

1 CITY AND COUNTY OF DENVER

2 STATE OF COLORADO

3 SENATE HEARING

4 Held on March 15, 2013

5 HOUSE BILL 13-1229

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REPORTER'S TRANSCRIPT



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10 recording by Elissa Steen, Registered Professional
11 Reporter and Notary Public.

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P R O C E E D I N G S

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1 THE CLERK: House Bill 1229 by
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3 Representatives Fields and McCann and Senator
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5 Carroll concerning criminal background checks
6
7 performed pursuant to the transfer of a firearm, and
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9 in connection therewith, making an appropriation.

10 SENATE PRESIDENT: Majority Leader.

11 MAJORITY LEADER CARROLL: Thank you,
12
13 Mr. President.

14 I move that the Senate adopt the first --
15
16 report of the first conference committee on House
17
18 Bill 1229.

19 SENATE PRESIDENT: And, Majority Leader
20
21 Carroll, by that you mean the first majority report?

22 MAJORITY LEADER CARROLL: Yes, thank you,
23
24 Mr. President, the first majority report of the
25
26 first conference committee on 1229.

27 SENATE PRESIDENT: Would you like to
28
29 describe what the conference committee did?

30 MAJORITY LEADER CARROLL: Yeah. Thank
31
32 you, Mr. President.

33 So, Members, an issue was raised when this
34
35 was getting debated in the House that I think was
36
37 legitimate, and warranted going back and working on

1 the language.

2 You will recall that one of the amendments
3 we put on in the Senate was addressing a loophole
4 that some gun advocates had pointed out that a
5 criminal could simply set up a trust, do strawman
6 purchases, get around the whole bill on background
7 checks.

8 We introduced an amendment to close the
9 strawman, sort of entity purchase loophole, in the
10 Senate. But the language that we had originally
11 adopted was brought to the point where, for -- it --
12 it included language, for example, of anyone with a
13 beneficial interest.

14 And in -- for example, in the corporate
15 setup, there could include all kinds of
16 shareholders. The gist of the problem is that you
17 could have all kinds of people who would never even
18 come into possession of a firearm that, under an
19 interpretation, would then be going through
20 background checks, which doesn't make sense and
21 wasn't the intention of what we did.

22 So with that, we agreed to go back to
23 conference committee to get that language correct.

24 All of you have the committee report on
25 what has -- what we adopted, and I will walk through

1 very briefly what it is.

2 In a conference committee, we -- we
3 narrowed to specify that we're only talking about
4 once an actual, natural person comes into possession
5 of a firearm would that background check be needed.

6 So all of the other people who might
7 legally own something, who are never going to see a
8 firearm, aren't going to have to go through a
9 background check.

10 So the narrowing language is that only
11 natural people who, in fact, will take actual
12 possession would undergo a background check. That
13 is what we meant the first time; that is not what we
14 said the first time. So we needed that.

15 The other thing that we did is we inserted
16 the word "or loan." So you'll remember in the
17 family section of the exemption of gifting to
18 immediate family members, there was some discussion
19 about gift or loan, does it have to be permanent,
20 can you temporarily give it to any number of family
21 members. And so we adopted the insertion of the
22 word "gift," and we added "or loan" into the
23 immediate family members section in the bill.

24 And that's what we did in the majority
25 report in the conference committee. And would ask

1 for an aye vote on that committee report.

2 SENATE PRESIDENT: Discussion? Senator
3 Brophy.

4 SENATOR BROPHY: Thank you, Mr. President.

5 And -- and at this point, I will offer a
6 substitute motion of sorts -- that's how we do it on
7 conference committee reports -- to move. So I move
8 the minority report of the first conference
9 committee on House Bill 1229.

10 SENATE PRESIDENT: You want to explain
11 what it did?

12 SENATOR BROPHY: Thank you, Mr. President.

13 So what the minority report does, and --
14 and -- and please listen because the minority report
15 actually enjoyed bipartisan support in the
16 conference committee. The minority report does
17 everything that the Majority Leader explained was
18 part of the majority report.

19 And then, in addition to it -- and this is
20 the important part -- it also eliminates the
21 discrimination that exists in House Bill 1229
22 against stepchildren, for instance. Because in --
23 in House Bill 29 (sic), there still exists -- there
24 still exists a blatant discrimination again your
25 stepson or your stepdaughter, for instance.

1 You won't be able to loan or gift to your
2 stepson or stepdaughter, under 1229, a -- a firearm
3 without making them go through a background check,
4 and the minority report fixes that. It allows for
5 step-relations to count under the bona fide gift and
6 loan provision exception in the rule, and it also
7 includes your in-laws.

8 So, for instance, under -- under 1229, if
9 we don't adopt this minority report, I can't loan a
10 hunting rifle to my brother-in-law to take on a
11 week-long hunting trip if -- if he needs the kind of
12 rifle that I have without getting a background check
13 on my brother-in-law.

14 Of course, if you knew my
15 brother-in-law -- oh, and then -- and then -- he is
16 a Democrat -- and then the -- the -- actually, he's
17 unaffiliated. You should see the mail he gets
18 because he lives in Jefferson County, but that's a
19 side note.

20 The other thing that we fixed with the
21 minority part -- and listen, this is really
22 important for you rural folks. Right now, the --
23 the 4-H shooting sports, kids that participate, if
24 they don't have their own shotgun or a family
25 shotgun that they can bring to the -- to the summer

1 that they participate in 4-H shooting sports, for
2 instance, a lot of times other -- other 4-H members
3 and other community leaders will -- will loan those
4 kids a shotgun for the -- for their -- for their use
5 over the -- for the entire course of the summer, and
6 there's no exemption in 1229 that allows for that
7 without forcing that 4-H kid to obtain and pay for
8 the background check.

9 So, you know, these kids that are just --
10 just trying to participate in 4-H shooting sports
11 are now hit by House Bill 1229, and the minority
12 report fixes that. It at least allows these --
13 these 4-H kids to borrow a shotgun for the course of
14 the entire summer, and -- and use it at the -- at
15 the -- at the practice and then take it home so they
16 can learn the proper way to -- to clean and maintain
17 their shotgun or -- or their .22 rifle -- that's
18 part of shooting sports -- in a -- in a -- you know,
19 in a clean environment at their -- at their own
20 home.

21 So that's why the minority report actually
22 earned bipartisan support in the conference
23 committee.

24 And I will ask for you today to vote in
25 favor of the minority report of the first conference

1 committee of House Bill 1229.

2 SENATE PRESIDENT: Majority Leader
3 Carroll.

4 MAJORITY LEADER CARROLL: Thank you,
5 Mr. President.

6 Members, this was actually -- it was a
7 very good discussion on all the points that were
8 raised here.

9 The -- there's four other exceptions that
10 exist now that I believe cover the fact pattern,
11 basically, that's been identified here. But more
12 significantly, there were two places in this
13 minority report that brought in new amendments that
14 were in neither the House version nor the Senate
15 version.

16 And so I'm going to ask for a ruling that
17 is beyond the scope, because two -- at least two of
18 the pieces that are in here within neither the House
19 or the Senate version, and the -- and the Chair had
20 also believed were outside the scope.

21 SENATE PRESIDENT: We'll take a Senatorial
22 five.

23 (A recess was taken.)

24 SENATE PRESIDENT: Senate will come back
25 to order.

1 I -- I rule that the minority report
2 exceeds the scope of the differences and, therefore,
3 is out of order. So we are back to the majority
4 conference, first conference committee report.

5 Further discussion, Majority Leader
6 Carroll.

7 MAJORITY LEADER CARROLL: Thank you,
8 Mr. President.

9 And I do know there is other discussion.

10 But let me just say that even if there
11 are -- even with the heartfelt desire for this to
12 include more issues than it did, each of the issues
13 that we, in fact, do take up here are ones that have
14 been -- points that have been raised by republicans
15 in both chambers to address. So it may not be the
16 complete package, but it does move the bill closer
17 in the direction. And so I know we'll have a motion
18 to re-adopt the bill, where we can redebate the
19 bill.

20 But the debate on this particular
21 conference committee is, one, do we narrow the
22 strawman entity loophole exception to avoid an
23 unintended consequence of having people who never
24 possess a firearm arguably having to go through a
25 background check? So we are tightening it to

1 natural people who come into possession, which was
2 always the intent.

3 So do we or don't we tighten that? And do
4 we or don't we add the words "or loan" to the family
5 member? And people may wish and want a lot beyond
6 that, but your vote on this majority report is
7 whether you want to, in fact, adopt those changes at
8 this point.

9 I think both of those made sense. I think
10 good cases were made for both. Those were passed in
11 the conference committee report. I think it makes
12 it a better bill and would ask for an aye vote on
13 the majority report on the first conference
14 committee.

15 SENATE PRESIDENT: Senator Harvey.

16 And keep in mind we are debating the
17 conference committee report, so please keep your
18 remarks there, and then we'll get to the re-adoption
19 later.

20 SENATOR HARVEY: Thank you, Mr. President,
21 for that reminder.

22 I move that we reject the conference
23 committee report and that a second conference
24 committee be re-appointed to go beyond the scope to
25 deal with the issues that the President just ruled

1 were outside the scope of the conference committee.

2 SENATE PRESIDENT: Okay. So that is a
3 proper motion that is now the motion on the table.

4 Majority Leader Carroll.

5 MAJORITY LEADER CARROLL: Thank you,
6 Mr. President.

7 I would respectfully ask for a no vote.

8 SENATE PRESIDENT: So this is on the
9 motion to reject and set up a new conference
10 committee.

11 Senator Brophy.

12 SENATOR BROPHY: Thank you -- thank you,
13 Mr. President.

14 And, Members, I would ask for an aye vote
15 on this motion to reject this conference committee
16 report, ask that we form a new conference committee,
17 and ask that it be allowed to go beyond the scope of
18 differences and, actually, for more important
19 reasons than just the -- the discrimination that is
20 pointed out related to stepchildren.

21 Members, we have an opportunity with this
22 bill to -- to do something together, to stop acting
23 like the dysfunctional Congress in Washington, D.C.,
24 where things are --are so hyper-partisan, as these
25 gun control -- extreme gun control -- bills have

1 become here in Colorado.

2 We have the opportunity, if we want to
3 form a conference committee and allow it to go
4 beyond the scope of differences, to craft a
5 bipartisan solution to a problem that's identified,
6 the -- the -- the very real possibility that -- that
7 a gang -- that a gang member can now, under 1229,
8 hand a firearm to another gang member for up to 72
9 hours to use in crime sprees without a background
10 check, without being penalized additionally for
11 failing to -- to get a background check, for
12 flaunting the law for purposefully handing a firearm
13 to someone who ought not be in possession of the
14 firearm. That 72-hour rule exists now in 1229, and
15 it ought to go away.

16 But more importantly, we could do
17 something that -- that I've been thinking about
18 quite a bit with a conference committee that goes
19 beyond the scope, and that is this: Institute the
20 stranger-danger rule. Stop with the silly
21 exceptions that result in unintended consequences,
22 criminalizing you giving a -- a hunting rifle to
23 your brother-in-law, for instance, but instead, let
24 the people of Colorado know that. If you're going
25 to sell a firearm to somebody with which you have no

1 prior relationship, you should get a background
2 check on it. Otherwise you should have known that
3 it was -- that it's too dangerous to do that. The
4 stranger-danger rule. We could do that.

5 We could modify it by including the -- the
6 right to do the private transfer if the person that
7 you're selling to already has a CCW permit. For
8 crying out loud, they've had a very extensive
9 background check. You can see that if you go
10 through that process yourself.

11 We have an opportunity. We have an
12 opportunity to bring the desks together, to reach
13 across the aisle, to form a bipartisan coalition to
14 address that problem here in Colorado. But -- but
15 only, only if you vote to allow a conference
16 committee to go beyond the scope of differences and
17 actually start working together, like the Colorado
18 legislatures of old, where we -- where we solved
19 problems in a bipartisan manner with Colorado values
20 instead of these Washington, D.C. values and
21 hyper-partisanship, and just used the power of the
22 majority to ram your agenda all the way home.

