

# COLORADO HOUSE OF REPRESENTATIVES AND SENATE DEMOCRATS

## JOINT NEWS RELEASE

February 5, 2013

### COLORADO LEGISLATORS WORK TOGETHER TO PIONEER GUN SAFETY LEGISLATION

DENVER -- Seeking to reduce the level of gun violence in Colorado, Democratic Leadership unveiled a comprehensive package of gun safety legislation to prevent dangerous people from buying firearms, restrict sales of some weapons accessories, and bolster Colorado's mental health system.

"Coloradans have asked us to lead on this issue – not to stand idly by while children are being gunned down in schools and movie theaters. In response we have created unique Colorado solutions to our unique Colorado problems," said Senate President John Morse.

"As a civilized society, we cannot stand back and wait for another Columbine, another Aurora," said Speaker of the House Mark Ferrandino. "The legislation we introduce will not bring all gun violence in Colorado to a screeching halt, but it will reduce gun violence. It will mean fewer devastated families."

The gun safety plan strikes a balance between securing our neighborhoods and protecting the right to bear arms.

The following is a list of bills and concepts created by Democratic members of the Colorado Senate and House of Representatives. Some of the bills are written, while others are still in the drafting process. The completed bills may be introduced as early as Wednesday, February 6, 2013.

**Assault Weapon Responsibility Act** -- (Senate President John Morse, Representative Beth McCann) This bill will create strict liability for manufacturers, sellers, owners, and possessors of firearms, with the exception of handguns, bolt action rifles and shotguns.

**Firearm Background Check Modernization Act** – (Representative Rhonda Fields, Representative Beth McCann, Senate Majority Leader Morgan Carroll) This legislation will require background checks for all gun buyers, regardless of how they acquire their guns. The bill also includes provisions to enhance the real-time sharing of mental health data between state and federal agencies; and a provision to allow individuals denied access to firearms to appeal those denials.

**High-Capacity Magazine Ban** – (Representative Rhonda Fields, Senator Mary Hodge) This bill will ban the sale, transfer, and ownership of all new ammunition feeding devices (magazines, strips, and drums) capable of accepting more than 10 rounds, after the enactment date of the bill. Additionally, it will prohibit the sale or transfer of large-capacity ammunition feeding devices lawfully possessed on the date of enactment of the bill.

**Mental Health Support – (Representative Beth McCann)**

The bill directs mental health professionals to notify the CBI if in their professional capacity they conclude that a person poses a danger of serious physical harm to self or others. CBI would then place that person's information into the Insta-background check database so that the person would not be able to purchase a gun. Additionally, the bill would direct that an individual be assessed by a mental health professional for danger to possess a firearm at the time of release from civil commitment, if that commitment was for dangerousness. If the person is assessed dangerous to self or others, the mental health professional would notify CBI so that the person would be flagged in the system. The bill provides an opportunity to have gun rights restored to individuals through the courts.

**Domestic Violence Safeguards – (Senator Evie Hudak, Representative Beth McCann)**

The bill will strengthen the protections in our laws to prevent those who have domestic violence convictions, or protective orders issued against them, from possessing firearms. This will help protect victims of domestic violence from further violence by clarifying state statute to comply with federal regulations and ensure those already convicted of a domestic violence crime, or who have a protective order against them, cannot access weapons.

**In-Person Training for Concealed Carry Permits -- (Senator Lois Tochtrop, Representative Jenise May)**

The legislation specifies that concealed carry permit holders, who are not exempt from training, must undergo training in-person. It prohibits training from being done online.

**Closing the Background Check State Subsidy – (Representative Lois Court, Senator Rollie Heath)**

This bill would end an existing state subsidy and could reduce wait times by requiring individuals to pay for their own background checks from the CBI -- which cost about \$10.

**Campus Safety – (Representative Claire Levy, Senator Rollie Heath)**

This bill clarifies that concealed carry is prohibited in most areas on college campuses in Colorado, including stadiums and arenas, to help keep our young people safe and our college campuses secure from violence.

## FURTHER INFORMATION

### ASSAULT WEAPON RESPONSIBILITY ACT

(PRES. JOHN MORSE, REP. BETH MCCANN)

#### PROBLEM:

Military-style assault weapons are a common thread linking the recent massacres in Aurora, Tucson, Newtown and others. Because these weapons were originally designed for combat, specifically to kill large numbers of people in a short period of time, they made it possible for the mass shooters in those tragedies to kill or injure from nine to 70 people in a single incident.

#### BACKGROUND INFO:

For far too long, gun owners, dealers and manufacturers have shifted responsibility for the damage caused by these guns to the families of the injured or murdered, our health care system, the state and ultimately the taxpayers. Any private benefit for a person to own such rifles is far outweighed by the additional danger they pose to the public.

#### SOLUTION:

With rights come responsibilities. The Second Amendment gives citizens the right to bear arms, but does not absolve us of the responsibility that goes along with that right. While semi-automatic firearms account for less than two percent of the roughly 300 million guns in the United States, the consequences of their use are disproportionately devastating. Rather than approach the problem by banning particular types of weapons, this solution will marry the **right** with the **responsibility**, ensuring that those who put these guns on our streets pay the full cost imposed on our society.

