

1 CITY AND COUNTY OF DENVER

2 STATE OF COLORADO

3 JUDICIAL COMMITTEE MEETING

4 Held on March 13, 2013

5 HOUSE BILL 13-1224

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REPORTER'S TRANSCRIPT

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10 This transcript was taken from an audio
11 recording by Jana Mackelprang, Certified Realtime
12 Reporter, Registered Professional Reporter, and
13 Notary Public.

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1 P R O C E E D I N G S

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3 MR. SPEAKER: . . . prohibiting large
4 capacity ammunition magazines.

5 Representative Fields.

6 REPRESENTATIVE FIELDS: Thank you,
7 Mr. Speaker. I move that the House concur with senate
8 amendments to House Bill 1224.9 MR. SPEAKER: Please proceed,
10 Representative Fields.11 REPRESENTATIVE FIELDS: Members, basically
12 what the Senate did was they added some clarity around
13 this whole ability to have this attachable magazine,
14 ready, convertible unit to be able to hold 15 rounds.
15 And they also adopted an amendment that was drafted by
16 David Kopel as relates to making sure that shotguns
17 could also carry the appropriate gauge.18 It also addressed the ability for
19 manufacturers to have a one stamp on the magazine that
20 would be created to identify that this magazine was
21 created after the ban was put in place.

22 MR. SPEAKER: Representative Joshi.

23 REPRESENTATIVE JOSHI: Thank you,
24 Mr. Speaker.

25 Senate did some good things to this bill

1 with the amendment, but I think this bill still needs
2 some more work. So I move to reject the House Bill
3 13-20 -- 1224 as amended by the Senate and to form a
4 conference committee to offer an amendment that goes
5 beyond the scope of this bill.

6 MR. SPEAKER: The motion -- any further
7 discussion to form a conference committee?

8 Madam majority leader.

9 MADAM MAJORITY LEADER: Thank you,
10 Mr. Speaker.

11 I ask for a no vote on this substitute
12 amendment. I believe this bill has been thoroughly
13 discussed and appropriately amended in the Senate. I
14 think we should move forward.

15 MR. SPEAKER: Representative Joshi.

16 REPRESENTATIVE JOSHI: Thank you,
17 Mr. Speaker.

18 The reason that I'm asking for this motion
19 is this bill still needs some more work, as I mentioned.
20 On the exemptions, I would like to allow an active duty
21 reserve national guard or coast guard member, or
22 honorably discharged veteran of the United States armed
23 forces, reserves, the national guard or coast guard, or
24 the members of their family.

25 Now, the reason for this exemption is we

1 do extensive training to the members of the military for
2 the use of these magazines. We are really proud of the
3 training that we are giving to these members. So,
4 therefore, they should be considered capable of handling
5 these high-capacity magazines.

6 So I again ask yes vote on this motion.

7 MADAM SPEAKER: Representative Gardner.

8 And note the gender change up here.

9 REPRESENTATIVE GARDNER: Thank you, Madam
10 Speaker Pro Tem.

11 To this motion, with respect to my friend
12 Representative Fields, she's already used the phrase
13 "the Senate" and "clarity" in the same sentence, I
14 think. And that points out that we need to go to a
15 conference committee and try to achieve some clarity on
16 this. I think when this bill went to the Senate, a lot
17 of things were done, as with the previous bill, that
18 probably need to be discussed and a conference
19 committee. While this is a procedural vote, and I
20 recognize it, nevertheless, I think a conference
21 committee could be useful here.

22 MADAM SPEAKER: Representative Navarro.

23 REPRESENTATIVE NAVARRO: Thank you, Madam
24 Chair. I would agree that a conference committee could
25 be very beneficial.

1 Another entity that's been left out of
2 this bill are security companies. And one of the
3 concerns that we have are -- is the fact that we have
4 violence in our malls and our public places. No where
5 in the bill are those security companies that are hired
6 permitted to carry a standard-capacity firearm.

7 Also, another issue that we've just sort
8 of been noodling is a temporary transfer so that if
9 Senator Brophy has his watermelon fest and has legal
10 30-round magazines and he allows someone else to use
11 that -- that weapon, is that legal? Temporary transfers
12 were in 1229, but they do not permit temporary transfers
13 in this particular case.

14 So I think there's a long list of issues
15 that we can continue to talk about and make sure that
16 we've thought of all the unintended consequences that
17 might happen from this bill and try to come out with a
18 clean bill, at least to vote no on.

19 MADAM SPEAKER: Representative Landgraf.

20 REPRESENTATIVE LANDGRAF: Thank you, Madam
21 Chairman.

22 MR. SPEAKER: It's Speaker Pro Tem. We're
23 meeting as the House.

24 REPRESENTATIVE LANDGRAF: I'm sorry. I'm
25 sorry. Thank you, Madam Speaker Pro Tem, and thank you

1 for correcting me.

2 I forgot what I came up here -- oh, I rise
3 in support of Representative Joshi's recommendations. I
4 think it's very, very important that we recognize the
5 training and commitment our military have made to our
6 community and that we do exempt them, we add them to the
7 list. Thank you.

8 MADAM SPEAKER: Representative Lawrence.

9 REPRESENTATIVE LAWRENCE: Thank you, Madam
10 Speaker Pro Tem.

11 I rise in support of the idea of a
12 conference committee. I think we still have issues with
13 this bill, even with the amendments from the Senate.

14 I cued you up for that one.

15 I just -- you know there are still issues
16 with this bill. I don't see any statistics that show
17 that this is going to improve public safety. I think
18 our friends in the other house made a slight improvement
19 to a bad bill, but we still have work to do on this.
20 This still does not improve public safety, which is what
21 it's supposed to do. But when you look at statistics
22 from the ban that was placed during the Clinton
23 administration, that ban did not improve public safety.
24 During the 10 years it was in effect, it was never shown
25 that the ban had any impact on criminal misuse of

1 firearms.

2 This is a feel-good measure, and I think
3 we still have a lot of work to do, because we're talking
4 about standard-capacity magazines that obviously
5 security companies need to use, law enforcement needs to
6 use. These are standard-platform magazines, and I just
7 think this bill still requires a lot of work and a lot
8 of thought before we finalize this. Thank you.

9 MADAM SPEAKER: Mr. Minority Leader.

10 MR. MINORITY LEADER: Thank you, Madam
11 Speaker Pro Tem.

12 I haven't had a chance to say this, so can
13 I say it's a pleasure to serve with you?

14 MADAM SPEAKER: You're more than welcome
15 to say that any time.

16 MR. MINORITY LEADER: It's a pleasure to
17 serve with you, Madam Speaker Pro Tem.

18 MADAM SPEAKER: And that is always in
19 order.

20 MR. MINORITY LEADER: I'm waiting for a
21 response.

22 MADAM SPEAKER: And with you.

23 MR. MINORITY LEADER: Thank you. Oh, I
24 feel so much better now.

25 Members, again, we're trying to make bad

1 legislation better here. And we do need this conference
2 committee to go forward, to go beyond the scope of
3 differences because this consideration needs to happen.
4 You know, we just had two previous bills down here where
5 we talked pretty significantly about support for our
6 veterans and how we, in this chamber, want to support
7 our veterans and our active duty service members.

8 And here's why this is so necessary for us
9 to be able to actually truly walk out of here and say
10 we're supporting our active duty service members and our
11 veterans. The issue here is -- the magazines that are
12 issued by the federal government to the military service
13 members are many times considered by those service
14 members to be inadequate. And they want to purchase
15 their own magazines so when they go back to Iraq or they
16 go back to Afghanistan, they can have this more reliable
17 product. In fact, that's why so many folks actually
18 purchase privately on the market. For their use in the
19 theater of war, they purchase on the private market
20 these magazines from companies like Magpul, Magpul that
21 we have talked so much about.

22 But these service members purchase them on
23 their own for use in the theater of war. But by not
24 having this exemption for the active duty service
25 members, we are now going to criminalize active duty

1 service members from Fort Carson who go out and purchase
2 these magazines after the date at which this bill is
3 enacted. They're going to be criminals, just like any
4 other private citizen would be a criminal. However,
5 they're doing exactly what Representative Fields said is
6 the necessary requirement of this bill. These magazines
7 belong in a theater of war.

8 Well, that's exactly what these active
9 duty service members use these magazines for. They use
10 them in the theater of war, but they purchase them
11 privately. They purchase them on their own. Their unit
12 does not purchase them.

13 This is a really simple fix for us. We
14 can truly show our support for active duty service
15 members and show not only our support for those members,
16 but show support for their safety in the theater of war
17 by going beyond the scope of differences between the
18 House and the Senate, or having this conference
19 committee formed and going beyond the scope of
20 differences and then fixing this very necessary issue
21 that Representative Joshi brought up.

22 It's an easy fix for us. Let's show our
23 support for active duty service members by voting to
24 reject the senate amendments and go beyond the scope of
25 differences and form a conference committee, a very easy

1 fix so we can avoid unintended consequences. I ask for
2 an aye vote on Representative Joshi's motion.

3 MADAM SPEAKER: Representative Buck.

4 REPRESENTATIVE BUCK: Thank you, Madam Pro
5 Tem Speaker.

6 I agree wholeheartedly with what
7 Representative Waller did because that's exactly what
8 our son did when he came home. And it was for
9 Christmas. And he needed, he felt, a better gun. And
10 so why on earth would I try to deny him a better gun,
11 because he will be deployed soon, shortly, and I would
12 not be able to sleep at night if I knew that he didn't
13 feel that he was safe in the field of war.

14 So I absolutely agree with Representative
15 Joshi that we also have this conference committee.
16 Thank you.

17 MR. SPEAKER: Representative McCann.

18 REPRESENTATIVE McCANN: Thank you
19 Mr. Speaker.

20 The way I read the bill, there's an
21 exemption for an employee of any of the following
22 agencies who bear a firearm in the course of his or her
23 official duties: A branch of the armed forces of the
24 United States. So if someone is on active duty, they
25 are exempted from the prohibition against large-capacity

1 magazines. And that's in the bill, on page 5.

2 MR. SPEAKER: Further discussion?

3 Representative Fields.

4 REPRESENTATIVE FIELDS: Thank you,
5 Mr. Speaker, and I urge a no vote on the conference
6 committee.

7 MR. SPEAKER: Any further discussion?

8 Representative Wright.

9 REPRESENTATIVE WRIGHT: Thank you,
10 Mr. Speaker.

11 I appreciate Representative Joshi bringing
12 this motion. I would concur in the motion and ask for a
13 yes vote.

14 You know, we've pointed out in prior
15 legislation from the other side of the aisle that we
16 feel not only that our veterans and our active duty
17 service members of the armed forces are important, but
18 also that retired police officers are important. We've
19 extended special privileges to our police officers in
20 this state, passing legislation out of this house,
21 saying that they should be able to carry weapons
22 concealed in places where other citizens in this state
23 can't carry them. So why are we not including retired
24 police officers in this bill?

25 I think they should be exempted. These

1 are officers who have handled standard-capacity
2 magazines on a regular basis in the performance of their
3 duties for 20, 25, 30 years, and we're telling these
4 individuals who have worked in law enforcement that they
5 will now be violating the law, breaking the law in the
6 state of Colorado, if they go out after retirement and
7 purchase a standard-capacity magazine. This doesn't
8 make sense to me.

9 I think there's -- I think we're
10 missing -- this legislation, this amendment, shows, I
11 think, that this legislation has so many holes in it.
12 This is a Swiss cheese -- this is a piece of Swiss
13 cheese. This is Swiss cheese legislation. I mean, we
14 have so many holes in this to fill. We send it to the
15 other body. They've decided that they needed to amend
16 it substantially, and we're still missing the vote, not
17 only with our active duty service members, but with
18 retired police officers.

19 And I'd also like to point out, if you
20 would think back to the Hollywood shooting years ago, we
21 had police officers who were not armed with the proper
22 equipment that they needed to counteract those acts of
23 violence. Now, you might argue today our police
24 departments are better armed, and I would agree. Well,
25 what happens when the next mass shooting comes along and

1 our officers need more magazines?

