This transcript was taken from an audio recording by Elissa Steen, Registered Professional Reporter and Notary Public.
THE CHAIRMAN: Mr. Majors, would you please read the title to House Bill 1229 by Majority Leader Carroll.

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 CHAIRMAN: Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you, Mr. President.

I move House Bill 1229 on third reading, final passage, and ask for an aye vote.

THE CHAIRMAN: Majority Leader Carroll, I have an amendment on the desk.

Mr. Majors, would you please read Amendment L.39 by Senator Carroll?

And so, actually, Senator Carroll, first.

Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you, Mr. President.

Members, I ask for permission to offer a third reading amendment on House Bill 1229.
THE CHAIRMAN: Would you please explain what you're thinking and what?

MAJORITY LEADER CARROLL: Yes, I'd be happy to.

So as far as why permission, it will go into the substance of the amendment a little bit. You'll recall one of the exceptions of not requiring a background check is in the case of being repaired. And there's some potential ambiguity about the way it's worded, where you might almost need a background check to prove that you're eligible for the exemption of a background check.

So this is basically for the repair owners, you know, they can reasonably rely on the information they're given, and it's to make the intended exception work the way we meant so that you don't need a background check to prove you don't need a background check. That would be why I would be asking permission, 'cause I think it is tighter language around that exception.

And I'd ask for an aye vote.

THE CHAIRMAN: Okay. The motion before -- the question before the body is whether to grant Majority Leader Carroll permission for a third reading amendment.
All those in favor say aye.

Opposed, no.

The ayes have it. Permission has been granted.

Mr. Majors, would you please read Amendment 39 to House Bill 1229 by Majority Leader Carroll.

MR. MAJORS: Amendment L.039 --

THE CHAIRMAN: Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you, Mr. President.

I move Amendment L.039. Members you've heard this described. Again, this is to make the exception to a requirement of a background check for the case of having your firearm repaired, to make sure that the repair owner doesn't need to go through a background check to prove they don't need a background check. And I would just ask for an aye vote on the amendment.

THE CHAIRMAN: Discussion?

Senator Renfroe.

SENATOR RENFROE: Thank you, Mr. President.

Members, I -- I just want to make an
over-arching question, pose it to Mr. President and
the body with an amendment like this.

So what we're doing with this bill is
we're saying that we will trust a person when he
tells someone that's going to fix his gun that it's
okay, and that he's legal, but we won't trust a
person when he wants to give it to his neighbor that
he's know for 30 years that wants to go and do
something with the gun?

That's what this amendment allows, and
that's what this bill does.

THE CHAIRMAN: Further discussion?

Senator Lundberg.

SENATOR LUNDBERG: Thank you,

Mr. President.

I'm inclined to support this amendment and
would note that it underscores the severity of the
bill, but it at least creates a -- one reasonable
exception, and for that reason, as I say, I think
the amendment's good; good amendment for a bad bill.

THE CHAIRMAN: Further discussion?

Seeing none, the motion before the body is
the adoption of Amendment 39 to House Bill 1229.

Are there any no votes?

With a vote of 35 ayes, zero noes, zero
absent, and zero excused, the amendment is adopted.

To the bill.

Senator Lundberg.

SENATOR LUNDBERG: Thank you, Mr. President.

Members, I just noted that we amended this bill in a way that created one little tiny island of sanity to a measure that I believe lacks much of that rationality for the rest of its policies. And this amendment, again, underscores the severity of this legislation.

Background checks are one thing; universal background checks are entirely another. Because the background check system that has been in place, bureaucratic, and tiresome, and expensive, and troubling as it has been -- I mean, how many people have talked to in the last couple of months who have been very frustrated by the length of time it has taken to simply purchase, legally purchase, a firearm?

And, of course, much of this is because Colorado policy creates its own little unique background check system, never mind the fact that the FBI has been doing it for no cost and with a system large enough to handle the volume, but now
we're going to expand this to the universal
background check idea, which means we don't trust
anybody, except, of course, this amendment that we
put in place.

We don't trust anybody else to -- to
have -- have the -- the ability to understand how
this free exchange of if you're selling privately to
somebody or -- or you're loaning, and that's --
that's the -- you know, the most glaring shortcoming
in this bill, is to simply loan your firearm to
somebody for more than an extended period of time or
more than a very limited circumstance, such as
you're in a firing range, but not just any old
firing range, no, one that has specific parameters
and definitions.

In my part of Larimer County, about every
neighbor has a firing range, and every weekend you
can hear them out there tuning up their -- their
rifle. Not a bad idea. But that wouldn't qualify,
of course, because that's not the specified legal,
you know, definition of -- of a firing range. And
so it's -- it's -- it's -- it's just filled with so
much bureaucratic, dare I say it, nonsense, that it
really boils down to an impression, at least that I
get, that we don't trust the people of Colorado to
have good common sense when it has -- comes to
exercising their constitutional rights to own and
use their firearms.

And part of that use can be the most
practical application of -- of your neighborhood has
a reason for -- for needing to borrow a hammer, you
give them a hammer, you know, get it back to me next
week. But if it has to do with that firearm, oh,
you can't do that without going through a background
check.

Now, that's one concern I have, is just
the bureaucratic nonsense that this puts in place
for the people of Colorado. And I can deduce no
other reason for it, other than we must not trust
the people of Colorado to have good reasonable
common sense. These are the law-abiding citizens of
our state. And, no, no, no, we won't trust you
further than we can throw you.

That's one problem. The other dilemma we
have is the practical reality of how you're going to
enforce such a system, because I can see it very
clearly, oh, today, it's -- it's -- it's the
assurances. This is all it is. This is just what
we're going to do.

But next year, when we get the reports of
law enforcement, who have -- who have told us repeatedly right now, we can't enforce this.

There's no way we can -- we can really plug this in and make it a functional part of the -- of the legal process here in the state unless we do one particular thing, and that is register every firearm in the state. Register every firearm in the state.

When I see universal background check, I can put A and B and C together and draw the line between, and it -- B is: We register your guns, and that is a very, very troubling notion.

History is replete with examples of country after country that simply says, Well, we just want to know where it's at so we can look after things properly and legally. You know, maybe it's for background checks; maybe it's for some other reason.

But when you register the guns, the next step is, somewhere down the line, you confiscate them.

That's what I see when I read the particulars in House Bill 1229. That's why the people in my district have been very, very, very clear on House Bill 1229. Kill it. Vote no. Don't allow this to become a part of the Colorado legal
requirements for the citizens of Colorado.

I've received thousands of responses from people, thousands, and maybe a handful saying it's a good idea, but the other thousands are saying, absolutely not, this is a violation of our constitutional rights. This is a -- an alarming piece of legislation where the path is clear. The trajectory is headed right in that direction.

Some people have talked of the arc of history. Well, this arc is leading towards tyranny, and it is clear.

THE CHAIRMAN: Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you,

Mr. President.

You know, I've heard -- it's interesting.

I've watched different iterations through this bill, and I've heard a lot of descriptions of what people think the bill does, and if some of the assertions overall that globally I've heard were true, I think I'd be pretty alarmed too. So what I want to do is create a factual record based on what the bill actually does and -- and really what it does not do.

The bill trusts that law-abiding citizens will pass a background check and can go on to buy the weapon of their choice, or as many weapons of
their choice as they want. People can continue to
own or possess any firearm of their choosing, so
long as they're not a convicted felon and otherwise
prohibited under current law.

