you are not a licensed gun dealer, you can sell your gun freely without having to bother with the check. In Colorado, this means that anyone can easily acquire a gun through armslist.com, for instance, without having to pass a background check.

A study by the National Institute of Justice found that, due to this loophole in the law, 40 percent of all gun sales are not subject to background checks.

It is through this enormous loophole that felons and other prohibited purchasers are easily able to get guns. A national survey of inmates revealed that 80 percent of those who had used a handgun in a crime acquired it in this fashion.

The cavalier way in which we currently sell guns in this country is tantamount to making passing through airport security prior to flying
optional. Background checks prior to all gun sales will preserve public safety and provide peace of mind to the seller, assuring him he's not selling to a criminal.

Private gun sellers have a competitive advantage over licensed dealers because dealers must subject all buyers to background checks. The private seller can mark up his prices significantly because the buyer is not subject to a background check.

This legislation will level the playing field for responsible, licensed gun dealers.

To those opponents of this legislation who would invoke the Second Amendment, let's turn to the landmark 2008 Heller decision in which the U.S. Supreme Court found background checks to be reasonable and constitutional. The majority opinion written by Justice Scalia reads, quote: Like most rights, the Second Amendment is not unlimited. The Court's opinion should not cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill or laws imposing conditions and qualifications on the sale of arms, quote.

In a recent poll by Keating Research, 80 percent of Coloradans favor background checks prior to all gun sales. In another recent poll by The Denver Post, the response in favor to the same question was
83 percent.

There's overwhelming public support for background checks prior to all gun sales.

On behalf of Colorado Ceasefire, I ask for a yes vote on HB 1229. Thank you.

THE CHAIRWOMAN: Thank you. Perfect timing. Appreciate it, Mr. Pascoe.

Any questions from the committee?

Thank you so much.

MR. PASCOE: Thank you.

THE CHAIRWOMAN: Don Macalady.

MR. MACALADY: Madam Chairman --

THE CHAIRWOMAN: Thank you. Welcome, Mr. Macalady. Go ahead and introduce yourself and who you represent today.

MR. MACALADY: Thank you for the opportunity to speak to you today.

My name is Donald Macalady, and I live in Golden, Colorado, and I represent an organization called Hunters Against Gun Violence. My group was established to put to rest the notion that all gun owners, specifically hunters, are opposed to reasonable legislation concerning firearms. We are a growing group of hunters, including hunters varying in age from 20 to 75. We are in strong support of House Bill 13-229.
As a young man, I joined the National Rifle Association to learn gun safety and to participate in their educational programs concerning guns. The hunting rifle that I use to this day is a modified gun purchased through an NRA program to sell surplus military weapons. I left the NRA many years ago as it moved from primarily promoting gun safety to primarily promoting guns.

I have lived and hunted in Colorado for the past 30 years. All of my children are hunters, and they all grew up helping to provide meat for our family through our hunting activities. They are all gun owners and have a healthy respect for guns and their safe use.

My family and the members of our organization are testimony to the fact that many, if not most, gun owners are in favor of sensible gun legislation. As hunters, we understand that gun ownership means responsibility.

We urge all -- we all believe and support the Second Amendment. It is, in fact, one reason we urge passage of this bill. It actually protects our Second Amendment rights to make sure that guns do not fall into the wrong hands, the hands of those who are not able or willing to handle the serious responsibility of gun ownership.
Background checks, of course, are no panacea for gun violence, but they are a necessary and desirable step to move us toward a society less plagued by senseless gun crimes. Many such crimes are committed by persons who have no right to own or use or otherwise -- own them or use otherwise legal weapons. There are, of course, questions about the costs and the administration of the system HB 13-229 starts.

The legislation itself does not effectively deal with the questions. And in proclaiming our support for this bill, we assume that you will tackle these difficult issues in a manner that does not represent a large burden for taxpayers of Colorado.

Opponents to universal background checks cite the difficulties for certain types of transfer of gun ownership. We are impressed with the fact that HB 13-229 does not ignore these difficulties and attempts to deal with them in a fair and unobtrusive manner.

Thank you for your attention.

THE CHAIRWOMAN: Thank you.

I'm just so impressed with how everybody is able to stick with these three minutes. Thank you, Mr. Macalady.

Is there any questions from the committee?

Senator Crowder.
SENATOR CROWDER: Thank you, Madam Chair.

In your delivery here, you talked a lot about what you support and, you know, the individuals who are a criminal element. Could you give me an opinion on what you think about the vast -- the 99 percent of the American people who are not involved in a situation where they would do something illegal? Do you think this would not be an imposition on them, on their ability as a free people to have to adhere to this?

Thank you.

THE CHAIRWOMAN: Mr. Macalady.

MR. MACALADY: No, I don't think so. I think most of us, most hunters, most gun owners, would be perfectly willing to submit to the minor inconvenience of a background check in order to promote gun safety.

THE CHAIRWOMAN: Thank you so much. Thank you.

I'm going to go to Alan Franklin.

Welcome, Mr. Franklin. Go ahead and introduce yourself and who you're representing today.

MR. FRANKLIN: Good afternoon, and thank you for giving me the opportunity.

My name is Alan Franklin, and I am the
political director of Progress Now Colorado. We are the state's largest online progressive advocacy organization, originally founded in 2003 as the Rocky Mountain Progressive Network.

There are many ways to evaluate my organization's effectiveness in Colorado politics. One the committee might find useful is this: Our preliminary information indicates some 73,000 Progress Now Colorado members voted in the 2012 elections.

I am here today to ask gun lobbyists and republican legislators to stop misleading and inciting the public about proposed gun safety legislation. We could have chosen any of the gun safety bills now up for debate in the Colorado Senate, but the case of House Bill 1229 is one of such clear deception on the part of the gun lobby that the rebuttal to the campaign against common-sense gun safety legislation must begin here.

Closing the background check loophole is supported by an overwhelming majority of voters. One CBS New York Times poll in January found that over 90 percent of respondents favor background check for all gun buyers. The percentage varies in studies, but without a doubt a substantial number of gun sales in Colorado today are unregulated transactions where no background check of the buyer takes place.
Rocky Mountain Gun Owners, the same, quote/unquote, nonprofit group organizing protests against legislators in this body runs a paid access website called the Colorado Gun Market, which makes bypassing background checks and buying guns as a criminal simple.

This is critical to understand. The group leading the fight against this bill is profiting from keeping the background check loophole open and may itself even be facilitating the sale of guns to criminals. The fact is, the public overwhelmingly supports closing this loophole. That's why the gun lobby has resorted to outright lies, claiming that the bill would criminalize and prohibit the private transfer of firearms. It's not true.

All this bill requires is that buyers of guns, including private transfers, which undeniably results in guns being acquired by criminals today, complete the same background check required at retail stores and gunshows.

The arguments against House Bill 1229 run the gamut from misinformed and nonsensical. Closing the background check loophole will not require the registration of guns any more than the background checks the CBI performs today. And the CBI supports this bill.
And while it's true that criminals will still be criminals, break laws such as this one, that's no excuse for failing to pass a law that will stop some criminals who would otherwise be able to buy a gun today.

The provisions in this bill exempt immediate family members and other specific circumstances that are appropriate.

Now, in conclusion, it is not enough for me to tell members of this committee on behalf of the thousands of Colorado progressives that I speak for that we urge a yes vote on 1229.

On behalf of every Coloradoan who is disgusted by the right wing's unreasonable opposition to common-sense reform --

THE CHAIRWOMAN: Mr. Franklin.

MR. FRANKLIN: -- and willingness to misrepresent --

THE CHAIRWOMAN: Mr. Franklin.

Mr. Franklin, your time is up. I'm sorry. Your time is up.

MR. FRANKLIN: Any questions?

SENATOR CROWDER: Yes, I have one.

THE CHAIRWOMAN: I'll go ahead and ask for questions.
So, Mr. Crowder, Senator Crowder.

SENATOR CROWDER: Well, thank you, Madam Chair.

I guess I would start by saying, you know, it's interesting to hear you talk, but I really don't agree with that. As a republican myself, I do not follow the line of the NRA. I do not follow the line of what you speak of. What I follow is the laws of this country.

We have a Second Amendment right, and we also have -- we have a right in this country to basically believe what we want without being intimidated by anybody. And as a republican, I assure you that we are not intimidated by anyone.

But as far as your -- I have received over 5,000 e-mails on this subject alone. And I dispute very dramatically that the overwhelmingly people do support this, because what I have done on the 5,000 e-mails I have received this past week, 2 or 3 percent are in favor of this. The rest of the state is opposed to it.

So when you say that the republicans are the right wing inciters of this -- what we're looking for is actual laws that we as men can live by. We do not -- we do not fall into the trap of inciting one side against the other. What we want is reasonable. And I'm
talking about reasonable laws that people can live by. But I also believe that we are a free nation. And, indeed, if we are a free nation, we should be looking at ways to reduce the amount of restrictions, not expanding it, you know.

And, you know, I appreciate what you do, and I'm sure you adhere to your beliefs very much, but these are your beliefs, not the rest of the people of the state of Colorado.

We have to -- I don't want to go on too long, but we need to realize that there are more than just one view on this subject matter than the progressive that you adhere to. But I do somewhat resent the idea that, as a republican, I'm going with some kind of right-wing issue, because it's not that way at all. But I thank you for your time.

MR. FRANKLIN: Well, thank you.

THE CHAIRWOMAN: Thank you. I'm going to go ahead and -- because we still have some other people and we're running out of time and there's still people -- thank you so much.

MR. FRANKLIN: I look forward to responding to you via e-mail, Senator. Thank you.

Will I get the opportunity to respond to any of these responses?
THE CHAIRWOMAN: You know, not in this format. I apologize that we don't have that opportunity. And I --

MR. FRANKLIN: Well, I've got their e-mail. That's fine. Go ahead.

THE CHAIRWOMAN: Thank you. We're not going to ask any questions. I'm going to go to the next --

UNIDENTIFIED SPEAKER: Can I make a response? I'm not going to ask a question. I just need to clarify something that was said.

THE CHAIRWOMAN: Well, what I'll do is go ahead and extend the time, then, because I still have some more witnesses, if that's comfortable.

UNIDENTIFIED SPEAKER: That's fine.

THE CHAIRWOMAN: Okay, go ahead.

UNIDENTIFIED SPEAKER: I was out of the room. I apologize. I didn't get to hear your testimony, but I was told that it was said that these gun groups are making a profit off of gun sales. And I just want to clarify for the record that the NRA does not sell guns and RMGO does not sell guns. They do not make any profit on the --

MR. FRANKLIN: My comment was in reference to the Colorado e-market website, which is operated by
the RMGO.

THE CHAIRWOMAN: Mr. Franklin, I appreciate that. I'm going to go ahead and excuse you, and we'll --

MR. FRANKLIN: Thank you for your time, members of the committee.

THE CHAIRWOMAN: Thank you so much.

So our next person signed up is Amy Miller. Amy is -- okay, I will call the next witness. Mark Thurn -- or Thrun, I guess. Thank you. Go ahead and introduce yourself and who you represent today. Thank you.

MR. THRUN: Thank you, Madam Chair.

My name is Mark Thrun. I'm a public health physician here in Denver. I serve on the board of directors of the Colorado Public Health Association, and I'm here today representing this organization in support of House Bill 1229.

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

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

As firearm regulation is a public health
issue, and as this body has proven it can impact the
public's health through the development of wise and fair
laws, such as the one proposed here today, we urge you
to vote in support of this bill.

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

We urge you to keep guns out of the hands
of those unfit to own them. We urge you to expand
background checks. We urge you to vote for House Bill
1229.

THE CHAIRWOMAN: Thank you so much,
Dr. Thrun.

Is there any questions from the committee?

Thank you.

MR. THRUN: Thank you, Madam Chair.

THE CHAIRWOMAN: And I'm wondering if Amy
Miller is in the room at this point. Yes? No.

I'm going to go ahead and go to the next
witness, Jack Dais.
Mr. Dais, welcome. Go ahead and introduce
yourself and who you represent today.

MR. DAIS: Chairman Giron, members of the committee, thank you for the opportunity to be here.

My name is Jack Dais, and I represent the organization Hunters Against Gun Violence. I'll be brief and just provide a few remarks.

I've hunted pheasant, quail, and rabbits for more than 60 years, and deer and elk for more than 50 years. So I do own some guns.

I'm a Colorado resident for 33 years, and I'm here today because I'm saddened by the large and increasing gun violence in Colorado and around the United States.

I have read House Bill 1229 and believe that I largely understand it. Because I believe that closing the private sale background check loophole will help reduce gun violence, I urge the senate to pass the bill.

The various provisions in Section 1 do not appear burdensome and seem to make good sense. For an aging gun owner like me, the bill provides understandable options for gun transfers through private sales, gifts to family members, or post-death means.

Thank you for having me.
THE CHAIRWOMAN: Thank you so much.

Is there any questions? Senator Crowder.

SENATOR CROWDER: Thank you, Madam Chair.

Thank you for being here today.

Do you think that the guns of which you own now, that the people within your family that you give those guns to should have a background check for those guns before you can give them to them?

THE CHAIRWOMAN: Mr. Dais.

MR. DAIS: No, I don't think that they should. And let's say I also understand that, as the bill provides, I can gift these to my kids without that. But, however, I'd have no objection to their undergoing a background check.

THE CHAIRWOMAN: Thank you.

SENATOR CROWDER: One more question.

THE CHAIRWOMAN: One quick question, Senator Crowder.

SENATOR CROWDER: If, in fact, you were a gun collector where you collected guns, which some people do, do you think that each gun that you bought, you should have to have a background check as a gun collector?

THE CHAIRWOMAN: Mr. Dais.

MR. DAIS: Could I ask, are these guns
that I already own?

SENATOR CROWDER: No, sir. You, as a gun collector -- this is a little bit off your topic, but you said you are a hunter and you have several guns -- but, if in fact -- there are people that do purchase guns for various reasons, collection or whatever, but as a -- if you were to be that person that bought these guns as a collector, and let's say that you wanted to buy 30, 40 guns, do you think that you should have to have a background check on each and every gun that you buy --

THE CHAIRWOMAN: Mr. Dais.

SENATOR CROWDER: -- under that circumstance?

MR. DAIS: Good question. Anyway, I think that I should have to have a background check. I'm not sure that I should have to do 30 of them, if I purchase all of these in a week.

THE CHAIRWOMAN: Senator Crowder.

SENATOR CROWDER: Thank you, Madam Chair.

That was kind of the question I was getting at.

THE CHAIRWOMAN: Okay. Senator Jones.

SENATOR JONES: Thank you, Madam Chair.

So if you were doing a background -- if
you were purchasing guns through time, if a person was,
and it had been a year and they collected a new gun, and
things could have happened, this person could have
committed a crime. Do you think they need a background
check?

THE CHAIRWOMAN: Mr. Dais.

MR. DAIS: I'm not totally sure I
understand the question, but if a year goes by between a
person's gun purchases, and if it's possible that they
could have committed a crime in that -- I hadn't thought
about that, but, yeah, it seems to me to be reasonable,
if a year's time has lapsed, to go through another
background check, it would seem to be reasonable.

THE CHAIRWOMAN: Thank you so much for
being here. And we will have one more witness.
Ms. Miller is here. And then that's our last witness
for the people in support.

Welcome, Mrs. Miller. Appreciate your
being here.

Go ahead, introduce yourself and who you
represent.

MS. MILLER: Thank you, Madam Chair,
members of the committee.

