

Arguments For

HB16-1024

CONCERNING THE REPEAL OF CERTAIN PROVISIONS
CONCERNING AMMUNITION MAGAZINES

Fredric Calhoun

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HB16-1024 Narrative

The assertion is often made that smaller magazines will save lives. The problem with that logic is that the aggressor always has the advantage - he can choose the time, place, environment, protection, firearms, tactics and is aware of what is happening and has the element of surprise and smaller magazines won't necessarily change the outcome because the aggressor can plan on it and train for it. As shown on page 2 from actual demonstrations, the total end-to-end time difference to aim, fire and swap magazines varies anywhere from 1.4 seconds for an experienced shooter to 2.4 seconds for a novice. On page 3, if only the time to swap magazines is considered, the times of 9 independent demonstrations range from 0.3 to 3.5 seconds. So is 3.5 seconds really going to make a difference? As shown in the video referenced on page 4, a person who starts running when he realizes a magazine swap commences can move only 9 to 14 feet before the next shot is fired. And this "getaway" tactic is ineffective if the shooter reloads during a lull before the firearm is empty as was rumored to have been done by the Sandy Hook killer.

We also hear the argument if mass killers didn't have large capacity magazines there wouldn't be as much carnage. The problem with that theory is there are other more lethal options thanks to the Internet. As an example consider the person shown on page 5 who constructed a homemade flamethrower and when you look at its performance on page 6 and overlay it on the Aurora theater on page 7, I estimate a person with such a device from a single firing position could expose 101 individuals in 5 to 15 seconds to a 1500 degree flame that would instantly char their skin and sear their lungs while simultaneously drenching them and the facility in flaming gasoline that would set the facility on fire and hinder rescue efforts - and if the person chose to move around and take 4 minutes like the real killer, the carnage would be even worse and all the magazine bans or other gun laws would not have made any difference. So what would you do then? Pass laws to ban plumbing parts and gasoline?

As summarized on page 8 what is especially egregious about this law is the way it is written - specifically it does not define "owner" or "continuous possession" or "readily convertible" and without clarification it becomes another abstruse and onerous restriction imposed on friends and family members. Based on my interpretation of this law in order to be compliant you would have to take all of your magazines with you wherever you go - but it is argued these restrictions don't apply because of technical guidance promulgated by the State AG. But that doesn't change the law nor prevent some future administration from changing the guidance nor does it stop some overzealous, anti-gun law enforcement officer along with a sympathetic DA from making an example of some gun owner or dealer by dragging him through the front end of the justice system only to have the charges ultimately be dismissed with no option for reparations.

Finally, it is unfortunate that those who have lost loved ones by some horrible act of gun violence become blinded by emotion, anger and frustration and choose to seek closure by pushing for laws like this one that could turn unsuspecting, innocent, law abiding gun owners into criminals - nevertheless while empathy for a person's loss is a noble human quality, in adjudicating the laws we insist juries consider only the facts and evidence and I believe it is incumbent upon you to apply the same standard when writing these laws. I ask that you look at the facts and support this bill.

Time Required to Only Swap Magazines

Firearm Type	Utube Video Web Address	Play Duration (min:sec)	Magazine Change Duration (sec)	Where Performed	Notes
AR15	http://www.youtube.com/watch?v=rGKvpabCCJ4	0:47	3.5	range	
AR15	http://www.youtube.com/watch?v=lii1mrsT6D4	0:12	2.6	range	
AR15	http://www.youtube.com/watch?v=6OSyHXNPBnk	0:12	3.0	range	
AR15	http://www.youtube.com/watch?v=VRGI4-5zCrw	0:13	2.5	range	
AR15	http://www.youtube.com/watch?v=LOTZ3fX6fUw	0:43	3.5	range	
AR15	http://www.youtube.com/watch?v=ksZqzPWm7VQ	0:30	3.0	inside	
AR15	http://www.youtube.com/watch?v=rLYNBF9FajU	0:39	3.0	inside	
AR15	http://www.youtube.com/watch?v=8C-CLsMRcA0	6:00	0.3	range	mag coupler
AR15	http://www.youtube.com/watch?v=iQ1GFhxc8cg	4:30	1.0	inside	mag coupler
	AVERAGE		2.5		
semi-auto handgun	http://www.youtube.com/watch?v=CAFxgQmxbGI	0:28	0.9	inside	
semi-auto handgun	http://www.youtube.com/watch?v=JbC5mEc6ipE	0:57	2.0	range	
	AVERAGE		1.5		
all types	http://www.youtube.com/watch?v=b2Upjn5DR0o#!	13:56		range	