We have, as a matter of public policy,
before said that when people commit certain crimes,
you lose certain rights, and the right to purchase
or own a firearm is one of those rights you lose
after you have a serious conviction, whether that's
for homicide, for rape, for kidnapping, for
burglary. That is one of the consequences of what
happens.

Yet without a background check, any and
every single convicted felon in the State of
Colorado can easily access a gun, or as many as they
want, any type they want.

We have had incredible -- you know, on the
experience we've had before the -- the Internet made
it too easy for third-party postings. We have, in
fact, had experience with the background check
mechanism. That's your gatekeeper. That's what it
is. And what it does is it makes sure every
law-abiding citizen walks through that gate to go on
to exercise 100 percent of their Second Amendment
rights, for whatever purpose they see fit, whether
it's hunting, fishing, self-defense, competitive shooting, whatever.

But the other side of the gate is that everyone who is prohibited under law, who is not supposed to, dangerous people, dangerous convicts, who are not supposed to have access to a weapon, there is no way other than a background check to make sure that those folks don't access firearms.

It will be true that there are going to be some people who continue to circumvent the law. Murder is illegal now, and people go on to murder. It is against the law to drive drunk. And it's true, we do have people who drive drunk, but that doesn't mean that we shouldn't, as a matter of public policy, say that that shouldn't happen. And because something less than 100 percent of people may be caught doesn't mean we shouldn't do it.

The facts are that this is the gate that lets law-abiding people walk through and stops criminals from acquiring more guns. What it does is basically extends to private sales an ever-increasing share of the gun sale market, the exact same background check we use at FFLs and background checks. Same process.

If we fail to close this loophole, we are
saying that the difference between law-abiding citizens and criminals isn't worth making and that we might as well just go ahead and let anybody -- convicted felon, those under court order for being dangerously mentally ill or not -- go ahead and have it. Let's go ahead and skip that process.

That renders current law prohibiting ownership and possession by convicted felons meaningless because without the background check, there's no factual way for determine.

Colorado's process on our background check does tap into three additional databases, which helps increase the accurate detection of people who are not supposed to have access and makes it more likely that we do.

The other thing the bill does, besides being that gatekeeper, is it actually does some things for gun owners to make sure that the data is more accurate and more timely, in terms of what is uploaded and downloaded. Why? Because false positives and false negatives, either way, are a problem.

So by having transfer within 48 hours, this means that we are more likely, with passage of this bill, to make sure that law-abiding citizens,
in fact, don't get a false flag to go through, nor
do we fail to capture people convicted of domestic
violence or other felonies, who may have just
recently been convicted yet escaped the background
check.

I've handed out a page that kind of goes
over the exceptions. There is no registration in
this bill. There is no confiscation in this bill.
Everyone can hunt. Everyone can fish. You can loan
it to your family. You can leave it on deployment.
You can have it repaired. You can inherit a weapon.
You can use it at Boy Scouts. I mean, there's a lot
of examples, and you will see for yourself that
those have been explicitly contemplated, plus two
additional catch-all. And I think there has been
some confusion among the exceptions.

In addition to everything that's
explicitly numerated, those other exceptions don't
have any 72-hour limit on them. That's just
temporary. It means something other than that
permanent. Those are exempted.

There is an additional exception for a
72-hour catch-all, as long as you're not giving it
to somebody who's a convicted felon or under court
order for mental health reasons, prohibited from
having a firearm. That is in case there's some other scenario that we hadn't contemplated. But the 72 hours doesn't apply to all the exceptions. So when you go through and you look at that, realize that that only applies to the one. These are all ors. Meaning, you don't have to satisfy all of these. If you satisfy any of these, it's an exception.

At the end of the day, it's just everybody who's buying a gun gets a background check. You can loan it, basically, to whoever you want, as long as they're not a convicted felon.

And that is the gist of what has been done to change the bill while it's there.

I think, at the end of the day, what I find balanced about this, if I just look at the public policy, is you don't want a bill that prevents law-abiding people from having access to firearms, nor do you want a public policy that fails to differentiate dangerous and convicted people that allows them to do it. This bill really actually just does that. It's the gatekeeper. If you're law abiding, you go through the gate; if you're not, you don't.

The real agenda here that I've heard
questioned is that I'm an Auroran that comes from a community that has been wracked by senseless and very painful gun violence. And while we can't get that to zero, if we fail to do a common-sense measure, the one thing that the data tells us actually works to block many, many, many ineligible criminals from buying and transferring weapons, then shame on us.

I'm proud to be carrying House Bill 1229. I'm proud to be here to do something that does that exact balance of letting law-abiding citizens walk through that gate and hopefully stops a lot more of the criminals from getting through and increasing their access.

I appreciate your time, respect, and attention, and respectfully ask for an aye vote.

THE CHAIRMAN: Senator Brophy.

SENATOR BROPHY: Thank you, Mr. President, and good morning to you.

And on a side note, I'd like to mention that today is the last day that you can buy a 20-ounce Mountain Dew in New York City. And I think --

THE CHAIRMAN: New York city?

SENATOR BROPHY: I think one of us
probably hopes that value doesn't work its way to Colorado soon.

Mr. President, I ask for a no vote on House Bill 1229. In -- in all of the discussion that we just heard about 1229, we barely heard a mention about safety. So I will bring that up.

This bill will do absolutely nothing to improve the safety of the citizens of Colorado. Absolutely nothing. Now, you don't have to take my word for that, you can ask the President.

United States Department of Justice studied this proposal, universal background checks, and their discovery was that universal background checks would do absolutely nothing -- their words, not mine -- to improve safety unless coupled with universal registration of firearms, something the proponents say isn't in this bill and isn't sought through this bill.

Well, to me that sends a very clear message. This bill does nothing to improve safety, and we ought to then spike the bill because the bill does produce some absurd results.

Under this bill, if one of my life-long friends decides he's going on a week-long backpacking trip down the Colorado Trail, for
instance, and he doesn't have the appropriate firearm to pack on a backpacking trip and he wants to borrow one of mine, I can't loan him one of mine without meeting him somewhere and arranging for a background check and paying for it, and maybe waiting up to three days for the check to clear.

Which one of you thinks that isn't an absurd result? And that's in the bill because the exemptions that have been steadily added to this bill every time we point out how foolish the bill is, only allows a temporary transfer to a friend for a maximum of 72 hours, and a week-long camping trip is longer than 72 hours. That's absurd.

And it's an absurdity that doesn't do anyone any good because it doesn't improve safety, unless and until you're willing to take the step of registering all firearms.

Vote no.

THE CHAIRMAN: Senator Baumgardner.

SENATOR BAUMGARDNER: Thank you,

Mr. Sec -- sorry -- Mr. President. Thank you,

Mr. President.

We've heard about citizens of the state of Colorado that will do things legal, law-abiding citizens. This bill, if it were to pass, will make
law-abiding citizens not law-abiding citizens anymore. That reason being, if a neighbor wants to sell a firearm or give a firearm to the neighbor, unless they go and have a background check done at a federal firearms licensed dealership and wait for that to come back, that check to come back, that makes you a criminal.

So is it right that although our Constitution says that you have the right to have that firearm, is it right that you can't have it if you don't pass a background check? Do we here in the state, if we guarantee that law-abiding citizens have to have a background check to swap, possess, buy, and again, law-abiding citizens are going to adhere to the law, criminals will never adhere to the law.

And if we honestly believe in the State of Colorado that if we pass this, this is going to have any affect, whatsoever, on the criminal element in this state or any other state in the nation, I think that we need to come to the reality that this will have nothing to do with criminals getting their hands on any firearm they want to get it on.