23 Vote yes to dissolve this conference
24 committee and go beyond the scope of differences
25 with a new conference committee that represents

1 Colorado values.

2 SENATE PRESIDENT: Majority Leader
3 Carroll.

4 MAJORITY LEADER CARROLL: Thank you,
5 Mr. President.

6 Members, a couple of things since it was
7 brought up. One of my frustrations has been that we
8 have -- if we excepted no amendments on this bill,
9 you know, we have been criticized for refusing to
10 work with the other side and just ramming an agenda
11 through, but the facts are that despite over a dozen
12 changes that came at the urging of Republicans, not
13 one of them brought any of your support with it, yet
14 we took it anyway.

15 So the facts on the process of this bill
16 is: We've listened, we took many of your ideas and
17 input, which I think were valuable, and haven't had
18 any indication that there's any amendment in any
19 form or any stripe of anything we can do on this
20 bill that in Colorado, sadly, would bring bipartisan
21 support.

22 And I think that is very unfortunate, but
23 they are actually having a bipartisan conversation
24 in D.C. And when D.C. becomes more functional than
25 we are, that's sad. You know, this is -- this is

1 part of a national conversation to have.

2 That said, even though none of the changes
3 to date can or have earned the support, I'm still
4 grateful for you bringing them up as a matter of
5 making better public policy despite the fact that it
6 hasn't and probably can't earn any bipartisan
7 support of what's there.

8 So let me just say that I would love this
9 to be a bipartisan bill.

10 The most immediate point to bring up is
11 that on the motion to go form a new conference
12 committee, Members, you need to know that we
13 actually already took this up in the first
14 conference committee. This isn't new. These were
15 all points that were raised the first time when we
16 went through, considered, and rejected it. So it
17 would simply be Ground Hog Day to repeat and extend,
18 you know, what has already been a five-month debate
19 on this issue.

20 So I would just mention in the most
21 immediate sense that we have already considered
22 taking this up and would just simply ask for a no
23 vote on creating a new conference committee.

24 SENATE PRESIDENT: Senator Lundberg.

25 SENATOR LUNDBERG: Thank you,

1 Mr. President.

2 Members, the arguments that we've just
3 heard about how we just can't come to terms, I must
4 break down a party line always, made by the Majority
5 Leader, I think were very good argument for passing
6 this motion to reject the conference committee
7 report and form a new conference that can go beyond
8 the scope, because that's the only way we were going
9 to get to any concurrence.

10 And -- and I would note that the minority
11 report that was ruled to be beyond the scope, if you
12 still have that on your desk, I would invite you to
13 look at that and ask yourself: Are these issues
14 that are inappropriate for this bill or not?

15 I believe it brings up some very valid
16 concerns on what the first conference committee did
17 come to deal with, you know, for example, what of a,
18 you know, a 4-H club simply trying to -- to provide
19 a -- a setting to teach good, responsible handling
20 of firearms and marksmanship and the, you know,
21 other skills for a sportsman that are necessary to
22 have the -- have the rifles there to work with.
23 It -- the -- the law creates such a cumbersome
24 problem that that just won't happen.

25 And when it comes to -- to defining

1 immediate family members, let me read to you what --
2 what apparently goes beyond the scope but is still
3 good policy to put in this bill: spouses, parents,
4 children, siblings, grandparents, grandchildren,
5 nieces, nephews, first cousins, aunts and uncles.
6 Who in there shouldn't be included as immediate
7 family members goes on: B, step relations; C,
8 partners of civil unions or domestic partnerships;
9 and D, inlaws.

10 Now, if -- if policy is defining families,
11 okay, let's not divide it up. I'm not going any
12 further, anybody, who I can't mention anybody's name
13 here. It's unfortunate.

14 But it -- it's, you know, I look at my own
15 situation. I live a couple of hundred yards away
16 from my inlaws, and to distinguish between who can
17 transfer to myself or transfer to my wife, is -- is
18 an artificial distinction that the law shouldn't --
19 shouldn't have a part in.

20 You know, it's -- it's not me loaning to
21 my brother-in-law, it's me borrowing from my
22 brother-in-law. He -- he has the -- the better set,
23 and he can do that to his sister, my wife, but not
24 to me. He can do that to his sister, my wife, but
25 not to our children. That doesn't make sense. It

1 just doesn't make sense at all.

2 I believe, finally, if we want to talk
3 about a bipartisan spirit, well, here's your chance.
4 This conference committee was signed by four
5 Democrats. The minority report was signed by the
6 two Republicans. You know how the vote was
7 initially on the bill. It rings hallow to me for
8 the claim that we just can't get there if the same
9 person who's claiming it is insisting that we
10 continue to vote in a -- in a party-line fashion.

11 Let's reject this party-line vote for the
12 first conference committee and see if we can't at
13 least get a conference committee to put this
14 together as a team. Can we find some concurrence or
15 not? Is there any degree of compromise that can be
16 found at least in the process? Because right now
17 it's strict party line. That's it.

18 And it -- and your vote doesn't -- you
19 know, the fate of the bill doesn't hinge on your
20 vote on the conference committee, but the fate of
21 the process does. So if you want to make it party
22 line, then you'll follow the lead and simply reject
23 the motion, but if you want to find some common
24 ground somewhere, somehow, let's start right here,
25 right now.

1 I appeal to each one of you Senators on
2 this side of the aisle, on this side of the aisle,
3 Mr. President, and I'm -- and I apologize, I should
4 be speaking to you directly, so I will directly --
5 Mr. President, I appeal to you to -- to support this
6 measure and show some bipartisan spirit to tackle
7 this one, one more time.

8 We've already spent, over the course of
9 committee time and floor time, over 30 hours on this
10 issue in general, and much of it on this bill in
11 particular. Is it not worth one more conference
12 committee that can -- that has the authority to deal
13 with all of the details, go beyond the scope?

14 Sure, it may have been discussed in
15 committee, but if the answer was it goes beyond the
16 scope and we don't have the authority, well, there's
17 your fatal flaw to the first conference in the first
18 place. What's it going to hurt to give it one more
19 shot?

20 I believe this is an opportunity for
21 bipartisan action, at least within the process. And
22 if we can't find it within the process, where in the
23 world are we going to find it within the policy
24 itself?

25 I urge each and every one of you, all 34

1 Senators -- because I'm going to support this, I
2 know that -- please consider the same for yourself.
3 Don't lock down. Don't show the dysfunction of 21st
4 Century legislative systems. Break the mold. Take
5 the courage. Do it right. Vote yes.

6 SENATE PRESIDENT: Senator Cadman.

7 SENATOR CADMAN: Thank you, Mr. President.

8 You know, when I ran for office, I -- I
9 kind of had the -- I kind of had the belief that all
10 the predecessors that had come through this process
11 and become members of the legislature are just up
12 here throwing these laws together and tossing them
13 out and that it was pretty easy. I thought creating
14 laws was easy. And I actually ran against creating
15 laws. I ran on the eraser platform of we ought to
16 issue legislators these erasers -- which I still
17 have 14 years now -- we ought to spend more time
18 getting rid of what's in here than adding to it,
19 because I thought they were just being added.

20 But I have come to find out, as you all
21 know, and even those of you who have been here 65
22 days or whatever it is -- it feels like 165 -- that
23 it takes a lot to get something in these books. I
24 mean, it is a heck of a process. I have a lot of
25 respect for what it takes to actually create a law.

1 It's hard. It takes a lot of work,
2 obviously, on the controversial stuff, a lot of
3 debate. I'm sure none of us wants to spend another
4 six hours here on this bill. Anybody interested in
5 that on a Friday? Any day? Especially a Friday.

6 To that point, though, they're even harder
7 to fix. We need to get this stuff right the first
8 time, especially on something that's significant
9 like this. Let's get it right the first time.

10 And the Majority Leader mentioned the
11 concessions made over the last few days and the last
12 week or so to the Republicans, to the Republicans,
13 to the Republicans. These aren't laws just for
14 Republicans. These are the laws that the people of
15 the state, the 5-plus million people are going to
16 live by.

17 These aren't concessions to Republicans.
18 These amendments were made to a bill that had flaws
19 from the very first day. A bill that was so
20 sweeping that we had to create exemptions to our new
21 prohibitions. That's good government speak, isn't
22 it? Exemptions to prohibitions. It's like trying
23 to understand -- understand tax credits. Nobody
24 gets it, but everybody wants them.

25 It's important that we get this right.

1 It's important.

2 So in the conference committee, we did
3 find agreement on some of these points, and then
4 when it got to the contention of is it beyond the
5 scope, that's where the differences were set aside.
6 And the -- actually, that's where the differences
7 came into play -- and the agreement was set aside.
8 Does that really make sense when we actually found a
9 place in conference committee where people
10 understood that some of these problems in this bill
11 weren't being fixed and that others were being
12 identified and also weren't going to be fixed? And
13 now, it's being rejected.

14 That makes as much sense as hanging
15 somebody even though you found out that they're no
16 longer guilty because of DNA, but it's too late
17 because you already bought the rope. Can't stop
18 now, we bought the rope. They're not guilty, but
19 shoot, we can't let this rope and 13 knots go to
20 waste. Does that make any sense to you?

21 Absolutely not. Get it right. It's
22 important that we get it right.

23 And, frankly, what I heard in the
24 committee were ideas that I believe does shrink the
25 space in the aisle, that does bring us together.

1 And I think the concept of stranger danger is
2 something we could all support. I know I could. If
3 this were really about keeping guns out of the hands
4 of criminals, specifically and exclusively, how
5 would we not support that? Because as someone who
6 is legally allowed to carry a gun and legally owns
7 guns, I hope I never have to use those legal guns to
8 defend myself against somebody else that has a gun
9 in any manner, especially, obviously, a criminal.

10 We do have a chance to get it right. It
11 doesn't make sense to reject that opportunity. It
12 certainly doesn't make sense to me. I'm fairly sure
13 it doesn't make sense to the 5.3 million people who
14 are paying attention to this.

15 I would ask for you to vote yes on this
16 motion.

17 We were this close to having something
18 that would shrink the aisle. And I would make this
19 commitment to the Majority Leader specifically, as
20 the sponsor of the bill, that if we could get to
21 that concept that was alluded to earlier, this isn't
22 about amendments, it's not about concessions to the
23 Republicans, it's about completing the task of
24 governing and doing it right for the people that
25 expect us to get it right the first time.

1 We don't need to go oops after this is
2 signed. Nobody wants to hear that, and nobody wants
3 to answer those questions that will be raised when
4 the problems start coming in. We don't need a
5 flypaper bill that's designed to entrap law-abiding
6 citizens and turn our neighbors, our friends, our
7 families, our 4-H members, our Boy Scouts, the pack
8 leaders, the troop leaders, do we really want to
9 turn them into criminals? I sure hope we don't. I
10 sure hope we don't.

11 I would ask for an aye vote.

12 SENATE PRESIDENT: Senator Harvey.

13 SENATOR HARVEY: Thank you, Mr. President.

14 I -- Senator Cadman hit most of my points,
15 but I -- I wanted to put a Ted Harvey spin on them.

16 The reason the argument given against the
17 minority report, when Senator Brophy offered the
18 minority report, was these are outside of the scope,
19 and the chairman of the committee ruled that they
20 were outside of the scope, and therefore we don't
21 need to hear the minority report because we had a
22 ruling from this Chair, President, saying that
23 they're outside of the scope.

24 So then, when I make the motion to say,
25 okay, if the Chair in the committee ruled that they

1 were outside of the scope, and the President rules
2 that it's outside of the scope, then let's have a
3 new committee hearing and go outside of the scope.
4 And then the argument that you hear is: We already
5 heard this in committee, and it's going to be
6 rejected in committee, so there's no reason to go
7 back and repeat it again. Well, which is it? Did
8 you hear it the first committee, or was it ruled
9 outside of the scope?

10 And if it was ruled outside of the scope,
11 then let's have the discussion.

12 Do we want to try to fix the ludicrous
13 issues in this bill that say you can't give your gun
14 to your stepson or you can't go and -- and -- and
15 have 4-H kids being able to use guns that are
16 borrowed from other members, and on and on and on
17 and on? Why are we afraid to fix this bill? Are we
18 so wed to this bill that we cannot go and fix this
19 problem?

