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4 Held on March 14, 2013

5 HOUSE BILL 13-1229

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P R O C E E D I N G S

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COMMITTEE CHAIR REP. FIELDS: Good morning.

Calling together the conference committee for House
Bill 1229.

Ms. Shipley, please call the roll.

THE CLERK: Representative McCann.

REPRESENTATIVE MCCANN: Here.

THE CLERK: Senator Ulibarri.

SENATOR ULIBARRI: Here.

THE CLERK: Representative Sonnenberg.

REPRESENTATIVE SONNENBERG: Here.

THE CLERK: Senator Brophy.

SENATOR BROPHY: Here.

THE CLERK: Senator Carroll.

SENATOR CARROLL: Here.

THE CLERK: Madame Chair.

COMMITTEE CHAIR REP. FIELDS: Here.

REPRESENTATIVE FIELDS: We're here to
discuss the -- the merits of the bill and the reason
(inaudible) specifically treats corporations, and how
they're used to make straw purchases for individuals
who cannot pass a background check. So that's going
to be the -- the scope of our discussion today.

Senator Carroll.

1 SENATOR CARROLL: Thank you, Madame Chair.

2 I can start our discussion with -- move
3 conference committee report Amendment Q for the
4 first report on the first conference committee. And
5 folks may know that this (inaudible), I had actually
6 started with an amendment in the Senate that was
7 trying to deal with --

8 (Inaudible speakers.)

9 COMMITTEE CHAIR REP. FIELDS: Who seconded?

10 REPRESENTATIVE MCCANN: I did.

11 COMMITTEE CHAIR REP. FIELDS: Seconded by
12 Representative McCann. Okay. Thank you.

13 Senator Carroll.

14 SENATOR CARROLL: Thank you, Madame Chair.
15 Sorry about that.

16 So in the amendment that I had put on in
17 the House, we were trying to deal with, and we were
18 alerted to the fact that anyone could (inaudible)
19 any criminal avert a background check by basically
20 doing it through a straw purchase (inaudible).

21 And I think you guys helped highlight
22 yesterday -- and some of the language specifically,
23 for example, looking at anyone with a beneficial
24 interest could be incorporated to include
25 shareholders and all kinds of people who may never,

1 in fact, come into possession with any firearm. And
2 so what 2 does, is this -- so it's conforming the
3 definition of a transferee. But specifically the
4 way it fixes the problem and what's there is it
5 narrows it only to natural persons who come into
6 actual possession.

7 So in the shareholder situation, if you
8 had a corporation or a trust or -- but somebody
9 who's never going to see this firearm, in this case,
10 it's only natural people who would come into actual
11 possession. And so that is meant to narrow the
12 point of the (inaudible) on that.

13 COMMITTEE CHAIR REP. FIELDS: Further
14 discussion?

15 Representative Sonnenberg.

16 REPRESENTATIVE SONNENBERG: Thank you,
17 Madame Chair.

18 And I am -- for the purpose of discussion,
19 I am going to move to substitute 4 --

20 SENATOR BROPHY: Second.

21 REPRESENTATIVE SONNENBERG: -- and ask that
22 we discuss that as well, because the provisions in 4
23 and -- and understand that even though you made the
24 statement this is solely to deal with the corporate,
25 we can still deal with any of the Senate amendments in

1 the conference committee.

2 And those amendments also address, I think,
3 the -- the husband-wife issue that is a part of 4 as
4 well. And so I would ask at least to have that
5 discussion on 4, as I think those are -- those are
6 things that needed to be added as well.

7 COMMITTEE CHAIR REP. FIELDS: 4 has been
8 moved and seconded.

9 Can we have discussion?

10 Representative Brophy -- Senator.

11 SENATOR BROPHY: Thank you, Madame Chair.

12 And looking at -- looking at the -- the
13 first amendment and comparing it to the second
14 amendment, I see that we have zeroed in on a -- on
15 one of the same flaws in 1229, one of the many
16 absurdities that exist in this bill, where, for
17 instance, if you had a security corporation, every
18 shareholder would have to be background checked
19 under 1229 on the re-revised bill. And I think both
20 Amendment 2 and Amendment 4 address that.

21 I think that the -- the language in
22 Amendment 2 appears to be more elegant, but I think
23 it misses a couple of things that are picked up in
24 the language in Amendment 4 on the first page, where
25 we include it -- the -- I think it's a

1 subparagraph -- or -- or, well, we don't have lines
2 on this, but down where the last A in parentheses
3 is, in regards to whether the transferee of the --
4 of the transfer is a member of the corporation,
5 association, partnership, or limited liability
6 company.

7 That would actually catch those security
8 guards, who are employees of the security
9 corporation, for instance, if the corporation
10 happens to purchase some of the firearms used for
11 the security purposes. And I -- I believe that
12 your -- your amendment misses that. And I think we
13 could make the language more elegant like yours is,
14 but I think -- I think Amendment 4 catches other
15 (inaudible) people who would have reason to possess
16 a firearm.

17 And further, on the second page of
18 Amendment 4, Representative Sonnenberg also
19 discovered that we could, under that same difference
20 between the House and the Senate, ensure that the
21 transferee does not include a member of a youth
22 organization whose participation in shooting sports
23 if they take temporary possession of a firearm.

24 And, you know, for instance, on a 4-H
25 shooting sport, when we're trying to reach out to --

1 to kids in -- in the 4-H community, sometimes
2 you'll -- you'll find young people who come from a
3 household where they may not possess, for instance,
4 a shotgun for -- for a shooting sports purposes, and
5 they may need to take temporary possession of the
6 shotgun through their 4-H participation. It goes
7 well beyond the 72-hours. They may need to
8 take possession (inaudible) -- I mean, they may need
9 to take possession of that shotgun for the entire
10 length of the shooting sport season, which runs from
11 sometime early in the spring until either the county
12 fair, or if they're so lucky as to achieve it, the
13 state fair at the end of August, where they have the
14 final shooting competition -- trap-shooting
15 competition.

16 And so, on the top of page 2, Roman
17 numeral III takes that into account, and I think
18 fixes that absurdity that resulted from the
19 re-revised version of House Bill 1229.

20 And then further down on page 2, where we
21 amend the build, that re-revised bill, on page 5,
22 line 13, if you want to go to that part.

23 What we're talking about there, this is
24 where you have the -- the -- the bona fide gift
25 section, which again, created the absurdity that,

1 for instance, when I leave home on Monday morning,
2 unless I do a bona fide gifting over to my wife on
3 day four of the -- of my absence, she can no longer
4 take a firearm out of the house for any purpose
5 without being in violation of the illegal transfer
6 part of this bill.