My name is Amy Miller, and I represent the
Colorado Coalition Against Domestic Violence. We are a
statewide nonprofit organization, and we are here to speak on behalf of the domestic violence organizations in the state who serve thousands of victims every year.

We're in support of House Bill 1229. Let me tell you a story that illustrates why we support this bill.

On December 18th of last year, just a few days after the tragedy in Newtown, there was another mass shooting here in Colorado, in Longmont, Colorado. It was a domestic violence shooting in which three victims were murdered, followed by the perpetrator's suicide. The domestic violence offender, Daniel Sanchez, had just been released six hours prior from an overnight stay in jail for holding his ex-girlfriend hostage for several hours, assaulting her, stealing her cell phone, and sending threatening text messages to her new boyfriend.

Sanchez was released at 10 p.m. Monday night. And at 4 a.m., he shot and killed his ex-girlfriend, Beatriz Cintora-Silva, age 25; and her sister, age 22; and her brother-in-law, age 29, with a .45 caliber Glock handgun.

He did not possess that firearm before he was released from jail. He should not have been able to obtain that firearm, given what he had just been
Under federal law, individuals who have been convicted of a qualifying misdemeanor domestic violence offense or who are subject to a qualifying domestic violence protection order, like Sanchez was, can't legally buy or possess firearms. But an estimated 30 to 40 percent of firearms are purchased without a background check, making thorough enforcement of the law all but impossible and creating a loophole through which domestic abusers obtain guns.

Here in Colorado, in 2011, the most recent year for which data is available, at least 13 of the 34 domestic violence deaths in our state occurred in cases where the domestic violence offender used a firearm despite being prohibited under the law from purchasing or possessing firearms.

Studies reveal that the presence of firearms significantly increases the lethality of domestic violence incidents. According to one such study, domestic violence assaults involving a firearm are 23 times more likely to result in death than those involving other bodily -- other weapons or bodily force.

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

We know existing background checks keep guns out of the hands of domestic abusers and that lives will be saved in this state by keeping guns out of the hands of even more abusers.

Please take this opportunity to keep Colorado's women and children safe. I urge your vote in favor of House Bill 1229. Thank you.

THE CHAIRWOMAN: Thank you so much.

We have a question from Senator Harvey.

SENATOR HARVEY: Thank you, Mrs. Miller --

Ms. Miller, for being here.

Go back to the case that you brought up that he didn't have a gun prior to committing that crime. How did he get that gun, do you know?

THE CHAIRWOMAN: Mrs. Miller.

MS. MILLER: Thank you, Madam Chair, Senator Harvey.

I don't know exactly the details of that, but he would have been prohibited under even state law for an arrest -- because we do have a law that addresses that, even -- would have been prohibited from being able to lawfully purchase a firearm. So must have obtained
it through unlawful means.

THE CHAIRWOMAN: Senator Harvey.

SENATOR HARVEY: That's my point. He was already -- it was already against the law for him to have a gun, and he got a gun. I doubt he got it through a family member that transferred it to him. And this bill wouldn't have applied to that. And it's already against the law to murder somebody. So he broke that law as well.

I understand your -- your rationale, but I don't agree with your nexus because I don't agree that had this bill been in place, that it would have stopped the murders that you talked about.

And so I want to make sure we all understand -- we need to have a nexus between the legislation that we're passing and the things we're trying to stop. And that's what makes good public policy, if you can tie that nexus together.

And I don't believe that in that certain circumstance that that was said -- and that was your example -- and I want all of us to think rationally about what we're doing with these kinds of public policies. Thank you very much.

MS. MILLER: Thank you so much.

THE CHAIRWOMAN: Thank you, Mrs. Miller.
Appreciate it.

MS. MILLER: Thank you.

THE CHAIRWOMAN: So that is the amount of time we have. We actually did have some more people sign up. I apologize that we're not going to be able to hear from any more of those in support, because of the time now.

SENATOR CROWDER: Madam Chair, may I ask a question?

THE CHAIRWOMAN: Yeah, let me go ahead and finish my sentence.

SENATOR CROWDER: I'm sorry.

THE CHAIRWOMAN: That's okay.

We're going to move to the people in opposition, and I do have a list of them as well.

Senator Crowder.

SENATOR CROWDER: Well, I was just curious as to the amount of people that are left to testify on that. Is there a particular number that you have?

THE CHAIRWOMAN: No. I went through my list and there was some more. So what I want to do is be able to move through here so we can get going.

Kris -- our first witness, Krista -- Krista, is that -- we're going to go ahead and get our first witness.
And just for anybody who's new in the room, we're doing 90 minutes to those in support, 90 minutes in opposition. And I'll kind of get the clue when we're going from expert public testimony, which does not have a time limit. So when I get that, we'll do that, but it's still the same 90 minutes. After that we'll go into the timing, as you notice. But if you weren't here at the beginning, we did have some people that were not limited by time.

Thank you. Okay, great.

So, Krista, you're here with the State testifying. You have some support people, but I understand they're not going to be testifying.

MS. CERESA: That's correct.

THE CHAIRWOMAN: I appreciate you being here, and go ahead and introduce yourself and who you represent.

MS. CERESA: My name is Krista Ceresa. I grew up and I currently reside in District 29, and I'm represented by Senator Morgan Carroll.

I'm here today on behalf of my family as well as a large number of people from my community who are so familiar with the tragedy I'm going to share with you.

And to explain to you, I am so opposed to
all gun control legislation presented today. The last man executed in the state of Colorado was the man who killed my mom. July 21st, 1986, Gary Davis kidnapped, raped, and murdered my mother, Ginny May. Gary Davis had a history of predatory sexual behavior, raping over 15 women, had convictions of grand larceny, burglary, menacing, was jailed on sexual assault in Colorado only four years prior to my mother's murder. A man who should have never been released from prison was released early in 1985.

My mother met Gary Davis and his wife, Becky, at church. He stalked my mother until killing her one year later. He was a criminal. It was against the law for him to have a gun. He had no respect for my mother, my family, and he certainly had no respect for the law.

If I had it to do over again -- this is often the phrase we throw around -- on reflecting on how we could have done things differently, whether it relates to our career or maybe raising our children, I was speaking with my dad and he said to me: If I had it to do over again, I would have made sure your mother had a gun, that she could have had a chance to protect herself and you kids.

In this case, we are talking about saving
someone's life and keeping the family intact. I know he
struggles daily with the fact that he wasn't able to
protect her on that day. The reality is these sick
individuals, they prey on those who are considered least
likely to be able to protect themselves, women and
children in places we falsely label as safe zones,
gun-free zones.

If my mother had been armed with a gun, my
story might be much different. She was approached by
two assailants that day. She was outnumbered. If any
of you are parents, maybe you can imagine what might
have went through her mind as the lives of her two young
children would now be forever changed because of the
premeditated acts of these sick individuals.

I'm a mother myself now. And I think back
daily on that terrible moment when I saw Gary Davis
physically force my mom from our front yard, as I was
held restrained by his wife on the front steps of our
country home. I'll never forget the last time that I
saw my mother.

Excuse me.

My efforts must be focused now on my
children and what I can do to ensure that their last
memories of their mother are never the same as what I
have of mine.
As a concealed carry permit holder, I exercise my right to carry daily. As carrying a firearm might seem unnecessary to some, those who know my story understand the heartbreaking reality that evil can approach without warning.

It is because of the Second Amendment that I do not have to worry about what others think is necessary or unnecessary as it relates to the protection of my family and myself. I'm thankful for that right, and I choose to exercise that right quietly and carefully when I'm at church or visiting my cousin, Becky, for lunch at the college campus that she works at. She, too, is a mother and legally exercises her right to carry.

We know better than anyone that the moment we are unprepared might be a moment we live or may not live to regret. I've seen firsthand how quickly a situation like this can occur.

As many of our law enforcement officers are outstanding public servants, there simply may not be enough time. I understand more than most that my protection is ultimately my responsibility.

So I ask you to consider the consequences of imposing more regulations upon law-abiding citizens. Please remember who those laws will really restrict, how
by deluding these rights, you will only make people like myself, a daughter, a wife, and a mother, an easier target.

These regulations will not affect those whose intent is to ultimately break the law by obtaining a gun. Statistics have shown that many of these people committing these heinous crimes had illegally obtained a gun in the first place. And stricter gun control will not stop another sick-minded Gary Davis from killing someone else's mother.

In fact, if you pass these legislation -- regulations, it is more likely that you will ensure that it will happen again. I promise there are other Gary Davises out there today looking for their next victim.

My stance, along with my entire family, is to oppose these measures for gun control, and we will oppose any lawmaker who authors the votes, authors or votes in favor of any legislation that infringes upon the Second Amendment.

The government was never intended to regulate my needs as it relates to protecting myself. I follow the law, and have every right to protect our family from danger with the highest measure of security we see fit.

I'm standing before you today having just
shared a story I've never spoken publicly about. This is because I've never felt more passionately for a cause as I do about this. And I understand firsthand the consequences this legislation presents. These restrictions will not only make my world less safe, leaving law-abiding citizens outgunned by criminals who have no respect for the law.

I'm speaking out today because you have to be out of your mind to believe that someone with a plan to kill will not get their hands on a gun, that any measure to put restrictions on the Second Amendment will keep firearms of any capacity out of the hands of criminals, nor will it influence where they will choose to use them. And I certainly know that these measures will not take away the malicious intent of those with evil in their hearts.

Thank you for hearing me today. I pray that God guides you as you cast your very powerful vote on this very dangerous legislation.

THE CHAIRWOMAN: Thank you so much, and thank you for your willingness to come here today and share your story and your life.

A couple questions from Senator Harvey.

SENATOR HARVEY: Thank you, Madam Chair.

Not so much a question but just a comment.
Thank you for being here. Thank you all for being here.

Can you introduce your husband really quick, and your cousin.

MS. CERESA: This is my husband, Mark Ceresa. This is my cousin Becky Kleeman (phonetic).

SENATOR HARVEY: Thank you.

THE CHAIRWOMAN: Senator Harvey, continue.

SENATOR HARVEY: Madam Chair, if I could,

I wanted to add a little bit more to Krista's story.

The murderer actually went to Becky's house first, which is next door, and a ranch hand was at the house. So the murderer and his wife left and went next door to Krista's house. Krista was four years old when this happened. And Mr. Davis was the last person we've ever put to death on death row in Colorado.

Krista and her family have never spoken publicly about this event outside of the courtroom. So this was a huge, huge thing for her to be here, to have her comments made today. And for her dad and her brother, this was a huge thing for them as well.

So I just wanted to thank you for your courage to come here today and represent your family and the citizens of Colorado. God bless you.

THE CHAIRWOMAN: Thank you for being here.

Senator Crowder.
SENATOR CROWDER: Two questions, if I could.

Would you say that there is an evil in the world?

MS. CERESA: Absolutely.

SENATOR CROWDER: Thank you.

THE CHAIRWOMAN: Senator Crowder.

SENATOR CROWDER: Would you also say that any erosion of our Second Amendment rights, even with the intent -- the well intention of -- of helping people, that that erosion of the Second Amendment rights could also cause a great deal more harm than good?

MS. CERESA: I know that it would.

THE CHAIRWOMAN: Krista. I'm just recognizing you would come through --

MS. CERESA: Sorry.

SENATOR CROWDER: Thank you very much.

THE CHAIRWOMAN: Thank you so much.

Any other questions?

Seeing none, thank you. I really appreciate your willingness to share your story.

MS. CERESA: Thank you for having me, too.

THE CHAIRWOMAN: The next witness we have listed is going to be moved, Dan Kopel is going to be moved later, when he gets here. He's a little late. He
has an event.
   So I'm going to go next to Sheriff John Cooke.

Welcome, Sheriff Cooke. Go ahead and introduce yourself and who you're representing today.

MR. COOKE: Okay. Thank you so much. I'd like to thank the committee.

   My name is Sheriff John Cooke, and I'm representing myself and my constituents from Weld County.

But, first off, I'd like to say that I stand by the County Sheriffs Of Colorado's position paper. This position paper states, in part, that the County Sheriffs Of Colorado are adamantly opposed to any restrictions on a person's right to privately sell firearms to another person because of a technicality regarding the opposition -- or the operation of the CSOC's legislative committee.

   The legislative committee is staying neutral on this bill, but not the overwhelming number of sheriffs in this state. In our recent conference in January, where approximately 57 elected sheriffs attended, there was no disagreement regarding our opposition to the universal background checks.

   As chief law enforcement officer of the
county, I'm telling you this law is unenforceable. This
bill is a case of elected officials feeling the need to
do something, anything, whether or not the law is
enforceable.

The chiefs' association testified that
ty they are in favor of this bill, but I have yet to hear
one chief explain how they plan on enforcing it, if it
becomes law.

To quote again from the CSOC position
paper: Local law enforcement does not have the
resources to stop private sales of firearms, nor to
investigate such transactions.

This bill is unenforceable because
criminals do not get background checks. One criminal
doesn't say to another criminal: Hey, before I sell you
this stolen gun, we need to go get a background.

No doubt you heard from CBI about how many
gun sales they have prevented because of background
checks. Let's be honest, does anyone really believe
that just because a criminal was denied a gun through a
background check that he or she will stop there? The
ture criminal who is intent on getting a gun will find
any other means necessary to get one.

In a U.S. Department Justice report
conducted in 1997 in which they surveyed state and
federal inmates convicted of crimes involving guns, they found that 40 percent of inmates obtained guns through illegal sources such as theft, burglary, drug dealer's offense or the black market. 40 percent bought or borrowed the gun from friends or family, and 14 percent obtained the gun legally before becoming felons.

This bill would not have prevented any of these criminals from obtaining a gun.

The numbers that CBI gave you would lead people to believe that the ones denied access to buying guns are hardened criminals, but this is simply not the case.

About two years ago, a 75-year-old man came in my office wanting to know what to do because he was denied the purchase of a firearm from a gun store. He told me that in 1956, he was 17 or 18 years old, got drunk and ran over someone. He pled guilty to a felony, to have the case over with. Since that time, he had absolutely no other contact with law enforcement throughout his life. He bought many firearms and hunted and had recreational sports, and he still owned quite a few to that day.

Yes, it would have been illegal to sell a gun to this gentleman because of his felony conviction in 1956, but he's not exactly the picture one has of the
hardened criminal attempting to get a gun for illegal purposes. And I suspect that the background checks only stopping these types of people from ever buying a firearm and not the true criminal who will obtain a gun through any means possible.

This bill is also unenforceable because there's absolutely no way for you or me to prevent two people from my county driving a few miles north, conducting a private transaction at the truck stop right across the Wyoming border, and then returning home.

This law is simply unenforceable and would do little, if anything, for public safety; and I encourage the committee to vote no.

THE CHAIRWOMAN: Thank you so much, Sheriff.

Is there any questions from the committee?

Senator Harvey.

Does anyone else have a question while Senator Harvey finishes his chewing?

SENATOR HARVEY: Thank you, Sheriff Cooke, for being here and to all the other sheriffs for being here. God bless you for taking the time to come hear this bill.

My concern is not so much the background checks for transfers of guns, though that's huge because
it's not only the sale of guns, but the transfer of
guns. But it's really how this bill will be impacting
law-abiding citizens who are driving down the streets
who may have a gun in their car, and you see that they
have a gun in their car, especially out in Weld County,
where there are a lot of guys driving around with guns
on their gun racks -- how will you be able to know
whether that gun is a legal firearm that has been
purchased with a background check, and how will you be
able to determine if it was done with a background
check, and what will you do if you can't determine it?

