This transcript was taken from an audio recording by Elissa Steen, Registered Professional Reporter and Notary Public.
MR. MAJORS: House Bill 1229 by Representatives Fields and McCann and Senator Carroll, concerning criminal background checks performed pursuant to the transfer of a firearm, and in connection therewith, making an appropriation.

THE PRESIDENT OF THE SENATE: Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you, Mr. Chair.

I move House Bill 1229, the State, Veteran, Military Affairs Committee report, and the Appropriation's Committee report.

THE PRESIDENT OF THE SENATE: To the committee report, Senator --

MAJORITY LEADER CARROLL: Thank you, Mr. Chair.

In the State, Veterans, Military Affairs Committee on this, let me walk through the committee report. A few changes were made there in response to some points that had been raised in testimony and from the public.

The first thing, on page 1 of the committee report, if you look at it, some folks were
concerned about the potential for a new loophole on
getting around it by yet again if a criminal -- some
of the criminal gun traffickers could use a trust to
especially do a purchase, one version of a
strawman, if you will, to get around it. So this is
just tightening that up to make sure that that
loophole would not be in here.

The second thing we do is that when a
member goes on the FFL, we are clarifying that it is
both the buyer and seller who would get a copy of
sort of the receipt of approval or denial for their
records, should they choose to keep it in addition
to the FFL.

The third thing we did is that we expanded
the definition of immediate family. This is in a
provision that is an exception to the bill, if you
will. Anytime anyone is transferring a firearm to a
family member, they obviously don't have to go
through a background check.

And this is expanding the definition of
immediate family beyond the original, which includes
nieces, nephews, aunts, uncles, and first cousins,
that were not in the first draft.

The next and probably the most significant
substantive changes that were made in response to
many examples that had been raised by people, it
adds to catch-all the provisions. And this will
make a little bit more sense when we get into the
content of the bill proper. But much of the prior
discussion and debate and testimony included coming
up with some hypothetical and real examples of where
totally appropriate, legitimate transfers may be
going where a background check does not make sense.

The first of these catch-all exceptions is
that a person who is basically selling or
transferring a firearm can do that to anyone they
want, really, as long as they're -- they remain in
the presence of the firearm. And all of these are
subject -- of course you can't transfer to someone
who's a convicted felon or otherwise prohibited.
But whatever that transfer is, this is one catch-all
scenario where the owner can remain with the gun and
loan it to whoever they want, as long as it's not
illegal.

And the second catch-all transfer really
allows you to loan outside of your presence to
anyone you want for up to 72 hours, as long as,
again, you're not handing it over to someone who is
a convicted criminal.

These are two important catch-all sections
that were offered because there's a variety of legitimate sort of temporary-transfer situations where a background situation would not make sense.

The next thing that we did, these are really in the vein of a technical clean-up with the judicial department. You will notice that it is changing the clerk of the court with the state court administrator because that's how the current background check system works. And in the context of the bill, that is where the data transfer's happening. So that is making sure that we are identifying the correct source of data transfer on that.

The other thing we're doing, one of the improvements that's happening in the bill, some of you may have recognized one of the criticisms to some of the current system can be staleness of data upload and download, which can either lead to a false allowance of somebody who is criminally ineligible to purchase a gun being able to do so, or conversely, someone who has had their rights restored, is no longer prohibited, and basically a false denial on that situation.

So this has a transfer of data within 48 hours of when that happens.
One of the smaller changes of what was happening in the -- to the original section of the bill, you will have noticed that there are two restoration of rights sections that actually add to the current due process for restoration of rights on that. And within that there is a technical amendment that clarifies that the appellate court has discretion to receive additional information, if necessary, for a review.

I do that walk-through because it may impact -- those are substantive policy changes from the original version of the bill. Those were the amendments that we did in the judiciary -- or judiciary committee -- in the State, Veterans, Military Affairs Committee.

And I would ask for an aye vote on the committee report.

THE CHAIRWOMAN: Is there any discussion on the committee report?

Seeing none, the motion before you is to accept the State, Veterans, and Military Affairs Committee report.

All those in favor say aye.

All those opposed, no.

Committee report is adopted.
MAJORITY LEADER CARROLL: Thank you, Madame Chair.

I -- on the Appropriation's Committee report, the appropriation's clause, you will have noticed, was a contingent clause, one cash-funded, one general-funded. The change that was done in appropriations was front load the funding such that the Colorado Bureau of Investigations could be ready to come into compliance in an important way to make sure that we weren't causing any kind of delays with implementation or for people who are seeking a background check for their purchase.

And I would ask for an aye on the Appropriation's Committee report.

THE CHAIRWOMAN: Any discussion on the Appropriation's Committee report?

You've heard the motion. All those in favor say aye -- oh, I'm sorry, Senator Harvey. This is on the appropriations?

SENATOR HARVEY: No.

THE CHAIRWOMAN: Okay. On the Appropriation's Committee report approval?

So all those in favor say aye.

All those in opposed, no.
The committee report is accepted -- is adopted.

To the bill.

MAJORITY LEADER CARROLL: Thank you, Madame Chair.

THE CHAIRWOMAN: No, I'm -- I'm sorry.

Senator Carroll, there is an amendment on the -- on the 30 -- Amendment 30.

Mr. Majors, could you please read the Amendment 30? Sorry about that.

THE READING CLERK: Amendment L.030 to the House Bill 1229 by Senator Carroll, amend the State and Senate State, Veterans, Military Affairs Committee report dated March 4, 2013, page, 2, after line 4, insert --

THE CHAIRWOMAN: Senator Carroll.

MAJORITY LEADER CARROLL: Thank you, Madame Chair.

Members, I move Amendment 30.

And this is a technical amendment that was brought to me by the drafter. This is a grammatical adjustment in light of the substantive changes we had made in the others that was caught this morning.

I had it distributed to your desks so you could see for yourself the grammatical clean-up
nature of the amendment.

And I would just ask for an aye vote on Amendment 30.

THE CHAIRWOMAN: Is there any discussion on Amendment 30?

Seeing none, the motion is for the adoption of Amendment 30.

All those in favor say aye.

All those opposed, no.

The amendment is adopted.

There is another amendment on the desk, Amendment 31.

Senator Harvey.

Mr. Majors, would you please read the Amendment 31.

MR. MAJORS: Amendment L.031 by -- the House Bill 1229 by Senator Harvey to strike the Senate Appropriation's Committee reported dated March 6th --

THE CHAIRWOMAN: Senator Harvey.

SENATOR HARVEY: Thank you, Madame Chair. This is in -- thank you, Madame Chair. I move Amendment 031, and it is in accordance with a previous amendment that had been offered on this floor by the chairman of the Joint Budget Committee.
And because of the amendments that we just passed in State Affairs, where we have taken out some of the transfers, and there really is no known amount of transfers that is will be going on with this bill, because who knows how many people will be transferring between family members and -- and non-family members. It's almost impossible for us to know that.

Historically, when the total number of background check requests has exceeded the Bureau's ability to process them in a timely manner, the Bureau was able to shift resources from elsewhere to meet the temporary increase in demand without requiring any additional spending or hiring authority. And remember, this bill has a 2.4 million dollar fiscal note. I don't understand why that is the case.

So in light of the uncertain fiscal impact of requiring additional background checks on firearms sales and transfers, it is the intent of the General Assembly that any resulting increase in the national instant criminal background check program workload will be offset through regular supplemental appropriations processes.

Therefore, the General Assembly has
determined that this Act can be implemented within
existing appropriation; and therefore, no separate
appropriations of state monies is necessary to carry
out the purpose of this act.

There is impact of this bill on the
citizens of the State of Colorado. There is no
impact to the citizens of the State of Colorado for
the state to be requiring them to do a background
check to transfer between husband and wife, or any
other way. If this is an important statewide
concern, we should be doing it out of the state
budget and doing it within a current appropriations.
This amendment simply says that is the way we've
done it in the past and that's the way we'll do it
in the future.

I'd ask for an aye vote.

THE CHAIRWOMAN: Any discussion on the
amendment?

Senator Carroll.

MAJORITY LEADER CARROLL: Thank you,
Madame Chair.

I want to thank Senator Harvey for helping
get the fiscal note off my bill. I really
appreciate that.

Oh, not -- some well-esteemed Senator from
Douglas County. So my apologies on that.

The reality, though, is if we could do this within existing means, I think it would actually be an unfair burden to gun owners everywhere because it would probably take three years to get your background check. That's a little long.

And so while I do appreciate the spirit in which this is offered, and I wish we could do it within existing means, I would respectfully ask for a no vote on this amendment.

THE CHAIRWOMAN: Further discussion on Amendment 31?

Seeing none, the motion before you is to adopt Amendment 31.

All those in favor say aye.

All those opposed, no.

And that motion fails.

One more. There is an amendment on the desk.

And, Mr. Majors, would you please read Amendment 33.

MR. MAJORS: Amendment L.033 to House Bill 1229 by Senator Carroll, amend the Appropriation's Committee report dated March 6th --

MAJORITY LEADER CARROLL: Oh, thank you, Madame Chair.

Members, I move L.033.

This is another technical amendment. There was some language that was left off on the Appropriation's Committee report. I have also asked that it be distributed to you so you can see the language it is of what should have been included and wasn't.

This too is a technical cleanup amendment, and I would just ask for an aye vote.

THE CHAIRWOMAN: Any discussion on Amendment 33?

Seeing none, the motion before us is to adopt Amendment 33.

All those in favor say aye.

All those opposed, no.

And the amendment is adopted.

Senator Carroll.

MAJORITY LEADER CARROLL: Thank you, Madame Chair.

Members, I'm very proud to be here today to bring you House Bill 1229. I know and respect
how intense, obviously, the issues are around these issues, and where everyone is coming from, where I think we all believe we are defending deeply held principles. And for that, I thank everybody for participating in this.

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 currently illegal for someone convicted of certain crimes to own or possess a firearm. That's illegal right now under state law. It's illegal under federal law.

How would we ever know when we buy or sell a gun whether someone is a dangerous, convicted felon but for a background check? There is zero other way to know. We can't know unless we do a background check.

If we don't have a meaningful background check system, we are essentially giving a nod and a wink to the prohibition that keeps guns out of the hands of the folks who are convicted murders, convicted rapists, or those convicted of domestic violence. But for the background check, there is zero way for us to ever enforce the state or federal
law prohibiting those folks, not the law-abiding folks, prohibiting those folks from being able to purchase or possess.

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

Back when we were first implementing the background check for licensed gun dealers and for gun show folks, at that time the Internet was still in its infancy. And what was maybe a rare and novel mechanism for how guns, for example, on online posting boards are really a modern phenomenon that our prior laws really weren't drafted to contemplate and keep up.

Why am I carrying this bill? I'm carrying this bill because gun violence has become an epidemic. And while 34 Americans die on average every day as a result of guns, this issue hit home personally for me on July 20, 2012, when 70 people were shot down at the Aurora Century 16 Theater in my district this summer, fatally injuring 12 people.

And just when I couldn't imagine how it could get any worse, on December 14, 2012, 20 children were shot and killed, along with six adults
at Sandy Hook Elementary School.

There are 310 million guns in America, and
314 million people in America.

America still has one of the highest
homicide rates amongst any of the developed
countries, at 4.7 murders for every 100,000 people.

72 percent of all homicides in this country involve
guns. And every year, guns are responsible for
8,583 homicides, 19,392 suicides, and 606 accidents.

There are more gun deaths each year in the
United States than total war casualties in Iraq and
Afghanistan over a 12-year period of time.

Enough is enough. Closing the
private-sale loophole is a meaningful way to keep
guns out of the hands of dangerous people, because a
high percentage of killers were known to have had
a -- 71 percent -- had a prior arrest record,
42 percent a prior conviction that would have
triggered a denial of a gun purchase at any licensed
dealer, any gun show, and with passage of this bill,
at any private transaction.

These -- those folks are not the
law-abiding folks, and those are the folks whose
hands we need to keep guns out of so that everybody
else is free to continue to enjoy their Second
Amendment rights, but not those who are dangerous criminals.

As you probably know by now, we've been requiring background checks at licensed gun dealers since 1993, and for purchases at gun shows in Colorado, by way of ballots since 2002, making effective use of FFLs.

This bill builds on the exact same existing infrastructure to use in order to reduce arms trafficking and help keep guns out of the hands of convicted felons and those who are dangerously mentally ill.

Here's what the bill does: The bill closes the private sale and transfer loopholes to the current laws on background checks by using the exact same FFL system that we use on all other background checks.

The bill updates the accuracy of the data within the background check process to be virtually near live-time transfer to better ensure that we are both blocking illegal purchases to criminals but also by making sure that we are not inappropriately blocking purchases to law-abiding citizens.

The bill, as amended, provides a copy of either an approval or a denial to both the buyer and
seller, should they wish to keep it for their records. They do not have to. The official record is kept, not by the government, but by the FFL, just like they do in all other background checks currently.

The bill makes exceptions for private sales or transfers. And I think this is important just to keep up because this has been amended. The exceptions to the requirement of a background check for private sales or transfers include if it's a gift to a family member; if it is inherited by will or estate; if it occurs in the home for need -- for purpose of self-defense; for use at a shooting range; at a shooting competition; if it's dropped off for repair; for hunting; fishing; target shooting, at any lawful location, so long as it's not transferred to a convicted felon or a person who is currently federally or by state law prohibited from owning or possessing a firearm.

The bill adds enhanced due process to the restoration of rights section for people who were previously prohibited from purchasing guns, either for criminal reasons or for serious mental health reasons, who become eligible for lawful purpose. This adds appellate rights and due-process rights
and evidentiary rights and timeliness rights for law-abiding citizens, who, at one point may have been denied who should, in a more expeditious and fair way, get restored in their Second Amendment right to purchase a firearm.

So why support background checks? Why support closing the loophole on private transactions? This measure is absolutely essential if we believe, as a matter of public policy, that we do need to keep guns out of the hands of convicted felons and the dangerously mentally ill, yet, at the same time, allow law-abiding citizens to proceed with their purchases.

Approximately 40 percent of all guns are sold in private transactions. This loophole, if left unclosed, is so large so as to make it easy, and, in fact, perhaps inviting, for any and every convicted criminal in Colorado, who would otherwise currently be prohibited from buying or owning a gun, to simply skirt the laws with open flagrancy by simply making their purchases privately or on online sales boards.

