

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

**04/24/2024 Upon Adjournment**

**HB24-1270 Firearm Liability Insurance Requirement**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
Grace Taub For Students Demand Action	<p>My name is Grace Taub, I'm 17 years old and co-president of East Students Demand Action. I am testifying today on behalf of Students Demand Action in support of HB24-1270 to establish a liability insurance requirement for firearm owners.</p> <p>A liability insurance requirement is a strategic, fair, and necessary next step for this legislature to take in the movement to prevent gun violence. According to a study in The Journal of the American Medical Association, 526 people on average die from unintentional firearm deaths in addition to 43,739 people who suffer unintentional injury from firearms. More than half of nonfatal firearm injuries are accidental. A large number of those who are at risk of these accidental firearm injuries are children with access to unsecured weapons.</p> <p>A requirement to obtain insurance that would cover such instances is not meant to be a punishment or disincentive for gun owners. Rather, it is made to incentivize safe practices that significantly decrease the risk of unintentional firearm discharge and enhance public safety in general, especially for children. According to research, securely locking firearms in the home led to an 85% decreased risk of unintentional firearm injuries among children and teens. Currently, an estimated 54% of gun owners do not safely store their firearms. This results in 4.6 million American children living in households with unsecured firearms. This demonstrates not only the need for a policy like the one before you today, but also the immense potential it has to save lives and improve safety.</p> <p>Furthermore, if we compare this to how we understand insurance for pools or trampolines—other things in a home that could pose a risk to children- a liability insurance requirement can be seen as a commonsense approach. In Colorado, people already understand that having a pool or a trampoline may cause their insurance rates to increase. This bill would treat firearms in the home, which arguably pose even greater risks, the same way we treat pools and trampolines.</p>

	<p>Lastly, if this law takes effect, Colorado would be the first state to actively require gun owners to obtain liability insurance. This presents an opportunity for Colorado to serve as a nationwide leader, and build upon crucial gun violence prevention legislation already in place.</p> <p>For these reasons, I ask you to please support HB24-1270.</p>
<p>Francia Abel For themselves</p>	<p>Dear Committee Members,</p> <p>As a healthcare worker, I've seen the devastating effects of gun violence on victims and their families. Voting YES on bill HB24-1270, Firearm Liability Insurance Requirement would pass a common sense gun law that would ensure gun owners are held responsible for the safe operation and storage of their firearms. I equate firearm liability insurance to the legal requirement of car insurance. Having to purchase insurance for a firearm makes such purchase a more conscientious decision for the purchaser and gives victims of gun violence a legal financial recourse to claim monetary compensation for things like lost wages and hospital bills incurred due to injury. It's time for our legislators to protect their constituents from the increase in gun violence and passing this bill is a great step forward.</p>
<p>Jeanne Bucci For themselves</p>	<p>Chair Coleman and Members of the Committee,</p> <p>I am a Colorado voter writing to express my support for HB24-1270 Firearm Liability Insurance Requirement.</p> <p>Requiring gun owners to carry firearm liability insurance to compensate victims of unintentional firearm accidents would provide an additional financial incentive for gun owners to secure and safely store their firearms and receive training to reduce their premiums.</p> <p>This bill encourages a market-based approach which will reduce gun violence, as well as provide victims with some relief for their pain and suffering.</p> <p>Please vote "Yes" on HB24-1270.</p>
<p>Thomas Shaw Against</p>	<p>A boon to the insurance industry Burdens the law abiding</p>

themselves	Does nothing to the criminal who uses firearms
Sheila Wheeler For themselves	<p>Hi - my name is Sheila and I am testifying in strong support of this bill. I ask the Senate committee to vote yes.</p> <p>I am a mom, a commercial banker and a community volunteer. While wearing each of those hats, I interact with and experience the impact that insurance has on actions and decisions. Automobile, general liability, homeowner's or renter's and health insurance are accepted norms in CO and the US. Firearms are now the leading cause of death for children and teens - more than car accidents and childhood cancers - and liability insurance for these potentially lethal tools should be an uncontroversial norm.</p> <p>Please vote yes to require this common sense risk mitigant. Thank you.</p>
Anthony Daiss Against themselves	<p>Please consider the undue financial burden this requirement would place on people who use a firearm to hunt and provide food for their family. I understand we want people to be responsible gun owners, and I believe most gun owners are, but I don't believe this insurance requirement does anything to make our state safer and make gun laws tougher on criminals. I think your intentions are not unjust, I just encourage you to consider the financial strain this requirement will place on Colorado families, many of which are already living paycheck to paycheck and dealing with inflation and our present high cost of living. Thank you.</p>
Edgar Arellano-Bernal Against themselves	I am against this bill as there is no reason for anyone to do that
James Swanson Against themselves	<p>How is this not concerned a tax on a Constitutional Right? If you are forcing people to have liability insurance to own a firearm it is a tax even though the government is not seeing or touching the money that is collected from the insurance. This also targets low income Colorado Residents because they will lose the right to protect themselves with a firearm by forcing them to have liability insurance. When people already struggling to live on their current income this will destroy low income residents to protect themselves. These insurance will nothing to help prevent "gun violence."</p>
Paul Homberger	I am opposed to this bill. This Bill does nothing to stop firearm violence. Those people that use firearms to harm others will not carry

<p>Against themselves</p>	<p>this insurance. This insurance only creates a financial burden on law-abiding gun owners. This has nothing to do with stopping violence in our society. If it is this legislature’s goal to stop violence in society, this bill should be voted down. The legislature should focus on bills that will stop those people that are committed to harming others. Please stop targeting law-abiding citizens with laws they have no hope of stopping violence.</p>
<p>Steve Atkinson Against themselves</p>	<p>I am writing to express my strong opposition to the proposed legislation that would require gun owners to carry liability insurance. While the intention may be to promote safety and responsibility, this bill poses significant risks, particularly to minority and less fortunate families, and threatens to create monopolies within the insurance sector.</p> <p>First and foremost, mandating gun owner liability insurance unfairly burdens law-abiding citizens, especially those from marginalized communities who may already face socioeconomic challenges. The financial burden of purchasing insurance could place an undue hardship on individuals and families who are struggling to make ends meet, effectively infringing upon their Second Amendment rights under the guise of promoting safety.</p> <p>Furthermore, this legislation opens the door to exploitation by insurance companies and the potential for monopolistic practices within the industry. By mandating that gun owners purchase liability insurance, the bill effectively creates a captive market for insurance providers, allowing them to dictate premiums and coverage terms without meaningful competition. This not only undermines the principles of free market capitalism but also raises concerns about affordability and accessibility of insurance for all gun owners.</p> <p>Moreover, mandatory gun owner liability insurance disproportionately affects minority communities, who may already face systemic inequalities in access to financial services. Studies have shown that minority individuals are often charged higher premiums for insurance products, leading to further financial strain and exacerbating existing disparities in our society. By imposing additional financial barriers to gun ownership, this bill perpetuates systemic injustices and denies marginalized communities their constitutional rights.</p>