2 The way that this bill reads now, what
3 happened in the Hollywood shooting where officers had to
4 run into gun shops and purchase more magazines, they had
5 to purchase more weaponry. They wouldn't be able to do
6 that under this piece of legislation, because we talk
7 about a department, an agency or political subdivision
8 of the state of Colorado, but we don't talk about the
9 individual members that might be serving under that
10 department or that political branch of state government.

11 So what happens when that individual runs
12 into a store in an emergency situation and attempts to
13 buy a magazine so they can go out and protect our
14 citizens? Are they going to be turned down because
15 these magazines are illegal to sell to an individual?
16 Because, let me tell you, the way things work in a
17 police department is you have to have a sergeant or
18 higher sign off on equipment purchases in order for
19 those purchases to be applied to the department. That's
20 not going to happen in an emergency situation on the
21 street.

22 I would support Representative Joshi's
23 motion to send this to a conference committee to allow
24 us to sit down and further discuss in detail what's
25 missing in this bill. Thank you.

1 MR. SPEAKER: Representative Nordberg.

2 REPRESENTATIVE NORDBERG: Thank you,
3 Mr. Speaker.

4 Members, I want to thank Representative
5 Joshi for bringing forth this motion. And I think it's
6 really important because, being from Colorado Springs, I
7 have several friends who serve at Fort Carson, and I
8 want to give a shout out to my guys at the fourth
9 infantry division because they are listening today.
10 They have been following this debate, because they go
11 out and independently purchase these magazines so that
12 they're ready to deploy to Afghanistan and Iraq.

13 So, Members, please, let's send this to
14 conference, let's try and rectify some of the problems
15 that have been very much identified in this. I please
16 ask for that. Thank you.

17 MR. SPEAKER: Representative Waller,
18 senate minority leader.

19 REPRESENTATIVE WALLER: Thank you,
20 Mr. Speaker.

21 Representative McCann, I appreciate the
22 discussion we've had sort of off-line here, off to the
23 side, about whether or not active duty service members
24 are acting within the scope of their official duties
25 when they're purchasing these things back on leave. And

1 I think we've had a fairly robust discussion that --
2 that leaves this question in doubt as to whether or not
3 an active duty service member, because they are exempted
4 just like Representative McCann said on page 5, starting
5 at line 3, that they are exempted when they're acting
6 within the scope of their official duties.

7 So the discussion becomes what is the
8 scope of an active duty service member's official
9 duties? And I think we've had some agreement here as to
10 say we're not really sure exactly what that means. And
11 it means when a service member is back on leave -- I
12 think I could make a great argument, you know, as an
13 attorney that they're not acting within the scope of
14 their official duties when they are back on leave,
15 making purchases for a future use within the scope of
16 their official duties.

17 But I think that illustrates, the
18 discussion that we've had here illustrates the need to
19 send this to a conference committee, because if we don't
20 know what we're doing here -- and we have agreement that
21 we don't fully, truly know what this means -- that means
22 we need to do our very best on our due diligence to make
23 sure that we're fixing this issue. And the way to fix
24 this issue is to not rush this through today, not vote
25 this out today, but to do exactly what Representative

1 Joshi has asked us to do, and that's to reject the
2 senate amendments, form a conference committee, and move
3 beyond the scope of our differences.

4 We have an opportunity to make this right.
5 We have an opportunity to truly protect our active duty
6 service members. We all understand -- all 65 members of
7 this body understand how very crucially important it is
8 for us as legislators to do every single thing we can to
9 protect our active duty service members, especially when
10 our active duty service members go over to that theater
11 of war.

12 You might ask yourself: Well, what does a
13 state legislator -- what can they do? What impact does
14 a state legislator have on protection of our troops as
15 they go into the theater of war? Here it is right here.
16 We have the ability to say we're going to allow you to
17 go over and be as well equipped as possible when you go
18 into that theater of war, if we choose Representative
19 Joshi's option.

20 If we don't choose Representative Joshi's
21 option -- that's kind of hard to say -- if we don't
22 choose Representative Joshi's option, we're saying to
23 our active duty service members, you know what? We're
24 not really sure what impact this will have on you. And
25 you may end up deploying to the theater -- you either

1 may criminalize yourself, if you purchase these
2 magazines not in the scope of your official duties, or
3 you may, if you don't purchase them, if you choose not
4 to be a criminal and don't purchase them, you're going
5 to go back into the theater of the war with less than
6 optimal equipment.

7 I don't understand why we can't just
8 simply try to resolve this issue in a conference
9 committee. It's a simple thing to do. And it's a
10 necessary thing to do. And if we agree, once we get to
11 a conference committee, it's unnecessary, no harm, no
12 foul. We have done nothing wrong. But to say, no,
13 we're going to reject the possibility of a conference
14 committee for all time because we want to rush this
15 legislation through, in my mind, it's incredibly
16 irresponsible. We need to be doing everything,
17 everything we can to protect our active duty service
18 members.

19 And let me tell you, Members, what we do
20 matters for our active duty service members. When I
21 deployed to Iraq in 2006, we were constantly looking
22 back at home, looking back at what people were doing at
23 home. And it does so much for the morale of the troops
24 to know the people back at home support them and have
25 support for them moving forward, accomplishing their

1 mission in that theater of war.

2 This is one way we can show that support,
3 by going to this conference committee. I ask for an aye
4 vote.

5 MADAM SPEAKER: Representative McCann.

6 REPRESENTATIVE McCANN: Thank you, Madam
7 Speaker Pro Tem.

8 The bill actually exempts a branch of the
9 armed forces of the United States from the offenses
10 described in this section. So if you look on page 4,
11 line 19, the bill -- the -- sorry -- the offenses do not
12 apply to a branch of the armed forces. So the bill is
13 quite clear that this would not apply to members of the
14 armed forces.

15 Also, on page 5, lines 3 through 5 refer
16 to an employee of a branch of the armed forces of the
17 United States. So either way, active military officers
18 are not subject to the requirements of this bill.

19 MADAM SPEAKER: Representative Saine. Oh,
20 Representative Wright. And, Representative Wright, this
21 is your second time at the mic.

22 REPRESENTATIVE WRIGHT: Thank you, Madam
23 Speaker Pro Tem.

24 I just want to point out that there is a
25 clear distinction between talking about a department or

1 a political subdivision or an agency of the state or, in
2 this case, specifically dealing with active service
3 members, and stating on line 19, page 4, a branch of the
4 armed forces of the United States. There's a
5 distinction between a branch of the armed forces of the
6 United States and an individual member serving in his or
7 her capacity under that branch. There's certainly a
8 distinct difference there.

9 You know, we, on a regular basis, go
10 through legislation and committee and tweak these bills
11 and make substantive amendments, no matter how minor
12 that tweaks the language, to make sure that legislation
13 is not misconstrued once it becomes law. And that's
14 what we're asking for here. We're asking for this bill
15 to go back to conference committee so then we can
16 appropriately insert language that makes it clear to
17 those who are enforcing this law, to those who are
18 trying cases under this law, that it is applying in fact
19 to current active duty members of our armed forces, not
20 just a branch of the armed forces.

21 Now, I'm not an attorney; however, I think
22 that this applies even more so to attorneys who look at
23 language, statutory language, and base their challenges
24 of cases on the language in these bills. We need to be
25 clear. Why don't we want to send out a piece of

1 legislation out of this body that is clear? And right
2 now it simply isn't. I think it's completely reasonable
3 for us to ask this to go to conference committee to make
4 these small changes that could have very much
5 substantive differences and make this a better piece of
6 legislation.

7 Don't misconstrue the fact that I'm a yes
8 vote on this bill; I think it's completely unnecessary.
9 But if we're going to pass this bill out of this house,
10 let's make sure that it's a whole bill. Thank you.

11 MADAM SPEAKER: Is there any other
12 discussion? Okay, Representative Saine.

13 REPRESENTATIVE SAINÉ: Thank you, Madam
14 Chair.

15 I rise in support of going to this
16 conference. What really is the harm in making sure that
17 the intent is clear? We celebrate our veterans. We
18 celebrate what they've done for our country, the service
19 they provided for us. They put their lives on the line
20 for us. Why can't we trust them? That's what we're
21 asking. Why can't we trust these veterans?

22 Why not go to this conference and just
23 make sure that intent is clear. I think we need to send
24 a very clear message to our veterans. It is as Minority
25 Leader Waller said: When you're serving your country

1 and you look back and see what your state is doing and
2 saying, I don't trust you with these magazines, I don't
3 trust you with this equipment, it's very demoralizing.

4 So let's just make sure -- let's go to
5 this conference. There can be no harm in this, and then
6 having some extra discussion. I'd appreciate it. I
7 urge a yes on this. Thank you.

8 MADAM SPEAKER: Senator Holbert.

9 REPRESENTATIVE HOLBERT: Thank you, Madam
10 Speaker Pro Tem.

11 Members, I do support going to conference
12 committee. And three of my years in the capitol, I've
13 been a part, not a member of, but had the opportunity to
14 sit in on conference committees. And I think it's worth
15 understanding that this would very likely be, if it is
16 approved, six members, three from this chamber and three
17 from the other, two from the majority from each chamber
18 and one each of the minority. So there's no opportunity
19 in that conference committee for the minority to somehow
20 pull a fast one.

21 This is an opportunity to just take a
22 moment, a day -- I think it would even be possible to go
23 and do this in 24 hours and just talk through these
24 issues, have the drafters in the room, be able to make
25 sure that we know exactly what we're doing.

1 I commend Representative Joshi for
2 standing up for many of his constituents, other
3 military, whether active or retired. This was a point
4 that was debated in the Senate. The amendment didn't
5 get on the bill. But it doesn't cause any harm, it
6 causes no risk to the passage of the bill, but it does
7 allow the majority time to just step back and think.
8 I'm sorry if that sounded as though there has been a
9 lack of thought, but to pause and think through these
10 options.

11 I believe that Representative Sonnenberg
12 has raised a completely legitimate concern that I
13 believe is outside the intent of the scope of the bill.
14 So what harm is there? The answer is none, in taking
15 the time to have four from the majority and two from the
16 minority sit down in a room and talk through these
17 issues to make sure that this bill is properly
18 addressing the concerns that Representative Joshi and, I
19 believe, Representative Sonnenberg have raised. There's
20 no harm. We're not under any mandate to move this bill
21 through and in a hurry.

22 A lot of constituents -- just look at the
23 e-mail from constituents who are asking us to step back,
24 be thoughtful, do this right. Certainly a lot of them
25 like me are saying, Don't do this at all. But if it's

1 going to be done, why push this through in a hurry? Why
2 not step back -- you would have complete control in the
3 majority of that conference committee -- and address
4 these issues thoughtfully, give it a few -- a few hours,
5 a day, a couple of days. Just be thoughtful. There's
6 no hurry.

7 I believe the effective date, if the
8 governor were to sign this, is July 1st. We're not
9 close to July 1st. We have time to sit down in a
10 conference committee and address these concerns. And if
11 a conference committee was formed, I would certainly
12 like to see Representative Sonnenberg or Representative
13 Joshi -- but both of them could be there. Only one of
14 them.

15 So let's be thoughtful. Let's take our
16 time. I ask for an aye vote on forming a conference
17 committee and going beyond the scope.

18 MADAM SPEAKER: Representative Duran.

19 REPRESENTATIVE DURAN: Thank you, Madam
20 Speaker Pro Tem.

21 Members, this bill is crystal clear. We
22 have had debate on this issue in this chamber and the
23 senate chamber for hours upon hours, upon hours. If you
24 look at page 4, it is very specific when it talks about
25 employees of a branch of the armed forces of the United

1 States, and pointing out once again page 5 that
2 Representative McCann referenced with regards to
3 individuals that are in the course of his or her
4 official duties.

5 We have sent a very strong message to the
6 people that serve this country that, when they are
7 working in the capacity of their official duties, then
8 they will be -- this does not apply to them. It's been
9 crystal clear. So to say that we haven't had hours and
10 hours of debate on this issue, I think that's not
11 reflective of what's actually happened in this chamber
12 and the other chamber as well.