For lawful, law-abiding gun owners, who are seeking to sell or transfer their firearms, a law-abiding gun owner has no way of knowing when
they, in good faith and in the good conscience, have every right to sell their -- sell their firearm, but that law-abiding seller has no way to know that they're not selling their firearm to a convicted felon, a convicted murderer, a convicted rapist, or someone convicted of domestic violence, but for that background check.

I believe this protects the law-abiding seller as well as the public at large.

So why? 80 percent of handguns found at crime scenes were acquired through private sellers. Under current law as mentioned, 100 percent of all criminals in Colorado could purchase guns through private sellers without a background check. In fact, most criminals, who know they can't pass a background check, would do just that. And yet you'd think, well, why would any criminal then actually go through a process where they're subjected to a background check? Why even do that?

We do have data to tell us that background checks work. And while nothing is perfect, and I'll be the first to concede that, this mechanism has detected, even under current law, we have detected and blocked sales of over 700,000 prohibited gun sales that would have gone to criminal, but for the
background check. In 2012, Colorado alone, 5,607 applicants were denied because of background checks revealing ineligible, criminal purchasers.

Why do this? We have data that tells us that violent incidents go down in states that require a background check for every handgun sale. Thirty-eight percent fewer women are shot to death by their intimate partners in states that close this loophole.

We export fewer guns in the criminal gun trafficking market when we close this loophole. Data show us that after Colorado closed the gun-show loophole, Colorado went from the 17th largest source of guns found at crime scenes in other states down to 32nd by 2009.

Why close this loophole? We know from data that the rate of suicide with a firearm in states with background checks on every gun sale is in fact 49 percent lower than in states that don't require it.

The overwhelming majority of the public, including polled NRA members, support background checks and closing loopholes for private sales, according to three separate polls.

In some ways, I know all of these bills
and conversations are charged, but we just have to
have one public policy question of do we or don't we
believe that we need some mechanism to detect, at
any point of purchase or transfer, whether or not
we're transferring to someone who is a dangerous or
convicted criminal.

In the context of many of these bills, it
has been almost as important to talk about what the
bill does not do. The bill will not prohibit any
law-abiding citizen from buying or purchasing (sic)
any firearm of their choosing. And I think that
bears repeating. This bill will not prohibit a
single law-abiding citizen from buying or possessing
a firearm of their choosing. The people it
prohibits are people who are criminally ineligible
under state or federal law now.

The bill does not violate the Second
Amendment. And, in fact, background checks were
explicitly upheld by the Supreme Court in the case
of D.C. v. Heller.

The bill does not prohibit anyone from
using a firearm for self-defense. The bill does not
limit family members from giving weapons to other
family members, long-term, or loaning, or for the
short-term.
It does not prohibit hunting, target practice, or competitive shooting.

And this is a significant point. This bill does not create a registry. I do not support a registry. There is no registry in this bill.

You may hear that this bill is unenforceable, but it is enforceable. Within the bill, there is both a civil and criminal remedy. And failure to comply with this measure may be detected or reported by a buyer, a seller, an FFL, a member of law enforcement, or a whistleblower.

No law any of us have ever passed in our history of the General Assembly, in any of our time here, has ever had 100 percent compliance. And if perfect, 100 percent compliance was the standard for any law, I think we could easily go home and realize there was no need for a single law, ever.

But we do have data that we know this works because of what we've seen in Colorado and in other states that have chosen to close these loopholes. And this important loophole being closed actually does reduce the number of criminals, substantially, who with purchase guns.

You may hear that running background checks on private sales somehow violates the Second
Amendment. It doesn't. And I read from the decision, the Supreme Court decision, on the Second Amendment, "like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th century cases, commentators and courts routinely explain that the right was not a right to keep and carry any weapon, whatsoever, for any purpose, whatsoever. Nothing in our opinion should be taken to cast doubt on a longstanding prohibitions on the profession -- on the possession -- of firearms by felons and the mentally ill."

That is an explicit upholding of what we are doing today in House Bill 1229, and by a conservative Supreme Court justice, I might add.

You may hear that there are variety of ad hoc situations where one would want to buy, sell, or transfer a gun without a background check. We have amended the bill to ensure that anyone can loan a weapon to anyone they want for up to 72 hours without a background check, so long as they're not loaning it to a convicted felon or someone who is otherwise criminally prohibited from owning or possessing a gun.

What this bill does do is it ensures that
there will be a criminal background check on the
sale of all guns in Colorado to ensure that we do
allow law-abiding citizens to purchase guns of their
choosing, yet prevent criminals and the dangerously
mentally ill, from buying and possessing firearms.
It's actually quite simple.

As a member of the Aurora community that
has been directly and repeatedly impacted by
senseless gun violence, I can tell you it is time to
modernize Colorado's gun laws so that no one can buy
a gun without a basic, common-sense requirement of a
background check.

THE CHAIRWOMAN: Thank you.

Senator Balmer.

SENATOR BALMER: Thank you, Madame Chair.

Members, good afternoon. We each
represent 143,000 Coloradans. We each have in our
district babies, little tiny infants that are either
sleeping right now or crying to be changed or fed,
and they have no idea what we're discussing today,
but we will affect their lives today. We will
affect their rights today, from sleeping babies to
the oldest citizens that we have in our districts.

I've received many e-mails from elderly
people in my district, and they are just shaking
their heads because they moved here -- they moved to a Colorado decades ago, and the Colorado that they moved to would have never considered bills like the bills that we are discussing today.

So we represent 143,000 Coloradans, and each one of those Coloradans has the honor of also being an American. So I think it's important that we discuss this bill under the context of our U.S. Constitution.

Now, foundational to any bill that we discuss is the U.S. Constitution and our State Constitution. We each took an oath on our first day. We had our families here. We took pictures. And we each took an oath to defend our Constitution.

So it's incredibly important that when we discuss these bills today, and specifically this bill, that we talk about the Constitution and how does it affect this bill, and more importantly, how does this bill infringe on our constitutional rights.

So let's first talk about the Second Amendment. Now, why do we have the Second Amendment? It's very important understand that. Those who don't know this are going to accidentally or intentionally infringe on Second Amendment
rights.

So why do we have the Second Amendment? Well, it's critical that you understand history. In April, 1775, British General Thomas Gage's spies alerted him that the American patriots were stockpiling weapons in Concord, Massachusetts. Determined to disarm the rebels, General Gage ordered Major John Pitcairn, a British Major, and 700 British soldiers to march on Concord and seize and destroy the patriot arms. That's a quote from the (inaudible) order.

Well, a silversmith named Paul Revere rode on horseback all night long to warn patriots the British were coming.

When Major Pitcairn marched into Lexington, his force came across a small and determined group of militia. Pitcairn demanded that the group disarm. Pitcairn said, and I quote, "Disperse ye rebels, damn you. Throw down your arms and disperse."

I apologize for swearing, I'm just quoting him.

The militia's refusal to disarm resulted in the shot heard round the world, which began the Revolutionary War. In the aftermath of the battles,
General Gage would attempt to disarm the entire city
of Boston.

Well, as you know, our founders fought a
long war, not a short war, but a long Revolutionary
War to gain our independence. That war was not
fought on a faraway land, it was fought right here,
in the United States of America. Their homes were
burned. Their families were killed. And if they
had not succeeded, they all would have been killed.

So when they won the war, our founders
were not casual about the rights that they wanted to
protect as sacred. No, the founders were determined
to put into their Constitution certain rights that
had been very much infringed by the British
government. They wanted to make sure that the new
American government would not allow the infringing
of these sacred rights. So they debated, and they
debated.

You can read the federalist papers if you
wanted to read the debates. It's very interesting
reading. Our founders were passing a Constitution
that was not just for the 1700's. Our founders knew
that they were passing a Constitution that would
live many decades, many centuries into the future.
They thought about the future, and they said, these
are the rights that we're going to protect in this Constitution.

As I've heard it said many times, well, that was just passed because it was in the 1700's. I think that we are selling our founders short with that kind of thinking. Our founders knew by the time that they were finished writing the Constitution that they had written a truly unique model for government, a model that has been copied by every freedom-loving people in the world ever since.

Indeed, we are blessed in this country to have the best written Constitution in the history of the world, the best form of government in the history of the world.

So why did the founders protect certain rights as sacred? There's two main reasons.

First, they wanted to protect the individual American from an overreaching government, from a tyrannical government. Our founders wanted to put rights in the Constitution that would protect individual Americans from their government.

Secondly, our founders wanted to put rights in the Constitution to protect individual Americans from an overreaching majority. How many
times have you heard it said, oh, well, majority
rules? Well, let me tell you something, majority
does not rule in America. We are unique. We
protect the rights of minorities in America. We do
not allow a steamrolling majority to just roll over
the rights of the minority in America. Isn't that
great that we have that in our Constitution?

I'm sure there's certain things that each
of you love the most about the rights that you have
as Americans, and isn't it great that those rights
are preserved and protected by your Constitution?

So I'll just give you one example.
There's many, many examples. The Japanese
internment, which happened in our state.

THE CHAIRWOMAN: Senator Balmer, could you
please stick to the bill?

REPRESENTATIVE BALMER: Thank you, Madame
Chair. I appreciate that.

When you talk about the Second Amendment,
when you talk about how important the Second
Amendment is, you have to think about can we or
should we allow the rights of a minority to be so
infringed?

Now, one thing that a lot of people have
misunderstood about the first ten amendments to our
U.S. Constitution, and we're talking about a bill in this body, we've got to make sure -- we have to make sure -- that it's constitutional. So let's talk about that.

The first ten amendments are not in a random order. The first ten amendments to the U.S. Constitution were deliberately written by our founders to be interconnected and to ride on top of the foundation of the First Amendment and the Second Amendment.

The First Amendment right to free speech is built on top of the Second Amendment.

Do you think that they had free speech rights in Nazi Germany? No, they didn't. It's also because they didn't have any Second Amendment rights.

Do they have free-speech rights in Communist Russia? No, because they didn't have any Second Amendment rights in Communist Russia.

Well, let's talk specifically about this bill. This bill definitely, definitely, infringes on our Second Amendment rights.

Now, what if we passed a bill that -- basically, what this bill does is, is it says, well, you can have Second Amendment rights, but in certain
categories you can't have Second Amendment rights.

Is that what the Constitution says? No. The Constitution says that we shall not infringe on Second Amendment rights, period. There's no footnote, one, two, three, four, except in these categories you can infringe. No.

What if we passed a bill that said that you can infringe -- you cannot infringe on freedom of speech except for this subject you can infringe on? What if we passed a bill on freedom of religion, except for this religion? That's what we're doing here today. We're saying that you can have the right to bear arms except that we're going to take it away in certain situations.

What if we passed a bill on the Fourth Amendment that took away your right to be safe from search and seizure?

These rights are all sacred. We must protect them all. We can't just have your favorite rights in the Bill of Rights. All of us are charged when we take that oath to protect all the rights, not just the ones that we particularly like.

Why is this so important? Why should we take so seriously protecting these rights? Well, let me tell you why. Because there's a lot of
people over the years that have protected these rights. They haven't just protected these rights with their words, they've protected their rights -- these rights -- with their lives.

There were men and women during the American Revolution that fought for our country because they wanted to see a Second Amendment right in the U.S. Constitution. There were men and women who fought during the War Between the States to protect Second Amendment rights.

Interestingly, while we're on the war between the states, it's interesting to notice that General Grant allowed the -- right after the surrender -- of course there's a lot of people in this South that don't acknowledge they surrendered, but anyway that is an aside -- General Grant allowed a lot of Confederate troops to return home with their weapons. Why? Well, because it never even occurred to the commanding general of the U.S. Army that he would take away the Confederate's right to bear arms. Now, he'd just been fighting them for four and a half years, but he let them have their weapons, because everyone in America knew that that was a sacred right.

Let me read you about one particular
American who sacrificed greatly to protect these sacred rights. This is a letter you've probably heard before, but it's -- it's just worth reading. It's -- it's poetic. This is a letter from Abraham Lincoln. It's written on November 21, 1864 to Ms. Bixby in Boston, Massachusetts.

It reads: "Dear Madame. I have been shown in the files of the war department a statement of the Adjutant General of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle.

"I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. I cannot refrain from tendering you the consolation that may be found in the thanks of a Republic they died to save.

"I pray that our Heavenly Father may assuage the anguish of your bereavement and leave only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

"Yours, very sincerely and respectfully.

Abraham Lincoln."
There were many Americans who fought gloriously and bravely to defend these sacred rights in World War I. There were many Americans who fought courageously to protect these rights in World War II. There are many souls at the bottom of the harbor in Pearl Harbor.

I had last year the opportunity to go to the American Sector Battlefield Cemetery in Normandy, France. It's actually a part of the United States. The French government actually gave the land where our American cemetery is to the United States of America.

If you walk down the rows of American graves in Normandy, it will fill up your heart, and you will understand, once again, how important it is that we protect these precious rights that our founders made.

There's many people that gave their life in World War II, Korea, Vietnam.

If you ever have an opportunity to thank a Vietnam veteran, I hope you'll take it, because they didn't get thanked enough when they came home.

There's more than 3,000 people that burned to death in the Twin Towers. Not their choice, but that's where they were.
And one of my friends in Afghanistan, who I was in the bible study with, died. His son has his father's flag in a triangle-shaped shadow box. His father believed deeply in the Second Amendment. His father believed deeply in the freedoms that we hold sacred in America.

Let me tell you how great America is.

This -- his son who was a little boy when his dad was shot in Afghanistan, the son is now starting college, and he's in Army R.O.T.C. And from generation to generation, to generation, we have the noble duty to protect these rights.

So I just wanted to talk about the Second Amendment today because I feel like we get so much into the weeds that we forget what these bills are actually doing.

Madame Chair, I ask for a no vote. Thank you.

THE CHAIRWOMAN: Thank you.

Senator Harvey.

SENATOR HARVEY: Thank you, Madame Chair.

And thank you, Senator Balmer, for giving us a history lesson on why America is great and why America is free.

You talked about how we have it to defend
ourselves against a tyrannical government, that
being the Second Amendment, but we also have it to
defend ourselves and our family from evil.

And no government has the authority to
take away somebody's inalienable right to defend
themselves and their family. No government has the
right to say we will disarm you and tell you that
you have to be helpless. That is what this debate
all day long will be about. What is the role of
government when it comes to the right of
self-defense?