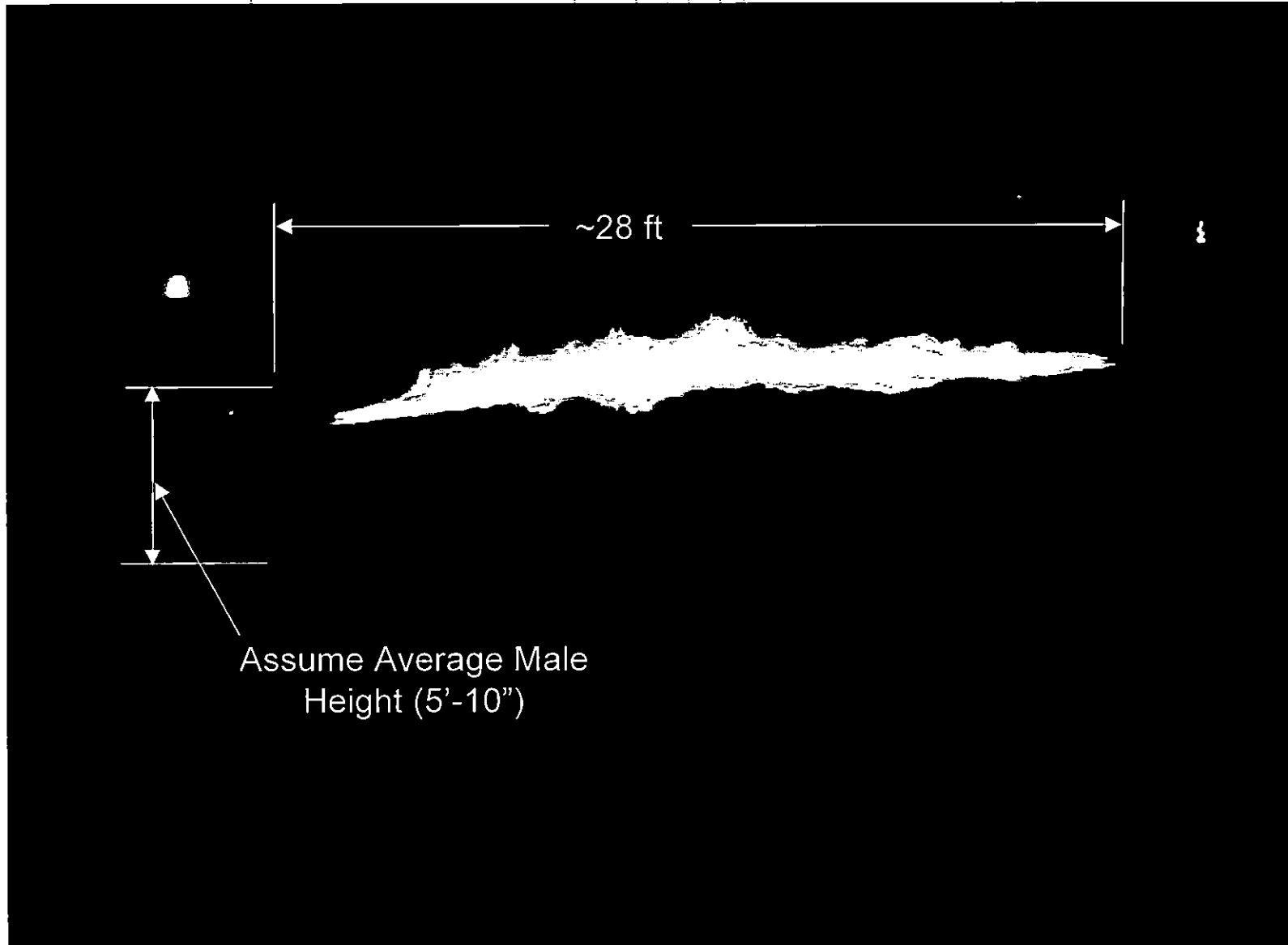
Conclusion

- It's not clear a victim being fired upon is going to know when or how a criminal with a gun is reloading
 - Consider When
 - ~0.5 sec between shots with ~2.5 sec reload time
 - Leaves 2 sec to realize a reload is happening and “tackle” the criminal or get away
 - Referenced video (below) demonstrates this scenario
 - » Victim from a standing position was able to move only 9 feet before the reload was completed and the next shot was fired
 - Consider How
 - Experienced gun users train to reload during a lull before the gun is empty in order to ensure a full magazine
 - Gun can still be fired any time during the reload process
- It's also not clear a victim would choose to “tackle” the shooter as opposed to try to run away
 - If the victim chooses to run away during a mass shooting the reload time becomes irrelevant