THE CHAIRWOMAN: Sheriff.

MR. COOKE: Oh, I'm sorry.

First off, there's no way we'd know if one
of my deputies pulled over a person in that situation,
he would not know whether that gun was bought through a
background check or not. So, therefore, since there's
nothing we can do, we'd write them a ticket or give them
a warning and let them go on because there's nothing we
could enforce on that.

THE CHAIRWOMAN: Senator Harvey.

SENATOR HARVEY: Well, might you
confiscate it because they cannot prove to you it was
purchased with a background check? And, therefore, if
they can't prove that, that gun is an illegally owned
gun and you are required to confiscate it, until they
can prove that. And how long will it take you, then, to
prove it?

We are going down a road where the
citizens will want to have a database to prove that they
had that gun purchased with a background check so that
you won't harass them. No offense.

MR. COOKE: None taken.

THE CHAIRWOMAN: Sheriff Cooke, if you'd
like to respond.

MR. COOKE: Yes, ma'am. Thank you.

This is one of the reasons why County
Sheriffs Of Colorado, again, is adamantly opposed to
this, most of the sheriffs, because we believe it is a
first step towards gun registration.

Now, as far as confiscating the gun, I
didn't see that part in the bill. It might be there,
and I don't know. But I would hope that none of my
deputies would do that. It would be very detrimental to
their career if they did.

THE CHAIRWOMAN: I'll go ahead in just a
minute, Senator Crowder, just for Senator Harvey -- and
I'll look for it in the bill, but it does say that it
would be upon law enforcement to have to prove that, in
fact, that was not -- that firearm was not purchased
through -- with a background check. So they would have to prove that before they could confiscate that, just for clarification.

Senator Crowder.

SENATOR CROWDER: Thank you, Madam Chair.

That kind of relates to my question.

THE CHAIRWOMAN: Go ahead, Senator Crowder.

SENATOR CROWDER: I've never had a background check because, at my age --

THE CHAIRWOMAN: Oh, couldn't get a background check right now.

(Laughter.)

SENATOR CROWDER: Well, that was my question.

If, in fact, I'm in an automobile accident which is my fault, possibly, and I have a weapon and I cannot prove to you that this is through a background check, without future gun registration, I don't know how we could enforce the issue to begin with.

THE CHAIRWOMAN: The way that I understand it, Senator Crowder, is that they'd have to prove that you did not get one.

SENATOR CROWDER: Madam Chair, but my question is, why should I have to prove ownership of
something -- unless it's registered, there should not be
an issue.

THE CHAIRWOMAN: We're out of the case
with the ownership, but I don't think it's very good for
us to --

SENATOR CROWDER: I do have a question.

THE CHAIRWOMAN: Okay, Senator Crowder.

SENATOR CROWDER: We've seen a video here
recently -- if you don't want to answer this, that's
fine, because I know you were not here -- we've seen a
video of a city policeman out of Aurora implying that he
was in favor of this. And I'm aware that the sheriff
departments throughout the state are opposed to it.

Can you give me a brief reasoning that one
law enforcement agency as opposed to another law
enforcement would have a differing view on that?

THE CHAIRWOMAN: Sheriff Cooke.

SENATOR CROWDER: And I realize you didn't
see it, so you don't have to answer it if you don't want
to.

MR. COOKE: No, I don't mind.

THE CHAIRWOMAN: Sheriff Cooke, you can go
ahead now.

MR. COOKE: Thank you.

We're elected. And so just like you are,
we are out on the campaign trail and we are in tune, I
think, more so with our constituents and our public. We
speak for ourselves.

The police chiefs work for a mayor or city
council or a city manager. So, therefore, they have to
represent some of those views as opposed to their own.
This is not supported by all police chiefs or police
officers throughout the state.

I know the chief up in Greeley is
adamantly opposed to these bills, as are most of the
chiefs up in Weld County and throughout the state.
There's quite a few. It seems to be mostly a Denver
metro centric, the chiefs that are in support of this.

At the cell (phonetic) debate that I
attended recently, two line-level Denver police officers
walked up to me and said: Hey, we want to thank you
guys, thank the sheriffs, for your position paper. We
wholeheartedly support it. (Inaudible) and keep that
kind of quiet. But that's unofficial.

So we know there are a lot of line-level
police officers and chiefs throughout the state that do
not support these bills.

THE CHAIRWOMAN: Senator Jones.

SENATOR JONES: Thank you, Madam Chair.

Just for point of clarification, you
weren't here to see the video, but my recollection was that the police chief was representing the Aurora City Council. So those elected officials, at least, feel that way, and I guess it's a divided opinion on this thing.

THE CHAIRWOMAN: Thank you.

Any other questions?

Thank you so much, and thank you all the sheriffs, including my own, that are here today.

MR. COOKE: I would like to thank the committee. Thank you.

(Applause.)

THE CHAIRWOMAN: There's our sergeants.

Go ahead --

SENATOR HARVEY: No applause.

THE CHAIRWOMAN: -- Senator Harvey.

SENATOR HARVEY: People who are in the audience, please do not applaud. Please do not clap. This is a public hearing. And we are to treat the chair with respect. When she gables the gable, that means stop talking or clapping. Do not clap. Treat the chair with respect, please.

THE CHAIRWOMAN: Thank you, Senator Harvey. Those are our rules. And I'm sure most of you weren't aware of that.
Senator Jones.

SENATOR JONES: Senator Harvey reminded me that the police chief was also representing the Police Chiefs of Colorado. Thank you. I thank; we thank.

THE CHAIRWOMAN: Thank you so much.

And so I'm going to go -- Tom Grounder.

And Buddy Myers might also join him at the table.

Thank you. Go ahead. Welcome. Go ahead and introduce yourself and who you're representing today.

MR. GROUNDER: My name is Tom Grounder.

I'm out of Colorado Springs. I am an NRA certified instructor. I own my own business. I do full-time training in all the NRA aspects, plus concealed carry training -- concealed carry training for those wishing to seek their permit.

As a retired Army and former law enforcement officer and a strong patriot of this country, I take deep exception to the bill that directly impacts gun rights of law-abiding citizens. The opposition to the firearms and the desire that is ultimately -- to be ultimately eliminated from those in the hands that are well within their rights to own them is driven by a personal loss and grief that is the basis of this bill.
As a result, they're using positions to push a personal agenda to institute new laws that would entice the vast majority of all law-abiding, legal gun owners to become criminals. The passing of this bill would force actions by those who would normally not break the law to do so.

In terms of criminal actions, the desire to obtain firearms will drive a market much like illegal drug trafficking of today. It will be tougher to get, but the payoff would be worth it.

As far as the time certified -- as a full-time certified firearms trainer, it is my passion to instill a strong sense of safety and responsibility to those to learn about and wish to introduce firearms in their lives and their homes, along with those seeking to advance their training.

Since the election of our current presidential administration, and in light of past events, along with the push towards more restrictive gun control regulations, the nation has seen an unprecedented surge in the purchase of firearms. As a trainer, I can confirm that, in Colorado, the applications for concealed carry permits has reached levels unheard of before.

There is no gun owner I know that doesn't
feel the pain and the loss of the innocent lives in the recent tragedies. Regardless, it is the law-abiding citizens that are buying up the handguns, rifles, shotguns, and subsequently ammunition.

Why is this not addressed? Do you not understand, or do you simply choose to ignore the actions of the governed people?

The nation and the state is telling you what is wrong with the drive to place more restrictive and misguided firearms regulations on the shoulders of law-abiding citizens. It will do nothing to curve the violence against citizens by those that are determined to inflict it.

As with all of the Constitution, the Second Amendment is not, and should not, be a negotiable subject. It is a huge source of frustration to me when those in the elected office use the Constitution verbatim when it suits their purposes, yet push their own personal interpretations of it when it does not, or simply disregard it.

Our way of life here was created for us by our founding fathers. It is unlike any nation on the planet. It is a free nation.

Does that mean it's perfect? Certainly not, but a free society is sometimes messy. But free it
is and free it must remain.

The tragedies of Sandy Hook and Aurora will never be prevented in the future by laws or regulations such as these. What is certain is that those determined to do harm will do so. Holding manufacturers and firearms (inaudible) responsible for their actions doesn't do a thing.

Adding these restrictions on to transfers, as Senator Harvey has tried to allude to many times, seems to be just passed over. The term "transfer" is crucial here. There is no difference in these actions.

Please do not ignore or negate your responsibility to the elected office which you defend -- to defend the Constitution. This is your duty. In this decision, do what is right and defend the founding principles of this nation, the Constitution. I believe if we do so, we're going to be on a slippery slope.

We are trading liberty and freedoms for a perception of a temporary safety and security. If we allow this, we were warned by Benjamin Franklin that we deserve none of it.

Thank you for your time.

THE CHAIRMAN: Thank you, Mr. Grounder.

Any questions for Mr. Grounder?

Seeing none, thanks very much for being
MR. GROUNDER: Thank you, sir.

THE CHAIRMAN: Doug Hamilton.

MR. HAMILTON: Good morning.

THE CHAIRMAN: Good morning.

MR. HAMILTON: My name is Doug Hamilton.

I am the owner-operator of the Family Shooting Center at Cherry Creek State Park. We do a lot of training and such out there.

I have to say up front here, I think my testimony is going to pale compared to what I've already heard here today. So I will be brief in this bill.

I should say this: No one wants guns in the hands of the bad guys. I think we all are on common ground there.

I believe the problem with these bills that are introduced, specifically this one on the additional criminal background check in the private sector as opposed to an FFL, it's unenforceable. Your county sheriffs have already described that to you.

In my world, in how guns are transferred, I will say this: The law-abiding citizen -- there's already law on the books that says a person, at best, not transfer a gun to somebody that they do not know is legally allowed to have a firearm. It puts the onus on
the seller. Should something happen post-sale, that
person selling the gun, if they did not do due

diligence, is going to be in a lot of trouble. The
people I know very carefully, therefore, identify whom
they sell a gun to.

Now, what it all means is that the bad
guys are going to continue to get the guns irrespective
of what this law does.

If the law is unenforceable, why put it on
the books? It makes no sense.

Two things I'd like to say real quick:
Sandy Hook was mentioned a couple times. I want to
point out that the perpetrator in that murder, that
massacre, didn't go through a background check. Why?
Because he killed the owner of the guns, then took them
to the school to do his deed. A background check was
not required.

Another item: The Virginia Tech massacre,
I believe 2004, April 16, the perp there legally
purchased two handguns. Later, I believe about two
months is when he did his deed. Now, he went through
the background check.

What happened there is the mental health
system in Virginia failed. Somewhere in the system, the
fact that he had a history of mental illness and
treatment from the age of three was missed by the
system. We don’t know a lot; I don’t know a lot about
the situation, but what I have read about it stems from
primarily not being able to obtain the privacy records.
A background check was done. Their database to which
they do a check was incomplete.

That’s what happened at Sandy Hook -- or
at Virginia Tech. Virginia has changed their rules a
bit. But you should consider, you should consider what
is happening in our society with the privacy laws, where
the general public does not know -- does not have the
information regarding these menaces to society, the
people who have proven themselves to be anti-society who
are willing to do the damage to our citizens. Those
people should be identified.

Let’s make a law that does some good.
Let’s make a law that will help the situation. And what
are we trying to do? We’re going to keep our populous
safe, keep guns out of the hands of the criminals. And
I think you can do that. But there are other laws you
can implement which can enhance the safety of the
public. This one is not one of them.

I guess -- let me end my comments there.
If there are any questions, I'd be glad to answer.

THE CHAIRWOMAN: Thank you so much.
Is there any questions from the community for our witness?

I see none.

Thank you so much.

MR. HAMILTON: Thank you.

THE CHAIRWOMAN: So our next witness is Gene Pearcey.

Welcome, Mr. Pearcey.

MR. PEARCEY: Thank you.

THE CHAIRWOMAN: Go ahead and join us at the table. Go ahead and introduce yourself and who you represent today, and then proceed with your testimony.

MR. PEARCEY: Okay. My name is Gene Pearcey. I'm from Durango, Colorado. I have a company that distributes earth-sheltered house building systems all over the United States and a shooting company. I'm here to voice opposition to this bill.

I have a shooting school, like I said. I'm a 25-time combined world and national champion. I've taught all over the United States and several foreign countries. People come from all over the world, actually, to train with me. I teach sports shooting and some cop training, concealed carry, general firearms training. I'm a regular on the Outdoor Channel as a firearms expert and an FFL dealer.
I am considering moving my companies out of Colorado -- excuse me -- because of all these anti-gun laws, and I've been there 30 years.

I've got some things I would just like to present to you, if I could.

THE CHAIRWOMAN: Please.

MR. PEARCEY: This bill simply will not work. 75 percent of crimes are committed by repeat offenders. They're not going to be affected by this law. Only 2 percent of firearms used in violent crimes are obtained from nonrecorded sales. That would be gunshows, private sales, whatever. So, again, it's not going to have much effect.

Cities such as Chicago and New York City have very tough gun laws on the books. In fact, probably tougher than some of this stuff. They have close to 500 murders a year each. It has no effect. None. Zero.

There's no study which suggests that full background checks will prevent a single crime. More ineffective anti-gun laws will drive many, many people from Colorado.

I just got back from a national shooting contest in Phoenix, Arizona, a thousand people, (inaudible) a person. Every single person I talked to
is not coming here to hunt, to fish, to visit Durango. Nothing. They are totally offended by this mass of laws that you guys are considering. I think you will totally underestimate the effect it will have on towns, especially like Durango. Hunting is a big season for us. But we're also not talking about people who are just hunting. They're just terribly offended.

Part of the reason for these bills is combat perceived crime wave with assault weapons. There actually is no crime wave with assault weapons.

In all of 2011, there were three rifle murders, period. Not assault weapons, but three rifle murders. In 2010, there were none. That's a normal year.

In 2012, we had a terrible tragedy that could have been prevented by one person with a firearm. He was in a gun-free zone, of course.

In all cases, the mass murders that I know of, this bill wouldn't have affected the perpetrator from getting guns at all. I can't think of a one. I've read a lot of cases, and I'm sure you have too, but there's not a single case where a background check, more background checks would have prevented this.

This bill is very, very tough on low-income people. You've got the cost for the firearm.
This bill allows for a $10 transfer fee from a dealer.

I'm a dealer. I'm not doing it for 10 bucks. It's going to cost 30 to 50 bucks.

The State, with bill, I think, 228, is considering charging for the background check. So that's going to add to it, if that passes. That is going to cost, they say, a fee that's determined by direct and indirect costs. Indirect costs can be anything. That can be a part of the new governor's airplane; it can be anything.

It's not unreasonable to think that you couldn't add $100 to the cost of a firearm in the future. It could be whatever you guys want it to be. And that would, of course, prevent people from buying firearms, which I think is the purpose to start with. But you could have $200 a firearm; you could have whatever you want it to be. And that's not a good thing.

The bill unenforceable without full gun registration, which has been against the law, by federal law, since 1986. I don't see how in the world you can enforce it.

In 2010, 14 million background checks resulted in 13 convictions, 13. And so if you add a bunch more background checks, what's it going to do?
It's going to do nothing.

It's already a crime to sell, loan, or give a firearm to anyone you know is going to use it in a crime. That's where many felons get their firearms anyway.

This bill does not affect the total number of murders, as firearms are not used in all murders. In 2011, in Colorado, you had 147 murders. Firearms were used in 73 cases. Hands, fists, knives, clubs, 74. So, at the very best, you're only working on half the murders to start with.