	<p>Instead of focusing on punitive measures that target law-abiding gun owners, we should prioritize solutions that address the root causes of violence and promote responsible gun ownership through education and outreach programs.</p> <p>As your constituent, I urge you to oppose this misguided legislation and stand up for the rights of all citizens, regardless of their socioeconomic status or background. Let us work together to pursue meaningful solutions that respect individual freedoms and promote genuine safety and security for our communities.</p>
<p>Nathaniel Weaver Against themselves</p>	<p>Firearm insurance should be optional. I should not have to pay a company to hold a tool to defend my freedom, my family, and myself. Car Insurance doesn't stop car accidents, right?</p>
<p>Cynthia Dozier Against themselves</p>	<p>Thank you for the opportunity to submit written testimony regarding HB24-1270. I oppose this bill because it will not deter crime or make anyone safer. Please vote NO. Thank you.</p>
<p>Karen Bandhauer For themselves</p>	<p>My name is Karen Bandhauer, I am a resident of Fort Collins, Colorado, and a mother of 3 children. I urge the committee strongly to vote in favor of HB24-1270, the Firearm Liability Insurance Requirement bill.</p> <p>This bill does not harm responsible gun owners. Instead, this bill encourages a market-based approach to reducing gun violence that does not infringe on the Second Amendment. Drowning is the leading cause of death for small children, and as a result we see higher insurance rates on houses with pools. Likewise, given that guns are the leading cause of death for children under the age of 18, firearms should also be subject to insurance premiums that represent the risk they present in the home. Also, like securing pool access, we anticipate this legislation will incentivize securing firearms, which has been clearly shown to reduce accidental gun deaths and suicides.</p> <p>Thank you, Karen Bandhauer</p>

<p>Gena Magill For themselves</p>	<p>My name is Gena Magill, I am a resident of Fort Collins, and I urge you to vote in favor of HB24-1270, the Firearm Liability Insurance Requirement bill."</p>
<p>Huey Laugesen Against Colorado State Shooting Association</p>	<p>My name is Huey Laugesen. I am the executive director of the Colorado State Shooting Association (the official state association of the NRA). I submit this testimony on behalf of our members across all 64 of Colorado's counties in strong opposition to this bill.</p> <p>The right to keep and bear arms is a God-given right enshrined in our constitution, which all of you have sworn to uphold.</p> <p>Requiring responsible gun owners to maintain liability insurance will increase the unconstitutional financial burden of exercising our Second Amendment rights. That will result in low-income Coloradans being unable to exercise their right to keep and bear arms.</p> <p>The Colorado State Shooting Association and all of our members urge the committee to vote NO on House Bill 24-1270.</p>
<p>Scott Pennington Against themselves</p>	<p>Dear Senators,</p> <p>Oppose HB24-1270. This bill only impacts law abiding citizens and imposes obstacles on a fundamental right that is on par with all of the rights enshrined in our constitution. Imagine if Muslims were required to carry an insurance policy due to the wrongdoings of the criminals that carried out 9/11. It would be wrong and immediately rejected and rightly so. There is no criminal anywhere that will stop what they are planning in order to go online and apply for a policy for insurance. It is entirely ludicrous and demonstrates an attack on the most vulnerable of your constituents. Stop this now.</p> <p>Thank you, Scott Pennington</p>
<p>Cody Glade Against themselves</p>	<p>Hello, my name is Cody, I'm a 3rd generation Colorado Native. I love this state and all the beautiful people in it. I am against this bill. It seems like there are so many anti 2A bills this year, many of which are not going to change or make anything safer. This bill is just making it</p>

	<p>harder and more expensive to own a firearm and protect yourself and family. Please ask yourself if this is really about making our state safer or if this is meant to discourage people from owning a firearm altogether. Please vote NO on HB24 1270</p>
<p>Derek Adelman Against themselves</p>	<p>If you care about 2A rights, you will vote no on HB24-1292 and HB24-1270 (and all the gun control bills for that matter). These bills are unconstitutional and remove Americans' right to defend themselves, not just from criminals, but from YOU. The Government. What you are doing is the same as California and look at what a mess they are in. Gas is through the roof, people are being attacked by the homeless and thieves (which they cannot stop either BY LAW or because they don't have a way to defend themselves ie FIREARMS—see postscript), illegal immigrants, feces cover the streets (I've seen this in Denver too many times), and they only clean it up when Xi Jinping THE COMMUNIST DICTATOR comes to town. Be better than California. Be better than that communist idealist Newsom who locks up his "subjects" while he goes to have dinner at the French Laundry. Be better to the people you represent, for your power only comes from OUR consent. And we can take it away. And we will. Vote no on HB24-1292 and HB24-1270!!</p> <p>PS—Since this seems like a hard concept, like me clearly spell it out. Criminals do not follow the law, therefore if you ban firearms the only people who will still have them are the criminals. So now these criminals are emboldened to commit more crime with (or even without) a gun because they know their victims are unlikely to be armed. All you are doing is making law abiding citizens less safe from crime. Since criminals will always have firearms (because we are not a tiny island and if you magically made them all disappear in the US overnight, they'd still get smuggled in) and the government cannot be entrusted to protect the citizenry (per defund the police, inconsistent response times if at all, and the simple fact that it is impossible for an organization to stop all crime) the only recourse left is for the citizenry to take their safety into their own hands and defend themselves.--This is really simple guys, the Founding Fathers figured this out centuries ago.-- And to be able to defend themselves, the citizenry needs the same tools, if not better, than the groups that may do them harm, ie the criminals and the government. Therefore, since the criminals and government are guaranteed to have firearms, by default it is a necessity the citizenry have access to those same tools, WITHOUT limitation, to be able to defend</p>

	<p>themselves. This is not a hard concept. 2A rights are our rights and a necessity. VOTE NO ON HB24-1292 and HB24-1270!! Thank you.</p>
<p>Ethan Bilbo Against themselves</p>	<p>Hello,</p> <p>I'm writing regarding HB24-1270. The amount of legislation being poured onto the people of Colorado has been extremely consequential this year. From the "assault weapons bad" legislation to this bill. Both of these bills have dire consequences for Coloradans. This particular legislation would do more harm than good.</p> <ol style="list-style-type: none"> <li>1. It will increase the costs for Coloradans. We already have one of the highest costs of living in the US. Coupling that with the greatest inflation we have seen in decades. It is an unreasonable ask.</li> <li>2. Requiring insurance will create a crony system where insurers can charge exorbitant price because they know it's a requirement to poses. For instance, car insurance, the latest statistic I read is that car insurance policies are going up 20% on average this year. Is this what we have to expect with firearm insurance?</li> <li>3. Only criminals are the ones breaking the laws. The vast majority of gun owners are law abiding citizens who only have firearms to protect their families and for sport. Furthermore, an even smaller number of those owners ever even use their weapon for that defense, or an illegal act, warranting insurance. The primary culprits requiring the need of insurance are criminals who would assuredly not have insurance any way, since their firearms are obtained illegally. So who does this help? Is every Coloradan now required to have a personal liability policy that would act similar to an un insured motorist? There are too many open questions on how this applies to the public.</li> </ol> <p>Overall, this is improper legislation and not good for Colorado citizens. It is overly burdensome and leaves too many questions unanswered for the true application of how this requirement would affect Coloradans.</p> <p>Thank you for your time,</p> <p>-Ethan Bilbo</p>

<p>Ronald Hunt Against themselves</p>	<p>This, much like other legislation recently passed only applies to law abiding citizens. Additionally this particular bill unfairly punishes lower income people that are just trying to protect themselves in an increasingly crime filled society. Not to mention that enforcement will be tricky to say the least.</p>
<p>Vincent Mares Against themselves</p>	<p>I strongly oppose Firearm Liability Insurance Requirement bill. This would only create financial challenges for people who want to exercise their 2nd Amendment rights as part of the United States of America Constitution for sporting purposes and to protect themselves and their families.</p>
<p>William Dee Against themselves</p>	<p>I understand the intention behind this bill; however, I do not believe firearm owners liability insurance will do anything to make us safer. In fact, I believe this bill will do more harm than good, especially to those unable to afford the insurance.</p> <p>While there is a section of the bill that allows for excusals due to financial reasons, that does not take the effort and time required to acquire that excusal. The people who are unable to afford this insurance would surely rather be working and trying to make ends meet rather than spending time wading through red-tape in order to exercise their Second Amendment Right.</p> <p>Additionally, lines 20-23 of Amendment L.003 outline that it is an affirmative defense if a person "(b) IS LIKELY TO BEHAVE PRUDENTLY AND SAFELY IN THE STORAGE, CARRYING, AND USE OF A FIREARM; AND (c) POSSESSES A GUN SAFE OR OTHER SECURE CONTAINER TO STORE THE FIREARM IN THE PERSON'S HOME."</p> <p>My question and concern would be, how would this bill be enforced? Would owning a gun safe allow a Colorado citizen to not have the insurance? I sincerely believe this bill, as written, does nothing more than apply more legal pressure and increase the financial burden on the nearly 50% of Colorado citizens that own firearms.</p> <p>I urge you to please vote against this bill.</p> <p>Thank you,</p>