You all received an e-mail from a young
lady who most of us have forgotten about. Most of
us were kids when her story was on the front page of
every paper in the country. I read that e-mail, and
I asked her to come testify in committee on Monday
as one of my, quote/unquote, expert witnesses. Many
of you weren't in that -- many of you weren't in
that chamber in that committee room when Krista
Ceresa gave her testimony. Do you know the name?
Do you remember her story?

Let me read her testimony: "My name is
Krista Ceresa. I grew up and currently reside in
District 29 and am represented by Senator Morgan
Carroll."
"I am 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 today.

"The last man executed in the State of Colorado was the man who killed my mom.

"July 21, 1986, Gary Davis kidnapped, raped, and murdered my mom -- my mother, Genie May. Gary Davis had a history of predatory sexual behavior, raping 15 woman, and convicted -- and convictions of grand larceny, burglary, menacing, and jailed on sexual assault in Colorado.

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

"In this case -- in this case we were talking about saving someone's life and keeping a family in tact.

"I know my father struggles daily with the fact that he was unable to protect my mother on that day. The reality is these sick individuals prey on those who are considered least likely to be able to protect themselves, woman 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."

Listen to this, members.

"She was approached by two assailants that day, not just one. 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 this -- of these sick individuals."
"I am a mother 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 -- as I was held by his wife on the front steps of our country home. I will never forget the last time -- the last time I saw my mom. I was four years old."

And she was held by this man's wife as he -- as he threw her mother into a truck.

"My efforts must be focused now on my children and what I can do to ensure that their lives, 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 may seem unnecessary, those who know my story understand the heartbreaking reality that evil, 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 am thankful for that right and choose to exercise that right quietly and carefully, whether I am at church or visiting my cousin for
lunch at the college campus at UNC, where she works.

"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 have seen firsthand how quickly a situation like this can occur, and as many of our law enforcement officers are outstanding public servants, there simply may not be enough time. I understand more than most, my protection is ultimately my responsibility.

"So as I ask you to consider the consequences of imposing more regulations upon law-abiding citizens, please remember whom these laws will really restrict. How, by diluting these rights, my rights, you will only make people like myself, a daughter, a wife, a mother, an easy target.

"These regulations will not affect those whose intent is to ultimately break the law by obtaining a gun, not getting a background check. Statistics have shown that many of these people committing these heinous crimes had illegally obtained a gun in the first place. Stricter gun
control will not stop another sick-minded Gary
Davis from killing somebody else's mother. In
fact, if you pass these regulations, it is more
likely that you will ensure that it will happen
again.

"My stance, along with my entire family,
is to oppose any measures for gun control. And we
will oppose any lawmaker who authors or votes in
favor of any legislation that infringes on the
Second Amendment and my right to self-protection.

"The government was never intended to
regulate my needs as it relates to protecting
myself.

"We follow the law, and have every right
to protect our family from danger with the highest
measure of security we see fit.

"I am standing before you today having
just shared a story I have never spoken publicly
about."

Never, until Monday, when she came into
the State Affairs Committee to tell her story. She
has never spoken publicly since she was four years
old. Her dad has never spoken publicly since she
was four years old. Her brother, who is three years
older than she is, has never spoken publicly since
she was four years old, until she walked through the
doors of that committee room upstairs to tell you
this story.

"This is because I have never felt more
passionate for a cause as I do about this and
understand first hand the consequences this
legislation presents. These restrictions will only
make my world less safe, leaving law-abiding
citizens out-gunned 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 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 a way 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 dangerous piece of legislation."

She finishes with a quote from Thomas
Jefferson:
"No free man shall ever be debarred the use of arms. The strongest reason for the people to retain the right to keep and bear arms is at a last resort to protect themselves against tyranny of government."

Members, thank you for listening to that. I think that's what we are talking about on all of these bills that we have coming before us. How profound is it that this family chose to go public about their horrific story to tell you how important this is for them and their family?

I wrote them -- I wrote Krista and asked her to be here today.

She said, "Senator Harvey, I would love to be your guest on Friday. I have already arranged for a sitter. The irony of all of this, I can only think how nervous I will be walking alone from my car to the capital, knowing that I'll have to leave my .38 in the car, or, according to your Senate colleagues, my false sense of security.

"I am so glad you felt it was worth -- was worth it. I just wish I could make everyone who questions my position understand my reality without -- without experiencing my tragedy. Impossible. So I will -- so I will continue to
carry around my false sense of security while
people, your colleagues, carry around their false
sense of reality."

She took me up on my offer. She's in the
chamber today. Thank you, Krista, for being here.

Vote no on this bill.

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

Well, the Bloomberg dysfunctional hit
parade just keeps coming.

Let's talk about self-defense. Let's talk
about personal safety. Let's talk about one
exception which covers a temporary transfer to a
person faced with imminent death or bodily harm. It
has to be in the transferee's home.

So if my neighbor, whom I've known for 30
years, comes to my home to borrow a gun because a
criminal has just broken into hers, I can't give her
that gun in my house. I have to go back to her
house before I can hand her the gun.

If someone is getting calls from a stalker
but the stalker's not shown up at that person's
home, I can't loan the targeted victim a gun. That
would be a crime under this bill. The reason is
that that transfer to a person being threatened by
criminals are allowed only when the threat is so imminent that the victim would be justified in shooting the threatening person at that very instant.

Another exception is for temporary transfer of possession is permitted at a shooting range of specific charter: at a target, firearms shooting is completed, it is under the auspices of the state agency or non-profit organization while hunting or fishing under those prescribed terms.

Another exception allows a temporary transfer up to 72 hours. This is a good exception, but it's flawed. The transfer -- the transfer or -- is justly and severely liable for anyone who is injured by the use of that transferred gun.

Notably, liability is for use. Liability is for use, not unlawful use. So if I loan my gun to my brother-in-law and he's going to take it out hunting, and my brother-in-law is attacked by a violent criminal, and my brother-in-law, in defending himself and his life, shoots the criminal in self-defense, ladies and gentlemen, that criminal can sue me.

This is a day of dysfunctionallism.

THE CHAIRWOMAN: Senator Baumgardner.
SENATOR BAUMGARDNER: Thank you, Madame Chair.

Thank you, members.

Heard a lot of talk this morning. Let's go back about an hour. Let's talk about law-abiding citizens. That, in itself, is a statement, law-abiding citizens, which means law-abiding citizens play by the rules. And I think that every law-abiding citizen that is in the State of Colorado does play by the rules.

What makes us think that if we pass this piece of legislation it's going to stop criminals from getting guns? There's nothing that will ever stop someone that is mean, someone that is a criminal, from getting a weapon to carry out whatever they want to carry out.

We heard about closing loopholes. I've been to gun shows. I've been to gun shops. You have to apply, you have to pass a background check to receive a firearm from these places.

Does the criminal go in and say, hey, I want to buy in a .357 magnum right there and, oh, by the way, I want to fill out this background check? Most generally, you won't find -- well, probably 100 percent of the time you won't find a criminal in a
gun shop or at a gun show buying a piece of --
buying a handgun or buying a rifle or whatever,
because they know they have to pass a background
check.

    The loophole. Again, we've heard from all
of our constituents, and a lot of people seem to
think that to close this loophole, especially on
private sales, is to just make sure that it's known
who owns a gun, who's got the gun, where the gun is,
to where, not only in this state, but all over this
nation, there's a national directory on who owns a
gun.

    The Constitution says we have the right to
keep and bear arms. Can you imagine when we went to
war, when these guys left their homes in defense of
this country, in defense of the tyranny that we had
when England was over us, that they'd say, you know,
we'd like for you to take that gun and go over there
and fight, but we have to check you out to make sure
that you didn't steal something or you didn't do
something. Law-abiding citizens goes through the
process.

    The Constitution gives us that right to
keep and bear arms, and it also says those rights
will not be infringed. This bill infringes those
rights.

When a licensed firearm dealer elects to pursue the business of selling new and used firearms, he or she does so under the constraints already in place under the provisions of federal law. He or she agrees to abide by that law, in the place, at the time, and any subsequent laws that may be related to the licensed business.

Now, private individuals, private individuals own and possess firearms under the provisions of the U.S. Constitution, which, to my understanding, usurping federal, state, or local law, because those firearms, possessed under the provisions of the United States Constitution, are not registered or otherwise tagged by a private or governmental agency or entity, the availability to enforce firearm background legislation that attempts to control the transfer of ownership of private sales, is impossible.

The bill defines transfers very broadly. It includes temporary changes in possession that has nothing to do with ownership. We're talking about swapping arms, giving somebody a firearm. You know, one of the problems I see, you know, we talk about 72 hours here so -- and this may have already been
spoken about, and if it is, I apologize to make you
sit through it again -- but if I leave town and I
give my firearms to one of my esteemed colleagues
and say I'm going to be back if four days, if he
doesn't clear a background check, he's a criminal.

It becomes a Class 1 misdemeanor for any
person to accept even a temporary loan of a gun,
except in very limited exemptions.

Even if the actual sentence for this
misdemeanor is 60-day probation and a $50 fine, the
fact that the potential punishment of this crime is
more than a year in jail, means that violating this
definition of a temporary transfer, even once, will
lead to the loss of the ability to legally own a gun
under federal law. That's what this bill does. We
talked -- we keep talking about, we're just trying
to get in line with -- with the federal law.

This bill, as written, could lead to gun
confiscations in Colorado in various circumstances.
In Denver, in a traffic stop, the police can
confiscate a gun if the person possessing legal
ownership of the gun cannot prove to that officer
that the gun belongs to them.

How's the officer to know, unless he's got
a gun registration that I bought this gun, this is
when I bought it, here's the paperwork, it is my
gun.

When a driver's stopped by police, you
know, on a traffic infraction, any infraction, and
he can't show a vehicle registration to prove
ownership, that officer may decide he has probable
cause to impound that vehicle. Are we moving
towards the same thing with guns that law-abiding
citizens own, have the right to possess, that our
Constitution says you have that right? And just
because I can't prove it, I lose that right.

There's none of us in here that wants guns
in the hands of criminals. There's none of us in
here that wants hands -- or guns in the hands of
people that are mentally ill, but doing a national
background check on every citizen, law-abiding
citizen, on any type of firearm transfer, especially
on private transfers, is just unconscionable, that
we, as one of the senators spoke earlier, we all
stood down here, we raised our right hand and we
swore an oath to uphold the Constitution of the
United States and the Constitution of the State of
Colorado. The Constitution I swore an oath to tells
me that I have the right to keep and bear arms
without a universal background check.
THE CHAIRWOMAN: Thank you.

There is an amendment on the desk.

Mr. Majors, would you please read Amendment 34?

MR. MAJORS: Amend L.034 to House Bill 1229 by Senator Carroll, amend the --

THE CHAIRWOMAN: Thank you.

Senator Carroll.

MAJORITY LEADER CARROLL: Thank you, Madame Chair.

I move Amendment L.034.

Members, to a point raised earlier by a colleague, maybe the easiest way to look at this is on page 2 of the State, Veterans, and Military Affairs report. Amendment 34 inserts the word unlawful before the word use of firearm.

And to put this into context, this is one of the two catch-all provisions that says you can loan any firearm to anyone you want for up to 72 hours without a background check, as long as they're not a convicted felon or prohibited.

But the point was also made that as far as being responsible for the subsequent use, what this amendment does, is it adds the word for the subsequent unlawful use. One word, I think an important word, raised by a colleague, which is
consistent -- more consistent, actually, with my
intent of the bill.

So I would just ask for an aye vote on
Amendment 34.

THE CHAIRWOMAN: A discussion on Amendment
34?

The motion is -- yes, I'm sorry, Senator
Brophy.

SENATOR BROPHY: Thank you, Madame Chair.

And -- and this amendment will be an
important improvement to the bill, but it still
doesn't solve all of the problems with regard to
assuming liability for things that happened that are
completely beyond your control. And we're going to
discuss another bill today that deals with that
extensively also. But that -- that still remains in
this bill, you're -- you can be held liable for
things that are completely beyond your control.

We don't do that very often in very many
areas. This is -- this is -- this is a huge step to
place you in a position where you're responsible for
things that happen that are clearly, way beyond your
control.

THE CHAIRWOMAN: Senator Carroll.

MAJORITY LEADER CARROLL: Thank you,
Madame Chair.

And just to be clear, it's joint and several liability, it's not strict liability. So if anything's out of your control, it's not strict liability, you wouldn't be held liable. It's the ordinary negligence standard.

And I would just ask for an aye vote as far as clarifying the use of the word unlawful.

THE CHAIRWOMAN: Thank you.

The motion before us is to adopt Amendment 34.

All those in favor say aye.

All those opposed, no.

And that amendment is adopted.

Next, we have Senator Scheffel.

SENATOR SCHEFFEL: Thank you, Madame Chair.

Members, if we go back and just recall ever so slightly the events of Monday, when these were heard in committee. I remember being on the way down here and received a phone call, a friend of a gentleman that I did not know. I believe his name was Rick.

And he indicated -- asked me -- indicated he was going to come down here and testify. He was
concerned in particular about the package of bills, but in particular this bill. And I gave him the outline of the procedures and how to come down here and warned him about the parking, whatnot, and then I was able to bump into him when he was actually down here. He left before he could testify.

He had tried to attempt to circumvent the process that day, and suffice it to say, and we all know that this place was very, very busy, very crowded, and unfortunately a lot of folks could not testify.

To this particular gentleman, I apologized on behalf of the process and the fact that it had turned unfortunately against his ability to speak that day, and I said as best as I can do, I will speak for you, given the opportunity. And so, relevant to this particular bill, I'd like to -- to read into the record Rick's words.

Concerning the requirement -- and relevant to the discussion, I appreciate the sponsor's amendment, and it maybe addresses some of things here, and we can --

THE CHAIRWOMAN:  Senator Scheffel, could I ask you -- I just want to confirm: This is testimony on this particular bill that was supposed
to be read?

SENATOR SCHEFFEL: It is, Madame Chair.

THE CHAIRWOMAN: Okay. Thank you.

SENATOR SCHEFFEL: He indicated that concerning the requirement that loans of firearms must go through a background check, the bottom line is that such a requirement would be complicated, impractical, and unenforceable. My hope is that once your colleagues understand what would be involved that they will drop this idea.

He writes: "I'm a certified instructor. I mostly teach woman and young adults, especially young adults belonging to a chartered national organization. Except for very few certain circumstances, I do all of this training at my expense.

"When I work with women, I take them to various shops to see different firearms. I do this so that they might learn about them, about their differences, and to find one that would suit them. This process prevents people from buying a firearm that they don't really need, which will end up stuck in a drawer somewhere.