Then with full background checks will be in effect, it will be just another hurdle for honest citizens because most crimes are by felons who already committed crimes who don't abide by the law. The only people affected by this bill don't commit violent crimes. That's people like me. People like you.

The only sure way to reduce crime, if that's all you were interested in, is to lock up the people who do the crime and keep them in jail. They do most of the crime anyway, and nothing you do is going to prevent them from doing that. It's just proven facts.

The intent of this bill, of course, is just more gun control. And that's the only justification for it that I can see, and many other
people.

THE CHAIRWOMAN: Thank you.

We have a question from Senator Harvey.

SENATOR HARVEY: Thank you for being here.

I appreciated all your statistics. I want you to give them to me before you leave, too.

The previous witness said that you can buy guns online without doing a background check in Colorado, and I don't believe that's the case.

MR. PEARCEY: That's a lie.

THE CHAIRWOMAN: We're going to go ahead and go through the --

SENATOR HARVEY: Go through her.

THE CHAIRWOMAN: Complete your question.

SENATOR HARVEY: That completes my first question.

THE CHAIRWOMAN: Okay, go ahead.

MR. PEARCEY: That would be a lie. I'm a federal firearms dealer. I do sell a lot of guns. We sell mostly cowboy guns or cowboy action shooters, but we do sell some modern guns.

If you're in Nevada, if you're in Denver, if you're anywhere and you buy a gun from me, you can pay me, but I have to ship that gun to a local dealer in your area who has to transfer it per your state law.
It's totally illegal for an FFL dealer to do that. And granted, yes, you can by that law, but if he gets the gun, you don't pass the background check, you don't get the gun. Too bad.

But that's an absolute lie, and it's also a common misconception. It's not true.

THE CHAIRWOMAN: Thank you.

Any other questions?

Thanks so much.

MR. PEARCEY: Thank you. Appreciate it.

THE CHAIRWOMAN: So one of our witnesses, Mr. Kopel, is here. I'm going to ask him to come up.

Go ahead.

I'm just going to remind all of us here -- and I did fail short of my duties, I wasn't listening to one of the witnesses we had before -- but we really don't want to prescribe motives of either any committee members or our sponsors. We just want to remind us all, if you come in and testify. Thank you.

Mr. Kopel, go ahead and introduce yourself and who you represent today.

MR. KOPEL: Thank you, Senator Giron.

I'm David Kopel, and I'm an adjunct professor of advanced constitutional law at Denver University, Sturm College of Law, research director of
the Independence Institute -- just a few blocks from
here -- that is, always professors from DU as well as
Independence Institute scholars speak on their own
behalf and not for any organization.

A report -- a study by the National
Institute of Justice that was conducted in December --
and the National Institute of Justice is the research
arm of the United States Department of Justice -- and
they did a report on a variety of gun control proposals
that were in the air. The NIJ report was kept secret,
but has been leaked and is now available to the public.

The NIJ report, regarding universal
background checks, said they are unenforceable unless
you have universal gun registration; that as a practical
matter, if Senator Harvey sells me a gun, how is anybody
ever going to find out or know or anybody gets in
trouble for doing that, even if we evaded the background
check -- of course, he's such a law-abiding guy, that
would never happen, but in this hypothetical -- unless
there's a government database of all firearms.

As I'm sure all of you know, registration
is very fiercely opposed by gun owners because it has
historically, in New York City and in other countries,
been used for gun confiscation.

Canada attempted to impose universal gun
registration in the 1990s. It ended up costing literally a hundred times more than it was supposed to and was finally repealed in 2012 by the parliament there.

What Captain Kelly and others have testified about is a much more limited concept than what this bill is. Let's say this is the amount of firearm sales that take place in Colorado. And there's some fraction of them that are not from firearms retailers. Now, this 40 percent figure that's thrown out, that's not really true, but let's say we know for sure it's more than 1 percent. There's some tangible amount of firearm sales that are in this smaller category of nonretail sales. And that's what this bill has public support for in addressing. When you ask people about universal background checks, they're talking about addressing whatever this is, this 1 in 40 percent amount.

The problem is, this bill, which is what you're going to be voting on, not answering a poll question about the concept, is about this: It's about firearm transfers.

I have never sold a gun in my life, and I hope I never will because I like all my guns and I want to keep them. But I have engaged in probably hundreds
of firearms transfers, as this bill defines them. The definition of transfer is so broad, and it's written -- it's a copy of a federal bill written by Michael Bloomberg's lobby. It's so hugely overbroad compared to what the issue of actual sales is.

The Colorado Supreme Court, in Lakewood versus Pillow, unanimously, under Colorado's constitutional right to arms, in 1971, threw out a Lakewood ordinance that restricted gun transportation. And the Court said unanimously: But, of course, Lakewood can enact laws, safety laws, about the transportation of guns. But what you have done here is so overbroad compared to the legitimate problem that could be addressed.

This is a law that says I can give my wife a gun for Christmas -- so it's not part of the War on Christmas -- but it says when I'm out of town and she wants to use my gun, she's got to go through a background check. In fact, she can't go through a background check because I'm out of town and we both have to show up at the firearms dealer. And then when I come back to town, we've got to go through the background check again so she can hand the gun back to me.

It's a bill that says that I, as an NRA
certified firearms instructor, when I'm -- sorry.

(Laughter.)

MR. KOPEL: Karl Rove just won't leave me alone.

(Laughter.)

MR. KOPEL: It's when I say -- when I teach a firearms safety class, not at a shooting range -- because I typically don't -- you go to the range later, as the last part for the live fire practice -- when I'm teaching in a classroom, following the NRA protocol for handgun safety instruction, which we're going to -- Senator Trauchou's bill will help get us back to that for licensed carry -- but when I hand somebody -- I'm supposed to bring in firearms unloaded for the students to handle.

The rule is absolutely no ammunition in the room, not even my own. And we have dummy practice ammunition, orange inert things with which the students practice loading and unloading the guns, pressing the trigger, things like that. And over the course of that, you may have four or five different guns that get handed around.

Every one of those is a transfer and is supposed to go, under this bill, supposed to go to a federal firearms licensee, do the background check that
takes between three minutes and nine days, depending on what time of year it is, and pay this $20 thing. It makes teaching quite impracticable.

The provision for giving somebody a gun in an emergency is written so that it only applies when you could shoot somebody. And, of course, by then, it's too late. So if I have a neighbor who wants to borrow a gun one night because there have been a lot of burglaries in the neighborhood -- and this is on page 5, line 15 -- if the neighbor wants to borrow -- asks to borrow my gun because she's a single woman with some small children and there's been a lot of burglaries in the neighborhood, can she borrow one of my guns for a couple nights, until she can go to the store on Monday and maybe buy one of her own?

A, I can't lend it to her unless I go over to her house, which seems kind of crazy that she has to come to my house, but, B, more importantly, I can't transfer it to her unless she is in imminent fear of death or serious bodily injury.

Now, that's the point at which she could shoot somebody. So if you've got somebody stalking her and making harassing phone calls, that doesn't mean that if she sees them in a shopping center, she gets to shoot them right away, but it does give her good cause for
wanting to have that firearm in her home temporarily in an emergency. And that's prohibited.

It's likewise, by the way, it's also -- this D.C./New York crafted bill doesn't even take into account that there's other circumstances in which the use of a firearm for self-defense is lawful in Colorado in the home, the so-called Make My Day law allows defensive gun use in the home in situations other than imminent death or serious bodily injury. It's against any violent intruder in the home under Colorado law. So even someone who could lawfully use the gun right in that instant still can't get it under this law.

This phrase you see in line 15 which appears in a variety of places, "unlicensed transferee," makes no sense in Colorado law. We have licenses to carry guns, but this isn't about carry; this is about possession. Unlicensed transferee would only make sense if we had a law that you had to have a license to own a gun in the first place in Colorado.

So I looked for where this came from, and it's from the House -- the U.S. House of Representatives bill that is the Michael Bloomberg flagship bill. The language was cut and pasted into here, and it was a transplantation that doesn't really work. It doesn't fit from one to the other. It made sense in the context
as it was used in the other bill. It doesn't here.

The core problem is that it's not just about sales. It's about the transfers in general. I've outlined just a couple of the problems. There are many, many, many more.

A thing that you could do that would significantly improve it is in E, line 19. The transfer is a temporary transfer of possession without transfer of ownership or title to ownership -- and then just cut it there and remove the rest of E. Then you make the bill just about all -- about temporary transfers, rather than the way this E is written is temporary transfers in a -- when you're actually at a target shooting range or you're actually in the field while engaged in hunting.

That would certainly solve a great deal of the problems with the bill, but what I would really suggest is that, don't vote on this bill today. Take a day or two -- and we'll move as fast as you want -- to sit down with myself, with the sheriffs, with other legal experts who know and understand Colorado firearms law, and we can work with you to produce a bill that accomplishes everything the sponsors have promoted as the good part of this bill, which is sales between people who don't know each other and not going through a licensed firearms dealer.
Now, at the end of the day, there may be -- excuse me -- philosophical disagreements about that bill, but that will be a bill that accomplishes what it intends to accomplish. Because if it goes through the way it is, what you're doing is, because this definition of transfers is so broad, that you will, in effect, criminalize virtually the entire gun-owning population.

It means that when I sit down with my son at the dining room table and say, "Here's my gun. Here's how to use it. It's unloaded, but I'd like you to handle it and use it" -- that's supposed to be a transfer here, too. There are so many things -- the normal ways that people own their guns is to have temporary transfers, or your friend comes over and says, "Oh, you got a new gun. Can I take a look at it?"

"Sure." And I hand it to my friend and he looks at it for five minutes and hands it back. That's a transfer here, too.

And you're turning all these people into criminals and saying: Well, the DAs would be too smart to enforce that. Hopefully, yes, but one -- those of us who remember Don Milky from the olden days might know you can't always count on DAs always having good judgment about what to prosecute. And this is a bill
that's being -- written to be obeyed. We want people to obey the laws in Colorado.

You don't want to create in Colorado a culture of saying: Oh, well, what are the gun laws? I just moved here from Oklahoma. What are the gun laws? Oh, well, there's this gun law that says that you can't even carry a gun in public. That gun law really counts. You better get a carry permit.

This gun law says this is when you can transfer a gun. Oh, yeah, that's ridiculous, they didn't know what they were talking about when they passed it. That's way overbroad. Nobody enforces that one.

Let's have all the laws be fair, well-written ones that can be enforced. And I ask you to do this in the spirit of my father, as a state representative in the '70s, before I'd convinced him that the Second Amendment of the right to arms were important civil rights, when he would have voted for any gun -- and did -- gun control bill on a conceptual basis, but would also insist that any law that he voted for, especially any criminal law, had to be fairly written, properly drafted, and something that the people of Colorado could, in a fair and legitimate way, be expected to obey.
Thank you.

THE CHAIRWOMAN: My microphone was off.

Thank you so much.

Is there any questions from the committee?

Senator Crowder. You're so inquisitive today.

SENATOR CROWDER: You mentioned several times the Bloomberg effect on this bill here. Is that written into any New York law that you're aware of, or any law in any state for that matter.

THE CHAIRWOMAN: Mr. Kopel.

MR. KOPEL: Oh, well, yeah. For example, this New Jersey thing about like when your friend comes over, and can he hold your gun? That's illegal in New Jersey, for example.

SENATOR CROWDER: Thank you.

THE CHAIRWOMAN: Any other questions?

Senator Harvey.

SENATOR HARVEY: Thank you, Madam Chair.

Not a question, but, David, I appreciate your comments on the transfer part because we had -- I don't know -- eight, nine, ten witnesses come in and testify for the bill. Every one of them spoke to the private sale of firearms. And whenever I brought up the question of the transfer to a person that I asked it to,
they said: I have not read the bill, but we're against the private sale.

So I'm glad that you were able to speak to those specific issues about the transfer and what a conundrum that might be. So thank you.

MR. KOPEL: Thank you.

THE CHAIRWOMAN: Any other questions?

See none. Thank you so much.

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

THE CHAIRWOMAN: You have a nice lunch.

SENATOR CROWDER: Madam Chair, why is it that I have to call him Mr. Kopel and Mr. Harvey can call him Dave?


UNIDENTIFIED SPEAKER: That's right.

THE CHAIRWOMAN: I didn't mean to open it that way, but he affirmed that you could call him anything you want.

Oh, got to find my list here.

So now we're back to Adam Thompson. Is Adam Thompson in the room? Adam Thompson is who I have signed up according to this list.

(Inaudible discussion.)
THE CHAIRWOMAN: Oh, great. Thank you, Mr. Thompson. I appreciate you rushing in here. Go ahead and take your breath.

MR. THOMPSON: Thank you.

THE CHAIRWOMAN: And proceed when you're ready. Go ahead and introduce yourself and who you represent today.

MR. THOMPSON: All right. My name is Adam Thompson. I believe I had a packet that came around to all of you. I represent Lindsay Cole, Julie Vargo, Lewis Johnson, Larry Smart, and Mark Doucette (phonetic), as well as myself and my fiancee. We are all Columbine survivors.

Basically I'm here today to speak about using sound judgment of actual information when deciding the proper courses of action to deal with violence instead of using emotions to make those decisions. This bill, as well as all the other bills that you're hearing today that are being presented, have the intent of providing safety, but after reviewing them, they don't actually do that. They do the opposite.

On April 20th, 1999, I was 17 years old and a junior in high school. On that day, fellow classmates committed one of the worse shooting -- school shootings that this country has seen.
I am a Columbine survivor. And on that day, I lost friends, classmates, and my innocence as a child. On that day, there was legislation that failed to do what it was intended to do, to keep me and my fellow classmates safe. It did not matter that there was a magazine capacity limit. It did not matter that it was a gun-free zone. It did not matter that they received their firearms illegally.

One of the shooters carried a 10 round -- or thirteen ten-round magazines. In order to do this, he modified his clothing so that he would be able to carry all of them. The point is that the magazine capacity didn't matter.

The perpetrators committing these acts aren't listening to the laws. Instead, this law would only limit me in being able to defend myself, my fiancee, or my roommate. If this gets passed, it puts me and my roommate and my fiancee at risk for transferring a firearm in order to provide safety for ourselves. If I'm away on business and my fiancee takes up arms to defend herself against an intruder, I would be held liable, so would she, for the illegal transfer.

My next-door neighbor is a lawyer. She has told me repeatedly that, in her profession, she has received death threats and has gotten police involved
and we've had police on our street. However, we've also -- when the police are not there, we've had plenty of people come by in looking for her, which she has told me what to look for and who they are. I let her know that I do own firearms and that I would be willing to train her and provide them to her for her safety for temporary use, until she was able to get her own.

Under this law, it would be illegal to do so. She would be, and I would be, held responsible for allowing her to protect herself with my firearm.

I've struggled for 12 years dealing with survivor guilt and that I was put in a position where I was defenseless. And so were the people who were around me who were supposed to be there to keep me safe. I never want to be defenseless again, and I never want any of my friends, family, loved ones, or neighbors to be defenseless again.

I have also learned that our police and our emergency personnel are not truly the first responders. The public is actually involved. The people there are the first responders.

Those first actions that they take are what save people's lives. Waiting for a background check to come back would put my fiancee, again, in harm's way, or my roommate in harm's way.
I have taken it upon myself to educate and get educated on firearms, and to take classes on them. Obviously, I've let you know that I've become a firearms owner, and I believe deeply in the Constitution.

