

**Senate State, Veterans, & Military Affairs**

**04/22/2025 02:00 PM**

**HB25-1062 Penalty for Theft of Firearms**

**Typed Text of Testimony Submitted**

| <b>Name, Position, Representing</b>   | <b>Typed Text of Testimony</b>  |
|---|---|
| Stephanie Greenberg<br><br>For<br><br>Colorado Faith Communities United to End Gun Violence | <p>I am submitting this written testimony in support of HB25-1062 on behalf of Colorado Faith Communities United to End Gun Violence. We support this bill for the following reasons:</p> <ol style="list-style-type: none"><li>1. Theft of firearms happens frequently in Colorado and nationwide, and stronger deterrence is needed. The Denver Police Department's statistics show that 1,221 guns were stolen in 2023 alone. <a href="https://www.cbsnews.com/colorado/news/colorado-law-requires-handgun-vehicle-locked-out-of-sight/">https://www.cbsnews.com/colorado/news/colorado-law-requires-handgun-vehicle-locked-out-of-sight/</a> In 2023, Colorado Springs Police Department reported over 820 stolen firearm cases, a five-year high. <a href="https://krdo.com/news/2024/08/22/colorado-springs-at-five-year-high-in-gun-theft-what-police-and-lawmakers-are-doing-to-slow-it/">https://krdo.com/news/2024/08/22/colorado-springs-at-five-year-high-in-gun-theft-what-police-and-lawmakers-are-doing-to-slow-it/</a> In 2023, the ATF reports that, nationwide, 5,468 firearms were stolen from federally licensed gun dealers. <a href="https://www.atf.gov/resource-center/federal-firearms-licensee-theftloss-report-2023">https://www.atf.gov/resource-center/federal-firearms-licensee-theftloss-report-2023</a></li><li>2. More severe penalties are needed because stolen firearms are often used in violent crimes. More than 23,000 lost and stolen guns were recovered by police in Colorado from 2010 to 2016, and the vast majority of those were recovered because they were connected to crimes. <a href="https://apnews.com/general-news-c130604895ed40be896f1ce9ee67b413">https://apnews.com/general-news-c130604895ed40be896f1ce9ee67b413</a></li><li>3. The current criminal penalty structure for theft in Colorado is inadequate to deter the theft of firearms. It includes a possible "petty offense" for firearms worth under \$300; and a Class 1 or Class 2 misdemeanor offense for firearms worth from \$300 to under \$2,000.[1] Colo. Rev. Stat. §18-4-401. The maximum penalty for the most serious, Class 1 misdemeanor offense is currently "364 days imprisonment, not more than a one thousand dollar fine, or both..." Colo. Rev. Stat. 18-1.3-501(1)(a.5). A Class 6 felony for any firearm theft, as proposed in this bill, has the effect of increasing the possible fine to \$100,000, and imprisonment is a minimum of one year up to 18 months maximum. Colo. Rev. Stat. 18-1.3-401(1)(a)(V.5)(A).</li><li>4. Firearms are deadly weapons and should be distinguished from other stolen items such televisions, computers, or jewelry. "The General Assembly is entitled to establish more severe penalties for acts that it believes have greater social impact and graver consequences." People v. Sparks, 914 P.2d 544 (Colo.App.1996); People v. Martinnillie, 940 P.2d 1090 (Colo. App. 1996). The General Assembly has previously done so in cases of driving under the influence, because the state has a "legitimate interest in specifically discouraging this conduct and the resultant loss of life and damage to property..." Colo. Rev. Stat. § 42-4-1301..." Martinnillie at 1092. Similarly here, the state has a legitimate interest in discouraging firearm theft.</li></ol> |

|   |  |
|---|--|
|   | <p>5. This bill is bipartisan. It has absolutely no effect on lawful, responsible gun owners. The Second Amendment of the U.S. Constitution is not implicated here, because it does not impinge in the right to keep or bear legal</p> <p>Thank you.</p> <p>Stephanie Greenberg<br/>         Colorado Faith Communities United to End Gun Violence (CFCU)<br/>         Convener, CFCU Advocacy Team</p>  |
| <p>Robert Edmiston<br/>         For<br/>         The Firearms Coalition of Colorado</p> | <p>Testimony in support of: HB25-1062, Penalty for Theft of Firearms</p> <p>Thank you, Chair and Committee</p> <p>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.</p> <p>I am a former U.S. Army Officer and Vocational Rehabilitation Counselor. I have a Master’s Degree in Psychology, Counseling and Guidance.</p> <p>I am writing in support of the measure under consideration. The bill removes firearms from the current sentencing structure for property crimes, which is dependent on the value of the item stolen. The proposal makes it a Class 6 Felony to steal any firearm regardless of the value. This action should comport with the often-expressed intent of the Majority Caucus to ensure, to the degree possible by regulation, the denial of access to firearms by persons who would misuse them.</p> <p>We believe there should be some deterrent effect from the increased penalty, especially with regard to more inexpensive firearms that are likely to be possessed by economically disadvantaged individuals. In the event that a thief is apprehended, tried, and convicted of the theft of a firearm, a felony sentence is more likely to keep a career criminal off the street for a longer period of time than a misdemeanor sentence.</p> <p>In addition, a felony conviction would make the perpetrator subject to the provisions of laws prohibiting the possession of a weapon by a previous offender. This prohibition could be useful in future prosecutions, if the individual in question continues to pursue his or her criminal career.</p> <p>We may hear some concerns that this measure would increase the prison population at a time when many legislators are reluctant to do so. However, given the</p> |

|  |  |
|--|--|
|  | <p>determination of the Majority Caucus to reduce "gun crime," we believe this bill is a good step toward holding persons accountable for their actions and creating legislation that impacts law breakers, instead of law-abiding citizens.</p> <p>We urge an "aye" vote on this bill.</p> <p>Thank you.</p> <p>Robert Edmiston<br/>Volunteer Lobbyist<br/>The Firearms Coalition of Colorado<br/>PO Box 1454, Englewood, CO 80150-1454</p> |
|--|--|