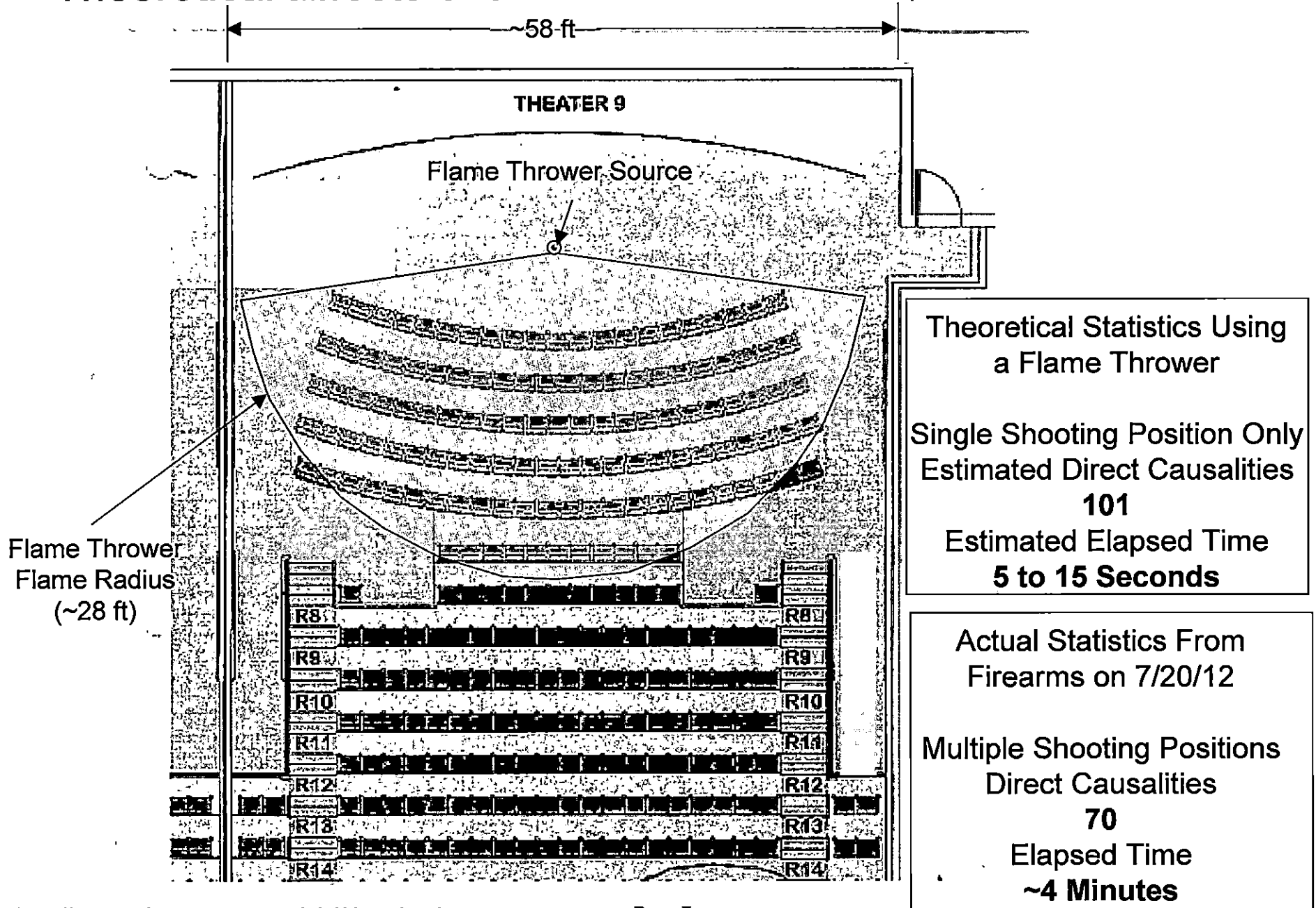
Homemade Flame Thrower from the Internet



Homemade Flame Thrower Estimated Performance



Theoretical Effects of a Flame Thrower in the Aurora Theater



Problems with the Current Law

- Law states
 - **“Owns the large capacity magazine on the effective date”**
 - Does the family “own” it or only the person that bought it?
 - **“Maintains continuous possession of the large capacity magazine”**
 - What is the definition of continuous possession?
 - No distinction between permanent or temporary possession
 - **“Can be readily converted”**
 - “Readily” not defined
 - Any magazine with a removable baseplate could ultimately be converted
- My Interpretation of the Law
 - All of your magazines that hold more than 15 rounds have to be in your possession at all times so if you ever leave your dwelling you have to take the magazines with you
 - Any of your magazines that hold less than 15 rounds and have a removable baseplate (which is most modern rifle and handgun magazines) have to be in your possession at all times so if you ever leave your dwelling you have to take the magazines with you
 - You can't loan or share a firearm with any friend or family member that uses magazines in either of these 2 aforementioned categories unless they have their own magazines and they are swapped out by the individuals that own them
 - In most cases you cannot purchase a semi-automatic firearm and be able to use it because the compatible magazine has a removable baseplate and you are prohibited from purchasing one along with the firearm