20 And then, concessions. The argument was
21 we've already given so many concessions to the
22 Republicans, yet they don't come on. I don't know
23 if a Republican is offered a single amendment that
24 has been accepted. I know that there were a number
25 of issues that were brought up in the State Affairs

1 Committee, and the Chair of the State Affairs
2 Committee offered her amendment, but those were
3 issues that were brought up by the citizens of the
4 State of Colorado that came in and talked. There
5 was not one Republican amendment that was accepted.

6 We spoke for 12 hours on Friday. We
7 didn't have hardly any Democrat come out and discuss
8 the bill, much less accept a Republican amendment.
9 And the amendments that were offered, were offered
10 to fix issues like can I give my wife my gun when I
11 leave town? Can my wife protect herself and my
12 family when I leave town?

13 And the issue that was accepted was, for
14 72 hours. For 72 hours. For 72 hours. Any
15 temporary transfer that occurs while in contiguous
16 presence of the owner of the firearm, the temporary
17 transfer, for not more than 72 hours, a person who
18 transfers a firearm pursuant to this paragraph, may
19 be jointly and severally liable for damages
20 proximately caused by the transferee's subsequent
21 use of the firearms.

22 Nothing in Subsection 6 of this section
23 shall be interpreted to limit or otherwise alter the
24 applicability of Section 8, concurring the unlawful
25 purchase of transferee's of a firearms.

1 There is no Republican amendments to this
2 bill. These are Democrat-Republican amendments. So
3 if the break -- I mean, these are Democrat-offered
4 amendments -- so if the breakdown is here that
5 you're not getting bipartisan support in support of
6 your bill, and we don't want to look bad to -- to
7 Washington, D.C., well, it was a bipartisan no on
8 the bill. It was a bipartisan no.

9 I wish we had more of those in Washington,
10 D.C. I wish Washington, D.C., would start following
11 us. But, actually, I hope that they would start
12 killing some bills in Washington, D.C., and I wish
13 we would here in Colorado as well, particularly this
14 unfortunate piece of legislation.

15 Again, I renew my motion to resolve the
16 conference committee and go to a new conference
17 committee and go beyond the scope so we can solve
18 some of those unfortunate issues.

19 SENATE PRESIDENT: Motion before the body
20 is the rejection of the majority committee report
21 and the formulation of a second conference
22 committee. Are there any -- okay, roll call has
23 been requested.

24 Mr. Majors, would you please poll the
25 Senators.

1 THE CLERK: Aguilar.
2 SENATOR AGUILAR: No.
3 THE CLERK: Aguilar, no.
4 Balmer.
5 SENATOR BALMER: Yes.
6 THE CLERK: Balmer, aye.
7 Baumgardner.
8 SENATOR BAUMGARDNER: Yes.
9 THE CLERK: Baumgardner, aye.
10 Brophy.
11 SENATOR BROPHY: Aye.
12 THE CLERK: Brophy, aye.
13 Cadman.
14 SENATOR CADMAN: Aye.
15 THE CLERK: Cadman, aye.
16 Carroll.
17 SENATOR CARROLL: No.
18 THE CLERK: Carroll, no.
19 Crowder.
20 SENATOR CROWDER: Yes.
21 THE CLERK: Crowder, aye.
22 Giron.
23 SENATOR GIRON: No.
24 THE CLERK: Giron, no.
25 Grantham.

1 SENATOR GRANTHAM: Aye.
2 THE CLERK: Grantham, aye.
3 Guzman.
4 SENATOR GUZMAN: No.
5 THE CLERK: Guzman, no.
6 Harvey.
7 SENATOR HARVEY: Yes.
8 THE CLERK: Harvey, aye.
9 Heath.
10 SENATOR HEATH: No.
11 THE CLERK: Heath, no.
12 Hill, excused.
13 Hodge.
14 SENATOR HODGE: No.
15 THE CLERK: Hodge, no.
16 Hudak.
17 SENATOR HUDAK: No.
18 THE CLERK: Hudak, no.
19 Jahn.
20 SENATOR JAHN: No.
21 THE CLERK: John, no.
22 Johnston.
23 SENATOR JOHNSTON: No.
24 THE CLERK: Johnston, no.
25 Jones.

1 SENATOR JONES: No.

2 THE CLERK: Jones, no.

3 Kefalas.

4 SENATOR KEFALAS: No.

5 THE CLERK: Kefalas, no.

6 Kerr.

7 SENATOR KERR: No.

8 THE CLERK: Kerr, no.

9 King, excused.

10 Lambert.

11 SENATOR LAMBERT: Aye.

12 THE CLERK: Lambert, aye.

13 Lundberg.

14 SENATOR LUNDBERG: Aye.

15 THE CLERK: Lundberg, aye.

16 Marble.

17 SENATOR MARBLE: Aye.

18 THE CLERK: Marble, aye.

19 Newell.

20 SENATOR NEWELL: No.

21 THE CLERK: Newell, no.

22 Nicholson.

23 SENATOR NICHOLSON: No.

24 THE CLERK: Nicholson, no.

25 Renfroe.

1 SENATOR RENFROE: Aye.
2 THE CLERK: Renfroe, aye.
3 Roberts.
4 SENATOR ROBERTS: Aye.
5 THE CLERK: Roberts, aye.
6 Scheffel.
7 SENATOR SCHEFFEL: Aye.
8 THE CLERK: Scheffel, aye.
9 Schwartz.
10 SENATOR SCHWARTZ: No.
11 THE CLERK: Schwartz, no.
12 Steadman.
13 SENATOR STEADMAN: (No audible answer.)
14 THE CLERK: Tochtrop.
15 SENATOR TOCHTROP: No.
16 THE CLERK: Tochtrop, no.
17 Todd.
18 SENATOR TODD: No.
19 THE CLERK: Todd, no.
20 Ulibarri.
21 SENATOR ULIBARRI: No.
22 THE CLERK: Ulibarri, no.
23 Steadman.
24 SENATOR STEADMAN: No.
25 THE CLERK: Steadman, no.

1 Mr. President.

2 SENATE PRESIDENT: No.

3 THE CLERK: Mr. President, no.

4 SENATE PRESIDENT: With 13 ayes, 20 noes,
5 zero absent, and two excused, that motion fails.

6 Back to the motion of adopting the
7 majority committee report to the conference
8 committee report on 1229.

9 Are there any no votes?

10 Senator Balmer, Senator Lundberg, Senator
11 Marble.

12 So this is the committee -- the conference
13 committee report. A rejecting -- so a no vote is
14 rejecting it, where adopting -- the motion is to
15 adopt the majority conference committee report.

16 So are there any no votes?

17 So Senator Balmer -- okay Senator Balmer
18 wants to be an aye -- no, Senator Balmer is a no.
19 Senator Crowder is a no. Senator Lundberg is a no.
20 Senator Marble. Senator Renfroe.

21 So with a vote of 28 ayes, 5 noes, zero
22 absent, and two excused, the conference committee
23 report is adopted.

24 Majority Leader Carroll.

25 MAJORITY LEADER CARROLL: Thank you,

1 Mr. President.

2 I move for the re-adoption of House Bill
3 1229.

4 SENATE PRESIDENT: The motion is for the
5 re-adoption of the bill.

6 Discussion?

7 Senator Brophy.

8 SENATOR BROPHY: Thank you, Mr. President.

9 And, Members, I'll ask for a no vote.

10 The bill contains now something like nine
11 exemptions. One of them, again, that allows gang
12 members to swap guns around for up to 72 hours
13 without a penalty for breaking the -- the background
14 check rule, still denies people the ability to loan
15 a hunting rifle to their brother-in-law or their
16 next-door neighbor to take on a week-long hunting
17 trip, still makes it illegal for someone to loan a
18 handgun to a friend or neighbor who's going on a
19 week-long backpacking trip.

20 And the Obama justice department tells us
21 that it does absolutely nothing to improve safety.
22 Nothing. It won't help anything, and it makes
23 common, everyday actions amongst friends and
24 neighbors something that's now illegal in the State
25 of Colorado.

1 When asking for your support to form a new
2 conference committee to go beyond the scope of -- of
3 differences, I -- I mentioned the unintended
4 consequences.

5 Now, I'm going to tell you that they
6 are -- that they are absurdities. It is absurd that
7 I can't loan a handgun to a neighbor who's going on
8 a week-long backpacking trip. That's absurd. It's
9 ridiculous that I can't loan the appropriate hunting
10 rifle to my neighbor to take on a week-long elk
11 hunting trip.

12 The -- the list of absurdities goes on and
13 on and on, and all for what? For what? We get no
14 improvement at all in safety. We take a step
15 towards registration of all firearms and ownership
16 of all firearms. Again, treating law-abiding
17 citizens like they're doing something wrong instead
18 of taking it to the criminals.

19 Why would you support something like that?
20 Those aren't Colorado values. We don't assume that
21 law-abiding citizens are up to something they
22 shouldn't be up to in a -- in a great libertarian
23 western state like this. We don't do that.

24 Vote against this bill.

25 SENATE PRESIDENT: Further discussion?

1 Seeing none, the motion before the -- oh,
2 sorry.

3 Do you want -- so Majority Leader Carroll.

4 MAJORITY LEADER CARROLL: Thank you,
5 Members.

6 So we're obviously back to the passage of
7 the bill. And I do think that there's room for
8 obviously legitimate differences of opinion about
9 whether or not someone should go through a
10 background check so that law-abiding people go on
11 with their purchases and possession, and people who
12 are convicted felons are dangerously mentally ill
13 don't. I get that there's a difference of opinion
14 on that.

15 What does concern me some are really two
16 points that I want to be clear for the record:

17 There were many, many, many, many changes
18 made to this bill in good faith, listening. None of
19 them brought any difference to a partisan divide,
20 and frankly, they didn't have to be accepted. So
21 we're listening. I'm grateful for the suggestions
22 that were made. They aren't just concessions. That
23 is the sponsor working in good faith, listening to
24 members in both chambers on ideas on the bill.

25 And so you get criticized kind of both

1 ways, like, hey, you won't work with us. Oh, wait a
2 minute, you took all our ideas, but because you took
3 all our ideas, it must be a flawed bill because, you
4 know, now you've accepted these amendments.

5 And so it's -- it's kind of a catch-22 in
6 the sense that by working in good faith to actually
7 respond and address many of the issues that
8 colleagues brought up, we're being told that that's
9 proof it's a flawed bill. And every bill goes
10 through its -- its own process, and many bills get
11 amended.

12 But I want to say, just as a matter of
13 process, that the changes that have been offered, I
14 think reflect the fact that, from my perspective, I
15 would have hoped that some of these might have
16 brought on some bipartisan support, and I'm sorry it
17 didn't, but I understand that.

18 What does bother me, though, is while
19 people can differ between whether or not you think
20 there should be a background check to keep guns out
21 of the hands of convicted felons, I get that; but I
22 do want to be clear for the record, because there's
23 enough confusion about that the bill does that we at
24 least shouldn't contribute to it. So I want to be
25 very clear here for the record.

1 There is no 72-hour limitation on the
2 hunting trip example. Among these exceptions, and I
3 put out a fact sheet so that we can all put out,
4 whether you like the bill or not, accurate
5 information to the people we represent.

6 There is no 72-hour on the immediate
7 family exemption. Those are not time-limited. Out
8 of the exceptions we put in place, only two of them
9 have time limits.

10 So to be clear, there isn't a time limit
11 on the hunting exception. And there is one, so your
12 brother-in-law may not be defined as a
13 brother-in-law in the family section, but if your
14 brother-in-law is, you know, borrowing a gun for
15 hunting, it doesn't matter who you're loaning it to
16 for hunting, as long as they're not a convicted
17 felon. We know in the bill there's a hunting
18 exception for this.

19 The 72-hour provision does not qualify
20 just as a grammatical issue to be very clear about
21 what the bill does. It does extend to all of the
22 other exceptions. It is a stand-alone alternative.
23 All of these exceptions are written in alternative.
24 You may satisfy one, you may satisfy more than one.