7 Another absurdity that -- that -- that
8 we're trying to fix here with -- with the inclusion
9 of loan besides bona fide gift to immediate family
10 members, as expressed in that section of the bill.

11 And then, finally, further down on page 2,
12 where we say -- where we're amending -- actually, on
13 page 2 of the amendment, go to page 7 of the bill,
14 after line 6, this is where we expand the definition
15 of immediate family members to include step
16 relations.

17 So, for instance, if you have a stepson or
18 a stepdaughter, you would be able to do the bona
19 fide gift or loan to your stepchildren, partners of
20 civil unions, and domestic partnership, and then
21 finally, the dreaded mother-in-law.

22 COMMITTEE CHAIR REP. FIELDS: Further
23 discussion on L.004?

24 Senator Morgan Carroll.

25 SENATOR CARROLL: Thank you, Madame Chair.

1 So I guess just a couple of different
2 thoughts on some of the different components on --
3 on what's here.

4 As to closing, like, the shareholder
5 issue, I -- I -- I do think that I have preference
6 for the language that's in Q.

7 As to the additional issues that you
8 raised in yours, some comments on feedback, I would
9 believe a member in a youth organization is already
10 covered under the 72-hour section. I actually like
11 the -- I think the addition (inaudible) next section
12 of making a gift or loan may make some sense,
13 because they're still subject to, as long as you're
14 not a convicted felon and all that other stuff.

15 And I -- I'm -- the definition on family,
16 this is broader than the scope of either the House
17 or Senate version on the definition of family. So
18 despite different reaction to the different
19 components of what you have in here, and cutting and
20 pasting isn't the easiest thing of what we do, but I
21 think the last part is broader than what we did in
22 either the House or the Senate.

23 COMMITTEE CHAIR REP. FIELDS: Representative
24 McCann.

25 REPRESENTATIVE MCCANN: Thank you, Madame

1 Chair.

2 So I had a question about the boarding,
3 the (inaudible) club boarding kind of situation.
4 Because it seems to me that if the way it would work
5 that the 4-H, or the person that's running the 4-H
6 club, would be the one that would actually get the
7 gun, and then -- or do the guns get transferred to
8 the parent of the person that's -- I mean, because
9 you're not going to give the gun to a 14-year-old, I
10 assume. I mean, you could -- you have to have
11 somebody supervising the person.

12 So it -- what I'm getting at is that, if
13 the director of the 4-H group takes possession of
14 the gun and has a background check, then presumably
15 the gun would be used in his or her presence. So I
16 don't know that we need to add that in here. It
17 seems like it's already covered through other
18 provisions that are exceptions.

19 COMMITTEE CHAIR REP. FIELDS: Representative
20 Sonnenberg.

21 REPRESENTATIVE SONNENBERG: Thank you,
22 Madame Chair.

23 And actually I'll address your question
24 first, and then I'll go back to Senator Carroll's
25 question.

1 The way it typically works in -- in youth
2 sports, those youth shooting sports, is that you
3 will have someone that wants to learn about guns and
4 then they have the opportunity to take guns apart,
5 to clean them. And this is done over a longer
6 period of time than 72 hours.

7 What happens is, is you find someone
8 that's supportive within the community that will
9 allow them to borrow a gun, whether it be a simple
10 22 or a shotgun, whatever type of shooting sport
11 they're using at that time, and they will loan that
12 gun to actually the child, and the child -- I
13 believe they have already gone through the
14 hunting -- hunter's safety course to be able to
15 participate in the shooting sports, but I'm not sure
16 of that -- but what happens is, is that they are
17 then allowed to keep that gun and utilize that gun
18 on their own without a -- a leader there.

19 That's the purpose for them to continue
20 to -- to work on that project and learn about that
21 gun without the leader there. And so I don't
22 believe it would fall under the 72 hours. Many of
23 those are -- sometimes a project can be completed in
24 30-45 days.

25 As Senator Brophy said, oftentimes they're

1 given in the spring to be utilized until the county
2 fair or the state fair, when the project's
3 completed. So it can be three, four months.

4 With regard to Senator Carroll and talking
5 about the -- the potential of the last portion being
6 outside of the scope, I would argue that the top of
7 page 7, where we are talking about family, and the
8 Senate indeed added the provisions and then tried to
9 define what is family as a spouse -- a spouse, a
10 parent, a child, but this indeed would be part of
11 that scope as we figure out indeed what a family
12 member is, as we try to figure that solution. So I
13 would argue that it indeed fits within the scope of
14 this committee.

15 COMMITTEE CHAIR REP. FIELDS: Further
16 discussion?

17 Senator Ulibarri.

18 SENATOR ULIBARRI: So I want to keep to one
19 of the provisions of that line. Page 5, line 13,
20 after difficult, insert or loan.

21 I guess in terms of property in common
22 between spouses, I don't understand why you would have
23 to loan property that's held commonly between spouses
24 if that property is -- is essentially owned by two
25 married couples. I say that for me, a perspective of

1 someone who is not yet in a civil union or has any
2 legal recognition in my relationship. I understand
3 what is mine is mine under law. But for married
4 couples, what is hers is also his, and vice versa.
5 And so saying that there must be a loan or bona fide
6 gift belies the fact that the property that's held in
7 a marriage is property that's jointly held. So I
8 guess I'm confused about why that would be necessary.

9 COMMITTEE CHAIR REP. FIELDS: Senator
10 Carroll.

11 SENATOR CARROLL: Thank you, Madame Chair.

12 It -- it's actually an interesting point
13 because as respect to spouses, as you guys know, any
14 property that's acquired subsequent to marriage is
15 joint property by law.

16 COMMITTEE CHAIR REP. FIELDS: Senator
17 Brophy.

18 SENATOR BROPHY: Thank you, Madame Chair.

19 And I thought about that. The problem is
20 that the specifics in this bill, with regard to
21 firearms and transfers, would override that general
22 rule because the legislature got specific in here
23 dealing with bona fide gifts, and then potentially
24 loans. So that specific, then, suggests that the
25 spouse would have to either be gifted the firearm or

1 go get a background check in order to qualify for
2 the handling of it.

3 I would suggest that your -- your joint
4 property ownership rule would apply if they have a
5 divorce and you have to take into account the value,
6 the monetary value, of the firearms. But because
7 1229 gets specific about background checks and
8 transfers, the transfer rule still applies, even
9 between spouses.

10 COMMITTEE CHAIR REP. FIELDS: Representative
11 Sonnenberg.

12 REPRESENTATIVE SONNENBERG: Thank you,
13 Madame Chair.

14 And if I would -- could add to that, I
15 would also say that, that many of my guns, I've had
16 for years before I was married. And for my wife to
17 be able to access those guns, that would be a
18 violation.

