

House Judiciary

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HB25-1232 Liability When Means of Self-Defense Prohibited

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Aaron Mercer For themselves	Good day, I am submitting this written testimony in support of this bill. Coloradans and Americans should have every opportunity to defend and protect themselves, their families and fellow citizens. Keeping people from legally exercising our 2nd Amendment rights by not allowing us to potentially defend ourselves should be made liable for not keeping Coloradans safe. As a Marine Corps and Law Enforcement Veteran and a Colorado Native I would encourage everyone to support this bill. Only the criminals will do evil to us. Thr law abiding, such as myself, are the front line of defense to keep ourselves, our families and fellow citizens safe. I encourage a yes vote. Thank you for your time.
Mark Kaiser For themselves	Understanding the Impact of HB 1232 on Public Safety and Liability An Examination of Legislative Measures to Prevent Criminal Acts Introduction HB 1232 represents a significant legislative effort aimed at addressing the vulnerabilities—or "soft spots"—that criminals exploit to gain notoriety by causing harm to as many people as possible within a short span. This bill proposes a critical shift in public safety policies by enforcing liability on entities that restrict the use of tools necessary for self-defense. The Problem It is a well-documented reality that individuals with malicious intent often seek to maximize their impact by targeting defenseless victims. The current regulations, which can limit the ability of law-abiding citizens to protect themselves, inadvertently create opportunities for such criminals. By hindering the possession or use of defensive tools, these restrictions leave individuals and communities vulnerable. The Proposal: HB 1232 HB 1232 aims to ensure that entities—be they private businesses, public institutions, or other organizations—that prohibit individuals from possessing or using tools for self-defense can be held liable for any resulting harm. This legislative measure seeks to: <ul style="list-style-type: none">• Protect the right of individuals to defend themselves and others from imminent threats.

	<ul style="list-style-type: none"> • Hold accountable those entities that impose restrictions on self-defense tools, ensuring they bear the consequences of their policies. • Reduce the appeal of "soft spots" for criminals by eliminating environments where potential victims are defenseless. <p>Implications for Public Safety</p> <p>The enactment of HB 1232 could lead to several positive outcomes:</p> <ul style="list-style-type: none"> • Enhanced Deterrence: The knowledge that individuals are equipped and prepared to defend themselves may deter would-be attackers. • Increased Accountability: Entities that impose restrictive policies would be incentivized to reconsider their stance, balancing safety concerns with the need for personal defense. • Community Empowerment: People would feel more secure knowing they have the means to protect themselves and their property. <p>Potential Challenges and Considerations</p> <p>While the goals of HB 1232 are clear, its implementation must carefully consider:</p> <ul style="list-style-type: none"> • Consistency with Existing Laws: Ensuring that HB 1232 aligns with broader legal frameworks governing self-defense and liability. • Defining "Tools for Self-Defense": Establishing clear guidelines on what constitutes acceptable defensive tools to prevent misuse or overreach. • Balancing Rights and Restrictions: Maintaining a balance between individual rights to self-defense and public safety regulations. <p>Conclusion</p> <p>HB 1232 offers a compelling solution to a pressing public safety issue by addressing the liability of entities that limit self-defense capabilities. By holding such entities accountable, the bill aims to create a safer environment where individuals have the necessary tools to protect themselves against criminal elements. The success of this legislative measure hinges on thoughtful implementation and ongoing evaluation to ensure it effectively enhances public safety without unintended consequences.</p>
<p>Keith Emerson For himself</p>	<p>In <i>Town of Castle Rock v. Gonzales</i> the Supreme Court ruled 7-2 that, as Wikipedia notes, "This decision affirmed the controversial principle that state and local government officials have no affirmative duty to protect the public from harm it did not create." This leaves it up to the individual to protect themselves because the government has "no affirmative duty" to protect you.</p> <p>A few years ago one of my neighbors tripped, fell, and injured themselves on a crack in another neighbor's driveway. The driveway owner's insurance paid for medical care as it was typically considered the owner's responsibility to maintain the safety of their property.</p>