13 And, further, when we debated this bill, I
14 talked a little bit about how we have more protections
15 in Colorado's law right now for pheasants than we do for
16 human beings. Right now, a hunter who is hunting
17 pheasants has a shell limit. And the reason why they
18 have a shell limit is so that there is a fair chase, so
19 there is a opportunity --

20 MADAM SPEAKER: Representative Duran, is
21 this to the motion to send this to conference committee?

22 REPRESENTATIVE DURAN: Madam Speaker Pro
23 Tem, yes, it is, because it specifically looks at the
24 amendments that the Senate put on this bill.

25 And I ask for a no vote on this. We

1 should put protections in law that protect human beings
2 as much as we do pheasants. And if you look at the
3 language of the bill, it is crystal clear. To say it is
4 not clear is just not representative of all of the work
5 that has been put forward in this effort.

6 Thank you.

7 MADAM SPEAKER: Representative McNulty.

8 REPRESENTATIVE McNULTY: Thank you, Madam
9 Speaker Pro Tem.

10 Representative Duran, your continued
11 comparison between pheasants and people are absolutely
12 offensive. Absolutely offensive. I have no idea where
13 you're going with it. I don't know why you continue to
14 choose that obscene analogy, but it is offensive.

15 That said, that said, one of my first
16 lessons that I learned when I joined the general
17 assembly many years ago -- seven -- it seems like
18 more -- was regardless if you support or oppose a bill,
19 you want the bill to be written with clarity and to be
20 written correctly.

21 I worked for Russ George, Former Speaker
22 Russ George, at the time I ran for legislator, and I was
23 blessed and honored to have his good advice as I started
24 my legislative career. And one of the things that he
25 constantly came back to was this, whether he supported

1 or opposed a bill, if a member came to him and said, I
2 need clarity in your bill, or a member came to him and
3 said, How do I write this better, how do I make this
4 provision more clear, he said, Whether they were with me
5 or against me, I helped them provide clarity, because
6 clarity in the law leads to more efficient enforcement
7 of the law, leads to better law, decreases ambiguity for
8 the courts when these are challenged.

9 And so when we talk about bringing
10 clarity, even if you are opposed to a bill, the
11 obligation is to seek that level of clarity, to seek the
12 best language possible so that there is not ambiguity.
13 And if we are not doing that, we're attempting to
14 muddle, confuse, and obfuscate. That is an improper use
15 of our time. So seeking that clarity is a direct and
16 legitimate purpose. And I hope, I hope, that we use
17 this opportunity to send House Bill 1224 to a conference
18 committee to accomplish a level of clarity in some of
19 these more ambiguous provisions of the bill.

20 MADAM SPEAKER: Representative Holbert.

21 REPRESENTATIVE HOLBERT: Thank you, Madam
22 Chair.

23 Members, I think a conference committee is
24 merited, and going beyond the scope is also merited
25 because we continue to hear argument from the majority

1 that people who use large-capacity magazines in their
2 employment are exempted, and I have struggled to find
3 that. I've heard reference to pages 4 or 5. And I ask
4 you to turn there with me if you are concerned about
5 this issue. And if you look at page 4, line 12: An
6 entity or an employee thereof, engaged in his or her
7 employment duties, that manufactures large-capacity
8 magazines within Colorado. Anyone -- any entity that
9 manufactures, or to any licensed gun dealer, as defined
10 in statute, or any employee thereof engaged in his or
11 her official employment duties that sells -- so we have
12 manufacture and sell -- large-capacity magazines. And
13 then it says: To whom those magazines would be sold, a
14 branch of the armed forces of the United States, a
15 department agency, or a political subdivision of the
16 State of Colorado or any other state, or of the United
17 States Government, a firearms retailer, for the purpose
18 of firearms sales conducted outside the state, a foreign
19 national government that has been approved for such
20 transfers by the United States Government, an
21 out-of-state transferee who may legally possess a
22 large-capacity magazine or an employee of any of the
23 following agencies: A branch of the armed services of
24 the United States, a department agency, or a political
25 subdivision.

1 There's no where in here that we get away
2 from the manufacture or sale. And I think that's an
3 absolutely legitimate point and something, again, that
4 could be raised in a conference committee to say: Is
5 the intent to exempt the people who would use these as a
6 member of the military, as a law enforcement officer?
7 If that's the intent, I think the language fails to make
8 that clear, because the condition here, if you go back
9 to page 4, is manufacture or sale. And then we get into
10 this long list of people to whom we would sell those,
11 but it doesn't, in my opinion, give those people some
12 exemption.

13 There's a flaw in this bill, I'm confident
14 of that. This is another reason we should ask for a
15 conference committee and go beyond the scope and make
16 sure that the intentions of the sponsors are truly met
17 in this legislation as amended.

18 MADAM SPEAKER: Now, I have seen
19 Representative Everett and Representative Nordberg. Do
20 either of you wish to speak to this motion? Okay.

21 Representative Fields.

22 REPRESENTATIVE FIELDS: Thank you, Speaker
23 Pro Tem.

24 Members, I believe that the bill is very
25 clear as it relates to those who serve in all of our

1 branches. And I see that on page 5, and it starts on
2 line 3. And so this bill does recognize the service and
3 the sacrifice that our military folks do and perform for
4 us. So I think that that's really clear.

5 So, once again, I vote no, ask for a no
6 vote on a conference committee on House Bill 1224.

7 MADAM SPEAKER: Representative Nordberg.

8 REPRESENTATIVE NORDBERG: Thank you, Madam
9 Speaker Pro Tem.

10 And, Members, I just need some clarity on
11 this because this is concerning, especially for my
12 community, but we have language on page 4, line 19, and
13 also on page 5, line 4 -- or excuse me, page 5, line 5,
14 which talks about a branch of the armed forces of the
15 United States.

16 Now, that's pretty broad. And I don't
17 know if that permits a soldier of the U.S. Army or of
18 the U.S. Navy to purchase in their own private capacity,
19 for their own purposes, in order to deploy and practice
20 for deploying and start that training. Will that permit
21 them to purchase that magazine? Or does this just
22 permit the branch of the military to purchase that? And
23 if I can get some clarification, it would be much
24 appreciated. Thank you.

25 MADAM SPEAKER: Representative Fields, is

1 this your second time on this motion?

2 UNIDENTIFIED SPEAKER: (Inaudible.)

3 MADAM SPEAKER: Well, she's on the
4 underlying -- I don't know, it doesn't show up here.

5 UNIDENTIFIED SPEAKER: (Inaudible.)

6 MADAM SPEAKER: The House will be in
7 recess for just a moment.

8 (A recess was taken.)

9 MADAM SPEAKER: The House will come back
10 to order. Is there any additional discussion on
11 Representative Joshi's motion to reject senate
12 amendments to House Bill 1224 and send this to a
13 conference committee?

14 Representative Nordberg.

15 REPRESENTATIVE NORDBERG: Thank you, Madam
16 Speaker Pro Tem.

17 Then I would just point out, I think
18 there's still a need for clarification in this. What's
19 the harm in taking this to a conference committee?

20 MADAM SPEAKER: Representative Nordberg,
21 I'm sorry, you've already spoken twice, and I just --

22 REPRESENTATIVE NORDBERG: Thank you, Madam
23 Speaker Pro Tem.

24 MADAM SPEAKER: Final comments.

25 Representative Joshi.

1 REPRESENTATIVE JOSHI: Thank you, Madam
2 Speaker Pro Tem.

3 Members, as we have heard now from several
4 of our other members that this bill is still very
5 confusing. It's not very clear about a lot of issues,
6 as we heard from our different members. It's not just
7 the active duty or the veterans. We also heard about
8 police officers and some of the other law officers here.

9 So I think it is very important that we
10 say yes on my motion to send it to a conference
11 committee, because that's where we will get a lot of
12 clarification. We will have a lot of time to figure out
13 a lot of issues that have remained unclear in both
14 chambers. So I ask for a yes vote on this motion.

15 MADAM SPEAKER: Seeing no further
16 discussion, the question before the House is to reject
17 the amendments of the Senate and send this House Bill
18 1224 to a conference committee. Members, this is a
19 recorded vote.

20 Mr. Kolar, open the machine and, Members,
21 proceed to vote.

22 UNIDENTIFIED SPEAKER: (Inaudible.)

23 MADAM SPEAKER: He's modeling your
24 behavior, Mr. Minority Leader.

25 Representative Mitsch Bush.

1 Okay, close the machine with 28 aye
2 votes -- excuse me -- 36 no votes, and one excused,
3 Representative Joshi's motion to form a conference
4 committee is lost.

5 That brings us to the underlying motion,
6 which is to accept senate amendments to house bill.

7 Representative McNulty.

8 REPRESENTATIVE McNULTY: Thank you, Madam
9 Speaker Pro Tem.

10 I think it's unfortunate that we didn't
11 take Representative Joshi's offer to help provide
12 clarity to this bill by going beyond the scope of the
13 senate amendments. That said, I continue with my
14 original argument that I made during the debate of
15 Representative Joshi's motion. And that is, when you
16 have an opportunity to make a bill better, you take that
17 opportunity, whether you support or oppose the bill.
18 And in that line of reasoning, senate amendments make a
19 bad bill better. I doubt that there are any number of
20 amendments that we would be able to talk about that
21 would find strong bipartisan compromise on 1224, but I
22 do hope that we are able to support the senate
23 amendments to House Bill 1224, and I do ask for a house
24 bill for senate amendments to House Bill 1224.

25 MADAM SPEAKER: Representative Fields.

1 REPRESENTATIVE FIELDS: Thank you, Madam
2 Speaker Pro Tem.

3 I urge a yes vote on approving the senate
4 amendments on House Bill 1224.

5 MADAM SPEAKER: Mr. Minority Leader.

6 MR. MINORITY LEADER: Thank you, Madam
7 Speaker Pro Tem.

8 Well, Members, we just had the huge debate
9 over what would have made this better, but the reality
10 is that, even though the idea to protect the military
11 was rejected, these amendments still do make the bill
12 better. And, once again, it makes a bad bill better.
13 So I think we should vote to approve these amendments
14 made by the Senate. You can hiss me now if you want.
15 So I'd ask for an aye vote.

16 MADAM SPEAKER: Is there any other
17 discussion on the motion to concur with senate
18 amendments to House Bill 1224?

19 Seeing none, Mr. Kolar, please open the
20 machine and, Members, please proceed to vote.

21 Representative Pabon. Mr. Assistant
22 Majority Leader. Representative Tyler.

23 Close the machine with 64 aye votes, zero
24 no, and one excused, the House concurs with senate
25 amendments to House Bill 1224.

1 Madam Majority Leader.

2 MADAM MAJORITY LEADER: Thank you, Speaker
3 Pro Tem.

4 I move for the repassage of House Bill
5 1224 as amended.

6 MADAM SPEAKER: And the motion before the
7 house is the repassage of House Bill 1224.

8 Mr. Kolar, open the machine.

9 UNIDENTIFIED SPEAKER: (Inaudible.)

10 MADAM SPEAKER: Sorry?

11 UNIDENTIFIED SPEAKERS: (Inaudible.)

12 MADAM SPEAKER: Okay, then let's come on
13 down. Raise your hand. Who wants to talk?

14 Representative Holbert.

15 REPRESENTATIVE HOLBERT: Thank you, Madam
16 Speaker Pro Tem.

17 Even when we lose, we have a sense of
18 humor, don't we?

19 Members, I do rise, continue to rise, in
20 opposition to House Bill 1224. I've said before, what
21 we are doing here is restricting law-abiding citizens
22 access, restricting permission for people who obey the
23 law to have access and use metal or plastic boxes with a
24 spring inside. That's all it is. Mechanically, it's
25 similar to a PEZ dispenser or a little clicker pen.

1 Does it hold ammunition and can it be
2 joined with a weapon? Yes, but a magazine is not a
3 weapon.

4 Over the past few months, I've heard
5 comments referenced to high-capacity, rapid-fire
6 magazines, when what these are, are standard capacity.
7 The normal-capacity magazine, for instance, an AR-15, is
8 either 20 rounds or 30 rounds. I don't recall ever
9 seeing one that wasn't one of those two numbers, 20 or
10 30. Those are the standard capacity.

