

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 we 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.

Chairman and Members of the House Judiciary Committee,

House Bill 1292, commonly being referred to as the Assault Weapons Ban, if passed will not have any effect on the occurrence of tragedy and will only result in the restriction of constitutional rights of law abiding citizens.

In the introduction of the bill, the text lays out the reasoning for the need to enact it. However there are many misleading and outright false points listed:

1a) Mass shootings do occur in other industrialized countries, and the United States does not even rank in the top 10 for gun deaths per capita.

1b & 1g) According to the FBI, assault weapons account for fewer deaths per year than hands and feet. Handguns account for the overwhelming majority of homicides in firearm related deaths, not assault weapons.

1c) There are many statistics on mass shootings, but very few use the same definition or criteria. Many of these studies are intentionally using vague definitions in order to inflate the number of incidents. According to the FBI's own report on active shooter incidents in 2021, there were on average only 38.4 incidents for the five year period of 2017-2021. This is in stark contrast to the quoted "more than one mass shooting per day" in the text of the bill.

1d) Yes there have been tragedies in this state, the most infamous being what occurred at Columbine. However we need to acknowledge that this occurred during the federal assault weapons ban of 1994. None of the weapons used fall under the commonly accepted definition of an assault weapon and none of the magazines used held more than 10 rounds. To that same point the deadliest school shooting in history, at Virginia Tech, was carried out with handguns only. This is flat out proof that this proposed bill will not do a single thing to prevent this from occurring again in the future.

1g cont.) These weapons are not uniquely lethal, and were not designed to kill quickly or inflict horrific wounds. The US military's reasoning and criteria for adoption was far more mundane and had to do with weight, the ability to suppress an enemy in large maneuvers with sustained fully automatic fire, and also maintaining some of the other caliber characteristics of the previous standard cartridge. The features in the bill text that are claimed to make these more lethal are simply ergonomic features to fit a wider range of people of different statures, or safety features to prevent injury to the user and bystanders. You would not buy a car with no firewall between you and the engine, so why would something such as a barrel shroud that prevents someone from burning their hands be bad?

1h) The so-called "tactical" features are purely ergonomic and do not impact the lethality of a firearm. Lethality is derived from energy of the projectile and accuracy, neither of which are affected by the features that define an assault weapon.

2a) Assault weapons are very suitable for self defense, are commonly used in hunting, and are extremely common in sport shooting. But the second amendment was not written for hunting or sporting, it was written for defense and self preservation.

2b) The reason for the use of these weapons in any criminal act is the media frenzy surrounding these weapons and the false narratives by the uninformed that perpetuate the idea that these are a unique danger. Not the marketing.

2c) if these weapons pose a unique danger to the public then why would there be an allowance for current owners or law enforcement to continue to use them?

2d) Another false claim that incidents dropped during the 1994-2004 ban. All legitimate studies show that the ban had, at best, a statistically negligible effect. The recent increases in these incidents in the last two years are well after the ban was lifted. This is a mental health issue.

2e & 2f) Columbine High School, happened during the 1994-2004 assault weapons ban. And the deadliest school shooting in the US, Virginia Tech, only handguns were used. These are both irrefutable proof that these types of laws are ineffective. Also, the claim that banning assault weapons leads to a drop is simply not true. California sees a comparatively high number of these incidents even with an assault weapons ban in place.

This proposed bill will simply not have any of the intended affects, and all it will do is disarm law abiding citizens and run counter to the constitutional protection listed in the 2nd amendment and precedent set forth by the Supreme Court in the NYSRPA v Bruen decision. If these weapons were in-fact uniquely dangerous, then there should not be an exception for the state or related agencies to possess them, and the state should therefore lead by example and be the first to get rid of them.

Thank you for your time,

Thomas Sakowski
Highlands Ranch, CO

.....

9977 Morning Vista Dr.
Peyton, CO 80831-8185
Phone 303-564-2682
Fax 719-434-7811
Email signorecostuni@gmail.com

STONAIRE CONSULTING

March 19, 2024 @ 16:00 hrs.

*House Judiciary Committee
Colorado General Assembly*

REF: HB 24-1292

Dear Chairman and Committee Members

I registered for a personal appearance regarding this Bill. However, I was present for 5 hours without being called. Consequently, I had to leave. I realize the Committee likely has voted on this Bill, but I feel my perspective may be useful.

I spent 38 years in the practice of trauma surgery and emergency medicine as well as administrative medicine. I am also a certified investigator specializing in assault, homicide, abuse, and blue-on-blue injury or crime. I was in Medical Command during my 4 years in the US Army.

As I listened to testimony today, I was struck by two glaring observations. The first was the emotional subjective presentation of experiences, adverse events, and repetitive logic as well as opinion on both sides of the testimony. Secondly, were misperceptions, verbalization of inaccurate data, and the misuse of terminology. Other than the four law enforcement officers who testified, I did not hear what I would consider experts.

As examples, mass shootings were used interchangeably with gun violence. They are two distinct entities. According to the FBI's Uniform Crime Reporting Program, in 2022 mass shootings accounted for 2% of the resultant homicides compared to 22% of the non-firearm homicides (i.e. knives, blunt objects, narcotics, poison, drowning, explosives) out of 19,196 total homicides. But gun violence by firearms accounted for 77% of the 19,196 homicides.

If our goal is decreasing all gun violence, the solution does not lie in legislation based on first-glance solution or seems logical or is based on isolated data and experiences. The solution lies with determining the root cause of the varied events involving gun violence and involving multiple experts, legislators, advocacy groups on both sides of the issue, public, and on and on. And reviewing the data to determine legitimate and valid data to use.

In 2020, the American Journal of Emergency Medicine published their findings on searching the literature, research, and documentation of risk factors for persons using gun violence. They screened

*Medical Investigation and Forensic Consulting
Medical Systems Analysis and Consulting*

.....

2304 citations, but only 22 met their rigid criteria. They determined five factors that put the individual at risk to resort to gun violence: 1) violent behavioral tendencies, 2) substance abuse, 3) mental illness, 4) suicidal ideation, and 5) inappropriate access. A sixth risk factor was from Arizona State University School of Criminology in 2019. They studied over 500 males from ages 7 until 20 years old. By age sixteen, those who were carrying or using a gun lacked adequate "Parental engagement."

These six elements are the base root cause of gun violence. AND THIS IS WHERE WE SHOULD PUT OUR EFFORTS IF WE ARE GOING TO REDCUE GUN VIOLENCE.

I employ the House to abandon pending gun legislation and strongly recommend they pursue a multi-expert task force to address these six elements for discussion, review, and recommendations.

Respectively,

A handwritten signature in blue ink, appearing to read 'J. Stone'.

**James R. Stone, MD, MBA, CMI-V
FACS, FCCP, FCCM, FACFE**

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 Annely 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.



March 2024

TO: House Judiciary Committee

RE: HB24-1292 --Prohibit Certain Weapons Used in Mass Shootings

Dear Committee Members:

The American Association of University Women (AAUW) is one of the oldest women's organizations in the country, empowering women since 1881. The mission of AAUW is to advance equity for women and girls through research, education and advocacy. More than 700 community leaders are members of AAUW branches around Colorado.

AAUW has declared that gun violence is a public health crisis. Mass shootings have become commonplace, and our children now live with the expectation that they may be the next victims. The most preventable gun deaths are those from assault weapons, fired by people who intend to kill as many people as fast as possible.

We believe HB1292 will bring a measure of sanity and safety to Colorado while we await action at the federal level.

AAUW of Colorado strongly supports HB 1292 and requests your YES vote in committee and throughout the process of becoming a law.

Respectfully submitted,

A handwritten signature in blue ink that reads "Su Ryden".

Su Ryden
AAUW of Colorado Public Policy Co-Director

16699 E. Kentucky Ave. • Aurora, CO 80017
303.898.5797
suryden25@gmail.com

American Association of University Women--AAUW is a top-rated 501(c)3 charitable organization whose mission is to advance gender equity for women and girls through research, education, and advocacy.

Prepared Written Testimony of Brandon M. Farrand

Founder

2nd to None, LLC.

Submitted March 19, 2024

Colorado House Judiciary Committee

March 19, 2024

Room #271, Old State Library

Judiciary Hearing

House Bill 24-1292 – “Prohibit Certain Weapons Used in Mass Shootings”

Chairperson Weissman, Vice Chair Bacon, and Committee Members:

Thank you for the opportunity to provide written testimony on behalf of 2nd to None, LLC., which strongly opposes House Bill 24-1292 – “Prohibit Certain Weapons Used in Mass Shootings” and the like, and requesting that all members of the House Judiciary Committee and the Colorado General Assembly do the same.

Many would think that after hearing over 12 hours of witness testimony and a ratio of 6-1 in opposition to HB23-1230, and the countless pending lawsuits, some of the members of the Colorado General Assembly would get the hint that the people of Colorado DO NOT WANT this type of legislation, yet here we are again. Are we surprised? Not at all. Why stop at attempting to strip away the Right of the People to Free And Fair Elections, continue to make good on the threat to Colorado citizens and attempt yet again to strip away the to Keep and Bear Arms. After all, “It’s the guns. It’s the guns. It’s the guns!” right? Sure.

Most people aren’t as dumb as some of the ~~California, New York, Illinois, Oregon, New Mexico, Washington D.C.~~ COLORADO General Assembly assume. The true citizens of this once beautiful and great state can see exactly what the true intentions are of legislators that bring garbage like HB24-1292, to the table year after year. It has nothing to do with public safety, rather an agenda to take advantage of the majority and to penalize law abiding citizen’s one piece at a time till “the guns” are not obtainable by the law abiding anymore. That is called Tyranny. It doesn’t matter if it’s “certain guns”, as some members of the Colorado House claim, or any gun. At the end of the day, they, and we, are protected by the Colorado Constitution and the U.S. Constitution, “...The Right of the People to Keep and Bear Arms Shall Not Be Infringed.” We know not everyone like the anti-gun groups and certain members of the Colorado General Assembly that listen to them can understand that, or refuse to accept it, and it’s apparent. The General Assembly may have the numbers, and ignorance or pretend to be intelligent and come up with misconstrued interpretations of law and history to pass this unconstitutional filth. If it does, celebrate quickly because it is not going to last long once the smoke clears and decisions from lawsuits continue to be released in the Constitution’s favor. Just like the failed attempt to take certain candidates off the ballot so the People cannot exercise THEIR Right and vote for the candidate of THEIR choice. That is also called Tyranny. At the end the day, we are a Constitutional Republic.

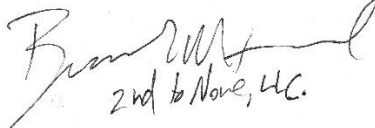
Instead, here we are yet again; and 2nd to None continues to urge the halting of this absurd and ultimately ineffective path that the Colorado General Assembly is STILL continuing to travel down. Yet again, instead of coming up with effective solutions that would actually make positive impact, such as strengthening school security (metal detectors, armed and trained personnel or law enforcement, creating an impenetrable presence, getting rid of gun free zones and sensitive places), addressing mental health and figuring out why people are resorting to violence, holding individuals accountable for their misconduct and crimes; rather the Colorado General Assembly and certain localities of Colorado are once again under the false pretense that “It’s the Guns. It’s the Guns. It’s the Guns!” STILL intentionally and with no regard, violating their oaths of office by wasting time, money and lives going after inanimate objects and Constitutionally Protected Rights of which have been deemed time and time again just that. STILL intentionally and with no regard, violating their oaths of office by leaving law abiding citizens defenseless and hindering their ability to exercise their Natural-Born, God-Given Right until Our Rights are reinforced by the courts, and ultimately striking down useless legislative efforts due to nonsensical knee-jerk reactions and in the interim opening the door for more crime and violence, and purposely restricting everyone’s Right to self-defense to “feel safer”. Want to really be safe? Beside the numerous suggestions above, always have some kind protection on your person... like a gun. It’s not living in fear, it’s called being protected and prepared. Especially with the millions of illegal immigrants and possible terrorists that are being welcomed in by the state of Colorado and country wide, citizens are more afraid of that and should be, the need for self-defense is needed now more than ever!

In summation, House Bill 24-1292 overreaches our Naturally Born and God-Given Constitutional Rights. **Period.** This is supported by countless judicial decisions released by the U.S. Supreme Court (NYSRPA v. Bruen, District of Columbia v. Heller), by State Courts all over the country (NAGR v. The City of Naperville, Boland v. Bonta, Nguyen v. Bonta, etc.), and not to mention the numerous local lawsuits filed against Governor Jared Polis, Boulder County, City of Boulder, City of Louisville, and Town of Superior that affirm such legislation, the same type of legislation like HB24-1292, are in violation of our individual inalienable Rights.

2nd to None and the people of Colorado continue to ask you to please make an actual difference and focus efforts Constitutionally on the actual root of the problem, the criminals responsible for these tragedies; and the psychological, cultural, societal reasoning’s that lead up to their deplorable actions. Not toward Constitutionally protected law abiding citizens and inanimate objects that we all have the Right to exercise with; that includes all of them not just “certain ones”. Having a world where everyone gets along no matter of race, creed, religion, gender, color, etc. is a desire that most people have on this Earth... then there is reality. Unfortunately there are people out there that are just evil and Americans have the Right and means to protect themselves from such evil. It’s Our Right. Don’t Be A Victim. STOP attempting to have the people of Colorado become one that hasn’t already been!

Thank you,

Brandon M. Farrand
Founder of 2nd to None, LLC.



2nd to None, LLC.

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9

10 JAMES MILLER, et al.,

11 Plaintiffs,

12 v.

13 ROB BONTA, in his official capacity as
14 Attorney General of the State of
15 California, et al.,

16 Defendants.

Case No.: 19-cv-1537-BEN (JLB)

DECISION

17 **I. INTRODUCTION**

18 Like the Swiss Army Knife, the popular AR-15 rifle is a perfect combination of
19 home defense weapon and homeland defense equipment. Good for both home and battle,
20 the AR-15 is the kind of versatile gun that lies at the intersection of the kinds of firearms
21 protected under *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *United States v*
22 *Miller*, 307 U.S. 174 (1939). Yet, the State of California makes it a crime to have an AR-
23 15 type rifle. Therefore, this Court declares the California statutes to be unconstitutional.

24 Plaintiffs challenge a net of interlocking statutes which impose strict criminal
25 restrictions on firearms that fall under California's complex definition of the ignominious
26 "assault weapon." Hearings on a preliminary injunction were consolidated with a trial on
27 the merits pursuant to F.R.C.P. Rule 65(a)(2). Having considered the evidence, the Court
28

1 issues these findings of fact and conclusions of law,¹ finds for the Plaintiffs, and enters
2 Judgment accordingly.

3 The Second Amendment “elevates above all other interests the right of law-
4 abiding, responsible citizens to use arms in defense of hearth and home.” *Heller*, 554
5 U.S., at 635. The Supreme Court clearly holds that the Second Amendment protects guns
6 commonly owned by law-abiding citizens for lawful purposes. At the same time, “the
7 Second Amendment confers an individual right to keep and bear arms . . . that ‘have
8 some reasonable relationship to the preservation or efficiency of a well regulated
9 militia.’” *Id.* at 622. And although the Supreme Court cautioned that the Second
10 Amendment does not guarantee a right to keep and carry “any weapon whatsoever in any
11 manner whatsoever and for whatever purpose,” *Heller*, 554 U.S., at 626, lower courts
12 have often cited this proviso about extreme cases to justify gun laws in average contexts.
13 There is no evidence that the Supreme Court intended that language to be a license to
14 avoid its common sense holding in average contexts. Unfortunately, *Heller*’s
15 acknowledgement of exceptions for gun laws at the extreme is in danger of swallowing
16 *Heller*’s rule for the average case.

17 This case is not about extraordinary weapons lying at the outer limits of Second
18 Amendment protection. The banned “assault weapons” are not bazookas, howitzers, or
19 machineguns. Those arms are dangerous and solely useful for military purposes.
20 Instead, the firearms deemed “assault weapons” are fairly ordinary, popular, modern
21 rifles. This is an average case about average guns used in average ways for average
22 purposes.

23 One is to be forgiven if one is persuaded by news media and others that the nation
24 is awash with murderous AR-15 assault rifles. The facts, however, do not support this
25

26
27 ¹ The characterization of a finding as one of “fact” or “law” is not controlling. To the
28 extent that a finding is characterized as one of “law” but is more properly characterized
as one of “fact” (or vice versa), substance prevails over form.

hyperbole, and facts matter. Federal Bureau of Investigation murder statistics do not track assault rifles, but they do show that killing by knife attack is far more common than murder by any kind of rifle. In California, murder by knife occurs seven times more often than murder by rifle. For example, according to F.B.I. statistics for 2019, California saw 252 people murdered with a knife, while 34 people were killed with some type of rifle – not necessarily an AR-15.² A Californian is three times more likely to be murdered by an attacker’s bare hands, fists, or feet, than by his rifle.³ In 2018, the statistics were even more lopsided as California saw only 24 murders by some type of rifle.⁴ The same pattern can be observed across the nation.

A. Pre-*Heller* Origin of the Assault Weapons Control Act (“AWCA”)

It is clear today, in the year 2021, that individuals have a right to keep and possess dangerous common arms.”⁵ But California’s Assault Weapons Control Act (“AWCA”) was enacted in the year 1989. In 1989, the California Legislature was concerned that an assault weapon “has such a high rate of fire and capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings.” *See* Cal. Penal Code § 30505(a). AWCA then banned assault weapons by specific makes and models. Cal. Penal Code § 30510.

AWCA was a policy choice unencumbered by constitutional considerations. The California Legislature weighed only the firearm’s value for sports and recreation against the relative dangerousness of the weapon and the danger of it being misused by criminals.

² <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-20>.

³ *Id.* California recorded 102 murders in 2019 by an attacker’s use of hands, fists, or feet.

⁴ <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/tables/table-20>.

⁵ *Caetano v. Massachusetts*, 577 U.S. 411, 418 (2016) (Alito, J., and Thomas, J., concurring) (citing *Heller*, 554 U.S., at 627, 636 (“If *Heller* tells us anything, it is that firearms cannot be categorically prohibited just because they are dangerous.”)).

1 It was a different time in legal history.

2 **B. Pre-*Heller* Second Amendment Jurisprudence**

3 In 1989, most judicial thinking about the Second Amendment was incorrect. Prior
4 to 2008, lower court opinions did not acknowledge that the Second Amendment
5 conferred an individual right to own firearms, or that the right applied against the states.
6 See e.g., *United States v. Hancock*, 231 F.3d 557, 565–66 (9th Cir. 2000) (“[T]his court
7 has concluded that ‘the Second Amendment is a right held by the states, and does not
8 protect the possession of a weapon by a private citizen.’”) (citation omitted).⁶ When the
9 features-based definition was added for the year 2000, a citizen challenging AWCA in
10 the Ninth Circuit was still (incorrectly) regarded as lacking basic Article III standing.⁷
11 Judicial recognition of an individual right to keep and bear arms to be respected by the
12 states would come later with the *Heller* decision in 2008 and the *McDonald* decision in
13 2010. See *McDonald v. City of Chicago, Ill.*, 561 U.S. 742, 767 (2010) (“[I]n *Heller*, we
14 held that individual self-defense is ‘the central component’ of the Second Amendment
15 right.”).⁸

16
17
18 ⁶ See also *Hickman v. Block*, 81 F.3d 98, 101 (9th Cir. 1996) (“We follow our sister
19 circuits in holding that the Second Amendment is a right held by the states, and does not
20 protect the possession of a weapon by a private citizen.”); *Fresno Rifle & Pistol Club,
21 Inc. v. Van De Kamp*, 965 F.2d 723, 731 (9th Cir. 1992) (rejecting the first attack on
22 California’s AWCA because “until such time as *Cruikshank* and *Presser* are overturned,
the Second Amendment limits only federal action, and we affirm . . . ‘that the Second
Amendment stays the hand of the National Government only.’”).

23 ⁷ *Silveira v. Lockyer*, 312 F.3d 1052, 1066-67 (9th Cir. 2002) (“Because we hold that the
24 Second Amendment does not provide an individual right to own or possess guns or other
25 firearms, plaintiffs lack standing to challenge the AWCA.”).

26 ⁸ See also *United States v. Craighead*, 539 F.3d 1073, 1077 (9th Cir. 2008) (“The home
27 occupies a special place in the pantheon of constitutional rights. Under the First
28 Amendment, the ‘State has no business telling a man, sitting alone in his house, what
books he may read or what films he may watch.’ The Second Amendment prohibits a
federal ‘ban on handgun possession in the home.’” (citing *Heller*)).

1 In the year 1989, the California Legislature was not concerned with maintaining
 2 room for a citizen's constitutional right to have a common firearm of one's choosing to
 3 defend hearth and home. In making its policy choice, the California Legislature neither
 4 mentioned a modern rifle as a means of self-defense, nor did the core Second
 5 Amendment right appear to have been any part of its consideration.⁹ The formal
 6 legislative findings say nothing about self-defense. *See* § 30505(a). The balance was
 7 simply about criminal use, on the one hand, versus sporting or recreational activities, on
 8 the other hand. In the pre-*Heller* jurisprudential milieu, the pure policy choice made
 9 sense.

10 **C. Amending AWCA Using a Prohibited-Features Approach**

11 On January 1, 2000, Senate Bill 23 went into effect adding to AWCA the features-
 12 based definition of "assault weapons" (now codified at California Penal Code §
 13 30515(a)). At this juncture, it is not clear why § 30515(a) was enacted, as there is no
 14 legislative history in evidence. The federal assault weapon ban was already in place.

15 It may have been the fact that manufacturers began producing new firearms with
 16 similarities to listed rifles to circumvent the ban.¹⁰ Important for today's constitutional
 17 evaluation is the fact that, once again, the California Legislature did not consider its
 18 citizens' federal constitutional right to keep a weapon for home defense. As *Heller* says,
 19 "[t]he very enumeration of the [constitutional] right takes out of the hands of government
 20

21
 22 ⁹ In *Kasler v. Lockyer*, 23 Cal. 4th 472, 488 (2000), the California Supreme Court
 23 detailed the legislative history of AWCA and said, "[t]he Legislature was, in short,
 24 confronted with two conflicting societal interests, both of which it recognized as
 25 legitimate – the interest of all citizens in being protected against the use of semiautomatic
 26 weapons by criminals, and the interest of some citizens in using semiautomatic weapons
 for hunting, target practice, or other legitimate sports or recreational activities."

27 ¹⁰ In *Silveira v. Lockyer*, 312 F.3d 1052 at n.5 and n.56, as amended (Jan. 27, 2003), the
 28 court said that was the legislative impetus, but cited only a Los Angeles Times newspaper
 article.

1 . . . the power to decide on a case-by-case basis whether the right is *really worth* insisting
2 upon.” 554 U.S., at 635 (emphasis in original).

3 Concerning AWCA’s prohibited-features amendment, the Attorney General has
4 not identified any relevant legislative history or legislative findings about the societal
5 dangers of pistol grips, flash hiders, telescoping stocks, flare launchers or barrel shrouds.
6 The State’s legislative information website lists several committee reports leading up to
7 the signing of Senate Bill 23 by California Governor Gray Davis on July 19, 1999. *See*
8 leginfo.legislature.ca.gov. But there are no studies of criminal gun usage recounted.
9 There are no assault weapon experiences of other states or cities recited. There are no
10 public hearings described. There is one indication, however: Senate Bill 23 was said to
11 be similar to Assembly Bill 2560, which was passed the previous year, but vetoed by
12 California Governor Pete Wilson. Governor Wilson issued a statement with his veto
13 criticizing AWCA’s prohibited-features approach and offered this analogy: “If this bill’s
14 focus were high speed sports cars, it would first declare them ‘chariots of death’ and then
15 criminalize possession of Ramblers equipped with racing stripes and wire wheels.”¹¹

16 After AWCA was amended times changed. The federal ban expired in 2004.
17 *Heller* was decided in 2008. *McDonald* was decided in 2010. Nevertheless, California
18 continues to restrict “assault weapons” under § 30515(a). *See* Cal. Pen. Code §§
19 30600(a), 30605(a).¹² Section 30515(a)(1) through (8), the prohibited-features definition

21
22 ¹¹ *See* www.leginfo.ca.gov/pub/97-98/bill/asm/ab_2551-2600/ab_2560 (last visited
23 4/14/21).

24 ¹² California Penal Code § 30600(a) states, “Any person who, within this state,
25 manufactures or causes to be manufactured, distributes, transports, or imports into the
26 state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault
27 weapon . . . is guilty of a felony, and upon conviction shall be punished by imprisonment
28 pursuant to subdivision (h) of Section 1170 for four, six, or eight years.”

Likewise, California Penal Code § 30605(a) states, “Any person who, within this
state, possesses any assault weapon . . . shall be punished by imprisonment in a county

1 of an “assault weapon,” is the statute (along with its interlocking counterparts) which,
2 today, Plaintiffs challenge as unconstitutional.¹³

3 **D. Assault Weapons Defined**

4 Under § 30515(a), a rifle is labeled an “assault weapon” if it is one of three
5 principal types. The first type is a semiautomatic centerfire¹⁴ rifle that does not have a
6 fixed magazine but has one of the following prohibiting features: a pistol grip that
7 protrudes conspicuously beneath the action of the rifle, a thumbhole stock, a folding or
8 telescoping stock, a grenade or flare launcher, a flash suppressor, or a forward pistol grip.
9 The second type is a semiautomatic centerfire rifle that has a fixed¹⁵ magazine able to
10 hold more than 10 rounds. The third type is a semiautomatic centerfire rifle that has an
11
12
13

14 jail for a period not exceeding one year, or by imprisonment pursuant to subdivision (h)
15 of Section 1170.” The statutes do not specifically criminalize the buying or borrowing of
16 an assault weapon, but the criminalization of selling, lending, and manufacturing
impinges on a citizen’s constitutional right to acquire these firearms for self-defense.
17 “This acquisition right is protected as an ‘ancillary right’ necessary to the realization of
18 the core right to possess a firearm for self-defense.” *Renna v. Becerra*, No. 20cv2190-
DMS (DEB), 2021 WL 1597933, at *6 (S.D. Cal. Apr. 23, 2021) (quoting *Teixeira v.*
19 *County of Alameda*, 873 F.3d 670, 677 (9th Cir. 2017)) (*en banc*) (core Second
20 Amendment right “wouldn’t mean much” without ability to acquire arms).

21 ¹³ Plaintiffs do not challenge §§ 30505 or 30510. On August 6, 2020, AWCA was again
22 amended adding new subsections (9) though (11) to § 30515(a) to include semiautomatic
23 centerfire firearms that are somehow neither rifle, nor pistol, nor shotgun, but have the
prohibited features.

24 ¹⁴ Centerfire ammunition is generally more powerful and reliable than rimfire
25 ammunition. Defs. Exh. D, Graham Decl. at ¶ 22 (DEF0201-02); Kapelsohn Depo. at
26 29:10-13.

27 ¹⁵ A “fixed magazine” is “an ammunition feeding device contained in, or permanently
28 attached to, a firearm in such a manner that the device cannot be removed without
disassembly of the firearm action.” Cal. Pen. Code § 30515(b).