	William Dee
<p>Laura Jensen Against themselves</p>	<p>Vote NO on this bill! Owning and carrying firearms is a constitutional right, and we should not be forced to pay this fee in order to access our rights. The overwhelming majority of Americans are struggling financially and can't afford another payment. This bill is a disgusting, underhanded attempt to price law-abiding citizens away from our rights. We don't have to pay insurance to speak or to avoid warrantless searches, and the right to bear arms shouldn't be treated any different.</p>
<p>Missy Espinoza Against themselves</p>	<p>VOTE NO. There's ZERO need for this bill. It is overreach, period. Many of us can't afford another bill and it seems the intentions of legislators currently is to make it extremely hard and expensive to carry a firearm.</p> <p>KEEP AND BEAR ARMS is pretty clear.</p>
<p>Marguerite Maxwell Against themselves</p>	<p>This bill is discriminatory.</p> <p>Some people don't have enough money for auto and medical insurance, let alone firearm insurance. The 2nd amendment doesn't have an asterix, about the ability to secure yet another type of insurance, it's a right to defend ourselves. If you have 24-hour security detail then you have the luxury to "not worry about our rights", but guess what? Crime happens everywhere, even in the foothills where I live. Property insurance has been a problem to secure for a lot of my neighbors due to the risk of fires, so what's to say the Firearm Liability Insurance would even continue to be offered? You know insurance companies are in it for the profit and can't wait to drop their insureds for the smallest of reasons.</p> <p>I'm sick of politicians vilifying law abiding citizens and coming up with more laws. The criminals and the increasing crime they commit don't care about your old laws, let alone your new ones, that's why they are called criminals! You are alienating decent, good citizens.</p> <p>Focus on the stuff that really matters, like the ridiculous homeless problem and the state budget crisis!</p>
<p>Joseph Pero Against themselves</p>	<p>Please cast a "NO" vote on this bill.</p> <p>I believe this bill is intended to make life difficult for law-abiding citizens who own guns. The Second Amendment has no language</p>

	<p>pertaining to the need for a law-abiding citizen of this state &amp; country to carry liability insurance for owning a gun.</p> <p>HB24-1270 is cost-prohibitive to many individuals given how insurance rates have doubled for many of us living in Colorado. It is also unconstitutional!</p> <p>Aside from all this, it will do NOTHING to stop crime and only encumbers law-abiding citizens.</p> <p>Again, please OPPOSE this bill.</p> <p>Joseph Pero Lakewood</p>
<p>Zachary Perrego Against themselves</p>	<p>I am opposed to this bill as it is wholly unconstitutional to require a private citizen to carry insurance for a constitutionally protected right.</p> <p>Please vote this down. Thank you.</p> <p>- Zachary Perrego</p>
<p>Lydia Ferrante Roseberry For themselves</p>	<p>I am writing in favor of HR24-1270, requiring liability insurance for firearm owners. Accidental or unintentional harm or death from firearms is a lifetime traumatic event. Liability insurance will ensure that those victims of such events will not have additional financial stressors on top of their grief and/or loss of physical/emotional abilities. It will also provide additional incentives for firearm owners to safety store their guns. Knowing that cars can also cause immense harm, even unintentionally, we have an insurance system set up to support victims. Let's do that for guns as well.</p> <p>thank you,</p> <p>Rev. Lydia Ferrante-Roseberry Unitarian Universalist minister Louisville, CO</p>
<p>Russell Dare Against</p>	<p>This bill is alarming and affects everyone in Colorado, not just gun owners. Insurance providers are already leaving many in the state uninsured because of the high risk of natural disaster in Colorado.</p>

<p>themselves</p>	<p>This has caused many in the state to not be able to get loans to buy houses because of lack of insurance options and many more are not protected in the event of disaster. This law will push more providers out of the state bringing us to the brink of financial disaster. People who are victim of disaster or fire will have no choice but to simply walk away as they won't have insurance coverage to help them recover.</p> <p>This bill as currently written has an exemption for law enforcement. This exemption is outrageous and the three million gun owners in Colorado won't even consider following it unless this exemption is removed and everyone is treated as equals under the law.</p> <p>This same law (as usual it was bought by out of state special interest groups) has been challenged in court in other states and it's looking good that it will be struck down. Even California of all places recently voted to not pass the same bill because of their inability to mount a defense in court against it. Save Colorado the millions in court costs and the more millions in penalties the state will have to pay when losing in court by not passing this to begin with.</p> <p>This proposed bill is bad for everyone. Stand with Colorado and vote no on HB24-1270.</p>
<p>Jane Fine For themselves</p>	<p>Dear Committee Members,</p> <p>As a Colorado resident, I would like to urge you to vote for Insurance for gun ownership.</p> <p>Although military type weapons are used for mass murders in our country, 67% of deaths come from hand guns. It is often children killed this way. In fact, according to a 2018 survey, 54% of guns are stored unsafely in the US!</p> <p>It is time to require insurance for gun owners, to help protect the public.</p>
<p>Jane Dougherty For themselves</p>	<p>Thank you Chair and committee members. My name is Jane Dougherty and I am representing myself. I am in support of HB24-1270 Firearm Liability Insurance Requirement.</p> <p>My reason for supporting this bill is personal. My sister was a gun violence victim. Mary was the brave school psychologist at Sandy Hook that charged towards a disturbed young man armed with an</p>

	<p>AR-15 assault weapon. Mary died on the lobby floor while trying to protect her school.</p> <p>Gun owners should be required to purchase gun liability insurance in the event that their guns kill or maim an innocent person resulting from an accidental or unintentional discharge of a firearm. Insurers will be required to make coverage available to homeowners and renters.</p> <p>Gun rights advocates claim the Second Amendment ensures their right to bear arms. But the second Amendment does not require the public to subsidize gun ownership by paying for the ambulance, police, emergency room technicians, surgeons, and compensation for victims. Many families are left without an income earner like my sister's family was and the loss of health insurance. Victim's families should not have to turn to Go Fund Me for financial help.</p> <p>Much like automobile insurance, firearm liability insurance will protect victims and their families from financial harm. Firearm owners rather than shooting victims or the public will bear the costs for the economic, emotional and physical damages sustained by others in firearm accidents.</p> <p>This is a common sense bill. Vote yes to protect victims.</p>
<p>MARK KAISER Against themselves</p>	<p>The following is a part of my research regarding this bill. The sponsors say that most insurance companies already have insurance in their policies. In talking to my current and past home insurance agents, neither of them past, present, or future have gun liability coverage in any of their carriers. My home insurance policy went up \$1600 this year, and my past, present, and future insurance companies won't even give an estimate of how much gun liability coverage will cost. Additionally, if this legislation passes, either insurance companies may pull out of Colorado or make homeowners insurance for gun owners unaffordable.</p> <p>Another piece of useless legislation that will not stop illegal guns. Criminals don't buy their guns legally. This appears to only be another step in attempting to destroy the Second Amendment and the ability of law-abiding people to defend their loved ones and their property</p> <p>The following is what I have both in writing and verbally from my past and present home insurance agencies.</p> <p>Regarding the proposed bill, unfortunately, I cannot speak to anything that hasn't been placed into law. If Colorado were to make changes that influence gun liability insurance, our carriers would provide additional information to the next steps required. As of now, gun liability insurance is not something that is offered through your</p>