The other thing, with this universal background check, and this has been spoken about
before, what this will do, if every law-abiding
citizen or any private transfers, if they go and
register this firearm, or when they go and register
this firearm, because they are law-abiding citizens,
then there is a record, a national directory, as it
were, of anybody in the state, anybody in the
nation, that possesses a firearm.

Law-abiding citizens, they're going to do
the right thing. They've always done the right
thing. If this bill passes, that mandates that
someone purchases a firearm and then they don't
register it makes them a criminal. Makes them a
criminal.

Is that what we want to do in the United
States, is to pass laws that will make law-abiding
citizens criminals? I think not.

Consider what we're doing here with this
piece of legislation today. We want -- we want
people to do the right thing. People in the state,
people in the country, are afraid. They're scared
that their right, given to them by the Constitution,
is slowly being taken away. Let's not do that.
Let's do what we promised to do when we upheld our
right hands down here and swore an oath to uphold
the Constitution. Let's prove to the people of
Colorado that our word, my word -- my word means something.

I would ask for a no vote on House Bill 1229.

THE CHAIRMAN: Senator Harvey.

SENATOR HARVEY: Thank you, Mr. President.

Thank you, members, for the discussion on this. We have heard why this bill is important. We have heard the sponsor say that this will stop private sales of guns to those that should not get guns. You've heard the arguments say that every convicted felon can get a gun today because of the loophole for private sales, but that's not just what this bill is about. You've heard the polls that say the public wants to tighten up this loophole regarding private sales, but that's not what this bill is about.

This bill is also talking about transfers between family members. There is an exception in the bill that says if you leave town for 72 hours, you can loan -- I can loan my wife my .45 so that she can protect herself. The sponsor of that amendment said -- when I asked that, I said, okay, so if it goes more than 72 hours, then what happens? My wife is going to have to illegally protect
herself and my two kids?

And the sponsor of the amendment said,

well, that's giving time so that you're wife can go
buy a gun. I'm not joking. So if I go out of town
for a week and I am as poor as my family and I are,
then we can't go buy a gun, then my wife has to
violate the law and defend herself and her kids.

Or the statute says I can give her the
gun, but if I give her the gun, then when I come
back, she has to give it back to me and we have to
do, I believe, the legal paperwork showing that that
gun is in her legal possession because if by chance
she uses that gun when I am out of the house over
that 72-hour period, under the pretense of Make My
Day, will she really be protected under make my day
because she used a gun that she lawfully should not
have had?

So I will write a contract to her and say,

okay, she now owns it the gun legally under this
bill, and I put it in her hands and say you legally
have the right to protect yourself in your house
when I'm gone for more than 72 hours, and if
something happens where she actually does and
utilizes the make-my-day provisions of current
statutes, she can do that legally and not be called
into question. And then, when I come back, she can sign the gun back to me. Is that ludicrous? Is that ludicrous? We're talking about keeping guns out of the hands of criminals.

Let's talk about out of the hands of criminals. Those who can't have a gun right now are felons, additionally persons awaiting a trial on felony charges who are prohibited from receiving firearms.

This is all in federal statute, Section 18 -- or -- or Section 18, 922 of the U.S. Code: A drug user or addict, an alien -- an illegal alien, is subject to a domestic restraining order, has a prior conviction of domestic assault, fugitive from justice, dishonorably charged from the military.

How many of you all are married? How many of you all know or should have known that your spouse falls under one of these categories? Do you all know or should have known that your spouse would have fallen under one of these categories? Most likely you do.

And under current federal statute, knowingly sell, give, or otherwise dispose of any firearm or ammunition to any person who falls within one of the above categories shall not have a gun.
So the paternalistic message that we are sending to the citizens of the State of Colorado is we don't think you know whether your spouse falls under one of these categories, so we are going to require you to sell your gun to your spouse if you're going to be gone for 72 hours or your spouse will have to go do a background check and buy a gun, which many Coloradoans can't afford to do, or you are going to be in violation of this law, and if you are charged under this law for violating this law by transferring a gun to somebody you already should know or knowingly know doesn't fall under one of these categories, you will be charged with a misdemeanor of up to 18 months in prison.

Most likely that won't happen, but simply by being charged, you will never, ever, ever be allowed to own a gun, ever again, as long as you live. How ridiculous is that?

The sentiment is, well, if you are not a felon, you should not have to worry about it. You should not have to worry about this bill. Well, I'm worried about this bill. Do I want to be charged with not selling my gun to my wife when I leave town and somebody breaks in and she uses it and I violated this law? Are you? Are you -- can you
honestly say you will -- that raised your hand in here -- if you leave town for more than 72 hours, you're going to abide by this law? Honestly, honestly, can you look me in the eye and say you will?

I ask for a no vote.

THE CHAIRMAN: Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you, Mr. President.

Members, I want to clear up something that's really central to what you're hearing. There is no 72-hour limit on the exception for immediate family or for self-defense. I know that there have been amendments, and they may be difficult to go through. When you go through the list of exceptions, one of the exceptions is sort of a catch-all for 72 hours, as long as you're not giving it to someone who's a convicted felon or otherwise prohibited. There is no 72-hour exception on gifting to your family, or using for self-defense, or for hunting.

Grammar in this case matters. If you read that to apply to all of the exceptions, then go on and many of the hypothetical scenarios that carry out, and you carry that all the way out to a
different conclusion.

There is no 72-hour limit on the other exceptions. Therefore, you're not going to be getting a background check on your wife, you're not going to be getting a background check when you're going hunting.

And as a practical matter, for all of -- for everybody who is a law-abiding citizen, and before you give your firearm to someone else, this just makes sure that you know, as a responsible gun owner, that you're not handing it over to somebody who is actually a convicted felon or otherwise dangerous. And I would argue you'd be hard-pressed to find any responsible gun owner who would want to loan their gun to somebody who is ineligible.

But the most important correction before we go any further down this debate, the 72 hours is an addition. It does not apply to the other exceptions. That doesn't mean you're going to like the bill, but I do think we need to at least be accurate about what the bill does.

THE CHAIRMAN: Senator Harvey, for your second time.

SENATOR HARVEY: Thank you, Mr. President.

And with all due respect, I disagree.
This semantics of what was just said is talking about gifting, and I'm not talking about gifting. I'm talking about if you leave town for more than 72 hours and you want to transfer/loan your gun for more than 72 hours, that is what the limit is. If that is not the case, if we're not talking about transferring of weapons, we're just talking about the sale of weapons, then let's have a bill that talks about the sale of weapons.

But what we are sitting here talking with is saying we are going to outlaw this transfer of weapons to people that we already know or should have known is not able to own a gun, or own a gun, or possess a gun. That is what we are talking about here. If you want to do a bill on the sale of firearms, private sales of firearms, let's have that discussion, but you are having to run around the semantics of what is a transfer and what is not a transfer and say, if you do not know or should not have known, then you have to do a background check.

When you transfer a gun, when you go out to Senator Brophy's property to do a watermelon shoot, or when you go on a hunt with a friend, or if you want to go on a hunt like I did this fall, went on a deer hunt with a friend's deer rifle, I
guarantee you my best friend knows or should have
known that I can or cannot carry a weapon, but under
this law, I am the criminal, and my friend is the
criminal.

I should say my best friend is
Representative Chris Holbert. We're both going to
jail.

This is a ridiculous bill. Vote no.
THE CHAIRMAN: Senator Lundberg, for your
second time.

SENATOR LUNDBERG: Thank you,
Mr. President.