25 So I just want to be factually clear that,

1 you know, your family member exception, that's not
2 72-hour limited. Your hunting, that's exempted, nor
3 is that limited to a 72-hour exemption. There is no
4 registration in the bill. There's no confiscation
5 in the bill.

6 So I think the -- the policy discussion is
7 what you think about whether or not there should be
8 a criminal background check before you purchase or
9 possess a firearm. And I go right back to the
10 original point of the bill, which is: We do have
11 data that says this makes a difference.

12 And while no law has a hundred percent
13 compliance, we, in fact, do detect dangerous
14 convicted felons in the process of this, even under
15 our current system, even given the glaring loophole
16 of up to 40 percent of transactions that are
17 completely escaping background checks as a result of
18 this loophole.

19 And we can use Colorado data to see that
20 our current system, in fact, detects people who are
21 criminally ineligible to purchase or possess. But
22 we also have the benefit of data from other states
23 that tells us that we, in fact, do keep guns out of
24 the hands of many, not all, of many, though, of
25 people who are convicted felons or dangerously

1 mentally ill, who, in fact, are trying to purchase
2 or possess.

3 So we know it works, and I think, you
4 know, the honest difference of opinion is whether
5 that background check is unfairly burdensome to
6 those who are law-abiding people who pass through
7 that gate, who have every reason and right to buy
8 the firearm of their choosing. Is it an unfair,
9 undue burden on them to go through the background
10 check system?

11 And what's interesting to me is, given the
12 background check system we currently do, I
13 personally haven't heard anyone who's buying from an
14 FFL or from a gun show say that it was unduly
15 burdensome. I do think the state has a
16 responsibility to try and keep the wait to a
17 minimum, because there are scenarios where delay, I
18 think, is a legitimate point that would be an unfair
19 burden. And so I do think as we go into
20 implementation, we need to make sure that we're not
21 unfairly holding anyone up.

22 But at the end of the day, we have already
23 said, as a matter of public policy, that people who
24 are convicted of murder, rape, kidnapping, larceny,
25 you name it, that they're already prohibited from

1 purchasing or possessing. And if we fail to pass
2 this bill, each and every convicted felon in the
3 state of Colorado, who our current law says isn't
4 supposed to have or purchase this, in reality can.
5 And we don't even have a mechanism.

6 So we might as well just delete those laws
7 and say, you know what, we don't care if convicted
8 felons, or murderers, or rapists, or burglars, or
9 whoever else has access to these, because we refuse
10 to put in an enforcement mechanism. The background
11 check is the enforcement mechanism. And it is
12 imperfect.

13 You know, we have -- you can point to any
14 law we've got on the books, and you'll find someone
15 who hasn't complied with it and people who may try
16 harder not to.

17 But the fact is, is that the data tell us
18 in Colorado and elsewhere, that it actually
19 substantially works, even if imperfectly.

20 So I'm proud of actually having made some
21 of these changes in good faith, listening to
22 Republican colleagues through both chambers. I
23 think we did the right thing with that.

24 But at the end of the day, if we actually
25 believe that certain people that are criminally

1 prohibited from owning or possessing now, in fact,
2 shouldn't possess, if we mean it, we need to pass
3 this and close this ridiculous loophole. And if we
4 don't mean it, let's repeal it and decide that we
5 really don't care anymore on any limits, on anyone
6 owning a firearm, regardless of their criminal
7 history or regardless of even a severely dangerously
8 mentally ill, dangerous person under court order.

9 And if we decide that those folks, we
10 don't want to get in their way, and we really don't
11 have any means or interests or ability to be able to
12 enforce that section, then we might as well repeal
13 all background checks and get rid of the prohibition
14 on them holding them because without this, we have
15 zero mechanism to differentiate between those who
16 are law-abiding and those who aren't.

17 And with that, I would just respectfully
18 request an aye vote on re-adoption of 1229.

19 SENATE PRESIDENT: Senator Harvey.

20 SENATOR HARVEY: Thank you, Mr. President.

21 Ridiculous loopholes, that's the argument
22 for this bill. Ridiculous loopholes.

23 Are we saying that somebody giving their
24 stepson a gun and not doing a background check on
25 them is a ridiculous loophole?

1 Are we saying that 4-H members who are
2 young and want to shoot a .410 and their parents
3 haven't bought one for them yet because they're just
4 seeing if they want to participate in 4-H shooting
5 and that we're doing that now without doing a
6 background check on them is a -- is a ridiculous
7 loophole in state law?

8 Is it ridiculous that if my wife wants to
9 use my gun to protect our home, or when they go --
10 she goes on a trip outside of the house with a gun,
11 that she can't use my gun for fear of being in
12 violation of this law and putting me and her at risk
13 of being prohibited from owning a gun ever again?

14 Do you think that's a ridiculous loophole
15 that needs to be closed? Well, if you do, vote for
16 this bill. Vote for this bill, because that's
17 exactly what this bill does.

18 If this bill was talking about closing the
19 loophole for people buying guns outside of the
20 stores and outside of the gun shows, but through
21 private sales, that might be a loophole that the
22 majority of the public would agree with, but that's
23 not what this bill is.

24 The sponsor says we're talking about
25 what -- doing background checks the same way we've

1 done in gun shows and stores, and there's no undue
2 burden. Ask the 4-H clubs if they think it's an
3 undue burden to have to do a background check on
4 every one of their kids that want borrow a gun. I
5 would argue they would say that's an undue burden.
6 Ask the family members who are having to do
7 background checks on their stepkids. Is that an
8 undue burden?

9 Remember, it is already against federal
10 law to give a gun to somebody that you know or
11 should know is a felon. I would hope that we would
12 know whether our kids, our stepkids, are felons or
13 not. This is an undue burden.

14 The reason why this was amended because
15 the drafting of this bill was so poorly done -- not
16 by our staff here in Colorado, I don't believe
17 that's where it was done -- that there was so many
18 ridiculous things in this bill that the -- it was
19 embarrassing. We had to make changes to this bill
20 because it was so poorly drafted in New York City,
21 or Washington, D.C., or wherever it was drafted.
22 That's why there was so many amendments brought to
23 this bill to fix it in the first place.

24 And why is that? Was it written by
25 somebody who understands gun policy, who understands

1 gun law here in Colorado? I don't think so. I
2 think it was written by somebody with irrational
3 fear of firearms, because they have no experience
4 with firearms, and they wrote a bill thinking
5 firearms are terrible, the sky is falling, and
6 therefore we must come forward and outlaw firearms
7 as much as we possibly can and as far as we can get
8 today.

9 Irrational fear. Irrational fear of 4-H
10 kids shooting guns. We've got to do background
11 checks and fix that loophole. Is that what we're
12 afraid of?

13 Bipartisan support. I have bipartisan
14 support for my position. My position is vote no. I
15 have bipartisan support of that. Can I get one
16 more? I ask for a no vote.

17 SENATE PRESIDENT: Senator Lundberg.

18 SENATOR LUNDBERG: Thank you,
19 Mr. President.

20 Members, I come up here again because it's
21 that important that we look at this one more time.
22 This is the final vote on this bill, and I urge a no
23 vote. No surprise there.

24 I should hope, though, that you dig a
25 little deeper than just yes or no to the why, to the

1 what are we doing. Just the discussion we've heard
2 this morning establishes several things in my mind
3 as to what this bill will do if it becomes law.

4 I find it -- if you just look at all the
5 discussion on who's exempted and who's not exempted,
6 can anyone in this room, after all of this time,
7 stand up and just recite exactly who is and who
8 isn't? Is it possible, even now as it's fresh in
9 our minds, without looking back and trying to figure
10 it out and, you know, kind of do the math?

11 Well, imagine what it's going to be like
12 for the people of Colorado to figure out where the
13 exemptions are and where the exemptions aren't.
14 We've made a dysfunctional mess of -- of these
15 exceptions, to try to put some rational function to
16 this concept of universal background checks, for not
17 only the sale but the transfer, that means the
18 loaning, that means just handing it off.

19 You know, if I were to transfer this pen
20 and just give it to somebody and they -- then they
21 hold it, that's a transfer. Now, the basic point of
22 this bill is to say that's illegal without a
23 background check. And then there are some
24 exceptions that are put in.

25 But no one, practically speaking, will be

1 able to get their arms around it. So, to the
2 average citizen in Colorado, here's the takeaway:
3 Transfers aren't allowed without background checks,
4 and you better check pretty carefully if you want to
5 cross that line. Oh, just go ahead and get the
6 background check.

7 Oh, by the way, don't forget, there's
8 another bill coming that will put a fee on it. And
9 if you look in this bill that we're voting on right
10 now, there's another fee on it. This is where the
11 dealers are allowed to put up to a \$10 fee. And I
12 can kind of see how this will all work its way out.

13 You know, maybe a \$10 fee here, a \$10 fee
14 for the CBI. I hope it's no more than that, but
15 it's unlimited. Now it's 20 bucks to take and
16 transfer it over from one person to the next. And
17 then, if it's truly a loan, and they went through
18 the background check for the first half of that
19 loan, the returning of the firearm will require the
20 same.

21 So that's the takeaway that the citizens
22 of Colorado have as far as this little complicated,
23 let's call it unintended consequence, that, as our
24 debate and discussion earlier today proved, there is
25 no willingness on a partisan line to go back and try

1 to fix some of those problems. No, this has been
2 locked in. And -- and as much as the sponsor wants
3 you to -- to think that this is a -- a product of a
4 bipartisan effort, that is the furthest from the
5 truth of just about any legislation I've ever seen.
6 This is the plan from the majority party, and they
7 own it, unless, of course, a few of you decide, and
8 it doesn't take many, but a few of you decide that
9 this is not good policy.

10 Shoot, just decide it's not good politics,
11 that will give you good policy, by the way, if you
12 just vote no. And that's what I'm urging you to do,
13 partially because it's dysfunctional.

14 It's not just for sales, it's for
15 transfers, and that happens all the time. And yet
16 no one will know what that means; hence, you'll find
17 this -- you know, this -- this chilling effect on
18 what should be a very legitimate process of the
19 private property owned by a -- a legal, law-abiding
20 citizen for the State of Colorado will have a fear
21 of breaking some law and being held accountable, you
22 know.

23 And I think the very best example is -- is
24 when it comes to these 4-H groups or -- or some sort
25 of a Scout program or -- or maybe it's a -- it's a

1 program within some church where they're trying to
2 show the proper handling and management of a firearm
3 and pass it on to not only their kids, but, you
4 know, the group of kids in their charge there. They
5 dare not go down there because it would be absurd.

6 It would be absurd to, you know, assemble
7 ten shotguns, and then go through the background
8 check on all of those, and then have to go through
9 the background check just to get it back to the
10 rightful owners. But that's what this bill will
11 require. It's a bad idea, a very bad idea.

12 But let me go on to where I think the
13 worst ideas are for this law. The sponsor said this
14 is not registration, this is not confiscation. I
15 agree. The language in this bill is not
16 registration, and the language in this bill is not
17 confiscation. But my own sheriff has told me, we
18 cannot enforce this without registration; we don't
19 know how to figure this out.

20 And it makes perfect sense, especially
21 when, you know, when it's -- when it's bisecting
22 which family members are appropriate to loan to and
23 which are not without a background check. Well, you
24 come into some circumstances where somebody was in
25 possession of a firearm, and somebody else says, But

1 that wasn't my firearm, that was my
2 brother-in-law's. And the brother-in-law says, no,
3 that wasn't mine, that was his. And the law
4 enforcement are looking at this and saying, you
5 know, he said, he said. We don't know.

6 It boils down to they're not going to be
7 able to enforce much of this law without
8 registration. And I'm going to fight that one more
9 than I'm fighting this one, and I'm fighting this
10 one with about all I've got because the one leads to
11 the other.

12 And now, let's -- let's take on that
13 registration issue with just a little more focus and
14 -- and look at other countries throughout history
15 who have decided that registration of firearms is
16 necessary.