1 overall length of less than 30 inches. Cal. Penal Code § 30515(a)(1)-(3).¹⁶

2 As an aside, the “assault weapon” epithet is a bit of a misnomer.¹⁷ These
3 prohibited guns, like all guns, are dangerous weapons. However, these prohibited guns,
4 like all guns, can be used for ill or for good. They could just as well be called “home
5 defense rifles” or “anti-crime guns.”

6 The mechanical design features that identify a rifle as a California “assault
7 weapon,” it is argued, tend to help a person shoot the rifle more accurately under
8 pressure. The Plaintiffs make the point that this is a better condition for all lawful uses,
9 *i.e.*, a more accurate gun is better for everyone. After all, responsible gun-owners worry
10 about the ending point of every round fired. If shooting in self-defense, a home defender
11 wants every round to hit only attackers.

12 In contrast, the Attorney General argues that better accuracy makes it a more
13 dangerous weapon. According to the Attorney General, “assault weapons enable a
14 shooter to fire more rounds rapidly in a given period with greater accuracy, increasing the
15 likelihood that more individuals will be shot and suffer more numerous injuries.” The

16
17
18 ¹⁶ Based on prohibited features, AWCA also dubs “assault weapons” certain shotguns and
19 pistols, and (recently) guns that are neither rifles, nor shotguns, nor pistols. Antique
20 firearms and certain pistols designed expressly for Olympic events are exempted. Cal.
Pen. Code §30515(d).

21 ¹⁷ *Stenberg v. Carhart*, 530 U.S. 914, 1001 n.16 (2000) (Thomas, J., dissenting) (“Prior to
22 1989, the term ‘assault weapon’ did not exist in the lexicon of firearms. It is a political
23 term, developed by anti-gun publicists to expand the category of ‘assault rifles’ so as to
24 allow an attack on as many additional firearms as possible on the basis of undefined
25 ‘evil’ appearance.”) (quoting Kobayashi & Olson et al., *In re 101 California Street: A
26 Legal and Economic Analysis of Strict Liability for the Manufacture and Sale of “Assault
27 Weapons,”* 8 Stan. L. & Pol’y Rev. 41, 43 (1997)); *Heller v. D.C. (Heller II)*, 670 F.3d
28 1244, 1290 (D.C. Cir. 2011) (Kavanaugh, J., dissenting) (“D.C. repeatedly refers to the
guns at issue in this case as ‘assault weapons.’ But if we are constrained to use D.C.’s
rhetoric, we would have to say that handguns are the quintessential ‘assault weapons’ in
today’s society; they are used far more often than any other kind of gun in violent
crimes.).

1 implied context is a mass shooting. In the terrible mass shooting context, which
 2 fortunately is a rare event, reducing the number of innocent victims is the State's goal,
 3 although it is not at all clear that a less accurate rifle would reduce the number of victims.
 4 A less accurate rifle in the hands of a mass shooter may very well result in different
 5 victims, but not necessarily less victims. On the other hand, in the self-defense context,
 6 which seems to be more common, taking accurate shots at attackers is vitally important
 7 for the innocent victim. While the state ought to protect its residents against
 8 victimization by a mass shooter, it ought also to protect its residents against victimization
 9 by home-invading criminals. But little is found in the Attorney General's court filings
 10 reflecting a goal of preventing violence perpetrated against law-abiding citizens in their
 11 homes. Instead, the State's litigation stance is more like the view recently expressed by a
 12 police chief in Oakland, California: we do not want victims to arm themselves; we want
 13 them to be good witnesses.¹⁸ Of course, a dead victim is a lousy witness.

14 **E. Criminal Penalties**

15 The State prefers a policy of residents not arming themselves with assault
 16 weapons, and for those who do, arresting residents. California Penal Code § 30600
 17 imposes a felony criminal penalty for anyone who manufactures, distributes, imports,
 18 keeps for sale, offers for sale, or lends an "assault weapon." The prescribed prison
 19 sentences for violations of these *malum prohibitum* crimes are four, six, or eight years.

21
 22 ¹⁸ See abc7news.com/Oakland-police-chief-leronne-armstrong-chinatown-opd/10346747/
 23 (last visited 2-19-21). On February 17, 2021, ABC7 News reported, "a woman was
 24 walking . . . around 6 p.m. Monday when she was approached by a suspect who
 25 attempted to take her camera. During the struggle, investigators said a nearby resident
 26 came up and fired several rounds toward the suspect." Afterwards, the police chief said,
 27 "[w]hen weapons are fired in our community, there could be unintended victims. We
 28 don't want our business owners or others to begin to arm themselves. We would really
 prefer them to be good witnesses." Unironically, according to the report, "[n]o one was
 hit, but when police arrived, the man with the gun was arrested while the robbery suspect
 got away."

1 See California Penal Code § 30600(a). One who merely possesses an “assault weapon”
 2 in California is guilty of a misdemeanor under California Penal Code § 30605(a) or a
 3 felony pursuant to California Penal Code § 1170(h)(1) (“a felony punishable pursuant to
 4 this subdivision where the term is not specified in the underlying offense shall be
 5 punishable by a term of imprisonment in a county jail for 16 months, or two or three
 6 years”). In other words, the criminal sanction for possession of any gun deemed an
 7 “assault weapon” is a wobbler and can be sentenced as either a felony or a misdemeanor.
 8 If one possesses only one or two properly registered pre-ban assault weapons, the crime
 9 is a misdemeanor for the first offense. Cal. Pen. Code § 30605(b). Beginning January 1,
 10 2020, a prosecutor may in lieu of criminal prosecution for mere possession of an assault
 11 weapon, institute a civil action for an injunction, fine, and destruction of the firearm as a
 12 nuisance. Cal. Pen. Code §30800.

13 As one commentator describes it, “[m]ere possession of an object that is
 14 commonplace and perfectly legal under federal law and in forty-four states will land you
 15 in prison, [will] result in the loss of your rights including likely the right to vote, and
 16 probably [will] cause you irreparable monetary and reputational damages, as well as your
 17 personal liberty. All of this despite the absence of even a single victim.”¹⁹

18 **F. Modern Rifles**

19 The Second Amendment protects modern weapons. *Caetano v. Massachusetts*,
 20 577 U.S. 411, 412 (2016). The firearms banned by California Penal Code § 30515 and
 21 deemed “assault weapons” are modern weapons. They are principally AR-15 type rifles,
 22 pistols, and shotguns. Plaintiffs and others refer to them as “modern sporting rifles”
 23 although they are clearly useful for more than just sport. They are modern rifles that do
 24 not look like the iconic rifles from years gone by. They are fabricated with synthetic

25
 26
 27 ¹⁹ Mark W. Smith, *Assault Weapon Bans: Unconstitutional Laws for Made-up Category*
 28 *of Firearms*, 43 Harvard J. Law & Public Policy 357, 360 (2020). One could add to this
 list of consequences the forfeiture of the firearm itself. See Cal. Pen. Code § 30800(d).

1 polymers and anodized aluminum in cerakoted colors of black and brown and green.
2 Parts once made of solid wood on guns of the past are gone. These modern rifles are
3 constructed of lightweight alloys and titanium nitride barrels in angular skeletonized
4 shapes. To those who grew up watching movie “westerns” with John Wayne, or Chuck
5 Connors (“The Rifleman”) on television, modern rifles just do not look like rifles. The
6 AR-15 platform in particular, is an “open source” design and includes firearms made by
7 numerous manufacturers under different product names with countless variations and
8 adaptations. In fact, the platform’s ability to accept modifications with ready-made retail
9 parts without the need for specialized tools or expertise, is part of what makes these rifles
10 popular. What advances in firearm design the future holds for these arms are yet to be
11 imagined. When the term “modern rifle” is used in this opinion, it principally refers to a
12 rifle built on the AR-15 platform with prohibited features.

13 II. ANALYSIS

14 The Second Amendment provides: “A well regulated Militia, being necessary to
15 the security of a free State, the right of the people to keep and bear Arms, **shall not** be
16 infringed.” U.S. Const. amend. II (emphasis added). The Supreme Court recognizes that
17 “the Framers and ratifiers of the Fourteenth Amendment counted the right to keep and
18 bear arms among those fundamental rights necessary to our system of ordered liberty.”
19 *McDonald*, 561 U.S., at 778. This right is incorporated against the states under the
20 Fourteenth Amendment. *Id.*

21 Although the Attorney General sees it differently, the Supreme Court also
22 recognizes that the Second Amendment guarantee includes a right to keep and bear
23 firearms that have “some reasonable relationship to the preservation or efficiency of a
24 well-regulated militia.” *Miller*, 307 U.S., at 178. *Miller* implies that a weapon that is
25 commonly owned and that is useful for the common defense for a militia member is also
26 protected by the Second Amendment.

27 *Heller* and *Miller* are consistent. *Heller* took the already expansive zone of
28 protection for weapons that could be used by the militia and focused on the core use of

1 firearms for self-defense. “The [*Heller*] Court determined that the right to keep and bear
 2 arms is an individual right held by the people, and not limited by the prefatory clause – ‘a
 3 well regulated Militia’ -- only to ‘the right to possess and carry a firearm in connection
 4 with militia service.’” *Young v. State*, 992 F.3d 765, 782 (9th Cir. 2021) (*en banc*). As
 5 *McDonald* puts it,

6 [i]n *Heller*, we recognized that the codification of this right was prompted by
 7 fear that the Federal Government would disarm and thus disable the militias,
 8 but we rejected the suggestion that the right was valued only as a means of
 9 preserving the militias. On the contrary, we stressed that the right was also
 10 valued because the possession of firearms was thought to be essential for
 self-defense. As we put it, self-defense was “the central component of the
 right itself.”

11 *McDonald*, 561 U.S., at 787. In *Caetano*, the Court underscored these two points. One,
 12 the Second Amendment extends at the very least to common modern arms useful for self-
 13 defense in the home. Two, Second Amendment protection includes both common arms
 14 and weapons that may also be useful in warfare. *Caetano*, 577 U.S., at 412 (quoting
 15 *Heller*, 554 U.S., at 582, 624-25); *contra Kolbe v. Hogan*, 849 F.3d 114, 131 (4th Cir.
 16 2017) (*en banc*) (weapons most useful in warfare are not protected by the Second
 17 Amendment).

18 **A. The *Heller* Test**

19 With these principles firmly established, it is time to put the constitutionality of
 20 AWCA to the test. Two tests will be used: (1) the *Heller* test; and (2) the Ninth Circuit’s
 21 two-step levels-of-scrutiny test.

22 The *Heller* test is a test that any citizen can understand. *Heller* asks whether a law
 23 bans a firearm that is commonly owned by law-abiding citizens for lawful purposes. It is
 24 a hardware test.²⁰ *Heller* draws a distinction between firearms commonly owned for
 25

26
 27 ²⁰ Most of the Ninth Circuit’s intermediate scrutiny analysis has developed in cases that
 28 are not hardware bans but more akin to time, place, and manner regulations. *See e.g.*,

1 lawful purposes and unusual arms adapted to unlawful uses as well as arms solely useful
 2 for military purposes.²¹ As applied to AWCA, the *Heller* test asks: is a modern rifle
 3 commonly owned by law-abiding citizens for a lawful purpose? For the AR-15 type rifle
 4 the answer is “yes.” The overwhelming majority of citizens who own and keep the
 5 popular AR-15 rifle and its many variants do so for lawful purposes, including self-
 6 defense at home. Under *Heller*, that is all that is needed. Using the easy to understand
 7 *Heller* test, it is obvious that the California assault weapon ban is unconstitutional. Under
 8 the *Heller* test, judicial review can end right here.²²

9 **1. Popularity in California**

10 Modern rifles have become immensely popular in the United States. Even in
 11 California, despite being banned for 20 to 30 years, according to the State’s own
 12 evidence, there are 185,569 “assault weapons” currently registered with the California
 13

14
 15 *Young*, 992 F.3d 765 (open carry outside the home); *United States v. Singh*, 979 F.3d 697
 16 (9th Cir. 2020) (prohibition on gun ownership for nonimmigrant visa holders); *United*
 17 *States v. Torres*, 911 F.3d 1253 (9th Cir. 2019) (prohibition on gun possession by aliens
 18 illegally or unlawfully in the United States); *Teixeira v. Cty. of Alameda*, 873 F.3d 670,
 19 680 (9th Cir. 2017) (*en banc*) (gun store in a particular location); *Bauer v. Becerra*, 858
 20 F.3d 1216 (9th Cir. 2017) (using fees from firearm sales to fund law enforcement
 21 program); *Silvester v. Harris*, 843 F.3d 816 (9th Cir. 2016) (ten-day waiting period for
 22 firearm purchase); *Peruta v. Cty. of San Diego*, 824 F.3d 919, 927 (9th Cir. 2016) (*en*
 23 *banc*) (concealed carry outside the home); *United States v. Chovan*, 735 F.3d 1127 (9th
 24 Cir. 2013) (prohibition on domestic violence misdemeanor possession).

25
 26 ²¹ *Cf. Nordyke v. King*, 563 F.3d 439, 465 (9th Cir. 2009) (Gould, J., concurring),
 27 *vacated*, 611 F.3d 1015 (9th Cir. 2010) (“[N]o individual could sensibly argue that the
 28 Second Amendment gives them a right to have nuclear weapons or chemical weapons in
 their home for self-defense.”).

²² This Court is not the first jurist to read *Heller* this way. See *Friedman v. City of Highland Park*, 784 F.3d 406, 416 (7th Cir. 2015) (Manion, J., dissenting) (“The fact that a statistically significant number of Americans use AR-type rifles and large-size magazines demonstrates *ipso facto* that they are used for lawful purposes. Our inquiry should have ended here: the Second Amendment covers these weapons.”).

1 Department of Justice. Defs. Exh. CZ, Glover Decl. at ¶ 7 (DEF3222). Another 52,000
 2 assault weapon registrations were backlogged and left unregistered when the last
 3 California registration period closed in 2018. *See* n.37 *infra*. There are likely many more
 4 in California. According to the State's evidence, a 2018 California Safety and Well-
 5 Being Survey reports 4.2 million adult Californians personally own a firearm.²³ And
 6 Californians own an estimated 19.9 million firearms.²⁴ According to this survey, of the
 7 19.9 million firearms in the state, assault weapons make up 5%²⁵ or approximately
 8 1,000,000.²⁶

9 Californians buy a lot of firearms. In the year 2020 alone, residents bought
 10 1,165,309 firearms.²⁷ From January 1, 2021 to March 12, 2021, they bought 180,058
 11 more guns.²⁸ Out of the total of 1,345,367 new guns purchased since January 1, 2020,
 12 rifles made up 368,337.²⁹ If 48% of rifles sold nationally are modern "assault" rifles, it
 13 can be inferred that Californians would have purchased modern rifles at the same rate.
 14 So, of the 368,337 rifles actually bought since January 1, 2020 in California, it is
 15 reasonable to infer that 176,801 additional modern rifles would have been added to the
 16 California stock, were it not for the assault weapon ban. Some fraction of the 368,337

17
 18
 19 ²³ Defs. Exh. DY, at 1 (DEF3578); Defs. Exh. DZ (Nicole Kravitz-Wirtz et al., *Firearm*
 20 *Ownership and Acquisition in California: Findings from the 2018 California Safety and*
Well-Being Survey, 26 Injury Prevention 516 (2020)) at DEF3579-80.

21 ²⁴ *Id.*

22 ²⁵ *Id.*

23
 24 ²⁶ Because it is generally now unlawful to own an "assault weapon" in California, it
 25 would not be surprising if survey participants underreported ownership of these firearms.

26 ²⁷ *See* Asst. Dir. Blake Graham Decl. at ¶ 4 (Dkt. # 112).

27 ²⁸ *Id.*

28 ²⁹ *Id.* at ¶ 5.

1 rifles actually bought by Californians may well have been stripped-down “featureless”
 2 California-legal editions of modern rifles. Among the people of California purchasing all
 3 of these guns there were approximately 412,059 first-time buyers.³⁰

4 **2. Popularity Nationally**

5 Nationally, modern rifles are ubiquitous. In 2018 alone (the most recent year with
 6 data), 1,954,000 modern rifles were manufactured or imported into the United States.
 7 Over the last three decades, 19,797,000 modern rifles have been manufactured or
 8 imported into the United States and the numbers have been steadily increasing. Pls. Exh.
 9 4-8, *NSSF Firearm Production in the United States*, at 7. Almost one-half of all rifles
 10 (48%) produced in 2018 were modern rifles. *Id.* at 18. That is 664,360 rifles. That same
 11 year, 34% of buyers purchased a modern rifle for personal protection, while 36%
 12 purchased for target practice or informal shooting, and 29% purchased for hunting. Pls.
 13 Exh. 4-5, *NSSF Survey*, at 9. In contrast, only 5% of traditional rifles were bought for
 14 personal protection. For female gun buyers in 2018, after a handgun, a modern rifle was
 15 the next most popular choice. *Id.* at 24. The same was true of all first-time gun buyers in
 16 2018. *Id.* at 25. During 2018, approximately 18,327,314 people participated nationally
 17 in target and sport shooting specifically with modern rifles. Pls. Exh. 4-6, *NSSF Report*
 18 *on Sport Shooting Participation in the U.S. in 2018*, at ii. Nationally, 3-gun shooting is
 19 the activity with the highest mean days of participation (23.8 days), but the next highest
 20 activity is target shooting with a modern rifle (15.3 days). *Id.* at 32. In the West Region,
 21 target shooting with a modern rifle is the top activity. *Id.*

22 **3. More Popular than the Ford F-150 Pickup Truck**

23 Modern rifles are popular. Modern rifles are legal to build, buy, and own under
 24 federal law and the laws of 45 states. There are probably more modern rifles in
 25 circulation than there are Ford F-150 pickup trucks. In 2018, 909,330 Ford F-150s were
 26

27
 28 ³⁰ *Id.* at ¶ 10.

1 sold.³¹ Twice as many modern rifles were sold the same year. Imagine, every time one
 2 passes a new Ford pickup truck, it is a reminder that two new modern rifles have been
 3 purchased. That is a lot of modern rifles owned by Americans.³² Other courts agree.
 4 “Even accepting the most conservative estimates cited by the parties and by amici, the
 5 assault weapons . . . at issue are ‘in common use’ as that term was used in *Heller*.” *New*
 6 *York State Rifle & Pistol Ass’n, Inc. v. Cuomo*, 804 F.3d 242, 255 (2d Cir. 2015). “We
 7 think it clear enough in the record that semi-automatic rifles . . . are indeed in ‘common
 8 use.’” *Heller II*, 670 F.3d at 1261.

9 **4. More Popular than Stun Guns**

10 The Supreme Court implied that as few as 200,000 stun guns owned nationwide by
 11 law abiding citizens is a sufficient number to show common ownership and receive
 12 constitutional protection. *Caetano*, 577 U.S., at 420 (Alito, J., and Thomas, J.,
 13 concurring) (approximately 200,000 civilians owned stun guns as of 2009) (“While less
 14 popular than handguns, stun guns are widely owned and accepted as a legitimate means
 15 of self-defense across the country.”). Based on the evidence presented, it can be
 16 confidently said that between at least 200,000 and perhaps 1,000,000 modern rifles are
 17 owned in California alone. Based on the lack of evidence at trial that these 200,000 to
 18 1,000,000 California guns are often used in crime, it is reasonable to infer that most are
 19 owned by law-abiding citizens who use them only for lawful purposes.

20 After handguns, modern rifles are probably the most popular firearms in America.
 21 They are quietly owned by millions of law-abiding citizens for lawful purposes ranging
 22

23
 24 ³¹ See media.ford.com/content/dam/fordmedia/North%20America/US/2020/01/06/sales-4q2019.pdf (last visited 3/9/21).
 25

26 ³² “[W]e note that in 2012, the number of AR- and AK-style weapons . . . was more than
 27 double the number of Ford F-150 trucks sold, the most commonly sold vehicle in the
 28 United States.” *Kolbe v. Hogan*, 813 F.3d 160, 174 (4th Cir. 2016), *on reh’g en banc*,
 849 F.3d 114 (4th Cir. 2017).

1 from home defense to sporting competitions. Yet, California has banned, and continues
 2 to ban, these popular rifles. Perhaps the State has a long-range plan of taking incremental
 3 steps toward more and more gun control.³³ But it should be obvious that barring total
 4 extinction of the Second Amendment, no amount of “common sense” gun control laws
 5 will prevent criminals from misusing guns. Whatever the reason, these laws are still on
 6 the books. Like Victor Hugo’s Inspector Javert relentlessly searching for Jean Valjean,
 7 California continues to amend its statutes to prohibit more and more firearms.

8 At the core this is a simple case. Like the cases of *Heller* and *McDonald*, here the
 9 government bans an entire class of very popular hardware -- firearms that are lawful
 10 under federal law and under the laws of most states and that are commonly held by law-
 11 abiding citizens for lawful purposes. Under no level of heightened scrutiny can the law
 12 survive.

13 **B. The Ninth Circuit’s Two-Step Framework**

14 The Ninth Circuit has yet to adopt the easy to grasp *Heller* test. Instead, the Ninth
 15 Circuit uses what it calls “a two-step framework.” *Young*, 992 F.3d at 783. In practice
 16 the two-step framework is not particularly simple.³⁴ “We have understood *Heller* to
 17

18
 19 ³³ The State’s expert Dr. John Donohue testified, “I think California is trying to craft the
 20 wise restraints . . . but I think it’s useful to take incremental steps, and if you are not
 21 getting the full benefits of reduction in mass killings, you could go further.” Tx
 preliminary injunction hearing (10/22/20) at 74:9-14.

22 ³⁴ Some have criticized the schema. *Rogers v. Grewal*, 140 S. Ct. 1865, 1867 (2020)
 23 (Thomas, J., dissenting from denial of certiorari) (“[T]he courts of appeals’ test appears
 24 to be entirely made up. The Second Amendment provides no hierarchy of “core” and
 25 peripheral rights. And “[t]he Constitution does not prescribe tiers of scrutiny.”
 26 Moreover, there is nothing in our Second Amendment precedents that supports the
 27 application of what has been described as “a tripartite binary test with a sliding scale and
 28 a reasonable fit.”) (citations omitted); *see also Mai*, 974 F.3d at 1087 and 1106 (Bumatay,
 J., dissenting from denial of rehearing *en banc*) (“Indeed, when this court first adopted
 the two-step test, Judge Bea rightfully questioned whether applying tiers of scrutiny to a

1 require one of three levels of scrutiny: If a regulation amounts to a destruction of the
 2 Second Amendment right, it is unconstitutional under any level of scrutiny; a law that
 3 implicates the core of the Second Amendment right and severely burdens that right
 4 receives strict scrutiny; and in other cases in which Second Amendment rights are
 5 affected in some lesser way, we apply intermediate scrutiny.” *Young*, 992 F.3d at 784
 6 (quotation marks and citations omitted). Most courts select intermediate scrutiny in the
 7 end. Intermediate scrutiny, in turn, looks for a “reasonable fit.” California’s modern rifle
 8 ban is suspect even under the most lenient form of scrutiny because the “assault
 9 weapons” laws are not a reasonable fit to achieve the State’s interests. This will become
 10 clear after considering the trial evidence. But first, the Ninth Circuit’s two-step
 11 framework requires a pre-check for Second Amendment coverage.

12 **1. *Step One -- Presumptively Lawful or Historical Regulation?***

13 The first step asks, “whether the regulation is one of the presumptively lawful
 14 regulatory measures identified in *Heller*, or whether the record includes persuasive
 15 historical evidence establishing that the regulation at issue imposes prohibitions that fall
 16 outside the historical scope of the Second Amendment.” *Jackson v. City & Cty. of San*
 17 *Francisco*, 746 F.3d 953, 960 (9th Cir. 2014) (internal quotes and citations omitted);
 18 *Young*, 992 F.3d at 783. In other words, if the regulation is presumptively lawful or
 19 historically approved, the inquiry ends. *Young*, 992 F.3d at 783.

20 The California modern rifle ban is not excused from judicial scrutiny on either
 21 ground. First, a complete ban on modern rifles is not one of the presumptively lawful

22
 23
 24 Second Amendment right was consistent with *Heller*. As Judge Bea noted, ‘unitary tests
 25 such as strict scrutiny, intermediate scrutiny, undue burden, and the like don’t make sense
 26 . . . in the Second Amendment context because the language of *Heller* seems to foreclose
 27 scrutiny analysis.’”) (citations omitted) and (VanDyke, J., dissenting from denial of
 28 rehearing *en banc*) (“Our toothless ‘heightened’ scrutiny of Second Amendment
 restrictions is broken, and not accidentally so. But Second Amendment rights are
 fundamental, and litigants attempting to vindicate theirs deserve better than what we’re
 currently offering.”).

1 measures identified in *Heller*. Second, a ban on modern rifles has no historical pedigree.
2 Prior to the 1990's, there was no national history of banning weapons because they were
3 equipped with furniture like pistol grips, collapsible stocks, flash hiders, flare launchers,
4 or barrel shrouds. In fact, prior to California's 1989 ban, so-called assault weapons were
5 lawfully manufactured, acquired, and possessed throughout the United States.³⁵

6 The Attorney General disagrees and claims that AWCA is analogous to a handful
7 of state firing-capacity regulations from the 1920's and 1930's and one District of
8 Columbia law from 1932. The state laws were repealed long ago. The only law in the
9 United States that has remained in effect, the Attorney General describes as a District of
10 Columbia law that is "a twelve-shot restriction on semiautomatic weapons." Defs. Memo
11 of Contentions of Fact and Law at 12 (quoting Pub. L. No. 275, 1932 – 72nd Cong. Sess.
12 I, chapter 465). The District of Columbia regulation seems to mix terms. Section 14
13 prohibits possession of any "machinegun or sawed-off shotgun." Section 1 defines a
14 "machinegun" as a "firearm that shoots automatically or semiautomatically more than
15 twelve shots without reloading." It is true that during its existence, the District of
16 Columbia regulation has been applied to a semiautomatic pistol. See *United States v.*
17 *Woodfolk*, 656 A.2d 1145, 1147-48 (D.C. 1995) (9 mm semiautomatic Luger that could
18 operate with a 13-round magazine qualified as an illegal "machinegun").

19 However, the 76-year existence of the District of Columbia regulation did not
20 stand in the way of the Supreme Court when it dismantled the District of Columbia's
21 handgun ban in *Heller*. The District of Columbia regulation (that the California Attorney
22 General relies on today) was not regarded as long-standing and presumptively lawful. It
23 was not even mentioned. In fact, the *Heller* opinion broadly cautioned courts deciding
24

25
26 ³⁵ One might argue that for a recent invention like the AR-15, a 30-year ban ought to be
27 longstanding enough. A better view is that recently invented guns and recently imposed
28 bans are to be judged in the usual way. The exception for longstanding regulations
simply will not apply in that context.

1 whether an analogous regulation is long-standing saying that, “we would not stake our
 2 interpretation of the Second Amendment upon a single law, in effect in a single city, that
 3 contradicts the overwhelming weight of other evidence regarding the right to keep and
 4 bear arms for defense of the home.” *Heller*, 554 U.S., at 632. Yet, that is what the
 5 Attorney General is proposing. In view of *Heller*’s caution, this Court finds that the
 6 District of Columbia regulation is insufficient to demonstrate a longstanding prohibition
 7 on semiautomatic modern firearms. AWCA’s ban has no historical pedigree. With the
 8 pre-check completed, the hard work begins.