Members of the Senate, citizens of Colorado, I think it's quite obvious from the debate
we've been listening to that this bill is fraught
with -- with details that are difficult for any of
us to -- to capture and comprehend fully, and it
will provide a great deal of fodder for the courts
and trouble for the citizens. That's one problem.

Another problem is it puts additional
costs on the people of Colorado. I recognize
there's another bill that actually places costs on
background checks for the Colorado Bureau of
Investigation, but this bill authorizes the gun
dealer that you go to for the background check to
process it to charge you another 10 bucks. So that's another problem.

I want to get to the main point, though, because, as dysfunctional as this bill is, it's also just a very bad idea that's offensive to the freedoms of the people of Colorado.

Mr. President, the Second Amendment was not written to protect duck hunting. The Second Amendment was written to protect the citizens of this country. And in Article II, Section 13 of the Colorado Constitution, that right for the citizens of Colorado is spoken of in even more clear terms. It was written to allow the citizens the protections that they have as inalienable rights as human beings, to protect themselves, to protect their families, to protect their property, to be a part of the protection of their community when they are called to do so.

Now, let me bring you back to the bill itself, on page 3, before we get into all the confusing exceptions and particulars that I'm not sure anybody's ever going to fully sort out. But there's one point that's very clear, and that is it's not just a background check that you take, but it's require that a background check be conducted of
the prospective transferee, and, not or, and obtain approval of a transfer from the bureau.

Now, where in the Bill of Rights does it say the government must be consulted for permission before you exercise your God-given inalienable rights? But that's what a background check is all about, is going to the government and saying, Mother, may I?

The sponsor said we need this for balance. I submit to you that we have more than enough balance in this area by the requirement of a background check when going to a licensed firearms dealer. Under those circumstances we have tolerated this compromise of our Second Amendment rights by requiring a background check for purchase of a firearm from a licensed dealer. That is the balance.

House Bill 1229 is throwing the balance completely to the one side of government control, and it states it very clearly here in the bill. In order to even transfer, not just sell but just to loan for an extended period of time for a great number of people, you have to ask permission from the government. Mother, may I?

And a little footnote: If you go through
that process, the only way you're going to get that
loan (sic) back is if you go through the same
process because it's a new transfer. That's very
clear.

But let me get back to the point. 1229
requires that the citizens of this state go to the
state for permission for approval. And the intent,
if I might speculate in that area, is to capture as
many of those transfers as possibly can be. That's
part of the reason where, no, there's no
registration written into this bill, but if you can
read between the lines and be a good student of
history or just a practical legal scholar, you'll
recognize that you can't enforce this. You can't
really put any teeth to what this is doing, without
knowing whose got what where.

That's called gun registration, or I've
heard a creative alternative that some have
suggested, which I think is equally abhorrent, and
that is: Let's not register the guns, let's just
register the gun owners. Wow. One or the other is
going to be the practical outgrowth of the
application of this bill, if it is -- if it becomes
law, and if those of us, myself included, are not
able to repeal it as soon as we possibly can.
But again, let me leave you with the point. 1229 is not a bill of balance. 1229 is a tightening of the noose of government control of private ownership of firearms for the people of Colorado. It's squeezing that down so that the only way you can exercise your right of ownership of allowing someone else the use of your firearm is to ask permission from the state. Is that really what the people of Colorado are expecting from this legislature?

You know the answer. You've received it thousands of times over in the last couple of weeks, in your e-mail box, on your phones, I'm sure in private conversations. If you attended any of the committee hearings, you know that to be the case.

The people of Colorado know better. They should not have to ask permission each and every time they choose to exercise their right of ownership by allowing the use of some, you know, somebody else to use that firearm. That's not balance. That's full government control. That's completely inappropriate for the freedoms, for the liberty, for the principles that our nation and our state are founded upon, and particularly when it comes to -- to firearms because it's underscored in
the Second Amendment. It's underscored in the Colorado Constitution. It is so crystal clear.

Those acknowledgements of our God-given, inalienable rights to defend ourselves were not written for duck hunting. They were written to protect the citizen, to protect them from any threat, and those who wrote the Second Amendment had clear memory of the threat being the very government that exercised control over them. They wrote that to keep the balance in check.

1229 is not balance. 1229 is the heavy hand of government taking over the lives of its citizens in defiance of our constitutional rights.

Vote no.

THE CHAIRMAN: Senators Marble, Renfroe, Scheffel.

Senator Marble.

SENATOR MARBLE: Thank you, Mr. President.

I'm here to express a very, very resounding no on 1229, and that is coming from every e-mail I have received over the weekend to please do not stop our efforts to kill this bill.

When a government infringes on the rights of law-abiding citizens, criminals are thankful to those who pass such legislation. In trying to
curtail criminal activity, this bill does just the opposite. It has no effect on where criminals really go to purchase weapons, and that is the black market.

240,000 guns are stolen every year. This bill does not address that. And this is where the criminal activity thrives, and this bill encourages it. No amendment can make a bad bill an acceptable bill.

Law enforcement, the real professionals, they are the ones who came forth and said this is unenforceable.

This is a poorly written bill, and it will only criminalize law-abiding citizens. And another way to say that -- and you have to admit, when criminals find that out, they're going to love you for passing this bill.

Vote no on 1229 because you cannot criminalize law-abiding citizens.

THE CHAIRMAN: Senator Renfroe.

SENATOR RENFROE: Thank you, Mr. President.

I also rise in opposition to this bill. We heard a lot of testimony on this bill in committee. We heard a lot of testimony on Friday on
this bill, but I would like to remind this body
again that there are a lot of people that didn't get
to testify on this bill, and it was a shame, in my
opinion, the process that we went through, the
people that came to this capital and did not have
their voices heard, the sheriffs that came and had
to choose one to speak on their behalf.

That's a sad day when we -- only 62 days
or whatever we are into our session, that we felt it
too unimportant to listen and to let the people have
their voice. And I think that's what this process
had when you look at all the bills together the way
they've went through, the way we've passed bills,
the way this one's come through.

Look at the questions that are even coming
up today on this bill that still have loopholes.
Loopholes. I thought this bill was to fix all the
loopholes. In my opinion this bill creates more
loopholes than the ones that allegedly is trying to
fix.

The one that, honestly, the data that was
used by our President of the United States, the
40 percent data, and that the sponsors used --
didn't use today, but used on Friday -- that data is
incomplete, inaccurate. That statistic comes before
background checks were even required. So how could it have been a truthful reason to do this bill?

One of the major concerns I have with this bill, we could start with the divide to where I think half the people in the state or the country would look at these answers or concerns and say, yeah, I -- I agree, the other half probably tunes out and doesn't even hear when we would mention inalienable rights.

In my opinion, this is what happens. Or if we mention or constitutional Second Amendment rights, or if we go and we talk about our Colorado Constitution in the Article II, Section 13 and what it says: The right of no person to keep and bear arms in defense of his home, person, and property, shall be called into question.

This bill is, what, 30 -- 25 pages long. How does that fit into that one little sentence? It doesn't, in my opinion. And you may not listen to those type of arguments, and that might not -- that may not be what drives you. Honestly, there are a lot of people in this world that that does. And for those reasons alone, that's where they are.

You've heard people get up here today and talk about Second Amendment rights and that that is
the reason to do this, and I believe strongly in
those rights, the inalienable rights, and as a
reason to vote no on this bill.