"As part of this educational process, I take them to the range so they can try some
different types of firearms. And as I don't own all the different models and types I might use for this purpose, I have to borrow them. I generally have to get two or three friends involved, so no single one of my friends owns all the types I might want to demonstrate. Right now, they loan them to me, and then I go to the range with the person I'm instructing, and then I return them to the owners afterward.

"If I'm teaching my youth group, I use simple .22 rifles, however, I don't own enough to cover my needs for even a small group, so I have to involve several friends there as well.

"However, if this proposed requirement for transfers on loans between friends and families become law, the whole process would grind to a halt, at least for me. I would have to have each of my friends accompany me to an FFL holder. I would then fill out the federal form and transfer the FFL, run a background check. I have to do all that with every firearm from every friend. And I have to pay the fee for the FFL holder charges at the time. And if the state passes its own fee, I would also have to pay that.

"After that, the firearms are technically
mine and not the property of the owner, as they
have been transferred to me. Add to that, the time
I it takes more me to wait for the background check
to clear, depending on how much the CBI is backed
up, and the process becomes even worse.

"Then I go to the training. Hopefully,
handling a firearm to -- handing a firearm to
someone in the range is not a transfer. And once
the training is finished, I have to drag each of my
friend's back, fill out the forms again and go
through the CBI background check again with the
accompanies fees and wait times. Only then, could
they take possession of their firearms as I return
them.

"Note that there is no such thing that
I'm aware of, of any sort of batch processing, if
that's what anyone thinks happens in this
circumstance. Each firearm requires its own
paperwork, and each firearm requires a separate
background check. Each check requires time in the
CBI system and separates the fees.

"All of this to serve no useful purpose.
It clogs the CBI system, and it's a monetary
hardship on people like me who teach for free. It
would keep my friends from participating in
responsible training. In fact, the whole idea is ultimately counterproductive to government's goals, because it hinders safe firearms education and could actually put more firearms into the hands of the public. I would have to buy firearms I don't really need in order to give this training, or some people would buy firearms they don't really need or that they couldn't use properly.

"Some of the young people I've taught over the years were headed into the military. I taught them shooting fundamentals that helped them master the necessary military skills. I know this from my own experience. I learned to shoot with the Boy Scouts, then shot expert for the military police training during the Vietnam era, even though I had no prior experience with the military firearms.

"You say you don't want inexperienced people to own firearms, but when training is made this difficult, that's what you'll get.

"The requirement is time consuming, expensive, we don't know what the state wants to charge yet, and it's obnoxious. I guarantee most shooters will just ignore it, as it is, frankly, unenforceable. I would hope that elected officials
would not knowingly put an unenforceable law in the 
books. That would be irresponsible, and 
ultimately, such actions undermine the rule of 
law."

Rick, I appreciate you taking the time to 
get in touch with me. I enjoyed meeting you. And I 
hope in some small way this makes up for your 
failure to be able to testify the day these were 
heard. People are listening now, as I've related 
this. Your arguments resonate with me. 
And, for that reason, I will be a no vote 
on this bill.

THE CHAIRWOMAN: Thank you.

Senator Brophy.

SENATOR BROPHY: Thank you, Madame Chair.

Colleagues, I'm going to ask obviously for 
a no vote on this bill. It is interesting in that 
it will yield absurd results. It is absolutely 
unnecessary, will not improve state of the one iota, 
and will ultimately lead us down a dangerous path 
that I think we ought not start our way down. 
I appreciate some of the other stories 
that we heard about the absurdity of this, the 
notion that you would have to go and get a 
background check every time you borrow a few
firearms from some friends to take other friends to
the shooting range so that everybody would have, you
know, an assortment of firearms to experiment with
so they could figure out what it is that they like,
what suits them, what becomes the best firearm that
they can use for their own personal safety.

And I guess these stories of absurdity
shouldn't shock anybody in here, when the real
proponents of the bill appear not to reside in the
State of Colorado and have Colorado values.

If you lived here in Colorado, you might
know a little about our Colorado values.

I -- I commend to the story that Curtis
Lee wrote in the Denver Post last Sunday, a fabulous
story talking about the rural culture, which
encompasses almost all of the area that most of you
folks are unfamiliar with, with the population
growth here on the Front Range. Only four of us, I
think, represent the -- the rural edges of the State
of Colorado at this day.

Another story of absurdity under this bill
-- and again, I wouldn't expect folks from New York
to understand this, but when you go elk hunting in
the state of Colorado, which is a great past time of
mine, especially as a youth, and members of my
family and extended family, my neighbors, and
friends all engage in this activity. It's a --
it's -- it truly was always the highlight of my
Fall, since I wasn't big enough to play football.
You go for a week.

Now, a lot of our friends, distant
cousins, neighbors, will take their kids hunting for
the first time, and maybe they haven't -- haven't
gotten around to purchasing the first hunting rifle
for that -- for that new hunter, and they want to
come to me and -- and borrow one of mine.

Under this bill, we either have to make an
appointment with one of the two FFL dealers that I
know in -- in my hometown. They don't have
storefronts. You have to make an appointment with
them, go down and pay for all the background checks,
just to loan a hunting rifle to a person who you've
known maybe your whole life. You probably know he
has a .22 rifle because almost everybody does out
there. So I know he understands firearms.

He can -- he can have a firearm, but I
have to get a background check on him, or both of us
go to jail for 18 months because it exceeds the
arbitrary 72-hour period placed upon the loaning of
a firearm to somebody established in the Judiciary
I think, and you may hear from everybody on my side of the aisle, another story of absurdity. Hopefully, that one will do it, because I just think that is absolutely ludicrous.

I say it's unnecessary, because if you look at the existing statute, it's 18-12-111. It says that it is unlawful to purchase a firearm for or transfer a firearm to someone who you know or reasonably should know cannot legally possess the firearm. That's what it says, 18-12-111.

Now, what does that mean? Well, if you know they can't own -- own or possess the firearm, you got that. But what -- what does reasonably should know? Well, the case law is fairly clear on that. Florida courts, for instance, have construed this standard to require proof that quote, the circumstances of the transaction were sufficiently suspicious to put a person of ordinary intelligence and caution on inquiry.

So if somebody is insisting to buy a firearm from you and you don't know them, it's not a neighbor that you've gone forever, which, by the way would -- is not allowed under this bill, so neighbors that I've known forever, I can't sell them
a firearm privately, it has to be a public transaction, loss of privacy. But someone you don't know, you can and you probably should, ask them to do a background check. And if they say, yes, no problem. If they say, no, hum? Why? Would that put a reasonable person on caution? I think so. And I think for that reason the bill is absolutely unnecessary.

And as the county sheriffs tell us, it's absolutely unenforceable because there's no way to know if the firearm that anybody has, has ever -- was purchased or obtained with a background check. There is no way to know, and that's part of why this bill is so dangerous.

I also said that the bill won't improve safety at all. And how do I know that? Well, the National Institutes of Justice tells us that. Eric Holder's Department of Justice did a study on various gun control proposals, and they studied specifically universal background checks.

And to really understand this study, you -- you probably ought to look at the history of crime associated with firearms and how those firearms were attained -- obtained, and you should note then that half of them are obtained through
straw purchase.

Now, a straw purchase is when you use a friend who can legally possess and purchase a firearm to go and obtain that firearm on your behalf. It's illegal, but half of the firearms currently used in crimes are obtained through this manner, a quarter are stolen, but 20 percent truly were purchased from a private seller. So this bill would be dealing with that 20 percent.

And then you say, okay, well, what if then -- if we stop that 20 percent, it would probably be worth it, wouldn't it? And the answer is, yes, if we stopped that 20 percent, but we won't. We won't come anywhere near stopping that 20 percent, because if you read a little bit further in the National Institute of Justice study, what you will find is they say -- and this is, again, from Eric Holder's Department of Justice -- looking at this proposal, they said it will have no affect because it will just force criminals to use other methods to obtain their firearms.

So you won't really get at that 20 percent, you will just force those people who want firearms into other avenues, more straw purchases, more stolen weapons, creating more crime. All that,
all that, no improvement on safety, merely imposing
upon law-abiding citizens a pretty significant
inconvenience, coupled with other bills, a fairly
expensive inconvenience, and taking away from the
citizens of Colorado, the law-abiding citizens of
Colorado, the opportunity to engage in a private
transaction because some of us actually believe it's
smart to own a handful of firearms for which there
is no government record.

And I'll tell you the bill is dangerous,
and it's dangerous just because it is unenforceable,
as one of the other senators said. And I wrote this
in the Denver Post op-ed the other day. I mean,
I -- I am rural. And again, this goes back to rural
culture. It is highly likely that at any given time
when I hop in my pickup to head out to the farm from
my home in Wray there will be one or two firearms in
that vehicle.

One of them, which we'll probably be
discussing later today, is -- is effectively the
utility rifle of all farmers and ranchers because
it's perfect for the job. And, let's just say for
instance that I fail to use my turn single when I
pull onto the highway to head north of town to my
farm, because heck, everybody in Wray knows where
I'm going anyway, I really don't need a turn signal.

But let's say we have a new police officer who doesn't know where I'm headed, and he pulls me over and says, Mr. Brophy, I pulled you over because you failed to use your turn signal, and -- and, you know, while we're sitting here, I'd like to see your -- your driver's license, your registration, and your proof of insurance.

Happens all the time, even though I have tags on the back of the pickup that says it is registered by -- of having the appropriate color of year, which I think is red now. And then he looks in there and he notices in the gun rack -- because I have a gun rack in my pick up, I am rural -- and he sees the firearm and he says, Mr. Brophy, did you obtain that firearm with a background check? Well, dependent upon which one it is, the answer is yes, maybe, no. I got my first rifle when I was nine years old, it's a .22. I got my second one when I was 13. And by the time I was 18, I had a few more than that. And I didn't have a background check on any of them, my mother did. And the rest of the story is, is that there no longer exists any paperwork at all on those firearms, because, and again, unless you really look into this and know this, you wouldn't know that the form 4473 that you fill out now to obtain a background check -- all noes and one yes, if I
remember right -- the FFL, the dealer, who got that firearm from a distributor and sold it to you, is required to keep that piece of paper that says you passed the background check with some identification for the particular firearm or firearms associated with that background, and sometimes it's more than one.

They're required to keep it in a file cabinet for 20 years. After 20 years, they can do one or two things -- actually, they can do three things: they continue to keep it, they can turn it over to ATF, or they can shred it, which is what most of them do, God bless them.

So now a portion of the firearms that I own, there is no way an God's green earth for me to prove that I legally obtained them. Then what happens? Do I get to keep it? I can't get an affidavit from my mother. She passed away on May 19, 2003. What do we do?

There's only one answer. There's only one answer. You have to register all of them. And that's what so insidious about this bill, is that after a handful of law-abiding gun owners have their guns held or taken away from them by the authorities, the law-abiding gun owners seeking relief very well may suggest that a centralized registry database would protect them from the
authorities, and maybe they'll be asking for it
themselves. And that, everybody knows, is very
dangerous.

Members, I'm going to urge a no vote on
this bill. I hope, I hope, that some of you were
listening and that it went to your hearts. It is
absurd, the outcomes of this bill. It's
unnecessary, doesn't improve safety, and it's
ultimately very, very dangerous.

I ask for a no vote.

THE CHAIRWOMAN: Thank you.

Senator Marble.

SENATOR MARBLE: Thank you, Madame Chair.

I rise in opposition to House Bill 1229
for more reasons than I can count, and for more
reasons than we have days to address this issue.

During testimony on Monday, I was
privileged to sit in, in the State Affairs Committee
and listen to some of the most incredible, marvelous
testimony I have ever heard. I doubt that history
will ever give me that chance again.

We had sheriffs of Colorado come in and
testify regarding the fact that not only was this
bill not properly drafted, but also unenforceable,
the unintended consequence of burden that we are now
forcing upon our law enforcement.

Besides that fact El Paso County Sheriff, Terry Maketa, gave us some pretty good statistics regarding firearms, stolen, between 2005 and 2010. It was 1.4 million firearms. That's 240,000 a year. Don't you think that's where the black market really begins? Do you really think that criminals are going through and getting a background check when there is such a black market available for them?

Terry Maketa also testified to the fact that this is not only unenforceable, but it will create an inconvenience and more innocent criminals.

I think that we have enough laws directing law enforcement to the overcriminalization of America. Right now the State of Colorado has one of the lowest firearm crime rates in the nation, 1.9 percent per 100,000. Less than half of the national average. And what are we doing? We're punishing them. We're punishing good citizens for what?

I want to read you a quote, which I'm sure you're all very, very aware of. And I bet you will know exactly who it came from. It says, "Nothing we're going to do is going to fundamentally alter or eliminate the possibility of
another mass shooting or guarantee that we will
bring gun deaths down do a thousand a year from
what it is now. Vice President Joe Biden."

What's the real reason behind these gun
bills? What are we really trying to prove? Who are
we trying to punish? And who are we making promises
to?

I want to take a minute and address that
40-percent rate that has been bantered about, saying
that 40 percent of gun sales never go through a
background check.

I'm going to read from (sic) you, a piece
from the National Review that was actually written
by John Fund.

One of the reasons for the high number is
that 250 people back during the Clinton
Administration were all that were considered for the
study when it came to that 40-percent rate. 250
people. And that was before the Brady Bill was even
enacted. Before we even had background checks.

He says: "Most advocates of gun control
believe the loopholes in federal law are the rule
and not the exception when it comes to gun
purchases.

"A 2011 study by the Office of New York
Mayor Michael Bloomberg claimed that 40 percent of guns are sold through private sellers. His study went on to say, these sales, which take place in many venues, including gun shows and increasingly on the Internet, fuel the black market for illegal guns."

The dubious statistic of guns that avoided background checks, which is actually around 36 percent, comes from a small 251-person survey on gun sales two decades ago, very early in the Clinton Administration, which I explained to you. Most of the survey covered sales before the Brady Act instituted mandatory federal background checks in early 1994.

If that alone didn't make the number invalid, the federal survey simply asks buyers if they thought they were buying from a licensed firearms dealer? While all federal firearm licensees do background checks, only those perceived as being FFL's were counted. Yet there is much evidence that survey respondents, who went to the smallest FFL's, especially the kitchen-table types, had no idea that the dealer was actually licensed. Many buyers seem to think that only the brick-and-mortar stores were license dealers, and so
the survey underestimating the number of sales
covered by checks.