9 **2. Step Two -- Closeness to the Core and Severity of the Burden**

10 Since AWCA’s assault weapon ban is not presumptively lawful or historically
 11 permitted, the Second Amendment applies. At step two, a court selects one of the three
 12 levels of scrutiny. *Young*, 992 F.3d at 784. Here, a sort-of bull’s eye test is used. A
 13 target is set up. At the center of the target is the core of the Second Amendment right.
 14 The first step measures how close the statute hits to the bull’s eye. The second step
 15 measures how severely the statute burdens the core Second Amendment right. “Because
 16 *Heller* did not specify a particular level of scrutiny for all Second Amendment
 17 challenges, courts determine the appropriate level by considering ‘(1) how close the
 18 challenged law comes to the core of the Second Amendment right, and (2) the severity of
 19 the law’s burden on that right.’” *Bauer*, 858 F.3d at 1221-22 (quoting *Silvester*, 843 F.3d
 20 at 821).

21 The modern rifle ban strikes at the acknowledged core of the Second Amendment,
 22 which is the right of self-defense in the home. *Heller* held that the “core” Second
 23 Amendment right is for law-abiding citizens to defend hearth and home.³⁶ 554 U.S., at
 24

25
 26 ³⁶ Courts have yet to address the subject of arms for militia use. Is the right to keep an
 27 assault rifle reasonably-related to militia use also a core right at the center of the bull’s
 28 eye or does it fall on the periphery of Second Amendment concerns? In view of the

635; *see also Kachalsky v. Cty. of Westchester*, 701 F.3d 81, 89 (2d Cir. 2012) (“Second Amendment guarantees are at their zenith within the home.”). “As we put it, self-defense [is] ‘the central component of the right itself.’” *McDonald*, 561 U.S., at 787.

Going straight to the core, the California law criminalizes modern rifles kept or possessed everywhere, including in the home for self-defense. There are no current exceptions for ordinary citizens.³⁷ A Californian who picks up an unregistered AR-15 style modern rifle solely to defend his family in his home commits a crime. It does not matter if the home was burglarized last night or is likely to be invaded this night. When it comes to self-defense in the home, AWCA hits the bull’s eye – a direct burden on the core right.

The California statutes not only directly burden the core, but impose the *severest*

importance of keeping militia arms at the founding of the nation, and its continuing importance as a means of national self-preservation, this Court deems it to be a core right.

³⁷ There is a form of grandfathering for residents with previously registered firearms. Pursuant to California Penal Code § 30943(a), one may possess a modern rifle at home if it has been registered. The first registration period ended January 1, 1991. *See* § 30900(a)(1). A second registration period ended January 1, 2001. *See* § 30900(a)(2). A third registration period (which was for a bullet button-equipped firearm) ended July 1, 2018, provided the weapon was lawfully owned before December 31, 2016. *See* § 30900(b).

Although neither side addresses it, at some point the registration period will be re-opened for 90 days due to recent settlement agreement in *Sharp v. Becerra*, Case No. 2:18cv2317-MCE-AC, U.S. District Court for the Eastern District of California. *See* Order of Injunction and Consent Decree, filed 3/29/21. The *Sharp* case was brought after a flawed California registration system prevented many residents from registering their assault weapons. Allegedly, the online registration system was riddled with problems. Frequent glitches and computer crashes made weapons registration difficult. *Memorandum and Order* (filed 6/26/19), at 4. On the last day of the July 1, 2018 registration period the unregistered backlog had grown to 52,443 applications. *Id.*

1 burden – a complete ban.³⁸ When a severe restriction on the core right of self-defense
 2 amounts to a destruction of the Second Amendment right, it is unconstitutional under any
 3 level of scrutiny. “A law that imposes such a severe restriction on the fundamental right
 4 of self-defense of the home that it amounts to a destruction of the Second Amendment
 5 right is unconstitutional under any level of scrutiny.” *Bauer*, 858 F.3d at 1222 (quoting
 6 *Silvester*, 843 F.3d at 821). Once again, judicial review could end right here. Other than
 7 *Heller* and *McDonald*, no federal court has applied this top tier of scrutiny.

8 **3. Two Lower Levels of Scrutiny**

9 Assuming AWCA requires some form of lower scrutiny, which prudence dictates,
 10 a lower level must be selected under the Ninth Circuit’s two-step framework. “[A] law
 11 that implicates the core of the Second Amendment right and severely burdens that right
 12 receives strict scrutiny; and in other cases in which Second Amendment rights are
 13 affected in some lesser way, we apply intermediate scrutiny.” *Young*, 992 F.3d at 784;
 14 *Silvester*, 843 F.3d at 821.

15 The Attorney General argues that the lowest form, *i.e.*, intermediate scrutiny
 16 should apply. Most courts select intermediate scrutiny. *United States v. Torres*, 911 F.3d
 17 1253, 1262 (9th Cir. 2019) (“Although not dispositive of the question, we note that there
 18 has been ‘near unanimity in the post-*Heller* case law that, when considering regulations
 19 that fall within the scope of the Second Amendment, intermediate scrutiny is
 20 appropriate.”). AWCA would fail strict scrutiny. But even under intermediate scrutiny,
 21 AWCA fails to have “fit,” as is discussed below.

22 **4. Intermediate Scrutiny**

23 When intermediate scrutiny is selected, another two-part test is required: (1) the
 24
 25

26 ³⁸ This is also the case for the Second Amendment militia right to keep a modern rifle,
 27 first recognized in *Miller*, and later acknowledged in *Heller* and *Caetano*. AWCA’s
 28 criminalization of assault weapon possession makes no exception for militia readiness.
 Thus, AWCA both hits at a core right and imposes the severest form of burden.

1 government's interest must be important; and (2) the "fit" of the law to the objective must
2 be reasonable. *Silvester*, 843 F.3d at 821-22. As always, the State's objective with these
3 laws (*i.e.*, to reduce gun crime) passes the first prong of the test. Reducing gun crime is a
4 very important objective. Part one is a given. Part two is where the rubber meets the
5 road.

6 Part two requires a reasonable fit, but it does not demand the least restrictive means
7 of furthering that objective. *Id.* at 827 (quoting *Jackson*, 746 F.3d at 969). Least
8 restrictive means would be a test for strict scrutiny. "Instead," in the Ninth Circuit, "the
9 statute simply needs to promote a substantial government interest that would be achieved
10 less effectively absent the regulation." *Mai v. United States*, 952 F.3d 1106, 1116 (9th
11 Cir. 2020) (quoting *Torres*, 911 F.3d at 123). This watered-down test has been criticized.
12 *Silvester v Becerra*, 138 S. Ct. 935, 950 (2018) (Thomas, J., dissenting from denial of
13 certiorari) ("The Ninth Circuit . . . dismissed any tailoring concerns by observing that
14 intermediate scrutiny requires 'only that the regulation 'promote a substantial government
15 interest that would be achieved less effectively absent the regulation.' But that
16 observation was incomplete. Intermediate scrutiny also requires that a law not 'burden
17 substantially more protected activity than is necessary to further the government's
18 interest.' The Ninth Circuit did not ask this second question."). Even in its diluted form
19 AWCA fails the intermediate fit test.

20 Under this relaxed test a state could enter a person's home without a warrant and
21 seize him or his guns in violation of the Fourth Amendment prohibition on searches and
22 seizures without a warrant or the Due Process Clause of the Fourteenth Amendment.
23 What other governmental mischief might be tolerated by courts under such a deferential
24 standard?

25 As an aside, this Court notes that such a deferential treatment of government
26 restrictions of Second Amendment rights is not to be found anywhere in the Constitution,
27 the Bill of Rights, or in the text of the Second Amendment. And there is hardly any
28 governmental intrusion that cannot be rationalized as important (for example, a California

1 Japanese internment camp). See *Korematsu v. United States*, 323 U.S. 214, 218–19
 2 (1944), *abrogated by*, *Trump v. Hawaii*, 138 S. Ct. 2392 (2018) (“Like curfew, exclusion
 3 of those of Japanese origin was deemed necessary because of the presence of an
 4 unascertained number of disloyal members of the group, most of whom we have no doubt
 5 were loyal to this country. It was because we could not reject the finding of the military
 6 authorities that it was impossible to bring about an immediate segregation of the disloyal
 7 from the loyal that we sustained the validity of the curfew order as applying to the whole
 8 group.”).

9 While the Second Amendment intermediate scrutiny fit test is an overly relaxed
 10 standard, it is not a free pass, as other courts have pointed out. When subjected to
 11 intermediate scrutiny, “the [State] is not thereby ‘insulated from meaningful judicial
 12 review.’” *Heller II*, 670 F.3d at 1259 (quoting *Turner Broad. Sys., Inc. v. F.C.C. (Turner*
 13 *I)*, 512 U.S. 622, 666 (1994)). Even under intermediate scrutiny, a court must determine
 14 whether the legislature has based its conclusions upon substantial evidence. *Turner*
 15 *Broad. Sys., Inc. v. F.C.C. (Turner II)*, 520 U.S. 180, 196 (1997). The government “must
 16 do more than just simply posit the existence of the diseases sought to be cured,” and
 17 “demonstrate that the recited harms are real, not merely conjectural, and that the
 18 regulation will in fact alleviate these harms in a direct and material way.” *Turner I*, 512
 19 U.S., at 664. “What our decisions require is a ‘fit’ between the legislature’s ends and the
 20 means chosen to accomplish those ends, a fit that is not necessarily perfect, but
 21 reasonable; that represents not necessarily the single best disposition but one whose scope
 22 is ‘in proportion to the interest served,’ that employs not necessarily the least restrictive
 23 means but . . . a means narrowly tailored to achieve the desired objective.” *Bd. of*
 24 *Trustees of State Univ. of New York*, 492 U.S., at 480 (citations and internal quotation
 25 marks omitted). In *Turner II*, an expanded record permitted the Court to consider
 26 whether Congress’ must-carry provisions “were designed to address a real harm, and
 27 whether those provisions will alleviate it in a material way.” 520 U.S., at 195. Moving
 28 through the trial record here, it becomes clear that AWCA’s assault weapons ban-by-

1 prohibited-features was not designed to address a real harm, and even if it did, does not
 2 alleviate the harm in a material way. Guiding the intermediate scrutiny path are some
 3 checkpoints.

4 **5. Checkpoints**

5 **a. Checkpoint No. 1: burden of proof**

6 Plaintiffs do not have to shoulder the burden of proving that they are entitled to
 7 enjoy Second Amendment rights. The command of the Amendment is that the right to
 8 keep and bear arms “shall not be infringed.” It follows that when a citizen complains in a
 9 facial challenge that the government is infringing, then it is the government that must
 10 carry the burden of justifying its restriction of Second Amendment rights. The
 11 government must carry the burden of establishing that its regulations are reasonably
 12 tailored. “[S]ince the State bears the burden of justifying its restrictions, it must
 13 affirmatively establish the reasonable fit we require.” *Bd. of Trs. of State Univ. of N.Y.*,
 14 492 U.S., at 480 (citation omitted)); *Ezell v. City of Chicago*, 651 F.3d 684, 706 (7th Cir.
 15 2011) (government bears the burden of justifying its action under heightened standard of
 16 judicial review). If the burden of proof is shouldered, the government regulation survives
 17 scrutiny. If the government does not bear its burden of persuasion or its burden of proof,
 18 or does not support its case at all, the citizen prevails.

19 The Attorney General takes a different view. He says that Plaintiffs bear the
 20 burden at step one, citing *Binderup v. Att’y Gen. U.S.*, 836 F.3d 336, 347 (3d. Cir. 2016)
 21 (*en banc*). Defs. Memo of Contention of Facts and Law, Dkt #65, at 8 (“It is Plaintiffs’
 22 burden to show that assault weapons are in ‘common use’ by law-abiding citizens for
 23 lawful purposes.”). But *Binderup* placed the first step burden on a plaintiff for an as-
 24 applied challenge, which makes sense because in such cases the plaintiff claims to be the
 25
 26
 27
 28

1 exception to the rule.³⁹ Plaintiffs in this case bring both facial and as-applied challenges.

2 The Attorney General also objects that the state should not have the initial burden
3 of proving a prohibited arm is *not* commonly possessed for lawful purposes. Defs.
4 Supplemental Brief at 2. But this is exactly wrong. The constitutional imperative is on
5 the government to not infringe. The correct starting orientation is that no arm may be
6 prohibited. If a plaintiff challenges the government's prohibition, it is on the government
7 first to prove the banned arm is dangerous and unusual, and if not that it is not commonly
8 possessed, or not commonly possessed by law-abiding citizens, or not commonly
9 possessed for lawful purposes or militia readiness. If the state cannot so prove, the
10 challenged prohibition must be struck down.

11 The presumption in favor of rightfully possessing a citizen's arm was made during
12 the adoption of the Second Amendment. The government may carry its burden in a
13 myriad of yet undefined ways, but it is the government's burden to bear. In this case,
14 there is sufficient evidence to prove that AR-15 type rifles are commonly owned by law-
15 abiding citizens for lawful purposes like self-defense and hunting. At the same time,
16 there is very little evidence regarding the commonality of AK-47 type rifles, or
17 semiautomatic shotguns, or "assault pistols" whatever they are.⁴⁰ Likewise, there is little
18

19
20 ³⁹ *Binderup*, 836 F.3d at 347 ("Barton did not present 'facts about himself and his
21 background that distinguished his circumstances from those of persons historically barred
22 from Second Amendment protections,' so . . . his as-applied challenge could not
succeed.") (citations omitted).

23 ⁴⁰ Plaintiffs have introduced evidence of threaded pistol barrels for sale that easily replace
24 a standard barrel. Switching a threaded barrel for a standard barrel would transmute a
25 typical and lawful Glock 17 into a banned "assault weapon" under AWCA and subject its
26 owner to felony prosecution for manufacturing and possessing an "assault weapon." Cal.
27 Penal Code § 30515(a)(4)(A) ("Notwithstanding Section 30510, 'assault weapon' also
28 means any of the following: . . . (4) A semiautomatic pistol that does not have a fixed
magazine but has any one of the following: (A) A threaded barrel, capable of accepting a
flash suppressor, forward handgrip, or silencer."). The crime of manufacturing an assault

1 evidence that semiautomatic AK-47 type rifles, or semiautomatic shotguns, or “assault
 2 pistols,” have been used often unlawfully in California. Because the government bears
 3 the burden in the first instance and has not proven they are uncommon and dangerous,
 4 these arms are presumptively lawful to own. The government must now demonstrate that
 5 its outright prohibition on acquisition and possession survives scrutiny. The State’s
 6 evidence is wide, but it is also shallow. It is not enough to carry its burden.

7 **b. Checkpoint No. 2: the alternative guns argument**

8 Re-phrasing the Attorney General’s argument, California’s modern rifle ban does
 9 not destroy the fundamental right of self-defense of the home because some guns remain
 10 lawful to keep in the home. Running through his arguments is the rationale that no harm
 11 is done because a citizen may still buy and keep traditional rifles and “featureless” rifles,
 12 traditional shotguns, and handguns from the state-approved handgun roster. (What is not
 13 mentioned is that the handgun roster is a shrinking roster.) *See Unsafe Handgun Act*,
 14 Cal. Pen. Code § 31910(b)(7); *see also Renna v. Becerra*, Case No. 20cv2190-DMS, Dkt.
 15 # 17, Order (filed 4/23/21) (describing California’s shrinking handgun roster). Therefore,
 16 according to the Attorney General, the constitutional right is only mildly or moderately
 17 burdened by an assault weapons ban because alternatives remain. “The State’s position is
 18 that the configuration that is prohibited under the Assault Weapons Control Act is not a
 19 configuration -- or is not a prohibition that severely burdens the core right, because
 20 individuals, as Your Honor notes, can use a [Ruger] Mini-14. An individual can use an
 21 AR-15 so long as it’s rimfire and takes .22 round caliber ammunition with all the

22 _____
 23
 24 weapon can be committed by simply swapping in a prohibited part for lawful counterpart.
 It is more than a hypothetical trap for a gun owner.

25 Consider the case of Alan Bruce MacFarlane, a Vietnam veteran with limited
 26 mobility in one arm, who purchased a rifle at a California gun shop legally and then
 27 modified it with a prohibited adjustable stock and forward pistol grip to accommodate his
 28 disability. “Unbeknownst to him, he asserted, his modifications rendered the firearm an
 illegal assault weapon under California law.” *People v. Macfarlane*, No. A141326, 2016
 WL 3634286, at *1 (Cal. Ct. App. June 29, 2016).

1 features, or a centerfire semi-automatic rifle with a detachable magazine that has no pistol
2 grip – telescoping stock, forward pistol grip, or flash suppressor.”⁴¹

3 The problem is that the alternatives-remain argument has no limiting principle and
4 would justify incremental firearm bans until there is only a single-shot derringer
5 remaining for lawful self-defense. The same argument – that a handgun ban might be
6 justified because government-approved alternatives are available – was rejected in *Heller*
7 and it is rejected here. 554 U.S., at 629 (It is “no answer to say . . . that it is permissible
8 to ban the possession of handguns so long as the possession of other firearms (*i.e.*, long
9 guns) is allowed.”); *see also* III(B)(5) *infra*. (discussing *N.Y. State Rifle & Pistol*
10 *Association v. Cuomo*, 804 F.3d 242 (2d Cir. 2015)).

11 c. Checkpoint No. 3: legislative history

12 As part of intermediate scrutiny review, a court may consider “the legislative
13 history of the enactment as well as studies in the record or cited in pertinent case law.”
14 *Fyock v. Sunnydale*, 779 F.3d 991, 1000 (9th Cir. 2015). While there are legislative
15 findings for the enactment of AWCA, there are none for the prohibited-features
16 amendments of § 30515. AWCA’s enacted findings indicate that no consideration by the
17 California Legislature was given to the ban’s burden on home defense or militia use.
18 This makes it challenging to precisely discern the State’s rationale for later amending
19 AWCA. “[T]he municipality’s evidence must fairly support the municipality’s rationale
20 for its ordinance.” *Jackson*, 746 F.3d at 969 (quoting *City of Los Angeles v. Alameda*
21 *Books, Inc.*, 535 U.S. 425, 438 (2002)). And while courts “should not conflate legislative
22 findings⁴² with ‘evidence’ in the technical sense,” (*Pena*, 898 F.3d at 979 (citation
23

24
25 ⁴¹ Deputy Attorney General Echeverria, Preliminary injunction hearing transcript
26 10/19/20, at 188.

27 ⁴² Where there are congressional findings, they may assist a court in evaluating the
28 legislative judgment. *United States v. Lopez*, 514 U.S. 549, 563 (1995). Yet, Congress,

omitted)), neither should they credit facially implausible legislative findings. *Jackson*, 746 F.3d at 969. The Ninth Circuit recently put it this way:

In assessing congressional judgment, “we do not impose an ‘unnecessarily rigid burden of proof,’ and we allow the government to rely on any material ‘reasonably believed to be relevant’ to substantiate its interests.” That standard applies because “we are weighing a legislative judgment, not evidence in a criminal trial.” Thus, we do not require “scientific precision.” We ask only whether the evidence “fairly supports” Congress’ “reasonable” conclusions. When empirical evidence is incomplete, we “must accord substantial deference to the predictive judgments of Congress.”

Mai, 952 F.3d at 1118 and 1119 n.8 (citations omitted) (concluding *scientific evidence fairly supported* the congressional judgment that persons involuntarily committed in the past continue to pose an increased risk of violence).⁴³

i. a faulty prediction

In 1989, California’s Legislature predicted an assault weapons ban would eliminate or reduce mass shootings. It has not turned out that way. As discussed later, even the State’s evidence demonstrates that mass shootings with assault weapons continue to occur at the same average rate as before the ban. If Congress is correct, the national assault weapon ban also did not work. Congress passed the 1994 assault weapon ban with a ten-year sunset provision and allowed the ban to lapse on its own in 2004.

and by extension, a state or municipality, need not make formal legislative findings in order to legislate. *Katzenbach v. McClung*, 379 U.S. 294, 304 (1964) (“Here, of course, Congress had included no formal findings. But their absence is not fatal to the validity of the statute.”).

⁴³ Note how robust the scientific evidence was that supported the law in *Mai*. The scientific evidence was unequivocal. The studies did not say that perhaps, after years more study, there might be some slight connection established. Instead, the court noted, “[i]mportantly, the studies did not show merely a slight increase in risk for those involuntarily committed; the studies reported ‘a suicide risk 39 times that expected.’” *Mai*, 952 F.3d at 1118.

1 Congress has not re-enacted a ban since that time. There is disagreement by
 2 academicians over the effect of the federal ban on reducing mass shootings and even
 3 those who saw a good effect see the effect as slight and diluted by other aspects like the
 4 associated ban on larger capacity magazines.

5 State level assault weapon bans that remain in effect have little to show. Defs.
 6 Exh. BL, Christopher S. Koper, *Assessing the potential to reduce deaths and injuries*
 7 *from mass shootings through restrictions on assault weapons and other high-capacity*
 8 *semiautomatic firearms*, Criminology and Public Policy (2020) at 148 (DEF 2015) (the
 9 effects of state-level restrictions are not yet clear), and 158 (DEF2025) (“evidence has
 10 been mixed”). Studies suggest that large capacity magazine (“LCM”) bans may have a
 11 greater effect. *Id.* at 159 (DEF2026) (“Most notably, Webster *et al.* (2020), in their state-
 12 level panel analysis . . . suggested that state LCM bans reduce mass murder incidents . . .
 13 and fatalities whereas AW-specific restrictions do not.”). Nevertheless, California
 14 continues its experiment. No case has held that intermediate scrutiny permits a state to
 15 impinge on the Second Amendment right by continuing to employ a known failed
 16 experiment.

17 **ii. the federal ban’s history**

18 In addition to AWCA’s legislative history, the Attorney General cites the
 19 legislative history of the 1994 federal ban to justify AWCA. Specifically, he cites House
 20 Report No. 103-489 (Defs. Exh. J). Defs. Memo of Contentions of Fact and Law at 17-
 21 18. The Attorney General says that Congress found assault weapons to be the weapons
 22 of choice among drug dealers, criminal gangs, hate groups, and mentally deranged
 23 persons bent on mass murder. *Id.* (citing H.R. No. 103-489, at 13). Actually, this part of
 24 the House Report simply lays out some of the evidence received during five years of
 25
 26
 27
 28

1 hearings. It does not contain findings approved by the full Congress.⁴⁴ The Report
 2 describes other testimony along these lines, but it also describes the views of several
 3 victims to which the Attorney General does not cite. One victim testified that although
 4 she had been shot with an assault weapon, she was angry that her tragedy was being used
 5 to deny law-abiding citizens the right to the firearm of their choosing. “Enforce the laws
 6 against criminals already on the books . . . You cannot ban everything in the world that
 7 could be used as a weapon because you fear it, don’t understand it, or don’t agree with
 8 it.” *Id.* at 16. Another witness testified positively that he used a Colt AR-15 to capture a
 9 wanted criminal in the act of burglarizing his parents’ home. *Id.* At least Congress
 10 considered the self-defense rights of law-abiding citizens before passing the federal ban.⁴⁵

13 ⁴⁴ Apparently, the Attorney General is not referring here to formal findings of Congress
 14 enacted as part of a statute as was done, for example, with the National Labor Relations
 15 Act, 29 U.S.C. § 151. This informal kind of legislative history, is inherently suspect for
 16 the task of evaluating the constitutionality of a statute. Justice Scalia observed, “[t]he
 17 greatest defect of legislative history is its illegitimacy. We are governed by laws, not by
 18 the intentions of legislators. As the Court said in 1844: ‘The law as it passed is the will
 19 of the majority of both houses, *and the only mode in which that will is spoken is in the act
 20 itself . . .*’ But not the least of the defects of legislative history is its indeterminacy. If
 21 one were to search for an interpretive technique that, *on the whole*, was more likely to
 22 confuse than to clarify, one could hardly find a more promising candidate than legislative
 23 history.” *Conroy v. Aniskoff*, 507 U.S. 511, 519 (1993) (Scalia, J., concurring) (citation
 24 omitted). Consistent with Justice Scalia’s view, California law normally prohibits its
 25 own courts from construing a statute by considering the motives or understandings of an
 26 individual legislator (including the author of the statute). *Cairns v. Franklin Mint Co.*,
 27 120 F. Supp. 2d 880, 886 (C.D. Cal. 2000) (citing *Williams v. Garcetti*, 5 Cal. 4th 561,
 28 569 (1993)).

⁴⁵ See Defs. Exh. J, at DEF0473. The House Report also contains the dissenting views of
 Sensenbrenner, Jr., Gekas, Smith, McCollum, Coble, Schiff, and Goodlatte:

We strongly oppose H.R. 4296 which would ban a variety of guns. The primary
 problem with this bill is that it targets law abiding citizens. If this bill passes,
 simply possessing a shotgun or rifle could land you in jail. You don’t have to
 shoot anybody. You don’t have to threaten anyone, just leaving it in the hall closet

1 The same cannot be said for AWCA. It is also worthy of note that gun control has been a
 2 hot political issue for these seventeen years. Yet, through both Republican and
 3 Democratic administrations the Act has not been renewed.

4 **d. Checkpoint No. 4: news reports and police reports**

5 News reports are normally considered inadmissible hearsay, but both sides offered
 6 into evidence news articles and magazine pieces and expert testimony relying on
 7 newspaper articles about gun-related events. News reports to which the parties made no
 8 objection are admitted into evidence. But it begs the question, “Where are the actual
 9 police reports or criminal court records?” Why are the only collections of offensive or
 10 defensive gun use maintained by biased organizations? How reliably can a news reporter
 11 after the fact, identify a firearm as an “assault weapon,” or determine the size of an
 12 ammunition magazine, or count the number of rounds fired? One would expect a police
 13 report to accurately record these kinds of raw facts.

14 While the Plaintiffs may have difficulty obtaining copies of actual police reports,
 15 surely the Attorney General has easy access. But the Attorney General has not offered a
 16 single California police report. There were 161 mass shootings in the last 40 years but
 17 there is no testimony from any percipient witness. There were instances of defensive gun
 18 use but no testimony from any defensive gun user. The Attorney General argues that a
 19 citizen defending himself really needs, on average, only 2.2 shots. But there is no

21 is enough to land you in jail. Even if you use the gun for self-defense, you can go
 22 to jail.

23 . . .

24 Finally, the problem of these guns has been greatly exaggerated. Although
 25 semiautomatic weapons are used in the most high profile killings that make it on
 26 the nightly news, in fact, more than 99 percent of killers eschew assault rifles and
 27 use more prosaic devices. According to statistics from the Justice Department and
 reports from local law enforcement, five times as many people are kicked or beaten
 to death than are killed with assault rifles.

28 Passing this legislation is an excuse to avoid the real issues of violent crime,
 and threatens the rights of law-abiding citizens. Therefore, we oppose H.R. 4296.

1 testimony from any home defender. No victim was called to testify about how many
2 shots he or she would have wanted to have ready to fire during their actual home
3 invasion.

4 The defense of home and family by using a gun is not a hypothetical event. While
5 there are not hard numbers, it surely happens a lot. Approximately 1,000,000 burglaries
6 of a home while occupied take place each year, according to Department of Justice
7 statistics. *See* n.100 *infra*.