But we could also go back -- and this will
gloss over a few too -- and talk about what did our
founders think? Did they think that our
Constitution should change over time or should it
stay still? Is it a living document as some like to
say? I don't believe it's a living document in the
way a lot of people like to modify it, but I do
think our founders believed that things do change
over time, and there is a way to amend our
Constitution. And that's what our founders said we
should do.

Let me just read briefly out of this
little book on the Second Amendment. It says,
"The founders made it clear that when the meaning and thus
the application of any part Constitution was to be altered,
it was to be at the hands of the people."

I believe that's the people that we didn't
let testify last week.

"Not at the feet of the court or through the
encroachment of the legislative body. For this reason,
Article V was placed in the Constitution to establish the
proper means whereby the people might adjust their
That's what we're trying to do with this slew of bills. We're trying to adjust our government, saying that there's loopholes and there's problems, but they can't -- we can't reconcile these problems if you read the language of our Second Amendment and Article II, Section 13 of our Constitution. How do you get there? I don't think you can. I don't think you can.

Another problem I have with this bill -- and I have great concerns about this part of it too -- is on page 5, sentence -- lines 5 through 8. I want to read this part to you.

It says, "a person who transfers a firearm in violation of the provisions of this section may be jointly and severally liable for the civil damages -- for any civil damages proximately caused by the transferee's subsequent use of the firearm."

Okay. So if I violate these provisions -- I've sold many firearms in my life. I've bought many, and some of them have been through -- with background checks, many, a majority of them, have been privately. All the ones that I bought through a background check and sold, how -- what if that's used in a crime in the future or somehow used in
violation of this? How do I protect myself if they were to trace that gun back to me?

I think this is -- that's the same type of circular logic of why there was another bill that didn't go forward. How do I protect myself from that part right there with -- with what I've done over the past 10, 15 years? Is that section of the bill making me a potential criminal for something that I did years ago? I would love an answer to that question within this.

Another part of the bill, if we continue on into the sections that don't apply, and we've had some discussion about this, the Senator from Highlands Ranch, I thought, brought up some very, very valid points that English does matter, and we need to look at what the language does say.

On line 13 under -- of page 5 -- it talks about a bona fide gift. So for a family member, I'd have to give it to them, gift it to them, then they could do whatever they want with it. Maybe I don't want to give my high school junior my guns when my wife and I go out of a town for a conference for my job. Is that what I'd have to do for them to be able to protect themselves under this, under that part? Could they take it out of the home? How does
that apply within that section?

Or you go down further under -- under Part

D, under Section D of this, or Pren. D, a temporary

transfer. How long is temporary? Is that another

loophole that we're creating within this bill?

Temporary. It says a transfer that is temporary and

occurs while in the home of the unlicensed

transferee. Who is an unlicensed transferee?

I think we talked about that being

language that's nowhere else in our statutes, of the

testimony we had, that came straight out of Mayor

Bloomberg's bill to Congress.

But that temporary transfer, how long is

temporary? That's not in this part. It's not 72

hours. I don't know. For me temporary might mean a

lot longer than what you think it is, but, of course

it's going to be the -- the police officer or the

sheriff that shows up at the door, or whenever it's

at, that that temporary -- and then the judge.

That's going to be who's going to decide that.

Why -- why are we allowing that? Why are

we passing legislation, if we say it's good

legislation, to allow that within this? And this

transfer has to be within the home.

THE CHAIRMAN: Senator Renfroe, 30
SENATOR RENFROE: Thank you. I would like to continue, if I may, then?

THE CHAIRMAN: So you're asking for your second crack too? Is that what you're saying?

SENATOR RENFROE: Yes, please --


SENATOR RENFROE: -- Mr. President.

So think of that. The temporary transfer in the home. So -- so the sponsor says, it's okay, we -- we've covered it. Your -- your family can have -- have the gun. I go out of town for a week. What if she wants to have the gun in the car while she goes to visit one of the college campuses with my junior daughter? I don't think she can.

If I'm reading that wrong, please come up and correct that because -- because that's a concern that, of the way I look at the bill, I would have.

And then, on top of all of those other reasons that I just talked about, obviously some don't care, in my opinion, about the Constitution, about inalienable rights, but a lot of people care about safety. I think everybody cares about safety. And the Senator from Wray I think said it best, this bill is not about safety.
The U.S. Department of Justice, the National Institute of -- of Justice, the arm -- the research arm, clearly said without gun registration, checks are unenforceable and do not improve safety.

So what are we doing here? What loopholes are we trying to fix? Or are we just creating new loopholes because our English and our words actually mean things that are creating more loopholes, in my opinion? More loopholes. That's what this bill is. This isn't about safety. If it was about safety, I would look at it.

But since it does even infringe on our constitutional rights, in my opinion, I think we need to go with what our founders said, and it needs to be by constitutional amendment to fix it.

For those reasons, I would ask for you to vote no on this bill.

THE CHAIRMAN: Senator Scheffel.

SENATOR SCHEFFEL: Thank you, Mr. President.

Colleagues, this bill has been debated extensively in committee, on the floor. And as I think about it, I feel confident that our minority leader talks about this aisle disappearing.

One of the things I feel very confident
about, where this aisle literally would disappear, something that we all agree on, for to come to a vote that would be 35-nothing, and that's that criminals have deeply hurt our community, our state, and our nation.

As we debate this here, there are families out there -- probably some listening, maybe some up in the gallery -- who even today and forever will feel unspeakable hurt, as they've had family members that have been wounded, killed. Their lives were forever changed by Aurora, Columbine, the shootings back East. And while those are the big ones that make the news, there's actually little ones that go on all the time that affect people and change their lives forever.

And as we debate this topic, that's something I know none of us would ever want to lose sight of, because there is such a tangibly strong desire, an ache, to do something.

Add to that the pressure that people elect us to come to this building to do something. We're expected to, and so bills like this result.

And so I think for all of us there's been careful and detailed deliberation. I certainly hope so for myself, and I believe so for my colleagues.
That is what the public expects of us, that we will carefully consider these things. And having done so, and with the template of the deep, deep hurt that I know exists out there, because nobody would like to see the things that had happened happen to society, I'm persuaded that 1229 is not the right answer for a number of reasons.

As much as I wish it were different, as much as I wish I could come to a different conclusion, I am persuaded by the evidence that says that public safety will not be increased by the passage of 1229. We so strongly desire for there to be a nexus, but the evidence indicates otherwise.

And so I'm persuaded that this is not the right answer. In fact, I -- I -- at the risk of sending a false sense of security and indicating a -- sending a message to the public that, hey, we are going to do something, it -- it -- it seems clear that it simply does not.

I believe that our work here is not done. This may pass. I think the bottom line is there are areas we need to look at. There's other things we need to do, and -- and our work is not going to be finished here.

In fact, with the passage of this, I'm
concerned, and my colleagues have alluded to it, and
so I -- I -- I will spare the detail, but -- but I
am concerned with the complexity of this bill and
the number of issues that have been raised.

I mean, here we are in third reading,
and -- and there's this -- this ongoing theme and
drum beat of discussion that says, what does this
mean? If I give it to my family, give it my wife,
I'm leaving town. Can I be gone for a week or just
72 hours? Is my wife and kids going to be able to
be protected? Is safety going to be compromised
because of this?

My fear with 1229 is that the only people,
if we're sitting here on third reading trying to
ferret this out and trying to discern the
complexities of it, the criminals are not going to
be doing this. Those are not the folks that are
going to be calling up the hotlines or hiring an
attorney saying, hey, I -- I need to figure out this
bill.