This bill that's before you, once again, would not have stopped Columbine from happening. It would not have stopped Sandy Hook from happening.

Unfortunately, I am using -- I am seeing people use emotions to put law in a legislation forward instead of using facts and sound judgment on what the root cause of the situation is.

The root cause is not the guns or the lack of the background check. The root cause is a failure of responsibility as a society to teach what human life is all about. I'm sorry.

SENATOR CROWDER: That's all right, buddy.

MR. THOMPSON: Unfortunately, you can't legislate responsibility upon the people. The people have to take responsibility themselves and learn. Our parents, our teachers need to start teaching again what it is to be a responsible citizen, how to respect life instead of just looking at it as something that comes and goes.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. THOMPSON: That's okay.
Well, thank you very much.

I'm getting a little flustered here, so I apologize.

THE CHAIRWOMAN: No, you're doing just fine.

MR. THOMPSON: I'll go ahead and close this.

Basically, all this legislation, to me, is, if it gets passed, is to ask me to be a potential victim once again. It asks my roommate to be a potential victim. It asks my fiancee to be a potential victim again, by not allowing them to take up arms that are available to them at the time, if there was someone who came in.

I'm against this bill, as well as all other pieces of legislation today that are limiting my right to self-defense, my neighbor's right to self-defense, and my roommate's and my fiancee's right to self-defense, as well as the people that I'm representing here today that have written testimony that I've handed to you. Please read that and learn from what they have written to say.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. THOMPSON: Yes, I gave one to them, and I'll give you one as well.
So please don't ask me or any other survivor to be a potential victim again.

Thank you for allowing me to be heard.

THE CHAIRWOMAN: Adam, thank you so much for being here and sharing your story and bringing a story of others.

Is there any question from the committee?

I see none. Thank you.

Mr. Dudley Brown.

Welcome, Mr. Brown. Go ahead and introduce yourself and who you represent today.

MR. BROWN: Thank you, Madam Chairman and members of the committee. My name is Dudley Brown.

I think for most of you who know me -- Senator Harvey and I went to college together. And I've actually been skiing with Senator Jones. So, yes -- and that's a funny connection, isn't it?

(Laughter.)

MR. BROWN: Yes. I know, it's all done, Senator.

I represent Rocky Mountain Gun Owners. We're the largest gun (inaudible) group based here in Colorado. And we are the (inaudible) gun owners here in this state. This is my 21st year being -- representing gun owners at the state capitol here. And prior to
that, I actually worked for many legislators here.

I want to address 1229. I heard Mr. Kopel's and some of the other good testimony about the very specifics, but I do want to challenge the members of this committee -- I know this is impolitic to suggest this -- but to read our state constitution. Read Article II, Section 13, and tell me if you think that that prohibition in there, if we required these members of the press to file and ask government permission prior to airing their stories tonight, every time they aired a story, would you call that a violation of their First Amendment rights?

I think you would. I think I would. I know they would, and they file against that all the time. Yet, our state constitution is even more stringent. So the right of no person to keep and bear arms, defense of home, person and property shall be called in question.

But what do you call checking someone's background prior to actually letting them practice what is a constitutional right? It's a clear violation of Article II, Section 13. And we believe, for that reason alone, that this bill does not stand.

There are obviously many implementation problems with the bill. And we could go into details,
but I think much of that testimony has already been
covered, and there will certainly be more.

But I've got to tell you that years ago
when I was single, I used to go to a lot of gunshows.
And I remember watching legislators, not just
Republicans, but Democrats, come into the gunshows,
prior to the 2000 ballot initiative, to purchase
firearms there, privately. Lobbyists from this
building, not necessarily of the conservative bent. And
I was friends with them; I'd known them for many years.
And I always chuckled with them and said: Why are you
here? And they said, Oh, because I want to buy a gun.
I just don't want government to know I have it.

So that kind of fear of government knowing
that you have a firearm is ingrained in many people, not
just of the right or the left. I think that many people
are concerned about government knowing that you have a
firearm. And the only way you know is through this
system that Brady has implemented.

Now, if you look at the Brady campaign's
actual grades by state and say, What are their violence
rates in those states and what's their rating? -- this
is a correlation of that data. It shows on one axis the
violent crime rates in each state and on the other axis
how they give them a grade. There's no correlation.
There's absolutely no testimony here to any correlation that the more stringent their gun laws or the more stringent their Brady checks are, the less likely they'll have violence in their state. In fact, if anything, you might be able to come up with a negative correlation.

So for that reason alone, I don't believe that we can expand this, essentially stopping private sales in Colorado. If this bill passes, that is what it will do, is stop private sales.

Our organization sponsors a website only in response to the 2000 ballot initiative. And when the newspaper stopped taking private sale ads and we -- it's a marketplace for people to meet, and there are literally hundreds of transactions a week going on there. And to our knowledge, there's never been a crime committed by any of -- by anyone involved in those transactions. And we're careful to police it to make sure that those sales are legal inasmuch as we can.

It's a meeting place, but we don't believe actually that government has the right to stop us. Otherwise, we might as well just call it a privilege. I don't think anybody of any bent in this room probably, not many, anyway, would call it -- would call it a privilege. It's a right.
And that's why you hear horns honking and people upset, because they really think it's tearing a right that they have right now.

With that, I'm happy to take any questions.

THE CHAIRWOMAN: Thank you, Mr. Brown.

Is there any questions from the committee? I think Senator Harvey has a question.

SENATOR HARVEY: Thank you, Madam Chair.

MR. BROWN: Uh-oh.

SENATOR HARVEY: Mr. Brown, there was a previous Columbine student, survivor, who is now a teacher who testified in favor of this bill who said that you could buy online. Could you clarify what your site does?

And, also, there was another person who said that you generate revenue personally from that, and that's why you are against these bills, specifically because you generate revenue from your gun site. Can you explain exactly what your gun site does?

THE CHAIRWOMAN: Mr. Brown.

MR. BROWN: Madam Chairman.

Well, I was downstairs most of that time, so I didn't hear most of that testimony.

Colorado Gun Market is owned by Rocky
Mountain Gun Owners, and it's a nonprofit. It's a service given to members. So if you're a member of our organization, (inaudible), but people who buy there are not necessarily members. It's basically like a meeting place.

So, no, I don't generate any personal revenue from it. Happy to have that debate with some people.

But, nevertheless, the question about transferring firearms online -- and I know there's a lot -- been a lot of discussion in the media about this; I've tried to clarify it in the interviews I've given, but let me make this clear: The 1968 gun control act absolutely stopped mail sales. In America, it was very common to sell via a catalog. In fact, J.C. Penney's and many of what we would normally call the original retailers in our country sold firearms, and in fact machine guns prior to 1934, via mail. And that stopped in 1968, when it was made illegal to transfer a firearm.

So, therefore, if today I wanted to sell a firearm to someone in the state of Colorado, and the person, the buyer of that firearm -- let's say we met up via a newspaper ad in, let's say, Thrifty Nickel -- that's still legal -- or someplace like that, or the website Colorado Gun Market, or even Armslist is
nationwide, but if we went and agreed to buy at a
certain price, and we e-mail back and forth, we could
meet privately somewhere, but we couldn't exchange or
transfer that firearm via mail. We can't mail the
firearm via -- and transfer the firearm. You can mail a
firearm to yourself. Let's say you moved and you didn't
want it in your car when you moved, but you cannot
transfer.

So -- in fact, it's even difficult
sometimes to mail firearm. Many places don't actually
do that. FedEx does on a limited fashion. But it's a
federal offense to transfer a firearm via mail. And it
is a federal offense to transfer a firearm to someone
from another state privately. You cannot do that.
You've got to go through a dealer.

So if it's a private sale, and you want to
sell to your cousin in Nebraska, technically that's
illegal. And there are some -- there are some questions
there about family heirlooms and transferring from your
grandpa to your son across state lines, too.

That fully answers the question, Senator.

THE CHAIRWOMAN: Is there any other
questions of Mr. Brown?

I see none. Thank you so much for being
here.
The next person I have signed up is Daniel Carey.

Thank you, Mr. Carey. Go ahead and introduce yourself and who you represent, and then proceed with your testimony.

MR. CAREY: Madam Chairman, thank you very much.

My name is Daniel Carey. I'm a registered lobbyist here from the National Rifle Association. I'm here in opposition of House Bill 1229.

A lot of the stuff that I wanted to talk about has been touched upon, especially by Mr. Kopel's testimony. I think he did an excellent job of explaining the transfer aspect of it.

I think what I wanted to touch upon and what I handed out to you, one of the two handouts, was the letter he mentioned, the Department of Justice -- and I gave that to you as well -- is what I want to reference here as it relates to California. I know Mr. Kopel mentioned that the legislation we're discussing here today was done on a federal level, or at least introduced on a federal level.

I think that we took, in comparison, what has been done on a state level, which is California and Rhode Island, two of the only states that have initiated
a statewide so-called universal background check, and we took the criminal records as far as violent crime related to murder and death and firearms from 1960 to 2011, and compared those from California to Colorado, and then to the national average.

And if you look at the handout that I gave to you there, it shows the state of California without any real positive impact as it relates to having universal background checks. Did nothing. There's no attributable benefit to having this in California.

When you look at a comparison of California, Colorado, and the national average as it relates to the crime and murder rates from 1960 to 2011, it shows that we did continue to decline in these murder rates, but nothing was attributable to these universal background checks as they've been instituted.

We also have to take into consideration, if you look at these numbers, that at the same time while Colorado was declining in its violent crime rates and while the nation was declining in its violent crime rates, these so-called universal background checks didn't exist. So what can we attribute that to? It's not this type of legislation that we have here.

The other thing that I wanted to touch upon is the process by which -- that these background
checks are going to have to go through. And that's through the Colorado Bureau of Investigation InstaCheck program. As has been seen in the papers, and as we've discussed in other testimony here, it's been highly problematic. I mean, folks have had to wait upwards of 10 days to exercise their Second Amendment rights, when, on a federal level, they're only asked to wait three days.

So would you say that their rights have been violated? I would say yes.

So now we're going to take a group of individuals who are not in this transfer process in through the CBI InstaCheck, and now throw them into a system that can't currently keep up with the amount of background checks that we're doing to date.

So how is this going to make the system any better? How are we benefiting law-abiding citizens in exercising their Second Amendment rights? By throwing them into the system, I feel it's only going to be more burdensome.

I think the thing I touched upon in my previous testimony when this bill was up before the House that again I'd like to touch upon today, because I think it is so pertinent, is that when you place an unjust burden on a law-abiding citizen to exercise their
right, a constitutional right, whether it be the First Amendment or the Second Amendment, the Third or the Fourth, if you place that undue burden on them in exercising that right, it then becomes unconstitutional.

And I truly feel, and we truly feel as an organization, that this type of legislation is unconstitutional due to that and is not going to be a benefit to anyone other than the criminals because criminals are not, by their nature, going to go through the law-abiding steps to get a background check. They're criminals by nature.

So with that I would like to stand for any questions the committee may have.

THE CHAIRWOMAN: Thank you so much. Are there any questions for our witness? I see none. You got off easy.

MR. CAREY: That was easy. Thank you very much. I appreciate it.

THE CHAIRWOMAN: Thanks so much.

Terry Maketa. Welcome, Mr. Maketa. Go ahead and introduce yourself, who you represent, and then proceed with your testimony.

MR. MAKETA: Thank you, Madam Chair. I'm Terry Maketa, sheriff of El Paso County. And I am here speaking on behalf of all of
Colorado's law-abiding citizens as well as a member of law enforcement, a member of the sheriffs of Colorado. And I also bring a unique perspective that I am the only law enforcement official, local law enforcement official, that serves on the FBI CJIS working board. Not only that, I have been elected and serving on the director of the FBI's advisory policy board. So I bring a little bit different perspective than maybe what you heard from Director Sloan and others who have provided testimony.

The first thing that I would like to say is when this bill, I think, was first conceptualized, and maybe not even introduced, but proposed, I started getting citizens calling, asking what my stance was. And my initial response was: We already have a background. I haven't seen the bill, but if it's a background check system that targets criminals and prohibits their access or interferes, I don't have a problem with it.

Now I made that statement publicly several times, both radio, TV, in print, and that was under the assumption that what we had in place, it could not be much more dramatic than that.

To be honest, I was quite surprised when I did finally get a copy of the bill and read the bill and...
saw some of the provisions and expectations that I think creates a false belief in those people that are supporting this. And I think we've heard great testimony on both sides of this issue this morning, but the one or two elements that I see that run throughout, those that are in support of it, is a misunderstanding of what this does. And I think any law that creates the potential for law-abiding citizens intending to follow the law creates -- or criminalizes them is the biggest tragedy of all of this.

And when we start talking about my father holding on to firearms to pass on to his grandchildren, that potentially being a crime if he doesn't conduct a background check, number one, because he wouldn't be familiar with the laws in Colorado -- he's an Alaska resident, with property in Colorado -- number two, my 21-year-old son not knowing every aspect other than he believes, in order to buy a firearm, you have to conduct -- or have a background check done. But the passing from one family member to the other, or the scenario where my father, who owns a house in my neighborhood, spends half his time in Colorado, half in Alaska, leaves a firearm in his house, but while he's gone, says, "Terry, will you keep my firearm in your safe? I don't want to leave it in the house." And now
he may be subjected to criminal activity.

Then my son comes to me and says, "Dad,
I'm going to the range. Can I fire Grandpop's handgun?"

"Sure, go ahead and take that." Now he is
facing potential criminal charges.

The intent of laws shouldn't be to
criminalize law-abiding citizens. It should be to
protect citizens and hold those who willfully violate
our laws accountable for their actions.

Some of the provisions that cause me the
greatest concern was the expectation or the claim that
there will be audits to ensure information is going from
our various judicial districts into the Colorado
InstaCheck, as well as the national InstaCheck, system.
The fact is the information that is supplied now is not
reliable and it's not valid.

The insinuation in this bill that dictates
what the NICS system -- NICS being the National
InstaCheck System -- will accept and not accept or how
it will deal with appeals is really invalid. We all
know state government cannot mandate federal government
to anything.

I sit on, as I mentioned, and am the past
vice chairman of the western working group for the FBI
Criminal Justice Information System. Essentially what
that means is that I am the local law enforcement rep of all of the western United States for policies and proposals that are made with regard to all Criminal Justice Information Systems at the FBI level.

From that board, we're actually elected to serve on the directors' advisory policy process board. I have served on that board for approximately four years, on the working group for approximately seven years.

There is a process by which changes are made to all the FBI information -- Criminal Justice Information Systems. A state merely saying, "You're going to accept this information, you're going to handle this this way," doesn't work. The system is designed to fit the needs of all 50 states and U.S. territories, not because one state decides that they want this done this way.

Now, in the past couple years, it's actually been proposed that the Colorado InstaCheck system be taken off-line because it's a duplication of effort and we should simply rely -- and I know there has been proposed legislation, especially during difficult budget years.

The testimony to keep the Colorado InstaCheck system in place is because we can't rely on
the NICS system because it does not have timely
information as it pertains to restraining orders,
whether they be permanent or temporary, or the status of
mentally ill. And I can tell you in the last four or
five years, the CJIS group at the Federal Bureau of
Investigations has struggled with what information to
accept and what not to accept because it can't be vetted
and validated, especially when you're talking about
mentally ill. There's a very high reluctance on that,
as well as there's a reluctance and an extreme caution
used when deciding what information that can even be
validated or vetted through a process and be relied on.