11 We've heard reference back to the Aurora
12 theater shooting and what an incredible tragedy. What
13 can we do to help prevent such things from happening in
14 our society?

15 The shooter, as I understand, there used
16 100-round drum magazine. I've seen these in magazines,
17 something like a dual drum. If you want to call that a
18 high-capacity magazine, that might make sense to me. I
19 understand these weapons and these magazines. When you
20 say high capacity, 20 or 30 doesn't come to mind, but
21 certainly these ridiculous hundred-round drum magazines
22 that don't work -- then I could understand, oh, that's
23 what you mean. But when we say high-capacity,
24 large-capacity ammunition magazines, in my vernacular,
25 that's not something that holds 20 or 30 rounds, because

1 that's normal, that's standard. That's what you can go
2 buy off the shelf. That's what 99.999 percent of them
3 are. Because if we talked about these drum magazines,
4 my goodness, I would never, ever encourage anyone to buy
5 any of those because they are so unreliable, which I
6 believe played a factor at Aurora, but I certainly don't
7 understand all the details there.

8 It seems inappropriate for us, it seems
9 heavy-handed for us as a legislature to reach out to
10 people, for instance, like me. I strive to live within
11 the law. I'm not perfect, but I strive to obey the law.
12 And now you're telling me in this legislation that it's
13 okay that I continue to have the standard-capacity,
14 run-of-the-mill, normal magazines that hold 20 or 30
15 rounds that can be associated with an AR-15 or similar
16 rifle.

17 But then we get into the conversation of
18 easily converted. And Senator Lundberg offered a great
19 demonstration in the Senate. I wish I had one. But he
20 took a 10-round magazine, slipped the base plate out
21 of -- because, again, all a magazine is is a box with a
22 base plate, a little thin metal plate, a spring inside
23 that pushes the ammunition up, and then what's called a
24 little follower plate. It's a little thicker, but it
25 has the shape of the roundness of a bullet in it. And

1 as the bullets are pushed in, the spring compresses.

2 But easily converted.

3 You take the base plate out of any of
4 these magazines, and take an extension and put it on the
5 bottom and put the base plate on the bottom of the
6 extension, you have a 10-round magazine that grows to 20
7 or 30. So any 10-round magazine with a detachable base
8 plate can almost certainly be converted, easily
9 converted, in seconds into something that holds more
10 than 15 rounds, which is not standard.

11 I'm sure that there are 15-round magazines
12 made for an AR-15, but I don't remember ever seeing one.
13 They're 20 or 30. It's kind of like saying the standard
14 shoe size is a 14. Well, what about all of us that are
15 less than a 14? Is this -- or to match up the numbers
16 of 15. Wait a minute, why did we come up with that
17 arbitrary number? And on second reading, we had
18 conversation about the arbitrary and capricious nature
19 of 15. Where did that come from? It's more than 10,
20 yes. But go out to a gun shop, go to a catalog, go
21 online and look -- Google, search for a retailer that
22 sells magazines, detachable magazines, and you will find
23 for the AR-15 or similar weapons, 20- and 30-round
24 magazines. Those are the normal. That's the standard
25 size.

1 And, again, we are reacting, I think in
2 part -- and I think, Representative Fields, rightly
3 so -- to the Aurora shooting. What can we do to address
4 that problem? But are we addressing the hundred-round
5 magazine? No. We're defining large capacity as
6 anything more than 15.

7 Then we get into handguns. Handguns that
8 are, say, in the 38 caliber or 9 millimeter. Very
9 common to find something that would hold 15 or more
10 rounds just in our normal handgun, semiautomatic handgun
11 that you can buy over the counter right now, today, and
12 many, many people have.

13 Can those be easily converted? Yes, I'm
14 sure they can. Is that really the intent of this bill?
15 I hope it isn't.

16 And it's for those reasons that I would
17 ask for a no vote on House Bill 1224, because all we're
18 doing is telling people who obey the law that they won't
19 be able to buy or sell or trade a plastic or metal box
20 with a spring in it. Is that really going to protect
21 people? No. It's just a box with a spring in it. It's
22 not a weapon. They don't fire rapidly or slowly. They
23 don't fire at all. It's just a box with a spring in it.

24 We're pretending that we're improving the
25 public safety. This bill doesn't improve public safety.

1 It puts restrictions, unnecessary restrictions, on
2 law-abiding citizens.

3 I also believe that it will create a
4 market, black or not, for people would want to buy
5 these, to acquire these. You think that they won't be
6 able to. Have you seen the cartoon -- this isn't black
7 market -- but have you seen the cartoon that shows the
8 Wyoming-Colorado border with fireworks and
9 normal-capacity, standard-capacity magazines on the
10 Wyoming side of the border and marijuana on the side of
11 Colorado?

12 Is that what we really want to tell the
13 citizens of our state, that we think so lowly of you
14 that we will not trust you with a plastic or metal box
15 with a spring in it?

16 I ask for a no vote.

17 MADAM SPEAKER: Representative Rankin.

18 REPRESENTATIVE RANKIN: Thank you, Madam
19 Speaker Pro Tem.

20 Members, I know that we disagree on
21 interpretation of the Second Amendment and we also agree
22 on the effectiveness of this particular bill, buying
23 that split-second between magazine changes and those
24 instances where a mentally deranged person tries to
25 commit mass murder. And we hope that that split-second

1 buys us time to react.

2 I know that we disagree, but I want to
3 talk to you about a different area. I want to talk to
4 you about an area where we do agree, and I know we do,
5 and that's jobs, that's jobs and our economic base and
6 the taxes that people pay in our state.

7 There's a really troubling trend that's
8 developed for me since we started to debate these
9 issues, and it comes from a lot of e-mails and it comes
10 from talking to my constituents, a lot of whom are
11 outfitters and guides.

12 I honestly believe that next year I'll be
13 standing in front of you and reporting that about
14 25 percent of our hunting revenue and visitors has
15 ceased, no longer come here, and about 10 percent of our
16 tourism revenue overall.

17 Certainly those are not accurate
18 statistical numbers yet, but I really do believe that a
19 year from now, I'll be talking to you about that. And
20 this affects a lot of us. It affects some of you. My
21 constituents on the other side of the aisle in Eagle
22 County and Routt County and southwest Colorado, your
23 citizens, your tax base is going to be affected
24 dramatically by this bill. And I really believe that,
25 you know, this bill buys us very little, but costs us

1 much. And I think we need to consider that. It's not
2 too late.

3 We talked about Magpul, even put an
4 amendment in the bill. But we're talking about perhaps
5 a couple of thousand jobs here that are related to
6 tourism and the sporting industry. This is -- and I
7 wish I could quantify it as well as we did Magpul, but
8 this is so much more impactful, so much more important
9 to those jobs on the Western Slope. And this one bill,
10 this magazine bill could send a signal that we're
11 willing to reconsider, that we're willing to think about
12 the jobs and the taxes and our own small towns in
13 western Colorado -- so important to our heritage, so
14 important to the image of Colorado -- reconsidering this
15 one bill out of all the others that we're insisting that
16 we have to pass. We'll send a signal that we do care,
17 that we can -- that we're willing to reconsider based on
18 jobs in the economy, but not based on how long it takes
19 to change a magazine, not on the details of what a
20 magazine is, but the welfare of our economy and our
21 people.

22 So I urge you to change your minds and
23 vote against this bill. Let's send a signal. Thank
24 you.

25 MADAM SPEAKER: Representative Saine.

1 REPRESENTATIVE SAINÉ: Thank you, Madam
2 Chair.

3 MADAM SPEAKER: It's Speaker Pro Tem.

4 REPRESENTATIVE SAINÉ: Thank you,
5 Speaker -- Madam Speaker Pro Tem.

6 MADAM SPEAKER: Thank you.

7 REPRESENTATIVE SAINÉ: Well, we've had
8 some discussions about why -- why is it necessary for
9 folks to own a standard-capacity magazine, to own
10 something that has more than 15 rounds. I would like to
11 read a letter from a very good friend of mine. He said
12 he was not allowed time to testify last week. And this
13 is really important to hear. Why would you need to have
14 a magazine with more than 15 rounds? So let me read
15 this to you.

16 He said: Had I had the chance, this is
17 what I would have said about this bill. He would have
18 said: Thank you, Senators, for listening to me. My
19 name is Karl Schwales (phonetic), and I work with
20 disabled Coloradans. I try to help them engage in
21 activities that will help them normalize their lives. I
22 help find ways for my friends to adapt to hobbies,
23 sports, and interests in such a way as to eliminate or
24 minimize their disability. Some of my clients or
25 friends have chosen to engage in shooting, both as a

1 sport, much like what the president enjoys, and as a
2 means of self-defense.

3 For some disabled Coloradans, HB 1224 has
4 huge negative ramifications. Imagine, if you will,
5 trying to replace a magazine without the use of one of
6 your hands or arms. It is a tedious and difficult task
7 at best and nearly impossible in a chaotic and stressful
8 situation.

9 I heard the representatives around the
10 floor, representatives say we aren't restricting how
11 many magazines you can have, just how many bullets can
12 be in each magazine. But if life restricts you from how
13 many magazines one can use? It isn't practical for a
14 young, disabled person to ask a home invader for a few
15 minutes' break so that he and she can sit at a table,
16 because that's the only way they can reload.

17 HB 1224, unfortunately, places hundreds,
18 perhaps thousands, of Coloradans that are most
19 vulnerable at greater risk and unfairly. And Karl says
20 he begs you for a no vote on their behalf.

21 I'd also like to tell you another story.
22 And, again, I would like you to think about this:
23 Victims don't get to choose when they're going to be
24 attacked. I can go stand in a dark alley and the worst
25 place in Denver and yell oli, oli, oxen free, and I

1 won't be attacked -- well, maybe I won't be attacked --
2 because the criminal chooses when they're going to
3 attack. The criminal chooses. He will use every
4 advantage to do so. He will try advantage, strength,
5 and outnumbering you. And for a victim to stop a
6 violent attack, they will need a balance of the playing
7 field. Otherwise, the right to self-defense is
8 worthless, if you cannot balance the playing field, if
9 you can't meet force with force.

10 Currently, we seem to think that 15 rounds
11 is sufficient, but shouldn't we be more concerned with
12 how many rounds it actually takes to defeat an attacker?

13 I'd like to read you something that I
14 found about gunshot wounds. The only gunshot wound that
15 can reliably cause immediate incapacitation is a hit to
16 the brain or the upper spinal cord. Even after being
17 shot through the heart, a suspect, a criminal still has
18 enough oxygen in his blood to shoot back for 15 seconds.

19 Additionally, consider this -- and if
20 you've taken a firearms class, you will know this --
21 bullets do not have enough energy to knock down humans.
22 You only see them on movie screens. Because if that
23 were the case, any energy traveling in the opposite
24 direction would also knock down the shooter.

25 The FBI purports mentioning the number of

1 reasons why suspects like this are able to take multiple
2 bullet hits and fight on. Examples include adrenaline,
3 extreme anger, painkillers, stimulants like cocaine,
4 crack, methamphetamine. All these can keep a shooter --
5 a criminal from feeling pain or even realize they've
6 been shot.

7 Here's a real life example of a gunshot.
8 In 1986, in Miami, FBI agents were involved in a
9 shootout. Despite being shot six times, suspect Michael
10 Platt was still able to gun down two FBI agents and
11 injure three others. Platt was hit by four more
12 gunshots, but he continued to be a threat by pointing
13 the gun at responding officers. It wasn't until he was
14 hit by bullet No. 12 that he was incapacitated.

15 And there are similar examples of suspects
16 being shot five to six more times beyond 12 before
17 they're incapacitated. And this is examples that
18 happened in Philadelphia and Georgia. In a self-defense
19 situation, you may have to inflict more than 15 rounds
20 on your attackers. Especially consider if there are
21 multiple attackers on methamphetamine or cocaine.
22 Again, the criminal gets to pick when they attack you
23 and they will try to outnumber you or outarm you.