	<p>policy, only an option to insure firearms at their appraised or purchased value. No additional information has been provided yet to these potential updates, but we will keep an eye out if it were to progress.</p>
<p>Michael Zundeleovich Against themselves</p>	<p>Dear Committee Members,</p> <p>I am writing to voice my strong opposition to HB24-1270 and request a no-vote.</p> <p>This bill is wrong on many levels, but I will summarize some of the major ones:</p> <ol style="list-style-type: none"> <li>1. It is unconstitutional to require such a fee to exercise a constitutional right, not to mention unethical. This is akin to a poll tax</li> <li>2. This bill punishes lower-income residents and renters. As a homeowner who has insurance, this likely won't affect me, but I can't in good conscience be comfortable with lower-income folks being subject to this or having to jump through hoops to prove they can't get insured</li> <li>3. The number of accidents that happen within the home, which this bill covers, is minuscule and has nothing to do with gun violence. As such, this bill will accomplish nothing in addressing so gun violence or even accidents.</li> </ol> <p>Please do the logical thing here and vote no.</p> <p>Regards,</p> <p>Michael Zundeleovich Lakewood, CO</p>

<p>Camron Espinoza Against themselves</p>	<p>As a law enforcement officer in the great state of Colorado I want to voice my strong opposition to the assault weapon ban bill that will be before this committee soon.</p> <p>Many know that law enforcement is growing at odds with criminal enforcement this has caused several changes to our state laws such as the changes to narcotics.</p> <p>Firearms have not been treated the same, as stricter measures have been sought. Why would we unbalance the scales of these two issues and approach firearm laws as we have drug laws in the past only to change directions again? Why not find a holistic approach to both issues, either we are strict on both and approach it with zero tolerance or we try to resolve the underlying issues for both.</p> <p>Please consider my opinion as it is shared by many of us in the field.</p>
<p>Kathryn Ruud For themselves</p>	<p>From Actuary Magazine: Firearms are 3rd leading cause of injury related death in the U.S.</p> <p>Between 2006 and 2014, the average annual cost of initial inpatient hospitalizations for GSW was \$734.6 million.</p> <p>There is no rewind button on a firearm that has released a round of gunfire. A gun is a machine. And it is a machine that can do unspeakable damage: it is often marketed precisely on that basis. The colossal damage inflicted comes with colossal costs.</p> <p>One acquaintance had just moved to a new neighborhood and was eager for her 11 year-old son to make friends. So she allowed him to go to a neighbor's home when he was invited. Soon thereafter, someone was banging on her door, shouting that her son had been shot. She ran to the neighbor's home, only to find her son dead due to a severe gunshot wound. At that point, she lost control and began to physically assault the other mother there, who was the gun owner. She then had a total mental and physical breakdown and had to be taken to the hospital by ambulance.</p>

	<p>This is one reason I remind young parents to always ASK about gun storage prior to letting their kids play in other homes. If you think the conversation is too difficult to have, consider the conversation you might have to have if you DON'T ASK.</p> <p>I ask you to vote FOR this bill. It works well with Colorado's safe storage law to further incentivize gun safety habits. It also provides for a more fair and equitable distribution of the costs of gun violence.</p> <p>More statistical info from Bender Insurance Solutions here:</p> <p><a href="https://mybendersolutions.com/what-are-the-benefits-coverage-options-for-gun-liability-insurance/">https://mybendersolutions.com/what-are-the-benefits-coverage-options-for-gun-liability-insurance/</a></p>
<p>Corinne Kerkezian Against themselves</p>	<p>This type of legislation will have zero positive impact on our community as it only erects further barriers to marginalized and poor communities from protecting themselves. It also punishes law abiding citizens and places unconstitutional and unreasonable requirements upon them. Many may claim you need car insurance to drive so why is this different. The difference is you do not actually need to have insurance or a license to own a vehicle. Driving on public roads yes, but ownership does not necessitate any coverage or licensing. You wouldn't force these requirements on a farmer gifting their child a first car and teaching them to drive on their private property so why would you do the same for a firearm owned by the lawful gun owner. Those who would commit acts of gun violence don't care about insurance nor responsible gun ownership, a requirement for these would fall on deaf ears and change nothing in a positive way. This is also unenforceable as by Colorado law firearm registration is unconstitutional. This proposed legislation only places more costs on self defense of the individual in an era of our history in which the average cost of living in our state and nation are the highest they have ever been and inflation has been skyrocketing. Please look to the health insurance situation in America to see how forcing private insurance vs public healthcare onto citizens only leads to corporations having the power to destroy lives with financial burdens and reserving proper care for only those wealthy enough for it. Please vote against this legislation and help citizens be able to live</p>

	their lives without unnecessary and harmful legislation nickel and dimeing them further into financial strain and hardship.
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20240423 EMERSON TESTIMONY HB24-1270 – MAINTAIN LIABILITY INSURANCE  
Senate State, Veterans & Military Affairs 4/24/2024

My name is Keith Emerson and I represent myself. I am testifying against HB24-1270 which would require homeowners and renters to carry property liability insurance against unintended firearm discharge.

I am a believer in liability insurance. Unintended discharge of a firearm is something of a rare event compared to, say, someone slipping on the sidewalk in front of your home. Unintentional firearm discharge should not be singled out as an insurance need but if it is felt to be necessary, should be wrapped with the regular liability policy. My question is whether this bill should be broadened to require liability insurance in general or “killed” in this committee. Let’s look at the details of this bill.

With this bill we again find ourselves in California East, blindly following California Senate Bill No. 8.<sup>1</sup> That bill hasn’t gone into effect so no lawsuits have been filed, but they will be, particularly since California has gone a step further with reporting requirements.

Let’s start with the fact that 45% of Colorado adults live in a home with a firearm.<sup>2</sup> That’s a good percentage of Colorado voters that you can offend with this bill. If liability insurance is going to be required by the State the insurance should include all liability, not just for accidental discharge of a firearm. On that subject, \$100,000 isn’t adequate for liability insurance these days.

Has anyone even called their own insurance company to see how much this might cost or to see if you are already covered? My broker says that I’m already covered. I hear that other brokers tell people they are not.

The justification in the Colorado bill’s Legislative Declaration is that historically “U.S. jurisdictions enacted surety laws that required certain firearm owners to post a surety bond...” and “At least ten U.S. Jurisdictions enacted similar, if not identical surety laws.” Note that only “*CERTAIN* firearm owners” are called out. It was not general. Further after reading an article by Robert Leider<sup>3</sup> from George Mason University, these “Massachusetts Model” laws appear to be more like our Red Flag laws<sup>4</sup> and in any case “As applied to the carriage of weapons for lawful purposes, the surety laws went largely unenforced. Likewise, there is almost no known record of American courts enforcing the common law crime of going armed to the terror of the people against individuals carrying weapons for lawful purposes.”

The bottom line is that using this Legislative Declaration as a justification to require homeowner’s insurance against an accidental discharge is an amazing leap of non-logic.

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<sup>1</sup> <https://trackbill.com/bill/california-senate-bill-8-firearms-liability-insurance/2282348/#:~:text=This%20bill%20would%2C%20commencing%20on,of%20their%20firearm%2C%20as%20specified.>

<sup>2</sup> <https://www.cbsnews.com/pictures/gun-ownership-rates-by-state/38/> Derived by a RAND Corporation study in 2020. Colorado is number 15 in the list of states.

<sup>3</sup> <https://www.law.gmu.edu/pubs/papers/lis2106>

<sup>4</sup> “These surety laws required that, on complaint of a plaintiff who had ‘reasonable cause to fear an injury, or breach of the peace,’ a person would have to post a bond to keep the peace if he went armed ‘without reasonable cause to fear an assault or other injury.’”