17 In far, far too many examples, after they
18 register, they start figuring out who they want to
19 hold firearms or who they don't want to hold
20 firearms. And sure, we can give the worst examples
21 out there of -- of Hitler's Germany, who in 19, I
22 think it was 35, in that -- I believe it was 1935,
23 when announced the registration requirement, and
24 then the confiscation followed shortly thereafter,
25 but you don't have to go down those worst-case

1 scenarios to see the absurdity of it.

2 I had a constituent of mine just a few
3 weeks ago describe to me the problem he was having
4 with a shotgun that his father owned, who lived in
5 Spain.

6 Now, it's curious how this worked out, and
7 I think it's -- it's important to -- to consider
8 this in the context of this legislation that we're
9 about to vote on. His dad has this shotgun, and
10 apparently it was very important to both of them,
11 and a fairly expensive firearm. He owns it. He
12 lives in Spain.

13 Spanish law requires that shotguns not
14 only be registered, but be held at the local police
15 station, and that with your registration or your
16 license, essentially, that you have to be in good
17 health.

18 Well, this guy's dad had a heart problem,
19 so the Spanish government told him you can't own
20 this anymore and you can't give it to your son
21 because of the mechanisms between Spain and the U.S.
22 on all of that.

23 And he was just expressing his extreme
24 frustration on how just the bureaucracy of not
25 necessarily the most tyrannical government in the

1 world, but just the bureaucracy that literally was
2 going to force the -- the destruction of this
3 firearm that was highly valued by this family
4 because the guy flipped over just an odd nuance of
5 it, and that is his doctor said you've got a heart
6 problem, so now you can't own it and we can't -- you
7 can't give it away; we're going to have to destroy
8 it.

9 Now, I'll go back to what the sponsor said
10 that I agree this is not confiscation, this is not
11 registration, but what it is is the first step and a
12 very clear step. And the sponsor may not be
13 thinking that's -- that's where she's headed with
14 this, but I can find multiple advocates for
15 registration and confiscation, and law enforcement
16 today that insists that you pass this bill and you
17 set that course in action -- in -- in place.

18 This is a bill that's dysfunctional for
19 the average citizen who does own a firearm, if they
20 ever want to loan it to somebody, they have no idea
21 except they're probably breaking the law and
22 jeopardizing both they and themselves in the
23 process, you know, themselves and the person to whom
24 they want to loan the firearm. That's one.

25 Secondly, this puts a fee in place of \$10

1 per transfer, to be charged by the dealer who
2 administers that. Also it does put an undue burden
3 on far too many people. And I've had too many
4 people talk to me about the undue burden the current
5 system has in place over the last few months with
6 its, you know, they say three to seven days. Well,
7 it's two weeks plus is what I've been shown.

8 It leads to a system of regulation that
9 violates the Second Amendment of the U.S.
10 Constitution. It violates the Colorado Constitution
11 very clearly because of all of the bureaucratic and
12 expensive processes put in place for simply
13 possessing and bearing arms here in Colorado.

14 This is one of the worst bills we've seen
15 this year, and that's why we've spent so many hours
16 on it, and that's why I trust we're going to spend a
17 few more hours on it, so that the people of Colorado
18 will be at least assured that some people are
19 looking after their constitutional rights, and just
20 the practical realities of ownership within the
21 State of Colorado.

22 Vote no.

23 SENATE PRESIDENT: Senator Marble.

24 SENATOR MARBLE: Thank you, Mr. President.

25 If this bill was so crystal clear and so

1 well-written, we wouldn't be having this debate.
2 And what I really fear, and what we all fear,
3 especially the citizens of this great state, is that
4 here we're asking law enforcement to enforce a law
5 that, one, they don't support, and two, they don't
6 even believe it to be enforceable, and that's the
7 problem.

8 When we have the Constitution, it gives
9 us the reason why we are a country. Our Bill of
10 Rights gives us the outline of how to keep us a
11 country, and then the Federalist Papers are there so
12 we know the intent behind all -- all of these great
13 documents.

14 When we see the package of gun bills that
15 have gone through, you know, it would have been in
16 hopes, I think, from the people that I represent,
17 and also all the people in the State of Colorado,
18 those law-abiding citizens, that there would have
19 been bills come through focusing on the real
20 problem, and that is the criminal.

21 This bill doesn't increase penalties for a
22 felon or a criminal, who's going out to purchase a
23 gun or who has possession of a gun. There's nothing
24 that will actually make them think twice about going
25 through with the transaction, and that bothers a lot

1 of people because all this is doing is focusing on
2 regular -- regular citizens.

3 What about the criminals that we're trying
4 to trap and really get, you know, ahold of and get
5 that gun away from? There's no mention. This is
6 just focusing on an inanimate object. And people,
7 millions of people, who own these guns, who are
8 law-abiding, are the ones that are going to get
9 caught in the crossfire. That's where the real
10 battle is. It's the innocent people caught in the
11 crossfire of this debate.

12 I can't support this bill. I can support
13 criminalizing criminals more. You know, taking time
14 to really look at how are we going to get them to
15 pay for the actions that they do, and all this bill
16 does is exactly the opposite. It makes law-abiding
17 citizens pay for the actions that they have done all
18 their lives with no consequence because it was
19 never -- it was never unlawful.

20 I know none of us want to over-criminalize
21 America, and I know that you're saying we have to do
22 something, but why this? There are other ways and
23 other avenues that haven't been looked at, and it
24 has to be fair. We always talk about being fair,
25 being fair in our schools, be fair in our education,

1 be fair in our taxation, be fair and do this and do
2 that, and fair, fair, fair, and then we come up with
3 this.

4 The implications that this have are
5 devastating, and it is not a shining star of what
6 we've done to curtail crime. This has indeed
7 increased crime and criminalized the wrong people.

8 Let's get a bill that really focuses on
9 crime and the true people who are intent on creating
10 crime and death and destruction, who are intent on
11 getting their names in the media to outdo the other
12 and to kill more than the last person.

13 We all know about the underground black
14 markets. We all know that this is where people are
15 going to go and they can go and they will go. This
16 bill doesn't address that. None of the bills do.

17 I would just like to see something focus
18 on criminals, penalties for those criminals, just to
19 make sure they do not do this, and if they do, they
20 will pay.

21 But I'm not into asking anybody who is a
22 law-abiding citizen to pay for something that they
23 haven't done wrong. And this is exactly what this
24 bill does. The intent of the bill you say doesn't,
25 but the outcome of the bill, actually it does. It

1 is overcriminalizing, and it's asking our law
2 enforcement to actually interpret and enforce a law
3 they don't support or believe in and were not
4 consulted about when they wrote it -- when it -- not
5 when they wrote it, when it was written and drafted
6 by the Democratic side of the aisle, and we have to
7 stop this.

8 When you look at all these bills, all --
9 the main theme that I hear, it's the deamionization
10 of law-abiding citizens and of guns. It's not guns;
11 it is the people -- it is criminals. It is the
12 people who decide to do evil that are -- that are
13 the demons, the horrible portion of our society that
14 we're trying to get control of. And we're not doing
15 that. We aren't controlling criminals through these
16 bills.

17 And so that gives people -- it makes them
18 give pause to thinking, do they even care about the
19 criminals, or is it just control? Because that's
20 all these bills do, is control. Control who?
21 Law-abiding citizens. For what? Nothing. It
22 doesn't make sense. There's no reason to focus the
23 way that these bills do on law-abiding citizens. It
24 would have been nice to focus on the crime and the
25 criminals who really perpetrate these horrible acts.

1 And I urge a no vote.

2 And let's really get together and see what
3 we can do to focus on that small portion of our
4 society that we need to focus on and get a handle on
5 and really make penalties for what they do so stiff
6 and so -- you know, so written in their minds that
7 they will lose everything, perhaps even their life,
8 if they go through with it and mean it. The
9 catch-and-release system that we have encourages
10 crime, and this is going to overcriminalize the
11 wrong people. Vote no.

12 SENATE PRESIDENT: Senator Baumgardner.

13 SENATOR BAUMGARDNER: Thank you,
14 Mr. President.

15 One of the things that has not been talked
16 about a lot, and at times has been talked about, is
17 the cost to the state of this one piece of
18 legislation, about \$1.7 million, and the increase of
19 about 28 full-time employees.

20 Now, the reason for this increase is they
21 say that we need to do this to relieve the federal
22 background check system. So CBI's going to do part
23 of this. Well, again, the feds are already doing
24 this.

25 And I understand that it's been said that

1 this is not a way to make a database on who has a
2 firearm and who doesn't have a firearm.

3 And I also heard this bill was not about
4 registration or -- or anybody is going to keep track
5 or a database of who has a firearm, but it says
6 right here that reporting and updating of records on
7 which background checks are based. So updating of
8 reports. Are we not at that point making a database
9 on who has a firearm?

10 It was also said that, you know, we talked
11 about 4-H projects, we talked about, you know, the
12 Scout's projects on shootings and things like that,
13 and it was mentioned that well, you can borrow your
14 shotgun or whatever from your parents -- your
15 parents, probably. And in most rural areas, the
16 parents do have guns.

17 But you know what? Those shotguns doesn't
18 fit those kids; those kids are smaller, so they have
19 to borrow a shotgun or get a shotgun from somewhere
20 else, from another child. Is that a transfer?

21 Absolutely. And if they keep that for the entire
22 time of that program, is that over 72 hours that
23 that person has the possession of that firearm?
24 Absolutely.

25 And we talked about the responsible

1 person, the parent, that will be now in charge of
2 that child with that shotgun or firearm that was
3 loaned to them.

4 So, now, do we not only have to do a
5 background checked on the child but now the parents
6 of that child because they are in possession of that
7 firearm for over 72 hours? And if they are the
8 parent or guardian of that child, are they not
9 responsible for that child?

10 Again, this is another piece of
11 legislation that turns law-abiding citizens into
12 criminals. Criminals will never, ever, whether they
13 buy a firearm -- they can't buy a firearm at a gun
14 show. Why would they? Why would they go to an FFL
15 dealer and buy a firearm? They're not going to
16 because they know they have to go through a
17 background check.

18 A law-abiding citizen that goes to buy a
19 firearm, they don't mind going through that
20 background check, but to transfer a weapon to use on
21 a hunting trip or to take a vacation and leave that
22 gun with someone makes absolutely no sense.

23 And, I, see that it does generate money
24 for the state. I do see that. It's right here.
25 And I do see that, you know, that, you know what, it

1 does have to do with jobs, because you know what?

2 We are going to supply 25 more government jobs.

3 We've talked, we've asked. And we have,
4 we've worked, we've worked, and we've asked for
5 help, and there's been some relief given, and there
6 has been amendments on this, but still, it's not
7 where we need to be. It's not where we should be.

8 This is just another piece of legislation
9 in a packet of legislation that's going through the
10 process to make sure that we can, through law,
11 through statute, make sure that, one, criminals
12 can't have -- and again, this bill does absolutely
13 nothing to address that issue -- but just another
14 avenue that a law-abiding citizen cannot possess a
15 firearm.

16 This is our last chance to address several
17 of the issues that have been brought up on this
18 piece of legislation that is flawed. And I'm sure
19 I'm not going to be the last one to speak on this.
20 And you may hear many of the same things over and
21 over and over again, because we have to make the
22 point that this is just another attempt to restrict
23 your constitutional right to take -- to hang on to
24 your firearms.

25 Vote no on House Bill 1229. Show the

1 people of the State of Colorado that we are
2 listening, that we really do care, because I think,
3 from what I said the other day and what you might
4 hear later today, and -- is that the people of the
5 State of Colorado are listening. Through e-mails,
6 through phone calls, they're pleading with their
7 representatives to please listen to us. And I
8 guarantee you, I'm listening to mine. And I hope
9 everybody here today is listening to theirs.

10 Please vote no on House Bill 1229.

11 Thank you, Mr. President, Members.

12 SENATE PRESIDENT: Senator Brophy.

13 SENATOR BROPHY: Thank you, Mr. President.

14 I -- I want to come up and give you guys a
15 handful of other just bizarre consequences of
16 passing this bill. And -- and in starting with this
17 one, I want to call to your attention today's Denver
18 Post, a little story by Ryan Parker, where he
19 mentions that a lot of firearms dealers will be
20 refusing to perform these background checks for
21 walk-ins off of the street.