24 This is why, especially women, need to
25 have standard-capacity magazines. You don't know how

1 many folks are coming after you, even in your own home.
2 There are many examples of self-defense that aren't
3 reported by the media because the folks that fought back
4 didn't consider themselves to be victims. They stopped
5 the attack.

6 I'd also like you to consider Magpul one
7 more time. We heard yesterday: It's civil unions'
8 jobs. So I'd like to ask you, these Magpul employees
9 who are soon to be out of work, is there a job program
10 for them to prepare them for civil union jobs?

11 I urge a no vote on this bill. It doesn't
12 increase public safety and it kills jobs. Thank you.

13 MADAM SPEAKER: Representative Lawrence.

14 REPRESENTATIVE LAWRENCE: Thank you, Madam
15 Speaker Pro Tem.

16 I just feel compelled to come down here
17 and just remind you all about some testimony that we
18 heard in the judiciary committee from a Mr. Robles, who
19 actually experienced an attack in his business. He was
20 alone in his business on a Memorial Day when three armed
21 men came in to rob him and murder him. It was a pretty
22 compelling story to hear someone tell you that they were
23 shot five times by armed intruders, and because he had a
24 firearm in his business with a standard capacity of 16
25 rounds, he was able to defend himself. And he lived so

1 that he could come and testify for us.

2 Now, granted, he needed 13 of those 16
3 rounds, and I think that did have some influence on the
4 15-round capacity that was talked about over and over
5 again in that judiciary committee. But what if he had
6 needed all 16?

7 When I talked about this earlier, the
8 sponsor of the bill said, Well, that's why we let you
9 have more than one magazine. You can switch -- you can
10 switch them out real quick.

11 Well, the victim isn't usually prepared
12 for that. Mr. Robles wasn't prepared to have three
13 armed men come into his business that day and try to
14 murder him. Luckily, he did have a firearm that had a
15 standard capacity of 16. Luckily, he didn't need every
16 piece of ammunition that he had in that gun that day.

17 We keep talking about this as a safety
18 measure, but we keep ignoring the fact that a lot of
19 these firearms are used for defensive purposes every day
20 all across this country. And those people who are using
21 them for defensive purposes are not usually armed to the
22 gill, like a bad guy is when he comes in bent on
23 murdering someone.

24 That is something that we all need to
25 think about. We need to think about that Mr. Robles,

1 who was innocently working in his business that day,
2 when three armed men came in to kill him. I think we
3 need to really think hard about taking away that
4 defensive opportunity from a Mr. Robles or a woman
5 walking downtown or someone in their home. This isn't
6 just about the intruder. This is about the person who
7 needs that weapon with a standard-capacity magazine for
8 self-defense.

9 I ask for a no vote on this bill.

10 MADAM SPEAKER: Representative Salazar.

11 REPRESENTATIVE SALAZAR: Thank you, Madam
12 Speaker Pro Tem.

13 Just a note of clarification: As this
14 amendment was being drafted, moving it from 10 to 15
15 rounds, we did Google it. In fact, I specifically
16 Googled AR-15s and the kinds of rounds that the
17 magazines for AR-15s would take. And they go from five
18 rounds, which you can find on Brownells website -- I
19 don't know if they're going to pay me any royalties for
20 this -- but you can find five rounds on their website,
21 10 rounds on their website. And if you go to Magpul's
22 website, Magpul sells a 10-round AR-15 magazine.

23 Googling it, you come up with a number of
24 websites where you can find five rounds and 10 rounds,
25 20 rounds and 30 rounds. I reject the idea that anybody

1 here has the authority to decide what is a
2 standard-round magazine for an AR-15, when they go from
3 five up to 30 and even beyond that.

4 I just wanted to point that out to you,
5 that you can find it. It's right here. Thank you very
6 much.

7 MADAM SPEAKER: Representative Landgraf.
8 Oh, okay.

9 Representative McNulty.

10 REPRESENTATIVE McNULTY: Thank you, Madam
11 Speaker Pro Tem.

12 Representative Salazar, you and I have
13 finally found common ground, and I thank you for that.
14 None of us have the right to decide what is a
15 standard-capacity magazine. We in this chamber don't
16 have the right to determine what is a standard-capacity
17 magazine. And in that, Representative Salazar, you and
18 I agree.

19 Now, I suspect your vote is not going to
20 change, and I know my vote isn't going to change. I
21 appreciate so much Representatives Saine and Lawrence
22 coming down to share their stories and the stories that
23 they have encountered throughout the life of this bill.
24 To me, this isn't a question about need. It's not
25 whether I need a 20-round magazine or I need a 30-round

1 standard-capacity magazine. It is my right. It is my
2 right to have that standard firearm that is in common
3 use, and you don't have the right to take it from me.
4 You don't have the right to prohibit me from exercising
5 my constitutional rights as a law-abiding citizen. You
6 don't have that right.

7 And this may come to you as some surprise,
8 Representative Salazar, but a 10-round magazine plus a
9 five-round magazine doesn't equal a 15-round magazine.
10 There is no rational argument for a 15-round magazine.
11 There is no rational argument for why it was at 10 and
12 went to 15. There's no reason that was given why 15 is
13 okay, but 16 isn't, or when the change in committee was
14 11 is not okay, but now 15 is okay.

15 There is no rational argument for any of
16 these arbitrary capacity sizes that the majority has
17 said. And as this bill is moved through the process,
18 through the House, through the Senate, increasingly the
19 flaws of the bill have been shown. At every turn, the
20 flaws of this bill have been shown. And we're given the
21 reason: If we just do this, we will all be safer.

22 I don't believe that to be true. And I
23 know there are many Coloradans who know that that isn't
24 true. Your arbitrary limits will not make us safer,
25 though they will undermine our constitutional rights.

1 And so, Representative Salazar, as a civil
2 rights lawyer, I am sure that you are keenly aware of
3 the critical importance of maintaining our
4 constitutional rights. It saddens me that you would
5 choose to undermine mine given the nature of your
6 conversations that you have had at this microphone
7 during your short time here at legislature.

8 The other thing that troubles me is the
9 fact that you are leaving 700 Colorado families in the
10 lurch. We talk so much about what can we do to bring
11 manufacturing to our state, good middle class jobs to
12 our state? We spend money to bring these jobs to our
13 state. The governor hosts press conferences announcing
14 25 jobs created. And, yet, with these votes and with
15 the stroke of his pen, 700 families will be out of work.
16 They will either be forced to uproot their families and
17 leave this state, pull their kids out of school, sell
18 their homes to follow those good-paying jobs with
19 benefits or join the unemployment rolls here in
20 Colorado, because of the passage of this bill. That's
21 not right.

22 And I appreciate the fact that some who
23 support this bill, the proponents of this bill, say: We
24 don't want to be threatened. We don't like to be
25 threatened. Dang, it's not a threat. They said they're

1 leaving. They've given the reason why they're leaving.
2 It's a business decision. They have said, We want to
3 stay. They worked with our state office of economic
4 development to grow their operation here. And now we're
5 telling them they're not wanted. Real world
6 consequences.

7 It's amazing how sometimes life just gives
8 us these examples that we're able to share with each
9 other. During legislative debates this morning, I was
10 at a breakfast. A small community banker was there.
11 Shared the fact that they were working to recruit a
12 business to Douglas County. And as this bill is under
13 consideration, that business has stopped looking at
14 Douglas County and is now looking at Texas.

15 It is embarrassing to me, it's
16 embarrassing to our state that other states are falling
17 all over themselves to steal 200 jobs out from
18 underneath us. And the hundreds of jobs that will
19 follow, make no mistake about it, they will leave. They
20 have. To maintain their business, to provide those
21 jobs, they cannot stay in Colorado. They cannot stay in
22 an environment that doesn't support what they're doing.
23 And to think that an amendment to this bill was offered
24 and adopted by the proponents who said you can make it
25 here. We don't like your product. You can make it

1 here. You can sell it anywhere you want, but you can't
2 sell it here. What message is that sending to anyone
3 who makes anything, providing those jobs?

4 Folks, I appreciate very much the
5 sentiment behind this bill. Our hearts break. We need
6 to recognize the underlying causes of violence in our
7 communities today. Violence has changed. We need to
8 understand why.

9 Attacking the tools of violence doesn't
10 make us safer. Understanding and addressing the
11 underlying causes of that violence does. And that has
12 not been a part of this debate even from the outset.

13 Colleagues, I suspect I know what will
14 happen on repassing this bill, but as you hit that
15 button, think about the families. Think about the
16 families who won't be able to pay their mortgage, think
17 about the kids who are going to be pulled out of their
18 schools, think about the effect, the long-term effect
19 that this bill is going to have on our ability to create
20 a better Colorado.

21 I ask for a no vote on repassage of House
22 Bill 1224.

23 MADAM SPEAKER: Representative Landgraf.

24 REPRESENTATIVE LANDGRAF: Thank you, Madam
25 Speaker Pro Tem, and thank you, Representative McNulty,

1 for mentioning rational reasons.

2 We have rational reasons to vote against
3 this bill, and that's jobs. When I spoke on this bill
4 when it first came up, I talked about two businesses in
5 my area that will go out of business. We've heard of
6 others since, but today I would like to read an e-mail
7 that I have received, and I want you to think while I'm
8 reading about this about lost revenue to our state.

9 I am an executive producer for Outdoor
10 Channel. I currently have four series in production,
11 including Gun Stories, the top show on OC. With several
12 additional series in development, my series focus on
13 guns, hunting, shooting, and the outdoors.

14 This morning, I met with my three
15 producers and we made the decision that if these
16 anti-gun bills become law, we will be moving all of our
17 production out of Colorado. We have already cancelled a
18 scheduled filming session for late this month.

19 Obviously, part of this is due to our own commitment to
20 the right to keep and bear arms, but it also reflects
21 three lawyers' opinions that these laws are so poorly
22 drafted and so designed to trap otherwise legal citizens
23 into a crime that it is simply too dangerous for us to
24 film here.

25 I can give you chapter and verse on the

1 legal implications, if you need, but suffice it to say
2 that the first legal opinion was so scary, we went out
3 and got two others. All three attorneys agreed.

4 We are relatively small potatoes in
5 television, but our relocation of production will cost
6 Colorado a little less than a million dollars in 2013.
7 Secondly -- and this is the important part -- we have
8 proudly promoted Colorado in our productions and have
9 been moving more and more production into the state.
10 Now we will do exactly the opposite.

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

18 Thirdly, according to numbers I received
19 from -- I'm sorry, I lost it -- according to numbers I
20 received from the National Shooting Sports Foundation,
21 hunting had an almost \$800 million impact on Colorado in
22 2012, driving as many as 8,330 jobs. Next month I will
23 be in Texas meeting with most of the top outdoor hunting
24 producers, and the No. 1 agenda will be Colorado.

25 Already hunting organizations and

1 statewide hunting clubs around the country are pulling
2 out of Colorado, and we expect this trend to accelerate
3 rapidly.

4 It goes on and on, but I think I've made
5 my point. This bill is going to cause tremendous harm
6 to Colorado through the loss of jobs, the loss of
7 vacation revenue. It's bad for Colorado. I definitely
8 urge a no vote.

9 MADAM SPEAKER: Representative Sonnenberg.

10 REPRESENTATIVE SONNENBERG: Thank you,
11 Madam Speaker Pro Tem.

12 And, Members, I'm actually going to be
13 very, very brief. I can tell you that if large-capacity
14 magazines cause crime, mine are defective. To outlaw
15 these boxes with springs will have absolutely no effect
16 on crime. What this bill does is make me and my
17 law-abiding neighbors criminals.

18 With that, I urge a no vote.

19 MADAM SPEAKER: Representative McCann.

20 REPRESENTATIVE McCANN: Thank you, Madam
21 Speaker Pro Tem.

22 I would ask that we support this bill. I
23 think some very compelling arguments have been made by
24 several members, but there are also compelling arguments
25 to be made to limit the size of magazines that are

1 available in Colorado.