It's something that we constantly struggle
with, so that an innocent citizen doesn't get mislabeled
and prevented from exercising the purchase of property
in a lawful fashion, or a misidentification, especially
in a time where identity theft is common. And the
Internet has made that very simple.

I think we all agree we want to do what we
can to save lives. We all agree we want to keep
firearms out of the hands of those that intend to cause
harm to others. And I think we all agree that we should
not criminalize law-abiding citizens that do not realize
they may be in violation of the law by passing family
heirlooms or gifts from one family member to the next,
or asking one family member to hold something because they're out of town, or another family member to borrow a firearm so they can maybe go out and target shoot and then determine if it's a firearm they want to own.

Our Colorado InstaCheck system has already shown evidence of it being overloaded. We haven't even begun including private sales in there, and already, just up to two and a half weeks ago, the Colorado InstaCheck system was backlogged 18 days. I looked on a computer at the CBI website and saw it for myself. Backlogged 18 days with just the parameters that it's currently searching.

The concealed handgun background checks exceeded 90 days for 101 of my residents in El Paso County just on Friday.

What makes us think that CBI -- and I have tremendous confidence -- I consider them my friends, both Director Sloan and his staff -- but what makes us think they can handle this increased volume with the accuracy that's going to make a difference in saving lives? The fact is, the data tells us it won't make a difference.

1.4 million firearms were stolen from citizens between 2005 and 2010. That's an average of 240,000 firearms a year. If we carry that through from
2011, '12, and on into '13, we're looking at 2 million firearms illegally circulating in this country.

This background check makes people believe, or this bill makes people or leads them to believe that they will be safer and these firearms will be stopped and bad guys won't get them anymore. It gives the false perception of safety. And the fact is it will not. There will still be 2 million firearms circulating in this country illegally. And those individuals that are operating outside the rules set by society, they won't be inconvenienced by this because they will just buy it underground. I think the worst thing we can do as elected officials, as leaders in our community, is pass laws that give a false sense of safety.

I think that in and of itself is a tragedy. I think that's why we have so many sheriffs standing here today feeling so passionate about this. If we knew that the data supported that this bill would make our community safer, would prevent a Columbine, would prevent an Aurora theater shooting, we would be onboard. But the fact is, we, like you, answer to our constituents. And there's not one of us who can look us in the eye and say, "This bill will make you safer."

It will create an inconvenience. And I
feel -- I fear most that innocent people are going to be labeled criminals because they're inadvertently going to transfer a weapon, with good intent, to family members and friends, and they're going to have to learn what our legal system is all about.

I think if we want to do something right, if we do share a passion to protect our citizens -- Sheriff Justin Smith from up in Larimer County had a great idea: Why don't we quit talking about running people through systems to see if they match up to a criminal record. Why don't we in Colorado take a leadership role in this country and create a database that lists the people we know should not have firearms. Let's put that out to the public. Let's get public (inaudible) and its community policing and partnering with the public, that the crime that we've seen in the last 15 years is partnering with them. Let's create a database at CBI that we load in the people we know cannot have one. It would be very timely.

The search on that database would be much quicker and less cumbersome than a search searching all of the criminal databases and the other civil databases maintained by Colorado and the national -- and the FBI Criminal Justice Information System.

Citizens could access it via the Internet
and check and see: Can that neighbor have a firearm? Can my brother have a firearm? Can this guy who called me and heard I had one and that I want to sell, let's see if he's on that list.

That would not impede on the rights of individuals to purchase firearms, especially those law-abiding citizens. It would target the criminals who seem to protect and keep them in darkness. I mean, it's not open to the public who cannot have a weapon. It's only open to the criminal justice entities in the state or by a specific request.

I would ask this committee and this legislature to join those in law enforcement that truly want to make our community safer and let's come up with legislation that targets those people that are most probable to commit this crime, and not criminalize those that never have an intent to commit a crime, and let's do something that is measurable and will have evidence -- base data to show that it has made a difference.

Thank you and I'll entertain any questions with your permission.

THE CHAIRWOMAN: Thank you. We do have some time for questions, but I want to let the committee members know the 90 minutes has expired for those in
opposition, but we have time for questions.

Senator Crowder.

SENATOR CROWDER: Thank you for coming here, Sheriff. I have just a quick question.

As a law enforcement official, were you or any of your associates consulted on this particular bill, by any chance, prior to the writing of it?

MR. MAKETA: I --

THE CHAIRWOMAN: Sheriff Maketa.

MR. MAKETA: I'm sorry.

THE CHAIRWOMAN: That's okay.

MR. MAKETA: To answer the question, I was not consulted in any way. I'd have to ask my fellow sheriffs. I don't believe they were. And I feel that, if we were, the version that is being heard today would not be in existence.

SENATOR CROWDER: Thank you.

THE CHAIRWOMAN: Is there any other questions?

Seeing none, thanks.

MR. MAKETA: Madam Chair, I do have one comment. This question was asked much earlier by Senator Crowder, and I have the answer to it, if I may. The question is surrounding how many prosecutions occurred from those denials of purchases
with your first speaker, which I believe was Director Sloan. Out of the couple hundred thousand that has been turned down by the NICS, the National InstaCheck System, they vetted through and selected 76,000 that were forwarded to the Bureau of Alcohol, Tobacco and Firearms. Out of that 76,000, 13 cases received a plea of guilty or a verdict of guilty.

I hope that answered your question.

SENATOR CROWDER: Madam Chair.

THE CHAIRWOMAN: Senator Crowder.

SENATOR CROWDER: It does. You know, the individual that answered it, there was just denials. But the thing about it, if you have a law, there should be criminal intent, there should be a fine, and there should be a conviction. That's why I asked the question. Thank you very much for your information.

THE CHAIRWOMAN: Thank you.

The time is up, and I just want to thank again all the sheriffs and my own sheriff there for being here, and thanks for your service, but no clapping. That doesn't mean we didn't think it deserved applause. We're just trying to run our meeting.

Senator Harvey has something to say before everyone takes off.

SENATOR HARVEY: I just wanted to ask a
quick question. Does that mean that all of the other
ones were negatives, or these were just the ones that
were positive that we know about?

MR. MAKETA: I'm sorry, I'm not sure I
understood the question.

THE CHAIRWOMAN: Senator Harvey.

SENATOR HARVEY: You said there were only
13 convictions of those that were drawn. Does that mean
couldn't be prosecuted, or these were just the ones that
we did prosecute?

THE CHAIRWOMAN: Sheriff Maketa.

MR. MAKETA: I'm not sure how many they
prosecuted. I pulled this data off the Federal -- the
Bureau of Justice statistics, with regard to the success
of the NICS system. And the cases that the FBI comes
across, they don't take those. They refer them over to
the Bureau of Alcohol, Tobacco and Firearms. Out of the
76,000, it only resulted in 13 cases. They didn't
provide any additional information. But I'm actually
leaving today at 7:30 from DIA to fly to my next
meeting, and I will see if I can't get you that answer
because I'll be meeting with those folks then.

THE CHAIRWOMAN: Thanks so much. Thanks
again, everybody.
(Inaudible discussion.)

THE CHAIRWOMAN: What I think might be a great idea, because I'm sure that there are people who have traveled here that didn't get to testify either in opposition or support, but since those, I think, are in the room -- because we're on those in opposing -- if you -- I guess I'm offering a little piece, that if you'd like to stand in opposition to Senate Bill 1229, that you didn't get to testify, you're welcome to do that. So go ahead. It gives us a sense, an idea.

Thank you so much. Thanks for being here.

I went with my colleagues, and they gave me the list and they used the time in that way. Our sponsor used the time to actually bring it down to three minutes. So I apologize, that's what was given to me by those who are in opposition.

(Inaudible discussion.)

THE CHAIRWOMAN: Yes, we'll go ahead and do that, and Julia will take that.

Thank you so much and thank you for all your patience and your understanding of our process here.

So I am going to go ahead and close public testimony and turn it over to our --

(Inaudible discussion.)
THE CHAIRWOMAN: Sir, I'm sorry -- that's not what we do here. I don't know if there's a -- we don't do (inaudible) from the audience there. I'm sorry.

(Inaudible discussion.)

THE CHAIRWOMAN: You sure can. Again, I know this is a new process to so many people, and we're glad to have people from all over the state come up here and testify, but there is a process and an order to make sure that we actually can get business and procedures done here. So thank you, and again I apologize. That was the way that I think those who were in opposition wanted to utilize their time. So that was a choice there.

So as I did, I went ahead and closed public testimony. I will go ahead and turn it back over to our sponsor. I don't know if you have any amendments.

SENATOR CARROLL: Thank you, Madam Chair and the committee.

I do have some amendments. I don't know if you want to do those prior to wrap-up. I do think some of the amendments are going to be responsive to some of the points that have been raised up here today. So your choice as to whether you want to do wrap-up or
amendments first.

THE CHAIRWOMAN: I think we'll go ahead and do amendments, but I may want to wait -- I might take a senatorial five until we have Senator Harvey come back.

SENATOR CARROLL: And then we'll need --

THE CHAIRWOMAN: Yeah, and then we're going to need Senator Hudak to be able to begin here to vote, too. So why don't we do that. Senatorial five.

(A recess was taken.)

THE CHAIRWOMAN: I'm going to go ahead and call us back to order. And I just wanted to make a quick announcement.

As you might have noticed, in the testimony that we had previously, people did talk in general, and I allowed, I think through my authority, for people to speak to maybe some other bills that were before the Senate. And so if you were -- if you're signed up to testify on another bill and you want to talk about 1229, feel free to do that.

We really do apologize. I think all of us up here want to hear as much as we can from especially those who drove from a distance to be here. So we're trying to make those accommodations.

And then I think I also might announce now
Senator Heath, who is carrying the next two bills that we will be hearing. There is a lot of testimony on the bill that we were scheduled to hear third. So I'm going to look at those numbers. I'm not very good with numbers.

(Inaudible discussion.)

THE CHAIRWOMAN: So we'll probably hear 1226 first, thinking that they'll have more people for that testimony -- no, we have an objection to that.

UNIDENTIFIED SPEAKER: I have people coming back at 6:30 or so on a request I asked --

THE CHAIRWOMAN: Right. We were just thinking of the storm, and maybe that changed. Okay. I did, I think I was the one who said that to you. So we will -- we won't make adjustments for the weather.

So, again, to remind you, if you didn't get an opportunity to testify on 1229, you will have an opportunity in the other two bills, if you would like to take that opportunity. So I'm going to turn it back over to Senator Carroll, but you may be wanting me to do my deal.

SENATOR CARROLL: Thank you, Madam Chair.

Now we're moving into the amendment phase, and I think starting with the amendment that you're offering, if you wouldn't mind, maybe we begin there, if
you would go ahead and move it and explain that one.

THE CHAIRWOMAN: Great. Thank you. So I do move L.028. And it has been distributed. And I guess I want to say -- everybody has a copy; is that right? L.028.

I keep hearing something.

I first want to thank Senator Carroll for, one, for carrying this bill; and then, two, prepared to listen to some concerns that I had in talking to my constituents, and certainly listening to the testimony here today. And I really believe that some of the issues that were talked about were issues that I brought as I came today. And I can believe this is a friendly amendment. Senator Carroll can say that later. But I'm going to go ahead and explain the amendment to the committee.

So on the first part of the amendment, on page 4, line 2, after "transferor," I've inserted -- had "transferee" inserted. And this requires that the federally licensed firearm dealer, or the FFL, upon completion of the background check, to give a copy of the results both to the party of the transaction and not just to the transferor or the seller. So that's that first part.

And then the second part, on page 5, line
3 through 6, we have talked a lot, I think, today about being able to transfer that to family members. And so there's a piece in here where, based on the constituents that I've talked to, that we wanted to expand that. So the language that I'm having inserted is that the transfer -- that it's a bona fide gift, that they really are giving that gift between immediate family members. I'm just expanding the family members not only to include spouses, parents, children, siblings, grandparents, and grandchildren, but also recommending that we include nieces, nephews, first cousins, aunts, and Uncles.

And then there's a technical piece. On page 6, line 7, we're striking "or." It's just a technical.

And then No. 4 is really what we have -- or the fourth part of my amendment is what we've had numerous conversations here today. And so it's talking about -- and on the bill, it's page 6, line 11 -- we're striking line 11 and substituting. We're talking about temporary transfers here. So this piece expands that type of temporary transfer that can be conducted without a background check. So the first part of the amendment, you can always -- and I went, myself, went to a shooting range with some constituents upon that invitation, and
they allowed me to -- because I didn't have my own
weapon, so they allowed me to use theirs. And this
would allow that there. The owner of the gun, they're
in my presence, that I'd be able to use that without
violating any laws.

The second part of that is that the
amendment would allow for a 72-hour transfer period. So
that's a temporary transfer of 72 hours. And so some of
the situations that have come up, things Senator Harvey
talked about, but I'll use my own example. I'm the
firearm owner. I wanted to lend it to my husband so he
could feel protected, and didn't have a firearm himself,
I could leave him that, be gone for the weekend, and he
would feel confident to be able to protect himself; and
that would be a transfer that would be acceptable under
this bill, if this amendment is adopted.

So that is, I think, the substantive part
of my amendment.

And Senator Harvey is looking at me funny.
Would you like to address the amendment, Senator Harvey?

SENATOR HARVEY: Well, thank you, Madam
Chair.

I'm not looking at you funny. I'm looking
at the amendment funny. I find the amendment silly. If
I'm out of town for a week, my wife only has the
temporary transfer for 72 hours. What is the magic
number of 72 hours? If she's my wife, she's my wife.
That kind of goes to the silliness of the entire bill,
in my opinion. You can't enforce it. You can't say
we're going to allow law-abiding citizens to have a gun
for 24 hours or 72 hours and put -- and government say
what is an appropriate time limit for you to be able to
defend yourself.

So we're going to say you can defend
yourself for 72 hours, but, Senator Giron, if you leave
town for more than 72 hours, your husband doesn't have
the constitutional right to defend himself.

THE CHAIRWOMAN: Thank you, Senator
Harvey.

I guess I didn't really think there was a
magic number, but, actually, upon testimony, and I think
more than one witness said, is that then an individual
would have that time to be able to go themselves and get
a firearm to protect themselves. So that's where the 72
hours is that magic number that you were looking for.

Senator Harvey.

SENATOR HARVEY: Well, I don't know about
your household, Senator Giron, but in my household, I
don't have enough money for my wife to go buy a $500 gun
to defend herself and exercise her Second Amendment
rights.

I have a gun, the family has, that's in my name. I purchased it. But in your amendment, because I'm poor, my wife has to be defenseless after 72 hours; but if I were in your household that's not poor, then you could defend yourself more than 72 hours because you have the wherewithal to buy a second gun. That doesn't sound very equitable to me.

But you're telling me that my wife has to be unarmed after 72 hours, if I'm gone for more than 72 hours, because the government, in its ultimate wisdom, has chosen to say 72 hours is the limit that law-abiding citizens can defend themselves. I think that's inappropriate for the government to say, especially in light of the Constitution that we've all taken a pledge to uphold.

THE CHAIRWOMAN: I very appreciate your thoughts on that matter. I guess I -- I had a thought, and I just lost it, so let me think about that. Let me see if there are any other comments on the amendment.

And Senator Carroll.

SENATOR CARROLL: Thank you, Madam Chair. And I'm not sure we actually moved it yet.

THE CHAIRWOMAN: I did move it.

SENATOR CARROLL: I didn't quite hear
that.