8 The Attorney General does not take offense at the fragility of his evidence.
9 Instead, the Attorney General argues that the law excuses it. He reminds us that under
10 intermediate scrutiny, the government may “rely on any evidence ‘reasonably believed to
11 be relevant’ to substantiate its interests.” Defs. Memo of Contentions of Fact and Law, at
12 17 (citing *Fyock*, 779 F.3d at 1000). He says that his evidence need not be particularly
13 robust or persuasive. On the contrary, he says the “evidence need only ‘fairly support’
14 the government’s conclusions.” *Id.* For Second Amendment scrutiny, many courts have
15 applied a lowered standard, but even the lowest form of scrutiny does not require
16 obeisance from the factfinder.

17 The Attorney General’s lack of direct evidence is noted. There is no direct
18 testimony from criminal shooters. The sociologists’ studies disagree and speak of further
19 study and hopes for better data. As for the legislative history of § 30515, it tells only of
20 prosaic interest balancing undertaken without regard for the constitutional rights of
21 individuals.

22 **III. THE EVIDENCE**

23 Approximately 14,000 pages of evidence and testimony have been submitted and
24 reviewed by this Court. Only the most salient evidence is addressed in this opinion.
25 Different types of trial evidence were presented and are evaluated in the manner required.
26 Fact witnesses were judged on accuracy and credibility. Expert witnesses were judged,
27 and their opinions given the weight deserved.
28

1 **A. AR-15's in Home Defense**

2 Because firearm possession for the defense of home, self, and family is at the core
3 of the Second Amendment right, it is important to know if there is evidence of modern
4 rifles used for self-defense or defense of the home and family. Recall that AWCA's §
5 30515 has no present exception allowing a typical Californian to lawfully acquire a
6 modern rifle for home defense. There are no exceptions for urban dwellers and there are
7 no exceptions for rural farmers. There are no exceptions for wealthy targets of armed
8 home invaders. There are no exceptions for the impoverished who can afford only one
9 self-defense firearm for all situations.

10 Without question, there is clear evidence that AR-15 rifles are and have been used
11 for self-defense. For example, in one case an AR-15 was used in Florida by a pregnant
12 wife and mother to defend her family from two armed, hooded, and masked home
13 intruders. Pls. Exh. 1-1. As soon as the armed intruders entered the back door of her
14 home, they pistol-whipped her husband -- fracturing his eye socket and sinus cavity.
15 Then they grabbed the 11-year-old daughter. Before they could do any more harm, the
16 pregnant wife retrieved the family AR-15 from a bedroom and fired, killing one of the
17 attackers while the other fled. It does not require much imagination to guess what would
18 have happened next if the wife and mother did not have the firearm, or if she had emptied
19 the AR-15's magazine *before* the attackers had fled. The quiet click would be sickening
20 and probably with tragic results. The State contends that one does not "need" more than
21 ten rounds. That is easy to say. Perhaps one should imagine the terror that would have
22 gripped this wife and mother, from the sound of a "click," out of ammunition, helplessly
23 watching her husband being murdered, her daughter being raped or murdered, and the
24 enraged men coming for her.

25 In another case, an AR-15 was used by a young man in Oklahoma to defend
26 himself from three masked and armed home invaders wearing all black. Pls. Exh. 1-7.
27 The intruders had selected the home because the family had money and expensive
28 belongings and the criminals had previously burglarized an apartment on the property.

1 The three intruders broke through a rear glass door before, to their surprise, they were
2 shot by the home defender using an AR-15.

3 When seven armed and masked intruders went to a home in Florida at 4:00 a.m.,
4 burst through the front door and fired a gun, the occupants of the home, one armed with
5 an AR-15, fired over 30 rounds and stopped the attackers. Pls. Exh. 1-2.

6 An AR-15 was used to stop a knife attack at an apartment building in Illinois. Pls.
7 Exh. 1-3. Dave Thomas grabbed his AR-15 explaining, "It's just a bigger gun. I think a
8 little bit more than an intimidation factor definitely played a part in him actually
9 stopping." No shots were fired. Thomas also said, "[t]he AR-15 is my weapon of choice
10 for home protection . . . It's light, it's maneuverable."

11 An AR-style rifle was used by a homeowner across the street from the mass
12 shooter in Sutherland Springs, Texas. The defender shot and injured the mass shooter,
13 who then dropped his assault rifle and fled. Pls. Exh. 1-4.

14 An AR-15 was used to stop an intruder in Pennsylvania. Pls. Exh. 1-6. A criminal
15 already awaiting trial for aggravated assault in another incident, forced his way into the
16 couple's apartment late at night. One of the apartment-dwellers was able to retrieve an
17 AR-15 and defend against the attacker who disregarded warnings to stop.

18 **1. *Prohibited Features Are Good for Home Defense***

19 The evidence shows that one reason for the popularity of the modern rifle is that it
20 makes a good weapon for self-defense at home. The AR-15, in particular, is an easy
21 firearm to shoot accurately and is generally easier to fire accurately than a handgun.
22 The AR-15 rifle is light in weight, and has good ergonomics, and is suitable for people of
23 all statures and varying levels of strength.⁴⁶

24 When burglars break and enter, a homeowner with a modern rifle has thirty rounds
25

26
27 ⁴⁶ Kapelsohn testimony, Tx of 10/19/20 hearing at 25:16 – 26:20 and 26:21 – 27:8.
28

1 at the ready, assuming a standard magazine is used.⁴⁷ Standard size magazines are
 2 ubiquitous. With the physiological stress of waking to the noise of home invaders, one
 3 may need many rounds to overcome the difficulty of aiming in the dark at multiple
 4 attackers making furtive movements. The adjustable stock can be quickly set for one's
 5 arm length. The pistol grip gives a homeowner a secure hold with one hand while the
 6 other hand holds a telephone or spare magazine.⁴⁸ A flash suppressor prevents the night-

7
 8
 9 ⁴⁷ California Penal Code § 30515(a)(2) also defines an “assault weapon” to include an
 10 otherwise featureless rifle that has a fixed magazine with the capacity to hold more than
 11 10 rounds. Likewise, Penal Code § 30515(a)(5) defines as an “assault weapon” any
 12 semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10
 13 rounds. This Court has already described the utility of larger, standard capacity
 14 magazines in self-defense situations and California’s unconstitutional 10-round limit.
 15 See *Duncan v. Becerra*, 366 F. Supp. 3d 1131, 1142 (S.D. Cal. 2019).

16 A detachable magazine of any size along with a prohibited feature qualifies as an
 17 “assault weapon.” Cal. Penal Code § 30515(a)(1), (4), (a)(7). Yet, detachable magazines
 18 are useful for self-defense and provide a person with the ability to re-load a
 19 semiautomatic firearm. If a person has a second magazine at hand that is already filled
 20 with loaded cartridges, he may remove the depleted magazine and re-insert another
 21 magazine fairly quickly. However, the idea that the ability to accept detachable
 22 magazines “provides the soldier with a fairly large ammunition supply and the ability to
 23 rapidly reload,” as suggested by the Attorney General, is not relevant in the context of
 24 citizen self-defense. It is relevant, however, for considering AWCA’s impingement on
 25 the right to keep a firearm for militia use.

26 The Court rejects the notion that magazines capable of holding more than 10
 27 rounds feature prominently in gun violence against law enforcement personnel as there is
 28 little evidence. For example, among all of the incidents of gun violence toward law
 enforcement officers that occurred nationally from 1984 to 2019, California Assistant
 Director Department of Justice, Bureau of Firearms, Blake Graham lists only nine
 occasions involving larger capacity magazines. See Defs. Exh. D, Graham Decl. at ¶ 68
 (DEF0215-18).

⁴⁸ Pistol grips are a prohibited feature under Pen. Code § 30515(a)(1)(A). Pistol grips are
 the most common of the prohibited features on just about all modern semiautomatic arms.
 Curcuruto testimony, Tx of 10/19/20 Hearing at 65:2-6; Graham testimony, Tx of
 10/19/20 Hearing at 129:17-12; Defs. Exh. D, Graham Decl. at ¶ 28 (“In my experience,
 this feature is the most prevalent feature of assault rifles prohibited under the AWCA.”).

1 time home defender from being blinded by her own muzzle flash.⁴⁹ It may also hide the
 2 home defender's location from attackers. A barrel shroud serves as a way to attach a
 3 flashlight or laser pointer.⁵⁰ The straight-line design of an AR-15 is easier to shoot
 4 accurately because muzzle rise is reduced. The gas piston design reduces the recoil so
 5 that the young or old or not-particularly-strong have better control. The light weight
 6

7
 8 Pistol grips are important to good ergonomics, particularly on a straight-line design
 9 rifle such as the AR-15. Kapelsohn Decl., Pls. Exh. 001, at ¶ 28; Kapelsohn testimony,
 10 Tx of 10/19/20 hearing at 32:23 – 33:2. This enhances the firearm's accuracy. *Id.*; Defs.
 11 Exh. D, Graham Decl. at ¶ 28 (“A shooter using an assault rifle without a pistol grip may
 12 shoot less accurately with repeated – and especially rapid – shots if the shooter's trigger
 hand is in an awkward position for a significant amount of time”); Defs. Exh. BA, p. 9
 (pistol grips afford greater control of the rifle during firing).

13 Like pistol grips, thumbhole stocks allow the shooter to gain a comfortable grip on
 14 the firearm and can facilitate accurate shooting. Kapelsohn Decl., Pls. Exh. 001, ¶ 29.
 15 By prohibiting both pistol grip stocks and thumbhole stocks, § 30515(a)(1)(B) relegates
 such firearms to be equipped in a manner that is less comfortable, less accurate, and less
 safe. Kapelsohn Decl., Pls. Exh. 001, ¶ 29.

16 A forward pistol grip is designed to enhance control of the firearm. Forward pistol
 17 grips on rifles, also called vertical forends, are popular among some shooters in allowing
 18 them to control the rifle better for more accurate shooting. Kapelsohn Decl., Pls. Exh.
 001, ¶ 34. Forward pistol grips may also serve as a “monopod” to assist in stabilizing the
 rifle for more precision shooting in the prone position. *Id.*

19
 20 ⁴⁹ A flash suppressor is a device fitted on the end of a muzzle which diverts the muzzle
 flash through several slots or holes, most commonly arranged around the axis of the bore.
 21 Kapelsohn Decl., Pls. Exh. 001, ¶ 33. The most common type of flash suppressor on AR-
 22 15 rifles is the “birdcage” type of device. *Id.* at Exh. 001-14. The primary advantage of a
 flash suppressor is to reduce muzzle flash so as not to temporarily blind a shooter who is
 23 shooting in a dark environment. *Id.* at Exh. 001, ¶ 33. The use of a rifle without a flash
 24 suppressor under low light circumstances is likely to temporarily blind the user, or impair
 the user's vision, placing a law-abiding user at a disadvantage to a criminal attacker. *Id.*;
 25 Kapelsohn Depo. at 124:25 – 125:8 (“I have fired ARs that don't have a flash suppressor
 and [they] throw out a God awful flame and muzzle blast as a result.”).

26 ⁵⁰ Regarding an assault pistol, a barrel shroud also serves a functional purpose by cooling
 27 the barrel and insulating the non-trigger hand during rapid fire. Kapelsohn Depo. at
 28 171:12-17.

1 makes it easy to hold and use, while the short 30-inch length (compared to a 48”
 2 traditional shotgun) makes it more maneuverable through the narrow doorways and
 3 hallways of a home.⁵¹

4 On an AR-15 rifle, a telescoping stock is typically capable of adjusting to between
 5 three and six different lengths.⁵² This enables the rifle stock to be quickly and properly
 6 adjusted to fit the user, which is particularly beneficial to persons of smaller stature.⁵³
 7 Plaintiff Wendy Hauffen, a firearms trainer, says that the telescoping stock is preferred
 8 for training women or younger shooters.⁵⁴ Hauffen owns a featureless firearm, which she
 9 accomplished by removing the features prohibited by § 30515(a)(1). But Hauffen would
 10 prefer to have standard AR-15 with ergonomic features, such as a pistol grip or a forward
 11 vertical grip, to assist in controlling the firearm.⁵⁵ In addition, she would prefer to use and
 12 train other women shooters with a telescoping stock, which can accommodate smaller
 13 shooters. The telescoping stock also makes a single weapon useful for different members
 14
 15
 16

17 ⁵¹ Rifles that have shorter overall lengths are more advantageous to the user in a close
 18 quarter’s situation, such as the defense of a home, because it enables the user to be more
 19 maneuverable moving through doorways and around corners. Kapelsohn testimony, Tx
 20 of 10/19/20 Hearing at 33:18 – 34:5; Graham testimony, Tx of 10/19/20 Hearing at
 21 132:13 – 134:6. The idea of a “carbine,” which is a shorter rifle, typically refers to a rifle
 22 with a barrel less than 20 inches. Hlebinsky Decl., Pls. Exh. 002, ¶ 22. Rifles with
 23 shorter barrel lengths also have the added advantage of having less weight, which would
 be important from a defensive perspective. Kapelsohn testimony, Tx of 10/19/20
 Hearing at 39:14 – 40:4.

24 ⁵² Kapelsohn Decl., Pls. Exh. 001, at ¶ 31.

25 ⁵³ Kapelsohn testimony, Tx of 10/19/20 Hearing at 28:24 – 29:1; Youngman testimony,
 26 Tx of 10/19/20 Hearing at 88:13-20.

27 ⁵⁴ Hauffen Decl., Pls. Exh. 014, ¶ 8.

28 ⁵⁵ *Id.* at ¶¶ 5, 8.

1 of a household.⁵⁶

2 A folding stock, though it makes the firearm more portable, does not turn a
3 semiautomatic rifle into a common instrument of crime, since it does not make a rifle
4 easily concealable for most criminal activities.⁵⁷ Making a folding stock almost
5 irrelevant, an AR-15 firearm is easily separated into two halves by pulling out two pins,
6 as was demonstrated during one of the hearings by a Deputy U.S. Marshal. Two halves
7 of a 30-inch rifle are more concealable than a 30-inch rifle with an adjustable stock. A
8 pistol is far more concealable than either and much more often used in crime.

9 A drawback to the featureless AR-15 rifle is that the lack of a pistol grip makes it
10 less safe when it comes to clearing malfunctions.⁵⁸ In self-defense and in battle,
11 malfunctions can be fatal. Also, AWCA provides no exception for those that may have
12 physical or medical reasons for seeking certain characteristics on a home-defense firearm.
13 Those of small stature or less strength may need an adjustable stock, pistol grip, or
14 vertical foregrip to maintain proper control of their firearm. For those that have trouble
15 handling the recoil of a pistol, AWCA forces a choice between: (1) using a firearm that is
16 difficult to properly control; or (2) a different and potentially inferior firearm. Those
17 with medical disabilities are left to operate firearms that lack characteristics that would
18 make the firearm more comfortable or easier to operate.

19 **2. California's Reasons for Banning**

20 What is the reason for continuing to ban these modern firearms? "So, the State
21 here is concerned about the configuration of particular arms that have been proven to be
22

23
24 ⁵⁶ The arbitrary and capricious nature of these restrictions is perhaps best reflected by the
25 telescoping stock restriction. If the total length of the rifle is 30 inches as required, what
26 difference would it make if the telescoping stock would lengthen the rifle to 31, 32, or 34
inches?

27 ⁵⁷ Kapelsohn Decl., Pls. Exh. 001, ¶ 30.

28 ⁵⁸ Kapelsohn Depo. at 188:11 – 194:19.

1 the most lethal in mass shooting situations.”⁵⁹ The Attorney General says that the State is
 2 concerned with rapidly firing accurate rifles. As the State’s attorney explained during the
 3 first day of testimony,

4 But I will tell you that, as the State has demonstrated in this case and in our
 5 pleadings in this case, that the State is concerned about . . . the particular
 6 configuration of certain centerfire semi-automatic rifles with a detachable
 7 magazine [that] allows someone to fire, not just 30 or 40 rounds, but to fire
 8 those rounds rapidly and maintain accuracy in rapid-fire scenarios. That is
 the concern. So there are other concerns as well, but that is what the State of
 California was concerned about.⁶⁰

9 The Attorney General views rapid-fire accuracy as a danger to be outlawed.

10 **a. The accuracy conundrum**

11 Accuracy is very important for self-defense because a civilian is accountable for
 12 every round he fires. If he misses the attacker, he will hit something he did not intend to
 13 hit, which may be an innocent bystander.⁶¹ The State does not dispute the importance of
 14 accuracy alone for self-defense.⁶²

15 Does the state want rifles that are less accurate? No and yes. The State wants
 16 rifles that are less accurate during rapid firing because rapid firing, it is claimed,
 17 correlates with criminal use. And there is no need for rapid firing for self-defense,
 18 according to the Attorney General. The Attorney General argues that the features
 19 prohibited by § 30515 are characteristic of military weapons and military weapons are
 20 designed to be accurate with rapid firing. Perhaps. But that a civilian rifle has design
 21 features similar to a military rifle does not detract from its constitutional protection for
 22

23
 24 ⁵⁹ Deputy Attorney General Echeverria, preliminary injunction hearing transcript 10/19/20,
 at 188.

25
 26 ⁶⁰ *Id.* at 187-88.

27 ⁶¹ Kapelsohn testimony, Tx of 10/19/20 Hearing at 27:24 – 28:6.

28 ⁶² Graham testimony, Tx of 10/19/20 Hearing at 134:15-18 (“If you’re firing a weapon for
 self-defense, accuracy would be ideal”).

1 self-defense. At the same time, it actually enhances a firearm's constitutional protection
 2 for militia readiness. The exception to this rule for civilian self-defense is a weapon's
 3 ability to fire in full-automatic mode. The ability to fire fully automatic is, above
 4 everything else, what distinguishes an M-16 from an AR-15-type semi-automatic civilian
 5 rifle. *See Staples v. United States*, 511 U.S. 600 (1994). But the M-16 was modified to
 6 allow for burst and single fire (semi-automatic) capabilities because it was recognized
 7 that firing in full automatic is less accurate and wastes ammunition. And this is where
 8 the mantra that an AR-15 is "almost as fast as the M-16" fails. Because the M-16
 9 provides fast but inaccurate shooting in full automatic mode, when accuracy is needed,
 10 the M-16 has the option of the slower single round semiautomatic firing like an AR-15.

11 The home defending victims described earlier needed to rapidly fire their modern
 12 rifles and needed to fire them accurately at their attackers. Pls. Exhs. 1-1 through 1-7.
 13 For home defense, accuracy is always important, not only for hitting an attacker, but also
 14 for hitting *only* an attacker. Emanuel Kapelsohn testified,

15 Accuracy is very important for self-defense because, unlike a criminal using
 16 a firearm, the civilian or the police officer, either one is accountable for
 17 every round they fire. And any round that misses the attacker, who is
 18 attacking the civilian or the police officer, if it doesn't hit what they intended
 19 to hit, the attacker, then by definition it hits something they didn't intend to
 20 hit. That may be an innocent bystander. So the accomplishment of a good
 level of accuracy is paramount in civilian self-defense training with firearms,
 and the AR-15 permits that.⁶³

21 The AR-15 type rifle is an accurate gun. And it can be fired repeatedly, if need be, more
 22 rapidly than a bolt action or lever action rifle.

23 **b. The featured vs. featureless AR-15 video**

24 One video in evidence is particularly interesting. In this short video, two AR-15
 25 type rifles were fired repeatedly and reloaded with a detachable magazine at a target in

26
 27
 28 ⁶³ Preliminary injunction hearing transcript 10/19/20, at 27:24-28:9.

1 daylight. One rifle had all of the prohibited features prohibited by AWCA in § 30515(a).
2 The other rifle was a “featureless” California-legal variety of AR-15 rifle.⁶⁴ The results
3 were remarkably similar. Each rifle fired at approximately the same speed and accuracy.
4 Any difference was hardly noticeable.⁶⁵ Of course the video was staged for a purpose,
5 but it clearly demonstrates little difference in the operation of a lawful and an unlawful
6 AR-15. The presence or absence of a flash suppressor made no difference in the
7 daylight. It might have, had the demonstration been conducted at night. The person
8 demonstrating modestly described himself as moderately experienced with guns.

9 The video demonstration raises questions. The State says that a modern rifle
10 without the prohibited features works just fine. Since the features are just cosmetic, then
11 there is no burden on Second Amendment rights. The Plaintiffs say that if a modern rifle
12 without the prohibited features is just as lethal, the State’s ban of rifles with the features
13 is pointless. The Plaintiffs say that if what the state labels “combat-oriented features”
14 have no effect, then they are not really combat-oriented features. The ban fails to achieve
15 its purpose of prohibiting a “more lethal” firearm. The State says the features are not
16 needed for lawful uses. The Plaintiffs say the features make no difference in unlawful
17 uses. Even if they did make a difference, the Plaintiffs say that the notion, that
18 improvements that make firearms better and safer for lawful use likewise make them
19 comparably better for unlawful use, simply leads to the absurdity that firearms may never
20 be improved because the harm of a more accurate firearm in a criminal’s hands will
21 always justify a ban. The difference is the featureless rifle is more cumbersome for the
22

23
24 ⁶⁴ The video also demonstrates that twenty years of state regulation has artificially shaped
25 the firearm marketplace. “Featureless” rifles would not exist if the prohibited features
26 really do define the utility of the firearm. In the absence of the Second Amendment,
27 government policy may ban a firearm based on its looks. The same policy cannot survive
28 heightened constitutional scrutiny because a citizen’s right to keep common firearms
regardless of looks is protected by the Second Amendment.

⁶⁵ See Pls. Exh. 11, Adam Kraut Decl.

1 surprised homeowner who, unlike the intruder, may not be as ready to wield his or her
2 firearm.

3 In the end, the Court finds that the prohibited features do not change an AR-15
4 rifle from a benign weapon into an “incredibly effective killing machine.” Another
5 commonly espoused myth is that the caliber of these centerfire semiautomatic weapons
6 are more lethal. In fact, the evidence proves otherwise. The usual ammunition for an
7 AR-15, the .223/5.56 round, is designed to cause wounding, much more than death. Dr.
8 Margulies, M.D., testified that the 5.56 round was a NATO choice to inflict non-lethal
9 wounds. He explained that using the 5.56 round designed for wounding rather than
10 killing furthered a military goal of reducing the enemy fighting force by diverting healthy
11 enemy soldiers to caring for its wounded soldiers.⁶⁶ Hyperbole aside, AR-15 ammunition
12 is designed to make the AR-15 type rifle a wounding machine rather than a killing
13 machine. *But see, Rupp*, 401 F. Supp. 3d at 992, 993 (firearms with assault-weapon
14 configurations are “incredibly effective killing machines” because the prohibited features
15 “increase the capabilities of semiautomatic rifles and thereby enhance their capacity for
16 mass violence.”).

17 **c. The disproportionality bromide**

18 The Attorney General stresses the notion that modern rifles are disproportionately
19 used in crime. Defs. Memo at 18. It seems like it could be true, but it is not supported by
20 the evidence. More ~~importantly, important is understanding that~~ disproportionality is not
21 a constitutional test. *Heller* and *McDonald* demonstrate the opposite is true. The Court
22 struck down bans on handguns in the District of Columbia and Chicago at a time when
23 handguns were disproportionately used in crime. *Heller*, 554 U.S., at 697-98 (Breyer, J.,
24 dissenting) (“From 1993 to 1997, 81% of firearm-homicide victims were killed by
25 handgun Handguns also appear to be a very popular weapon among criminals. In a
26

27
28 ⁶⁶ Depo. Margulies, (Dec. 18, 2020), at 65:7-9; 67:7-17; 94:20-25.

1 1997 survey of inmates . . . 83.2% of state inmates and 86.7% of federal inmates said that
 2 they were armed with a handgun.”). By comparison, modern rifles are not used in crime
 3 nearly as often as handguns.

4 If use by criminals could justify a weapon’s ban, it would amount to something
 5 like a disfavored “heckler’s veto.” We might call it the “criminal’s veto.” *See e.g., Santa*
 6 *Monica Nativity Scenes Comm. v. City of Santa Monica*, 784 F.3d 1286, 1292-93 (9th
 7 Cir. 2015) (explaining “heckler’s veto” doctrine) (“If speech provokes wrongful acts on
 8 the part of hecklers, the government must deal with those wrongful acts directly; it may
 9 not avoid doing so by suppressing the speech.”). Just as a heckler’s veto wrongly
 10 punishes persons who speak their ideas, California’s ban punishes persons who choose
 11 modern rifles for home defense. In other words, if modern rifles are misused in crime
 12 (even disproportionately), government must deal with those wrongful acts directly; it may
 13 not deal with the problem by suppressing the rights of law-abiding citizens to have
 14 modern rifles for lawful uses. Thus, disproportionality is not a valid constitutional
 15 concern. Common ownership by law abiding citizens for lawful purposes is the test.

16 Moreover, there is little evidence that modern rifles are used disproportionately in
 17 crime. The Attorney General cites the 1994 Congressional House Report as evidence.
 18 Defs. Mem., at 18. The House Report actually said that assault weapons were “a growing
 19 menace to our society *of proportion to their numbers*,” rather than out of proportion to
 20 their numbers. Defs. Exh. J, at 13 (emphasis added).⁶⁷ Perhaps the Report was published
 21

22
 23 ⁶⁷ The House Report notes that the Director of ATF testified that while, in 1993, assault
 24 weapons made up only 1% of the firearms in circulation, they made up 8.1% of the guns
 25 traced to crime. Whatever the ratio was in 1993, it has changed over the last 27 years.
 The State does not offer any current evidence.

26 For 2019, ATF’s firearm tracing report shows 41,883 crime firearms traced and
 27 recovered in California. (<https://www.atf.gov/file/146966/download>). Of those, there
 28 were 7,655 rifles. The ATF report does not categorize assault weapons as a separate
 category, but it does list firearms by ammunition type. The 223/5.56mm caliber is most

1 with a scrivener's error. Regardless, a single citation to a 27-year-old Report cannot be
 2 said to fairly support California's conclusions. There is no evidence that California's
 3 Legislature relied on the 1994 House Report when it passed AWCA five years earlier in
 4 1989, or later when it adopted a features-based definition in 1999. There is no evidence
 5 that the California Legislature conducted its own study on whether modern rifles were
 6 being disproportionately used in crime in California in 1989, or 1999. There is no
 7 evidence that the California Legislature relied on studies from other states. There is no
 8 evidence that the State was making a sensitive policy judgment. There is, however,
 9 evidence at the time of the federal ban that assault weapons were rarely used as crime
 10 guns.⁶⁸ Even today, most national estimates suggest assault weapons are used in crimes
 11 less than 7% of the time.⁶⁹

12 To sell the disproportionality bromide, the Attorney General also cites its expert,
 13 Professor Louis Klarevas.⁷⁰ But Klarevas does not express an opinion about modern rifle
 14 use in general crime. Instead, he opines that modern rifles are used disproportionately in
 15

16 often found on banned assault rifles. *See* Def's Exh. BG, at 6. Of course, the
 17 223/5.56mm caliber is also found on the California-legal "featureless" modern rifles.
 18 Regardless, of the 41,883 firearms traced in California in 2019, only 1,154 (or .027%)
 19 were of the 5.56mm caliber. During the same year there were approximately 20,000,000
 20 guns owned in California. The percentage of 1,154 possible assault rifles used in crime,
 as a percentage of the total guns owned in California, is ridiculously small.