The Assault Weapon Responsibility Act would:

- Create strict civil liability for owners of firearms with the exception of handguns, bolt action rifles and shotguns.
- Create strict civil liability on the transfer, sale, or manufacture of these firearms.
- Remove Colorado statutes that exempt manufacturers, importers and dealers from their responsibility for the damages done by their products.

## FURTHER INFORMATION

### FIREARM BACKGROUND CHECK MODERNIZATION ACT

(Rep. Rhonda Fields and Rep. Beth McCann; Majority Leader Morgan Carroll)

#### PROBLEM:

An estimated 40% of all gun purchases occur without a background check, allowing hundreds of thousands of guns to get into the hands of criminals each year. Current law in Colorado only requires background checks on gun purchases that take place at gun stores and gun shows, but not for private sales or sales on the web. A recent undercover investigation showed that 62 percent of private sellers on the Internet were willing to sell to someone who said he couldn't pass a background check.

#### BACKGROUND INFO:

Background checks are the only systematic way to stop felons, domestic abusers, the seriously mentally ill and dangerous people from buying firearms. Criminals and other prohibited purchasers often avoid background checks by buying from unlicensed "private sellers" who are not required by federal law to conduct them. According to national survey of incarcerated individuals, nearly 80 percent of those who used a handgun in a crime acquired it from a private seller. This "private sale loophole" fuels a criminal market for firearms and contributes to the murder of 34 Americans every day with guns.

Narrowing this loophole keeps more dangerous people from buying firearms. Evidence shows that states that have taken steps to close the private sale loophole have lower rates of illegal gun trafficking and fewer domestic violence killings and suicides committed with firearms.

Of the 20 U.S. cities with the least intrastate gun trafficking, 18 are located in states that regulate private sales. After the mass shooting at Columbine, an overwhelming majority (70 percent) of Coloradans voted to require unlicensed sellers at gun shows to conduct background checks. Since closing the "gun show loophole," Colorado has exported significantly fewer "crime guns" to other states. In 2000, the state was the 17th largest exporter of guns later found at crime scenes in other states. A year after closing the gun show loophole it ranked 27th, and by 2009 it ranked 32nd. In 2011, background checks prevented 5,832 criminals from buying guns in Colorado.

#### SOLUTION:

Legislation to close the private sale loophole in Colorado would:

- Require private sellers to perform a background check before the sale is completed.
- Have a background check conducted at a licensed dealer.
- Exempt certain other gun transfers from background checks, providing firearms as gifts to immediate family members and transferring a firearm as part of an inheritance.
- Penalties for noncompliance would be a fine of up to \$5000, up to 18 months in jail, and loss of ability to buy a gun for two years.
- Include provisions to enhance the real-time sharing of mental health data between state and federal agencies; and a provision to allow individuals denied access to firearms to appeal those denials

## FURTHER INFORMATION

### BAN HIGH-CAPACITY AMMUNITION MAGAZINES ACT

(REP. RHONDA FIELDS, SEN MARY HODGE)

#### PROBLEM:

High-capacity magazines were designed to for one thing -- killing large numbers of people quickly. They have no place in our communities and on our streets. Mass shootings in Aurora, Newtown and Tucson have demonstrated all too clearly the need to regulate high capacity ammunition magazines. These weapons allow a gunman to fire a large number of rounds quickly and without having to reload. Americans can legally buy more firepower than the U.S. military gives its service members on the battlefield. The standard basic ammunition load for an American soldier fighting in Iraq was seven magazines with 30 rounds each. The Aurora shooter used a drum with more than three times the rounds of an American soldier.

#### BACKGROUND INFO:

Survivors of recent massacres can attest that the only thing stopping the barrage of bullets was that the shooter's gun jammed. On July 20, 2012 in the Aurora theater, more than 70 people were killed and injured in 90 seconds. A problem with his 100 round magazine caused the gun to jam, sparing countless lives inside the theater. During the shooting at Representative Gabby Gifford's town hall in Tucson, had Jared Lee Loughner's gun not jammed, and had he been successful at firing the second magazine, it would have been an even greater catastrophe. The use of high-capacity magazines coupled with military-style assault weapons is what allows these killers to carry out these deadly massacres so quickly.

#### SOLUTION:

High-capacity magazines – devices used to boost a weapon's firing power – were prohibited from 1994 until 2004, under the Federal Assault Weapons Ban. Since its lapse, high-capacity magazines have become easily accessible, turning up on shelves in gun shops and sporting goods stores. Banning high-capacity magazines that hold more than 10 rounds does not infringe on the rights of responsible gun owners, but restores a sensible safeguard that protects our families and children.

Legislation on high-capacity magazines in Colorado would:

- Ban the sale, transfer, and ownership of all new ammunition feeding devices (magazines, strips, and drums) capable of accepting more than 10 rounds after the enactment date of the bill.
- Prohibit the sale or transfer of large-capacity ammunition feeding devices lawfully possessed on the date of enactment of the bill.
- Penalties for noncompliance would be a fine of up to \$1000 and 12 months in jail.

Widespread Support:

- According to a survey conducted by Colorado pollster Chris Keating, 61% of Colorado voters support requiring a ban on high-capacity magazines.

- A national survey by pollster Doug Schoen found that 72% of voters support banning high capacity ammunition magazines, or gun clips that hold more than 10 bullets at a time. The survey also found that 59% of gun owners and 47% of NRA members agree with this ban.