	<p>Here we have HB25-1232, which briefly states that if a property owner does not allow a person to have the tools needed to protect themselves it becomes the property owner's responsibility to keep them safe from foreseeable harm.</p> <p>I support this bill because I agree that it is my responsibility to protect myself. When stripped of that ability my safety becomes the responsibility of whoever decided to take away my ability to defend myself.</p> <p>Please pass this HB25-1232.</p>
<p>Leif Sigstedt For themselves</p>	<p>This is a very common sense piece of legislation. Our right to bear arms gives us the right to defend ourselves wherever we are. In my opinion the only way that we should perhaps be allowed to be legally disarmed anywhere at all is in a very specific type of place that has comprehensive security that also takes over the liability for our protection. Sadly this isn't how things are now, but we could take a huge step towards this by passing this bill. This would show our understanding for one of the main purposes of the 2nd Amendment and would make people think twice before wanting to disarm the law abiding. Please join with me in supporting this amazing piece of legislation. I'm sure that the courts will someday rule that this is already the way things should be, based on our long history and our traditions surrounding situations in which people can be temporarily disarmed. Thanks for your time and consideration.</p>
<p>Matthew Koziolk For themselves</p>	<p>Good afternoon,</p> <p>I am urging you to vote YES in support of HB25-1232. As a CHP holder I am frustrated with the state legislature's efforts to consistently make it harder to defend ourselves, and pushing for more "gun free" aka "criminals will meet no opposition" zones.</p> <p>Criminals know that these places are easier to commit crimes. Even the Aurora movie theater shooter told police he picked that one, despite being further from his home than other theaters, because it was a gun free zone.</p> <p>Places that ban carrying a concealed handgun, despite the holder being permitted under state law, rob us of our right to defend ourselves and loved ones in the event of a dangerous situation.</p> <p>Please support this bill so that we can hold accountable the institutions who wish to disarm the citizens, holding them accountable for our safety in the event that their "gun free zone" attracts violent acts.</p>

	Sincerely, Matthew Koziolk
<p>Heather Stauffer Against Colorado Municipal League</p>	<p>Thank you Chair Mabrey and members of the committee, thank you for the opportunity to testify on the critical issue. I come before you today to ask for a “no” vote on HB25-1232 and the need for balanced liability protections that allow local governments to function effectively. HB25-1232 places undue liability on the backs of municipalities who limit guns in public buildings and public facilities.</p> <p>Local governments serve as the backbone of our communities, providing essential services such as public safety, infrastructure, education, and emergency response. However, they operate within constrained budgets, funded primarily through taxpayer dollars. When municipalities face excessive legal claims and liability costs, these expenses divert limited resources away from vital public services.</p> <p>Without reasonable liability limitations, cities and counties are vulnerable to costly lawsuits, which can:</p> <ul style="list-style-type: none"> • Force local governments to cut funding for public safety, schools, and infrastructure projects. • Lead to increased taxes or fees to cover legal settlements and judgments. • Create a chilling effect, discouraging municipalities from implementing necessary but potentially litigious policies. <p>Excessive litigation and large payouts can bankrupt smaller municipalities, leaving residents without the essential services they depend on.</p> <p>A fair and balanced approach is necessary to protect local governments from excessive liability while still ensuring accountability. Measures such as damage caps, sovereign immunity provisions, and pre-litigation mediation requirements can:</p> <ul style="list-style-type: none"> • Provide financial predictability for local governments. • Prevent frivolous lawsuits and encourage responsible governance. • Allow for fair compensation when genuine harm occurs without jeopardizing municipal budgets. <p>Limiting local government liability is not about shielding wrongdoing, it is about ensuring that our cities, towns, and counties can continue to serve their residents effectively. If we do not address this issue, we risk weakening the ability of local governments to respond to the needs of their communities. I urge this committee to consider policies that strike the right balance between accountability and sustainability.</p> <p>Thank you for your time and consideration, Sincerely, Heather Stauffer Colorado Municipal League</p>
Cooper Dayton	I’m here today to speak in opposition to House Bill 25-1232, Liability when Self-Defense is Limited on behalf of myself and Colorado Ceasefire.