21 This ATF report was not presented as evidence in the case and the Court does not
 22 rely on it as such. However, it does suggest the reason why California does not offer
 current evidence of disproportional assault rifle use in crime. There is none to be found.

23 ⁶⁸ Defs. Exh. Y, Christopher S. Koper, *Criminal Use of Assault Weapons and High-*
 24 *Capacity Semiautomatic Firearms*, J. Urban Health (Oct. 2017), at 2 ("Studies conducted
 25 around the time of the federal ban found that [assault weapons] accounted for up to 8% of
 guns used in crime (generally between 1 and 6% and averaging around 2%).").

26 ⁶⁹ *Id.* at 1 ("Results suggest assault weapons (primarily assault-type rifles) account for 2 –
 27 12% of guns used in crime in general (most estimates suggest less than 7%).").

28 ⁷⁰ Defs. Exh. E, Klarevas Decl. at ¶ 16.

1 what he calls “gun massacres” – not crime in general. And Klarevas defines a “gun
2 massacre” as a shooting event resulting in at least *six* deaths and where at least one
3 assault weapon was discharged.⁷¹ No other expert witness, sociologist, economist, or
4 government agency defines a mass shooting in this way. The definition almost creates a
5 tautology along the lines of assault weapons are used disproportionately in assault
6 weapon events.

7 The Attorney General takes one more shot at it by citing another expert, Professor
8 John Donohue.⁷² It is not convincing. Like Klarevas, Donohue does not opine about
9 general crime use. Donohue opines more narrowly that modern rifles are used
10 disproportionately in mass shootings. He says, “[a]s Klarevas, Koper, and courts have
11 observed, assault weapons with large capacity magazines are disproportionately used in
12 mass shootings.” Donohue relies on Professor Christopher Koper’s opinion. But that
13 does not help. Koper’s 2004 Study dramatically undercuts the whole trope of assault
14 weapons supposedly being disproportionately used in general crime.⁷³

15 In fact, Koper finds quite the opposite to be true. In his landmark 2004 report,
16 Koper surveyed national data and found, “the estimates consistently show that AWs
17 [assault weapons] are used in a small fraction of gun crimes,” and “most survey evidence
18 on the actual use of AWs suggests that offenders rarely use AWs in crime.”⁷⁴ Koper also
19 notes something that others tend to overlook. Koper notes that many of the assault
20 weapons used in crime, when they are used, are pistols rather than rifles. He explains,
21 “[n]ote also that the majority of AWs used in crime are assault pistols (APs) rather than
22
23

24 ⁷¹ *Id.* at Exh. 3, p.4.
25

26 ⁷² Defs. Exh. C, Donohue Decl. at ¶ 115.

27 ⁷³ *See* Defs. Exh. BJ.

28 ⁷⁴ Defs. Exh. BL, at 15-16.

1 assault rifles (ARs) . . . by a ratio of 3 to 1.”⁷⁵ Koper concludes, “while some surveys
 2 suggest that ownership and, to a lesser extent, use of AWs may be fairly common among
 3 certain subsets of offenders, *the overwhelming weight of evidence from gun recovery and*
 4 *survey studies indicates that AWs are used in a small percentage of gun crimes*
 5 *overall.”*⁷⁶ Koper’s conclusions comport with the ATF firearm tracing report from 2019.

6 As to their presence in mass shootings, even Koper has explained that the highest
 7 correlation is with the presence of large capacity magazines, as opposed to the presence
 8 of assault weapons. According to his 2020 study, Koper says, “[i]n summary, growing
 9 evidence suggests LCM restrictions reduce mass shootings and are more potent than AW-
 10 only restrictions. Nonetheless, the evidence is not yet sufficient to draw definitive
 11 conclusions.”⁷⁷

12 Recall that to pass intermediate scrutiny, AWCA must have at least been designed
 13 to address a real harm and alleviate the harm in a material way. *Turner II*, 520 U.S., at
 14 195. The evidence described so far proves that the “harm” of an assault rifle being used
 15 in a mass shooting is an infinitesimally rare event. More people have died from the
 16 Covid-19 vaccine than mass shootings in California. Even if a mass shooting by assault
 17 rifle is a real harm, the evidence also shows that AWCA’s prohibited features ban has not
 18 alleviated the harm in any material way. Perhaps recognizing AWCA’s constitutional
 19 infirmity, the Attorney General attempts to draw attention away from the statute’s small
 20 aim and maintains that citizens do not “need” more than 2.2 shots for self-defense, so
 21 AWCA’s constitutional burden is mostly hypothetical.

22 **d. The myth of 2.2 shots**

23 The Attorney General offers the old saw that large capacity magazines and
 24

25
 26 ⁷⁵ *Id.* at 16.

27 ⁷⁶ *Id.* at 17 (emphasis added).

28 ⁷⁷ Defs. Exh. BL, at 161 (DEF2028).

1 accurate repeated firing are things needed only by mass shooters. The story goes that for
2 self-defense a citizen “needs” only 2.2 rounds. It is a myth. Take the case of the 80-
3 year-old woman faced with a home invader who began attacking and stabbing her 75-
4 year-old husband.⁷⁸ When the intruder attacked her husband with a knife, she shot at the
5 intruder. According to her neighbor, “She emptied the gun.” Where there is only a
6 single intruder, 2.2 shots may not be enough. Where there are multiple attackers, it is
7 self-evident that 2.2 shots will not be enough.

8 Where does this 2.2 shots myth originate? According to a 2018 study by Professor
9 Koper (evidence introduced by the Attorney General), “there is no national or state data
10 source that captures information on shots fired in gun attacks.”⁷⁹ Attempting to fill this
11 data gap with his own study, Koper reports, “this study finds that 20% – 28% of victims
12 were wounded in incidents involving >10 shots, most of which seem likely to have
13 involved high-capacity semiautomatics.”

14 The 2.2 shots notion comes from the State’s expert, Lucy Allen. Allen is an expert
15 in economics and statistics.⁸⁰ Unlike Koper, who is an academician undertaking peer-
16 reviewed studies for the advancement of understanding, Allen was hired specifically to
17 conduct research for the State’s litigation. Her study is not peer-reviewed. Her study
18 cannot be tested because she has not disclosed her data. Her study cannot be replicated.
19 In fact, the formula used to select 200 news stories for her study is incomprehensible.
20 Worse, the entire concept is suspect because it attempts to study an average defensive
21 gun use based *not on police reports* but on events reported in the news media and often
22 lacking in detail, all while acknowledging that many events are never reported. Allen did
23

24
25 ⁷⁸ See [www.q13fox.com/news/she-emptied-the-gun-home-intruder-shot-killed-by-80-](http://www.q13fox.com/news/she-emptied-the-gun-home-intruder-shot-killed-by-80-year-old-woman-in-sultan-identified)
26 [year-old-woman-in-sultan-identified](http://www.q13fox.com/news/she-emptied-the-gun-home-intruder-shot-killed-by-80-year-old-woman-in-sultan-identified).

27 ⁷⁹ Defs. Exh. CO, at DEF3132-34.

28 ⁸⁰ Defs. Exh. A, at ¶ 1-3.

1 ask the State for police reports, but she did not receive them.⁸¹ Allen testified that the first
2 thing she did was ask whether there were police records available.⁸²

3 Here are the details. Allen claims she has determined the average number of
4 rounds fired by an individual in a defensive gun use.⁸³ To find the average, she says that
5 she conducted a word search with a database of news articles maintained by a news
6 aggregator called Factiva. Factiva is a commercial database behind a paywall. She also
7 conducted a search of stories published in the NRA Institute for Legislative Action
8 magazine between 2011 and 2017 called the Armed Citizen Database.⁸⁴ From these
9 searches she or a member of her team coded each story and arrived at the conclusion that
10 on average, 2.2 shots were fired in a defensive gun use and 2.1 shots were fired if the
11
12

13
14 ⁸¹ See preliminary injunction hearing, 10/19/20, at 153:1-16.

15 “THE COURT: Let me ask you a question. Did you ever ask, for example,
16 [Deputy Attorney General] Mr. Echeverria if he would get you the law enforcement
17 reports of home defense shootings that may have occurred where the homeowner or the
18 person at home fired shots at someone that was intruding?

19 THE WITNESS: Yes. So I did ask both from the State of California as well as
20 from a number of other states that I have worked for, I have asked for data on incidents of
21 exactly that, or whether there was a broader set of data that they had that I could then
22 review.

23 THE COURT: And did you get that from the State of California?

24 THE WITNESS: I did not. It was my understanding that the State of California
25 did not have that data or did not have that in a way that it could be reviewed. That that is
26 not -- that is not a type of data that is collected.”

27 ⁸² See preliminary injunction hearing, 10/19/20, at 171:8-15 (“And actually, the first thing
28 I did was, per their question, which was try to find out whether there were police records
on that I agree with you that I think that would be helpful, so I first did try to
research and ask whether there was government data or other data, police records
available.”).

⁸³ Allen Video Depo., Jan. 12, 2021 at 10:55.

⁸⁴ *Id.* at 11:06; Exh. A, at ¶ 11-13.

1 defensive gun use was in a home.⁸⁵

2 Her methodology with the Factiva database is incomprehensible. For the Factiva
3 database of 70 million news stories, her word search returned 35,000 stories.⁸⁶ From
4 there she somehow selected 200 stories of defensive gun use in the home and set out to
5 analyze the events.⁸⁷ It is unclear how the stories were selected or what members of her
6 “team” selected the stories to analyze. She describes selecting 200 stories out of a sub-
7 collection of 4,800 stories by reviewing 1,400 stories. Where did the 4,800 stories come
8 from? Her methodology cannot be duplicated, but here it is:

9 Using a random number generator, a random sample of 200 stories was
10 selected for each calendar year [from 2011 to 2017], yielding 1,400 stories
11 in total. These 1,400 stories were reviewed to identify those stories that
12 were relevant to the analysis, *i.e.*, incidents of self-defense with a firearm in
13 or near the home. This methodology yielded a random selection of 200
14 news stories describing incidents of self-defense with a firearm in the home
15 out of a population of approximately 4,800 relevant stories. Thus, we found
16 that out of the over 70 million news stories aggregated by Factiva between
January 2011 and May 2017, approximately 4,800 news stories were on
incidents of self-defense with a firearm in the home. We analyzed a random
selection of 200 of these stories.

17 It is a mystery how 4,800 stories were determined to be the universe of reports on
18 self-defense with a firearm in the home. In her deposition, she was not asked about the
19 4,800 stories. ~~Also,~~ Allen also fails to provides ~~neany~~ copies of the 200 stories she
20 analyzed or the mythical 4,800 stories from which she says she drew the 200 analyzed
21 stories. There is no list. There is no way to check her analysis or her math or try to
22 reproduce or falsify her results – nor did she try to do so.

23 Allen’s calculations also include other curiosities. To arrive at her average of 2.2
24

25
26 ⁸⁵ Video Depo. at 11:37; Exh. A, at ¶ 14-15 (and table).

27 ⁸⁶ Exh. A at ¶18.

28 ⁸⁷ *Id.* at ¶ 19.

shots, she includes in the averages those events where no shots were fired.⁵ This has the obvious effect of bringing the overall average number of shots “needed” down.⁸⁸ She testified that she has never calculated the average number of shots fired only in events when shots were actually fired, but agrees that whatever that average is it would be greater than 2.2 because all of those events where no shot is fired would be removed from the equation.⁸⁹ One would expect the impact of Allen’s choice to include a zero for a no-shot event to be significant because 16.1% of the events in the home were no-shot events (according to Allen’s table).⁹⁰ For the California-only events average, 32.1% of the events in the home were no-shot events.⁹¹

For a study that set out to prove the number of shots required to defend one’s home with a firearm, the effect of this statistical manipulation is significant. What if, for example, a study sought to measure the benefit of airbags in car accidents but included both accidents where the airbags deployed as well as those where the airbags did not deploy? The result would surely show airbags made a muted difference; their usefulness erroneously diminished by the multitude of minor accidents in which airbags did not deploy and yet no one sustained injuries. But when airbags do deploy, they just as surely provide a substantial benefit to motorists. The impact of an airbag’s benefit would be lost

⁸⁸ Allen Depo. Jan. 12, 2021 at 119:10-18 (“Q. So numerically speaking, inclusion of incidents where the number is zero would tend to drag the average number of shots fired down; would you tend to agree with that? A. So it includes those with zero. That’s correct. Q. Okay. And have you ever looked at the average number of shots fired when shots were fired? A. No.”)

⁸⁹ *Id.* at 120:10-15 (Q. Have you ever looked at average number of shots fired when shots were fired? A. I don’t believe so. Would you tend to believe that number is higher than 2.2? A. Yes.”)

⁹⁰ Exh. A at ¶ 15.

⁹¹ *Id.* at ¶ 16.

1 in this hypothetical study, drowned out by minor paint scratches and fender benders.

2 Allen's study suffers from the same flaw. By including the number of events in
 3 which no shots were fired in its calculation of an "average," Allen's study inaccurately
 4 reduces the average number of shots needed to defend oneself during a home intrusion.

5 To compound the problem, Allen also used an "imputed" number of shots fired
 6 when a media report says "shots" were fired but did not report a specific number.⁹² This
 7 imputed number was averaged in, but Allen did not know and could not guess at the
 8 imputed number she used.⁹³

9 Allen also used something called the Armed Citizen Database. That database is
 10 problematic because it is not really a database but a list of published magazine stories.
 11 First, the database compilers make no attempt to record all events or statistically
 12 representative events. Second, Allen has no direct knowledge of how editorial decisions
 13 are made for including or excluding a particular story.⁹⁴ She has deduced that only
 14 stories with successful outcomes are published. One can only guess whether
 15 unsuccessful self-defense situations involve similar numbers of shots fired. Third, Allen
 16 does not know how many stories are not published or not included in the database.⁹⁵

17
 18
 19 ⁹² "When the exact number of shots fired was not specified, we used the average for the
 20 most relevant incidents with [a] known number of shots. For example, if the story stated
 21 that "shots were fired" this would indicate that at least two shots were fired and thus we
 22 used the average number of shots fired in all incidents in which two or more shots were
 fired and the number of shots was specified." Exh. A, at n.19.

23 ⁹³ Allen Depo., Jan. 12, 2021 at 131:13-19 ("Q. Can you tell me what that imputed
 24 number would be for purposes of this report? A. I can't, no. Q. An estimate [as] to
 25 what that imputed number is? A. I can't. I mean, you might be able to figure it out, but I
 26 can't as I sit here now.")

⁹⁴ *Id. passim.*

27 ⁹⁵ *Id.* at 111:5-12 ("Q. You don't know – if you don't know the number of stories that are
 28 submitted to the NRA for consideration in the Armed Citizen feature, then you don't

1 Fourth, like the Factiva collection, 736 incidents in the Armed Citizen Database were
 2 analyzed but no list of the incidents have been placed in evidence. As she acknowledged
 3 in her declaration submitted in *Duncan v. Becerra*, the NRA-ILA Armed Citizen
 4 Database is not compiled scientifically.⁹⁶

5 Allen's 2.2/2.1 shot averages are suspect for larger reasons. The whole statistical
 6 exercise is based on news reporting rather than police reports. A database of news
 7 articles lacks the usual indicia of accuracy and reliability of admissible evidence.
 8 Professor Koper observed that there exists no national or state database of defensive gun
 9 uses or database of the number of shots fired during self-defense events. But there are
 10 surely large numbers of such events each year. According to fifteen national polls
 11 conducted by non-law enforcement agencies, there may be from 760,000 defensive
 12 handgun uses to 3.6 million defensive uses each year.⁹⁷ Even Allen's Factiva search
 13 apparently identified 33,000 news stories, despite the likelihood that many events go
 14 unreported to the police and many that are reported to the police are not reported by the
 15 news media.

16 On the other side, a fully loaded modern rifle is surely a powerful psychological
 17 criminal deterrent. Simply brandishing such a weapon may cause an intruder to flee
 18 precisely because it appears to be dangerous and fully loaded. It is difficult to imagine
 19 the same psychological effect on a home invader (or two invaders) from brandishing a 2-
 20 shot derringer. It is a reasonable inference that the visual threat presented by a
 21 homeowner holding a modern rifle with a large magazine makes it an effective deterrent
 22

23
 24 know how many stories are left on the cutting room floor or are never published, right?
 25 A. I'm not sure that question makes sense, but I don't – pretty sure I don't know the
 26 answer one way or the other, but ...")

27 ⁹⁶Allen Decl. (filed 6/5/17) at ¶ 6.

28 ⁹⁷Pls. Exh. 10-10, John R. Lott, Jr., *More Guns, Less Crime* 3d. (2010), at 12.

1 without firing a shot.

2 All considered, Allen's opinion about the number of shots fired in self-defense is
3 entitled to little weight and fails the scientific method.⁹⁸

4 **e. You don't need more than 2.2 shots and you don't need seat belts or**
5 **smoke detectors**

6 The Attorney General remonstrates that whatever the precise average number is,
7 "it is extraordinarily relevant because it shows that the burden on the core right is
8 minimal."⁹⁹ It may be minimal much of the time. A law that bans seat belts or smoke
9 detectors would impose a minimal burden much of the time. One could drive 100,000
10 miles without needing seat belts. But when the unexpected collision occurs, seat belts are
11 really needed. One could live 100 years without needing a smoke detector, but when fire
12 starts in the middle of the night, a smoke detector is really needed. A person may not
13 need more than 2.2 shots to defend themselves in the average situation. Yet, sometimes
14 more than 2.2 shots – sometimes much more – are needed. That is when the burden on
15 the core right of self-defense becomes extraordinarily severe.

16 According to the United States Department of Justice, it is estimated that 3,700,000
17 burglaries occur each year in the United States.¹⁰⁰ A household member is present during
18 approximately 1,000,000 of those burglaries. Of the 1,000,000 household members
19

20
21 ⁹⁸ See also *Ass'n of New Jersey Rifle & Pistol Clubs, Inc. v. Grewal*, No. 317cv10507
22 PGSLHG, 2018 WL 4688345, at *12 (D.N.J. Sept. 28, 2018), *aff'd sub nom. Ass'n of New*
23 *Jersey Rifle & Pistol Clubs, Inc. v. Att'y Gen. New Jersey*, 910 F.3d 106 (3d Cir. 2018)
24 ("The Court finds neither Allen nor [] provided a clear analysis based on the various
25 studies. Allen's analysis, based on an NRA report, does not support with statistical
reliability her claim that individuals only use an average of 2.2 or 2.3 bullets when using
handguns in self-defense.").

26 ⁹⁹ Transcript, Pre-Trial Conference, Dkt # 74, at 32:4-6.

27 ¹⁰⁰ U.S. Department of Justice, Bureau of Justice Statistics, *Victimization During*
28 *Household Burglary* (Sept. 2010), at 1 & 9.

1 present in their homes when burglars enter, approximately 266,560 end up victims of
 2 violent crime. Seventy-seven hundred women are raped in their own homes. Each of the
 3 1,000,000 burglaries each year where a household member is present is a potential
 4 circumstance for defensive gun use. Unfortunately, for 266,560 homeowners, either no
 5 firearm was at hand or it was not enough to prevent a violent attack. It begs the question,
 6 are the lives of home invasion victims worth less than the lives of mass shooting victims?

7 For some citizens, a modern rifle is their first choice to prepare for home defense
 8 when this year's 3,700,000 burglaries take place.¹⁰¹ For the future 266,560 new victims
 9 of violent crime during a home burglary this year, a modern rifle may be the thing they
 10 regret not having.

11 **f. Modern rifles and mass shootings**

12 "So, the State here is concerned about the configuration of particular arms that
 13 have been proven to be the most lethal in mass shooting situations, and that's what the
 14 evidence shows." Deputy Attorney General Echeverria, preliminary injunction hearing
 15 (10/19/20), at 188. Allen also opines about a correlation between modern rifles and mass
 16 shootings. The specter of a mass shooting with a modern rifle is really the driving force
 17 behind the state's prohibition on AR-15s and the like.

18 On cue, Allen uses her private database of news articles to identify a correlation
 19 between mass shootings and modern rifles. As of December 2019, Allen identifies 161
 20 mass shootings.¹⁰² In a previous case she identified 109 mass shootings.¹⁰³ In the
 21
 22
 23

24
 25 ¹⁰¹ See Pls. Exhs. 13-15 and 16-22.

26 ¹⁰² Defs. Exh. A, at ¶ 30.

27 ¹⁰³ Defs. Exh. AQ, at ¶ 10 (*Rupp v. Becerra*, C.D. Cal. Case No. 17cv746-JLS-JDE,
 28 Expert Report of Lucy Allen (signed Oct. 25, 2018).

1 *Duncan v. Becerra* case, she identified 96 mass shootings.¹⁰⁴ In a New Jersey case she
 2 identified 83 mass shootings.¹⁰⁵ In a Maryland case she identified 69 mass shootings¹⁰⁶
 3 and in a New York case 66 mass shootings.¹⁰⁷ One might guess that the numbers keep
 4 changing because mass shooting events keep happening.

5 More recent events can account for 13 of the additional cases in the current tally of
 6 161, but there is something else odd going on with the counting. By comparing her 2019
 7 declaration in this case to her 2018 declaration in *Rupp v. Becerra*, many unexplained
 8 changes are evident. Sixteen events have been removed.¹⁰⁸ Fifty-four new cases were
 9

10
 11 ¹⁰⁴ Defs. Exh. BT, at ¶ 22 (*Duncan v. Becerra*, S.D. Cal. Case No. 17cv1017-BEN, Expert
 12 Report of Lucy Allen (signed Oct. 6, 2017)).

13 ¹⁰⁵ *Ass'n of New Jersey Rifle & Pistol Clubs, Inc. v. Grewal*, No. 317cv10507 PGSLHG,
 14 2018 WL 4688345, at *5 (D.N.J. Sept. 28, 2018) (“Allen concluded that LCMs, which
 15 she defined as magazines capable of holding more than ten rounds, were known to have
 been used in 54 out of 83 mass shootings, where the magazine capacity was reported.”).

16 ¹⁰⁶ *Kolbe v. O'Malley*, 42 F. Supp. 3d 768, 795 (D. Md. 2014), District of Maryland Case
 17 No. 13cv2841-CCB, Docket No. 44-9, Decl. Lucy P. Allen (filed Feb. 14, 2014), ¶ 18.

18 ¹⁰⁷ *New York State Rifle and Pistol Ass'n v. Cuomo*, W.D.N.Y. Case No 13cv291 (WMS),
 19 Docket No. 69, Decl. Lucy P. Allen (signed June 21, 2013) at ¶ 18.

20 ¹⁰⁸ These might be explained by Allen removing events where three or less people died as
 21 the Mother Jones magazine database used began including lower-fatality events as “mass
 22 shootings” in 2013. The events removed include three low-fatality California events
 23 (Yountville Veterans Home 3/9/18 ; San Francisco UPS 6/14/17; Fresno Downtown
 4/18/17) and two national low-fatality assault weapon events (Baton Rouge Police
 7/17/16 and Excel Industries 2/25/2016).

24 Other events that have been removed *without* explanation are: Rite Aid Warehouse
 25 9/20/18; Fifth Third Center 9/6/18; Suburban Denver Walmart 11/1/17; Edgewood
 26 Business Park 10/18/17; Pennsylvania Supermarket 6/7/17; Ohio Nursing Home 5/12/17;
 27 Planned Parenthood Clinic 11/27/15; Colorado Springs 10/31/15; Trestle Trail Bridge
 6/11/15; Fort Hood 4/3/14; Fort Lauderdale 2/9/96 with six fatalities and no assault
 28 weapon).

1 added. Of the 54 newly added cases, 13 occurred in 2019 after the *Rupp* declaration was
 2 signed. Oddly, 41 new cases have been added from dates as far back as 1982.¹⁰⁹ Allen's
 3 declaration is silent about the 41 newly added old cases.¹¹⁰

4 No one can blame Allen too much for her changing tallies of "mass shootings."
 5 The problem is a disagreement over the definition of a "mass shooting" combined with
 6

7
 8 ¹⁰⁹ The 41 newly-added old cases are: Detroit 2/26/18; Taos and Rio Arriba Communities
 9 6/15/17; Marathon Savings Bank 3/22/17; Club 66 2/6/17; Franklin Avenue Cookout
 10 3/9/16; Tennessee Colony Campsite 11/15/15; Akron 8/7/11; Forum Roller World
 11 7/23/11; Family Law Practice 6/2/11; Jackson 9/11/10; City Grill 8/14/10; Hot Sport Café
 12 Los Angeles California 4/3/10; Worth Street 11/1/09; Skagit County 9/2/08; Black Road
 13 Auto Santa Maria, California 3/18/08; Youth With a Mission 12/9/07; The Ministry of
 14 Jesus Christ 5/21/06; Sash Assembly of God 8/29/05; Fulton County Courthouse 3/11/05;
 15 ConAgra Food Plant 7/3/04; Stateline Tavern 10/24/03; Labor Ready 2/25/03; Bertrand
 16 Products 3/22/02; Burns International Security Sacramento, California 9/10/01; Bookcliff
 17 RV Park 7/3/01; Houston 1/9/01; Mount Lebanon 4/28/00; MiTFine Car Wash 3/20/00;
 18 Albertson's Supermarket 6/3/99; New St. John Fellowship Baptist Church 3/10/99; Erie
 19 Manufacturing 12/3/97; News and Sentinel 8/20/97; Fire Station 4/25/96; Fort
 20 Lauderdale 2/9/96; Little Chester Shoes 12/19/95; Puppy Creek 12/31/94;
 21 Unemployment Office Oxnard, California 12/2/93; Family Fitness Club El Cajon,
 22 California 10/14/93; Washington County Bar 7/8/93; Card Club Paso Robles, California
 23 11/8/92; Phoenix 3/15/92; Restaurant 11/10/91; Post Office 10/10/91; Montefiore School
 24 9/22/88; Old Salisbury Road 7/17/88; Anchor Glass Container 3/16/85; Other Place
 25 Lounge 7/24/84; Alaska Mining Town 5/17/84; College Station 10/11/83; Alaska Back-
 26 County 3/1/83; Upper West Side Hotel 2/3/83; The Investor 9/6/82; Western Transfer Co.
 27 8/9/82; and Russian Jack Springs Park 5/3/82.

28 ¹¹⁰ Perhaps the newly added old cases are a byproduct of expanding her event databases to
 include the Washington Post database and the Violence Policy database. The Attorney
 General has abandoned any reference to the Mayors Against Illegal Guns database
 offered previously in *Duncan v. Becerra*, although it sits silently among the voluminous
 trial exhibits submitted. Now, the State's expert witness relies on four other sources for
 identifying mass shootings: Mother Jones magazine, the private Citizens Crime
 Commission of New York City, the Washington Post newspaper, and the private
 Violence Project. Defs. Exh. A, at ¶ 25 and n.22-25. The four databases cover a much
 longer period of time, but the overall picture is the same.

1 the lack of a reliable database maintained by a disinterested organization or governmental
 2 entity.¹¹¹ Instead, these unreliable collections of shooting stories are generally not based
 3 on police reports, but rather claim details from after-the-fact, sometimes sensationalized,
 4 news reporting, lacking access to crime scenes and based on random bystander
 5 perceptions.