So this may not do everything that you're wanting, but if you're wanting fewer situations, here's the thing: For anyone who's having some concerns with the bill as drafted because of the possession issues, this actually moves closer towards a direction of removing more of those potential situations. So I wouldn't necessarily contemplate that it necessarily addresses them, but if anyone has concerns with the bill because -- first of all, as a sponsor, I'll tell you the pieces of this that I think are good and why I would actually consider this a friendly amendment.

As a logistical matter and the bill was introduced on the first part -- we need to make sure both the buyer and seller get a copy of their paperwork. I mean, that's just a logistical issue.

The request to have an expanded definition of family is one that does come based on testimony. So, again, by expanding the definition of family, you're extending, under subsection B on 5, those could be included in a bona fide gift.

I guess part of the issue that was coming up in how it's written is folks will see a whole series of exceptions, you know, that start on page 4, which is exempting certain antiques, going through an exemption
for immediate family, gifts, the wills and inheritance situation.

The other thing that I thought was relevant to what had come up before that I think also applies to the spouse situation is a transfer that's temporary under subsection D and occurs while in the home, as long as you're not basically doing it -- like if your wife is not a convicted felon. So that's in addition to subsection B, is also subsection D, which is other folks that might be in the home.

The issue that we've come into, as you can imagine -- I mean, the exceptions go on to say, you know, for temporary use with shooting ranges and kind of contemplating some of those appropriate gun safety classes or target shooting, competitions, hunting, fishing, you know, for firearms repairs.

The problem with not adopting this amendment is that there's the potential for all kinds of totally appropriate, lawful activity that could be happening within a temporary period of time. And without putting in a catchall exception of lawful activity on the transfer here, you're leaving it to sort of one hypothetical at a time.

And I may not change your mind on the amendment, but the amendment does move closer, instead
of trying to necessarily list every single thing that
can be used, because there may be others that we haven't
contemplated yet, that this is basically then for any
lawful purpose on a loan. It contemplates a loan for
any lawful purpose to someone who is not criminally
ineligible.

THE CHAIRWOMAN: Thank you, Senator
Carroll.

And I did remember my thought. Can I show
you my thought?

SENATOR HARVEY: I'm dying to hear it.

THE CHAIRWOMAN: Now that you said that --
I'm trying to think about that 72 hours -- oh, that
there is no perfect time frame. But I think we open it
up so much that we would just be able to let anyone
borrow it. And I think that there has to be a limit.
So I think that really is -- if you don't put any time
on to it, you may not want this amendment or want the
bill for sure, but I do think that that's reasonable, 72
hours, because when I was talking to the constituents in
my district, they were really talking about weekends
where they were hunting and those kinds of sporting
events, or they wanted to go to a shooting range, they
wanted to try out a gun for a short period of time
before they purchased it.
So that was just trying to put my arms around a period of time that seemed to make sense. And maybe there isn't a perfect time.

Senator Harvey.

SENATOR HARVEY: Thank you.

And I appreciate that, but that's what we're getting to here, is when government tries to set up exceptions to the laws that they already -- that they are putting in place, to deny law-abiding citizens the right to self-protection in this case.

We are saying we're going to deny the right to legal, lawful citizens the right to defend themselves with this bill, but we're going to make these exceptions, because this bill isn't denying -- this bill won't stop bad people from getting guns. They already do.

Look at Chicago. It's the highest murder rate in the world, and they already have so many restrictions on guns that nobody should have guns there. But they do. And more people have died in Chicago in the last 10 years than Americans have in Afghanistan. That doesn't mean that it's going to stop illegals -- or criminals from getting illegal guns.

But you are -- we already have on the books that it is illegal to give a gun to somebody you
know or should have known shouldn't have a gun. That law is already on the books. So what we're saying is, to Senator Carroll's comments about this amendment, if we follow paragraph B and say a transfer that is a bona fide gift between immediate family members, that that deals with the wife being, or the husband being, left at home for more than 72 hours. I can gift my wife, you can gift your husband your gun while you're gone. And then he can gift it back to you and he won't have to abide by the rules of this bill.

That's the protection, is if you gift it to them. So are we going to write down a contract that says we gifted it to them? Because if we don't write that contract down and we just, under paragraph H, line 13, then we are violating the 72-hour rule. And if something bad happens -- where who knows what might happen -- and we don't have that contract to say that I gifted it to them, then we're both in violation of this statute.

We are tying ourselves in knots to try to get out of the unintended consequences of a bill that all of the sheriffs in the state of Colorado stood up here and said they can't enforce in the first place. It is the unintended consequence of all of these amendments and all of these -- and this bill that is so concerning
to most law-abiding people in the state of Colorado.

THE CHAIRWOMAN: And the last thing I would say on this is that, as we had witnesses testify, that -- I heard anywhere between 88 and 92 percent of Coloradans support background checks for everyone. And that can be disputed. But what I heard some people say was that, if they understood that they couldn't give it to their first cousin, then maybe they would have not said they were in support of that.

I do think that with this -- my belief definitely is that universal or background checks for everybody, citizens are in favor of that, and what we're just trying to do is to not to make it burdensome on our law-abiding citizens. And I think that this amendment helps to do that, and I stand by that.

Senator Harvey, our last comment.

SENATOR HARVEY: Every poll that was referenced today talked about the sale, not transfer, the sale. This amendment talks about transfers, about how to limit law-abiding citizens' abilities to transfer firearms amongst family members. That's what this amendment does. I don't think any poll has been taken about, should you be denied the ability to transfer or be restricted in the way you transfer amongst family members or friends, for that matter?
THE CHAIRWOMAN: So I have moved the bill -- or the amendment. And so is there any objections to the amendment?

SENATOR CROWDER: Oh, yeah.

THE CHAIRWOMAN: In that case, we'll go ahead and do a roll call. Thanks, Julia.

JULIA: Senator Crowder.

SENATOR CROWDER: No.

JULIA: Senator Harvey.

SENATOR HARVEY: No.

JULIA: Senator Hudak.

SENATOR HUDAK: Aye.

JULIA: Senator Jones.

SENATOR JONES: Yes.

JULIA: Madam Chair.

THE CHAIRWOMAN: Aye.

JULIA: Three to two.

THE CHAIRWOMAN: That amendment is adopted. And I'll turn it back over to Senator Carroll.

SENATOR CARROLL: Thank you, Madam Chair.

I would ask that someone move Amendment L.023, I believe, and then I can explain it.

THE CHAIRWOMAN: Senator Jones.

SENATOR JONES: Madam Chair, I move Senate -- or Amendment L.023.
THE CHAIRWOMAN: For motions, Senator Carroll, do you want to talk to us about --

SENATOR CARROLL: Thank you.

Members, this is basically a technical amendment from the judicial department that does three things. In the first version of the bill, you'll see referred to as clerks of the district courts. This swaps out the state court administrator in that role, which is how we currently send information to the CBI. So that is making sure that we are referencing the correct -- the state court administrators, what that should be.

Also, we have on this, like at the appellate level, one of the provisions of the bill that we didn't spend as much time talking about is there's a couple of restoration-of-rights provisions in here, both for people who get on the list for court-ordered mental health stuff as well as other things. So the bill adds due process on restoration of rights for how someone can get off the list that is currently on there right now.

In the earlier version of the bill, this is just -- typically, appellate court judges don't take new information. What this does is clean up the language where they can accept it. They don't have to, but it is usually -- they don't do what's called a de
novo review on appeal. They're stuck with a record.
And if a gun owner feels like there's new information
that needs to be presented outside of the original
proceedings, that we're giving the Colorado Court of
Appeals the discretion to be able to do that.

Then the third part of what it does, on a
technical cleanup here, is that it's clarifying we're
sending the new misdemeanor information to CBI rather
than to both CBI and the NIC system, which is the
federal system. And the reason for that is that -- we
don't do that now. The way we do it now is we give it
to CBI, and then NICS gets it from us. So this is
conforming the process of this bill to how we actually
do it in other background check areas. So that's L.023.

SENATOR HARVEY: Madam Chair.

THE CHAIRWOMAN: Senator Harvey.

SENATOR HARVEY: Thank you, Madam Chair.

I would ask that the chair rule this
amendment is out of order. It's a multipage amendment
that wasn't given to us until just now. Under the rules
of this committee, if I understand correctly, we have to
be given a 24-hour rule -- advance on all multipage
amendments.

THE CHAIRWOMAN: And that is a rule -- I
saw this as almost -- it wasn't substantive, but, I
mean, do you see a good amount of substantive nature to
this that isn't something that we could understand in
that period of time?

Senator Harvey.

SENATOR HARVEY: Well, multiple things.

If we are going to be offering amendments to the bill
to, quote, make it better, I think it would be
advantageous to us to be talking to the experts in the
State, David Kopel and other law enforcement people,
about these amendments. David Kopel is probably the
foremost expert in the nation on gun laws, and he's
right here two blocks away from this building. And he
said that he wasn't contacted about the writing of this
bill and offered amendments, to make suggestions to what
he thought would be appropriate ways to deal with the
transfers and the background checks. He was never
asked, and neither were the sheriffs. At least Sheriff
Maketa from Colorado Springs was never asked. And this
is a multipage amendment. And that's going against the
rules of this committee.

And if we're going to be amending the
bill, I think we should be asking those who understand
the law better than we do, what amendments would work
well with Colorado statute. As David Kopel pointed out
appropriately, that many places in this bill talking
about transfers was taken directly from a federal bill written by Michael Bloomberg that did not accurately reflect how it would interact with Colorado statute, since Michael Bloomberg is not from Colorado. He's the mayor of New York City. And if we're going to be amending the bill to make it apply correctly to Colorado statute and not to federal statute, written by a mayor from New York City, perhaps we should talk to the experts who know about it.

THE CHAIRWOMAN: Well, I might object to -- I don't believe it was written by someone from outside the state, mayor or otherwise.

But, Senator Hudak, do you have a question?

SENATOR HUDAK: No comment. It seems to me all this bill does is change --

THE CHAIRWOMAN: This amendment.

SENATOR HUDAK: This amendment. Excuse me. Thank you for clarification. That all Amendment 23 does is change "clerk of the court" to "court administrator" 12 times. I don't think it would take me 24 hours in advance to figure that out. And so I think it is entirely appropriate for us to consider this amendment.

THE CHAIRWOMAN: Senator Crowder.
SENATOR CROWDER: Thank you, Madam Chair.

I beg to differ. This denial in the appeal process, if you are so deemed not capable of -- deemed (inaudible) incompetent, the process there is giving complete jurisdiction to the clerk of the court and the state court administrator.

Just looking at this, I do believe that the appeal process for someone that's deemed incompetent is not in any way in the best interest of the person who is found incompetent. And I've worked a lot with this in some of the VA. But there's medical people involved; there's all kinds of other people involved. But to give that entire discretion to the clerk of the court, I do find to be somewhat troubling, without medical personnel in this.

THE CHAIRWOMAN: Thank you.

If we want to go ahead and take a senatorial five, a little discussion off-line here, I would appreciate that.

(A recess was taken.)

THE CHAIRWOMAN: I'll go ahead -- well, we're already back in order. We just had our senatorial five.

As I looked and continued to have a conversation with Senator Carroll, I think it was the
conversation we were having at the beginning, that as I saw it -- and I just wanted clarification -- that it was a -- it really is a very technical amendment. And when I look at 13-9-129, if anything, that little piece that I think is more substantive, what it's doing is expanding it to be able to send electronically. So I think that this certainly, in what we're trying to do with the bill and that the bill sponsor is trying to be amenable, that this is something that enhances what I think the testimony had to say.

Senator Carroll.

SENATOR CARROLL: Thank you, Madam Chair. I just wanted to add that one of the pieces that's getting cleaned up here is sometimes there are false flags from stale information. And some of the other testimony we heard, as particularly on the mental health orders, that's maybe as much as six months late. So the benefit, in effect, of what's on page 2 of the bill on here is this means a lifetime electronic transfer within 48 hours.

So you may have people who, for example, by way of a deferred judgment, at some point of application, may have been ineligible and they become eligible. So the longer that data takes, the more you actually do have people who are legally eligible to be
purchasing guns, that by way of a stale or outdated database, would be waiting longer.

So with this -- part of what this does is give us lifetime, within 48 hours, update of the data, which I think -- I don't know how many people that affects, but it does affect some people who might have previously been ineligible that could become reeligible to purchase.

THE CHAIRWOMAN: Thank you.

I'm not sure -- do we have any questions from the committee members?

No questions.

I guess I'll go ahead and recognize Senator Marble as a question.

SENATOR MARBLE: Thank you, Madam Chair.

I'm just going back into testimony from the experts, and I'm going to rely a lot on what David Kopel had said regarding this bill. And I have a question. Because he definitely stated this had the Bloomberg effect on this law -- and this law is in New Jersey -- regarding the transfer or holding of firearms by a friend or visitor. And it criminalizes virtually all gun owners in Colorado in that it is not properly drafted.

So what my question would be: How would
these amendments fix that?

THE CHAIRWOMAN: So Senator Carroll.

SENATOR CARROLL: Thank you, Madam Chair.

So this bill has been drafted in this state. This comes from judicial as far as making sure that we're referring to the state court administrators or the clerks.

I mean, this particular amendment is very administerial in nature as far as making it work. It deals with the 48-hour lifetime transfer of data and ensuring that could be done electronically, and it allows the Colorado Court of Appeals to accept additional information.

This is Colorado's system. I don't know what any other state does. But this is a restoration-of-rights process. We're doing and frankly expanding here in Colorado under this bill.

THE CHAIRWOMAN: Thank you, Senator Carroll.

So --

SENATOR MARBLE: One quick question. According to the 62 sheriffs who wrote the statement regarding this law is unenforceable and we will not enforce it, because of its unconstitutional value with our state constitution, how does this then, you know, go
into effect when it's not in line with our state constitution?

THE CHAIRWOMAN: Senator Marble, we are on the amendment. So I'm going to go ahead and --

SENATOR MARBLE: That amendment, how would that amendment make that --

SENATOR HUDAK: (Inaudible) Madam Chair, I just -- I'm questioning why people who are not on this committee are getting to participate in -- they're not substituting for a member. And I'm -- it's not generally done here where additional people, additional legislators, get to also act as a member of the committee.

One of the benefits or privileges of being assigned to the committee is that we get to hold the hearing. And other members serve on other committees, but not ours. And so I would ask for a senatorial five to discuss this.

THE CHAIRWOMAN: I appreciate everything that you had to say, Senator Hudak. I do recognize that it was out of the ordinary to be able to do that, but it is at the chair's discretion. And so I went ahead and allowed Senator Marble to ask a couple of questions.

Senator Harvey.

SENATOR HARVEY: It is not unusual. We've
done it for the 12 years that I've been down here. They
cannot vote. That is the privilege of being on this
committee, is the right to vote. The privilege of being
on this committee is you were elected by 51 --
50 percent plus one vote to be able to sit on this
committee and ask questions during the committee hearing
that you would not otherwise be able to ask questions on
because you aren't sitting on the committee. This is
done on a regular basis. You just are not allowed to
vote.

Just because you have not seen it in the
two years that you have been here --

SENATOR HUDAK: Four.

SENATOR HARVEY: -- does not mean that it
has not happened. But she did sit through the entire
committee.

THE CHAIRWOMAN: Well, thank you, Senator
Harvey. And since I went ahead and allowed that, I
appreciate that feedback.

And so I think that we are on to the
amendment, L.023. I'm believing there are some
objections, so we'll go ahead and take roll.