And another reason for the high number is
that it includes gun transfers as inherited or as
gifts from family members. Even President Obama's
background proposal excludes almost all of those
transfers.

We have another study by John Lott that
says his research suggests that expanding background
checks might actually contribute to a slight net
increase in violent crime, particularly rapes.
Before we expand background checks, he suggests we
focus on the real world statistics, not Obama's
magical number, and recognize that criminals are
seldom burdened by background checks because they
buy weapons on the black market.

As for gun bans, they do little to combat
crime. When guns were banned in Washington, D.C.,
or Chicago, the rate of violent crime went up. Even
in islands nations, such as Great Britain, Ireland,
and Jamaica, murder rates went up after the gun bans
were put in place.

When you look between 1965 and 2010, in
Colorado, there has been no change in crime with
background checks. None at all. So the purpose of
this bill is for what? To punish law-abiding
citizens who have carried Colorado to the lowest
gun-crime late in the nation? To make us an example
of the overuse and abuse of power? Bad legislation?
What are we telling -- what are we telling the
people of the world about our Constitution?

This bill does not reflect the Colorado
Constitution, nor the federal -- nor our federal
Constitution. It reflects New York politics,
Bloomberg agenda, and New Jersey's handprints are
all over it.

Before we go any further, let's take a
look at who we really serve. We serve the people of
Colorado. We are elected by the people of Colorado,
and we answer to the people of Colorado, not to any
other administration, not to any other state.

And I am here to speak for the people who
elected me. Don't punish us.

I will never advocate for criminals by
taking away the gun rights of law-abiding citizens,
and I'm hoping that you will follow suit.

Thank you for your time. And I really, I
beg you, vote no on this bill.

SENATE PRESIDENT: Majority Leader

Carroll.
MAJORITY LEADER CARROLL: Thank you, Mr. Chair.

Members, just a couple of things for the record. I'm a second generation Colorado native. I come from the community of Aurora in eastern Arapahoe County. That is who I am representing here today on this bill.

There have been a lot of very legitimately absurd examples given of what things that other folks are suggesting could happen here. And, I guess I with just say that the good news is, is that if you look on page 2, lines 7 through 18 on the committee report of what was already amended, and then look at the actual text of the bill, whether it was shooting instruction classes, loaning to a neighbor, or self-defense, none of those folks have to go through a background check. And the only prohibition is just making sure that you comply with current law, as was mentioned that you are not supposed to be transferring to someone who is a convicted felon.

I do think those stories would be problematic. You will look to the text to find that some of them in early versions of the bill actually could have come about. It's the importance of the
amendments in the bill taken as a whole on the total. And so, hopefully, it should be the relief to some that whether it's hunting or training or self-defense, you will find in this text of the bill, as amended, that those situations are exempt -- are exempted.

The people who are harmed by this bill would be people who can't pass a background check. And those are people who are already criminally ineligible to own or possess a firearm.

SENATE PRESIDENT: Thank you, Majority Leader Carroll.

Now that I'm back up here, I just want to re-emphasize the rules of decorum and not imputing the motives of others. Thank you for stating your motives and intentions clearly with this bill. And, again, if comments are made to the contrary, they will be called out of order.

There is an amendment on the desk.

Mr. Majors, would you please read Amendment L.035?

THE CLERK: Amendment L.035 to House Bill 1229 by Senator Balmer, amend the State, Veterans and Military Affairs Committee report dated March 4, 2013: page 2, line 9, strike "or"; page 2, line 14,
strike "firearm" and substitute "firearm or"; page 2, after line 14, insert Subsection I: A transfer of a firearm from a person serving in the armed forces of the United States who will deployed outside of the United States within the next 30 days to any family member or friend of the person.

SENATE PRESIDENT: Senator Balmer.

REPRESENTATIVE BALMER: Thank you, Mr. Chairman.

And thank you, Reading Clerk, for reading it.

I think that sometimes it's important that we do read the amendments out loud, because, you know, those who are following at home can't tell what we're doing otherwise.

This is simply an amendment to allow for a service member, military personnel, who has got a deployment order getting ready to go overseas to defend our country, this allows them to transfer to a family member or a friend.

Now, currently underneath the bill, if they want to transfer it to their family, it's got to be a permanent gift. They actually, they have to give it to their mom or dad. And as you know, that -- that has a lot of -- I mean, you don't want
to do that. What you would want to do is just what
you currently could do in Colorado, at least for
today, at least right now, you can do this.

You can -- if you're getting deployed
overseas, you can leave your privately owned weapon
with your parents. You're probably going to leave
your car at your -- at your parents' house. A lot
of these young Americans are 18, 19, 20 years old,
and the way that they handle these situations is
they leave their car at their parents' house, and
they leave their weapons with their mom and dad.

They -- and -- and this would also allow
them, if they didn't have a mom and dad or if
they're in a situation where their mom and dad is
several states away, they could say well, we're
going to leave it with my trusted friend.

Well, that friend would be doing them a
great favor to safeguard their weapon for them while
they're gone, but underneath our -- the -- the way
the law is going be changed with this bill, we would
be penalizing that -- that American, that Coloradan,
for safeguarding a weapon of a deployed soldier.

So I apologize, Senator Carroll, for not
giving you a lot of notice on this, but I just
thought of it. And I think it's important that we
safeguard our military personnel. When they're getting ready to be deployed, they have a lot things on their mind, and we should make it easy for them to take care of their personal things.

Thank you, Mr. Chairman.

SENATE PRESIDENT: Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you, Mr. Chair.

Members, I actually may be open and receptive to this. My understanding of the reading is that this, like any other provisions, would still have kind of that generic, as long as you're not transferring it to a convicted felon and someone who's already criminally ineligible. And I think where you've inserted it, that umbrella still applies.

So more time would have been good, but I -- I believe that the circumstances approached here are reasonable, where you may not want to do a permanent transfer, and 72 hours may not cover it. So at this point, I'm not going to oppose this amendment.

SENATE PRESIDENT: Is there any further discussion on L.035?
Seeing none, the motion before the body is the adoption of Amendment L.035.

All those in favor say aye.

Those opposed, no.

The ayes have it.

And the amendment is adopted.

Back to the bill. I have Senator King.

SENATOR KING: Thank you, Mr. Chair.

I got -- I have received a very good book called the Second Amendment: Preserving the Inalienable Rights of Individual Self-Protection. Got it from a good friend.

In it, "A free people ought to be armed."

George Washington, President of the United States, signer of the Constitution.

How can that be prevented? How can a free people be prevented from being armed? House Bill 1228 (sic) imposes two fees, on the applicant, a $10 fee by the dealer processing the application --

SENATE PRESIDENT: Senator King, we're speaking to House Bill 1229 at this point. You addressed your comments to House Bill 1228. You just referenced House Bill 1228.

SENATOR KING: Yes, Mr. Chair, thank you.

SENATE PRESIDENT: Please proceed.
SENATOR KING: Right now, in Denver -- and this is not a hypothetical -- the police department has a 90-day waiting period for the mere acceptance of an application for a concealed-carry permit. The total waiting period in Denver is now five months. The idea that -- I pass.

Thank you, Mr. Chair.

SENATE PRESIDENT: Next, I have Senator Lundberg.

SENATOR LUNDBERG: Thank you, Mr. Chair.

Members, as I look at this bill, it -- it troubles me. And I just had a discussion with -- with my county sheriff, Justin Smith, Larimer County, and he concurred with me that -- that any -- any time we are trying to put in place a universal system for background checks, it -- it becomes practically impossible to stand on its own. It -- it begs the policy of universal registration in order to facilitate the process.

As a county sheriff, he -- he says, you know, there's no way he can deal with this without having that set of data. And he understands that to be -- well, he's concerned that it's the next step, and so am I.

You know, put aside all of the
unreasonable circumstances where it just doesn't
work and it will be ignored, and we will essentially
criminalize a great deal of the law-abiding citizens
in the State of Colorado, whose only desire is to be
able to defend themselves and their family and their
property.

And world history is replete with the
examples of when you register, you eventually
confiscate. So whenever I see that concept of
registration for firearms, I mean I am a student of
history, that's the next step. It may not be this
legislature, maybe ten years from now, when no one
sitting here today will be there. A new group may
look at it, and they're like, well, okay, now we
know where they are, let's go get them. That's the
concern, the major concern I have with this piece of
legislation.

And if I lay that up against our Colorado
Constitution's right to bear arms, it makes no sense
whatsoever. There's been several references to --
to this section, but I'm not sure that we've
actually looked at it word for word here today.

You may not have been familiar with this
in this past, but I think you're becoming fast
familiar with -- it's part of our Bill of Rights,
which is Article II. It's Section Number 13, Right to Bear Arms. And the pertinent parts of it read like this:

"The right of no person to keep and bear arms in defense of his home, person, and property, or in aid of the civil power when thereto legally summoned, shall be called in question."

Now, if I were constructing something to state clear defense of the citizens to defend themselves, their home, their property, their families, I would seek for this kind of language, not something that just sort of says it or it could be questioned to some degree or another. No, I'd say it clearly. And that's what they've done. It shall not be called in question.

This bill calls it into question. It sets up an unreasonable standard for the honest citizen to comply with at all times. It sets up an expectation that we don't trust the citizens of the State of Colorado, and so we're going to run them through that many more hoops before they can legally possess and bear firearms. It puts in concepts that are contrary to the Constitution. How many times do we have to remind ourselves of this? Shouldn't it take but one time? Remember the oath of office we
all took when we took our office?

Some of us who have been here for many years have taken that oath again and again. It's the same. I take that as job number one when I'm down here, and there are some elements within the Colorado constitution that I -- I have some heartburn over, but I have no question as to where my allegiance lies, because I took that oath of office to follow that Constitution.

I would like the sponsor to clearly defend how this comports with not only the letter but the spirit of Article II, Section 13. I believe the people of Colorado deserve nothing less. And I'm pretty sure I'm going to be down at this mike later today with other mayors that call into question the citizen's right to defend themselves, to possess, to control, to bear those arms.

Now, oftentimes, I'm chided or derided because I have this notion that the Constitution is where we need to start. I got that because it is our job. It is our solemn oath and commitment.

Let me read it to you again:

"The right of no person to keep and bear arms in defense of his home, person, and property, or in aid of the civil power when thereto legally
summoned, shall be called in question."

Answer that question before you vote on this bill and the entire agenda before us today.

SENATE PRESIDENT: Is there any further discussion?

Senator Hill.

SENATOR HILL: Thank you, Mr. Chair.

Mr. Chair, I too had some friends come up -- constituents come up -- wanted to testify on this bill. I see some of them up in the gallery today, and thank you all for coming.

I would like to read some of their testimony as well. They were unable to because of time, but I would like to honor their desires as well as represent them, as we have --

Phil writes: "While I can understand the intent of this bill, it is entirely unenforceable. Unless every firearm in the state was registered into a database, the transfer of ownership cannot be identified unless through licensed firearm's dealers or by volunteered participation or mandate.

"Obviously, the criminal or mentally impaired have to -- have no incentive to participate. The state would get better results if it could get all criminals to register with the CBI
and constantly monitor their whereabouts.

"Again, this bill is an example of a make-the-public-feel-good law that cannot be enforced and will be totally ineffective in solving the violent crime problem. It will successfully alienate the law-abiding citizens."

Again, that's from Phil.

From Quinten (phonetic), he writes:

"Like House Bill 1224, this bill can never be enforced against the people of Colorado unless one of two things happens: the State would either have to start an illegal gun registry database, or they would have to violate our Fourth Amendment rights and inventory every home in Colorado to document what weapons are owned by each person. The fact that these are only two possible methods of enforcement of this law, it betrays the true intentions of the author."

And that's from Quinton.

Nick is Navy retired. A good man.

"More bureaucratic paperwork and tax money from the poor people, which won't stop one bad guy from doing what he or she decides he or she wants to do.

"As I recall, the State of Colorado
hasn't done a very good job on keeping drugs from entering the state over the past few years, so why would anyone, in their right mind, think this bill will keep the bad guys from obtaining and bringing unregistered firearms into our state?"

And, finally, Matt writes: "I'm struck by the attitude of many advocates of this bill who accept the notion that it's permissible to restrict -- restrict the rights of law-abiding citizens on the off chance that they may at some future date commit a crime.

"In legal terms, this is known as prior restraint, which is generally impermissible. Our system of governance and law, rule of law, rejects this concept.

"In common language, this reminds us of the film Minority Report. A dystopian vision of the future of people arrested for pre-crime. This bill will make pre-criminals of tens, hundreds of thousands of Coloradans. The Colorado Constitution makes it explicit that such prior restraint on the right to keep and bear arms is not permissible."

And he quotes here the Constitution.

"The right of no person to keep and bear arms in defense of his home, person or property, or
in aid of the civil power with thereto legally
summoned, shall not -- shall be called into
question."

What does this bill seek to do but to
call into question the right of law-abiding
citizens to exercise a fundamental constitutional
right?

"A key issue" -- and I continue to quote
this letter -- "a key issue in this bill is the
concept of reasonableness. The threshold should be
set very high to infringe or call into question a
fundamental constitutional right. Is it reasonable
to require private citizens, not dealers, to obtain
government permission to engage in lawful commerce
of legal goods?

"Should private citizens -- is it
reasonable to require private citizens to invest
time and money to find, locate, travel to a
licensed firearm dealer? Is it reasonable to
require private citizens to self-register ownership
of firearms? Is it reasonable to require intrusion
into all aspects of owning firearms? Is it
reasonable to require private citizens to suggest
themselves to vague, undefined regulations, subject
to whim of law enforcement?"
And he leaves here as a note that the
40-percent private sale figure is a myth and has
been debunked from the 1994 survey. The state came
from a single survey of 251 people, two decades ago,
before the national instant check system passed.
And he links here to an article in the Washington
Post.

Friends, I want to say I appreciate all of
you who have brought in testimony and who've been a
part of this process. Thank you for participating,
and hopefully we can represent you well here.

But to that, I would add a few of my
comments and questions as well.

I grew up in Blacksburg, Virginia, at
Virginia Tech, which was tragically part of the
shooting several years ago. My -- many dear
friends, actually, were personally involved in -- in
that day, and then in also celebrating the lives
that were lost that day as well.

And -- and my question comes back to this.

The testimony in support of this law -- and
Mr. Chair, I will address this question to you --
but I would appreciate maybe understanding, would
this bill -- Columbine, Aurora, Newtown were given
in examples of why this law is important. And my
The question is -- would any one of those, Virginia Tech, Columbine, Newtown, Aurora, would any of those have been prevented had this law been in place?