6 Professor Louis Klarevas counts 103 gun incidents since 1980.¹¹² As mentioned
 7 previously, Klarevas uses a metric few researchers use: “gun massacres.” Klarevas
 8 defines a gun massacre as an event with *six* or more victims instead of the more
 9 commonly accepted number of four. He does not explain why he uses six fatalities for
 10 his studies.¹¹³ Demonstrating another problem with data, Klarevas’ count does not match
 11 Allen’s count -- even where it should agree. For example, one would expect that all of
 12 Klarevas’ six-fatality events would be included on Allen’s list of four-or-more fatality
 13 events. Yet, several are not. Just from the most recent decade, Klarevas lists ten events
 14 that inexplicably do not appear on Allen’s list.¹¹⁴ Adding to the unreliability of his

17 ¹¹¹ “[T]here is no single official data source that regularly provides detailed and
 18 comprehensive information on mass murders and the guns used in these incidents. . .
 19 [and] detailed weapon information could not be found in public sources for many of these
 20 cases.” Defs. Exh. Y, Koper, *Criminal Use of Assault Weapons*, at 3.

21 ¹¹² Defs. Exh. E, at ¶ 11.

22 ¹¹³ *Id.* (Curiously, in note 43 of his declaration, Klarevas cites Sherry Towers as an
 23 example of a researcher who uses the six-fatality metric. However, the cited study shows
 24 Towers uses the standard metric of four fatalities.).

25 ¹¹⁴ These events are cited as: Plano 9/11/17, Brookhaven 5/27/17, Piketon 4/22/16,
 26 Houston 8/8/15, Waco 5/17/15, Tyrone 2/27/15, Bell 9/18/14, Spring 7/9/14, Grapevine
 27 12/25/11, Appomattox 1/19/10. Defs. Exh. E-3. Klarevas cites for data his own writings
 28 and the Gun Violence Archive which reports much higher totals of mass shootings, due
 to including events where four or more were shot, *but not necessarily fatally*. “[T]he
 criteria are simple...if four or more people are shot or killed in a single incident, not
 involving the shooter, that incident is categorized as a mass shooting based purely on that

1 declaration, Klarevas also includes a shooting with an assault weapon in California after
 2 the passage of AWCA (Fresno, 1993) that does not appear on Allen's list. And Klarevas
 3 omits an event before AWCA in California with an assault weapon (Stockton, 1989) that
 4 does appear on Allen's list. Because of the unconventional aspects of his approach to
 5 mass shootings, little weight is given to Klarevas' testimony. With disagreement and
 6 uncertainty about what is a mass shooting and how many have occurred, the Attorney
 7 General turns to national statistics to demonstrate the prolific use of assault rifles in mass
 8 shootings. But the evidence is not what he thinks.

9 **i. *The national experience***

10 Analyzing the list of 161 national events, Allen finds that 78% of mass shooting
 11 events did not involve an assault weapon. Put differently, across the U.S. only 22% did
 12 involve an assault weapon.¹¹⁵ Her opinion comports with other evidence in the record.
 13 Professor Mark Gius reports even less frequent use of assault rifles in mass shooting
 14 events.¹¹⁶ Gius says, "[c]ontrary to popular belief, however, assault rifles were not the
 15 predominant type of weapon used in these types of crimes. In fact, according to a recent
 16 study, handguns were the most used type of firearm in mass shootings (32.99% of mass
 17 shootings); rifles were used in only 8.25% of mass shootings."¹¹⁷ That may come as a
 18 surprise to the public that is constantly told that assault weapons are often used in mass
 19 shootings.

20
 21
 22
 23 numerical threshold." See www.gunviolencearchive.org/methodology (last visited April
 24 2, 2021)).

25 ¹¹⁵ Defs. Exh. A, at ¶ 30.

26 ¹¹⁶ Defs. Exh. BM, Mark Gius, *The Impact of State and Federal Assault Weapons Bans*
 27 *on Public Mass Shootings*, Applied Economics letters (2014), at 1.

28 ¹¹⁷ *Id.*

1 ii. *The California experience*

2 From Allen's list of mass shooting events, it is reported that in California there
3 have been 25 mass shooting events over approximately 40 years.¹¹⁸ How well has the
4 California ban on assault weapons worked? *Before* AWCA, twice in a decade, an assault
5 weapon was used in a mass shooting. On average, *since* AWCA, twice a decade, an
6 assault weapon was used in a mass shooting.¹¹⁹ The assault weapon ban has had no
7 effect. *California's experiment is a failure.*

8 To summarize, the average rate of mass shootings with assault weapons in
9 California has not changed in the thirty years since the assault weapon ban was enacted.
10 Moreover, for all mass shooting events, assault weapons are used only either 8.25%
11 (Gius), 10.3% (Koper), or 22% (Allen), of the time.¹²⁰ In every California mass shooting
12 event with an assault weapon, the shooter brought multiple weapons. Professor Gius puts
13 mass shootings and modern rifle bans in perspective. He concludes, "it is important to
14 note that mass shooting fatalities are a very small percentage of overall murders. Hence,
15 even if a certain type of gun control measure were found to eliminate mass shooting
16 (which assault weapons bans do not), the overall murder rate would decline by a very
17

18
19 ¹¹⁸ Defs. Exh. A, at 28-50.

20 ¹¹⁹ According to Allen's testimony, prior to AWCA, there were three California mass
21 shooting events. Two events involved modern firearms – one was a rifle and one was a
22 pistol. (Stockton 1989 (AK-47 rifle) and San Ysidro 1984 (Uzi pistol)). Since AWCA,
23 there have been 23 California mass shooting events. Six events involved modern
24 firearms – five with rifles and one with a pistol. (San Francisco 1993 (Tec DC9 pistol),
25 Orange 1997 (AK-47 rifle), Sacramento 2001 (AK-47 rifle), Santa Monica 2013 (AR-15
rifle), San Bernardino 2015 (AR-15 rifles), Rancho Tahema 2017 (unknown rifles)).

26 ¹²⁰ The low incidence rate is similar to that found by Professor Koper. Defs. Exh. Y,
27 Koper, *Criminal Use*, at 5 ("[Assault Weapon] and LCM use in firearm mass murders
28 was examined for a sample of 145 incidents that occurred from 2009 through 2015 but
could only be estimated within broad ranges due to high levels of missing weapons data
in public accounts. [Assault Weapons] were used in at least **10.3%** of these incidents.").

1 small amount.”¹²¹

2 Furthermore, perspective is important. Contrary to public misinformation, mass
3 shooting events are rare events. In contrast, as stated previously, there were 3.7 million
4 burglaries per year in the years 2003 to 2007, 266,560 people suffered a violent
5 victimization, 23,310 persons, or 9% of those victims, suffered serious injury, and
6 approximately 7,700, or 3% of those victims, were raped. During the same years, there
7 was less than one mass shooting with an assault weapon per year. According to Allen’s
8 list, the total number of persons, killed *or* injured, during *all* mass shooting events *with*
9 *an assault weapon* during the years of 2003 to 2007 was 38.

10 Had laws been in place that prevented acquisition of assault weapons during the
11 years 2003 to 2007, 38 people may have been spared being shot with an assault weapon
12 (although they may or may not have been shot with a non-assault weapon). In contrast,
13 during the same five years, 7,700 women may not have been raped and 266,560
14 homeowners may not have suffered a violent victimization during the burglary of their
15 homes had they been armed with an assault weapon. Imagine calculating these figures
16 over thirty years. Of course, many victims do not choose to own a modern rifle. And
17 though victimized once, some may still choose not to arm themselves against future home
18 invaders. The Constitution does not force citizens to arm themselves for their own
19 protection. But it does protect the liberty and freedom of those who choose to do so.

20 Today, an assault weapon ban that trenches on the rights of 266,560 citizens to
21 protect themselves from violent assault in their homes by criminalizing acquisition and
22 possession of a common firearm that they might deem best for their defense, balanced
23 against possibly reducing the shooting risk to 38 people, is lopsided.

24 **g. Assault weapon wounds -- are they worse?**

25 The Attorney General argues that victims of assault weapons generally suffer more
26

27
28 ¹²¹ Defs. Exh. BM, Gius, *Assault Weapons Bans*, at 3-4.

1 extensive and more numerous gunshot wounds, resulting in higher morbidity and
 2 mortality than victims of shootings from other weapons, relying on testimony from
 3 Christopher B. Colwell, M.D. Dr. Colwell treated emergency victims from Denver,
 4 Colorado area tragedies at Columbine High School and the Aurora Theater.¹²² Dr.
 5 Colwell opines that assault weapons enable a shooter to fire more rounds rapidly in a
 6 given period with greater accuracy, increasing the likelihood that more individuals will
 7 be shot and suffer multiple injuries, making it “far more likely” that the individual will
 8 suffer complications and die of those injuries.¹²³ He concludes that “while all weapons
 9 pose risk, assault weapons, especially when equipped with large capacity magazines,
 10 pose a far greater risk to the public from a medical standpoint than non-assault
 11 firearms.”¹²⁴

12 First, as Kraut’s video demonstrates, the injuries from firearms like the AR-15
 13 which are banned as “assault weapons” are no different from other firearms that are
 14 common and lawful to own. Second, there is no difference in the lethality or accuracy or
 15 firing capacity between a “featureless” AR-15 and a banned AR-15. Dr. Robert A.
 16 Margulies, M.D., has unusually impressive credentials. He has practiced emergency
 17 medicine for more than 50 years. For 24 years he served in active duty in the U.S. Navy
 18 including combat experience or the front lines of conflict. Dr. Margulies also currently
 19 serves as a sworn reserve police officer and a certified police firearms instructor.¹²⁵
 20 According to Dr. Margulies,

21 The biggest flaw with Dr. Colwell’s declaration is that he does not explain
 22 why the supposedly extreme wounds generated from an intermediate
 23 cartridge, such as the 223/5.56 round fired from a California-defined

24 ¹²² Defs. Exh. B, Colwell Decl. at ¶ 9 (DEF0054-55).

25 ¹²³ *Id.* at ¶ 8.

26 ¹²⁴ *Id.* at ¶ 12.

27 ¹²⁵ *Id.* at ¶ 3, 7.

1 “assault weapon” bearing the features or characteristics set forth in
 2 California Penal Code § 30515(a) would present a greater wound profile
 3 than a wound suffered from the same round fired from a non-assault
 4 weapon, using the same barrel length. *See* for example, the declaration of
 5 Blake Graham, offered in support of the defense, at paragraph 45, in which
 6 he describes a Sturm Ruger Mini-14 ranch rifle that has none of the features
 7 that supposedly make it an “assault weapon.” Dr. Colwell does not explain
 8 why or how the wounds generated from so-called assault weapons using the
 same round, and the same barrel length, are or would be qualitatively
 different from the wounds that would be generated from a “featureless”
 Mini-14 firing the same .223 round.”¹²⁶

9 Without first knowing what ammunition was used, one can only generally
 10 categorize a bullet wound. According to Dr. Margulies, “looking at a gunshot wound,
 11 one is able to determine during the treatment of that wound that it was either, relatively
 12 speaking, a low-velocity or a high-velocity injury. You couldn’t tell the difference
 13 between a nine-millimeter and a .45 ACP injury just from looking at the injury; you
 14 couldn’t tell the difference between a 5.56 x 45 or a 7.62 x 39 [by] simply looking at the
 15 injury. You could determine that one came from a higher velocity cartridge than from a
 16 lower velocity cartridge.”¹²⁷

17 It is not widely known, but the rounds typically used in “assault rifles” are lower
 18 velocity rounds than traditional military and hunting rifle rounds. According to Dr.
 19 Margulies,

20 intermediate cartridges used in assault rifles possess significantly less kinetic
 21 energy than traditional military cartridges, as well as rifle cartridges
 22 designed for hunting. Therefore, an intermediate rifle cartridge can’t
 23 produce . . . a more severe injury than a full-power cartridge which has been
 24 designed and accepted for military and hunting and long-range shooting
 purposes.”¹²⁸ Dr. Margulies explains, “[t]he cosmesis of a firearm, whether

25
 26 ¹²⁶ *Id.* at ¶ 14.

27 ¹²⁷ Margulies Depo. (Dec. 18, 2020) at 30:7-16.

28 ¹²⁸ *Id.* at 62:23 – 63:6.

1 it has a flash suppressor or whether it has a forward grip or a pistol grip or a
 2 detachable magazine or whatever, makes no difference. A 5.56/.223 fired
 3 from a bolt-action rifle -- one of which I own. It's an old wood stocked,
 4 bolt-action .223. That -- that cartridge-bullet combination is going to
 5 produce the same energy, and therefore the same wounding potential, if the
 point of impact is the same, at the same distance as if it came from, quote --
 quote -- an assault rifle, close quotes.¹²⁹

6 As an emergency room physician, Dr. Margulies says, “[f]or me to talk about a wound, I
 7 have to know the cartridge, the bullet, the barrel, the distance and the point of impact. It's
 8 going to make a lot of difference if it strikes somebody in the shoulder or strikes them in
 9 the middle of the forehead. So I have to know all those things. It's not going to make
 10 any difference to me treating the patient if it came from a bolt-action .223 or it came from
 11 a semiautomatic AR-15.”¹³⁰

12 To summarize the medical evidence, the severity of a gunshot injury depends on
 13 many things, perhaps the most important of which is the cartridge used and the velocity
 14 of the bullet. Bullets achieve much higher velocities from long rifle barrels than short
 15 handgun barrels. A modern rifle like the AR-15 platform rifle typically uses lower power
 16 cartridges than either military rifles or hunting rifles. While there are exceptions, for
 17 purposes of the state regulation it does not matter. This is confirmed by the Attorney
 18 General's own evidence. As set forth by Vincent J.M. DiMaio, M.D., in the authoritative
 19 work *Gunshot Wounds, Practical Aspects of Firearms, Ballistics, and Forensic*
 20 *Techniques*, 3d, CRC Press (2016), the wounds from assault rifles are less severe than
 21 hunting rifles. Dr. DiMaio explains,

22 One of the common fallacies about assault rifles is that the wounds they
 23 produce are more severe than those due to ordinary centerfire rifles. In fact,
 24 the wounds are less severe than those produced by virtually all hunting rifles
 25 [T]he severity of the wound is determined by the amount of kinetic

26
 27 ¹²⁹ *Id.* at 74:20-75:4.

28 ¹³⁰ *Id.* at 83:2-9.

1 energy lost by a bullet in the body. The intermediate cartridges used in
 2 assault rifles possess significantly less kinetic energy than a regular
 3 centerfire rifle cartridge designed for hunting. In addition, since most
 4 ammunition used in these weapons is loaded with a full-metal-jacketed
 (FMJ) bullet, the wound is even less severe than one might expect.¹³¹

5 Section 30515(a) does not ban rifles based on whether a firearm is chambered for high-
 6 velocity or low-velocity rounds. It does not ban rifles based on large caliber or small
 7 caliber bullets.

8 **h. Stray bullets piercing walls and striking bystanders?**

9 Some say that a bullet fired from an AR-15 in self-defense could penetrate a wall
 10 and strike a bystander.¹³² The Court is unaware of any evidence that such an event has
 11 ever been reported. One thing is clear, there is no evidence that home defenders using
 12 AR-15s hitting bystanders with stray bullets through walls is a common problem. That a
 13 stray bullet fired in self-defense might penetrate a wall is an argument in favor of using a
 14 more accurate self-defense firearm. And there is evidence that AR-15 type rifles are both
 15 accurate and easy to fire accurately. There is also mixed evidence about whether AR-15
 16 type rounds are more or less likely than handgun rounds to penetrate the walls of a typical
 17 home.

18 For example, Plaintiffs' expert Emanuel Kapelsohn testified in a deposition on
 19 January 8, 2021 that he had done demonstrations with various rounds fired at walls of
 20 drywall and lumber. He testified that the wall penetrating capability of a .223 or 5.56
 21 round depends more on the construction of the projectile than the particular firearm firing
 22 the round.¹³³ Another study found that a 55 grain HP .223 round, one commonly used in
 23

24
 25 ¹³¹ Defs. Exh. AL, at 11 (DEF1333).

26 ¹³² See e.g., Defs. Exh. K, *Assault Weapons, Mass Produced Mayhem*, Brady Center to
 27 Prevent Gun Violence (2008), at 16.

28 ¹³³ Kapelsohn testified (at page 104-106):

1 modern rifles, penetrated walls *less* than a common .40 S&W handgun round and less
2 than a common 12-gauge shotgun slug. The study found, “[t]he 55 grain HP .223 has
3 less penetration than any of the other ammunition tested. Based on the results of this
4 testing, there appears to be no basis for concern regarding the over penetration of the .223
5 round. In fact, it seems even safer in this regard than .40 S&W handgun ammunition.”¹³⁴
6 The idea, then, that a stray bullet fired from a modern rifle will penetrate the walls of a
7 home and hit a bystander, would depend largely on the particular ammunition and
8 whether the home is in a crowded complex or a rural tract. It would depend less on the
9 firearm, and not at all on whether the firearm had prohibited features described in §
10

11
12 Q. So what would -- so what -- what parts of a cartridge would enhance or reduce the
penetrative capabilities of the round?

13 A. The construction of the projectile itself is -- is primary. The -- the weight of it.
14 What kind of jacket it [has]. Does it have a soft point, a hollow point, a ballistic tip.
15 Does it have a steel core because it's military ammunition made to penetrate armor. Is it
16 a 45 or 50 or 55 grain bullet, or is it a 70 or 75 or 80 grain bullet. What kind of powder,
17 and how much powder because that develops the velocity and that has to do with whether
18 the bullet fragments or expands quickly, or whether it penetrates more deeply. And the
barrel length of the rifle from which it's fired, has to do, also, with its velocity because
you take the same ammunition and fire it from a longer barrel, in some cases, and get
more velocity or from a shorter barrel and get less velocity.”

19 (And at page 108-109):

20 Q. And which rounds -- which, in -- in your experience or in your professional judgment,
which rounds would have greater penetration than others?

21 A. For instance, the 5.56 millimeter steel core penetrator rounds would have more
22 penetration. That's a military round. It's rarely seen or used in the civilian world, but
there are some out there and some people buy it as surplus. That would have more
23 penetration. Less penetration would be the 55 grain soft-point or hollow-point rounds,
and even less penetration would be the 45 grain rounds that some police departments use
24 for entry work and . . . they are generally available. People use them for what is called
25 varmint shooting, things like prairie dogs and similar small animals that are hunted or
26 shot. And those rounds are particularly -- the bullets are particularly fragile in their
27 construction. And so they come apart easily in wall construction, studs, Sheetrock and so
forth.”

28 ¹³⁴ Pls. Exh. 1-9, at 35.

1 30515(a).

2 **i. Blake Graham, Assistant Director, Cal. D.O.J. Bureau of**
3 **Firearms**

4 The Attorney General introduced testimony from another witness worth noting.
5 Mr. Blake Graham is the Assistant Director of the California Department of Justice
6 Bureau of Firearms.¹³⁵ He has worked as a firearms investigator for the State since 1994.
7 He offers both percipient and expert testimony.¹³⁶ Graham says that the most common
8 feature of a prohibited assault rifle is the pistol grip, and the next most common features
9 are the telescoping stocks and flash suppressors.¹³⁷ There is no evidence to the contrary
10 on those points.

11 Graham's opinions on ammunition are less convincing. For example, he says that
12 centerfire rifles generally use rounds that are associated with increased lethality.¹³⁸
13 While true, it is only half so. As Dr. Margolies explained, for rifles and pistols almost all
14 centerfire ammunition is more lethal than the only other type of ammunition, which is
15 rimfire ammunition. Graham says that .223 caliber, 5.56 mm, and 7.62 x 39 mm
16 ammunition is often used with assault rifles. That is true. He says that these rounds will
17 typically defeat normal bullet resistant body armor used by law enforcement. Again true,
18 but only half so. Dr. Margolies, who also serves as a police department armorer, says
19

20
21 ¹³⁵ Defs. Exh. D, Graham Decl. (dated Jan. 22, 2020).

22 ¹³⁶ The lines are sometimes blurred in his declaration. For example, in his opinions
23 section he says that the AWCA year 2000 amendment adding a features-based definition,
24 was "[i]n response to attempts by firearm manufacturers to circumvent the AWCA."
25 Defs. Exh. D, at ¶ 16. Graham might offer such testimony as a percipient witness from
26 that time, but it is not apparent why he would have any particular expertise on the
legislature's motivation.

27 ¹³⁷ *Id.* at ¶ 16.

28 ¹³⁸ *Id.* at ¶ 22.

1 that most all rifle rounds from any rifle will defeat normal police body armor. Typical
2 police body armor is expected to resist only lower caliber ammunition fired from a
3 handgun.¹³⁹ Even Graham acknowledges that bullets fired from a handgun travel at a
4 slower muzzle velocity than the same bullets fired from a rifle.¹⁴⁰ The slower a bullet is
5 travelling the less likely it is to pierce body armor; conversely, the faster the bullet is
6 traveling, the more likely it is to defeat body armor. The feature-based prohibition in §
7 30515(a) says nothing about types of ammunition or bullet velocities. In fact, one might
8 argue that by prohibiting rifles with barrels shorter than 16 inches, the statutes encourage
9 state residents to use longer barrels with higher muzzle velocities resulting in more lethal
10 rifles.

11 Graham also opines on magazines. However, his opinions there lack precision.
12 For example, he opines that a detachable magazine “allows the shooter to rapidly
13 exchange a depleted magazine with a fully loaded one, enabling a shooter to fire a large
14 number of rounds near-continuously.” It is an overgeneralization. A trained and
15 composed shooter with a gun and two 75-round magazines may well be able to fire many
16 rounds near-continuously. An untrained homeowner awoken in the night, having a pistol,
17 two 10-round magazines, and surging adrenaline, may not be able to fire many rounds
18 near-continuously. Graham also opines that “[a] person intent on doing harm to the
19 public or law enforcement will often pair assault weapons and multiple LCMs to
20 maximize the lethality of their attacks.”¹⁴¹ Graham offers little support for his
21 supposition. Sociologists know very little about the motivations of mass shooters except
22
23

24
25 ¹³⁹ Defs. Exh. AY, at 5 (“Soft armor is designed to offer protection against assaults with
26 handguns.”).

27 ¹⁴⁰ Defs. Exh. D, ¶ 23.

28 ¹⁴¹ *Id.* at ¶ 27.

1 that they share a general quest for notoriety and infamy,¹⁴² a factor influenced by
 2 seemingly endless reporting when a tragic mass shooting does occur. Little, if any,
 3 reporting occurs when an intruder is shot or deterred by defensive gun use.

4 Graham says he researched several mass shootings. But two shootings took place
 5 before he worked for the State. Thirteen shootings occurred beyond the boundaries of
 6 California. Two shootings took place beyond the Northern Hemisphere.¹⁴³ Of the seven
 7 shootings that did occur within California while he was working for the State, Graham
 8 does not say that he personally investigated the cases. Graham does not say how many
 9 shots were fired. Though surely he could access them, *Graham does not even offer the*
 10 *actual police reports*. In short, much of Graham's testimony ventures beyond his
 11 experience and his expertise.

12 Put simply, the evidence indicates gun bans are ineffective at reducing gun
 13 crimes. Plaintiffs' expert, economist John R. Lott, Jr., opines that "all credible evidence
 14 shows that assault weapon bans have little to no effect in reducing mass shootings,
 15 homicides, or violent crime in general."¹⁴⁴ Professor Koper, in his assessment of the ten-
 16 year federal assault weapon ban concluded, "[a]lthough the ban has been successful in
 17 reducing crimes with AWs, any benefits from this reduction are likely to have been
 18 outweighed by steady or rising use of non-banned semiautomatics with LCMs, which are
 19
 20
 21

22
 23 ¹⁴² Defs. Exh. AC, at 1 (DEF0847) Adam Lankford and James Silver, *Why Have Public*
 24 *Mass Shootings Become More Deadly?*, Crim. & Pub. Policy (2019) ("[S]ocietal changes
 25 have led to more public mass shooters who are motivated to kill large numbers of victims
 26 for fame or attention, as well as to more shooters who have been directly influenced by
 previous attackers.").

27 ¹⁴³ Defs. Exh. D, ¶ 69.

28 ¹⁴⁴ Lott Decl. at ¶ 64.

1 used in crime much more frequently than AWs.”¹⁴⁵ Bereft of hard evidence that gun bans
 2 are effective, the Attorney General radios in for backup from other courts of appeal.

3 **B. Decisions of Other Courts**

4 The Attorney General’s position is that AWCA does not severely burden Second
 5 Amendment rights. After all, assault weapons are supposedly uncommon and unusually
 6 dangerous, there are other guns available, and only 2.2 shots are needed for self-defense
 7 so any gun will do. Better to have a state citizenry armed with microstamping Saturday
 8 Night Specials than accurate AR-15s. Since the constitutional burden is mild,
 9 intermediate scrutiny will be satisfied. How can one argue with every other federal
 10 circuit court to have considered assault weapon restrictions?¹⁴⁶ These opinions deserve a
 11 look.

12 In the past, Second Amendment cases were wrongly decided by following a
 13 majority of circuit courts down the wrong path. That is what happened in 1996 when the
 14 Ninth Circuit erroneously decided that the Second Amendment does not confer on private
 15 citizens a right to possess a firearm, wherein the court said, “[w]e follow our sister
 16 circuits in holding that the Second Amendment is a right held by the states, and does not
 17 protect the possession of a weapon by a private citizen.” *See Hickman v. Block*, 81 F.3d
 18 98, 101 (9th Cir. 1996), *abrogation in light of Heller recognized by, Nordyke v. King*, 563
 19 F.3d 439, 445 (9th Cir. 2009), *vacated in light of McDonald*, 611 F.3d 1015 (9th Cir.
 20 2010). It happened the first time the Ninth Circuit considered AWCA. *See Fresno Rifle*
 21 *& Pistol Club, Inc. v. Van De Kamp*, 965 F.2d 723, 731 (9th Cir. 1992) (“The plaintiffs
 22 argue that . . . the Second Amendment guarantee[s] an individual right of persons to
 23 acquire and keep rifles, pistols, and shotguns. . . . *Cruikshank* . . . and *Presser* both make
 24

25
 26 ¹⁴⁵ Defs. Exh. BJ, Christopher S. Koper, *An Updated Assessment of the Federal Assault*
 27 *Weapons Ban* (June 2004), at 96 (DEF 1994).

28 ¹⁴⁶ *See* Defs. Brief on Significant Disputed Issues of Law (filed Jan. 27, 2021), at 2.

1 clear that the Second Amendment binds only the national government. In this view we
 2 join the Seventh Circuit . . .”). It also happened the last time the Ninth Circuit upheld
 3 AWCA. *See Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002), *as amended* (Jan. 27,
 4 2003) (“Long the dominant view of the Second Amendment, and widely accepted by the
 5 federal courts . . .”). Before *Heller*, hundreds of judges erroneously overread *Miller*, as
 6 *Heller* itself points out. 554 U.S., at 624 n.24 (“[T]heir erroneous reliance . . . cannot
 7 nullify the reliance of millions of Americans . . . upon the true meaning of the right to
 8 keep and bear arms.”). Thus, with heightened circumspection, it is time to see what can
 9 be learned from these decisions.

