

Senate State, Veterans, & Military Affairs

05/07/2024 Upon Adjournment

HB24-1292 Prohibit Certain Weapons Used in Mass Shootings

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Cynthia Dozier Against themselves	Please vote NO on this bill. It will not keep anyone safer and will actually endanger those most vulnerable.
Leif Sigstedt Against themselves	I oppose this terrible bill because it is repugnant to both our state and our federal constitution; not to mention the Supreme Court rulings in D.C. v. Heller and NYSRPA v. Bruen (and more, like Caetano v. Massachusetts, and McDonald v. Chicago, etc.). These cases all are examples of exactly why these (and pretty much any type of) "arms"/weapons bans regarding things that are in common use are illegal, and how they will eventually be repealed after going through the costly legal system. This ban is even far worse than those tied up in court in other parts of the country yet it will do next to nothing as far as having a positive impact in any way. Let's not waste our state's money fighting against our law-abiding citizens by criminalizing them and forcing them to defend themselves from these unconstitutional and immoral infringements. The second amendment codifies our inherent right to keep and bear arms. This is not a conditional or a second class right, and should not be treated as such. All of this has been clearly and repeatedly stated by the highest courts in the land and yet we still see people trying to propose things like this. If this bill was about banning legal speech covered by the first amendment, for example, there wouldn't even be a discussion, and it would be struck down immediately in this committee (if it even got this far). In my opinion, anyone in congress who tries to pass this is fighting against our very human rights and the constitution they swore an oath to. The constitution is a two way agreement that is the sacred pact between the people and the government. Our rights are not up for debate. Not now, not ever. Vote no on HB24-1292.

Debunking the Myth that the Founders were not Aware of Repeating Arms

We sometimes hear that the self-loading, or semi-automatic firearm is a “new” invention. We also hear that the American Founders were ignorant of possible future developments in the firearms field, and that Second Amendment recognition of the individual right to armed self-defense should not include modern so-called, semi-automatic “assault weapons.”

(An “assault weapon,” by definition, is a select-fire military arm capable of full-auto or semi-auto fire, using a cartridge of intermediate power. A fully automatic firearm discharges more than one round with a single pull of the trigger. A semi-automatic, or self-loading arm, fires one round with one trigger pull.)

Repeating firearms were invented about 250 years before the American Revolution. The Founders were educated and well-read, yet they made no attempt to restrict self-loading arms, or to place them outside the protection of the Second Amendment to the Constitution.

In his article, “Firearms Technology and the Original Meaning of the Second Amendment,” Professor David Kopel cites a 10-shot matchlock arquebus from the period 1490-1530. (The matchlock action used a slow-burning fuse-like cord to ignite the powder to fire the gun. The arquebus, also called a hackbut, was a smooth-bore gun with a hook for placing over walls or similar structures to help absorb recoil.)

King Henry VIII of England (1491–1547) possessed a long gun with a revolving cylinder. Kopel references a wheel-lock pistol with a 15 round capacity manufactured in the Seventeenth Century. These firearms were expensive and difficult to make, but such guns clearly did exist, well before the time of the Founders.

Kopel also discusses a 1646 Danish flintlock with a 30-round magazine that was produced for the Danish and Dutch armies. John Pim of Boston demonstrated an eleven-round repeater in 1722. Another repeating flintlock, made by Joseph Belton of Philadelphia, prior to the American experiment in government by the people, could fire eight shots in three seconds. President Jefferson’s Lewis and Clark Expedition (1803) carried a powerful .Austrian .46 caliber air rifle capable of firing at least 21 shots. This rifle could reportedly bring down an animal as large as an elk.

In *The Illustrated History of Pistols and Revolvers*, Major Frederick Myatt, a British author, mentions the Annelly Flintlock Revolver, invented in the early 1700s. This firearm had an 8-round capacity. The Mortimer Repeating Pistol, developed about the time of the Constitutional Convention, fired seven shots without reloading.

In summary, given the historical evidence, the argument that the Founders could not have imagined semi-automatic firearms is simply insupportable. Modern firearms, as well as modern communications and printing equipment, deserve continuing US Constitutional protection.

Kopel, David, “Firearms Technology and the Original Meaning of the Second Amendment,” *The Volokh Conspiracy*, *The Washington Post*, 04-03-2017. https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/04/03/firearms-technology-and-the-original-meaning-of-the-second-amendment/?utm_term=.11ed7b20f01d

Myatt, Major Frederick, (M. C.) *The Illustrated Encyclopedia of Pistols and Revolvers*, Crescent Books, NY, NY, originally published by Salamander Books, London, England, 1980, pages 22-23.

Gun Control Research- Results of the 1994 “Assault Weapons Ban”

“After the 1994 Ban, ‘no discernible reduction in the lethality and injuriousness of gun violence’ was found.”