It's the law-abiding citizens that are
going to be doing it. It's going to be the people
in this room. It's going to be our constituency.
It's going to be the law-abiding citizens that are
going to try to figure this out. And based on what
I've heard, based on the testimony, based on the discussion, my fear is that they, we, will fail. And so now we're introducing a whole new class of criminals, law-abiding citizens, trying desperately to comply with the complex law and failing. And we know the road that takes us down, arbitrary enforcement.

And all of a sudden, we've read about these in the papers, the purported good guy or gal who finds themselves on the wrong side because, oops, they did something, didn't mean to do it. They left town for that extra day or whatever the situation is with respect to this law, and they find themselves on the wrong side of a prosecution -- prosecutorial discretion in a case. And none of us would wish that on any our colleagues or any of our constituencies that are law-abiding citizens.

The only people that will try to ferret through this and figure it out are law-abiding citizens. The criminals will ignore this. They will not try to abide with this. They will continue, I believe, in what they do now, which is obtain weapons by clandestine means, and this will not deter that. I fear for the chilling effect this bill will have on law-abiding citizens.
And finally, for me all things complex
ultimately become simple. Like all of us, in
various forms, we're students of the Constitution.
We've read it; we're familiar with it; it's included
in our curriculum in schools.

I vividly remember the day I walked into
these chambers as a freshman, second row, second
seat over. Sat next to a gentleman senator, who is
no longer here, named Mike Kopp. I'd known Mike by
serving in this body would get to know him in much
more detail. He was sitting in that corner spot and
he leaned over to me, and he handed me this pocket
Constitution. He said, Here, you're going to need
this.

At that time it was all shiny and new. If
you look at it now, before coming up on five years
later, it's pretty tattered. I've marked it up and
highlighted different things. Whenever I see him, I
thank him for giving that to me. It wasn't my first
copy of the Constitution, but it seemed kind of
special that he gave it to me that day.

And we all know, it states in Amendment II
that the right of the people to keep and bear arms
shall not be infringed. I believe 1229 is an
infringement. Fairly simple for me. And,
therefore, I'm a no vote and would ask you to do the same.

THE CHAIRMAN: Senator Cadman.

SENATOR CADMAN: Thank you, Mr. President.

I'm trying to remember back 13 years ago when I was shiny and new here. I was.

So when I first heard this bill coming, I thought, you know, this is really just an extension of background checks beyond the current requirement, beyond federally licensed firearms dealers, and obviously, since the gun show initiative passed, to include sales of firearms to each other, but as I sat through committee and heard the bill presented, it apparently became significantly greater than had been purported.

It's more than just sales. This literally has determined a new requirement for virtually any type of transfers, any time you hand off a weapon to another person. So then we get this bill that, as was mentioned, is fairly lengthy. And why is it so lengthy? Because it is well beyond what was being reported initially, to close the private sales loophole, which even in the fiscal note asserts that 38 percent of all sales in Colorado are private.

I'm still trying to figure out how they
came up with that number because we couldn't come up with any number to estimate on another bill why the drop-off in sales and the effect that it would have on the departments that use revenues off of those sales and hunting and fishing. But we have this number, 38 percent private sales in Colorado, private sales.

But this bill went so far beyond that that now we have exemptions. Good. We have exceptions -- exemptions. What the fiscal note doesn't supply is the new office that we're going to need in DORA or the Department of Public Safety, the new office of exemptions to interpret what we meant or what we should have included in that.

And I think after we heard the sheriffs testify against this bill and saying how unenforceable it was because it's so confusing and so convoluted, chances are they're just going glean over those additional pages in the Red Books. We started getting amendments or exemptions.

Maybe what we should call them are, oops, how about this? Oops, how about that? My colleague from Douglas County was accurate to use that word, oops. That should be our new acronym for amendments.
So we talk about the oops exception for an issue that was brought up in the committee, and I also believe on the floor, for getting folks trained in the Scouts. I believe the bill sponsor mentioned that as well, and I think it was also articulated on the handout that she provided.

But where's the oops of the oops? What's not included in there is the transportation of those weapons. It talks about having the use of those weapons for Boy Scouts at a facility, but they don't just show up. Really, as much as some people think they do, they don't just fall out of the sky into people's hands, including criminals and law-abiding citizens.

So how do those weapons get to those facilities? There is no provision in here for transportation. None. So as our troop has done over the years, we collect them from each other. Somebody's responsible for every one of them, just like we used to do in the army. When you were in charge of all the weapons, that was your job. You even slept with them.

Colonel, is that accurate?

UNIDENTIFIED SPEAKER: (Inaudible.)

SENATOR CADMAN: Yeah. That means yes to
all you civilians.

You are in charge of those weapons. They were never out of your possession, ever, day or night. Same thing that we do in the Scouts.

Somebody takes charge of those. They become the arsenal quarter master. You're responsible for them. And sometimes it's 5, 10, 15, 20 shotguns at a time. It's kind of cool. Some of these are pretty nice weapons. No provision in here for transporting weapons to these now exempted, authorized activities. Oops. Oops.

How about this one? I have some friends that spend three weeks every year going to Canada. They're not allowed to take their weapons there. And so they want to leave them with someone you-all know. I'm not going to name names, but he has a gun safe. He takes possession of about half a dozen of these, puts them in his gun safe, and off they go to Canada for three weeks.

Under this bill, I believe if that person that took possession of these, they would have to get a background check, and I think you have to get one for each, or maybe you can get two under one.

But half a dozen weapons for a few weeks means that person's got to get a background check.
And then, when they come back, they actually would have to go to a background -- get a background check to get their own weapons back, unless that person becomes a weapon's blacksmith or a maintenance facility as under the new exemption, under the other oops.

How many more oops have we forgot? How many more exemptions have we forgotten? How many more -- because we've already -- now we have just created two scenarios where multiple people will be committing a misdemeanor, at least a misdemeanor. It's only 18 months. It's only 500 or $5,000. A misdemeanor for an oops. We really should have the office of unintended consequences to highlight the oops factor.

I think the sheriffs knew what this meant. The sheriffs, who are responsible to enforce this, understood that this was a problem. There's probably a bigger list than we can go get to. We've picked up a few. I'm pretty sure we haven't caught them all.

So what do we have now? We have a situation where we don't have enough exemptions. So now we're going to have innocent, law-abiding people that are no longer law-abiding people. Though, in
their minds, they're probably still innocent, though the law says different. How are we going to get the word out to them? How are they going to understand that what they've been doing for 5, 10, 15, 20, 25 years is now a misdemeanor? How do we do that? Is that fair? It's not. It's not right.

I think the final parting shot of this bill, which is egregious, is that component of another bill that we don't have here today, to hold somebody liable, to hold somebody liable if they use a weapon illegally.

You know the global problem with this whole concept is we keep referring to these items, these weapons, these firearms, and those licensed to use them. And I know those are the FFL's, and the rest of us are unlicensed. Licensed for what? What does that mean? We're talking about items that have no title. We've referring to an item as if it is a vehicle.

You can track the sale, the use, the ownership of a motor vehicle all along its lifetime, from the first dealer -- get the Carfax -- all the way to the salvage yard. We have absolutely no way to ensure title on any of these things. When you buy one now, you don't get a title to it, you get a
receipt. You're not required -- I don't want you

guys to think this is an oops for you -- but you're

not required to laminate that receipt and wear it on

a chain around your neck to show I've got title to

this weapon.

They don't exist. They don't exist. Does

anybody have a title to their weapon? Show me the

Gunfax.

THE CHAIRMAN: Senator Cadman, you've got

30 seconds.