10 **1. *Wilson v. Cook County***

11 The Attorney General first cites *Wilson v. Cook Cty.*, 937 F.3d 1028, 1036 (7th Cir.
 12 2019). *Wilson* was not decided on facts or evidence. *Wilson* was dismissed at the outset
 13 because an earlier Seventh Circuit decision was controlling, *i.e.*, *Friedman v. City of*
 14 *Highland Park, Ill.*, 784 F.3d 406, 412 (7th Cir. 2015).

15 **2. *Friedman v. City of Highland Park, Illinois***

16 *Friedman* looked at facts, however, it did not apply intermediate scrutiny, as the
 17 Attorney General’s citation suggests. *Friedman* asked a question: “instead of trying to
 18 decide what ‘level’ of scrutiny applies, and how it works, we think it better to ask
 19 whether a regulation bans weapons that were common at the time of ratification or that
 20 have ‘some reasonable relationship to the preservation or efficiency of a well regulated
 21 militia,’ and whether law-abiding citizens retain adequate means of self-defense.” 784
 22 F.3d at 410.

23 That is a reasonable question. But *Friedman* did not rely on the answer. *Friedman*
 24 ultimately upheld municipal assault weapon bans because it was a permissible
 25 experiment and good for the community psyche. *Id.* at 412 (“If a ban on semiautomatic
 26 guns and large-capacity magazines reduces the perceived risk from a mass shooting, and
 27 makes the public feel safer as a result, that’s a substantial benefit.”).

28 It is worth pointing out, however, that along the way, *Friedman* made some

1 observations that this Court makes today: that “perhaps 9% of the nation’s firearms
 2 owners have assault weapons,” and that assault weapons “generally are chambered for
 3 small rounds . . . suggest[ing] that they are less dangerous per bullet.” 784 F.3d at 409.
 4 *Friedman* also observed, as does this Court, that assault weapons can work well for self-
 5 defense. “True enough, assault weapons can be beneficial for self-defense because they
 6 are lighter than many rifles and less dangerous per shot than large caliber pistols or
 7 revolvers. Householders too frightened or infirm to aim carefully may be able to wield
 8 them more effectively” 784 F.3d at 411. The dissent echoes this point about assault
 9 weapons: “their ability to project large amounts of force accurately is exactly why they
 10 are an attractive means of self-defense. While most persons do not require extraordinary
 11 means to defend their homes, that fact remains that some do.” 784 F.3d at 413 (Manion,
 12 J., dissenting). Although it was a close call, it upheld a ban. Fair enough. But the
 13 Seventh Circuit was not using intermediate scrutiny.

14 **3. *Worman v. Healey***

15 The Attorney General next cites *Worman v. Healey*, 922 F.3d 26, 35 (1st Cir.
 16 2019). In *Worman*, the district court and the First Circuit side-stepped answering the
 17 question of commonality while noting that (as of 2013) nearly 5,000,000 people owned at
 18 least one assault weapon. 922 F.3d at 36 (“[W]e are reluctant to plunge into this
 19 factbound morass.”). The case was decided on summary judgment rather than by trial.
 20 In some respects, the record evidence in *Worman* was different. *Worman* said assault
 21 weapons can fire through walls and risk the lives of those in nearby apartments of streets.
 22 922 F.3d at 37. By contrast, according to the evidence in this case, handgun rounds are
 23 more likely to fire through walls than typical .223/5.56 AR-15 rounds, and AWCA’s ban
 24 is not based on particular calibers. More importantly, *Worman* noted that there was no
 25 evidence in its case about “even a single example of use of an assault weapon for home
 26 defense.” The missing evidence in *Worman* is present in this case. As mentioned
 27 earlier, an AR-15 was used by a pregnant wife and mother to defend her family from two
 28 armed, hooded, and masked home invaders. Pls. Exh. 1-1; *see also* Pls. Exhs. 1-2, 1-3, 1-

1 4, 1-6, 1-7. Finally, the *Worman* court unpersuasively rejected the main argument that
 2 the forbidden assault weapons were ideal for domestic self-defense by pronouncing the
 3 assertion “too facile by half” without explaining what it meant.¹⁴⁷ 922 F.3d at 40.

4 **4. *Kolbe v. Hogan***

5 The Attorney General next cites *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (*en*
 6 *banc*). *Kolbe* went its own direction and concluded that assault weapons are so much like
 7 M-16 machineguns that they lay outside the ambit of the Second Amendment. In *Kolbe*,
 8 the court wrote, “[w]e conclude . . . the banned assault weapons . . . are not protected by
 9 the Second Amendment.” 849 F.3d at 121. As the dissent put it, “our court today has
 10 adopted an ad hoc analysis that excludes a weapon from Second Amendment protection
 11 if it appears to be ‘like’ an M-16 or ‘most useful in military service.’ Under this
 12 approach, it is irrelevant that a firearm may have been commonly possessed and widely
 13 accepted as a legitimate firearm for law-abiding citizens for hundreds of years.” 849 F.3d
 14 at 156 (Traxler, J., joined by Niemeyer, J., Shedd, J., and Agee, J., dissenting).

15 *Kolbe*’s conclusion is unpersuasive. An AR-15 rifle may be like an M-16
 16 machinegun in many ways, but the single major difference is also legally determinative.
 17 *Staples*, 511 U.S., at 611 (observing that AR-15s traditionally have been widely accepted
 18 as lawful possessions and distinguishing between the semiautomatic AR-15 and a fully
 19 automatic machinegun); *but see Rupp v. Becerra*, 401 F. Supp. 3d 978 (C.D. Cal. 2019).
 20 But, if in fact when the Supreme Court issued *Heller* and commented that “it may be
 21 objected that if weapons that are most useful in military service -- M-16 rifles and the like
 22 -- may be banned,” knowing that there is a difference between the M-16 and the AR-15
 23 (as is evident in *Staples*) and that the AR-15 is the more popular civilian owned of the
 24

25
 26 ¹⁴⁷ The expression “too facile by half” is uncommon in American English and appears
 27 only one other time in American court cases. See *United States v. Walker-Couvertier*,
 28 860 F.3d 1, 13 (1st Cir. 2017). It is not found in the Corpus of Contemporary American
 English, www.english-corpora.org/coca/.

1 two, why would it have chosen to mention the M-16 and not the AR-15? The answer
 2 seems obvious. An M-16 is fully automatic solely suitable for military purposes; the AR-
 3 15 is not!

4 In the alternative, *Kolbe* found that the state regulation did not impose a severe
 5 burden and applied intermediate scrutiny. 849 F.3d at 138. The burden was not severe,
 6 according to *Kolbe*, because citizens were free to protect themselves with a plethora of
 7 other firearms. 849 F.3d at 138. Once again, the jurisprudence of firearm alternatives is
 8 at odds with *Heller*.

9 *Kolbe* also deemed the burden not severe because, like the summary judgment
 10 record in *Worman*, there was “scant evidence in the record” that the banned assault rifles
 11 were possessed “or even suitable” for self-protection. 849 F.3d at 138. Once again,
 12 unlike both *Kolbe* and *Worman*, the trial record before this Court has opinion testimony
 13 and a number of examples in evidence of AR-15 type rifles being useful and used in self-
 14 defense. Whatever was missing from the summary judgment record in *Kolbe*, it is not the
 15 case today in this California trial.

16 **5. *N.Y. State Rifle & Pistol Association v. Cuomo***

17 The Attorney General next cites *N.Y. State Rifle & Pistol Association v. Cuomo*,
 18 804 F.3d 242 (2d Cir. 2015). That decision applied intermediate scrutiny after deciding
 19 that New York and Connecticut laws imposed a burden that was not severe. 804 F.3d at
 20 260. The Second Circuit also relied heavily on the jurisprudence of firearm alternatives.
 21 In fact, the single reason given for finding the burden not severe was because of the
 22 notion that “numerous ‘alternatives remain for law-abiding citizens to acquire a firearm
 23 for self-defense.’” 804 F.3d at 260 (quoting *U.S. v. Decastro*, 682 F.3d 160, 168 (2d Cir.
 24 2012). Curiously, although the decision relied on it, the Second Circuit’s *Decastro*
 25 decision was not about a ban on assault weapons or any particular firearm. *Decastro*
 26 highlighted the opposite situation. The court said that 18 U.S.C. § 922(a)(3) does not
 27 substantially burden the right to keep and bear arms because “it does nothing to keep
 28 someone from purchasing a firearm in her home state, which is presumptively the most

1 convenient place to buy anything.” 682 F.3d at 168. *Decastro*, in turn, relied on *Nordyke*
 2 *v. King*, 644 F.3d 776 (9th Cir. 2011), *on reh’g en banc*, 681 F.3d 1041 (9th Cir. 2012).

3 *Nordyke*, unsurprisingly, decided merely that a ban on gun shows at county-owned
 4 fairgrounds did not substantially burden the right to keep and bear arms. *Nordyke* found
 5 the fairgrounds-gun-show-ban left open regular avenues for buying a firearm. 644 F.3d
 6 at 787 (citing *United States v. Marzzarella*, 595 F. Supp. 2d 596, 606 (W.D. Pa. 2009),
 7 *aff’d*, 614 F.3d 85, 95 (3d Cir. 2010)). *Nordyke*, at bottom, relied on *Marzzarella*.
 8 *Marzzarella* unsurprisingly held that 18 U.S.C. § 922(k) is constitutional because it bans
 9 *only* firearms with obliterated serial numbers and “leaves open ample opportunity for
 10 law-abiding citizens to own and possess guns.” 595 F. Supp. 2d at 606.

11 The jurisprudence of firearm *alternatives* has surely drifted far away from *Heller*.
 12 *Heller* said, in 2008, that it is “no answer to say . . . that it is permissible to ban the
 13 possession of handguns so long as the possession of other firearms (*i.e.*, long guns) is
 14 allowed.” 554 U.S., at 629. *Marzzarella* stepped slightly away and said it is permissible
 15 to ban only firearms without serial numbers because alternatively *any other gun* is
 16 permissible. *Nordyke* said it is permissible to ban fairground gun shows because
 17 alternatively *any gun* may be purchased anywhere else. *Decastro* said it is permissible to
 18 ban guns bought out of state because, alternatively, *any gun* may still be purchased within
 19 one’s home state. *N.Y. State Rifle & Pistol* then took a long jump from *Heller*,
 20 *Marzzarella*, *Nordyke*, and *Decastro*, and said bans on assault rifles are permissible
 21 because alternative guns remain.

22 Today, the Attorney General goes beyond *N.Y. State Rifle & Pistol* and suggests
 23 that intermediate scrutiny should permit a class-wide ban on extremely popular assault
 24 rifles, assault shotguns, and assault handguns, in addition to an existing ban on buying
 25 any handgun not found on a shrinking list under California’s “handgun roster” of “safe”
 26 handguns, because some alternatives remain. This is too far.

27 **6. *Heller v. District of Columbia (Heller II)***

28 The last circuit decision cited by the Attorney General is *Heller II*, 670 F.3d 1244.

1 Decided on summary judgment, *Heller II* upheld prohibitions on assault rifles finding the
2 burden to be insubstantial. *Heller II* accepted as fact that assault rifles are in common
3 use. 670 F.3d at 1261. But on the summary judgment record before it, the court could
4 not be certain “whether these weapons are commonly used or are useful specifically for
5 self-defense or hunting.” 670 F.3d at 1261. The *Heller II* court explained, “[a]lthough
6 we cannot be confident the prohibitions impinge at all upon the core right protected by
7 the Second Amendment, we are reasonably certain the prohibitions do not impose a
8 substantial burden upon that right . . . [because] the plaintiffs present hardly any evidence
9 that semi-automatic rifles . . . are well-suited to or preferred for the purpose of self-
10 defense or sport.” 670 F.3d at 1262. Since District of Columbia residents were still
11 permitted to possess a handgun or a “non-automatic long gun,” *Heller II* agreed with
12 *Marzzarella* (the obliterated serial number case) that the burden on Second Amendment
13 rights was insubstantial and thus deserving of no more than the lower intermediate
14 scrutiny. 670 F.3d at 1262.

15 One problem with relying on *Heller II* is that the California statutes go much
16 further in the kinds of firearms banned. Section 30515(a) also criminalizes possession of
17 certain semi-automatic pistols. Even *Heller II* conceded that a ban like that may be
18 unconstitutional. “A narrower prohibition, such as a ban on certain semi-automatic
19 pistols, may also ‘fail constitutional muster,’ but that question has not yet been decided
20 by the Supreme Court.” 670 F.3d at 1267 (appendix) (quoting *Heller*, 544 U.S., at 628).
21 As noted in the dissent, *Heller II* drifted far away from *Heller*. “The majority opinion
22 here is in uncharted territory in suggesting that intermediate scrutiny can apply to an
23 outright ban on possession of a class of weapons that have not traditionally been banned.”
24 670 F.3d at 1285 (Kavanaugh, J., dissenting).

25 To sum up, in the Seventh Circuit, *Wilson* was simply bound by *Friedman*, and
26 *Friedman* did not apply intermediate scrutiny. In the First Circuit, *Worman* lacked record
27 evidence of use or usefulness of assault rifles for self-defense. In the Fourth Circuit,
28 *Kolbe* decided a rifle like the AR-15 was like the M-16 machinegun and therefore outside

1 the ambit of the Second Amendment. Alternatively, *Kolbe* had “scant evidence” in the
 2 record that assault rifles are used or useful for self-protection and there was a plethora of
 3 other permissible guns. In the District of Columbia Circuit, *Heller II* also doubted
 4 whether assault weapons were used or useful for self-defense or hunting and drifted away
 5 from *Heller* into uncharted territory. Even so, the court conceded that a ban on assault
 6 pistols might be unconstitutional. The Second Circuit, in *N.Y. State Rifle & Pistol Ass’n*,
 7 completely relied on the notion rejected by *Heller* that where alternative firearms may be
 8 owned, intermediate scrutiny applies.

9 None of the out-of-circuit decisions comfortably fit this case. None of the cases
 10 went to trial. None of the cases had substantial evidence that AR-15 type rifles are useful
 11 and used by law-abiding citizens for lawful purposes like home-defense and sporting
 12 competition. None of the cases considered an AR-15’s militia use. None of the cases
 13 scrutinized a statute like California’s § 30515 that bans assault rifles, assault shotguns,
 14 and assault pistols, while at the same time prohibiting the sale of all potentially
 15 alternative handguns not included on the State’s shrinking handgun roster. *See* Calif.
 16 Pen. Code § 31910(b)(7); §§ 32000 *et seq.*; *see also Renna*, Case No. 20cv2190-DMS,
 17 Dkt. # 17 Order (filed 4/23/21) (describing California’s shrinking handgun roster where
 18 three guns are dropped for every gun added). Perhaps intermediate scrutiny is still
 19 required under our Ninth Circuit precedents, but not because the out-of-circuit decisions
 20 are similar to this case.

21 **7. *Rupp v. Becerra***

22 The Central District of California rejected a similar challenge to AWCA’s ban on
 23 assault weapons because, like *Kolbe*, it decided on summary judgment that AR-15s are
 24 “virtually indistinguishable from M-16s.” *Rupp v. Becerra*, 401 F. Supp. 3d 978, 988
 25 C.D. Cal. 2019), *appeal pending*, Appeal No. 19-56004. That conclusion would be
 26 unsupported by the trial record here, unless one accepts the overgeneralization that all
 27 semiautomatics are “virtually indistinguishable” from all automatic machineguns. *Rupp*
 28 decided alternatively that intermediate scrutiny should be applied because of the

1 alternative-guns-remain canard. *Id.* at 989 (“AWCA does not severely burden the core of
2 the Second Amendment right because individuals ‘remain free to choose any weapon that
3 is not restricted by the AWCA or another state law.’”). *Rupp* also unfairly discounts the
4 evidence that 30% of modern rifle purchases are made for self-defense by placing too
5 much emphasis on purchases for recreational target shooting. *Id.* (“[W]hile individuals
6 may sometimes purchase assault rifles for self-defense, it is not the primary purpose for
7 doing so.”). Both purposes are lawful and the ban burdens both. It is not convincing to
8 say that stifling one’s need to have a tool chosen 30% of the time for self-defense is not a
9 severe burden on the core constitutional right of self-defense.

10 In any event, the AR-15 is not like the M-16 because one is a fully automatic
11 machinegun and one is not. There is testimony in this case that an AR-15 may fire
12 rounds at speeds up to five to seven rounds per second. Each round requires a finger
13 trigger pull for each round. The AR-15 has no minimum rate of fire. Consequently, the
14 AR-15 type rifle may be fired slowly or up to a hypothetical maximum rate of 300 to 420
15 rounds per minute, assuming no pause for reloading (which by itself is a purely
16 unrealistic hypothetical assumption). Compare this to “[a] modern machine gun [that]
17 can fire more than 1,000 rounds per minute, allowing a shooter to kill dozens of people
18 within a matter of seconds.” *United States v. Henry*, 688 F.3d 637, 640 (9th Cir. 2012)
19 (citation omitted). Federal law has codified the difference for decades. The Supreme
20 Court recognized the difference in *Staples* and *Heller*. The Ninth Circuit most recently
21 recognized the difference in *United States v. Kuzma*, 967 F.3d 959, 967 (9th Cir. 2020),
22 *cert. denied*, 141 S. Ct. 939 (2020); *see also Henry*, 688 F.2d at 640 (“We agree with the
23 reasoning of our sister circuits that machine guns are ‘dangerous and unusual weapons’
24 that are not protected by the Second Amendment.”). Semiautomatic pistols also fire at a
25 rapid rate, yet, neither *Heller* nor *McDonald* found them to be beyond Second
26 Amendment protection for being virtually indistinguishable from prohibited machine
27 pistols.

28 In fact, almost all of the negative aspects of the prohibited modern rifles, like faster

1 firing, are shared with Second Amendment-protected semiautomatic rifles like the Sturm
 2 Ruger Mini 14 and pistols like the Springfield Armory 1911. For example, the Attorney
 3 General asserts that “detachable magazines enhance the ability of a semiautomatic
 4 firearm to fire a large number of rounds quickly, by eliminating the need to reload each
 5 round.”¹⁴⁸ This is true of the Mini 14 rifle and the venerable 1911 pistol. The Attorney
 6 General says, “[t]he ability to accept detachable magazines provides the soldier with a
 7 fairly large ammunition supply and the ability to rapidly reload.”¹⁴⁹ The same is true for
 8 the 1911 pistol. The Attorney General states, “[t]he ability to accept detachable
 9 magazines renders a semiautomatic weapon ‘capable of killing or wounding more people
 10 in a shorter amount of time.’” This is also true for the Mini 14 and the 1911 pistol. The
 11 Attorney General claims, “[t]he use of LCM-equipped firearms in mass shooting results
 12 in a substantially greater number of fatalities and injuries than mass shootings not
 13 involving LCMs.” The same would be true for a Mini 14 or a 1911 pistol equipped with
 14 a large capacity magazine. This was illustrated in the Virginia Tech mass shooting where
 15 two semiautomatic pistols were used to kill 32 people.¹⁵⁰ The Attorney General says that
 16 a pistol grip enables a shooter to maintain accuracy during rapid fire and can enable a
 17 shooter to maintain aim and even fire while reloading a detachable magazine.¹⁵¹ The
 18 same is true for the 1911 pistol. The Attorney General says that a folding or telescoping
 19 stock enhances the portability and concealability of a rifle. A 1911 pistol is much more
 20 portable and concealable than any prohibited rifle. The Attorney General argues that a
 21 flash suppressor enhances the concealability of a shooter in low-light settings. The same
 22 would be true for a fixed flash suppressor on a Mini 14 or a 1911 pistol. The Attorney

23
 24 ¹⁴⁸ Defs. Memo of Contentions of Fact and Law, at 3.

25
 26 ¹⁴⁹ *Id.*

27 ¹⁵⁰ Pls. Exh. 31, Governor’s Report of the Review Panel (2007).

28 ¹⁵¹ *Id.*

1 General sneers that “assault weapons have a military pedigree.” *Id.* at 10. The 1911
2 pistol also has a military pedigree.¹⁵²

3 The point is that most of what the Attorney General says are dangerous features on
4 a prohibited modern rifle are also features on a Second Amendment-protected
5 semiautomatic pistol. The Ruger Mini 14 is not banned by AWCA but it is capable of
6 shooting the same ammunition, at the same speed, with the same type of large capacity
7 magazines, as an AR-15. Perhaps the different treatment is explained by the fact that the
8 Mini 14 looks like an old rifle with a wooden stock. At bottom, guns are dangerous.
9 Guns with removable magazines are dangerous. Guns that can fire from 30-round
10 magazines without reloading are dangerous for thirty rounds worth of uninterrupted time.
11 The Attorney General conflates the increased danger of high-capacity magazines with the
12 innate dangerousness of any semiautomatic firearm and then rests on the conflation to
13 justify a class prohibition on assault weapons. The prohibited rifles shoot farther than
14 pistols but not as far as other permissible rifles. Beyond that, the prohibited firearms
15 share most of the same dangerous characteristics as permissible pistols like the 1911 and
16 the Glock 17. The AR-15 is “virtually indistinguishable” from a semiautomatic pistol in
17 function. The AR-15 is “virtually indistinguishable” from the M-16 machinegun, but
18 only in appearance.¹⁵³

19 C. Militia Use

20 1. *Banning the Ideal Arm for Militia Use Fails Intermediate Scrutiny*

21 The Attorney General does not address or acknowledge whether the ban also
22
23

24 ¹⁵² Preliminary injunction hearing (Hlebinsky) 10/19/20 at 56:7-8 (excess military 1911s
25 sold to the public through the federal Civilian Marksmanship Program).

26 ¹⁵³ Dennis P. Chapman, Colonel (Retired) U.S. Army, *Firearms Chimera*, 8 Belmont L.
27 Rev. 191, 205 (2020) (“The same cannot be said about automatic fire; it exists for the
28 purely military purpose of achieving fire superiority over an enemy force. Automatic and
selective fire is the only significant uniquely military firearms feature.”).

1 imposes a burden on the Second Amendment right to own a firearm that is the ideal
2 weapon for use in the militia. If the modern rifle is the ideal weapon, which it is
3 according to the testimony of General Youngman, then the ban forces a choice of a less-
4 than-ideal weapon for militia use. That may not be a severe burden today when the need
5 for the militia is improbable. One could say the same thing about the improbable need
6 for insurance policies. The point is, neither the Attorney General nor current court
7 decisions address the level of scrutiny to employ where a regulation burdens the Second
8 Amendment right to keep and bear arms for militia service. This Court assumes that for
9 intermediate scrutiny, the “fit” of a total ban is judged on its application to all aspects of
10 exercising the Second Amendment right: home defense, militia use, sporting
11 competitions, hunting, target practice, and other lawful uses.

12 The concept of the citizens’ militia, as protected by the Second Amendment, is an
13 informal assembly of able-bodied, ordinary citizens acting in concert for the security of
14 our nation. *Heller*, 554 U.S., at 600 (“citizens’ militia” is a safeguard against tyranny).
15 “[T]he Militia comprised all males physically capable of acting in concert for the
16 common defense.” *Heller*, 554 U.S., at 595. There are at least two reasons why the
17 militia is thought to be necessary to the security of a free country. First, it is useful in
18 repelling invasions. Second, “when the able-bodied men of a nation are trained in arms
19 and organized, they are better able to resist tyranny.” *Heller*, 554 U.S., at 597–98. For
20 service in the citizens’ militia, one is expected to bring for action a commonly used
21 firearm such as a gun used for self-defense at home or for hunting game. “Ordinarily
22 when called for militia service able-bodied men were expected to appear bearing arms
23 supplied by themselves and of the kind in common use at the time.” *Miller*, 307 U.S., at
24 179. “[W]eapons used by militiamen and weapons used in defense of person and home
25 were one and the same.” *Heller*, 554 U.S., at 624–25 (citation omitted).

26 In this case, the evidence overwhelmingly shows that AR-15 platform rifles are
27 ideal for use in both the citizens’ militia and a state-organized militia. Quite apart from
28 its practicality as a peacekeeping arm for home-defense, a modern rifle can also be useful

1 for war. In fact, it is an ideal firearm for militia service. Major General D. Allen
 2 Youngman, U.S. Army (retired)¹⁵⁴ testified credibly about the usefulness for militia
 3 service of rifles built on the AR-15 platform.

4 He describes three tiers of militia service. General Youngman testified that a state
 5 may or may not have a statute authorizing a state defense force. California does have a
 6 state defense force of approximately 1,000 members. During World War II, California
 7 used a state defense force much larger than 1,000 to secure critical infrastructure. For
 8 this type of militia use, the AR-15 “would be absolutely the perfect weapon for the
 9 individual member of that force to be equipped for -- for a variety of missions to include
 10 infrastructure protection and ones like that.”¹⁵⁵

11 **2. *Why the AR-15 Type Rifle is Ideal for Militia Readiness***

12 The “AR-15 pattern of rifle, with its highly standardized and interchangeable
 13 component parts, is a firearm not just well-suited, but ideal for militia service.”¹⁵⁶ The
 14 AR-15’s use of standardized (“STANAG”) magazines and common ammunition, and its
 15 reliability, low cost, and light weight, serve the same purposes sought to be achieved by
 16 the drafters of our Founding Era militia acts. Furthermore, the modularity and
 17 standardization of the AR-15, its ubiquity, commonality, and widespread ownership in
 18 common ammunition sizes such as .223 and 5.56 x 45mm, and the interchangeability of
 19
 20
 21

22 ¹⁵⁴ In addition to his regular Army service, Youngman served two years as Adjutant
 23 General for the Commonwealth of Kentucky in charge of the Kentucky National Guard.
 24 Youngman Depo. (Jan 6, 2021) at 89:16-20.

25 ¹⁵⁵ *Id.* at 97:19-23. Youngman points out that while one may be a member of the larger
 26 militia, “that does not imply self-deployment or self -- you know, calling yourself into
 27 service and going doing something.”

28 ¹⁵⁶ Youngman Decl., Pls. Exh. 9, ¶ 14; Youngman testimony, Tx of 10/19/20 Hearing at
 85:16-23 (“It would be the ideal weapon for the militia.”).

1 parts, including magazines, makes it ideal.¹⁵⁷

2 “For example,” says General Youngman, “AR-15 rifles can interchange trigger
3 mechanisms, bolt and locking components, barrels, magazines, buttstocks, optical sights,
4 bayonets, and other assorted furniture, with few specialized tools. Further, even if two
5 AR-15s might be set up for vastly different uses (for example, long-range versus short-
6 range engagement), the majority of wearable components remain interchangeable.”¹⁵⁸

7 Youngman explains,

8 The parts interchangeability of the AR-15 platform means any militia field
9 armorer with a short list of components could service the militia’s standard
10 rifles, as well as special purpose armament. It also means that virtually any
11 standard rifle could be equipped by said armorer for a special purpose. It is
12 most certainly in the best interest of the militia for militiamen to have their
13 arms serviceable in such a consistent, economical, and efficient way as is
14 afforded virtually uniquely by the AR-15 platform.¹⁵⁹

15 Moreover, for militia use the low cost is an ideal factor “because we would be
16 asking individuals to acquire and maintain their own in the absence of being issued a
17 weapon. The AR-15 is a very affordable system for the average citizen who might be a
18 member of the militia.”¹⁶⁰ The light weight of the AR-15 also makes it ideal for militia
19 use because “[i]t would accommodate a wide variety of physical[ly] conditioned
20 individuals, as well as smaller stature, as well as female.”¹⁶¹ The pistol grip beneath the
21

22 ¹⁵⁷Youngman Decl., Pls. Exh. 9, ¶¶ 15-19.