SENATE PRESIDENT: Senator Grantham.

SENATOR GRANTHAM: Thank you, Mr. Chair.

We did have many constituents that wanted to be able to voice their concerns with each of these bills, and for whatever reason, they were not afforded that opportunity. But they had other means of expressing themselves to us, and I'm sure regardless of the divide in the aisle here, we all received many pieces of input into this process.

I've just got a couple here I'd like to share in regard specifically to this bill. First one comes from a fellow by the name of Kevin. And, no, that's not why I picked this one.

But, it says:

"Requiring a background check for all firearms transfers is an idea that's been tossed around for some time now. However, the hastily written bill that is currently being considered was not drafted with enough care.

For starters, this bill would criminalize common instances in which a law-abiding friend loans another law-abiding friend a firearm for an
unspecified amount of time.

By way of example, you few years back, I loaned one of my guns to my girlfriend for four months as she had taken a Colorado POST law enforcement academy. Such an act would be prohibited under this proposed law.

If you aren't involved in shooting sports, you might be surprised how often such activities also occur for hunting trips, shooting competitions, and other lawful activities.

I personally borrowed a friend's rifle for a hunting trip that my friend wasn't attending. And a couple of my friends have borrowed rifles that I've owned for similar purposes.

There's no need or justifiable benefit to restricting our citizens in such a manner.

Furthermore, the current bill will create undo hardship on rural citizens, who wish to actually transfer ownership of their firearms to other citizens.

Gun shops are not very accessible in all parts of our great state, and not all gun shops will be willing to perform such a transfer for two private parties.

As such, it may prove very difficult for
many law-abiding citizens to sell privately owned firearms in private transactions.

I do realize that this is a contentious issue, and each of you has probably been overwhelmed with letters both for and against these measures. If you've made it this far," in the letter he says, "I thank you for taking the time to read my letter. I do hope that I can count on your support in this matter."

And the second one, colleagues, is really kind of to the point that the previous letter was about and the transference and the -- the creation of illegal transfers through this bill, and what would normally be legal activity.

"Like all Americans, Colorado's federally licensed firearms retailers are deeply saddened by tragic events that took place over the last few months in Aurora, Colorado, and Newtown, Connecticut.

"Our thoughts and prayers go out to all the victims and families of these horrible tragedies.

"We share the goal of all Coloradans in wanting to find real and effective solutions that will make our children and communities safer, while
at the same time respecting and safeguarding our constitutional rights.

"We believe the gun control measures currently proposed by the Colorado legislature, while well-intentioned, will not achieve our shared goal, and instead will burden law-abiding citizens. The unfortunate reality is that none of the proposed laws will stop a madman determined to pursue evil. Law enforcement agencies agree, notably including Colorado County Sheriffs.

"The so-called universal background check, 1229, is one of the bills of particular concern to Colorado's firearms retailers, most of whom are hard-working, tax-paying, jobs-creating small businesses. 1229 requires federally licensed firearms retailers to perform background checks for the private transfers of firearms unrelated to our businesses.

"This legislation will not deter criminals who are determined to obtain firearms. For example, most guns used in crime are stolen.

"We are deeply concerned, however, about the significant financial and regulatory burdens and legal consequences this bill will have on our businesses. It is clear the legislature never
bothered to ask us retailers how this proposal would impact our businesses or they were wholly indifferent to our concerns.

"Requiring retailers to conduct background checks will have a significant impact on our ability to service our actual customers. I can think of no other government mandate which requires a business to provide a service on behalf of a non-paying individual. By definition, these private transferors are not entering our stores interested in buying our products. They will only be in our stores to take advantage of our designation as a federally licensed dealer.

"While the bill allows for a $10 fee to be charged for the background check, this hardly equates to the value of the lost time with actual customers that will taken to conduct private sale background checks.

"Based on the experience of licensed firearms retailers in the few states that require retailers to conduct background checks on the private transfer of firearms between individuals, we know requiring universal background checks will impose on federally licensed retailers significant increased regulatory burdens, tremendous additional
cost, logistical nightmares, unacceptably lengthy delays and processing (inaudible) checks, unprecedented liability exposure, and other additional unintended consequences.

"Further, if universal background checks become law, it would be difficult to measure compliance without mandatory national firearm registration, a policy broadly opposed by law-abiding citizens and retailers.

"Increased cost to businesses. Before any retailer mandate is enacted, please consider the following: The universal background check is a pure cost to the retailer, and most of us are small mom-and-pop businesses.

"As retailers, we would lose a significant amount of money generating the legally required recordkeeping entries, maintaining those records for decades for law enforcement, and performing the background check on a firearm we are not selling, and for which we realize no profit.

"Licensed retailers would be forced to use paid staff hours or to hire additional staff and pay for additional infrastructure to accommodate such transactions, including, but not limited to, additional surveillance equipment to
secure firearm storage, parking, I.T.
infrastructure, and acquisition and distribution of
records.

"Staff conducting background checks on
private party transfers will not be able to serve
paying customers, many of whom will leave our
stores rather than wait, resulting in lost sales.

"The liability risk. In addition to the
cost of providing this government function, the
liability a retailer has in such transactions, for
example, retaining additional ATF form 4473,
subject to inspections and litigation for 20 years.
Maintaining the (inaudible) records for life of the
business, would require a significant increase in
compliance efforts. Any errors would be cited as
violations by ATF against the retailers. A single
violation of the Gun Control Act or the ATF
regulations is sufficient to revoke our license.
Imagine losing your livelihood for a recordkeeping
error for a product you didn't even sell?

"We would be forced to handle firearms
that we are not familiar with because we do not
stock them. It would no longer be the case that
every firearm we now acquire, whether new or used,
is a firearm that we want to acquire. Some used
firearms in commerce may have been modified by
their owners, may have been missing markings,
making proper firearm acquisition and disposition
records difficult for retailers to achieve a
compliant transfer. The licensed retailer would
also be subject to product liability and other
lawsuits if the transferred firearm is alleged to
be defective.

"Insurance coverage in those cases will
likely be unavailable to us, since we did not sell
the firearm. Imagine being sued over an accident
involving a firearm you didn't sell, and having no
insurance coverage.

"Federal law requires us as licensed
retailers to provide a secure gun storage or safety
device, typically a gun lock, when we transfer any
handgun. Who will pay for the cost of that gun
lock in these private transfers?

"If the firearm being transferred is in a
retailer's possession, custody and control while a
delayed NIX response is being resolved, up to three
business days, the retailer would face additional
liability over claims that the firearm was altered
or damaged while in the retailer's possession.

"There are significant safety concerns
presented by a massive influx of private-party firearms entering a carefully controlled retail establishment. For example, in California, persons have entered large retailers with a firearm, walked through the store, for example, passed the shoe department to get to the sporting goods in order to conduct a private-party background check.

"About what the logistical nightmare of this? In the event a buyer is denied based on the background check results, it is now unclear how the transaction should be handled. Would we then be required to run a background check on the seller before returning the firearm back to the seller? If the firearm is maintained overnight by the licensed retailer, federal law would require for retailer to conduct a background check and have them complete a form 4473 in order to return the firearm to the private-party seller.

"What is a licensed retailer to do in the event of a double denial? Both the private party is denied and the potential seller is denied. This has happened. It’s happened in California. How would such a transaction be noted on the ATF 4473? "As a point of contact state, Colorado is already overwhelmed with retail transactions.
Colorado CBI is already overwhelmed, and at one point was eight days behind in processing these background checks. Adding a massive influx in transactions would further tax the system to the point of potential collapse.

"Additionally, there remains uncertainty about how to best handle temporary transactions, such as the loan of a firearm for a hunting trip or at the shooting range.

"All of these concerns aside, the firearms industry contributes over $590 million in economic activity to Colorado, creating 4,800 jobs, paying $43 million in state taxes in these difficult economic times. This industry is one of the few industries that continues to create jobs.

"We ask you to oppose this so-called universal background check, 1229, because it places costly and unreasonable burdens on Colorado's retailers, infringes upon our Second Amendment rights, while failing to make Colorado safer. It cannot be effective without mandatory universal firearms registration, a policy universally opposed by firearms owners."

Sincerely, Lucas Galeb, Michael Shane, Matt Solomon, John Devoe, Jeffry Ray, John Burred,

Colleagues, please vote no.

SENATE PRESIDENT: Senator Scheffel.

SENATOR SCHEFFEL: Thank you, Mr. Chairman.

Colleagues, I wanted to take a minute to thank Angel, who contacted me and said: "Yes, I woke up last Monday at 6:00 a.m. to arrive at the capital early and sign up to testify, and after nine hours seated in a closed room listening to the process for two bills, not eat anything all day, I can't testify, of course so angry and frustrated, I drive, come back home for two hours."

Unfortunately, his conclusion was that after watching the process, "Honestly, lost my faith in the process."

If he had been given the opportunity to testify -- and I won't read all of it, I'll just
read the relevant portions as applied to 1229 here.

"My name is Angel. I'm a resident of Colorado Springs. I'm from Puerto Rico. Last year I decided to move to a nice, safe, and free state, and after a lot of research and friend's recommendations, I choose Colorado and moved here.

"My wife and me are in love with this state, but now I find that Colorado will no longer free and safe in the future and with this anti-constitutionals bands.

"Why I said this? Because my experience living in Puerto Rico has taught me this."

I'll just highlight, but he then relates:

"While I was in Puerto Rico, which seemed to be fairly onerous and describes a litany of costs and fees and registrations and background checks. He concludes, that anyone can see that more gun control in a state equals higher crime, and on the other hand, less gun control, like Colorado, until now, equals less crime. I moved to this beautiful state looking for a better place to live for me and my family, and it will make me really sad that you are choosing the path that Puerto Rico choose and that it has been proven to be a failure." Angel.

Steven writes: "I write to you today to
express my deep concern about the extreme proposals being brought forward in the state legislature regarding gun control. To me, this is a knee-jerk reaction to the actions of a few mentally unstable persons.

"These legislative proposals are absurd. We all know that gun control laws are obeyed only by law-abiding citizens. Criminals, will, by definition, ignore any new and current gun control laws. Taking lawful guns off the streets won't make the problem better, in fact, they will make it worse.

"I strongly oppose limitations and urge rejection of redundant background checks that are nothing more than a new tax and burden. Enforce the current laws and rescind redundant burdens on the lawful. Sincerely, Steven."

To Steven and Angel, I want to thank you for not giving up on our process. I'm sorry that you were not able to come here and testify. But it has been the theme here, your arguments resonate with me. They resonate in this building.

We know that this particular bill is an overreach. It cannot successfully accomplished and will without what is tantamount to registration. I
cannot support that. Your words resonate with me.
I thank you for taking the time to contact us here,
and I will be a no vote on this bill.

THE CHAIRWOMAN: Senator Crowder.

SENATOR CROWDER: Thank you, Madame Chair.

I'd just like to talk a little bit about the things I've been hearing in here. I'd like to start out by kind of reading a short blurb of a letter I got from the American Legion.

"From the 35,000 members of the American Legion family in Colorado, I'm asking you to vote no on the subject bills of Friday, March 8, 2013. By doing so, you'll be sending the message to all citizens of our great state that you believe in the Second Amendment and the right of your constituents to bear arms freely and without prejudice."

And that's all I'll read of that.

The slippery slope in which we talk about, we -- if we could just go back a little bit and look at it, I come from an era where, if you wanted a weapon, you get a catalog or however you want to do it, and you order that weapon, and it comes in the mail.

The slippery slope in which we've already
come down to this point, we have gun laws in place, but now we see the mass murders going on. The laws in which we have placed is part of that slippery slope to registration.

I'm not sure that I would agree with any additional laws would -- would refrain that from happening again. I'm of the opinion that -- I'm basically of the opinion that if -- the one thing that's not been talked about today is our freedom. If indeed we are a free nation, we should be looking in the opposite direction. Instead of restricting our rights, we should be expanding our rights.

There was a enormous amount of -- of gun sales in this country, but I think the -- the laws in which we have placed today is not necessarily what has kept the -- the homicide rates down, I think it's the gun ownership rights that have kept that down.

So I -- again, if we're -- if we're going to talk about being a free nation without additional regulation, that's almost a -- an issue that cannot be compromised. So I'm opposed to this bill. You know, I -- I do not believe additional regulation for the best of intent is -- in the
direction to go.

I -- until this -- until today, I had an argument with veterans over the last 40 years that I was adamant that I was right. And that argument has been -- I'm a Vietnam veteran -- that argument has been in the past I do not believe there's ever been an American veteran who has died in vain for this country.

I'm a very, very firm believer that every American death in service had a purpose, and that purpose was to promote the freedom of this nation, not restrict it. I do believe adamantly that freedoms can be attained, but it has to be worked for and fought for. That's what, you know, the letter I just read was from 35,000 American Legions.

We have roughly two million veterans in this state, and I think that, that in itself -- the veterans understand exactly what it means to the -- the Second Amendment and the right to bear arms, and those rights shall not be infringed upon.

So I -- and I normally -- what I normally do is just represent my district.

And in my district right now, the Pueblo Chieftain had an article the other day, their poll,
and it wasn't scientific by no means, but they --
they indicated 60 percent of the people in Pueblo,
which is out of my district, but it's within my
boundaries, but 60 percent of the people were
opposed to this gun bill.

I do believe in my district, which
surrounds Pueblo, which is predominantly rural,
St. Luis Valley and ten counties east, would be
considerably higher than 60 percent. I would not
make a judgment, but I do believe it would be close
to 80 percent. Of the 5,000 e-mails I've -- I've
received, it's well over 80 percent.

So I would -- you know, I would really
look at the slippery slope that we're going down as
one to registration.

There is -- there is one thing that I
would never do. I'm a fifth-generation Coloradan,
and I will never leave this state. I will continue
to stay here and fight for what I believe is right
for the State of Colorado and its people.

But I would really urge a no vote on --
on, you know, these existing gun bills. And I would
ask for your support on that.

And thank you very much.

THE CHAIRWOMAN: Thank you.
Senator Cadman.

SENATOR CADMAN: Thank you, Madame Chairman.

I want to share a letter that was sent to one of my colleagues. Trying to maintain decorum, I won't mention his name, but he is from Grand Junction, and his hair is perfect. I'm 0-2 there.

"Dear Senator. I met you yesterday after the so-called public hearings on the anti-gun bills.