SENATOR CADMAN: Unworkable,

unenforceable, convoluted, confusing. Makes our

citizens, our neighbors, our friends criminals


THE CHAIRMAN: Further discussion?

Senator Aguilar.

SENATOR AGUILAR: As you know, I'm pretty

new to politics, and one of the fun new experiences

I've had is that of reading court cases. And -- and

so when I got all these e-mails saying that I was

infringing on people's constitutional rights, I did

some research, and I found that, in fact, the

Supreme Court has stated that, like most rights, the

rights secured by the Second Amendment is not

unlimited. And so I really reject the argument that
I am violating people's constitutional right.

More importantly than that, in 2000, Colorado passed a ballot measure to close the gun show loophole, but as you know, since 2000, the use of the Internet has become a major source of sales for people. In fact, you don't have to pay state taxes on the Internet.

So House Bill 1229 is set out to help close that loophole by letting our law-abiding citizens, setting a standard for them, of asking them to please do background checks on people to whom they sell weapons.

And interestingly enough, a national survey done by the Department of Justice of inmates found that nearly 80 percent of those who used a handgun in a crime acquired it in a private transfer.

There was an underground investigation done by people who looked on the Internet to see where they could find weapons and called people up and actually met in person five times and were able to secure five weapons without any questions at all about their criminal history. And so I think that this law is important to the safety of our state, and I'm proud to vote for it today.
THE CHAIRMAN: Further discussion?

Senator Brophy, for your second crack.

SENATOR BROPHY: Thank you, Mr. President.

And I'm aware that this is my second time

at the microphone, so I'll cover a lot fairly

quickly. Listen fast.

First, with regard to Internet sales. No

secret, I'm a gunny and so I look at stuff on the

Internet a lot, and here's how it works. You can

buy a firearm on GunBroker.com if you want, but any

time the firearm is shipped through any of the

services, postal service, FedEx, whatever it is, it

has to ship from an FFL to an FFL.

So if you purchase a gun from someone on

GunBroker.com, if you're a private individual

selling it, you have to -- once the -- once the bid

is set -- it's like eBay, only it's eBay for cool

stuff like guns -- you -- you cut the deal, the

money comes in, you take the firearm to a licensed

dealer, and the licensed dealer ships it to another

licensed dealer, and the person who purchased it

goes to that licensed dealer, does a background

check, picks the gun up. This bill doesn't cover

that. It's already covered.

I think it's important again to let me
reiterate that the bill does absolutely nothing to improve the safety of the citizens of the State of Colorado, so says the Department of Justice and their study, unless, of course, you want to go ahead and go all the way in, go all in, shove them all in, and say we're going to do full-on registration of all firearms. Then this bill would actually reduce the amount of guns that go into the hands of criminals, but only that way, and not by very much, because we still have the problem of theft and straw purchases.

And speaking of straw purchases, when we talk about opportunities to close the aisle down here, if you wanted to work on -- and I offered this to the Governor on January 17th, I believe, Monday morning when I met with him -- if you want to work on closing the -- the straw purchase loophole in that know or should-have-known standard, we could work on that together. That actually makes some sense, but this bill doesn't do that either.

And then, finally, I want to talk about the constitutionality of the bill. And I -- and I've said this, you know, publicly before. I -- I think arguing constitutionality in this room is -- is somewhat like Evangelicals and Buddhists arguing
matters of faith. It's just not very productive.

The arguments for constitutionality should be held in the courtroom in front of a judge. But I want to establish something for future arguments in the courtrooms, and that is this: That this bill sets up opportunity for law enforcement officers to question whether or not you can legally possess a firearm that you have. It sets up a scenario where they can call into question your right to possess a firearm because it gives them the opportunity to ask you if you have received a background check on that firearm.

Okay. So for the courts, and for the record, I have a problem with that.

Now, let's deal with the absurdity. More stories of absurdity that you get from this bill. This bill has nine exceptions to the rule where you have to have a background check for a transfer, any transfer. One of those, of course, is a -- related to an antique firearm that the fed's defined. That's fine.

Another one of those transfers is for a bona fide gift between family members, and that's been expanded since we've been pointing out the absurdities of this to include more people than it
had when it originally came out of the house, but that's a bona fide gift. That means you are relinquishing title of that firearm to somebody else. It's theirs. There's no guarantee that they're going to give it back.

It's like Toy Story, if you can imagine. That's whether the new owner gets to scratch your name off the bottom of the firearm and write their name. It's theirs. Scratch Andy off and write Greg. It's mine now. He gave it to me. That's one of the exceptions.

Another one is through a will. So if you -- if you pass away, you can give your guns to just about anybody, and you won't have to go to prison for that. That's mighty fortunate.

Temporary transfer that occurs while in the home of the unlicensed transferee. Now, this is the part about self-protection. So if you want to loan a firearm to somebody so that they can protect themselves, you can do that, and there is no limitation on that. Okay? As long as they stay in their home, but they can't come over to your house and borrow it from you to take back to their house for their own self-protection, because the law is very specific, you have to do it in the home of the
unlicensed transferee.

Another one of the great exceptions to this -- and this one's fairly lengthy and this goes to hunting, et cetera, target shooting. Those exceptions are only good while you're in the field. So my example of loaning a firearm to a friend of mine from my home, who is going to take it on a long hunting trip, isn't covered. We have to arrange for a background check.

Now, I -- I've been in this body for about ten years -- a little over that. And I know that the laws that show up in those Red Books aren't what you think these bills say, it's what these bills actually say. And this bill says I cannot loan a firearm to a long-time friend of mine for him to take it hunting if he's going to be gone for more than 72 hours, period.

The only way it can go longer than 72 hours is if I go with him on the hunting trip, then it's unlimited as to the amount of time. I can loan it to someone, as long as I'm with them, for almost any instance. That's G. And then you get to the 72-hour one, and it's clear, 72 hours. Once you exceed 72 hours, you have a problem.

So then it brings up another absurdity.
This bill very well could criminalize legislative spouses. Those of us who don't live in the Denver metro area leave home on Monday morning and come up here and leave our firearms in possession of our family members back at home. Can't bring a bunch of them up here with me because Denver bans some of them that I own.

And under the two types of exemptions that cover that, the one for -- unless it's a bona fide gift -- if I want to gift them every week when I leave and trust that they will gift them back to me when I get home so I can use them over the weekend, we could do that. The other one is the self-defense in the home. So as long as Mrs. Brophy only uses the firearms in the home, she's covered. We haven't, either one of us, broken the law.

But what happens if on Thursday, I've been gone for 72 hours and my dad, who lives at the farm still, calls her up and says, Hey, we have a rattlesnake out here bothering the livestock and I can't get ahold of Greg's sister. Can you bring a shotgun out and dispatch this rattlesnake to protect our livestock? If she does that on Thursday, that's an illegal transfer because we're outside the 72-hour period.
There are nine exemptions in this bill. They keep getting added when we point out how absurd this is, but we don't have them all covered yet.

Again, we could have tightened up the biggest problem that we have, which is straw purchases, but instead we go down this path that results in utter absurdities in the day-to-day lives of law-abiding Coloradoans.

Vote no.

THE CHAIRMAN: Senator Aguilar, for your second crack.

SENATOR AGUILAR: Thank you, Mr. President.

I want to clarify the Internet sales to which I referred took place in person, and I've purchased things from Craigslist, where I just went to somebody's home and we traded goods.