2 High-capacity magazines are a common
3 thread linking mass shootings. Large-capacity magazines
4 were used in 28 of the 34 mass shootings in the U.S. in
5 recent history, 1984 to 2012. 82 percent of the mass
6 shootings involved high-capacity magazines.

7 We also have information from the
8 Department of Justice that high-capacity magazines are
9 used in 14 to 26 percent of gun crimes and 31 to
10 41 percent of fatal police shootings.

11 The chiefs of police of our state are
12 supporting this bill for that reason. High-capacity
13 magazines can cause a huge amount of damage to a great
14 many -- number of people in a very, very short time.

15 Many of the high-profile mass shootings
16 include the following: As we know, Newtown,
17 Connecticut, where 26 people were killed, with multiple
18 30-round magazines and an assault weapon. In Oak Creek,
19 Wisconsin, Wade Page killed six people and wounded three
20 with a semiautomatic handgun and three 19-round
21 magazines. And, of course, here in our own state, the
22 horrible tragedy in Aurora, where James Holmes allegedly
23 shot and killed 12 people and injured 58 others at the
24 movie theater with his assault weapon with a
25 hundred-round drum magazine.

1 In Tucson, Arizona, Jared Loughner shot
2 and killed six people, including Congresswoman Gabby
3 Giffords and a federal judge and wounded 13 others.

4 And this is a situation -- I mean, people
5 say, Well, maybe it would work in one situation. Well,
6 it did work with respect to that horrible murder,
7 because Mr. Loughner was taken down because he was
8 reloading. Had he not had that split-second -- and I
9 understand it doesn't take very long to reload -- had he
10 not had to reload, who knows how many more people would
11 have been killed that day.

12 In New York -- I'm sorry, in Fort Hood,
13 Texas, Major Hasan shot and killed 13 people and wounded
14 34 others with 20- and 30-round magazines.

15 And in Bingham (sic), New York, in
16 2009, Mr. Wong shot and killed 13 people and injured
17 four others, firing 99 rounds from two semiautomatic
18 handguns, and a 30-round capacity magazine was found.

19 A 2010 survey by the Police Executive
20 Research Forum reported that since the federal assault
21 weapons ban expired, 38 percent of police agencies
22 reported seeing noticeable increases in criminals' use
23 of semiautomatic firearms with high-capacity magazines.

24 And in Virginia, when the federal firearms
25 ban was repealed, after it was repealed or went out of

1 effect, there was a 60 percent decline in the share of
2 gun crimes with high-capacity magazines between 1998 and
3 2004.

4 So high-capacity magazines are used in
5 horrible crimes. They cause horrible results. What
6 this bill does is simply say you can continue to have
7 high-capacity magazines, but they need to be limited to
8 15 rounds, so that your ability to cause this kind of
9 harm is limited and there is an opportunity, at least,
10 for the possibility that someone could save him or
11 herself and others because of the need to reload.

12 And the hunters -- many hunters with whom
13 I have spoken or my constituents have spoken have said,
14 We don't need 15-round capacity magazines to hunt. In
15 fact, there is a Division of Wildlife rule that limits
16 hunters to having three rounds when they're hunting in
17 their chamber. So hunters don't need 15, 30 -- don't
18 need 30-round magazines to hunt. In fact, they're not
19 allowed to use them in hunting already in Colorado.

20 So, Colleagues, this is a common-sense
21 bill. We're not taking anyone's guns away or away
22 anyone's ability to defend themselves with guns. We're
23 simply saying that we need some reasonable control on
24 the amount of rounds you can shoot at one time. So I
25 would urge a yes vote on this bill. Thank you.

1 MR. SPEAKER: Representative Joshi.

2 REPRESENTATIVE JOSHI: Thank you,
3 Mr. Speaker.

4 Members, as we debated earlier, this is
5 not a very clear bill. We discussed many issues needs
6 to be further explored and clarified. And then on top
7 of that, there are many questions that this bill has not
8 even answered. One of them is how exactly this bill
9 will prevent crimes? We have heard many times and many
10 comments that, yeah, this might do it, but we're not
11 sure if this will really prevent the crime.

12 We all know criminals will always figure
13 out the way around any of the laws. That's why some of
14 these crimes, even we have many, many bills on the laws
15 in the statute, they continue.

16 At the same time, what are we doing? We
17 are actually penalizing all of our law-abiding citizens.
18 And then what about the exemption of the Colorado
19 manufacturers allowing the sale outside Colorado, but
20 while we don't allow them to sell same thing within
21 Colorado? What kind of message we are sending to a
22 business or the manufacturer that you can come to
23 Colorado, do whatever business you want to do, but you
24 can't do that business within Colorado? You will have
25 to do it outside of Colorado.

1 Which company will think about coming to
2 Colorado when they find out about them? And I think the
3 only reason we heard about it, because some members
4 think that think that our families will live outside our
5 (inaudible) while they protect their own families. What
6 kind of argument is that? We should protect every
7 single human being.

8 This is like -- and I may be giving a
9 little idea to my members' frenzia (phonetic) -- this is
10 like allowing Coors to sell their beer outside Colorado,
11 but we don't allow it within Colorado because somebody
12 thinks that a drunk driver who drank a six-pack and went
13 out and then he knocked out a pedestrian and killed
14 them -- well, let me tell you, that little bottle of
15 Coors beer that sits in the refrigerator doesn't do
16 anything by itself. The same way, the magazine which is
17 sitting in a locked, secured closet that is owned by
18 some law-abiding citizen doesn't do anything.

19 So, Members, all we are doing here is
20 trying to do something that we don't have evidence it
21 really works. So all I am saying, that this is not a
22 very good bill and I ask for a no vote.

23 MR. SPEAKER: Representative Wright.

24 REPRESENTATIVE WRIGHT: Thank you,
25 Mr. Speaker.

1 With all due respect to my colleague
2 Representative McCann, this so-called common-sense bill
3 is an assault on our freedom. It's an infringement of
4 our liberty, and I dispute that it has anything to do
5 with common sense.

6 And here's why I say that: I think that
7 we can easily say -- we can concede that Jared Loughner
8 may have been stopped in his mass shooting because of
9 the magazine capacity. Let's concede that for a moment.
10 If that's the case, this is a two-way street, Members.
11 This is a two-way street. By taking away someone who is
12 committed to doing wrong their ability to commit those
13 acts on us, we're also taking away the ability of a
14 law-abiding citizen to defend themselves with the same
15 magazines.

16 Now, I've heard my colleagues on the other
17 side of the aisle. A few of them have stated: Prove to
18 me that allowing a magazine to contain one more round
19 than 15 would save a life in the state of Colorado.
20 Well, I have an example for you.

21 In 1992, during the LA riots, a shop
22 owner's life was saved when he was attacked by a mob.
23 And in his possession, he had an AR-15. And in that
24 AR-15, he had a 30-round magazine.

25 Members, he fired 17 to 19 rounds, 17 at a

1 minimum because those are the rounds that the police
2 could discover in the shop. He believed that he fired
3 19. He fired 17 to 19 rounds from his firearm before
4 that mob took notice, left his store, stopped their
5 attack. Had he not had a 30-round magazine, had he not
6 had one more round than No. 15, there's a significant
7 chance that he would not be here today. So there's
8 evidence.

9 Members, fellow citizens of Colorado, it's
10 evident that House Bill 1224, in prohibiting
11 large-capacity magazines, is a result of the
12 infiltration of people like Mayor Michael Bloomberg, of
13 East Coast politicians who have infiltrated and
14 permeated the state of Colorado. And I'm speaking to
15 the bill, and I say this with the utmost validity,
16 because in judiciary, in the first committee of
17 reference that we heard this bill, we heard the
18 testimony of a man named Daniel Chipman -- David
19 Chipman. I apologize. And Mr. Chipman told us that he
20 represents an organization called Mayors Against Illegal
21 Gun Violence. Guess who the head of that organization
22 is? Mayor Michael Bloomberg. Mayor Michael Bloomberg,
23 the Mayor Michael Bloomberg who, days ago, his arbitrary
24 and capricious law outlawing large, sugary beverages was
25 struck down --

1 MR. SPEAKER: Representative Wright to the
2 bill.

3 REPRESENTATIVE WRIGHT: Thank you,
4 Mr. Speaker. And this is to the bill because --

5 MR. SPEAKER: The talk about sugary drinks
6 is not to the bill. I have given you leeway on Mayor
7 Bloomberg, but not sugary drinks.

8 REPRESENTATIVE WRIGHT: Thank you,
9 Mr. Speaker. And the reason I draw that link is because
10 we're talking about a capacity of a drink or a capacity
11 of a firearm.

12 And, Members, the last I checked, a drink
13 is not a constitutionally protected right. Possession
14 of a firearm is. And we've had constitutional law that
15 has shown us, that has proven to us, case law, in the
16 District of Columbia versus Heller, that weapons in
17 common use at the time are protected for individual use.

18 So we have seen, from our own Supreme
19 Court, that weapons in common use at the time, which
20 happens to include AR-15s with 30-round magazines
21 notably used here in 1992 for self-protection of one's
22 business -- how many years is that that this has been in
23 use, in common use? And suddenly in Colorado, we're
24 going to say, Citizens of Colorado, you can't possess a
25 magazine that has been used since 1992 by individuals.

1 Now, it's evident today that this bill is
2 being rushed forward. We had members speak to an
3 amendment that would have simply sent this bill back to
4 a committee, a conference committee, to work out some
5 concerns, some very valid concerns with this
6 legislation. Why is this bill being rushed forward?
7 I'll tell you why it's being rushed forward. It's toxic
8 policy. And the members in the majority and the
9 sponsors are beginning to realize this. They don't want
10 this bill to linger. It's politically --

11 MR. SPEAKER: Representative Wright, it's
12 not in order to impugn the motives of other members.

13 REPRESENTATIVE WRIGHT: Thank you,
14 Mr. Speaker.

15 Members, if this bill passes today, I can
16 guarantee you that you're not going to hear a collective
17 sigh of relief from the people of Colorado that they're
18 somehow safer. The reality is, they're not. The
19 reality is, people like Jared Loughner would have had
20 access to those magazines on the black market. The
21 reality is this is completely unenforceable law.

22 There's no way to enforce this law when
23 it's the prosecution's burden of proof that that
24 offender didn't have possession of that magazine prior
25 to this ban. That's a tough case to prove. All you

1 have to do is say, I'm sorry, I owned this magazine
2 prior to the enactment of this law.

3 This is not going to have the intended
4 effect and the well-meaning effect that the sponsor
5 wants this legislation to have. And, therefore, I think
6 we should not put the rights of Coloradans at risk,
7 constitutional rights at risk, simply on a hunch.

8 I spoke on this bill prior and stated that
9 the criminals in the state of Colorado will be laughing
10 if we pass this law. And the people, the law-abiding
11 citizens, the well-meaning, well-intentioned citizens of
12 this state will not be laughing.

13 Members, I ask for a no vote on this bill.
14 Thank you.

15 MR. SPEAKER: Representative Murray.

16 REPRESENTATIVE MURRAY: Thank you,
17 Mr. Speaker.

18 I -- I truly regret that we did not go to
19 conference committee because it is clear to me that
20 there are so many unintended consequences in this bill
21 that have not been covered yet and, in effect, are
22 making criminals of law-abiding citizens. And I know
23 that that's not the intent of the sponsors, but the bill
24 is as it is now.

25 One thing that I've noticed -- and it

1 really struck me when I looked at our group picture as a
2 general assembly -- in our general assembly picture of
3 65 legislators, there's somebody with a cowboy hat. You
4 know, I think this could be the first time in recent
5 history that we don't have anybody in a cowboy hat in
6 our picture. And I noticed that most of the proponents,
7 the arguments for this bill are people that are from the
8 Denver metro area.