19 COMMITTEE CHAIR REP. FIELDS: Representative
20 McCann.

21 REPRESENTATIVE MCCANN: Personally, I don't
22 have any problem adding loan in there because, um, I
23 think the idea of gifting a (inaudible) Representative
24 Sonnenberg doesn't want to give all his guns to his
25 wife --

1 REPRESENTATIVE SONNENBERG: She won't give
2 them back.

3 REPRESENTATIVE MCCANN: See, that's a part
4 of the problem with the way that it's worded, is that
5 if you give it to somebody, technically they don't
6 have to give it back.

7 So, I mean, I think that's the spirit of
8 what we were trying to say is that you can loan your
9 gun to your child to go hunting without having to
10 gift it or have to (inaudible) background check.

11 And I -- I would like a little more
12 discussion on the expansion of the family members,
13 actually, because, um, you know, if you have a
14 stepson, not (inaudible) or a son or a daughter, and
15 I think we do want to be expand it to partners of
16 civil unions and domestic partnerships. Inlaws, I
17 don't know, maybe. I think we have to be careful
18 about that, because I'm not sure what that
19 encompasses, maybe father-in-law, mother-in-law, but
20 inlaws of nieces and nephews and cousins and aunts
21 and uncles and all of that, I don't -- I don't think
22 we want to deal with. Maybe a brother-in-law or a
23 sister-in-law, mother-in-law, father-in-law, I
24 wouldn't have any problem with that, something more
25 limited.

1 COMMITTEE CHAIR REP. FIELDS: Senator

2 Brophy.

3 SENATOR BROPHY: Thank you, Madame Chair.

4 And, Representative, thank you for your --
5 your -- your thoughtful reception on all of the
6 first part of -- of this latter part of Amendment 4.

7 I'd like to specifically address the --
8 the in-law question. I think it's -- I think it's
9 fairly important if we -- if we keep the -- the
10 in-law relationship very similar to what was amended
11 in -- in the Senate to include, you know, your --
12 you can have a -- a brother-in-law, you know, who's
13 a -- who's an avid hunter who maybe is trying a
14 different type of game than he's ever hunted before,
15 who would like to borrow one of my specific rifles
16 that would be, you know, the appropriate size for
17 that, he isn't covered under this bill. It's
18 another one of the absurdities in this bill. So I
19 think that it would be appropriate to add them at
20 that relationship level. And -- and I think that's
21 what this really does grasp, and I'm not sure about
22 the niece and nephew. I also have, you know, when a
23 -- you know, if you're from a multi-generation
24 farming family in a community, you end up with
25 great-nieces and great-nephews and, you know -- I

1 have -- I have -- I have a great-nephew who's
2 actually older than my son, but pretty much a
3 contemporary, and I've contemplated that I can loan
4 him a shotgun, you know, when he -- when he goes to
5 the farm to stay with my dad, you know, his
6 great-grandpa.

7 You know, and I -- and I think that -- we
8 should catch that type of relationship. And again,
9 if they are not legally allowed to possess or
10 purchase a firearm, you're still not covered, you
11 know, it's not a blanket -- it's not a blanket
12 get-out-of-jail-free card here. It -- it's -- it's
13 just recognizing that, you know, just so many absurd
14 results from trying to require every single transfer
15 have a background check, even -- you know, even to
16 the extent which we're sort of working on but still
17 not covered, if you're out camping but not target
18 shooting, and only one of you brings a handgun, the
19 other can't possess it without a background check.

20 COMMITTEE CHAIR REP. FIELDS: So I believe
21 L.004, on page 2, the paragraph that we're discussing
22 right now, which would be immediate family members, is
23 beyond the scope of differences. So I don't -- I
24 don't think that we can expand the scope.

25 Senator Carroll.

1 SENATOR CARROLL: Thank you, Madame Chair.

2 You know, for the committee, just one
3 thought is -- because we're an a substitute motion
4 here, and I think the committee members might have
5 slightly different thoughts about the components of
6 what's been brought on 4.

7 So one thought, I think, is that we could
8 take -- we could start with the narrower question of
9 just lending it to natural persons on transfer here,
10 and then maybe take up portions of this committee
11 report separately.

12 Because I am sensing -- you know, I agree
13 with Representative McCann, you know, for example,
14 on the provision of adding or loan, gift or loan,
15 under the immediate family section. And so rather
16 than doing it all, I think right now in order to get
17 the underlying motion, we could either withdraw or,
18 frankly, I'd be -- if it's all or nothing, I'd be
19 inclined to vote that down or if we do it
20 (inaudible), but I think if we could accept the
21 natural language stuff here and then maybe take up
22 components of your proposed changes on one issue at
23 a time would be (inaudible).

24 COMMITTEE CHAIR REP. FIELDS: Representative
25 Sonnenberg.

1 REPRESENTATIVE SONNENBERG: Thank you,
2 Madame Chair.

3 My concern with the natural person
4 language in 002, for example, the Haxton Gun Club is
5 a corporation, and it's a shooting club with 104
6 members.

7 Under the way this is written, if they
8 purchased the gun, in order for anyone in that
9 corporation to use that gun, according to this
10 language, all 104 would have to have done a
11 background check, if I read that correctly.

12 Under my provision, and the first page,
13 that takes care of that and allows them to use that
14 gun on the range there within that 72-hour period.

15 COMMITTEE CHAIR REP. FIELDS: Senator
16 Ulibarri.

17 SENATOR ULIBARRI: So I think procedurally
18 we're at a point in discussing whether or not to
19 substitute 4 for L.002, right? So speaking to 2 is
20 definitely speaking to 4. And I understand there's a
21 difference in what it's saying.

22 I guess for me, I understand that folks
23 who use guns that are owned or purchased by a
24 corporation have the ability, that 72-hour period,
25 but for a gun club, there would be, in my opinion,

1 ability for someone to come and use that gun
2 underneath the guise of that club, and would still
3 be subject to a background check if they're going
4 through the club for a pheasant hunt or something
5 else.

6 And so I guess I see the language,
7 definitely, but I think the motion before us is
8 whether or not this substitutes L.004 for 2, and
9 then we can go back to (inaudible) 2 versus 4.

10 COMMITTEE CHAIR REP. FIELDS: Senator
11 Brophy.

12 SENATOR BROPHY: Thank you, Madame Chair.

13 And -- and once again, Senator, the
14 problem is: The specific overrules the general when
15 the courts look at things -- questions like that.