"As I mentioned, I am an executive producer for Outdoor Channel. I currently have four series in production, including Gun Stories, the top show on the Outdoor Channel, with several additional series in development. My series focus on guns, hunting, shooting, and the outdoors."

It sounds like a pretty good fit for Colorado, doesn't it?

"This morning, I met with my three producers, and we made the decision that if these anti-gun bills become law, we will be moving all of our production out of Colorado. We've already canceled a scheduled filming session for late this month.

"Obviously, part of this is due to our
own commitment to the right to keep and bear arms
it also reflects" -- listen to this -- "this also
reflects three lawyers' opinions that these laws
are so poorly drafted and so designed to trap
otherwise legal citizens into a crime, one of our
attorneys referred to them as flypaper laws, that
it is simply too dangerous for us to film here."

That's a pretty strong message. Three
lawyers' opinions.

"I can give you chapter and verse on the
legal implications if you need, but suffice it to
say that the first legal opinion was so scary we
went out and got two others, all three attorneys
agreed."

The first legal opinion was so scary that
we went out and got two others.

I think this really confirms the
assertion that I have made in this building, and
probably at this microphone. Have you ever been in
a situation where you had one attorney and two more
attorneys made it better? No.

I'd say forgive me to the all the
attorneys here, but you know it's true.

"We are relatively small potatoes in
television, but our relocation of production will
cost Colorado just under one million dollars in 2013.

"Secondly, we have proudly promoted Colorado in our productions, and have been moving more and more production into the State. Now we will do exactly the opposite.

"What does this mean for Colorado? The community of television producers is a small one. Last week, I had lunch with a major network producer who is looking to locate his new reality series here in Colorado. That producer is also a shooter, and the new reality series will now be based out of Phoenix. That lunch cost Colorado over a million dollars in economic impact."

That's an expensive lunch. That's an expensive lunch even before Amendment 41 kicked in. A million dollars, another production company gone.

"Thirdly, according to numbers I received from the National Shooting Sports Foundation" -- for whom he used to work -- "hunting had an almost $800 million impact on Colorado in 2012."

You heard mentioned up here earlier that firearms specifically were 400 million, so if you add to that all of the other peripheral components into hunting, it doubles that. Citing nearly 8,330
"Next month, I will be in Texas meeting with most of the top outdoor hunting producers. And the number one agenda item will be Colorado. "Already hunting organizations and statewide hunting clubs around the country are pulling out of Colorado, and we expect this trend to accelerate rapidly.

"The message we will take to our viewers and listeners is that these proposed laws are so dangerous -- these laws are dangerous to hunters and any other person, be she a fisherman or a skier who brings a handgun into the state for self-defense, that we cannot recommend hunting, fishing, or visiting Colorado.

"We reach millions of people, and quite frankly, we have a credibility that the Colorado government officials can no longer match.

"Colorado Division of Wildlife is already running ads trying to bring more out-of-state hunters to Colorado in light of the flood of negative publicity about these proposed laws. I can assure you, those ads will fail."

Sounds like we have two situations coming: One, we can probably expect to see our
former Senator -- former colleague Senator White
over here asking for more money to promote Colorado
to counter these; or frankly, since we probably
can't, once this tidal wave gets rolling, we ought
to ask them for the $15 to $20 million back. How
do you think that will go over?

He goes on. "We estimate that as many as
one-quarter to one-third of out-of-state hunters
will desert Colorado in the next 18 to 24 months,
which will, quite frankly, be a disaster for the
hunting industry here and have a devastating affect
on our western and northern communities, certainly
like Grand Junction.

"This is not a boycott in the traditional
sense of a centralized, organized operation,
rather, it is a more grassroots decision on where
shooters, hunters, and other sportsmen are willing
to spend their money.

Look at the collapse of the Eastern
Sports and Outdoor Show in February. That
venerable, multimillion dollar trade show chose to
ban modern sporting rifles and standard capacity
magazines. And within three weeks, it collapsed,
as all vendors and sponsors pulled out.

"Colorado is going to pay a huge price
for laws that will do nothing to increase public safety.

Thank you for your support. As one of the top gun guys in the America, I personally reach more than a million people a week. If there's anything I can do to help in this fight, I would be glad to help you in any way."

You know, a few years ago, we had an opportunity at the end of the session each year to go to a conference up in Craig, and I know my colleagues, I think some of them may have stepped out of the room, but one of my colleagues I served in the House with Adams County would attend, my other colleague from Jefferson County would attend.

And what really struck me about my time up there was all these big beautiful hotels in Craig. Anybody been to Craig? It's a ways from everything. And what I found out sustained these hotels and why they were continuing to add to them and build more, was mostly for the hunting industry.

And I found out that major celebrities buy up entire wings of some of these -- or rent up the entire wings of some of these hotels during hunting season for two, three, four, six, eight
weeks at a time. It is a -- it is the lifeblood, the lifeblood of these communities, hunting season.

Obviously, this will have a significant impact -- affect on a whole lot of rural communities in Colorado.

I'm sure Senator White is listening right now wondering what our next move will be. I don't see myself supporting more money for him to try to make up for this loss. Frankly, how could we even -- how could we even put a figure to this? Somebody has a million -- a reach of a million people a week and he says don't come here.

Remember the old adage, good news stays quiet, bad news travels fast? This bad news is traveling very fast.

I would ask for a no vote.

THE CHAIRWOMAN: Thank you.

And now the Senator from Grand Junction with the perfect hair, Senator King. Your minority leader said it, I didn't. Then Senator Renfroe.

Oh, Senator Harvey. Okay.

SENATOR HARVEY: The Senator from Douglas County with no hair.

THE CHAIRWOMAN: Yes.

SENATOR HARVEY: Thank you, Madame Chair.
I'd like to take a minute to talk about another business here in Colorado, who is concerned about the impacts of this legislation, not on them, but on the freedoms of all Coloradoans. This is a company that is a significant employer here in Colorado that is going to be expanding -- was planning on expanding substantially here in 2013.

I'm -- I assume that you all got this letter, and I wanted to read it to you as well. It's -- it says: "Dear Fellow Coloradan" --

THE CHAIRWOMAN: And -- and Senator Harvey, this is pertaining to 1229?

SENATOR HARVEY: Yes.

THE CHAIRWOMAN: Okay. Thank you.

SENATOR HARVEY: That's why I'm up here.

And all other bills, as well. I might come up for every bill and read this.

"Our state legislature is embroiled in a gun control debate that is precipitating a malaise in our citizens and tolls ominous consequences for local businesses like ours.

"My name is Mark Butler, and I'm the CEO and co-founder of J.R. Butler, Inc. We are an engineering and manufacturing firm, specializing in commercial glass industry. We are located in the
heart of Denver, at 6th and I-25, and employing 104
dlocal men and women. We serve on numerous local
boards of directors. Our employees donate hundreds
of thousands of dollars to charities -- I'm
sorry -- our employees donate hundreds of
charitable hours annually and donate hundreds of
thousands of dollars. We are the City and County
of Denver. We are Colorado.

"Our company is considering a two-fold
expansion in our operations, which demands a
facility and a number of employees twice the size
of our current one. Naturally, our original plans
included building locally and deepening our
Colorado roots. Due to the recent action in our
state, however, we are looking instead to move our
operations out of Colorado, potentially to Texas.
We are currently in the process of reaching out to
their EDC's, while you're in the process of
considering these egregious gun bills.

"J.R. Butler is a vehement defender of
the U.S. Constitution and the Second Amendment. We
will not abide the loss of our liberties. We will
not allow our rights to be tread upon. If these
egregious bills are signed into law, we will move
all of our jobs, charitable activities, and tax
base away from the State of Colorado.

"We know that you will directly consider these statements, as we have. I believe I am one of the many CEO's that will see the legislative actions that you are taking in the same light. Colorado cannot endure the loss of so many leaders. God's speed, Mark Butler, CEO."

Just one more example of how these bills are going to have a detrimental impact, not only on our economy, but also on the perception of who we are as Coloradoans, and what our state has become.

I remember a couple of decades ago when Amendment 2 was passed on the ballot, and we had film industry experts leaving the state; we had companies leaving the state; we have people saying we weren't going to come back to Colorado because Colorado was quote, a hate state.

What do we hate today? Freedom, liberty, the right of self-protection?

I ask for a no vote.

THE CHAIRWOMAN: Thank you. Senator

Renfroe.

SENATOR RENFROE: Thank you, Madame Chair.

Members, you've heard some amazing letters from companies that call Colorado home. Now, you
might think that, well, this is a gun bill, what are we doing about -- talking about companies? Well, every bill that we face down here has a lot of sides to it, obviously. One of them is an economic impact; one of them is a safety impact; hopefully, one of them is a constitutional impact.

I think this bill is one of those that we could look at all three levels as reasons why to vote no on this bill.

You heard stares just now. List to that. The Outdoor Channel. You don't think they don't reach every hunter and fisherman in the country, in the world?

In fact, I did get an e-mail from a man that lives in Switzerland, that calls Colorado his summer home. And I think he sent that to quite a few of you, too. And within that, I think he said that he was almost ashamed of us and was probably looking for a different place to call his Colorado -- his summer home rather than Colorado, because of the freedoms that we were taking away with these bills, and this bill in particular.

That is amazing with the Outdoor Channel. What Senator Cadman read, I don't think -- I think is -- deserves to be repeated in a few highlights.
Number one, the executive producer met with his other three producers, and they have a decision -- made the decision to move out of state if these anti-gun bills become law, moving all of their production out of Colorado. What do you think that will do to hunting and fishing? But they just didn't say that because they're pro-Second Amendment. They actually hired some attorneys to look at the legislation, to see if it stands up to one of the other pillars, our Constitution, see how it stands there. And their lawyers' opinions said they are so poorly drafted and designed to trap otherwise legal citizens into a crime.

I don't think anybody could have said anything better about this bill. That's truly what I believe this bill does. There are so many examples, many that have been shared, many that unfortunately we're going to find out through the newspaper of stories of people being trapped by them in the future, if this passes.

It is too -- simply too dangerous for us to film here. Wow. Wow. Too dangerous to film here. They have proudly promoted Colorado and have been moving more and more production into our state.
Now we will do exactly the opposite. The message we will take to your viewers and listeners is that these proposed laws are so dangerous to hunters and any other person, be she a fisherman or a skier who brings a handgun into the state for self-defense, that we cannot recommend hunting, fishing, or visiting Colorado.

When you look at the Governor's office and his economic development department, they've given documents to our JBC staff. And here's a little backgrounder of -- of their goals and what they stand for.

"The Colorado Office of Economic Development" --

THE CHAIRWOMAN: Senator Renfroe --

SENATOR RENFROE: -- "and International Trade" --

THE CHAIRWOMAN: -- would be willing to stick to the bill, please?

SENATOR RENFROE: This is exactly to the bill, Madame Chairman, because this is talking about the economics of what this policy -- this bill -- is going to do to the State of Colorado.

THE CHAIRWOMAN: Thank you. Let's stick to that.
SENATOR RENFROE: And so I'm talking about one of the other branches of government, the Governor's Office of Economic Development and International Trade, and what they have said about what their goals are, are for our state, when it comes to economic development.

I think the last letter from the outdoor channel shows what the problems will be, that there will be great economic impact to our state. And so I just want to share with the -- with the body and with you what their goals actually are and what they're tasked with, if I may.

May I do that, Madame Chair?

THE CHAIRWOMAN: Yes.

SENATOR RENFROE: Thank you, Madame Chair.

The governor's office -- The Colorado Office of Economic Development and International Trade is tasked with assisting and creating a positive business climate, encouraging economic development, and building sustainable job growth across the state. They're focused on retention and growth in 14 key industries. They will not meet their goals. They cannot with this bill. This bill is absolutely against what we're funding another part of government to promote.
The third part I talked about within the bill that we need to look at is -- is the safety aspect.

The Senator from Fort Collins talked about some data early on that the -- the sponsor of the bill referenced, and frankly that the President of the United States has referenced in regards to this matter. And I would have questions for the sponsor and for the Chair, Madame Chairman.

Where did the 40 percent number come from, when we're talking about the so-called loophole? Could you please tell me where that number came from? I think I know where it came from. So if I'm wrong, I would love to be corrected with the -- the proper data on this and the proper facts. Because I'd hate for us to mess up the statistics and the facts on a bill that we're hearing on guns.

That 40 percent number, which actually I think in the study that it was supposedly using out of is actually 36 percent, but we can round up and say that. But, it's a study that was conducted with only 251 people during the Clinton Administration, which was from, I think, a '91 to '96 period of time.

But the thing you have to remember,
colleagues, is that we did not require background checks until I think it was '94. So the question that was put during this so-called loophole study was before we even required a background check at all. So how can we say 40 percent of people are in this loophole that we're trying to fix with this bill?

So I would love, Madame Chair, for an answer to these questions and some -- some statistics to show the need and where that 40 percent comes from.

And you could even go a little further into digging into what the questions of that 1994 survey was, and actually what the survey simply asked was if they thought they were buying from a licensed dealer, so it didn't even actually ask the right questions within that.

So is there really proper data that we've been told about on this bill? I would love that answer, Madame Chair.

Another question I would have, when you look at background checks and you question 40 percent out there that we've allegedly been told is what the loophole is we're trying to protect, okay, well then, the other side of that is, how
about the people that we've been told failed a
background check and the number that they are, what
percentage of those really actually failed the test?

8 percent of background checks are
initially denied, but actually 94 percent of that
eight percent is found to be a false positive, in
that they just had a name was similar or the same as
somebody else that was on the list, and they had to
go through a few steps to get there.

So in reality, what this bill, in my
opinion, really does from a safety issue, and there
are researchers that actually have came to this same
conclusion, is that this bill, by expanding
background checks, might actually contribute to an
increase in violent crime because of the time it
would take people to wait for this to happen, the
people that actually do need the right to protect
themselves, and they will be waiting for that right.

This is a very, very bad bill, a bad
package of bills. And I would ask for a no vote.

THE CHAIRWOMAN: Members, we have been
joined by Secretary of State Gessler, and we should
acknowledge his presence in the room.

Senator Baumgardner.

SENATOR BAUMGARDENER: Thank you, Madame
We just heard from one of our colleagues that talked about key industries here in the State of Colorado and reports that we had from other branches of our legislative body that talked about the amount and percentage of money that comes into our state from people coming into the state, jobs that are here in the state.