9 So I think what's happening in our state
10 is what the rural people have been shouting about for
11 years about Denver lawyers, they like to say, those
12 Denver people sort of changing the lifestyle as the
13 state, if you will. And, you know, I'm from Douglas
14 County, I'm from the suburb. It's a little bit beyond
15 Denver. But I get put in that category too. But as a
16 result of -- though the Denver people aren't accepting
17 me among them, I see -- but as a result, I think we are
18 denying people's -- some of the reasons that they moved
19 here to our great state. We are an outdoorsy state.
20 And part of being outdoorsy is ownership of firearms.

21 Did you ever go through Kremmling in
22 hunting season? That is classic, old time Colorado. So
23 to deny that there is a place in our state for city
24 pleasures and rural pleasures, I think is something that
25 we need to really be considering.

1 Representative Landgraf brought up the
2 fact that we're going to be losing some filming revenue
3 as a result of that, and we've received many letters
4 from people who say, Sorry, obviously, I'm not welcome
5 in this state anymore.

6 A lot of talk about what is standard use
7 in terms of magazines. This is one of the great
8 concerns I have with some people who have indicated:
9 Well, with the Second Amendment, with any of our
10 amendments, our constitutional rights, there can be
11 limits. Well, there's a phrase called common use. And
12 all the efficient autos that came and testified in
13 committee, the gun efficient autos said 30 is a
14 standard. And I even asked Magpul: Do you make a 15?
15 No, ma'am, we don't make a 15.

16 So to talk about standard has to be --
17 well, what is common use? Common use is 30. So, you
18 know, for us to be chasing a business out of Colorado
19 with a magazine size that they don't even make, it isn't
20 all hanging together in terms of logic.

21 And there's one other thing I'd like to
22 say, Members -- there was something that I said when I
23 was sitting in the civil unions hearing in the judiciary
24 committee. I said it, and yesterday our honorable
25 speaker said it: This is one of those times when you

1 have to realize how important your vote is and what the
2 significance is to history. And you have to be able to
3 look in the mirror and know that tomorrow when you look
4 in that mirror that you've done the right thing for your
5 constituents and for the constituents in Colorado. I
6 urge a no vote on this bill.

7 MR. SPEAKER: Representative Nordberg.

8 REPRESENTATIVE NORDBERG: Thank you,
9 Mr. Speaker.

10 Members, if this bill passes, I fear it's
11 going to be labeled the jobs bill of the session, the
12 day where -- we did the Colorado jobs bill for Texas or
13 for Utah or for Arizona, because they're all welcoming
14 these industries with open arms and they're laughing at
15 us. We're talking 800 jobs. And you've all heard about
16 Magpul. You've all heard about Alfred Manufacturing.
17 But it's more than that. It's the small veteran owned
18 businesses in Colorado Springs, who I represent, that
19 are going to be forced to leave, or just flat-out quit
20 their business because they can't afford to do business
21 in Colorado because we don't promote their industry
22 anymore.

23 The firearms and ammunitions industry is a
24 \$33 billion industry a year. If we close the door on
25 this now, they're never going to come back. It's game

1 over. And in this kind of economy, I don't think that's
2 the message Colorado wants to send.

3 I respectfully ask for a no vote on this.

4 Thank you.

5 MR. SPEAKER: Representative Saine.

6 REPRESENTATIVE SAINÉ: Thank you,
7 Mr. Chair -- Master Speaker. I'll get that right some
8 day.

9 Colleagues, Representative Sonnenberg had
10 mentioned that he may have some defective magazines --
11 because I've heard a lot of talks about how magazines
12 kill people and about these horrible situations. Well,
13 Representative Sonnenberg, maybe your magazines aren't
14 defective; maybe they're lazy. Maybe they're lazy
15 because they haven't gotten up and killed anyone. I
16 would ask that we judge magazines after; maybe we'll
17 impound them after something has happened. Let's not
18 judge people, magazines, or Magpul guilty for a crime.
19 And, certainly, let's not judge people guilty before a
20 crime has happened.

21 I urge a no vote.

22 MR. SPEAKER: Representative Everett.

23 REPRESENTATIVE EVERETT: Thank you,

24 Mr. Speaker.

25 I also rise in opposition to House Bill

1 1224. Again, this ban is standard, standard-capacity
2 magazines. And, Representative Salazar, if you want to
3 go out and buy your AR with its standard-capacity
4 magazine, then go on the after-market and get your
5 low-capacity magazine, please go ahead, please go ahead,
6 but please don't vote away our rights. Please don't
7 vote away our rights.

8 Plus, as we saw the Clinton gun ban in
9 1994, according to the FBI, it statistically did
10 nothing, nothing to curve gun violence. In fact, in
11 2005, according to the FBI, the year after the Clinton
12 gun ban expired, justifiable homicides with a rifle were
13 cut in half. Yes, cut in half. I'd say it was because
14 the criminals knew law-abiding citizens could again use
15 equal force, so they were not committing as many crimes.

16 So what this bill does is penalize
17 law-abiding citizens and actually empowers the criminals
18 that would do us harm. It takes away our civil rights,
19 our ability to protect ourselves, our ability to protect
20 our families.

21 And I have another problem with this bill
22 that should cause us great concern, and this hasn't been
23 mentioned yet. This bill allows manufacturers in the
24 state of Colorado to sell to foreign countries -- and
25 that's on page 4, lines 24 to 27 -- to sell these

1 standard magazines to foreign citizens when our own
2 citizens will not be able to buy them. Yes, this is an
3 absolute travesty. When did our country, our great
4 state of Colorado fall behind foreign countries on
5 issues of civil liberties, on issues of civil rights?
6 This sounds absurd, absolutely this does sound absurd,
7 but that's what this bill does.

8 I've just cited a few reasons to vote no
9 on this bill, but there are many more. I hope members
10 of this (inaudible) see that this bill is just bad for
11 Colorado. I urge a no vote on 1224. Thank you.

12 MR. SPEAKER: Representative Priola.

13 REPRESENTATIVE PRIOLA: Thank you,
14 Mr. Speaker.

15 Members, I rise in opposition of 1224.
16 The bill, top to bottom, is arbitrary and capricious.
17 And it was also brought up the different sizes of
18 standard-capacity magazines. And I challenge you to go
19 to the Magpul website. I was back there looking at it.
20 They sell 10, 20, and 30. They do not sell 15. And I
21 think that's by design, the reason that amendment was
22 put on, because, in a sense, it really is a 10-round
23 limit, because the common sizes are 10, 20, 30 for the
24 manufacturer. So this manufacturer is going to leave.
25 And the two to 700 jobs are going to leave. And the

1 school district of those kids of the employees are going
2 to leave. And teachers are going to be laid off, and so
3 on and so forth. But I guess it let some feel better.
4 But you are taking away civil rights, constitutional
5 rights from your fellow Coloradans.

6 MR. SPEAKER: Representative Buck.

7 REPRESENTATIVE BUCK: Thank you,
8 Mr. Chair. And I -- Speaker. I apologize, sir.
9 Mr. Speaker.

10 I have to tell you, I have received an
11 abundance of e-mails, and I know all of you are getting
12 them on the other side. And, you know, I've made some
13 good friends. And I hope that you're listening and
14 reading those e-mails to oppose this House Bill 1224.
15 So I hope to see you around, and I hope you pay
16 attention to those e-mails. And I hope you vote no on
17 this bill. Thank you.

18 MR. SPEAKER: Mr. Minority Leader.

19 MR. MINORITY LEADER: Thank you,
20 Mr. Speaker.

21 Members, we've had a lot of debate on this
22 piece of legislation. We debated it a couple weeks ago,
23 and we've had some pretty significant debate today. I
24 think some good debate today. And I've got to tell you,
25 as we move forward, the list of things in this piece of

1 legislation that are troublesome continues to grow. We
2 uncovered yet another problem in criminalizing our
3 military members who want to purchase these magazines
4 and take them overseas. We don't know if it
5 criminalizes them or not, but it might. We admit that
6 it might. But we refuse to work on that, fix it, make
7 it better.

8 But there are also many other problems
9 with this bill, but the one that disturbs me the most is
10 the amendment that was placed on this bill to keep a
11 Colorado company manufacturing in Colorado.

12 Representative McCann came down and gave
13 us a lot of statistics. Now, those statistics relate
14 specifically to use of magazines with a capacity greater
15 than 15 or 30, or whatever, but she doesn't talk about
16 the impact on public safety; just the impact of these
17 particular things as they're used in crimes. Of course,
18 if you ban them, there will be fewer of them out there
19 and there will be fewer of them used in the commission
20 of a crime. But what every study says is that when they
21 quit using these instruments or these tools in the
22 commission of a crime, studies show that other tools and
23 other instruments will be used in the commission of a
24 crime, and that banning these, banning assault rifles,
25 even, has no impact on public safety.

1 And that's what this bill should be about.
2 It shouldn't be about trying to make people feel better.
3 It should be about enhancing public safety.

4 Now, we've had some disagreements and some
5 arguments over whether or not the passage of a magazine
6 ban will have any impact on public safety, but I'd
7 submit to you that actions speak louder than words.

8 When we put an amendment -- I guess before
9 I get there, Representative McCann came down and said
10 82 percent of mass shootings are accomplished with
11 high-capacity magazines. She said they're used in 14 to
12 26 percent of gun crimes. They cause a huge amount of
13 damage. And then she honored, rightfully so, the people
14 who lost their lives in Newtown, Connecticut. She
15 talked about folks that lost their lives in Arizona
16 during the Gabby Giffords shooting.

17 And as she did that -- she had that
18 discussion today and had that discussion some two weeks
19 ago when we debated this bill on the floor, but then
20 said, You know what? We're trying to protect these
21 people. We want to protect school children in Newtown,
22 Connecticut, and we have the power to do that. We can
23 do that by saying, No manufacturer will manufacture
24 these instruments of war in Colorado and sell them to
25 private citizens. That's what your bill originally

1 said.

2 But we said, you know, because we would
3 rather have the tax revenue from a company in Colorado,
4 we believe it's okay to manufacture, as Representative
5 Fields said, these instruments of war in Colorado, and
6 we believe it's okay to sell these instruments of war in
7 Newtown, Connecticut, in Arizona, in Virginia. In every
8 other place where we've had a mass shooting, you can
9 sell these instruments of war, but you can't sell them
10 in Colorado.

11 Members, if this is about public safety,
12 why aren't we protecting all of the public? You have
13 the power to do it. You have the power to do it by
14 banning the manufacture of these magazines in Colorado
15 and selling them to private citizens in Newtown,
16 Connecticut. But you chose not to do that. You chose
17 not to do it because you want to manufacture in this
18 state because you want the tax revenues. Actions speak
19 louder than words. And your actions say this doesn't
20 have an impact on public safety because we want them
21 sold here. But we want them manufactured here, and we
22 want them sold elsewhere. This doesn't have an impact
23 on public safety because we want you to be able to sell
24 them in Newtown, Connecticut. We want you to be able to
25 sell them in Virginia. We want you to be able to sell

1 them in Arizona, because we want the tax revenue.

2 Some say that's a monumental
3 inconsistency. I've said that before. But you know
4 what, Members? It's hypocrisy. Nothing short of
5 hypocrisy. If we want to protect the citizens of the
6 United States of America, then do it. If this bill
7 protects the citizens of the United States of America,
8 then it should protect all of them. But it doesn't,
9 because we all know this is just nothing more than a
10 feel-good measure. And your actions, whether you passed
11 an amendment saying so, indicated that very thing. Your
12 actions, when you passed an amendment saying you can
13 produce them here, you can't buy them here, but you can
14 sell them anywhere you want, your actions said that very
15 thing.

16 That's the problem with this piece of
17 legislation, Members. We all know, based on our
18 actions, that this bill, this piece of legislation will
19 have no impact on public safety. And if it did, you
20 wouldn't have passed the Salazar amendment some two,
21 three weeks ago.

22 We should be a no on this piece of
23 legislation because we all understand and agree that
24 this has no impact on public safety.

25 MADAM SPEAKER: Mr. Speaker.

1 MR. SPEAKER: Thank you, Madam Speaker Pro
2 Tem.

3 I don't think we do agree on that,
4 Mr. Minority Leader. And I want to be clear to begin
5 with, because you talk about the amendment that came on.
6 Let's remember that there was in the original bill an
7 exemption for manufacturing. What Representative
8 Salazar did was to clarify that amendment. That
9 amendment was in from the beginning of the bill and had
10 been when it was introduced.