JULIA: Senator Crowder.

SENATOR CROWDER: No.

JULIA: Senator Harvey.
SENATOR HARVEY: No.

JULIA: Senator Hudak.

SENATOR HUDAK: Aye.

JULIA: Senator Jones.

SENATOR JONES: Yes.

JULIA: Madam Chair.

THE CHAIRWOMAN: Aye.

So L.023 passes.

And is there any other amendments?

Senator Carroll.

SENATOR CARROLL: Thank you, Madam Chair.

The final amendment that I have is L.026.

I'm going to ask somebody to offer that.

One of the potential loopholes that came up, I believe was brought up in Howe's (phonetic) testimony, is that all someone would need to get around the private background check is basically do the check in the name of a trust and effectively doing a pass-through, which would create yet another loophole.

So Amendment 26 tightens the definition of transferee, so you basically can't -- a criminal can't gain the background check by pretending to be a trust and then do firearms trafficking that way.

THE CHAIRWOMAN: Thank you.

Senator Jones.
SENATOR JONES: Thank you, Madam Chair.

I move L.026.

THE CHAIRWOMAN: That's a proper motion.

Is there any objection to L.026?

Seeing none -- oh, yes. So, Julia, will you take a roll call.

JULIA: Senator Crowder.

SENATOR CROWDER: No.

JULIA: Senator Harvey.

SENATOR HARVEY: No.

JULIA: Senator Hudak.

SENATOR HUDAK: Aye.

JULIA: Senator Jones.

SENATOR JONES: Yes.

JULIA: Madam Chair.

THE CHAIRWOMAN: Aye.

JULIA: Is that a four-to-one?

THE CHAIRWOMAN: That's three to two.

That's adopted at a three-to-two vote.

Senator Jones.

SENATOR JONES: Thank you, Madam Chair.

I move House Bill 1229 to the appropriations committee.

THE CHAIRWOMAN: That's an appropriate motion.
SENATOR JONES: Yeah, just to follow up, I'm supporting this bill. I've tried hard to listen to people, and I really, really appreciate people taking the time to talk to me and e-mail me.

Emotions run high on this issue on both sides. I think we saw that today. And a lot of people tried to cut through that and get to the facts. Some people just kept on the emotional thing, and I think you can see how ineffective it can be. And I don't think it helps anybody's cause to go there, quite frankly.

And the other thing is -- a lot of people say this about the Second Amendment, and I respect that -- that it's a constitutional right. We should be very careful about those. At a townhall I had, people said, "Well, you ought to go read the court decisions." I did. I think the Heller decision says for reasonable reasons, you can do gun banishment laws. And we have a lot of examples of that.

And then you get into this data back and forth. Everybody has got this number, that number, this number and that number, and it's hard to sort through. And everybody makes great cases. But, for me, what it comes down to is there's a fundamental number that I keep looking at when I kind of try to sort this out. Of
the 344,000 purchases -- I believe it was last year's
numbers -- 5,000 of those were blocked. And we talked
about how some of them got reinstated. But we should
think about the things that they're blocked for. Here
are just two examples: 420 for restraining orders, 31
for accused or convicted homicides.

So, no, this is not going to solve all our
problems. And this logic that seems to go on that says
criminals will get guns. So we should not keep
criminals from getting guns when we can, doesn't make
much sense to me. Yeah, they're going to get guns. But
we ought to do what we can to stop that from happening.
And that's what motivates me on this.

And, again, I appreciate everybody taking
the time to talk to me. I think people have strong
feelings on both sides of this. But that number, I keep
coming back to that. And, for me, I think, through
time, it's going to save lives. And so everybody talks
about the frequency; it's a real small number. Well,
the severity, the other side of that equation, is
extraordinarily severe. And you heard it today. And so
that's the balancing act, and that's where I come down.

And thanks, everybody, for sitting through
all of this and being part of this. I appreciate your
participation.
THE CHAIRWOMAN: Thank you, Senator Jones.

Is there any other discussion?

Senator Hudak.

SENATOR HUDAK: Thank you, Madam Chair.

I'm sorry I wasn't here for a lot of the testimony. I was in the other committee, presenting a bill, but I have received e-mails and have had e-mail conversations with a number of people, particularly my constituents, whose opinions range the gamut on this issue. And I want to say that in even the legislating -- the magazine that we receive as legislators, there is a lot of very good information about how effective background checks are, and the thousands of people that are screened out who shouldn't have a gun because they get a background check.

And then I also got a packet of letters from fifth graders in my district, Arvada K-8, and many of them said -- they urged me to vote for background checks because it scares them -- my biggest wish is that I want to be safe. And I just want to say that I hope we're smarter than -- as smart as fifth graders.

THE CHAIRWOMAN: So I'm going to go ahead and do one more comment from Senator Crowder, and then I'm going to go to the close for Senator Carroll.

Why don't we go ahead before -- because I
neglected to do -- let Senator Carroll do a wrap-up.

Senator Carroll.

SENATOR CARROLL: Thank you, Madam Chair.

I suspect there will be final comments in closing.

I just wanted to address a couple of things because I was listening and taking notes with everything that was there. First of all, I was impressed with the caliber of testimony on both sides of this issue. This is not a superficial, light issue. I think we heard really good and important feedback.

My wrap-up, I want to hit a few things just because there's some differences -- I think it's important to talk about in a way what the bill doesn't do when we're closing. Even if we pass House Bill 1229, every single law-abiding citizen in Colorado can still own and buy as many guns as they want, and possess. That does not change if we pass House Bill 1229. Nothing about having a background check in advance of a prior sale does anything to change Colorado's law about self-defense.

I, too, share the importance -- I mean, obviously, we would not be interested in doing anything that would weaken the right of self-defense. And so I think some of the testimony was geared towards, you
know, does making someone go through a background check before a private transfer in any way change our rights of self-defense? It doesn't.

I think it's important to note that Colorado's concealed carry laws, which I also support, remain 100 percent in effect. So passage of this bill doesn't change the rights for concealed carry.

On the Second Amendment, both by text and by the Supreme Court, background checks have explicitly been upheld as constitutional with regard to the Second Amendment.

The registration idea came up. And I think David Kopel brought up a good point in what he was talking about, which is it would be easier to enforce a bill like this if we had a registration. I don't support a registration. And that's just where I come down on something like this. This bill isn't registration.

Part of why the record-keepers are the private FFLs is because we don't have a government database. So once someone is run through the system, basically purged on that as well.

Senator Harvey, it was probably you who brought up on the unlicensed -- the use of the word "unlicensed" in here. What that means in Colorado --
what we're referring to as licensed are the FFLs. So we have replaced -- you see the word "unlicensed," it's just clarification that we're not talking -- these provisions don't provide -- they don't really apply to FFLs because those guys are regulated and licensed elsewhere.

I think we did go through and hit some of the exceptions. I think, overall, I just really want to hit on closing that we've been using background checks with success for a long time. It is really that one thin, fine line -- you know that fine line between how do we make sure that we are protecting the rights of law-abiding citizens and how are we keeping guns out of the hands of convicted felons?

If we basically eliminate or fail to make meaningful background checks, then we are really erasing the difference and saying we think convicted felons, as a practical matter, ought to have just as easy access.

I do agree with some of the point that there's no doubt some committed criminals who will try really hard to work their way around this. So like any other law we pass, we are not going to see perfect compliance with it. None of us have ever passed a bill in the history of the legislature with perfect compliance. But I do think that we are plugging into a
system to make sure we at least have the exact same
background checks, the exact same constitutional
background checks that any other lawful purchaser does.

So the people who are disadvantaged by
this bill -- here's who it affects at the end of the
day: If you are a convicted felon, if under current
Colorado law, you're not allowed to buy or possess a
firearm, then your odds are much higher you're going to
be blocked, if this passes. That's who the burden is
on.

Otherwise -- we've had lawful, law-abiding
people making their purchases at FFLs or at gunshows for
a while. And this basically is that fine line between
how we even detect who is or isn't eligible under
current law for doing that.

These amendments, in part, I think, help
expand, you know, some of these scenarios with immediate
family, with the temporary loan kind of situations. And
so they were offered in the spirit of that, in hearing
some of those examples that were brought up.

So I think -- you know, I'm sure there's
more. I guess, Senator Harvey, you also brought up the
online point. And I agree that online sales -- I think
one of the places where you have online facilitation, in
a way, where you're kind of a third-party facilitator
between private transactions -- that right now is not
covered by background checks. And that would be the
distinction in my view, anyway.

I think that's it.

THE CHAIRWOMAN: Thank you, Senator
Carroll.

Senator Harvey has a question.

SENATOR HARVEY: The question -- I didn't
even think about that by reading the bill.

The facilitator in this bill -- Rocky
Mountain Gun Owners has a website that allows two
individuals to meet each other to sell, just like The
Denver Post used to, or the Thrifty Nickel still does,
or things like that, Craig's list. Under this bill, are
they facilitating that mutual meet-up, and are they
liable because of that under this bill?

THE CHAIRWOMAN: Senator Carroll.

SENATOR CARROLL: Thank you, Madam Chair.

So the buyer or seller, whether they're
doing it in person or whether they're using kind of a
third-party facilitator, they are the ones that are
responsible. The third-party facilitator on this bill
is not.

THE CHAIRWOMAN: Any other question -- any
other questions or comments?
Senator Crowder.

SENATOR CROWDER: Thank you. Thank you, Ms. Carroll.

I'm glad that you and I agree on one thing. The registration, you're opposed to registration. And I firmly believe that the only way that this can be enforced would lead to a registration.

I need to oppose this bill due to the fact that southern Colorado, which is my district, from Wolf Creek Pass through Pueblo and all the way to Kansas, would -- they have indicated their opposition to this. So what I have to do is I have to -- I have to not only vote the constitution, I need to vote my district. And they have indicated opposition to this. So -- but nothing personal, mind you, but I would have to go that way.

Thank you.

THE CHAIRWOMAN: Any other comments?

Just a quick comment for me. As I was not very aware of the issues around gun culture in my own upbringing in Pueblo, so I really felt like I put a lot of time and effort trying to get -- to understand a part of a culture that I wasn't aware of, and have learned a lot.

And, you know, even though some of the
e-mails or phone calls that I've gotten that started to help creating some kind of image of gun owners in my mind and stereotypes -- those were being created, but then when I went out and reached out to people who were responsible gun owners and have been contacted by many responsible gun owners, I understood that a person who is an owner of a gun is really no different than me, and they use it for a lot of reasons. And the gun owners that I've talked to, or many of the gun owners that I've talked to, had no problem with this piece of legislation as far as background checks for everyone.

And, certainly, I think as you said, Senator Carroll, we shouldn't let the perfect get in the way of the good. And for me personally, that's an issue for me. A lot of times I always want everything to be perfect, and that's the only way I think it's something good. And in this case, I don't really think that that's appropriate.

And I'll diverge a little bit: We do create laws -- I mean, we can talk about speed limits. And we don't say because nobody follows them -- and I would be the first one who doesn't follow them; I hope there's no state patrol people in here -- that we shouldn't have them. It still puts some constraints, even on a speedy driver like myself.
So I think this is a start. It's not going to solve all of our problems.

And one of the most compelling statistics that I heard today was what happened in Missouri. So, in 2007, when they repealed their requirement for background checks for everybody, that they -- that the crime with regard to guns went up by 30 percent. And I do think that that is -- from the gun owners that I've talked to, I don't think it hurts, and they're willing to do that, anything to be able to reduce some crime. We've got to figure this out, the violence. And it's certainly a comprehensive, big, huge issue. This is a tiny, little piece of it.

So I thank you. And I will be supporting with this amendment. And I appreciate that.

So, Julia, go ahead and take roll call.

JULIA: Senator Crowder.

SENATOR CROWDER: No.

JULIA: Senator Harvey.

SENATOR HARVEY: I'm going to take a minute to explain my vote.

I understand the emotion behind this bill. I understand the emotion behind all of these bills. But the public policy should not be based on emotion. The public policy should be based on logic. What will be
readily able to limit people who want to create evil from accessing weapons of destruction?

Mark Kelly was here, testified in behalf of the bill. Even if this bill was in place in Arizona, it wouldn't have stopped the shooter from getting the gun, and he admitted this. Even if this was in place in Arizona, the shooter that shot at his wife would not have been -- it would not have stopped the person from getting the gun. But it would infringe on other people's ability to protect themselves.

Jane Dougherty, whose sister was killed at Sandy Hook, was here representing her sister who was killed. This bill would not have stopped that shooter from killing all of those innocent people. But they were denied their right to self-protection because of the law that said that school will be a gun-free zone.

Karina, who was at the Aurora shooting, the 16-year-old girl who was in the wheelchair, God bless her. I understand the passion and the emotions. But this bill would have done nothing, nothing, to stop that situation.

Dave (sic) Mauser, I believe those shooters at Aurora -- I mean at Columbine; Katie Kyles (sic), I believe the shooters at Columbine; Dave Moses, I believe the shooters at Columbine would have gotten
those guns regardless of this bill.

So, yes, there is a lot of emotion behind these bills and the desire, honest desire, to help people and to stop these atrocious acts of evil. But in the process, I don't want to do what I believe would happen, because it might leave honest, law-abiding citizens from being able to defend themselves when they need to, despite the 72-hour limit that the sheriff put in there to allow them to have a gun. I believe we are limiting people's abilities to defend themselves, in all good intentions. But those good intentions are going to cause more people to be hurt.

Just like gun-free zones cause more people to be hurt, I believe this bill, as well intentioned as it is, is going to cause more people to be hurt, not less. And so because of that, I will be a no vote.

JULIA: Senator Hudak.

SENATOR HUDAK: Aye.

JULIA: Senator Jones.

SENATOR JONES: Yes.

JULIA: Madam Chair.

THE CHAIRWOMAN: So Senator Harvey just reminded me of something else of why I'm voting yes on this bill. And for those committee members who know me and other people in the Senate, I can have an
overemphasis of empathy. But when I really looked at
this, it really wasn't even -- and I don't know if that
was the impetus of this bill, because of the tragedies
that we had. I think it does bring it to our
consciousness more here in Colorado. But I'm looking at
the gun violence that happens every day. And when we
ignore that, and we just look at the tragedies, yeah,
then we are just being emotional about it.

But, to me, this is about every single day
that gun violence happens. And that's why I'm voting on
this. And it has nothing to do with the emotional
testimony that we had, as hard as it was to hear it.
And even to hear Krista, who braved that and came out
and spoke about that, this law wouldn't affect -- just
as you talked about the people who were proponents of
the bill, this -- her mother could have had a conceal
carry weapon. This would not have affected her mother
from getting that.

So I -- I think it's about the longer and
everyday violence that happens with guns. It's not
about these horrible tragedies that everybody in this
room and everybody in this country is brokenhearted and
crushed about. But it's about every day that we,
because of guns and irresponsible people -- that's why
this bill is really important to me. So I'm an aye
vote.

So I should remember my responsibilities, that passes on a three-to-two. Thank you so much.

UNIDENTIFIED SPEAKER: Thank you. And the motion was to appropriations, right?

THE CHAIRWOMAN: Yes.

UNIDENTIFIED SPEAKER: And thank you, committee, and to all the witnesses.

(WHEREUPON, the audio recording was concluded.)
CERTIFICATE

STATE OF COLORADO          )

)ss.

CITY AND COUNTY OF DENVER   )

I, Jana Mackelprang, Certified Realtime

Reporter, Registered Professional Reporter, and Notary

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