And, secondly, I want to read the language here because it says a temporary transfer of possession without transfer of ownership or title to ownership, which transfer takes place -- this is page 6, if you go down to line 9 -- while hunting, fishing, target shooting, or trapping, if this is occurring where it's legal and where and as long as the unlicensed transferee holds a license or permit
for hunting, fishing, target shooting or trapping.
There is no referral to a 72-hour limit. So Senator Brophy's friend can take his gun on his trip.

THE CHAIRMAN: Further discussion?
Seeing none, the motion before the body is the adoption of House Bill 1229. A roll call -- okay, sorry. Senator Lambert would like to speak.

Senator Lambert.

SENATOR LAMBERT: Thank you, Mr. President. Sorry for my --

THE CHAIRMAN: Hitch in your get-along?

SENATOR LAMBERT: -- hitch in my get-along here.

I'm -- I'm really confused now. I guess I am one of those legislators that Senator Brophy just talked about. We had our last election on November 6th. I moved into my apartment on November 8th, and I promptly went to the airport, left for about three weeks to go to my mother's funeral, came back right after Thanksgiving. And I -- I didn't go home during the week.

And this weekend was the last -- a good example of why. I couldn't get up my hill because it was too icy. Plus it is difficult for me to load my car. My wife's been sick for about three weeks.
So, you know, I'm -- I'm not sure if this is a
temporary transfer, if so, is it limited by 72
hours? Then I guess that's a new misdemeanor every
week for my wife. If it's a gift, then do I have to
pay the IRS every year for every week that I
transfer my weapon, all my weapons to my wife, that
total cost?

And then she has to transfer those all
back to me? Is that taxable? This is just raising
a lot more questions than we've heard answers to.

And I'm just an example of that. There
are other people who have to do their business out
of state, who have to do their business coming back
and forth to different parts of our state. Even our
state employees sometimes go out for days at a time.
And it just creates a -- a dilemma, a legal dilemma,
of how to interpret this, that we -- we just don't
need in law.

Now, I -- I said one time some of these
bills were a matter of trust. I trust my wife to do
the right thing. We were both diplomats overseas.
We were both trained by the State Department to
defend ourselves.

My wife actually thought it was really fun
going out to the shooting range with the Foreign
Protective Service in Washington, D.C., and shooting
the kinds of weapons that we might have to have to
defend ourselves in overseas environment, all the
inventory of our marine security guards at U.S.
embassies, including things like Uzis. She thought
that was particularly fun to shoot.

And yet what's the impact here on people
who are trained with firearms on our veterans, on
other people going overseas, over unforeseen
circumstances?

I didn't know it was going to be snowing
this week. It wouldn't have made any difference,
because I was here longer than 72 hours anyway. But
it just puts more complications into the law. What
do I have to do? Every Monday go down and do a
background check? If my wife's out of town, do I
have to leave them with somebody else and check
them? You know, I may have to ask for -- to be
excused every Monday so I can go down to some gun
shop because they're probably not open on Sunday.

Maybe -- you know, maybe I could do it
every Saturday in advance of coming up to the
capital every Monday, and then maybe get off early
on every Friday so I can go back and get my guns
back so that I can go back and on Saturday
retransfer them to somebody else.

It just -- there's so many scenarios we just don't know about in this bill. And I think people of Colorado are listening. They're having the same questions. How do we do this? How do we enforce this? Why would anybody want to enforce this?

So I'd ask for a no vote on House Bill 1229.

THE CHAIRMAN: Further discussion?

Seeing none, the motion before the body is the adoption of House Bill 1229. A roll call has been requested.

Mr. Majors, would you please poll the Senators?

MR. MAJORS: Aguilar?

SENATOR AGUILAR: Aye.

MR. MAJORS: Aguilar, aye.

Balmer?

SENATOR BALMER: No.

MR. MAJORS: Balmer, no.

Baumgardner?

SENATOR BAUMGARDNER: No.

MR. MAJORS: Baumgardner, no.

Brophy?
SENATOR BROPHY:  No.

MR. MAJORS:  Brophy, no.

Cadman?

SENATOR CADMAN:  No.

MR. MAJORS:  Cadman, no.

Carroll?

MAJORITY LEADER CARROLL:  Aye.

MR. MAJORS:  Carroll, aye.

Crowder?

SENATOR CROWDER:  No.

MR. MAJORS:  Crowder, no.

Giron?

SENATOR GIRON:  Aye.

MR. MAJORS:  Giron, aye.

Grantham?

SENATOR GRANTHAM:  No.

MR. MAJORS:  Grantham, no.

Guzman?

SENATOR GUZMAN:  Aye.

MR. MAJORS:  Guzman, aye.

Harvey?

SENATOR HARVEY:  No.

MR. MAJORS:  Harvey, no.

Heath?

SENATOR HEATH:  Aye.
MR. MAJORS: Heath, aye.

Hill?

SENATOR HILL: No.

MR. MAJORS: Hill, no.

Hodge?

SENATOR HODGE: Aye.

MR. MAJORS: Hodge, aye.

Hudak?

SENATOR HUDAK: Aye.

MR. MAJORS: Hudak, aye.

Jahn?

SENATOR JAHN: Aye.

MR. MAJORS: Jahn, aye.

Johnston?

SENATOR JAHNSTON: Aye.

MR. MAJORS: Johnston, aye.

Jones?

SENATOR JONES: Aye.

MR. MAJORS: Jones, aye.

Kefalas?

SENATOR KEFALAS: Aye.

MR. MAJORS: Kefalas, aye.

Kerr?

SENATOR KERR: Aye.

MR. MAJORS: Kerr, aye.
King?
SENATOR KING: No.
MR. MAJORS: King, no.
Lambert?
SENATOR LAMBERT: No.
MR. MAJORS: Lambert, no.
Lundberg?
SENATOR LUNDBERG: No.
MR. MAJORS: Lundberg, no.
Marble?
SENATOR MARBLE: No.
MR. MAJORS: Marble, no.
Newell?
SENATOR NEWELL: Aye.
MR. MAJORS: Newell, aye.
Nicholson?
SENATOR NICHOLSON: Aye.
MR. MAJORS: Nicholson, aye.
Renfroe?
SENATOR RENFROE: No.
MR. MAJORS: Renfroe, no.
Roberts?
SENATOR ROBERTS: No.
MR. MAJORS: Roberts, no.
Scheffel?
SENATOR SCHEFFEL: No.

MR. MAJORS: Scheffel, no.

Schwartz?

SENATOR SCHWARTZ: Aye.

MR. MAJORS: Schwartz, aye.

Steadman?

SENATOR STEADMAN: Aye.

MR. MAJORS: Steadman, aye.

Tochtrop?

SENATOR TOCHTROP: No.

MR. MAJORS: Tochtrop, no.

Todd?

SENATOR TODD: Aye.

MR. MAJORS: Todd, aye.

Ulibarri?

SENATOR ULIBARRI: Aye.

MR. MAJORS: Ulibarri, aye.

Mr. President?

THE CHAIRMAN: Aye.

MR. MAJORS: Mr. President, aye.

THE CHAIRMAN: With a vote of 19 ayes, 16 noes, zero absent, zero excused, House Bill 1229 is adopted.

Cosponsors: Senator Ulibarri, Senator Aguilar, Senator Kerr, Senator Hudak, Senator Giron,
Senator Jones, Senator Heath -- sorry, Mr. Majors --
Senator Nicholson, Senator Todd, Senator Steadman,
Senator Guzman, Senator Hodge. Please add the
President. Senator Johnston, Senator Newell.

Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you,

Mr. President.

I move that the Senate stand in recess until
1:30, where we'll come back and finish third reading.

(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