22 And again, the problem here is, is that
23 the bill was not crafted by people who have an in
24 depth knowledge of how firearms transactions
25 actually occur, because the bill limits an FFL,

1 dealer, to only charge \$10 to perform these
2 background checks for people who walk in off of the
3 street into their -- into their gun shop, if they
4 have one, or -- or call them up to arrange for the
5 meeting, as you'll have to do in Wrey, Colorado.

6 What you don't realize -- and that's why
7 this story is important in the Denver Post -- is
8 that the typical dealer, when performing a
9 background check for an individual who isn't one of
10 his customers, charges \$25, not 10.

11 So your bill cuts their -- their cost,
12 their charges by well over 50 percent. You --
13 you -- you're making them donate their time to do
14 this as opposed to paying them for what they -- what
15 they actually have to do on behalf of the people of
16 the State of Colorado.

17 I have purchased firearms that have been
18 delivered through the mail, and you -- you pay
19 your -- your dealer who handles that transaction for
20 you and the background check for you \$25, not \$10.
21 It's just bizarre that no one thought to ask someone
22 that question.

23 Let me give you another one that is --
24 it's just ludicrous. If there's a -- a friend or
25 neighbor of -- of ours in Wrey who is going through

1 a really contentious divorce, and she feels
2 threatened and feels like she ought to have a
3 shotgun or a handgun in her home to protect herself
4 and her family.

5 She can't -- under this bill -- she can't
6 come over to our house to borrow a gun unless we do
7 a background check on her. She can't. The bill
8 only allows that type of transfer if it occurs while
9 in the home of the person who feels threatened. So
10 she can't come to my house to borrow one. I have to
11 take it over to her house to give it to her.

12 Oh, and it's also limited by Roman numeral
13 II. She has to reasonably believe that possession
14 of the firearm is necessary to prevent imminent
15 death. So I guess we have to wait until the person
16 she's afraid on is banging on the door, and then we
17 can make the transfer.

18 Absurd, grotesque, preposterous.

19 I'll give you the other example, the
20 hunting example. And two members, who are
21 proponents of this bill, have said my hunting
22 example is not accurate. Well, yes, it is. I said
23 a friend or neighbor, who's going elk hunting on a
24 week-long trip, cannot come to my house and borrow
25 the appropriate rifle to take elk hunting on his

1 trip under this bill unless we get a background
2 check. That is absurd, and it's accurate. If you
3 don't understand that that is accurate, then I would
4 ask you to read the bill.

5 Why don't we just do it together. Pull it
6 out. It's the re-revised bill. It's on page 6.
7 Starting at the top of page 6, exemption E, small E.
8 You got to read and understand these bills because
9 it's important policy.

10 A temporary transfer of possession without
11 transfer of ownership or title to ownership, which
12 transfer takes place, semicolon, while hunting.
13 While hunting.

14 My friend or neighbor is not hunting for
15 elk in my living room where we make the transfer.
16 We don't have any elk in my living room. We don't
17 have any elk in Wrey. He's taking the firearm
18 somewhere to the Western Slope. We are not engaged
19 in hunting. That transfer does not occur while
20 hunting.

21 So he cannot come and borrow a .300
22 Winchester Magnum from me because he doesn't think
23 his .243 is big enough to take elk hunting for his
24 traditional week-long elk-hunting trip. Please,
25 page 6. Read the bill, then vote no.

1 SENATE PRESIDENT: Further discussion?

2 Senator Cadman.

3 SENATOR CADMAN: Thank you, Mr. President.

4 We keep hearing that background check for
5 purchasing guns outside of the current requirement
6 is all that this bill is about, but it's not. It's
7 not all that this bill is about. It's virtually
8 about, as you have heard, handling, touching, using,
9 transporting guns, which we are now calling
10 transfers. Virtually every possessive part of a gun
11 is going to be called a transfer.

12 But when it keeps getting back to keeping
13 guns out of criminals' hands, of course none of us
14 want guns in criminals' hand -- in their hands.
15 There is no opposition to that. Nobody wants
16 criminals to obtain guns, period.

17 But this bill is so broad, it's been
18 called flypaper law. We've used that before, but
19 it's worth reiterating. It's been called -- it's
20 been a flypaper law by an attorney for the Outdoor
21 Channel, because it is encompassing, it is so broad,
22 they're afraid to even record for the Outdoor
23 Channel here now. They're afraid to encourage
24 hunters, sports people, skiers even, from coming to
25 Colorado, people who might want to protect

1 themselves with the legal use of a firearm.

2 And it doesn't make us safer.

3 We talked about amendments being the
4 corrections for oops. And the Majority Leader is
5 right, that's part of the process. Good ideas
6 aren't great ideas until we all have a shot to put
7 an amendment on them.

8 But what was never answered here, and what
9 is yet to be answered, was how many other oops are
10 missing. How many other amendments should we have
11 gotten added to the bill that we did not get on.

12 I mentioned to the Majority Leader after
13 the discussion, either on Friday or Monday, how do
14 we do our normal Scout trip? How do we do our
15 normal trip, where one person collects 10, 15, 20
16 shotguns or .22's, loads them in a car, takes the
17 day or two-day drive to camp, and then helps do the
18 Scout training?

19 And her response was, Can they get there
20 in 72 hours? Okay. Hopefully they do. But now
21 they're a criminal if it takes 73 hours, or 72 hours
22 and two minutes, or 72 hours and seven minutes, or
23 74 hours, or four days, or nine days, or it takes
24 two days to get there and they don't do the training
25 for two days. So now I'm illegally possessing guns

1 that I've been loaned by others to take to a
2 training.

3 I have a friend that goes on a mission
4 trip every year, and they don't want to leave their
5 weapons in their house. I offer them storage.
6 Under this bill, when I'm trying to protect them and
7 their interests, and frankly others from accessing
8 their weapons in their home, under this bill I guess
9 I won't comply either because I will store their
10 firearms, and I don't envision myself getting a
11 background check to protect them and the public from
12 the six weapons that they own when we store them in
13 our safe, because under this bill I would have to
14 get a background check to store their weapons, and
15 then when they return, they would have to get a
16 background check to get them back.

17 Oops, oops. Is that when we intended? Is
18 that really what we intended?

19 We are creating a new title slash transfer
20 component to items that virtually have no titles.
21 Remember get the gunfax? We don't have them. We're
22 creating a lot of grey area in the law.

23 And I think, when our laws turn common
24 citizens into criminals, that is not government of
25 the people and by the people and for the people,

1 that's tyranny. That's tyranny.

2 Thomas Jefferson wrote -- you remember
3 him. He's our party patriarch, at least on this
4 side he is.

5 "Rightful liberty is unobstructed action
6 according to our will within limits, drawn around us
7 by the equal rights of others."

8 Our rights stop where your rights begin.

9 He goes on to say, "I do not add 'within
10 the limits of the law,' because law is often but the
11 tyrant's will, and also so when it violates the
12 rights of the individual."

13 And that's what we're talking about here.

14 Oops. How many amendments. Oops. How many things
15 have we forgot? How many exceptions to the
16 prohibitions were left out? How many rights of the
17 individual -- of the individuals are we violating
18 with this bill? More than we can count so far.

19 And, you know, the really sad part, we're reading
20 this stuff, we're getting exposed to this.

21 Most of us aren't the ones that are going
22 to be saying oops. It's the Colorado citizen or the
23 visitor to Colorado who's going to be trapped and
24 entrapped, the flypaper, and they're going to be
25 making that phone call after going through the

1 attorney pages and saying, I don't know what I did.
2 I'm not sure what I did wrong, but I'm pretty sure I
3 need your help. I'm going to court. I'm being
4 charged for a crime. I'm being charged for a crime.

5 I've done this every year for 40 years.
6 I'm being charged for a crime for something I've
7 never -- that -- that I've always done, and I
8 answered truthfully when the police man pulled me
9 over and said, where did you get these, who do they
10 belong to, where are you going? And I told him, and
11 now I'm a criminal. So what, should he have lied?
12 Should he have lied to protect himself from the
13 tyranny of this legislation?

14 Here's my son in a Boy Scout uniform
15 shooting a shotgun. How many Boy Scouts do we have
16 to arrest before we feel safer? How many Boy Scouts
17 do we have to lock up before we feel safer? How
18 many 4-H members do we have to put in jail before we
19 feel safer? All of them? Do we want them all in
20 jail? I hear we have excess capacity in the
21 prisons. How many kids are we going to lock up?

22 It was suggested yesterday by one of your
23 colleagues in committee that the 4-H'ers should turn
24 in their guns, or actually he said have a supervisor
25 stop by their home or return to their supervisor

1 every 72 hours under that program so that we would
2 feel safer.

3 It was also suggested -- it was also
4 suggested by one of our colleagues in that committee
5 yesterday that everyone in the household of that 4-H
6 member should get a background check. Sheriff, you
7 got one gun, four people? Background check,
8 background check, background check. Is that what's
9 going to make us any safer? No.

10 This is the full-employment act for
11 defense lawyers. And we're doing this to our
12 citizens. We're doing this to our neighbors. We're
13 doing this to our families. Defense lawyers against
14 the tyranny of the Colorado government.

15 I hope I don't need bail money for my son
16 this year. Vote no.

17 SENATE PRESIDENT: Further discussion?

18 Senator Renfroe.

19 SENATOR RENFROE: Thank you,
20 Mr. President.

21 Members, I'd also rise, and, Mr.
22 President, I'd rise and ask for a no vote on this
23 bill.

24 Nine different sections of exemptions are
25 put in this bill for things that we've found wrong

1 that we can't fix or that we have to exempt because
2 it wouldn't be reasonable or -- or common sense to
3 have the law apply to them.

4 Today we've even brought up more. But
5 yet, on the 66th day of this session, we don't care
6 that we've found more problems with this bill.
7 We've listened is what the sponsor of this bill has
8 said. We obviously didn't debate the bill, we just
9 listened.

10 We've heard several additional things that
11 should be exempted in this bill today, but yet the
12 majority is going to pass this bill, send it to the
13 Governor, and put the people in Colorado in a
14 position of do I -- how do I comply with the law, is
15 going to be the question that they have to ask.

16 In my seven years here, I've seen a lot of
17 bills that have been pushed through this process on
18 a fast pace without debate. Every single time there
19 has been unintended consequences of things that
20 we've found that have come back to haunt and to have
21 to be tried to be fixed in the -- in the future
22 years.

23 We've already got them here on this bill,
24 and we haven't even got it out of this chamber. Is
25 that really representing the people of Colorado, to

1 pass a bill that you know has problems that are
2 going to put legal, law-abiding citizens in the
3 position of breaking the law? And that's what this
4 bill does.

5 So vote no on this bill. I'm ashamed at
6 this chamber for what we're doing today.

7 SENATE PRESIDENT: Senator Grantham.

8 SENATOR GRANTHAM: Thank you,
9 Mr. President.

10 We have a choice before us. Do the right
11 thing and send this bill into the dustbin of
12 history.

13 This is -- you know, we -- we've talked
14 about the process. We've talked about one side
15 apparently listening and making changes, as if
16 acquiescing to -- to us.

17 You know, we often refer to this process
18 down here as the sausage factory and making sausage.
19 If you actually saw it, you would probably never eat
20 it again, and those that are watching this may have
21 the same taste in their mouth over this process over
22 the last couple of weeks.

23 Folks, I don't think we're coming out with
24 sausage on the tail end of this, I think we're
25 coming out with a moldy block of Swiss cheese. It's

1 full of holes. It's full of oops. It's full of,
2 oh, yeah, what about this? Oops, we have one more
3 thing we need to change. Oh, yeah, there's also
4 that -- the 4-H thing. Oh, yeah, there's also that
5 hunting thing. Oops. Holes. More Swiss cheese.

6 Someone once wrote, "If the laws be so
7 voluminous that they cannot be read, or so
8 incoherent that they cannot be understood; if they
9 were to be repealed or revised before they are
10 promulgated, or undergo such incessant changes that
11 no man, who knows what the law is today, can guess
12 what it will be tomorrow. Law is defined to be the
13 rule of action, but how can that be a rule, which is
14 little known, and less fixed?"