11 And we can -- I know we disagree on the
12 policy, but our job here -- we are the general assembly
13 and the house representatives of the people for
14 Colorado. And we can only do what we can do. We can
15 only -- in the four corners of our state, we can make
16 the laws that apply there. We can't make laws for
17 Arizona, for Connecticut. We can do what we can here in
18 this chamber to protect, to the best of our ability, the
19 people in our state.

20 Now, I think -- and I don't know if anyone
21 else has had the opportunity to look at it, but Senator
22 Johnston, when he spoke the other day when this debate
23 was on the floor of the Senate, spoke eloquently about
24 this bill, and I commend everyone to listen to what he
25 said, because he talked about what happened in Newtown.

1 And he talked about what happened in Arizona and how, if
2 we could have had smaller magazines in Newtown, it might
3 have saved more lives, and the fact that when the
4 shooter in Newtown switched his magazines, they were
5 able to save 11 children's lives. That's what this is
6 about. That's what this is about.

7 And I know we heard a lot of people
8 saying, There's big changes in Colorado, and this is new
9 and interesting debate around gun safety issues. And I
10 just want to read a quote to you. The quote is:
11 Government of some kind we must have. And the question
12 narrows itself down to this point: Shall it be the
13 government of the knife and the revolver, or shall we
14 unite in forming here in our golden country a new and
15 independent state? That quote comes from the Rocky
16 Mountain News editorial from 1859, before we were even a
17 state.

18 This debate, these issues have been in
19 front of our state and our people since the founding of
20 our state, and continue. And that should happen. We
21 should have debate on this. It is an important topic.
22 It does deserve time and debate on this issue, because
23 it is a difficult thing. You're weighing individuals'
24 life and you're weighing individuals' Second Amendment
25 right.

1 And what we feel in our party and what we
2 feel, people who are supporting this, is that we are
3 trying to reach that balance, to make sure that when
4 there is -- because there will be another mass shooting,
5 it will happen, but when it does, that the people who
6 are in that situation have a fighting chance. So I ask
7 for a yes vote.

8 MADAM SPEAKER: Representative Duran.

9 REPRESENTATIVE DURAN: Thank you, Madam
10 Speaker Pro Tem.

11 Well, Members, thank you for the hours and
12 hours of debate on this issue. I think the legislative
13 record is very clear what is in this bill and what is
14 not and that the language is crystal clear.

15 I was looking at a Magpul website, and it
16 was interesting to see that on their own website they
17 talk about how they will only sell where state law
18 permits them to do so. It is up to each state to make
19 decisions regarding this issue, and it is up to the
20 federal government to make decisions regarding this
21 issue, of what we think results in public safety and
22 what we do not.

23 And today we are looking at the state of
24 Colorado specifically, and we have allowed other states
25 and the federal government to continue to make decisions

1 based on public safety. And I have said before that I
2 cherish Colorado's tradition and heritage of hunting and
3 being able to protect our ability to do that.

4 I also believe in protecting the right of
5 women to be able to protect themselves and the right of
6 individuals to be able to protect and defend themselves.
7 But this bill is not about hunting. And this bill goes
8 much further. It's simply, one, defending oneself,
9 because when we talk about people defending themselves,
10 what about the kids in elementary schools that didn't
11 have a gun, that didn't choose to have a gun? How were
12 they going to defend themselves? What about other
13 individuals that, when an attack takes place, because
14 they choose not to have a gun, how are they going to
15 defend themselves?

16 For the people that were in the movie
17 theater in Aurora, including my mother's cousin, who
18 didn't choose to carry a gun, how was he and his fiancée
19 going to protect themselves? What about the right to
20 defend yourself and protect yourself if you do not
21 choose to carry a gun? What about the right to defend
22 oneself if you are a child in a school and somebody
23 begins to shoot at you?

24 It is offensive and obscene that, in the
25 state of Colorado, we have laws that protect pheasants

1 more than we do human beings. Look at our laws. If
2 you're a hunter, you want to hunt pheasants, there is a
3 maximum number of shells that you can have in your gun.
4 And why? So that when you look up and shoot at the
5 pheasants, the pheasants have a fair shot at getting
6 away. The pheasants have a fair shot at getting away.

7 We have more protections in the state of
8 Colorado for animals than we do human beings. You want
9 to go hunting, you have to go through a safety class.

10 How many more kids in coffins do we have
11 to see before we make changes? How many more mass
12 shootings in schools and movie theaters do we have to
13 say -- see before we make changes? And how many more
14 victims need to come to the capitol and say, Please make
15 changes. My life has been changed forever because I
16 lost a son, I lost a daughter, I lost a mother, I lost a
17 father to gun violence. How many more?

18 If we pass this law today, those kids in
19 schools and those people who went to a movie theater to
20 go enjoy an evening with their family will have the
21 opportunity, at least at a minimum, to get away by
22 banning this. And this is what this is about. It is
23 about defending human life and giving people the ability
24 to get away in a tragic situation like, God forbid, what
25 has happened in the state of Colorado.

1 Thank you.

2 MR. SPEAKER: Representative Fields.

3 REPRESENTATIVE FIELDS: Thank you,

4 Mr. Speaker.

5 You know, I am saddened by some of the
6 remarks that I've heard today, when I hear things like:
7 This bill does not impact public safety; when I hear
8 things that says like this bill is going to create
9 criminals out of law-abiding citizens or that this bill
10 takes away someone's Second Amendment rights.

11 Members, this bill is all about saving
12 lives and making our community less dangerous. I tell
13 you that enough is enough. I am sick and tired of the
14 bloodshed. And whatever we can do to curve gun violence
15 in our community, we have a responsibility to do that.

16 As you know, the theater shooting that
17 happened in Aurora happened in my district. And I know
18 firsthand the trauma that's associated with
19 high-capacity magazines. When high-capacity magazines
20 that are used over and over and over in these massacre
21 crime scenes -- many times the first responders have to
22 deal with posttraumatic stress, when they go into a
23 theater, when you think that that should be a place
24 where there should be just entertainment, an officer or
25 first responder goes in there and they have to look at

1 that war scene of somebody using a high-capacity
2 magazine.

3 Imagine what the first responders saw when
4 they went into Sandy Hook Elementary School, where you
5 had someone use a high-capacity magazine, point-blank,
6 shooting babies in the head.

7 What this bill will do, it will restrict
8 high-capacity magazine limit to 15. Simply do the math.
9 A smaller magazine will require less time and more time
10 for someone to intervene to stop someone who's using a
11 high-capacity magazine to kill as many people as
12 possible. Do the math. Do you need 100? Do you need
13 50?

14 This bill limits it to 15, giving people
15 in our community just enough time to intervene to save
16 lives.

17 There's been some talk about: Think about
18 the families. Think about the jobs. And I have. I
19 have thought about the families, and I have thought
20 about the jobs. And this bill does not have anything in
21 it that says that Magpul should leave our state.
22 There's nothing in this bill that states that.

23 What I do know for sure is that
24 high-capacity magazines have one purpose, and that is to
25 kill as large a number of people as possible, as quickly

1 as possible, in places that we see as being sacred, like
2 our churches, like our schools. There's no place in our
3 community and in our neighborhoods for high-capacity
4 magazines.

5 As you've heard before, these are weapons
6 that should be used in a theater of war and not in our
7 local theaters.

8 High-capacity magazines have one thing in
9 common. It's a common thread in all of these massacres.
10 We talked about Newtown and Oak Creek and Arizona and
11 Aurora. We have seen in Aurora the gunman who had a
12 high-capacity magazine that held 100 rounds of bullets
13 go into a theater and, in 90 seconds, was able to kill
14 or injure 70 people. He could have done more damage if
15 that gun, if that magazine, wouldn't have jammed.

16 This bill is about saving lives, and it's
17 not about taking away anyone's Second Amendment rights.
18 The polling that I've seen states that 62 percent of the
19 people in Colorado support a ban on high-capacity
20 magazines.

21 You heard some reference about an East
22 Coast politician. Well, I'm from the state of Colorado.
23 Bloomberg is not running this legislation. I am. And
24 I'm running it for my constituents. I'm running it for
25 the state of Colorado, because I believe that it will

1 impact public safety and it makes our community less
2 dangerous.

3 We had testimony in committee where the
4 sister of the school psychologist in Sandy Hook
5 testified. And I'm going to read you a portion of that
6 letter because she said that her brother-in-law, when he
7 went to view the body, he couldn't recognize her because
8 of the damage that was done. And the only way that he
9 was able to identify her was by her name tag.

10 I've heard on news reports where this one
11 parent decided that she was going to let the coffin be
12 open so people could see the damage that was caused to
13 her baby by the use of a high-capacity magazine. Her
14 letter goes on to say that she has witnessed and seen
15 firsthand that these weapons and high-capacity magazines
16 are capable of causing great harm, not only in Sandy
17 Hook, but right here in Colorado. And that's why she
18 suggests that we pass this bill.

19 She goes on to state that we cannot wait
20 for yet another massacre to transpire before we take
21 real action. She asked that we honor her sister's life
22 and all lives that are lost as a result of gun violence,
23 that we are all elected as leaders, that we should honor
24 our oath and our office to protect and defend. And she
25 asks us to pass this legislation.

1 I also have a letter here from the family
2 members of a 15-year-old -- 24-year-old, Jessica Ghawi.
3 She was a beautiful 24-year-old red-head that had only
4 lived in the state of Colorado for a year and 15 days.
5 She goes on to state that the alleged gunman was able to
6 purchase 6,000 rounds of ammunition on the Internet.
7 Jessica was an aspiring broadcasting journalist
8 attending Metro State University. She had just bought
9 some popcorn and found her seat in the middle of the
10 theater, and Jessica tweeted her mom because she
11 twitters all the time. So minutes before her death, she
12 texted her mom --

13 MR. SPEAKER: Representative Fields, you
14 have 30 seconds remaining.

15 REPRESENTATIVE FIELDS: She said, Mom, get
16 some sleep. I'm really excited for you to come visit.
17 Need my mom.

18 And her mom replied: Need my baby girl.

19 Members, this bill is about public safety.
20 This bill is about saving lives. And I urge a yes vote
21 to House Bill 1224.

22 MR. SPEAKER: Seeing no further
23 discussion -- seeing no further discussion, the question
24 before the House is the repassage of House Bill 1224.
25 Mr. Kolar, please open the machine and members proceed

1 to vote.

2 Representative Tyler.

3 Close the machine. With 34 aye votes, 30
4 no votes, one excused, and zero absent, House Bill 1224
5 is repassed.

6 Co-sponsors. Close the machine.

7 Mr. Kolar, please read the title to House
8 Bill 1229.

9 MR. KOLAR: House Bill 1229,
10 Representatives Fields and McCann, also Senator Carroll,
11 concerning criminal background checks performed pursuant
12 to the transfer of firearms in connection with making
13 appropriation.

14 MR. SPEAKER: Representative Fields.

15 REPRESENTATIVE FIELDS: Mr. Speaker, I
16 move that the House reject senate amendments to House
17 Bill 1229 and that a conference committee be appointed.

18 MR. SPEAKER: Please don't applaud,
19 Members.

20 (WHEREUPON, the audio recording was
21 concluded.)

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CERTIFICATE

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STATE OF COLORADO)

) ss.

CITY AND COUNTY OF DENVER)

I, Jana Mackelprang, Certified Realtime Reporter, Registered Professional Reporter, and Notary Public for the State of Colorado, do hereby certify that this transcript was taken in shorthand by me from an audio recording and was reduced to typewritten form by computer-aided transcription; that the speakers in this transcript were identified by me to the best of my ability and according to the introductions made and the information provided; that the foregoing is a true transcript of the conversations; that I am not an 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 hereunto affix my hand and notarial seal this 31st day of July, 2013. My commission expires January 24, 2016.

Jana Mackelprang
CRR, RPR, Notary Public
Calderwood-Mackelprang, Inc.