16 But the 72-hour rule applies or does the
17 corporate rule apply because there was a specific
18 rule directed at corporate relationship, that
19 specific rule will apply and overrule this
20 general -- especially since the 72-hour rule has
21 been characterized as a general catch-all by the
22 sponsor of the bill. So we have to fix that part.

23 The 72-hour rule can no longer overrule
24 the specific exemptions laid out in the bill. It is
25 a catch-all general, and the courts will look at the

1 specifics and say that they rule over the general.

2 So we have no -- well, if we want to make
3 it right. If we want to make it so that everyone
4 doesn't have to get a background check by sense of
5 being a member of the corporation, then we have to
6 accept that language.

7 We can't try to rely on the general
8 72-hour catch-all rule because the courts will not
9 go along with that. They will follow the specifics.

10 COMMITTEE CHAIR REP. FIELDS: Senator --
11 Representative McCann.

12 REPRESENTATIVE MCCANN: Thank you, Madame
13 Chair.

14 I don't -- I don't know if that's correct.
15 I mean, I think an argument can be made both ways.
16 But in general, the specifics would overrule the
17 general, but that's usually if they're different
18 statutes.

19 In that statute, because we have
20 exemptions that are outlined, and then this section
21 comes later. I'm not sure that you -- that that's
22 the way a court would rule. I mean, I think you
23 could make arguments both ways.

24 COMMITTEE CHAIR REP. FIELDS: And I -- I
25 agree with Representative McCann because the way I

1 read the bill, when I look at page 5, the transfer
2 of -- the transfer is a temporary transfer of
3 possession without transferring of ownership, and it
4 then identifies organizations, it identifies shooting
5 ranges, it identifies that it can do that without
6 having to be restricted to a 72-hour hold. So I
7 believe that that is already covered in the original
8 intent of the bill.

9 Representative Sonnenberg.

10 REPRESENTATIVE SONNENBERG: Thank you,
11 Madame Chair.

12 And let's -- let's assume that you are
13 correct, that that's the way the court would see it.
14 As this is written, for any of the members of the
15 gun club to take possession of that gun, to utilize
16 it according to this, they would have to have a
17 background check. So every one of the 104.

18 I don't believe that fits under the
19 72-hours. Are you -- are you saying to me that you
20 believe it does?

21 COMMITTEE CHAIR REP. FIELDS: Senator
22 Carroll.

23 SENATOR CARROLL: Thank you, Madame Chair.

24 First of all, I don't think if you're a
25 member of a club that you are receiving it as an

1 entity. I think you're receiving it as an
2 individual.

3 So you'll recall, when we go through the
4 whole structure of the exception, (inaudible), you
5 can meet any one of these exceptions. So if I'm a
6 member of a club, I'm still a person. And there's,
7 yes, the 72-hour catch-all, and you can do basically
8 whatever, as long as you stay in possession, you're
9 not giving it to a felon.

10 But there's actually multiple -- you don't
11 lose your status as an individual, you don't become
12 an entity because you're a member of a club. So
13 the -- we are focusing on the, like, trust and the
14 straw corporation, but the fact is, is that if I
15 belong to a club, and I'm either buying or
16 transferring a weapon, and I'm still doing that as
17 an individual, natural person.

18 And so you'll see, for example, the
19 exceptions about at a shooting range where it's
20 located or at a firearms shooting competition.
21 There's existing language in there about
22 organization organized for conservation purposes or
23 to foster proficiency in firearms.

24 I think there's up to four different
25 exceptions explicitly spelled out that would satisfy

1 the facts that you're talking about. You could pick
2 any number of them, but I believe under the current
3 bill, none -- that -- that scenario, those -- would
4 not have to go through a background check, under a
5 number of existing exemptions.

6 COMMITTEE CHAIR REP. FIELDS: Senator
7 Brophy.

8 SENATOR BROPHY: Thank you.

9 Well, the problem is: We have so many
10 specifics in here. For instance, the -- the
11 temporary transfer or possession without transfer of
12 ownership, which I have on page 6, at the top of
13 page 6, in the re-revised bill, which should be the
14 latest version. That -- that is limited.

15 Then, E, specifically E, is limited then
16 by Roman numerals I, II, and III; and then III is
17 limited by I think that's subparagraph A and B.

18 And so -- so that's -- what that all talks
19 about in that case is, is those -- are those
20 temporary transfers that -- that happen while you're
21 all together as a group doing some kind of group
22 activity, hunting together, because it says while in
23 the field and while hunting, so while engaging in
24 that activity, at -- at the shooting range.

25 So I'm still afraid that we have to

1 address the -- the unintended consequences of -- of
2 drawing in everybody who may not be there but are
3 specifically listed as -- as members of a
4 corporation.

5 Again, go back to the security company
6 example that -- that may be publicly held. Every
7 shareholder has to get a background check if we
8 don't -- if we don't fix this. And they won't ever
9 even see that aspect of the security company, namely
10 a firearm purchased for security purposes, but they
11 have to get a background check.

12 And I think it's important that we -- that
13 we fix that and that we recognize that when you
14 start getting specific like this, you've got to
15 follow the specifics because the general wouldn't
16 apply.

17 COMMITTEE CHAIR REP. FIELDS: Representative
18 McCann.

19 REPRESENTATIVE MCCANN: Thank you, Madame
20 Chair.

21 Well, the way I read Amendment 02, even
22 though I know we're talking about the substitute
23 (inaudible), the background check is only required
24 for the person who's actually going to take
25 possession of the weapon. It's not every member of

1 the club.

2 If -- you know, if you go into a club --
3 the way I understand it is that most people take
4 their own guns to the club. But if somebody doesn't
5 have a gun or a new person that wants to show
6 someone else how to use a gun and they don't have --
7 actually, maybe the club has purchased some guns
8 that people can rent or borrow, I think they would
9 be exempted under the 72-hour, myself. But, also, I
10 think even if they're not exempted under the
11 72-hour, it's only the people who actually -- it's
12 only the person that's going to use the gun that
13 would -- would need to get a background check.

14 Most of your members who bring their own
15 guns are never going to need to lend a gun or own --
16 take a gun from the gun club.

17 COMMITTEE CHAIR REP. FIELDS: Representative
18 Sonnenberg.

19 REPRESENTATIVE SONNENBERG: Thank you,
20 Madame Chair.

21 And that is very true. The scenario in
22 which this creates a problem is: If a gun club buys
23 a gun and it's put in its gun case and then one of
24 the members comes to utilize -- and he brings his
25 own gun, but he brings someone else that needs a gun

1 -- and they want to utilize that gun, according to
2 this, every -- he would have had to have had a
3 background check before he could utilize that gun or
4 loan it under the 72 hours to someone else.