<p>Against themselves</p>	<p>I moved to Colorado in 2020, during the middle of the pandemic, and have been here ever since. I have been a supporter for gun violence prevention, and this passion increased after I was shot in the chest right outside the steps of this building on June 25, 2022.</p> <p>This bill is not considered reasonable in any context. I am an auditor by trade and where our standard is what a reasonable person would be comfortable with. Reasonable people don't want to think their only option when having friends over is everyone brandishes firearms, or you pay millions if someone gets shot.</p> <p>What happened to building community and trust, instead of spreading fear and paranoia? Are we seriously expecting to be shot in any place we go? Are there no places where we can just be safe? According to the FBI, less than 5% of the time is a "good guy with a gun" stopping someone. Meanwhile, it's far more likely it will be used in a crime or accidentally shoot someone.</p> <p>To put liability on the owner of an establishment because someone wants to play hero, instead of addressing the root cause of why there are so many shootings in the first place is shameful at best, and grossly negligent at worst. I strongly oppose this bill.</p> <p>Thank you for your time.</p>
<p>Eileen McCarron Against Colorado Ceasefire</p>	<p>Good afternoon. I am Eileen McCarron and I speak for Colorado Ceasefire n opposition to HB1232.</p> <p>In 2003 Colorado enacted Concealed Carry law. In arguments for the law and in the law itself, it reserves the right to private residences and businesses to prohibit firearms on their property. It was emphasized that the law was not forcing guns on any establishment, as they could always opt out.</p> <p>Colorado Revised Statutes 18-12-214: Nothing in this part 2 shall be construed to limit, restrict, or prohibit in any manner the existing rights of a private property owner, private tenant, private employer, or private business entity.</p> <p>Without actually changing the language in the statute, this bill, if law, would in essence, rescind the private property protection provisions of the CCW act of 2003.</p>

	<p>This proposal is a backdoor method to make firearms present in every byway of our lives. In our businesses, in our workplaces, in our public buildings, and even in our very own homes. It implies that Guns Everywhere is a good thing. Hardly.</p> <ul style="list-style-type: none"> • Kellerman’s breakthrough study in 1998 showed that a gun in the home is far less likely to be used in self-defense than in an unintentional shooting, suicide, assault or homicide. • Additionally, Right-to carry laws are associated with a 13-15% higher rate of violent crime. (Donohue, Journal of Empirical Legal Studies, 2019) • Finally, a recent academic study found that active shootings were 62.5% less likely to occur in gun free zones. (Reeping, U Cal Davis, + Columbia University + U Michigan, September 2024, published Lancet Regional Health Americas. Matched pair study). <p>We in America swear by the principle that One’s Home is One’s Castle. But this bill overrides that and would require me to endanger my family and guests to avoid liability. Please vote no.</p>
<p>Melissa Flanell For themselves</p>	<p>Honorable members of the committee, I am Melissa Flanell and I come before you today to testify strongly in favor of House Bill 1232. As a firearms instructor, I have trained thousands of people to handle their firearm in a safe and effective manner and I know these people who represent a wide variety of demographics are some of the most law-abiding citizens in our state.</p> <p>This bill doesn’t reward reckless behavior, it enables trustworthy and trained individuals to protect themselves and innocent people while holding property owners liable for their policies’ consequences.</p> <p>While government entities like the capitol, non-federal establishments and organizations set their own policies with public safety in mind, they create a unique legal and ethical dilemma:</p> <p>individuals are disarmed by mandate but not guaranteed protection in return and if an entity prohibits self-defense tools on its premises, yet fails to provide adequate security, those who suffer harm as a result have little to no recourse.</p> <p>This bill is about rationality and accountability. While property owners are allowed to set their own rules, it also gives responsible gun owners the ability to seek justice if they’re harmed due to a gun-free policy.</p>