And one of the most important pieces of this, I believe, is the tourism industry that brings as tremendous amount of money into the state.

This is just one of the components in the Governor's Blueprint to make our state one of the best in the nation, along with outdoor recreation and natural resources and energy.

Madame Chair, if I may, I -- I have some letters from constituents and from members of -- or the citizens of the State of Colorado, just a couple. If I may, if I could read those?

THE CHAIRWOMAN: Are they pertaining to House Bill 1229?

SENATOR BAUMGARDENER: Yes, Madame Chair, they are.

THE CHAIRWOMAN: Yes, sir.

SENATOR BAUMGARDENER: Thank you.
Understand these were not my words. These are words of a citizen in the State of Colorado.

These are boycott letters.

It says:

"I am a registered Democrat and a lifelong Colorado citizen. I need to let you know that I'm strongly against the current gun laws being proposed. A vote for these laws will do nothing to prevent any of the current tragedies that have happened. In fact, some will actually weaken the law-abiding Colorado citizens from being able to protect themselves, their loved ones, and others if when they -- when some sick individual tried to copycat what has already happened. They are not common-sense approaches to deal with criminal forces, as the criminals already do not follow the laws we have.

More effort is needed to place -- to enforce our current gun laws. It is already illegal to knowingly sell or give a gun to a felon or an individual that you know who will commit a crime. Most of these individuals have long histories or a background of criminal behavior, and many are repeat offenders, and they're being let back out on to the streets."
And he cites an example:

"A couple of years ago, I was broken into by two individuals that among things stolen were three guns. They were arrested later that day and had in their possession some of my property, but of course none of the guns. When arrested, they had several bags of pot, a large amount of cash, and some -- and both were high on drugs. Most likely, they had swapped or sold my guns in some dope deal.

"During the interrogation or the questioning by the police, they both admitted and pointed a finger at each other on the break-in and on other break-ins they had committed that same night.

"The owner of the car was the only one since the property was in the possession of the car, the other one he was the only one that was charged because he had possession of the property. The other one was released, even though he had a prior warrant.

"The owner was convicted of a felon. He was out on parole from another county in Colorado with a same, similar of offense.

"Again, criminals do not go in and have a background check done. They don't go in to gun
dealers and buy a firearm that can be registered. They don't go to a gun show where you have to register a firearm. They break in, they steal, or they get it from another criminal.

"During the plea deal, I asked, what had been done to find out what they had done with my guns. They informed me that there was no -- there had been no warrants, and it had not been an issue on any of their other locations. I also asked were they pressing him to divulge what they did with the guns, and what was going to be -- if that was going to be part of the plea agreement to where he could be let off if he plead, and they said no."

He also adds: "Now, in we're going to be serious about keeping guns out of the hands of these type of people and off the streets," he asked, "what kind of law enforcement is that? What kind of laws do we need? What type of laws do we have on the books? Do we not need to enforce the laws we have on the books without adding more laws?"

And he would like your opinions. He says:

"I'm a very proud Coloradan, and I resent outside forces like the Bloombergs trying to push
their money into Colorado to try to add legislation that will not solve anything. It will weaken the law-abiding citizen's gun rights and turn us into New York or California. Keep Colorado proud and maintain our western heritage.

"If gun restrictions and laws like this work, then why do Chicago, Washington, D.C., and New York have some of the highest crime rights and have some of the most restrictive laws on the books?"

He asks for you to vote against House Bill 1229.

Madame Chair --

THE CHAIRWOMAN: Yes, Senator.

SENATOR BAUMGARDENER: -- may I proceed with this last letter?

THE CHAIRWOMAN: As long as it pertains to 1229, yes.

SENATOR BAUMGARDENER: Thank you, Madame Chair.

This gentleman spends a lot of time in Colorado. He doesn't live here. He's from Kansas.

"Dear Colorado Senators, it is our understanding that a representative from Denver, who put forth these bills, which would disarm
responsible citizens in Colorado has a past --

THE CHAIRWOMAN: Senator --

SENATOR BAUMGARDENER: -- "while we respect" --

THE CHAIRWOMAN: -- is this about 1229?

SENATOR BAUMGARDENER: Yes, Madame Chair, it is. I did not mention any names. It's not -- these are not my words. This is someone that -- thank you -- it is about the bill, thank you.

Thank you, Madame Chair, may I continue?

THE CHAIRWOMAN: Yes.

SENATOR BAUMGARDENER: Thank you, Madame Chair.

"I urge you to vote against all gun control bills," House Bill 1229 and other bills that I can't mention in the bills that we've already heard.

"These bills will do nothing to improve safety or reduce crime, and will only serve to further abridge the fundamental rights of responsible Colorado citizens.

"Although I am not a resident of Colorado, I and my family travel and spend leisure money in your state that will seize, should any new gun-legislation related bills pass."
"I am also actively contacting everyone I know who travels to and spends recreational dollars in Colorado to consider boycotting your state, should any of these erroneous bills be passed."

Madame Chair, there's more to this, but I think I will reserve the right to come back later and read it, since it pertains to another piece of legislation.

THE CHAIRWOMAN: Well, thank you, sir.

SENATOR BAUMGARDENER: I would just ask that we consider House Bill 1229 as a piece of legislation that's going to affect economic development in Colorado to the effect that tourism dollars will be lost because people will not come to the state, and this is part of our bottom-up or the Blueprint piece of our economic development. These bills are going to affect that. So let's be very careful.

And I would ask for a no vote on 1229.

THE CHAIRWOMAN: Thank you.

Senator Lundberg.

SENATOR LUNDBERG: Thank you, Madame Chair.

Jobs, jobs, jobs. House Bill 1229 is not about jobs, it's about getting rid of jobs. No,
that isn't the specific language that you'll read in
the bill, but as you've heard the recent discussion,
that is in fact the affect you'll see from the bill,
along with all of these other bills.

Let me talk to the people in the gallery
as well as the Senate, because it's your jobs, it's
your economic future, it's your life we're talking
about.

This bill is a part of a package of bills
that are clearly seen by the -- not just the people
of Colorado -- but the people of this nation as a--
as an anti-Second Amendment package. It -- from my
understanding, is predicated upon the assumption
that the fewer guns we have anywhere, the better off
we all are.

Never mind the fact that the Constitution
is very, very clear on that one specific point, both
the U.S. Constitution and the State Constitution.
Never mind the fact that the people of Colorado have
spoken very clearly.

It would be interesting to hear one
Senator come down to this microphone and say the
overwhelming number of constituents who have
contacted me through e-mail and phone calls and
personal conversations are urging me to pass this
legislation. Is there one of you out here who can attest to that?

For my part, I've received thousands of e-mails, thousands. And they are overwhelming. You know, let's say like 90-something percent, 95 percent, 99 percent opposed to this legislation.

And those from outside of the state very often will add that little note, you know I used to go elk hunting in your state, never again if you cross the line. I don't blame them. If another state were to take this action, I would take that as a you're not welcome sign and take my business elsewhere.

Now, I'll leave the podium here with this one final point to the people of Colorado, and that is: Don't give up on this. Don't give up on us. Don't give up on our state. I, for one, commit to you that any anti-Second Amendment legislation that's passed by this legislature, I will do everything within my power to repeal.

And there are many of us, not only on the floor here, but maybe up in the gallery or maybe watching elsewhere, who can come down and join our ranks and make that difference and put Colorado back on the track we need to be, because bills like House
Bill 1229 do not deserve to be in the statutes of the State of Colorado, not this land of liberty, not this land of freedom, not this land of opportunity.

And even as our founding fathers understood that one of the key elements to the opportunity is that ability to defend yourself, and your family, and your property, and your community, and to have that freedom as an individual.

It's so clearly stated in our constitutions, in our -- the -- the warp and the weave of the fabric of our laws from the very founding. All of this contributes to that general direction of -- of personal responsibility rather than the government saying no, we'll take care of it and we'll take care of you too.

No, that's not what this nation was founded on. That's not what this state of Colorado is all about. That is definitely what the people of Colorado are calling for. I urge each and every Senator to look their constituents in the eye and follow their lead.

Vote no on 1229.

THE CHAIRWOMAN: Senator King.

SENATOR KING: Thank you, Madame Chair.

Well said, Senator.
I'm asked why today is a day of dysfunction at the capital. So let's take a look at this.

All studies show that the vast majority of guns used in crime are obtained either through theft or straw purchases, neither of which will be affected by this bill. Criminals, and their use of firearms will not be deterred by this bill.

And crazy people, I'm sorry, but I'm convinced that the only thing that stops a crazy person with a weapon from violence is a sane person with a better sight picture.

All we are doing with this proposal, with 1229, is imposing costs and burdens on law-abiding citizens and not making them safer.

Vote no on 1229.

THE CHAIRWOMAN: Any further discussion on Senate -- on House Bill 1229?

Senator Tochtrop.

SENATOR TOCHTROP: Thank you, Madame Chair.

And I wasn't going to get up and talk on any of these bills, but when Senator Cadman brought up Craig, Colorado, and I will tell you I used to live up there, and our son still lives up there, and
he is right, they have gorgeous hotels, and hunting
is -- other than energy, hunting is one of the main
economies in the northwest part of the state.

They've got prized -- prized game that
everybody goes after, and in particular your
out-of-state hunters who come up. And every year
you've got the group that go to the same motels and
rent the rooms. In fact, when they had the oil boom
a couple years ago, it was interesting because the
motels made sure that those rooms, even though they
had a lot of the oil people staying at the motels,
they had to make sure that they were vacant for
their yearly hunters that came up every year. I
would venture to say that about 20 percent of sales
tax that the City of Craig receives is from hunting
season.

And it was really kind of ironic, it is a
rural area, but when we lived up there, our kids
were in high school. And my one son, who is living
up there now, had a pickup truck. And he would get
up in the morning, and he would go deer hunting when
it was both seasons, and then go off to school with
his rifle on the gun rack, along with many, many of
the other students in his school, get off of school
and then go hunting again because the deer -- you
like to hunt them dawn and dusk, those of you that are hunters.

So, you know, I guess, again, I wasn't going to say this, but if -- if this bill affects some of the parts of the state that really rely on hunting, I am concerned about it because even though I don't represent that area, I think we need to look very carefully of how we impact the entire state of Colorado.

And, anyway, I just wanted to make a comment about the hunting -- how hunting is important in many parts of the State of Colorado.

THE CHAIRWOMAN: Senator Carroll.

MAJORITY LEADER CARROLL: Thank you, Madame Chair.

I agree, hunting is important. So everyone who owns a gun can obviously continue to hunt just as they do in Colorado.

And, in fact, I'll just remind you there's an exception written in there that even if it's -- if it's not your gun, if it's borrowed, again, as long as you're not a convicted felon, you can use your own gun, you can borrow a gun, but hunting is one of the explicit exemptions in the bill.

Thank you.
THE CHAIRWOMAN: Senator Brophy.

SENATOR BROPHY: Well, thank you Madame Chair.

And as I said in my first time that I came up here -- and I thank the previous senator speaking about the importance of -- of hunting up in the Craig area -- this does impact hunting, because as I mentioned earlier, most hunting trips are for longer than 72 hours. So this bill still has a cast of negative impact upon hunting.

And -- and we're -- we're all getting e-mails from all over the country. People that come to the state to -- to -- for tourist activities swearing they're going to Wyoming and Montana if we pass this package of bills. They're paying attention to all of them, and specifically to -- to this bill, the constitutionally of the ability of a police officer to call into question your right to possess a firearm because you may or may not be able to prove that you legally obtained a background check on it.

Which brings me to a communication that I had from a friend of mine up in Longmont asking very clearly, Why are checks tied to guns? Shouldn't they be tied to people? Why aren't the bad guys
being watched instead of the good guys being watched? Why can't the police officers check to see if the person that they have pulled over is a felon and not allowed to own a gun. That's the solution that the people of Colorado like.

And they're paying attention outside of the state and inside of this state. You have seen all of the e-mails that you received. I just distributed to each and every one of you a poll result memo. It looks like this, Public Opinion Strategies.

And they polled specifically about all the bills as a package, and this one, and especially the one that we're going to take up in a couple of bills. This is important. Two-thirds of likely voters say that they are very or fairly closely watching the progress of these bills as they move through the legislature. Two-thirds of the people of Colorado either oppose them outright or think that they go too far. Like this bill does. It goes too far.

It was supposed to be about background checks, but it doesn't even allow you to loan a firearm to a friend for more than three days. It calls into question whether or not anybody wants to
bring a firearm to the State of Colorado.

What if law enforcement start -- starts
harassing out-of-state hunters who don't even know
about this law? Well, that's not likely, because
this is the -- did you guys see the Outdoor Life
Channel letter? Colorado is the number one topic at
a director's meeting they're having in Texas later
this month.

The eyes of the nation are upon us. What
we do here today matters to everybody, just like it
matters to a former constituent of mine, now she's
in senate district 35, because you guys stole her
from me. A brand new county commissioner from
Prowers County, who, along with about 49 other
people from La Mar, drove all the way up here last
Monday to have their voices heard on the bills that
they believe are unconstitutional, like this one.

"Hi. I am Wendy Buxton-Andrade." She
had -- she had prepared a statement that she wanted
to give us to everybody.

"I'm a county commissioner in Prowers
County just as you are. I'm an elected official
and sworn to uphold the Constitution of the United
States and the Second Amendment that upholds the
rights of all American citizens to bear arms."
"As we are all elected officials, I am asking you to uphold our American rights set forth by our forefathers. Passing any bills that limit our ability to bare arms is against our Constitution and the rights of law-abiding citizens."

The eyes of the entire nation are upon Colorado. All of your constituents are watching what we do here today, and a large majority of them, nearly two-thirds, oppose the things that you are imposing upon them.

Vote no on 1229.

THE CHAIRWOMAN: Thank you.

Senator Crowder.

SENATOR CROWDER: Thank you, Madame Chair.

I -- I just had a quick question for the sponsor and anybody who supports this bill. We've heard from the people that oppose this about the bill -- the businesses that are leaving the state of Colorado. What I was wondering if you could tell us of any businesses wanting to locate in Colorado due to this bill?

Thank you.

THE CHAIRWOMAN: Any further discussion on House Bill 1229?
Seeing none, the motion before you is to adopt House Bill 1229.

All those in favor say aye.

All those opposed, no.

The ayes have it, and it is adopted.

(Whereupon, the recording was concluded.)
CERTIFICATE

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

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

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

________________________________
Registered Professional Reporter

and

Notary Public