In 1997, criminology professors Chris Koper and Jeff Roth published a study for the National Institute of Justice on the 1994 ban of “Assault Weapons” and the resulting effect on crime. (“Assault weapon” is an incorrect term to use for the firearms that were affected by the ban. A real assault weapon is capable of fully automatic fire. That is, a pull of the trigger results in the repeated discharge of the firearm until the trigger is released or the gun runs out of ammunition. The firearms banned in 1994 were semi-automatic or self-loading firearms, requiring one pull of the trigger to fire a round).

In their 1997 study on the effectiveness of the 1994 ban, Koper and Roth concluded that, “The evidence is not strong enough for us to conclude that there was any meaningful effect (i.e., that the effect was different from zero).” Seven years later the two researchers published a follow up study with a criminologist, Dan Woods.

The 2004 study found that “we cannot clearly credit the ban with any of the nation’s recent drop in gun violence. And, indeed, there has been no discernible reduction in the lethality and injuriousness of gun violence.”

Mr. John Lott, in the article cited below, also points out that in 2003, the last full year before the end of the 1994 ban; the US murder rate was 5.7 per 100,000 people, according to the FBI’s Uniform Crime Report. By 2011, that rate had fallen to 4.7 per 100,000, in spite of the expiration of the 1994 Semi-automatic Firearms Ban. According to Mr. Lott, only 2.6% of all murders are committed with any type of rifle. This 2.6% figure would include single shot, lever action, pump action, and bolt action rifles, as well as semi-automatic or self-loading long guns.

Proponents of more gun control also advocate the registration of those firearms currently legally possessed by American citizens. Canada dropped its long gun registry, because it was extremely expensive to set up and maintain, and because Canadian law enforcement officers “could not provide a single example in which tracing was of more than peripheral importance in solving a gun murder.”

John Lott, Jr. is a former Chief Economist of the United States Sentencing Commission and the author of the book, *More Guns, less Crime,*” (University of Chicago Press, third edition, 2010).

Please see the Firearms Coalition of Colorado Information Sheet on Mr. Lott’s work.

Lott, John R. Jr., “Facts about Assault Weapons and Crime,” *Wall Street Journal*, NYC, NY, 01-18-13, page A-14.

Testimony in opposition to: HB24-1292, Prohibit Certain Weapons Used in Mass Shootings. Senate State Affairs Committee - (Two attached files.)

Thank you, Chair and Committee

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.

I am here in opposition to the measure under consideration. While we appreciate the sponsors' desire to "do something," about crime, we have numerous problems with this proposal.

The term "Assault Weapon," as applied to a semi-auto firearm is an arbitrary misnomer. A real assault weapon is a select-fire long gun capable of semi-auto or full-auto fire. Semi-auto means that the trigger of the firearm must be pressed to fire each round. A full-auto firearm will continue to operate after pressing the trigger, given ammunition, until the trigger is released.

We may hear that the Founders could not have imagined multi-shot firearms. This is a specious argument. The authors of the Constitution were among the most educated and knowledgeable people of their generation. They would certainly have been aware of the state of the art of gun-making at the time. In addition to guns with more than one barrel, which could be fired in succession, there were numerous other developments. Jefferson, himself, would have certainly known of the powerful, repeating air rifle taken on the Lewis and Clark Expedition, which he commissioned.

(Please see handout entitled: Debunking the Myth that the Founders were not aware of Repeating Arms.)

The US Government evaluated the effectiveness of the 1994 federal ban on semi-automatic firearms. Researchers completed two reviews and concluded that the ban had no effect on violence and crime in this country.

(Please see handout entitled: Gun Control Research- 1994 Semi-Auto Ban.

In the *Heller* Decision, which is increasingly quoted by opponents of the right to individual self-defense from crime, corruption, tyranny, and genocide, recognized and protected by the Second Amendment; the US Supreme Court ruled that the government cannot ban firearms that are in widespread, common use. Conservatively, there are tens of thousands of semi-auto firearms in Colorado and millions nationwide. Standard capacity magazines of over ten rounds are even more common.

In the more recent *Bruen* Decision, the Supreme Court clearly indicated that proposed gun regulations without an historical analog during the time of the founding of the United States do not withstand judicial scrutiny. Since there is no record of such a ban on a similar class of firearms during the early days of the American Republic, it would seem the proposal under consideration is clearly unconstitutional. Similar laws in other jurisdictions have been ruled unjust in federal court.

[Federal judge strikes down decades-old California ban on assault weapons | CNN](#).

While so-called semi-automatic “Assault Weapons” are not the primary infantry weapon in any modern army, they would be useful in the hands of the Unorganized Militia, if it were called up in defense of the United States. Of all the various types of firearms, semi-autos would seem to be the most protected regarding their relationship to the “militia” mentioned in the Second Amendment.

We urge a “No” vote on this bill.

Thank you.

Robert Edmiston
Volunteer Lobbyist
The Firearms Coalition of Colorado