	<p>We've all seen the heartbreaking stories of tragedies that occur in places where people are disarmed and left vulnerable- schools, malls, movie theaters and other public spaces. These soft targets have endured some of the most mass shootings in history. This bill establishes necessary liability and responsibility, ensuring the organizations implementing such prohibitions are held accountable when their policies result in preventable harm.</p> <p>HB 1232 would create an incentive for property owners and institutions to take proactive safety measures and reinforces the principle that safety restrictions should not come at the cost of individual security. I urge you to support this bill and to stand up for accountability, fairness, and public safety. It's a common-sense solution that balances property rights with the right to self-defense.</p> <p>Thank you for your time and it's an honor to address this committee today.</p>
<p>Matt Eide For himself</p>	<p>No one wants a threatening situation to arise. But we live in a world where they do. This bill addresses situations in which life or safety is threatened. Under such conditions, what should happen? Should innocents have the tools with which to defend themselves against serious bodily harm? Or will legislators suggest that under such circumstances (distasteful to us all) but given that they arise—under such circumstances, will legislators suggest that the preferred outcome is the prevailing of criminal violence and the suffering of the innocent? Or will our representatives instead require that a property owner who suggests this preference should be held partly responsible for such an outcome?</p> <p>That is the choice before the committee today. Given that bad people do bad things, that good people have bad days, or bad trips, and do bad things; shall society promote the success of attempts to do bad things? Or will you promote every possibility that such attempts be thwarted?</p> <p>Please vote for HB25-1232. Thank you.</p>

Testimony in support of: HB25-1232 Liability When Means of Self-Defense Prohibited
The Firearms Coalition of Colorado, PO Box 1454, 80150-1454

Thank you, Chair and Committee

My name is Robert Edmiston. I am with the Firearms Coalition of Colorado an NRA-affiliated, all-volunteer, grassroots organization dedicated to the protection of individual rights and public safety.

I am a former U.S. Army Officer and Vocational Rehabilitation Counselor. I have a Master's Degree in Psychology, Counseling and Guidance.

I am writing in support of the measure under consideration. We believe that property owners, including government entities, should be held accountable for harm caused by policies that inhibit citizens' ability to defend themselves against criminal behavior.

In Recent years, the Colorado Legislature has passed numerous bills to hold the firearms industry liable for the misuse or potential misuse of their products. Laws have included, but not been limited to: facilitating lawsuits against the industry, increasing state regulation and licensing of sales, and taxes on firearms and accessories. Many bills have also passed that make it more difficult for citizens to defend themselves, such as "safe storage" laws, "safe spaces" bills, and more stringent requirements for concealed carry permits.

One of the most glaring misconceptions related to the regulation of firearms is the misconception that posting a "Gun Free Zone" sign will deter a would-be criminal from engaging in criminal behavior with a firearm. So-called "Gun-Free Zones" might be more appropriately called "Criminal-Friendly Zones," or "Criminal Safe Free Fire Zones," since the people in charge have chosen to restrict the ability of citizens for self-defense.

The fundamental flaw in the myth of the efficacy of "Gun Free Zones" was recognized centuries ago by Cesare Beccaria, an eminent Italian promoter of prison reform and an early opponent of the death penalty. He wrote:

"False is the idea of utility that sacrifices a thousand real advantages for one imaginary or trifling inconvenience; that would take away fire because it burns, and water because one may drown in it. The laws that forbid the carrying of arms are laws of such a nature. They disarm only those who are neither inclined nor determined to commit crimes. Can it be supposed that those who have the courage to violate the most sacred laws of humanity, will respect the less important and arbitrary ones, which can be violated with ease and impunity, and which, if strictly obeyed, would put an end to personal liberty -so dear to humanity, so dear to the enlightened legislator- and subject innocent persons to all the vexations that the guilty alone ought to suffer? Such laws make things worse for the assaulted and better for the assailants; they serve to encourage rather than to prevent homicides, for an unarmed person may be attacked with greater confidence than an armed person."

Research indicates that most mass casualty events involving firearms take place in “Gun Free Zones.”

[John Lott: Gun-free zones invite mass shootings – Twin Cities.](#)

We believe that, given the logical lapse in the “Gun Free Zone” myth, and the danger inherent in places where criminals are given free rein, we believe it is only fair and equitable that property owners be held accountable for harm that results from such policies. This proposal is a good step in that direction.

We urge an “aye” vote on this bill.

Thank you.

Robert Edmiston
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