18-12-116 (II) (2) (b) (3) requires the "...firearm owner to present evidence of a complying policy in full force and effect when requested to do so by a peace officer...". So, if you don't have a copy of your home or renter's insurance on you when confronted by a policeman you are guilty of not having an insurance policy until you prove otherwise in court. I'd guess a good portion of Colorado homes and apartments will need a State oriented Mezuzah on their door post holding their insurance policy, ready for inspection. Do you have a copy of your home liability policy that you could show a peace officer on demand?

A later section declares that, basically, poor people don't have to carry this insurance. One would think the indigent would have as great a need for this insurance as anyone else. Why single out groups that have to carry this burden versus those that don't? And the indigent are required to have gun safes and will likely need to retain a lawyer and go to court to be excused from this insurance obligation. Again, the logic here is amazing.

Further on, in 10-4-122, there's a discussion of how insurance companies may raise or lower rates. Why would the State of Colorado tell an insurance company that they can lower the homeowner's rate if they have a gun safe. Isn't that up to the insurance company?

Please kill this bill. As with so many others passed by this and earlier legislators, it will do nothing to stop gun crimes or even accidental discharges while burdening law-abiding gun owners, of which this state has many in both political parties. As mentioned earlier, if it isn't killed it needs to be broadened to require liability insurance of all homeowners and renters.

I will strive to keep this written testimony short, as I feel the arguments against this bill are self-explanatory.

To begin, the Second Amendment of the Constitution of the United States of America is clear: the right of the PEOPLE to keep and bear arms SHALL NOT BE INFRINGED.

Requiring the purchase and carry of insurance to exercise a RIGHT is, by itself, infringement. We do talk about requiring liability insurance to vote, or enjoy a speedy trial, or exercise a religion.

I also fail to see how this insurance will do anything but create yet another financial and bureaucratic burden on the citizens of this state. In an event where a firearm is used to commit a crime, the insurance company is not likely to want to pay out. In the instance of negligence, I still see no reason for an insurance company to pay out. A person in possession of an illegally-obtained firearm is also not going to have this insurance.

This bill is a thinly-veiled attempt to create a tax on a constitutionally protected right. It is an attempt to have a back-door registry to who owns firearms (I should mention that such registries are illegal, both at a state and national level).

I will say this again and again: the right to bear arms is an inalienable right. It is enshrined in our Constitution, and has been confirmed again and again by the Supreme Court, one of the most recent example being the Bruen decision.

The Bruen Decision brings up another point: what historical analogue is there to require liability insurance to keep and bear arms?

Testimony in opposition to: HB24-1270 Firearm Liability Insurance. Senate State Affairs Committee

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.

While we appreciate the efforts of the sponsors, I am writing in opposition to the measure under consideration. We believe the bill is unnecessary, possibly a tax, subject to abuse, and an unconstitutional burden on a natural right.

According to information from at least one insurance source, unless injury or damage caused by a firearms discharge is specifically excluded from a homeowner's policy, current insurance coverage should be adequate. This bill seems to be another insurance mandate, like the Affordable Care Act, which may be adjudicated as a tax. It would seem that this should be a ballot issue in Colorado. In this case, the bill appears to levy a tax on a constitutional right. Would the sponsors support a poll tax?

On Page 7, Line 19, the bill reads:

“(II) THAT THE COVERAGE MAY RESULT IN AN INCREASED PREMIUM, BUT THAT THE INSURER MAY REDUCE OR ELIMINATE THE PREMIUM IF THE APPLICANT OR POLICYHOLDER, AS APPLICABLE, SUBMITS PHOTOGRAPHIC OR OTHER EVIDENCE ACCEPTABLE TO THE INSURER DEMONSTRATING THAT THE APPLICANT OR POLICYHOLDER POSSESSES A GUN SAFE OR OTHER SECURE CONTAINER AND THAT SHOWS THE LOCATION IN THE HOME WHERE THE GUN SAFE OR OTHER SECURE CONTAINER IS PERMANENTLY AFFIXED OR REGULARLY KEPT...”

This is a particularly dangerous provision in that it offers a gun owner a possible choice of an increased premium or divulging the location of firearms in his or her home to the insurance company. If the insurance company's records are hacked, criminals could use this information to target a gun owner for theft with the specific knowledge of the location of his or her firearms.

California now has a bill that requires insurance companies to report how many guns are owned by a particular policy holder. Such legislation raises the possibility of an ever-encroaching police state, where backdoor registration leads to unconstitutional confiscation.

[California Bill Uses Insurance Companies to Set Up Backdoor Gun Registry – Bearing Arms.](#)

The argument could be made that it is impossible to rationally legislate against what “might” occur. However, in the case of “Red Flag” laws that target heretofore legal gun

owners, the Legislature has done just that. We believe that the risk of misuse of the sensitive information exposed by this bill is too great.

We urge a "No" vote by members of the committee.

Thank you for your consideration.

Robert Edmiston  
Volunteer Lobbyist  
The Firearms Coalition of Colorado  
PO Box 1454, Englewood, CO 80150-1454

Nearly two years ago, in *NY Rifle and Pistol Ass'n v. Bruen*, 142 S.Ct. 2111 (2022), the U.S. Supreme Court set forth in a 6-3 decision the legal standard for reviewing restrictions/regulations upon the individual right to keep and bear arms pursuant to the Second Amendment. The complete opinion may be found at [https://www.supremecourt.gov/opinions/21pdf/20-843\\_7j80.pdf](https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf)

Two salient passages from Justice Thomas' majority opinion:

1. (p. 8) "In keeping with *Heller*, we hold that when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. To justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation. Only if a firearm regulation is consistent with this Nation's historical tradition may a court conclude that the individual's conduct falls outside the Second Amendment's 'unqualified command.'" *Konigsberg v. State Bar of Cal.*, 366 U. S. 36, 50, n. 10 (1961)
2. (p. 17) "But while that judicial deference to legislative interest balancing is understandable—and, elsewhere, appropriate—it is not deference that the Constitution demands here. The Second Amendment 'is the very product of an interest balancing by the people' and it 'surely elevates above all other interests the right of law-abiding, responsible citizens to use arms' for self-defense. *Heller*, 554 U. S., at 635. It is this balance—struck by the traditions of the American people—that demands our unqualified deference."

If you read the Court's opinion, especially in context/relation to other Second Amendment cases decided by SCOTUS, it is readily apparent that the restrictions of the type/form in **HB-1270**—which provides penalties for any gun owner not carrying liability insurance--cannot possibly withstand any form of judicial scrutiny upon Constitutional challenge. In addition to the imposition of an insurance requirement being contrary to the historical regulation of firearms as set forth in *Bruen*, the mandating of insurance coverage under penalty of law has been held to be a **TAX** by SCOTUS in *NFIB v. Sebelius*, 567 U.S. 519 (2012), and the taxation of a Constitutional right is per se unconstitutional. As legislators, it is your sworn duty and obligation to follow the laws of the land, especially the U.S. Constitution. Enactment of this and similar anti-gun legislation is in clear and direct contravention of that duty/obligation and a *de facto* violation of your oaths of office.

Please put a stop to this senseless and UNCONSTITUTIONAL attack on the rights and wholesale persecution of law-abiding Colorado gun owners and vote against this and similarly-associated legislation. Thank you.