5 And since you don't know which one of the
6 other 103 are going to bring somebody and need to
7 use that gun, they will all need to have that
8 background check according to the language in 2.

9 And, Madame Chair, thank you for allowing
10 us to -- to have a discussion on 2 as part of the
11 discussion with 4. I appreciate being able to
12 openly discuss this.

13 COMMITTEE CHAIR REP. FIELDS: Representative
14 McCann.

15 REPRESENTATIVE MCCANN: Thank you.

16 And thank you, Representative Sonnenberg.

17 But to me, the way I read this is that a
18 person who comes with someone else to the club to
19 use the gun would come under the temporary transfer
20 of not more than 72 hours. So I don't -- that would
21 be the first line of defense, if you will.

22 And then, secondly, I think that the way
23 this is written, it is the person who will actually
24 possess the firearm.

25 So, I mean, I would argue that the

1 temporary transfer covers a member of the club who
2 uses the club's gun or someone who comes with the
3 member of the club who uses the club's gun.

4 COMMITTEE CHAIR REP. FIELDS: So I'd like to
5 call for a vote, then, on L.004.

6 THE CLERK: Representative McCann.

7 REPRESENTATIVE MCCANN: No.

8 THE CLERK: Senator Ulibarri.

9 SENATOR ULIBARRI: No.

10 THE CLERK: Representative Sonnenberg.

11 REPRESENTATIVE SONNENBERG: Yes.

12 THE CLERK: Senator Brophy.

13 SENATOR BROPHY: Aye.

14 THE CLERK: Senator Carroll.

15 SENATOR CARROLL: No.

16 THE CLERK: Madame Chair.

17 COMMITTEE CHAIR REP. FIELDS: No.

18 THE CLERK: That amendment fails, 2-4, 4-2.

19 COMMITTEE CHAIR REP. FIELDS: Back to

20 Amendment L.002.

21 Senator Carroll.

22 SENATOR CARROLL: Thank you, Madame Chair.

23 You know, (inaudible) if we want to, as a
24 committee, adopt any portions of what was here, we
25 can amend it to this one before final adoption of

1 002.

2 And people have different thoughts on
3 different sections, and I probably agree with the
4 Chair about strictly the scope issue on the family.

5 I don't think on page 2 Subsection 2 is
6 needed because I think there's actually up to four
7 exemptions that already cover that. But I -- I -- I
8 did wonder if you did want to have some discussion
9 on the gift or loan or any of the other portions
10 that were in 4 before we take action on 2?

11 COMMITTEE CHAIR REP. FIELDS: Representative
12 McCann.

13 REPRESENTATIVE MCCANN: Well, I would make a
14 motion -- see, I don't know how we do this. But I
15 would like to add (inaudible) as outlined in 004, on
16 page 5, line 13 after gift, I would like to insert or
17 loan. I don't know if I need to make a motion to
18 amend --

19 UNIDENTIFIED SPEAKER: Yes.

20 REPRESENTATIVE MCCANN: So I would make a
21 motion to amend 002 to add page 5, line 13, and after
22 gift insert or loan.

23 SENATOR CARROLL: Second.

24 COMMITTEE CHAIR REP. FIELDS: Seconded by
25 Senator Carroll.

1 THE CLERK: Representative McCann.

2 REPRESENTATIVE MCCANN: Yes.

3 THE CLERK: Representative Ulibarri.

4 SENATOR ULIBARRI: Aye.

5 THE CLERK: Representative Sonnenberg.

6 REPRESENTATIVE SONNENBERG: Yes.

7 THE CLERK: Senator Brophy.

8 SENATOR BROPHY: Voting for Ms. Brophy, aye.

9 THE CLERK: Senator Carroll.

10 SENATOR CARROLL: Aye.

11 THE CLERK: Madame Chair.

12 COMMITTEE CHAIR REP. FIELDS: Yes.

13 THE CLERK: That passes, 6-0.

14 COMMITTEE CHAIR REP. FIELDS: Any other
15 adoptions to L.002?

16 Senator -- Representative Sonnenberg.

17 REPRESENTATIVE SONNENBERG: Thank you for
18 the demotion. I appreciate that, Madame Chair.

19 And I am going to go ahead and make the
20 motion that we include Roman numeral II at the top
21 of page 2 on 4 so I can actually get a better
22 understanding of where you think that is already
23 covered within the four exemptions.

24 And that's respectfully asked for a
25 second.

1 SENATOR BROPHY: Second.

2 COMMITTEE CHAIR REP. FIELDS: So it has been
3 moved and seconded by Senator Brophy. If you'll then
4 call -- Senator Carroll.

5 SENATOR CARROLL: Thank you, Madame Chair.

6 Sorry, I didn't mean to drag this out a
7 little bit. But I do think (inaudible) to where
8 specifically I think it's covered, and if you start
9 on page 5, on there -- in fact, I'm on page 6. I
10 believe line 3, at a shooting range located in or on
11 the premises owned or occupied by a duly
12 incorporated organization organized for conservation
13 purposes or to foster proficiency in firearms. That
14 is not 72-hour limited. That covers the scenario
15 that we were talking about in one way.

16 I think under subsection 2, a shooting
17 competition, in fact, may be narrower, but in some
18 cases that may apply.

19 Also, for any lawful, you know, hunting,
20 fishing, less relevant, as long as they're, you
21 know, doing it on lawful land or with a permit.
22 That may be one of those youth activities. That is
23 possibly another exemption.

24 If an adult is staying there, hopefully,
25 to supervise children with firearms, then the

1 temporary transfer that occurs in the present may
2 also apply.

3 And then, finally, the catch-all 72 hours
4 would apply. And so I believe that that fact
5 pattern is covered by (inaudible) exemptions.

6 COMMITTEE CHAIR REP. FIELDS: You have a
7 question, Senator Brophy?

8 SENATOR BROPHY: Yeah. Unfortunately, it --
9 it doesn't quite cover it. And again here's why:
10 Because these -- these programs last for several
11 months, and part of what is so great about 4-H is you
12 actually make the participants responsible for the
13 entire project.

14 If it's a steer, they have to buy them, feed
15 them, water them, care for them. If it's a firearm,
16 in this case they have to be responsible for it. They
17 don't only use it at the shooting range, and they --
18 they actually are expected, then, to take it home
19 and -- and care for it and clean it and do all of the
20 things that you would normally do with a firearm.

21 And again, it takes, you know, it's a three-
22 or four-month project. And if you want the kid to,
23 you know, to hit 25 out of 25 at the state shooting
24 competition, they got to practice more than just once
25 a week, when the organized classes occur that are

1 covered under E in the bill.