15 It's kind of where we're at. And we look
16 at this bill when we have so much that we're
17 apparently trying to fix, but we still don't know
18 the -- if we actually did fix anything, and which I
19 don't think we did. And then we have all these
20 holes in here that, yeah, but what about this? What
21 about this?

22 We're putting our -- our law-abiding
23 citizens in jeopardy, who are today doing something
24 completely fine, completely legal, and now,
25 tomorrow, when, if this is passed, and -- and if

1 this goes all the way through to the Governor's
2 desk, we will make them criminals. We turn our
3 citizens into criminals.

4 That quote said: Law is defined to be a
5 rule of action. How can that be a rule which is
6 little known or less fixed?

7 We look at the details of this bill, and
8 we're still questioning whether or not some of these
9 things are doing what they're supposed to be doing.
10 We talk about collaboration and talking and
11 listening on this. When did that start?

12 You know, I -- I look at this quote again,
13 and I -- I wonder if this person has been watching
14 us from the -- from the lobby or -- or from the
15 gallery, or maybe online. It's almost as if they --
16 they knew that this would be happening this week.

17 That quote comes from Federalist 62, from
18 James Madison: So many laws, so voluminous that
19 they cannot be read, they cannot be understood. And
20 that's just within this one bill, folks. Just
21 within this one bill.

22 We had an opportunity to go back and at
23 least fix a couple of the absurdities that an
24 earlier Senator mentioned. These are absurdities:
25 the hunting, the 4-H, the simple transfers. We

1 could fix these absurdities if we had gone back to a
2 second conference. We don't have that opportunity
3 now. Maybe we still do.

4 Will the majority acquiesce? Will they
5 thunder on and take the rights away from our
6 citizens, turn our citizens, the citizens of the
7 districts that we represent, normal, law-abiding,
8 everyday Joes, everyday Janes, and turn them into
9 criminals? Turn us -- turn us into criminals?
10 That's what we're doing here.

11 We are not -- we are not taking on the law
12 breakers. We are not taking on the criminal element
13 with this bill, folks. We are attacking our own
14 law-abiding citizens, and putting them through the
15 -- a bureaucratic nightmare of trying to decipher
16 what they can and cannot do because of this bill.

17 Please vote no. Vote no.

18 MADAME PRESIDENT: Senator Crowder.

19 SENATOR CROWDER: I guess what I need to
20 say on this bill is what I thought it was -- what I
21 thought it meant to represent people, what I thought
22 it meant to go with the majority of your district.
23 I still believe that very strongly. But I do not
24 realize, and I do not understand, since you had such
25 an overwhelming dissension upon the -- the people of

1 the State of Colorado, why people would continue to
2 do this.

3 This is, in my opinion, this whole gun
4 deal is not about legislation at all, it's about
5 agenda. That's why I ran. I got tired of agendas.
6 And I -- you know, I'm going to tell you something.
7 This is an important item to the state of -- the
8 people of the State of Colorado. And look at us
9 right now, we're not even paying attention to what
10 the -- the business of the people is about. And I
11 think it's high time that we realize that the people
12 of the State of Colorado deserve better. They
13 deserve more.

14 I think the agendas are a thing of the
15 past, and I think they ought to stay in the past.
16 You know, I -- I think we ought to pay attention to
17 this and get this right.

18 I'm going to oppose this bill. There's no
19 doubt in my mind that this will pass.

20 But I will tell you this: The people of
21 the State of Colorado deserve better than this.
22 It's not about safety, it's about agenda. And I
23 think it's time we got to the point where we can
24 start dealing as people on a bipartisan level. I
25 have no problem representing my district, but I do

1 have a problem that people represent agendas over
2 their districts.

3 Vote no on this. Thank you.

4 MADAME PRESIDENT: Mr. Scheffel.

5 SENATOR SCHEFFEL: Thank you, Madame
6 President.

7 Colleagues, as we discuss really what will
8 probably be the final time this bill and vote for
9 the final time on this, I wanted to again discuss it
10 briefly and reflect on my own position with this. I
11 will not be supporting this bill.

12 There's been a lot of discussion about the
13 genesis and origin of this bill, some of which is
14 unfortunate.

15 For sake of discussion, I would assume,
16 going back to the basics, and I know when I first
17 saw this legislation and when I began to read it and
18 go over it and go over the testimony in -- in
19 committee and whatnot and -- and reflect on it, I
20 assume that the goal was to increase public safety,
21 to somehow inhibit the -- the activities of bad
22 people that intend to do harm on our citizenry, on
23 the people we represent. That is not what this bill
24 does.

25 Somebody mentioned we've debated this for

1 well over 30 hours. That could be conservative. I
2 know we've all been in here a long time and that
3 there's been much discussion about this, and most of
4 the discussion, or at least a good part of it, has
5 been on trying to figure out what this bill says.

6 It's had many labels put on it:
7 grotesque, ludicrous, absurd, preposterous. None of
8 those seem to be hyperbole. The one that resonates
9 with me the most, however, assuming the best of
10 motives for people that come into this room, is
11 unintended consequences.

12 What a strong and inappropriate indictment
13 on this body if something we do here in the
14 purported name of good ends up with unintended,
15 negative consequences. The fact that we've spent so
16 much time here talking about some of our best and
17 our brightest, the 4-H, the different kids' groups,
18 the Boy Scouts, and how harm may come to them as a
19 result of this. Those are chilling effects,
20 chilling consequences of a law that's intended to do
21 good, of a law that's intended to inhibit crime.

22 As I reflect on the testimony and all the
23 discussion that's taken place, I must reiterate for
24 myself in my own mind, and that's that there's been
25 no what I see as -- as legitimate proof that this

1 will increase public safety. It seems the very
2 opposite; it will have a chilling effect on
3 law-abiding citizens.

4 And as we've heard scenario after scenario
5 and the specifics of the bill laid out before us, as
6 we've read and considered this, that resonates with
7 me, and it seems to me that's going to be the
8 result.

9 We've heard letter after letter of -- of
10 people that are concerned now about coming to
11 Colorado.

12 I was someplace and -- and a citizen, a
13 constituent, actually, said, what are we doing to
14 the reputation of our state? We've always been
15 known as this healthy living, outdoors, attractive
16 state that -- that prides itself on our tourism, on
17 our industries that bring people in, that we have so
18 much to offer here that we want to share it with
19 outsiders, and so many people take us up on that
20 bargain. And yet now we're hearing that people are
21 chilled, afraid, disquieted, discomfited by coming
22 to our state, because they don't know the
23 consequences that will be waiting for them here.

24 The possibility, as one of my colleagues
25 raised, that a perfect, law-abiding citizen could

1 come here, do something that they've done for many,
2 many years, and yet be held criminally accountable
3 for that. I fear that what will happen will be a
4 chilling effect, a closing in, a drawing inside, so
5 that activities that have been perfectly legal and
6 normal will cease to operate; that our Scouts will
7 not have the same opportunity as Scouts in other
8 states; that our 4-H people, which is a foundation
9 of our society here in Colorado -- so many of -- of
10 people in this room have come out of that system --
11 that they will not be able to pursue the interests
12 that they have done in the past because of this.

13 Because of that, because of the lack of --
14 of evidence that public safety will be increased --
15 there's no disagreement, criminals do bad things.
16 They've used weapons to do bad things. And we've
17 talked about this, but unspeakable harm and hurt has
18 been -- has been put on our society because of
19 criminals, but this is not going to help it.
20 Criminals are going to be the least interested.

21 As we sit around this place, and as we
22 opine and reason and debate and -- and try to
23 wrangle over this and figure out, we will do that,
24 law-abiding citizens will do that, the criminals
25 will not. They won't give this law a second

1 thought. They won't waste a bit of time. They'll
2 simply maneuver in, around, and about it. They
3 won't skip a beat in their day because of this, but
4 law-abiding citizens will. And the chilling effect
5 we've talked about, those are the folks that are
6 going to get caught up in this.

7 They're going to find themselves on the
8 wrong side of the law.

9 It's been talked about, and I just want to
10 reiterate, the criminalization of law-abiding
11 citizens is awful for our society. We should be
12 truly sobered by the fact that that can happen with
13 this law: public safety not being increased, the
14 unintended consequences of criminalizing law-abiding
15 citizens, that they will be caught in the net of
16 unintended consequences of this law.

17 It will be our volunteers that will be hit
18 hardest by this. Some of the very people we value
19 most. We talk about the -- the underpinnings of our
20 society, and -- and -- and our, what makes us, us,
21 the specialness and the uniqueness of our state and
22 our nation is in many ways based on our volunteer
23 core. They're going to be the most confused, the
24 most hurt, the most affected by this, I fear.

25 All that sums up for me, and the

1 conclusion I've come to and continue to come to,
2 that this represents an inappropriate infringement
3 on the Second Amendment; therefore, should not move
4 forward from this body.

5 Therefore, I will be voting no, again, and
6 encourage you to do so as well.

7 SENATE PRESIDENT: Is there any further
8 discussion?

9 Seeing none, Majority Leader Carroll --
10 well, I'm sorry --

11 MAJORITY LEADER CARROLL: Thank you,
12 Mr. President.

13 SENATE PRESIDENT: -- so -- so come on
14 down, Senator Lundberg.

15 SENATOR LUNDBERG: Thank you,
16 Mr. President.

17 The good Senator from Wrey admonished us
18 to read the bill. A novel idea. You might as well
19 get it out and read it. You've got time.

20 I dug a little bit deeper into it and
21 discovered one corner of it that -- that I found --
22 didn't realize was there. And -- and that's, so
23 what if some law-abiding citizen, or at least they
24 think they're law-abiding citizens, endeavors to --
25 and we've heard so many examples of people who want

1 to store their, you know, somebody else's weapons
2 when they're out of town, or -- or somebody's in
3 charge of looking after the shotguns for the local
4 Boy Scout troop that's -- that's going to have
5 some -- some in-the-field training on the proper use
6 and handling of -- of a -- of a rifle or a shotgun;
7 or you didn't realize that your brother, you could
8 loan that gun to, but your brother-in-law, you
9 couldn't; or a step situation; or my father-in-law.
10 You didn't realize that you broke the law, and then
11 somebody turned you in, and so you're guilty.

12 Now, it's a Class I misdemeanor, and --
13 and judges have prerogative on how they a can apply
14 that. It's -- it can -- it can mean a lot of
15 serious jail time. I trust it won't for most people
16 in a situation like that, where it was obvious that
17 there was just an honest mistake because we made it
18 so complicated.

19 But let us read on. Sometimes it's good
20 to read the bill. Page 7. Let's see, this is the
21 re-revised version. Under line 27 -- well, let's
22 start at line 25. We've got time.

23 A person who violates a provision of this
24 section commits a Class I misdemeanor and shall be
25 punished in accordance with Section 18-1.3-501,

1 period. Ah, but it goes on. The person shall, not
2 maybe, shall. So there's no prerogative here. The
3 judge can't say, well, it could be this, could be
4 that. No, the judge shall -- the person shall also
5 be prohibited from possessing a firearm for two
6 years, beginning on the date of his or conviction.

7 Furthermore, when a person is convicted of
8 violating a provision of this section, the state
9 court administrator shall report the conviction to
10 the bureau and to the National Instant Criminal
11 Background Check System, created by the Federal
12 Brady Handgun Violence Prevention Act, publication
13 L. 103-159, the relevant portion of which is
14 codified at 18 USC Section 922(t).

15 The report shall include information
16 indicating that the person is prohibited from
17 possessing a firearm for two years beginning on the
18 date of his or her conviction.

19 So let's see what happens here. A simple
20 mistake. Somebody turns them in. They're
21 convicted. Maybe the judge realizes this is not
22 that big a deal. I mean, surely, the legislature
23 didn't intend on making every honest scout master
24 who didn't quite figure out the -- the precise
25 detail of the law, that they'd return them in 75

1 hours or whatever. But then the judge shall have to
2 enforce not only a prohibition for two years, but
3 secondly, they turn you over to the -- to the -- to
4 all of the background check lists. And I don't see
5 anything in here that says, and that goes away in
6 two years. What I strongly suspect is that becomes
7 a permanent part of your record.