Anthony Fabian  
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Highlands Ranch, CO 80130

# Written testimony on HB24-1270, “Show me your papers!”

Colorado Senate State Affairs Committee  
Apr. 24, 2024

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## Summary

- Based on the title, one might think that HB24-1270 is only about insurance law. To the contrary, HB24-1270 allows the police to demand that anyone, anywhere, anytime hand over a copy of their homeowner’s insurance.
- Because people normally do not carry their homeowner’s insurance policy on their person in public, the opportunities for police abuse are nearly limitless.
- The bill is written as if the only people in Colorado who owned firearms were middle- or upper-class, who are presumed to already have homeowner’s or renter’s insurance. In fact, some poor people, who live with someone else are neither a homeowner nor a leaseholder, and therefore cannot obtain homeowner’s insurance or renter’s insurance.
- The bill’s very narrow safety valve is only accessible to persons who can afford to file a case in civil court. Obviously, poor people will have difficulty doing so, since they will not be able to hire an attorney. Legal Aid does not cover all civil cases involving indigents.
- As for people who do have homeowner or renter insurance, HB24-1270 is purely redundant, since existing insurance policies do, and always have, covered accidents in the home. Home/renter policies cover accidents whatever the item. Policies do not list specific items, such as bathtubs, chainsaws, or firearms.

## Liberal Democrats of yore versus regressive attitudes today

HB24-1270 highlights the differences between the liberal Democrats who served in the Colorado legislature in the last third of the twentieth century, compared to the more regressive attitudes today.

- Most liberal Democrats were not against “gun control” in general.<sup>1</sup>
- But they had no animus against people who owned long guns for sports.
- Most liberal Democrats — including my father, Jerry Kopel, who served 11 terms in the House — supported the Fourth Amendment.
- They opposed Fourth Amendment infringements far milder than HB24-1270, which allows the police to demand “Show me your papers” to anyone, anytime, anywhere.
- Normal people do not carry around their homeowner’s/renter’s insurance policies, to be produced whenever the police ask.
- Most liberal Democrats strongly favored consumer protection. For example, Jerry Kopel was prime sponsor of the Uniform Consumer Credit Code, having made the issue the key theme of his 1970 campaign.
- Liberals certainly did not support weaponizing the Insurance Code against consumers.
- Especially not weaponizing the Insurance Code against poor people.
- Nor Insurance Code weaponization that does nothing to improve insurance.
- All the more so when the leading victims will be people of color and poor people.

## Justice Thurgood Marshall

Half a century ago, the U.S. Supreme Court ruled 5-4 that the Fourteenth Amendment does not require the waiver of a bankruptcy filing fee for poor people.<sup>2</sup> At the time, the fee was \$50, equivalent to \$364.23 today.<sup>3</sup>

Three hundred dollars is far less than the fees for the several hours of attorney time that are necessary to bring even a basic civil case today, plus whatever filing fees

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<sup>1</sup> “Gun control” was the honest term in use at the time, before 21<sup>st</sup>-century gun prohibition lobbies used focus groups to invent a euphemism.

<sup>2</sup> *United States v. Kras*, 409 U.S. 434 (1973).

<sup>3</sup> <https://data.bls.gov/cgi-bin/cpicalc.pl?cost1=50&year1=197301&year2=202402>. Calculated from Jan. 1973, when *Kras* was decided, through Feb. 2024.

are involved.<sup>4</sup> For poor persons victimized by HB24-1270, the costs of seeking judicial redress will be hundreds of dollars or more for even the simplest cases.

For middle class families, such an unexpected expenditure may be a harsh burden. For poorer families, such an expenditure may be impossible.

Dissenting in the 1973 *Kras* case, Justice Thurgood Marshall wrote:

It may be easy for some people to think that weekly savings of less than \$2 [about \$15 today] are no burden. But no one who has had close contact with poor people can fail to understand how close to the margin of survival many of them are. A sudden illness, for example, may destroy whatever savings they may have accumulated, and by eliminating a sense of security may destroy the incentive to save in the future. A pack or two of cigarettes may be, for them, not a routine purchase but a luxury indulged in only rarely. The desperately poor almost never go to see a movie, which the majority seems to believe is an almost weekly activity. They have more important things to do with what little money they have—like attempting to provide some comforts for a gravely ill child, as *Kras* must do.

It is perfectly proper for judges to disagree about what the Constitution requires. But it is disgraceful for an interpretation of the Constitution to be premised upon **unfounded assumptions about how people live.**<sup>5</sup>

Poor people come in all colors. Disproportionately, people of color are more often poor. Although the terms “systemic racism” or “structural racism” are used in diverse ways, the definition can include the creation of structures or systems by people who personally are not racially prejudiced. Sometimes, the systems or structures created without specific racial intent end up being particularly harmful to people of some races.

Because HB24-1270 falls so heavily on poor people, it can be said to be structurally racist. The bill is “premiered upon unfounded assumptions about how people live.”

## “Show me your papers”

A common feature of fascist, communist, and other dictatorial regimes is police authority to demand, “Show me your papers,” to anyone, anytime.

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<sup>4</sup> The standard filing fee in county court for matters involving under \$1,000 is \$85. C.R.S. § 13-32-101(1)(c)(III.5)(A).

<sup>5</sup> *Kras*, at 645-46 (Marshall, J., dissenting).

Under HB24-1270, a gun owner must have a homeowner's, renter's, or other insurance policy.<sup>6</sup>

The proof of having such a policy is the "declarations page" provided by the insurance company.<sup>7</sup>

A firearms owner must always carry the insurance declarations page with him. At any time, a peace officer may request that the owner present his insurance papers. If the owner does not have his papers with him, that is "prime facie" evidence that the owner is breaking the law.

**(3) TESTIMONY OF THE FAILURE OF A FIREARM OWNER TO PRESENT EVIDENCE OF A COMPLYING POLICY IN FULL FORCE AND EFFECT WHEN REQUESTED TO DO SO BY A PEACE OFFICER IS PRIMA FACIE EVIDENCE THAT THE FIREARM OWNER HAS VIOLATED SUBSECTION (1) OF THIS SECTION.**

HB24-1270 puts no limits on when peace officers may demand papers. There is no requirement that the individual be in possession of a firearm at the moment.

The bill allows peace officers to go a shooting range and walk down the line, demanding every person produce her or his insurance papers.

The bill allows peace officers to do the same to any hunter.

The HB24-1270 system is far more oppressive than the law requiring that automobile drivers must show proof of auto insurance during a traffic stop.<sup>8</sup>

- First, traffic stops are not allowed merely to ask for proof of auto insurance.

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<sup>6</sup> "A RESIDENT OF COLORADO WHO OWNS A FIREARM SHALL OBTAIN AND CONTINUOUSLY MAINTAIN IN FULL FORCE AND EFFECT HOMEOWNERS , RENTERS , OR OTHER LIABILITY INSURANCE POLICY." Proposed C.R.S. § 18-12-116(1)(a).

Actually, other than a homeowner's or renter's policy, there is no other policy that would cover accidents. Some companies do sell policies for legal liability involving firearms, but these only cover self-defense or sports, not home accidents. See George A. Mocsary, *Insuring Against Guns?* 46 Connecticut Law Review 1209, 1224-27 (2014) (describing various policies).

<sup>7</sup> "(b) FOR THE PURPOSES OF THIS SECTION, AN INSURANCE POLICY DECLARATIONS PAGE PROVIDED TO A FIREARM OWNER BY AN INSURER THAT DESCRIBES COVERAGE THAT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION IS EVIDENCE OF A POLICY."

<sup>8</sup> Colo. Rev. Stat. § 42-2-115.

- Traffic stops are only allowed when a violation of traffic laws has been observed, or for other reasons based on specific circumstances involving crime.
- In contrast, HB24-1270 allows demands for insurance papers for any reason, from anyone, anywhere.
- Second, an automobile insurance card is only needed when one is driving an automobile.
- But the firearm owner — or suspected firearm owner — can be required to show his papers regardless of whether he is carrying a firearm.

Auto insurance companies issue small cards showing proof of coverage, and the cards can be kept in an automobile glove compartment, since the only time the card is needed is when the automobile is being driven.