2 So I -- I do. I think it's an unintended
3 consequence of the bill that the kid wouldn't be
4 allowed -- actually they're teenagers -- they wouldn't
5 be allowed to take full responsibility and fully
6 participate in the 4-H program without the background
7 check.

8 And again, remember in -- in many, many,
9 many of these rural communities where this is
10 occurring, there's no store where you can walk into
11 and get a background check.

12 COMMITTEE CHAIR REP. FIELDS: I believe
13 that -- I agree with Senator Carroll that the scenario
14 that you-all are -- are describing is covered on page
15 6, because it also talks about fostering proficiency
16 in firearms. And so that doesn't necessarily mean to
17 be at a specific area, shooting range, those kind of
18 things. I believe it encompasses it.

19 Representative McCann.

20 REPRESENTATIVE MCCANN: No, I -- I think
21 there might be a (inaudible) here. I mean, we don't
22 have problems with 4-H kids shooting people. I mean,
23 I don't think we want to cover -- I don't think we
24 want any -- any confusion or any unintended
25 consequence that, you know, a 4-H kid can't use

1 somebody else's gun. I mean, I'm -- I'm -- I'd like
2 to ask a question, though.

3 Don't most of these kids have -- their --
4 their parents have guns or they have their own guns?

5 COMMITTEE CHAIR REP. FIELDS: Representative
6 Sonnenberg.

7 REPRESENTATIVE SONNENBERG: You know, I
8 would say probably many do. But what -- what we tried
9 to reach out to is youth shooting sports, if
10 (inaudible) that hasn't had that education at home.
11 Give them an opportunity because their parents aren't
12 interested in guns and they are interested in
13 shooting.

14 And so I would also say that many of them
15 don't. Many of them have never had that opportunity.
16 Their parents wouldn't (inaudible) the first idea on
17 how to help them, and that's why they become part of
18 the shooting course within the 4-H club.

19 COMMITTEE CHAIR REP. FIELDS: Senator
20 Ulibarri.

21 SENATOR ULIBARRI: Thank you, Madame Chair.

22 I just want to say: I think that
23 the current exemptions do apply, and one of the
24 reasons why I think that the current exemptions
25 should remain in tact that we don't -- we don't need

1 a change to take place is that the exemptions that
2 exist include a component of supervision.

3 So to give a, you know, 13-year-old,
4 14-year-old a gun for three or four weeks without
5 having a background check in the house or of the
6 person supervising, I think goes against what we've
7 said, is that we want to make sure that there's
8 consistency under the law, that there's --
9 especially when folks are using firearms, that
10 there's an understanding that there is consistency
11 or supervision, and the person who is responsible
12 for the supervision, whether it's a non-profit
13 organization or the firing range, they have to go
14 through that process, and the exemptions currently
15 allow for that use.

16 To put a gun in a household for three or
17 four months and with an adult maybe we don't know
18 who's supervising who wouldn't pass a background
19 check, I think, the supervision piece, as the
20 exemptions currently exist, are important because it
21 makes sure that there is a responsible party, 4-H,
22 that non-profit that's already outlined in the
23 exemption, will still have a continuing relationship
24 or -- or supervision with the young person who's
25 learning how to shoot, which I think is an important

1 component.

2 To say that a person could give a gun to a
3 13-year-old for four weeks and put it a household
4 where someone may not be responsible I think is
5 concerning. So to have the supervision piece with
6 the exemptions as they currently, I think, balances
7 what I think is an important part of someone
8 being -- to learn how to shoot, but still having it
9 under a responsible party, a shooting range, a
10 non-profit organization or other entity that can
11 help ensure that that person knows how to use
12 that -- that weapon responsibly.

13 COMMITTEE CHAIR REP. FIELDS: Senator
14 Brophy.

15 SENATOR BROPHY: Senator, I'm not sure I
16 followed. At first you started off saying you thought
17 it was covered by the exemptions, and then you -- I
18 think you then morphed into an argument where
19 everybody in the household from which the 4-H shooting
20 sport attendant comes -- should have a background
21 check.

22 Could you clarify your position? Do you
23 believe that we -- that it's already covered, that
24 they can take it home for four months, or do you
25 believe that we need to expand the background check

1 to include everybody in the household from which
2 they come?

3 COMMITTEE CHAIR REP. FIELDS: Senator
4 Ulibarri.

5 SENATOR ULIBARRI: Thank you.

6 I think the way the -- the multiple
7 exceptions allow for someone to take possession of a
8 weapon with supervision related to that, so we
9 talked about at a target firearm shooting
10 competition under the auspices of an non-profit
11 organization, state agency.

12 You know, I think the pieces here speak to
13 continual supervision. That's why I think these
14 pieces need to stay in place.

15 I probably shouldn't have said anything
16 further there, but saying that supervision is
17 essential and that there is a responsible entity
18 that's connected to this exemption. So I think
19 that's an important piece for me in understanding as
20 the law currently exists. That's why I don't think
21 Number 2 is necessary.

22 COMMITTEE CHAIR REP. FIELDS: And so I think
23 what we have on the table right now -- and it's been
24 moved and seconded -- is if we should include Roman
25 number II, page 2, of L.004, as a part of L.002.

1 Senator Brophy.

2 SENATOR BROPHY: Thank you, Madame Chair.

3 So let me be clear, then. You do not
4 think the 4-H kids should be allowed to take the
5 shotgun home from the shooting range so that they
6 can become responsible for it and clean it and take
7 care of it under the -- the way 4-H has worked for
8 -- for years? Because I think that's what you said.
9 I think -- I'd -- I'd like to have you clarify that.

10 Because the supervision that exists at the
11 shooting range is the -- is the 4-H instructor who
12 goes back to his home after it's over, and
13 traditionally, then, the participant, the 4-H kid,
14 who's never once been involved in any kind of
15 incident or accident, takes the firearm home then,
16 away from the shooting range and away from the
17 direct supervision of the shooting sports instructor
18 so that they can properly care for and clean the
19 weapon in their home environment.

20 So I -- I need to be clear. Either -- I
21 don't see how it's covered in the bill. And you can
22 show me how it's cover in the bill, that allows them
23 to take it home for the four or five months that the
24 program lasts, or you can make the statement that
25 you don't think they should be allowed to take it

1 home?

2 COMMITTEE CHAIR REP. FIELDS: It's clear to
3 me. And what I've heard the Senator say did not say
4 he does not believe that you cannot have that young
5 person take that firearm home. And I believe that
6 that is the direct on page 6 of the bill, as it
7 relates to temporary transfers, as it relates to the
8 proficiency of firearms.

