



## Legislative Action

Talking Points  
 HB18-1077  
 Penalties for Firearms Theft  
 Position: Support

HB18-1077, a bipartisan bill, will increase the penalty for a burglary, when the intent is to steal firearms, firearm parts accessories or ammunition from a class 4 felony to a class 3 felony. The court may also require the person to pay a fine of at least \$10,000, but not more than \$750,000.

Penalties for Class 4 felonies: 2 – 6 yrs in prison, 3 yrs parole and/or maximum \$500,000 fine  
 Penalties for Class 3 felonies: 4 - 12 yrs in prison, 5 yrs parole and/or maximum \$750,000 fine

### The Problem

News reports of smash and grab thefts at gun stores are now quite common. Nationally, gun store thefts are skyrocketing, and gun thefts from federally licensed firearms dealers (FFL) rose 51% between 2015 and 2016. Leading states for gun thefts in 2016 were Georgia, Texas and Florida. Unfortunately, Colorado FFL thefts increased even more dramatically (126%) from 121 stolen in 2015 to 273 in 2016.<sup>1</sup> ATF data indicate that 225 of the 273 stolen guns were from gun store burglaries.<sup>2</sup>

Last November, U.S. Attorney Bob Troyer noted that over 400 guns had been stolen from gun stores in Colorado by that time in 2017. Troyer stated that “These guns are going into the hands of criminals, who want them, buy them and trade them so they can use them in crimes.”

The Trace, as part of a year-long investigation, identified over 600 weapons lost or stolen in Colorado and later used in crimes, including 4 murders.<sup>3</sup>

But gun stores aren't the only places where firearms are stolen. They are also stolen from the homes and cars of gun owners. Between 2008 and 2015, over 800 guns were stolen from cars in Denver, which is 20% of reported stolen guns. The Trace investigator noted that many of these car thefts occurred in parking lots of sporting venues.

### The Solution

HB18-1077 attempts to deter burglaries for guns by increasing the penalties. Because of the increased danger to our communities, we support this solution, but Ceasefire believes that more effective means should also be considered:

- Enact a safe storage law, although primarily to protect children, it also reduces thefts.
- Require gun owners to report lost or stolen guns. Only 11 states now do this. Criminal investigations and prosecutions are hindered when law enforcement doesn't know that crime guns were lost or stolen. Lack of stolen guns reports contributes to the difficulties in combatting the interstate trafficking of firearms.
- Require gun stores to lock up their merchandise when stores are closed (An ATF recommendation to FFL's.).
- Create liability for gun stores who choose not to lock up their firearms and suffer thefts.

<sup>1</sup> Solving gun store burglaries has become a top ATF priority in Colorado. Denver Post 10/9/2017.

<sup>2</sup> ATF 2016 FFL Thefts and Losses for the United States

<sup>3</sup> The Trace, Freskos, Brian <https://www.thetrace.org/missing-pieces/> 11/20/2017

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