In contrast, proof of gun insurance can be demanded anytime, anywhere. Under HB24-1270, however, an officer may demand identification with no reasonable suspicion or probable cause. Officers could walk through gun shows demanding identification of random patrons. Or, perhaps not so randomly, mainly focusing on people of color.

## **People do not carry their homeowner's or renter's insurance policies on their persons at all times**

Who will be able to comply with the officer's demand under HB24-1270? Nobody. Unlike automobile insurance companies, home/rental insurance companies do not issue portable cards, because the insured property is inherently immobile. The company simply sends the entire written policy to the insured homeowner or renter.

Nobody carries around their homeowner's insurance policy outside the home. Thus, HB24-1270 guarantees that every gun owner who is questioned by a police officer will be unable to comply with the officer's demand for proof of gun insurance. Everyone who is questioned by the police will automatically be put into the prosecution system, and that fact will be permanently recorded in the records that are shared among law enforcement agencies.

Perhaps advocates will argue that today, anyone can carry their homeowner's insurance policy declarations on their cell phone.

This argument admits that HB24-1270 can be used by police officers to demand individuals to hand over their cell phones — anywhere, anytime.

## **Homowner’s and renter’s policies already cover *all* accidents.**

In 2013, the District of Columbia Council was considering a bill like HB24-1270. The deputy commissioner of the D.C. Department of Insurance, Securities and Banking explained why the Mayor Vincent Gray opposed the bill as unnecessary:

“However, most homeowners’ policies cover injuries sustained as a result of negligence or the accidental discharge of a firearm.”<sup>9</sup>

A homeowner’s insurance policy does not necessarily include the word “firearm.” An accident insurance policy covers accidents in general. Insurance policies do not attempt to list every item that might cause injury, such as toasters, blenders, laundry detergent, furniture, drills, saws, nail guns, or toys.

## **In Colorado, fatal firearms accidents are very rare compared to other fatal accidents.**

In Colorado from 2000 through 2022, there were 57,339 accidental deaths. Of those, 155 were firearms accidents. Firearms are 1 in 370 of fatal accidents.

	Population	Accidental Deaths	per 100k	Accidental deaths by firearms	per 100k
2000	4,326,921	1715	39.6355746	5	0.11555561
2001	4,425,687	1702	38.4573062	11	0.24854898
2002	4,490,406	1803	40.1522713	9	0.20042731
2003	4,528,732	1783	39.3708438	5	0.11040618
2004	4,575,013	1791	39.1474298	0	0
2005	4,631,888	1928	41.6244952	9	0.19430522
2006	4,720,423	1888	39.9964156	6	0.12710725
2007	4,803,868	2029	42.2367975	3	0.06244968

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<sup>9</sup> *D.C. Council Holds Hearing on Gun Owner Insurance Proposal*, Insurance Journal, May 17, 2013, <https://www.insurancejournal.com/news/east/2013/05/17/292505.htm>; Hearing on B. 20-170, The Firearm Insurance Amendment Act of 2013 Before the Comm. on Business, Consumer, and Regulatory Affairs, 2013 Council 3 (D.C. 2013) (testimony of Chester A. McPherson, Deputy Comm’r of the Department of Insurance, Securities, and Banking).

2008	4,889,730	2159	44.1537672	8	0.16360822
2009	4,972,195	2141	43.0594536	7	0.14078289
2010	5,047,539	2102	41.6440566	7	0.13868145
2011	5,121,900	2317	45.237119	11	0.21476405
2012	5,193,660	2404	46.287204	13	0.25030518
2013	5,270,774	2423	45.970478	5	0.09486273
2014	5,352,637	2413	45.0805837	0	0
2015	5,454,328	2724	49.941991	3	0.05500219
2016	5,543,844	2838	51.1919167	11	0.19841828
2017	5,617,421	3029	53.9215416	3	0.05340529
2018	5,697,155	3006	52.7631774	8	0.14042096
2019	5,758,486	3075	53.3994526	9	0.15629108
2020	5,785,219	3628	62.7115413	6	0.10371258
2021	5,811,596	4197	72.2176834	6	0.10324186
2022	5,841,039	4244	72.6583062	10	0.17120242

## Nationally, fatal firearms accidents are lower than ever.

The highest rate of fatal gun accidents per 100,000 population was 1.47, in 1967. The rate has now fallen to 0.14 — a decline of over 90 percent.

In 1967, there were 2,896 fatal gun accidents in America. Today, the U.S population is much larger, and the number of fatal gun accidents has fallen to 458.

The same trends are true for fatal gun accidents involving children, ages 0-14. The peak number was 598 in 1967. Since then, the number of fatal accidents has fallen to 54. The fatal accidents per 100,000 population rate was 1.09. The rate has fallen to 0.09. Again, declines of over 90 percent.

Meanwhile, the number of guns per capita in 1967 was about 1 gun per 2 persons. Today, the figure has risen to over 1 gun per person.<sup>10</sup>

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<sup>10</sup> *Sources for the national table data:* Gun supply figures through 1994 are from Gary Kleck, *Targeting Guns 96-97* (1997) (providing citations for all the data). Additions to the gun supply from 1995 through 2018 are from the 2020 edition of ATF's [Firearms Commerce in the United States](#) ex. 1-3, plus the 2018 ATF [Annual Firearms Manufacturing and Export Report](#). National population from 2010-19 from Census Bureau, *Annual Estimates of the Resident Population for the United States, States, and Puerto Rico: April 1, 2010 to July 1, 2019* (2019). Fatal gun

Year	Population (in 1,000s)	Total gun stock	Guns per capita	Fatal gun accidents	FGAs for ages 0-14	Population age 0 to 14 (in 1,000s)	FGAs per 100,000 persons	FGAs per 100,000 persons for ages 0-14
1948	146,091	53,203,031	0.36	2,270			1.55	
1949	148,666	55,406,460	0.37	2,326			1.56	
1950	151,871	57,902,081	0.38	2,174	451	40,853	1.43	1.10
1951	153,970	59,988,664	0.39	2,247	520	42,065	1.46	1.24
1952	156,369	61,946,315	0.40	2,210	519	43,377	1.41	1.20
1953	158,946	63,945,235	0.40	2,277	498	44,759	1.43	1.11
1954	161,881	65,558,052	0.40	2,281	527	46,266	1.41	1.14
1955	165,058	67,387,135	0.41	2,120	522	47,867	1.28	1.09
1956	168,078	69,435,933	0.41	2,202	508	49,449	1.31	1.03
1957	171,178	71,416,509	0.42	2,369	549	51,080	1.38	1.07
1958	174,153	73,163,450	0.42	2,172	538	52,699	1.25	1.02
1959	177,136	75,338,188	0.43	2,258	542	54,345	1.27	1.00
1960	179,972	77,501,065	0.43	2,334	544	55,971	1.30	0.97
1961	182,976	79,536,616	0.43	2,204	507	56,046	1.20	0.90
1962	185,739	81,602,984	0.44	2,092	456	56,019	1.13	0.81
1963	188,434	83,834,808	0.44	2,263	538	55,946	1.20	0.96
1964	191,085	86,357,701	0.45	2,275	500	55,835	1.19	0.90
1965	193,457	89,478,922	0.46	2,344	494	55,619	1.21	0.89
1966	195,499	93,000,989	0.48	2,558	535	55,287	1.31	0.97
1967	197,375	97,087,751	0.49	2,896	598	54,890	1.47	1.09
1968	199,312	102,302,251	0.51	2,394	527	54,492	1.20	0.97
1969	201,298	107,111,820	0.53	2,309	455	54,089	1.15	0.84
1970	203,798.7	111,917,733	0.55	2,406	506	53,803	1.18	0.94
1971	206,817.5	116,928,781	0.57	2,360	481	53,835	1.14	0.89
1972	209,274.9	122,304,980	0.58	2,442	554	53,700	1.17	1.03

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accident data are from Centers for Disease Control, Compressed Mortality File, <http://wonder.cdc.gov/mortSQL.html> (run query), CDC National Vital Statistics Reports, [Vol. 69, No. 13](#), tbl. 6 at 38, (Jan. 12, 2021), CDC National Vital Statistics Reports, [Vol. 68, No. 9](#), tbl. 6 at 35, (June 24, 2019), and Kleck, Targeting Guns 323-24. Population age 0-14 for 2000-09 from Census Bureau, Annual Estimates of the Resident Population by Sex and Five-Year Age Groups, 2010 version, and for 2010-19 from Census Bureau, Annual Estimates of the Resident Population for Selected Age Groups by Sex for the United States: April 1, 2010 to July 1, 2019.