9 So, Ms. Shipley, I'd like to call for the
10 vote.

11 SENATOR BROPHY: Madame Chair, a
12 clarification question.

13 COMMITTEE CHAIR REP. FIELDS: Senator
14 Brophy.

15 SENATOR BROPHY: Um, I see the -- I see the
16 proficiency in firearms, but that's under the -- the
17 part about where it says it's at a shooting range to
18 foster proficiency in firearms. I still don't see how
19 it allows that -- that participant in 4-H to take it
20 away from the shooting range for care.

21 COMMITTEE CHAIR REP. FIELDS: Senator
22 Ulibarri.

23 SENATOR ULIBARRI: Thank you, Madame Chair.

24 I think, looking at the totality of the
25 exceptions, including the 72-hour transfer, as I

1 understand how 4-H works, you have weekly or
2 semi-frequent meetings where you meet with your
3 instructors and talk with folks, you're coming back
4 working on the skill with your -- your person more
5 than once a week.

6 And so maybe that's -- that's how I
7 understand that you would have continual contact
8 with bringing the weapon back and forth in between
9 the shooting competition, where you would have
10 someone there who could then transfer the weapon
11 again to you during the course of that competition,
12 where you could take that home for up to 72 hours
13 and have the ability to use it while you're at
14 the -- at the firing range or under the auspice of a
15 shooting competition, which means during the course
16 of those four or five months with the person
17 learning the skill, the totality of the exceptions
18 would -- would allow that person to keep and retain
19 that firearm, but there is a level of supervision
20 that I think is important.

21 COMMITTEE CHAIR REP. FIELDS: Senator
22 Brophy.

23 SENATOR BROPHY: Thank you, Madame Chair.

24 And -- and, Senator, I appreciate that.

25 So they could do it if they had a practice every

1 three days, let's say under 72 hours, and
2 re-establish the 72-hour rule. But the reality is,
3 is that 4-H shooting sports practices on Sunday
4 afternoon, once a week. So the 72 -- we -- we
5 clearly go beyond the 72-hour rule.

6 That's -- that's just how they do it.
7 They -- they don't get together once every three
8 days, which, on average, would be 2.1 times a week.
9 They get together once a week. And I really think
10 that it's important. Unless you just want to
11 cripple the shooting sports program that 4-H puts
12 together, I think we have to vote for Representative
13 Sonnenberg's motion.

14 COMMITTEE CHAIR REP. FIELDS: Representative
15 McCann.

16 REPRESENTATIVE MCCANN: No. I think that
17 we're saying it's available under other exemptions.
18 So why not just make it clear? I mean, I really don't
19 think our intention in this bill is to say we don't
20 want kids who are learning how to handle a gun
21 responsibly not to be able to take it home, if that's
22 the way the 4-H program works.

23 I was never in 4-H, but I can see the
24 benefit of having the kid learn how to clean and take
25 the gun apart so they can handle it safely. I mean, I

1 think that our goal here is to make sure that we're
2 safe, our communities are safe. And, I mean, it seems
3 to me that if it -- if we're having this much trouble
4 figuring out if it covers or it doesn't, and some of
5 us want to allow them to take it home and some don't,
6 I don't see any harm personally in putting this in the
7 bill.

8 I -- I don't think our intention is to say
9 to a 4-H kid you can't take the gun home when -- I'm
10 not aware of any problems we've had with 4-H kids
11 using guns inappropriately, but --

12 COMMITTEE CHAIR REP. FIELDS: I don't want
13 to do that, but I -- I do believe the bill is clear.

14 Senator Carroll.

15 SENATOR CARROLL: Thank you, Madame Chair.

16 I have two points: One a drafting point
17 and then one kind of a conceptual point.

18 Let me first bring up that this exception
19 isn't written like the others as an exemption. This
20 is written as an exception to a definition we didn't
21 adopt. So us this language that a transferee does
22 not include. So the transferee language here is
23 talking about an entity, and I don't think anyone is
24 thinking that kids are entities.

25 If what -- the whole -- the discussion

1 we've had would make a little bit more sense to me
2 if it were written straight up as an exception to
3 just requiring a background check. But the way this
4 is written, it's as an exception to basically
5 whether or not kids are entities, which they're not
6 an entity. If they're a member of a club, they're
7 still acting in their individual capacity.

8 So I think even -- wherever anybody thinks
9 about the actual scenarios, this is drafted to be an
10 exception to a definition, not an exception to a
11 background check, like the other lists of
12 exceptions.

13 So I would just want to make that point.

14 And overall I -- I think it's fair to say
15 that, you know, to Representative McCann's point, I
16 don't think anyone thinks that 4-H kids are a
17 problem. I think we know overall that the
18 overwhelming majority of people, in fact, are
19 law-abiding people. But, this is the one way we
20 know any time a gun changes hands, we either do or
21 don't find out whether we're transferring it over
22 the long-term to somebody who is not prohibited
23 under law from checking (inaudible).

24 So I have sort of a narrow drafting point,
25 which adopting this doesn't make sense in the

1 context of the other exceptions, as an exception to
2 a transferee. And because it really was written to
3 go with subsection 1, when the approach was how do
4 you define a transferor, which is not what we're
5 doing.

6 But the other issue is, is that, you know,
7 somebody -- whoever the person who's getting
8 transferred -- whoever is receiving the firearm as a
9 point of a transfer, you know, at the end of the
10 day, the whole purpose of the bill is to make sure
11 we're not transferring it to someone where it's
12 prohibited. And you will find 95 percent of these
13 are going to places where they are perfectly allowed
14 to transfer, and some percentage of the time where
15 they're not.

16 So I guess I would just make those two
17 points about this section. And even if you wanted
18 to address this, I don't think you would address it
19 with this language.

20 COMMITTEE CHAIR REP. FIELDS: Ms. Shipley,
21 take a vote.

22 THE CLERK: Representative McCann.

23 REPRESENTATIVE MCCANN: Yes.

24 THE CLERK: Senator Ulibarri.

25 SENATOR ULIBARRI: No.

1 THE CLERK: Representative Sonnenberg.

2 REPRESENTATIVE SONNENBERG: Yes.

3 THE CLERK: Senator Brophy.

4 SENATOR BROPHY: Aye.

5 THE CLERK: Senator Carroll.

6 MR. CARRIGAN: No.

7 THE CLERK: Madame Chair.

8 COMMITTEE CHAIR REP. FIELDS: No.

9 THE CLERK: That motion fails, 3 to 3.

10 COMMITTEE CHAIR REP. FIELDS: So back to our
11 discussion on L.002, which it was amended to include
12 page 5, line 13, after gift insert or loan.