8 Now, if we were talking about the core
9 essence of this legislation, which everybody out
10 there thinks is the point, you know, you hear the
11 news reports: universal background check will be
12 required for all gun purchases. Then, if you
13 violate that, you sort of knew you did that, and
14 maybe you're, you know, one of the -- one of the bad
15 guys at that point.

16 But we have spent much of the time
17 wrestling over all of the exceptions that are so
18 necessary for that other side to this bill that says
19 not just a background check for a sale, but for a
20 simple transfer. Remember the pen?

21 A simple transfer. Oh, this one's loaded.
22 Just a simple transfer, which means a loan, which
23 happens all the time under a variety of very
24 legitimate, proper, and necessary circumstances.
25 Well, we've made some of them necessarily too

1 complicated by saying you need to get this
2 background check both coming and going, and we're
3 putting on a \$10 fee here, and we're putting on
4 hopefully no more than a \$10 fee for the CBI, so
5 it's 20 bucks per transfer.

6 So let's see, if I loan my firearm to
7 somebody, and it's one of those areas that isn't
8 covered under the -- the exceptions, then just
9 the -- not to mention the trouble -- just the cost
10 is probably 40 bucks.

11 I'm not sure that anybody who might be
12 supporting this bill cares, but let me talk to you
13 folks back out in -- in the State of Colorado,
14 hopefully, the State of reality. I'm not sure we
15 have that hear all the time. But -- but,
16 nonetheless, that's a \$40 fee for a simple loaning
17 of your shotgun to your neighbor because they want
18 to go hunting, unless, of course, you're in the
19 field. But, no, that's not the way the law works.

20 And when we tried to -- and have tried
21 innumerably, many, many times, to amend and correct
22 some of these problems, what did we find? Just a
23 brick wall. Just a brick wall.

24 So we're left with our final debate and
25 discussion here on House Bill 1229, up or down vote,

1 no changes, no amendments, no nothing, just up or
2 down. And the honest, law-abiding citizen will find
3 themselves in a spot of either, if you own firearms,
4 you better keep them because you can't loan them to
5 anybody or they may get you.

6 It may be one of those gotcha moments,
7 where this is illegal, and then you go to court, and
8 then you do the time or you pay the fine, or, maybe
9 the judge just says, you know, I understand. But
10 then the judge says, oh, by the way, do you have any
11 other weapons? We want them now for two years, and
12 then we'll put you on the list nationally for having
13 broken the law.

14 Is that really what we're trying to
15 accomplish for the citizens in the State of
16 Colorado? Is that really what we're trying to do
17 here today?

18 Well, let me leave you with you this final
19 point. No, we don't have to. You can't vote no.
20 And I'll bet, I'll just bet, that this idea won't go
21 away, because the proponents seem rather determined.
22 But maybe they'll fix those problems. If all you're
23 concerned with is -- is the unintended consequence
24 that we've pointed out again and again and again, we
25 could fix it. Vote no today.

1 What are we, day 64, 65, something like
2 that? Plenty of time left. 55 days left in this
3 session.

4 A vote -- vote no today can make better
5 law, even if you think this -- the essence of this
6 is a good idea. Don't lock down. Don't display
7 more of the my-way-or-the-highway, party-line vote
8 that we've seen again and again and again and again
9 and again and again and again this session. We can
10 break that mold. You can vote no. You can send
11 this back to get it cleaned up at the minimum.

12 You know the people of Colorado have
13 spoken very clearly. They have done all they can.

14 I -- I got an e-mail from somebody
15 yesterday over -- there was another bill, and I
16 won't discuss what the bill was, it was just, in my
17 opinion, a very bad bill, and a lot of other
18 people -- but there was no one testifying against
19 the bill. And when I noted that, I got a response
20 of, we're tired; we have been fighting these
21 gun-control bills to the best of our ability. And
22 you know that's the case. You've received, I'm
23 sure, the thousands of e-mails that I've received.

24 Must we end with the same strident,
25 partisan, rigid, doctrinaire vote? Doesn't take

1 everybody, but it takes enough to add up to a no
2 vote on 1229. I implore you, I plead with you, make
3 better law than what we have before us today. Vote
4 no on House Bill 1229.

5 SENATE PRESIDENT: Senator Renfroe.

6 SENATOR RENFROE: Thank you,
7 Mr. President.

8 I'd like to thank my good friend and
9 colleague from Larimer County for his words, but I
10 want to correct him and the body a little bit there
11 on his lockdown of the bill and -- and the
12 partisanship of this. It is bipartisan opposition
13 of this bill. So we are working together to end
14 this taking of our freedoms.

15 You know, we talked earlier -- I talked
16 earlier -- about loopholes. We've talked about that
17 a lot, and how what we just keep trying and trying
18 to do is just fix all the loopholes and how we seem
19 to be listening so that we can fix the loopholes.
20 We're never going to get them all, let's be honest,
21 because this bill is so poorly written that you
22 can't get there.

23 You're going to entrap legal citizens,
24 law-abiding citizens, and cause them to break the
25 law just because of the way this is. There's no

1 other way around it.

2 And, of course, then we will have to have
3 a second step. How far will that go?

4 But on this bill, just sitting here while
5 we're debating today, let me bring another example.
6 We have nine provisions that this section does not
7 apply to. And -- and the esteemed sponsor of the
8 bill gave us a -- a printout sheet that kind of
9 summarizes that for us also and goes through
10 transfer of an antique firearm, transfer amongst
11 family members, due to inheritance a transfer, the
12 maintenance or repair.

13 And these are permanent ones: a transfer
14 by a member in the military with a 30-day
15 employment; temporary ones for a 72-hour transfer; a
16 transfer that occurs in the continual presence; a
17 transfer for self-defense; a transfer at a shooting
18 range or competition or while hunting or trapping.
19 So those are the ones that the sponsor even admits
20 that what we had to find ways to let this still
21 happen legally.

22 Well, let me -- let me give you another
23 example, even though we've already had a couple up
24 here today. And here's another one that this I
25 don't think covers and will make illegal in

1 Colorado.

2 Say -- say you live in another state,
3 and -- and you want to move to this state. So
4 you -- you hire, you know, Ten Broke Students or
5 whatever moving company, ABC Moving, and they pack
6 up all your possessions, and they move them to
7 Colorado here. And then, with your job, you're not
8 ready to come yet, and so they store your stuff for
9 you. Uh-oh is right. Say you're someone that --
10 that loves the direction, the progressive movement
11 of our state and what we're doing with these bills,
12 and say you even come and you testify on bills here,
13 and you're from Arizona or someplace, and your
14 name's Mark Kelly. And say he wants to move here.

15 You know, he recently just purchased an
16 AR-15. And so if he wanted to move here, even
17 though he testified against the magazine bill, and
18 he wanted to move here, and he wanted to -- have a
19 moving company move his stuff and that moving
20 company stores that, his equipment, his -- his --
21 all of his furniture -- until he is able to move
22 here, and say they store it more than 72 hours, that
23 moving company is in violation of the law.

24 How do you fix that one? We're apparently
25 not going to go beyond the scope and -- and try to

1 look into more areas and more things that come up.
2 How is someone from another state going to know the
3 specifics of our law, or how is every moving company
4 from across the nation going to know the specifics?
5 You know, you have those companies now that you can
6 fill a -- a cargo trailer that they dump at your
7 door, and then they come back and pick it up and
8 move it where ever you want. Is that really still
9 in your possession, or is that in their possession?
10 I don't know.

11 This is a -- a bill that is filled with
12 problems that we are unwilling to fix. And that is
13 a shame. Shame on you. Shame on us. Vote no on
14 this bill.

15 SENATE PRESIDENT: Further discussion?
16 Seeing none, the motion before the body is the
17 adoption of -- the re-adoption, I'm sorry -- of
18 House Bill 1229. A roll-call vote has been
19 requested.

20 Mr. Majors, would you please poll the
21 Senators?

22 THE CLERK: Aguilar.

23 SENATOR AGUILAR: (No audible response.)

24 THE CLERK: Balmer -- Aguilar, aye.

25 Balmer.

1 SENATOR BALMER: No.
2 THE CLERK: Balmer, no.
3 Baumgardner.
4 SENATOR BAUMGARDNER: No.
5 THE CLERK: Baumgardner, no.
6 Brophy.
7 SENATOR BROPHY: No.
8 THE CLERK: Brophy, no.
9 Cadman.
10 SENATOR CADMAN: No.
11 THE CLERK: Cadman, no.
12 Carroll.
13 SENATOR CARROLL: Aye.
14 THE CLERK: Carroll, aye.
15 Crowder.
16 SENATOR CROWDER: No.
17 THE CLERK: Crowder, no.
18 Giron.
19 SENATOR GIRON: Aye.
20 THE CLERK: Giron, aye.
21 Grantham.
22 SENATOR GRANTHAM: No.
23 THE CLERK: Grantham, no.
24 Guzman.
25 SENATOR GUZMAN: Aye.

1 THE CLERK: Guzman, aye.
2 Harvey.
3 SENATOR HARVEY: No.
4 THE CLERK: Harvey, no.
5 Heath.
6 SENATOR HEATH: Aye.
7 THE CLERK: Heath, aye.
8 Hill, excused.
9 Hodge.
10 SENATOR HODGE: Aye.
11 THE CLERK: Hodge, aye.
12 Hudak.
13 SENATOR HUDAK: Aye.
14 THE CLERK: Hudak, aye.
15 Jahn.
16 SENATOR JAHN: Aye.
17 THE CLERK: Jahn, aye.
18 Johnston.
19 SENATOR JOHNSTON: Aye.
20 THE CLERK: Johnston, aye.
21 Jones.
22 SENATOR JONES: Aye.
23 THE CLERK: Jones, aye.
24 Kefalas.
25 SENATOR KEFALAS: Aye.

1 THE CLERK: Kefalas, aye.
2 Kerr.
3 SENATOR KERR: Aye.
4 THE CLERK: Kerr, aye.
5 King, excused.
6 Lambert.
7 SENATOR LAMBERT: No.
8 THE CLERK: Lambert, no.
9 Lundberg.
10 SENATOR LUNDBERG: No.
11 THE CLERK: Lundberg, no.
12 Marble.
13 SENATOR MARBLE: No.
14 THE CLERK: Marble, no.
15 Newell.
16 SENATOR NEWELL: Aye.
17 THE CLERK: Newell, aye.
18 Nicholson.
19 SENATOR NICHOLSON: Aye.
20 THE CLERK: Nicholson, aye.
21 Renfroe.
22 SENATOR RENFROE: No.
23 THE CLERK: Renfroe, no.
24 Roberts.
25 SENATOR ROBERTS: No.

1 THE CLERK: Roberts, no.
2 Scheffel.
3 SENATOR SCHEFFEL: No.
4 THE CLERK: Scheffel, no.
5 Schwartz.
6 SENATOR SCHWARTZ: (No audible answer.)
7 THE CLERK: Schwartz, aye.
8 Steadman.
9 SENATOR STEADMAN: Aye.
10 THE CLERK: Steadman, aye.
11 Tochtrop.
12 SENATOR TOCHTROP: No.
13 THE CLERK: Tochtrop, no.
14 Todd.
15 SENATOR TODD: Aye.
16 THE CLERK: Todd, aye.
17 Ulibarri.
18 SENATOR ULIBARRI: Aye.
19 THE CLERK: Ulibarri, aye.
20 Mr. President.
21 SENATE PRESIDENT: Aye.
22 THE CLERK: Mr. President, aye.
23 SENATE PRESIDENT: With a vote of 19 ayes,
24 14 noes, zero absent, and two excused, House Bill
25 1229 is re-adopted.

1 Cosponsors, we've got you if you did it
2 the first time.

3 (Whereupon, the recording was concluded.)

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CERTIFICATE

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

I, Elissa Steen, Professional Shorthand 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; 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 5th day of August, 2013.

Registered Professional Reporter
and
Notary Public