1973	211,349.2	128,016,673	0.61	2,618	541	53,450	1.24	1.01
1974	213,333.6	134,587,281	0.63	2,513	532	53,163	1.18	1.00
1975	215,456.6	139,915,125	0.65	2,380	495	52,895	1.10	0.94
1976	217,553.9	145,650,789	0.67	2,059	428	52,605	0.95	0.81
1977	219,760.9	150,748,000	0.69	1,982	392	52,325	0.90	0.75
1978	222,098.2	156,164,518	0.70	1,806	349	52,060	0.81	0.67
1979	224,568.6	161,888,861	0.72	2,004	372	51,523	0.89	0.72
1980	227,224.7	167,681,587	0.74	1,955	316	51,369	0.86	0.62
1981	229,465.7	173,262,755	0.76	1,871	298	51,275	0.82	0.58
1982	231,664.4	178,218,890	0.77	1,756	279	51,367	0.76	0.54
1983	233,792.0	182,273,263	0.78	1,695	243	51,458	0.73	0.47
1984	235,824.9	186,683,867	0.79	1,668	287	51,580	0.71	0.56
1985	237,923.7	190,658,136	0.80	1,649	278	51,616	0.69	0.54
1986	240,132.8	194,182,072	0.81	1,452	234	51,592	0.60	0.45
1987	242,288.9	198,526,508	0.82	1,440	247	51,965	0.59	0.48
1988	244,499.0	203,306,821	0.83	1,501	277	52,604	0.61	0.53
1989	246,819.2	208,489,609	0.84	1,489	273	53,405	0.60	0.51
1990	249,438.7	212,823,547	0.85	1,416	236	54,065	0.57	0.44
1991	252,127.4	216,695,946	0.86	1,441	227	55,352	0.57	0.41
1992	254,994.5	222,067,343	0.87	1,409	216	56,297	0.55	0.38
1993	257,746.1	228,660,966	0.89	1,521	205	57,203	0.59	0.36
1994	260,289.2	235,604,001	0.91	1,356	185	57,918	0.52	0.32
1995	262,764.9	240,599,526	0.92	1,225	181	58,380	0.47	0.31
1996	265,189.8	245,003,546	0.92	1,134	138	58,850	0.43	0.23
1997	267,743.6	249,261,384	0.93	981	142	59,217	0.37	0.24
1998	270,248.0	253,771,440	0.94	866	121	59,659	0.32	0.20
1999	272,690.8	258,490,668	0.95	824	88	59,955	0.30	0.15
2000	281,421.9	263,208,364	0.94	776	86	60,301	0.28	0.14
2001	285,317.6	267,335,304	0.94	802	72	60,566	0.28	0.12
2002	287,973.9	272,180,680	0.95	762	60	60,764	0.26	0.10
2003	290,809.8	276,813,674	0.95	730	56	60,911	0.25	0.09
2004	293,655.4	281,683,638	0.96	649	63	61,012	0.22	0.10
2005	296,507.1	286,837,125	0.97	789	75	60,953	0.27	0.12
2006	299,398.5	292,555,450	0.98	642	54	61,023	0.21	0.08
2007	301,621.2	299,017,274	0.99	613	65	61,295	0.20	0.11
2008	304,059.7	305,894,116	1.01	592	62	61,570	0.19	0.10
2009	307,006.6	314,862,296	1.03	554	48	61,883	0.18	0.08
2010	308,745.5	322,919,506	1.05	606	62	61,201	0.20	0.10

2011	311,556.8	332,416,908	1.07	591	74	61,168	0.19	0.12
2012	313,830.9	345,552,564	1.08	548	58	61,113	0.17	0.09
2013	315,993.7	361,543,774	1.10	505	69	61,067	0.16	0.11
2014	318,301.0	373,798,736	1.17	461	49	61,053	0.14	0.08
2015	320,635.2	386,743,952	1.20	489	48	60,999	0.15	0.08
2016	322,941.3	403,002,346	1.25	495	74	60,997	0.15	0.12
2017	324,985.5	415,334,094	1.28	486	62	60,968	0.15	0.10
2018	326,687.5	428,138,336	1.31	458	54	60,820	0.14	0.09

## Constitutional law and statutory precedents

HB12-1270 compares itself to a certain type of historic law.

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Beginning in the 1830s, U.S. jurisdictions enacted surety laws that required certain firearm owners to post a surety bond that would be forfeited if the firearm owner failed to keep the peace;

(b) Historical surety laws did not prohibit anyone from possessing or carrying arms but incentivized responsible firearm possession by requiring a surety that the owner would forfeit in the event that the owner breached the peace;

(c) At least ten U.S. jurisdictions enacted similar, if not identical, surety laws during the nineteenth century; and

(d) The historical surety laws are analogous to modern liability insurance that does not prohibit firearm ownership or use.

The historic Surety-of-the-Peace statutes from the nineteenth century required a firearms carrier to post a bond for good behavior *only after a court found that he had been threatening to breach the peace.*

As the U.S. Supreme Court explained, the statutes “typically targeted only those threatening to do harm.” “[T]he surety statutes *presumed* that individuals had a right to public carry that could be burdened only if another could make out a specific showing of ‘reasonable cause to fear an injury, or breach of the peace.’” *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1, 55-56 (2022).

In contrast, HB12-1270 imposes its burdens on every gun owner. This is the opposite of the fault-based surety system.

One contemporary court has upheld a San Jose, California, law partly similar to HB24-1270. The court agreed that the surety statutes were good enough for analogy

to a modern universal insurance mandate.<sup>11</sup> To the San Jose court, there was not a crucial legal difference between an old law punishing people who had been acting dangerously versus a modern law punishing everyone.

The San Jose law did not have any provision like the “Show me your papers!” of HB24-1270. So the court did not make any decision about Fourth Amendment issues.

Besides surety statutes, there are some even closer historical analogies for HB24-1270. During the nineteenth century, several slave states that later became Jim Crow states — Mississippi, Alabama, and North Carolina — enacted personal property tax statutes that singled out handguns and some knives for punitive tax rates.<sup>12</sup> The laws were aimed at free people of color (most of whom were poor) and at poor whites.

The purpose of the Jim Crow property taxes and of HB24-1270 is to discourage ownership by poor people by raising expenses. Under HB24-1270, the only poor people who can get out from under its thumb are those who are wealthy enough to hire a private lawyer for a civil case. Catch-22.

Neither liberal nor progressive, HB24-1270 is an heir of Jim Crow’s illiberalism.

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<sup>11</sup> *National Association for Gun Rights v. City of San Jose*, Case No. 22-cv-00501-BLF, 2023 WL 4552284 (N.D. Cal. July 13, 2023). San Jose Code § 10.32.210.

<sup>12</sup> David B. Kopel & Joseph G.S. Greenlee, *The History of Bans on Types of Arms Before 1900*, 50 *Journal of Legislation* 93, 96, 106 (Notre Dame Law School, forthcoming 2024), <https://ssrn.com/abstract=4393197>.