13 Senator Brophy.

14 SENATOR BROPHY: Thank you, Madame Chair.

15 I -- I move an amendment to Amendment 2
16 that includes that part of 4, where it says,
17 starting on page 7, after line 6, insert this
18 Section 7.

19 UNIDENTIFIED SPEAKER: Second.

20 COMMITTEE CHAIR REP. FIELDS: So it has been
21 moved and seconded by Senator Brophy (sic).

22 Senator McCann.

23 REPRESENTATIVE MCCANN: I think you ruled
24 this is beyond the scope. Didn't you already rule
25 that?

1 COMMITTEE CHAIR REP. FIELDS: Yes, it's
2 already been ruled.

3 Representative Sonnenberg.

4 REPRESENTATIVE SONNENBERG: Thank you,
5 Madame Chair.

6 And clearly -- and although I made the
7 argument on how I think that fits within the
8 definition that the Senate puts in there, perhaps
9 what needs to be done, then, is we need to dissolve
10 this conference committee and -- and go and ask for
11 a second conference committee that goes beyond the
12 scope so we can actually fix these things.

13 COMMITTEE CHAIR REP. FIELDS: Further
14 discussion on that?

15 Senator Brophy.

16 SENATOR BROPHY: Thank you, Madame Chair.

17 I think Representative Sonnenberg really
18 hit on the important point. We sit here discussing
19 a bill that has so far passed two chambers without a
20 single solitarily Republican vote. It's a bill that
21 has so far only garnered bipartisan opposition.

22 If, on the other hand, as a -- as a
23 conference committee we come out of here and go to
24 the floor of our respective chambers and ask to
25 dissolve this conference committee and form a new

1 conference committee that goes beyond the scope of
2 differences, we might just be able to craft a brand
3 new bill that would garner bipartisan support and
4 start acting like the traditional Colorado
5 legislature as opposed to the dysfunctional
6 Washington, D.C., congress.

7 The purpose of the bill is to make sure
8 that we aren't transferring to people who shouldn't
9 have firearms. I think everybody agrees with that
10 goal. And to that end, I think what we could do is
11 come back in a new conference committee that's going
12 beyond the scope, put in a -- an addition to
13 18-12-111, a stranger-danger rule, which says that
14 it shall be considered unlawful to sell a firearm to
15 somebody whom you don't have a prior relationship
16 with, and we'd do away with all of the exemptions.
17 No more unintended consequences of who is left out
18 and who isn't.

19 But instead recognize that if you know the
20 person, then you should know whether or not they can
21 legally purchase or possess a firearm. So that's
22 the should-have-known clause. If you don't know
23 them, it's the stranger-danger rule, that you ought
24 to be more cautious, that you should have known not
25 to sell that firearm to somebody with whom you do

1 not have a prior relationship.

2 And then we do away with all of the
3 exemptions and all of the unintended consequences of
4 who is left out. We pass a bill that can earn
5 bipartisan support, the way the Colorado legislature
6 usually works when we identify a problem.

7 Madame Chair, Madame Vice Chair, that's
8 what I recommend that we do, that we go back to our
9 body, stand side by side at the podium, and say
10 let's (inaudible). Let's put some Colorado values
11 back to work here, find a bipartisan solution to a
12 problem that's been identified.

13 COMMITTEE CHAIR REP. FIELDS: Our Colorado
14 values are hard at work in this committee.

15 Senator Carroll.

16 SENATOR CARROLL: Thank you, Madame Chair.

17 I guess I have two points. I -- I would
18 love to see a bipartisan version of this bill. I
19 think we're gaining support for that at the federal
20 level. We have made probably over a dozen changes
21 to this bill, not because we had to, but because we
22 have been reaching out, listening and responding,
23 maybe not to a hundred percent of what's been
24 raised, but the majority of what you see's changed
25 on this bill on the way through is actually

1 listening and responding to what you've said. So we
2 are, in fact, responding, and none of it has changed
3 anyone's position so far to date. I would love to
4 see a bipartisan bill.

5 My thought on the stranger-danger rule,
6 and, Senator Brophy, I think that's a totally
7 legitimate public-policy question. The problem is,
8 is that criminals know each other. And in firearms
9 trafficking situations, you also have gun
10 trafficking that's going on with people who know
11 each other. And so that's in some ways the heart of
12 what we're actually trying to get at. And you can
13 have two convicted felons who know each other well
14 and thereby evade a background check. And obviously
15 that's beyond the scope, and this isn't what we have
16 permission to be here anyway.

17 But I do think it's important to note that
18 relationships among the criminal underground, in
19 fact, are often with each other, and -- and while
20 may be strangers to us, they're certainly no
21 stranger to each other.

22 COMMITTEE CHAIR REP. FIELDS: Ms. Shipley,
23 let's call for the vote on L.002 as amended.

24 THE CLERK: Representative McCann.

25 REPRESENTATIVE MCCANN: Yes.

1 THE CLERK: Senator Ulibarri.

2 SENATOR ULIBARRI: (Indiscernible).

3 THE CLERK: Representative Sonnenberg.

4 REPRESENTATIVE SONNENBERG: I'm not sure.

5 I'm disappointed that you won't allow the

6 discussion to continue to have the discussion.

7 Senator Brophy clearly wanted to make a statement.

8 And -- and quite frankly, I'd like to make a statement

9 as well.

10 The example that Senator Carroll brought

11 up, felons are already illegal to have guns. We

12 haven't stopped them from having guns, and

13 background checks still around are going to stop

14 them from having guns.

15 But rather than belabor the point and

16 disrespect the Chair, it's not my intent to

17 disrespect the Chair, I will simply vote no and save

18 my comments for later.

19 THE CLERK: Senator Brophy.

20 SENATOR BROPHY: No.

21 THE CLERK: Senator Carroll.

22 SENATOR CARROLL: Let me make a quick

23 comment too.

24 Um, I could vote no here too, and we could

25 go back with, you know, where we were on the

1 differences and try and go back. Each of these
2 things that we've adopted has come at your
3 suggestion. So even though you didn't get
4 everything you wanted, I think it's unfortunate that
5 we, in good faith, heard, made changes, again at
6 your suggestion, and yet you'll vote no on your own
7 suggested changes.

8 But I am an aye vote.

9 THE CLERK: Madame Chair.

10 COMMITTEE CHAIR REP. FIELDS: Yes.

11 THE CLERK: So that's 4 to 2.

12 COMMITTEE CHAIR REP. FIELDS: We're adjourned.

13 (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