

Senate Judiciary

04/30/2025 01:30 PM

HB25-1171 Possession of Weapon by Previous Offender Crimes

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Marla Benavides None Harmony Initiative Inc.</p>	<p>Testimony Title: Que Pasa, Colorado? — HB25-1171</p> <p>Marla Fatima Fernandez – Paralegal, Mediator, Mother, Candidate for Governor</p> <p>_____</p> <p>“Que pasa, Colorado? We’re banning guns now based on car theft?”</p> <p>Look—I get it. You want safety. So do I. I’m raising a teenage boy. I’ve seen what real danger looks like in the streets and in the system.</p> <p>But HB25-1171, as written, punishes people permanently—even after they’ve done their time.</p> <p>_____</p> <p>For the Record: I Oppose HB25-1171 Unless Amended.</p> <p>Not because I’m soft on crime. But because I believe in due process, redemption, and equal protection under the law.</p> <p>_____</p> <p>Questions for the Committee:</p> <ol style="list-style-type: none">1. Does this bill distinguish between violent and non-violent offenders?2. What safeguards exist for people who have rehabilitated after a non-violent car theft conviction?3. Why are we stacking penalties that last a lifetime when sentencing already happened?

	<p>4. What due process is guaranteed in the 10-year firearm rights petition?</p> <p>5. How do we prevent this law from disproportionately impacting low-income and minority communities?</p> <p>—</p> <p>Amendment Suggestions:</p> <ul style="list-style-type: none"> • Limit the firearm prohibition to only first-degree auto theft involving violence or weapons. • Include mandatory judicial review and clear criteria for firearm rights restoration after a set time. • Require individual assessment, not blanket bans. Every soul matters. • Align with constitutional standards from <i>Binderup v. AG</i> and the 14th Amendment’s due process protections. <p>—</p> <p>Final Statement:</p> <p>We can protect people without punishing the past.</p> <p>We can keep guns out of the wrong hands without treating everyone like a permanent threat.</p> <p>Because in Colorado—we believe in justice. But we also believe in mercy.</p> <p>Que pasa, Colorado? Let’s legislate like we actually believe people can change.</p> <p>Gracias.</p>
<p>Robert Edmiston For The Firearms Coalition of Colorado</p>	<p>Testimony in Support of SB25-1171, Possession of Weapon by Previous Offender Crimes</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</p>

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 the best predictor of future criminal behavior is past behavior. We believe that criminal behavior tends to escalate over time, leading to the conclusion that today's joy rider may become tomorrow's carjacker, in the absence of more forceful intervention from the criminal justice system. To the degree that law breakers are deterred by increased penalties, we are inclined to favor early intervention in the potential "cycle of violence."

In addition, plea bargains are often struck to lessen penalties for much more serious crimes. A person who pleads to even second-degree motor vehicle theft may have committed much worse offenses and has chosen to accept a deal.

We believe that the significant penalties in the motor vehicle statute, CRS 18-4-409, really lie in the second-degree criteria and above. Joy riding is a third-degree offense. Damage to a vehicle of over \$1,000, use of the vehicle in another crime that is not auto related, altering the vehicle to escape detection, taking the vehicle out of state, or bodily injury to another person will place the offender into the second-degree level. These factors all require criminal intent beyond the "bad decision" to take someone else's car. We believe these aggravating factors are serious enough to warrant an additional penalty.

However, the bill has been amended to require a conviction in the First Degree to invoke the prohibition against possession of a firearm. For an offender to reach this level, the person must have been convicted of auto theft on three occasions. We believe this history is clear evidence that the perpetrator should not possess firearms.

Another factor in favor of increased penalties for auto theft, especially in the case of damage or other aggravating elements, is the often-overlooked catastrophic effect of losing a vehicle on individuals or families who depend on vehicles for work, medical appointments, school functions or other necessary activities. The more economically disadvantaged the victim(s), the more drastic the consequences of losing a vehicle.

We urge an "Aye" vote by members of the committee.

Thank you for your consideration.

Robert Edmiston

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