23 ¹⁵⁸ *Id.* at ¶ 15.

24 ¹⁵⁹ *Id.* at ¶ 16.

25 ¹⁶⁰ Youngman Depo. (Jan. 2021) at 118:7-11.

26 ¹⁶¹ *Id.* at 119:2-4.

1 action makes the AR-15 more useful for militia use.¹⁶² Without a pistol grip it would be
 2 much more difficult to train loading, unloading, and clearing malfunctions. The pistol
 3 grip also enhances accuracy because it puts the trigger finger in the proper alignment and
 4 helps to control the firearm.¹⁶³ While a folding stock offers no advantage, according to
 5 Youngman, a telescoping stock offers “[t]he ability to properly fit the rifle or the weapon
 6 to an individual regardless of their stature, as well as the ability to accommodate body
 7 armor.”¹⁶⁴ A grenade launcher may have some utility for militia use because it can fire
 8 teargas cartridges or flares.¹⁶⁵ A flash suppressor would be useful at night because, in
 9 Youngman’s words, “you don’t go blind after you fire the first round.”¹⁶⁶

10 A detachable magazine is “absolutely essential” for militia use. Youngman
 11 explains, “[b]ecause in a militia setting . . . you need the ability to change magazines
 12 expeditiously rather than having to manually reload rounds into the -- into the firearm.”
 13 A firearm that has an overall length of 30 inches would be useful in militia service
 14 because of its increased maneuverability particularly for urban operations. The overall
 15 military is going in the direction of a 16-inch barrel rather than the older longer
 16 models.¹⁶⁷

17 Youngman’s testimony is uncontroverted. Youngman is very well qualified to
 18 opine on the usefulness of an AR-15 for militia use. He has served in the regular army
 19 and the army reserves. He served as Kentucky’s Adjutant General commanding the
 20 state’s national guard. He is a firearms trainer and armorer. He was a member of the bar
 21

22 ¹⁶² *Id.* at 133:19.

23 ¹⁶³ *Id.* at 133:23 – 135:1.

24 ¹⁶⁴ *Id.* at 136:25 – 137:3.

25 ¹⁶⁵ *Id.* at 138:7-16.

26 ¹⁶⁶ *Id.* at 138:22-23.

27 ¹⁶⁷ *Id.* at 142:2-8.

1 and worked as a prosecutor. His opinion that an AR-15 is an ideal firearm for use in a
2 militia is unequivocal and uncontested. Of the prohibited features in § 30515(a), most are
3 important for militia use.

4 “*Heller* recognized that militia members traditionally reported for duty carrying
5 ‘the sorts of lawful weapons that they possessed at home,’ and that the Second
6 Amendment therefore protects such weapons as a class, regardless of any particular
7 weapon’s suitability for military use.” *Caetano*, 136 S. Ct. at 1032 (Alito, J., concurring)
8 (citing *Heller*, 554 U.S., at 627). Owing much to the commonality of its ownership, as
9 well as its features and characteristics, the AR-15 is a modern rifle that is suited for use in
10 the militia. Because it is a weapon of light warfare that is commonly owned, commonly
11 trained, with common characteristics, and common interchangeable parts, it is protected
12 for militia use by the Second Amendment. California’s statutes impose criminal
13 penalties for making and possessing, by ordinary citizens who would make up a militia, a
14 firearm that is well-suited for militia service. It is the exact opposite of a statute with a
15 reasonable fit and places the most severe burden on those who are able to be part of the
16 citizens’ militia, and ultimately burden all of the people of the state and the nation.

17 Some courts have coined the AR-15 a “weapon of war.” *E.g.*, *Kolbe*, 849 F.3d at
18 124. Some courts have concluded that because the AR-15 is most useful in military
19 service, it is not protected by the Second Amendment. *See, e.g.*, *Worman v. Healey*, 293
20 F. Supp. 3d 251, 266 (D. Mass. 2018) (AR-15s are most useful in military service,
21 therefore they are beyond the scope of the Second Amendment). Some courts have
22 reasoned that an M-16 is most useful in military service and thus can be banned and that
23 the AR-15 is “like” the M-16 so it also can be banned. *See, e.g.*, *Rupp*, 401 F. Supp. 3d at
24 987 (“the Court agrees with *Kolbe*’s conclusion that ‘AR-15-type rifles are ‘like’ M16
25 rifles under any standard definition of that term.’”).

26 But *Miller* held that it is precisely this type of firearm – a firearm that has a
27 reasonable relationship to militia service -- that is protected by the Second Amendment.
28 It is a principle that *Heller* grasped. “This holding [of *Miller*] is not only consistent with,

1 but positively suggests, that the Second Amendment confers an individual right to keep
 2 and bear arms (though only arms that ‘have some reasonable relationship to the
 3 preservation or efficiency of a well regulated militia’”). *Heller*, 554 U.S., at 622; *see also*
 4 *Lewis v. United States*, 445 U.S. 55, n.8 (1980) (“the Second Amendment guarantees no
 5 right to keep and bear a firearm that does not have ‘some reasonable relationship to the
 6 preservation or efficiency of a well regulated militia.’”) (quoting *Miller*, 307 U.S., at
 7 178); *Wilson v. Cook County*, 937 F.3d 1028 (7th Cir. 2019) (“We, however, attempted to
 8 evaluate the Highland Park Ordinance in more “concrete” terms by asking: ‘whether a
 9 regulation bans weapons . . . that have ‘some reasonable relationship to the preservation
 10 or efficiency of a well regulated militia,’ and whether law-abiding citizens retain
 11 adequate means of self-defense.’”); *Miller v. Sessions*, 356 F. Supp. 3d 472, 478 (E.D.
 12 Pa. 2019) (“In 2008, sixty-nine years after it last revisited the Second Amendment, the
 13 Supreme Court ultimately held that in addition to ‘preserving the militia,’ the Second
 14 Amendment guarantees an individual right to keep and bear arms.”); *but see Hatfield v.*
 15 *Sessions*, 322 F. Supp. 3d 885, 889 (S.D. Ill. 2018), *rev’d on other grounds sub nom.*,
 16 *Hatfield v. Barr*, 925 F.3d 950 (7th Cir. 2019) (“Another case jumps the ship and asks if
 17 the challenged regulation has ‘some reasonable relationship to the preservation or
 18 efficiency of a well regulated militia,’ a test which contradicts *Heller* itself.”).

19 The Attorney General does not agree that the militia clause can put the brakes on
 20 the state’s power to ban arms that are ideal for militia use. But the militia clause informs
 21 the full understanding of the right. “The militia clause helps us understand the contours
 22 of the Second Amendment. After *Heller*, the prefatory clause may not dictate the content
 23 of Second Amendment rights, but neither is it irrelevant to it.” *Young v. State of Hawaii*,
 24 992 F.3d 765, 825 (9th Cir. 2021) (*en banc*). Forty-four of the fifty states have a Second
 25 Amendment analogue and most have a clause referring to the militia and the right to
 26 defend self and state. *Id.* at 816 (collecting provisions).

27 The point was made in this Court’s decision in *Rhode v. Becerra*,

28 The Supreme Court also recognizes that the Second Amendment

1 guarantee includes firearms that have “some reasonable relationship to the
2 preservation or efficiency of a well-regulated militia.” *United States v.*
3 *Miller*, 307 U.S. 174, 178 (1939). *Miller* implies that possession by a law-
4 abiding citizen of a weapon and ammunition commonly owned, that could
5 contribute to the common defense, is also protected by the Second
6 Amendment.

7 *Heller* and *Miller* are consistent. *Heller* took the already expansive
8 zone of protection for weapons that could be used by a militia and focused
9 on the core use of firearms for defending the home. “It is enough to note, as
10 we have observed, that the American people have considered the handgun to
11 be the quintessential self-defense weapon Whatever the reason, handguns
12 are the most popular weapon chosen by Americans for self-defense in the
13 home, and a complete prohibition of their use is invalid.” *Heller*, 128 S. Ct.
14 at 2818. As *McDonald* puts it,

15 in *Heller*, we recognized that the codification of this right was
16 prompted by fear that the Federal Government would disarm
17 and thus disable the militias, but we rejected the suggestion that
18 the right was valued only as a means of preserving the militias.
19 On the contrary, we stressed that the right was also valued
20 because the possession of firearms was thought to be essential
21 for self-defense. As we put it, self-defense was ‘the central
22 component of the right itself.’ *McDonald*, 561 U.S. at 787. In
23 *Caetano v. Massachusetts*, the Court underscored these two
24 points. One, the Second Amendment extends to common
25 modern firearms useful for self-defense in the home. Two,
26 common firearms beyond just those weapons useful in warfare
27 are protected. See *Caetano*, — U.S. —, 136 S. Ct. 1027,
28 1028 (2016) (per curiam) (quoting *Heller*, 554 U.S. at 582, 624-
25, 128 S. Ct. 2783); *contra Kolbe v. Hogan*, 849 F.3d 114, 131
(4th Cir. 2017) (weapons useful in warfare are not protected by
the Second Amendment).

23 445 F. Supp. 3d 902, 929 (S.D. Cal. 2020), *appeal stayed*, Appeal No. 20-55437. Major
24 General Youngman did not address the utility of other modern rifles, such as the
25 semiautomatic AK-47, for militia use. The evidence is clear, however, that the AR-15
26 type of modern rifle bears a reasonable relationship to the preservation and efficiency, as
27 well as the effectiveness, of a modern well-regulated militia. It is therefore categorically
28 protected by the Second Amendment.

3. *Citizen Militias are not Irrelevant*

Before the Court there is convincing and un rebutted testimony that the versatile AR-15 type of modern rifle is the perfect firearm for a citizen to bring for militia service. A law that bans the AR-15 type rifle from militia readiness is not a reasonable fit for protecting the Second Amendment right to keep and bear arms for the militia. It has been argued that citizens with nothing more than modern rifles will have no chance against an army with tanks and missiles. But someone forgot to tell Fidel Castro who with an initial force of 20 to 80 men armed with M-1 carbines, walked into power in Havana in spite of Cuba's militarized forces armed with tanks, planes and a navy. Someone forgot to tell Ho Chi Minh who said, "Those who have rifles will use their rifles. Those who have swords will use their swords. Those who have no swords will use their spades, hoes, and sticks," and eventually defeated both the French and the United States military. Someone forgot to tell the Taliban and Iraqi insurgents. Citizen militias are not irrelevant.

For this reason, state statutes ought to specifically preserve the right and ability of its law-abiding responsible citizens to acquire and possess such arms. But to purposefully *criminalize* acquisition and possession of an AR-15 type modern rifle, as California does, particularly because it would be useful in militia warfare, is contrary to one of the purposes of the Second Amendment and therefore displays no degree of fit.

D. Experiments

The Attorney General objects saying the government "must be allowed a reasonable opportunity to experiment with solutions to admittedly serious problems." *Id.* at 969-70 (quoting *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 52 (1986)). How long does the experiment go on and what are its limits? California has had more than a reasonable opportunity to experiment. In the face of the failed federal experiment California persists with its experiment. The facts found in this trial are that the California statute has not solved the problem of mass shootings or the shooting of police officers despite 40 years of testing.

1 **E. Deference**

2 The Attorney General maintains that under intermediate scrutiny, courts “afford
3 substantial deference to the predictive judgments of the legislature.” *Pena v. Lindley*, 898
4 F.3d 969, 979 (9th Cir. 2018) (quotation omitted). Deference makes sense when new
5 problems arise and new solutions are needed. At some point it becomes clear whether a
6 legislature’s predicted solution is incorrect. At this point, in this case, is it clear that the
7 California Legislature’s predictions were incorrect when it passed AWCA in 1989 and
8 amended AWCA in 1999. The demonstrably incorrect predictions are no longer entitled
9 to judicial deference.

10 **F. Selecting among alternatives**

11 The Attorney General retreats to the principle that even when the record contains
12 “conflicting legislative evidence,” intermediate scrutiny “allow[s] the government to
13 select among reasonable alternatives in its policy decisions.” *Id.* (quotation omitted).
14 The legislative record of AWCA makes clear that that respecting a citizen’s constitutional
15 right of armed self-defense was not among the considered alternatives – it was not a
16 consideration at all. Likewise, a citizen’s constitutional right to be prepared for armed
17 militia service was not a considered alternative. The California Legislature did not
18 choose among reasonable alternatives as none of the alternatives included protecting
19 space for a citizen’s Second Amendment rights.

20 The Attorney General argues that deferential review is particularly appropriate
21 here because “the legislature is ‘far better equipped than the judiciary’ to make sensitive
22 public policy judgments (within constitutional limits) concerning the dangers in carrying
23 firearms and the manner to combat those risks,” quoting *Kachalsky v. Cty. of*
24 *Westchester*, 701 F.3d 81, 97 (2d Cir. 2012). A legislature may be better equipped, but in
25 the end, a legislature must also actually make those sensitive judgments and must make
26 them within constitutional boundaries. However, the California Legislature made its
27 AWCA policy judgment without protecting or considering a citizen’s individual Second
28 Amendment rights. Therefore, its judgment is outside of the constitutional limits and

1 entitled to no deference.

2 **G. No reasonable fit**

3 The end of the road is here. AWCA fails intermediate scrutiny because it lacks a
4 reasonable fit. It is a continuing failed experiment which does not achieve its objectives
5 of preventing mass shootings or attacks on law enforcement officers. The evidence
6 suggests it has made no difference at all. Where it has made a large difference is on the
7 lives of numerous law-abiding citizens who would make, buy, and use these prohibited
8 weapons for home defense and militia readiness, but for the threat of severe criminal
9 punishments. A reasonable fit would, at the very least, include a broad exception for
10 home defense. A reasonable fit would, at the very least, also recognize an exception for
11 maintaining an AR-15 type rifle for militia readiness. But today there are no such
12 exceptions. Thus, it burdens substantially more protected activity than is necessary to
13 further the state's goals.

14 AWCA certainly falls under the more demanding standard of strict scrutiny.
15 Narrow tailoring using the least restrictive means under strict scrutiny would go much
16 farther and include specific exceptions for a person to acquire and possess an assault
17 weapon for self-defense in other habitations such as a motorhome, houseboat, camping
18 tent, and hotel room, and an exception for those unable to comfortably afford more than
19 one firearm for self-defense to bear an assault weapon everywhere firearms are not
20 prohibited. Narrow tailoring would include a safe-harbor provision for all home defense
21 use, self-defense use in any non-sensitive place, hunting, sports, and all other lawful
22 activities and militia readiness uses.

23 Perhaps there are better experiments that can be tried by the State to reduce mass
24 shootings.¹⁶⁸ As stated previously, shooters seek notoriety and news coverage. Perhaps
25

26
27 ¹⁶⁸ Defs. Exh. AC, at 17 ("In other words, the deadliest public mass shooters' murderous
28 intent is larger, but so is their criminal footprint. And this makes sense: When more

1 restraint in news coverage might be a novel approach.¹⁶⁹ Perhaps the better education of
 2 our children or perhaps the expansion of our mental health care system will be the
 3 answer.

4 In the end, the Bill of Rights is not a list of suggestions or guidelines for social
 5 balancing. The Bill of Rights prevents the tyranny of the majority from taking away the
 6 rights of a minority. When a state nibbles on Constitutional rights, who protects the
 7 minorities? The federal courts. The Second Amendment protects any law-abiding
 8 citizen's right to choose to be armed to defend himself, his family, and his home. At the
 9 same time, the Second Amendment protects a citizen's right to keep and bear arms to use
 10 should the militia be needed to fight against invaders, terrorists, and tyrants. The Second

11 _____
 12
 13 ambitious attacks are planned over a longer period of time, that creates more opportunity
 14 for perpetrators to make mistakes and let incriminating information slip out, along with
 15 more opportunity for warning signs to be observed by the public and reported to law
 16 enforcement. The deadliest public mass shootings have the worst impact on society, *but*
they should be the easiest to prevent.") (emphasis added).

17 ¹⁶⁹ Defs. Exh. AC, at 15 (citations omitted). Sociologists Lankford and Silver suggest
 18 media restrictions. "Fortunately, it may be possible to disrupt the reward system that
 19 incentivizes public mass shooters to kill large number of victims for fame and attention.
 20 The key is changing how the news media cover these attacks. . . . The consensus from
 21 scholars and law enforcement is clear: Stop publishing the names and photos of public
 22 mass killers (except during ongoing searches for escaped suspects), but continue
 23 reporting the other details of these crimes in a responsible manner. An open letter calling
 24 for this approach has been signed by 149 criminologists, professors, and law enforcement
 25 professionals. And similar recommendations have been supported by the FBI, the
 26 International Association of Chiefs of Police, the International Police Association, and
 27 the advocacy group "No Notoriety," along with some political leaders, families of
 28 victims, and media members themselves.

If this approach is implemented nationwide, it could result in deterring a
 substantial proportion of fame and attention-seekers from committing public mass
 shootings, while removing the incentive for them to kill large numbers of victims to forge
 a legacy. The strategy of refusing to publish their names and photos would also be
 consistent with the core tenets of deterrence theory: It would be swift, certain, and
 severe."

1 Amendment is about America's freedom: the freedom to protect oneself, family, home,
2 and homeland. California's assault weapon ban disrespects that freedom.

3 IV. CONCLUSION

4 Plaintiffs challenge California Penal Code §§ 30515(a)(1) through (8) (defining an
5 "assault weapon" by prohibited features), 30800 (deeming certain "assault weapons" a
6 public nuisance), 30915 (regulating "assault weapons" obtained by bequest or
7 inheritance), 30925 (restricting importation of "assault weapons" by new residents),
8 30945 (restricting use of registered "assault weapons"), and 30950 (prohibiting
9 possession of "assault weapons" by minors). It is declared that these statutes
10 unconstitutionally infringe the Second Amendment rights of California citizens. These
11 statutes and the penalty provisions §§ 30600, 30605 and 30800 as applied to "assault
12 weapons" defined in Code §§ 30515(a)(1) through (8) are hereby enjoined.

13 You might not know it, but this case is about what should be a muscular
14 constitutional right and whether a state can force a gun policy choice that impinges on
15 that right with a 30-year-old failed experiment. It should be an easy question and answer.
16 Government is not free to impose its own new policy choices on American citizens where
17 Constitutional rights are concerned. As *Heller* explains, the Second Amendment takes
18 certain policy choices and removes them beyond the realm of permissible state action.
19 California may certainly conceive of a policy that a modern rifle is dangerous in the
20 hands of a criminal, and that therefore it is good public policy to keep modern rifles out
21 of the hands of every citizen. The Second Amendment stands as a shield from
22 government imposition of that policy.

23 There is only one policy enshrined in the Bill of Rights. Guns and ammunition in
24 the hands of criminals, tyrants and terrorists are dangerous; guns in the hands of law-
25 abiding responsible citizens are better. To give full life to the core right of self-defense,
26 every law-abiding responsible individual citizen has a constitutionally protected right to
27 keep and bear firearms commonly owned and kept for lawful purposes. In early America
28 and today, the Second Amendment right of self-preservation permits a citizen to "repel

1 force by force’ when ‘the intervention of society in his behalf, may be too late to prevent
 2 that injury.’” *Heller*, 554 U.S., at 594. Then, as now, the Second Amendment “may be
 3 considered as the true palladium of liberty.” *Id.* at 606 (citation omitted). Unfortunately,
 4 governments tend to restrict the right of self-defense. “[I]n most governments it has been
 5 the study of rulers to confine the right within the narrowest limits possible.” *Id.* (citation
 6 omitted). Fortunately, no legislature has the constitutional authority to dictate to a good
 7 citizen that he or she may not acquire a modern and popular gun for self-defense.

8 The Court does not lightly enjoin a state statute. However, while the Court is
 9 mindful that government has a legitimate interest in protecting the public from gun
 10 violence, it is equally mindful that the Constitution remains a shield from the tyranny of
 11 the majority. As Senator Edward Kennedy said, “[t]he judiciary is – and is often the only
 12 – protector of individual rights that are at the heart of our democracy.” Law-abiding
 13 citizens are imbued with the unalienable right to keep and bear modern firearms.

14 V. TEMPORARY STAY

15 The Attorney General asked for a stay of any injunction pending appeal. A party
 16 seeking a stay must establish that he is likely to succeed on the merits, that he is likely to
 17 suffer irreparable harm in the absence of relief, that the balance of equities tip in his
 18 favor, and that a stay is in the public interest. *Humane Soc’y of the United States v.*
 19 *Gutierrez*, 558 F.3d 896, 896 (9th Cir. 2009), citing *Winter v. NRDC, Inc.*, 555 U.S. 7, 19
 20 (2008). The Ninth Circuit has held that a likelihood of success per se is not an absolute
 21 requirement and that serious questions going to the merits can support issuance of an
 22 injunction. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1085 (9th Cir. 2014)
 23 (discussing the parallel preliminary injunction standard). Serious questions are
 24 “substantial, difficult and doubtful . . . [and] need not promise a certainty of success, nor
 25 even present a probability of success, but must involve a fair chance of success on the
 26 merits.” *Republic of Philippines v. Marcos*, 862 F.2d 1355, 1362 (9th Cir. 1988).

27 Because this case involves serious questions going to the merits, a temporary stay
 28 is in the public interest. This declaration and permanent injunction are stayed for 30 days

1 during which time the Attorney General may appeal and seek a stay from the Court of
2 Appeals. After 30 days, the following Order will take full force and effect:

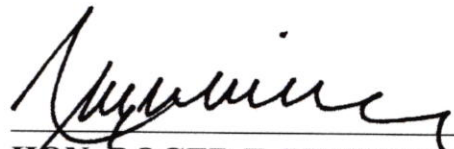
3 **IT IS HEREBY ORDERED that:**

4 1. Defendant Attorney General Rob Bonta, and his officers, agents, servants,
5 employees, and attorneys, and those persons in active concert or participation with him,
6 and those duly sworn state peace officers and federal law enforcement officers who gain
7 knowledge of this injunction order or know of the existence of this injunction order, are
8 enjoined from implementing or enforcing the California Penal Code §§ 30515(a)(1)
9 through (8) (defining an “assault weapon” by prohibited features), 30800 (deeming those
10 “assault weapons” a public nuisance), 30915 (regulating those “assault weapons”
11 obtained by bequest or inheritance), 30925 (restricting importation of those “assault
12 weapons” by new residents), 30945 (restricting use of those registered “assault
13 weapons”), and 30950 (prohibiting possession of those “assault weapons” by minors) and
14 the penalty provisions §§ 30600, 30605 and 30800 as applied to “assault weapons”
15 defined in Code §§ 30515(a)(1) through (8).

16 2. Defendant Attorney General Rob Bonta shall provide forthwith, by personal
17 service or otherwise, actual notice of this order to all law enforcement personnel who are
18 responsible for implementing or enforcing the enjoined statute. Within 10 days, the
19 government shall file a declaration establishing proof of such notice. Alternatively, the
20 parties may file a stipulation.

21 **IT IS SO ORDERED.**

22 Dated: June 4, 2021

23 
24 **HON. ROGER T. BENITEZ**
25 United States District Judge
26
27
28

To the Honorable Members of the Colorado Legislature,

I am writing to express my vehement opposition to the proposed HB24-1292, which seeks to ban assault weapons in the state of Colorado. As a law-abiding citizen and staunch advocate for individual rights, I firmly believe that such a measure is not only misguided but also poses a serious threat to the fundamental freedoms and safety of our communities.

First and foremost, it is essential to recognize that firearms, including so-called "assault weapons," are an integral part of American heritage and culture. The right to keep and bear arms is enshrined in the Second Amendment of the United States Constitution, a cornerstone of our democracy that guarantees the individual's ability to defend themselves, their loved ones, and their property against tyranny and criminal threats.

Moreover, the term "assault weapon" itself is nebulous and misleading, often used to evoke fear and misconceptions about firearms that are commonly owned and responsibly used by millions of law-abiding citizens for self-defense, sporting purposes, and collecting. Contrary to popular belief, these firearms are not inherently more dangerous than any other type of firearm.

Furthermore, history has shown us time and time again that prohibitive measures targeting firearms only serve to disarm law-abiding citizens, leaving them vulnerable to criminals who will obtain weapons through illicit means regardless of legal restrictions. In places where stringent gun control measures have been implemented, such as Chicago, Washington, D.C. and recently Washington State, violent crime rates have not seen significant decreases. In fact, many studies have demonstrated that areas with stricter gun control laws often experience higher rates of violent crime, as criminals are emboldened by the knowledge that their victims are less likely to be armed and able to defend themselves effectively.

Additionally, the proposed assault weapons ban fails to address the root causes of violence in our society, such as poverty, mental health issues, and the breakdown of familial and community structures. Instead of scapegoating law-abiding gun owners and infringing on their constitutional rights, we should be focusing on comprehensive solutions that address these underlying issues and promote responsible firearm ownership and education.

In conclusion, I strongly ask you to reject HB24-1292 and any other misguided attempts to restrict the rights of law-abiding citizens to keep and bear arms. I urge you to focus on evidence-based solutions that address the root causes of violence while respecting

the rights of law-abiding citizens. Our Constitution guarantees us the right to defend ourselves and our families, and it is imperative that we uphold and protect this fundamental freedom for generations to come. Criminals do not pick soft targets, they thrive in "gun free" zones. An armed society is a polite society. I implore you to uphold the principles of liberty and individual rights by rejecting this misguided assault weapons ban.

Let us work together to find meaningful solutions that prioritize both public safety, education and individual liberties, to ensure a better society for us, our children and our children's children.

Thank you for hearing my testimony.
Sincerely,

Chris Dickson
3672 Greenways Main Blvd
Colorado SPrings, CO
80922

3/17/2024

A handwritten signature in black ink, appearing to read "Chris Dickson". The signature is fluid and cursive, with a large initial "C" and a stylized "D".

HB24-1292 PROHIBIT CERTAIN WEAPONS USED IN MASS SHOOTINGS

Dear distinguished members of the Colorado House Judiciary Committee, my name is Clinton Lynch.

I am a firearms industry professional with over 20 years of experience in the design and development of a number of firearms platforms and accessories. I have had the privilege of supporting the missions of US Military and Government personnel, Law Enforcement professionals, and responsible citizens by providing essential tools and education across the United States.

I am a husband, a father, a son. I support our law enforcement officers, emergency first responders, and uniformed and reserve military personnel. I am a man of integrity, purpose, and principal. I am a regular everyday average American citizen.

I write to you today to OPPOSE HB24-1292 or the “Prohibit Certain Weapons Used in Mass Shootings” bill.

In addition to criminalizing the most commonly used and owned sporting and defense-adaptable firearms – and by extension the millions of Coloradoans who employ and enjoy these types of firearms legitimately and legally – this bill will do nothing to prohibit determined criminals from carrying out heinous acts by any means or tools available. The unfortunate reality is that limiting or trying to impose more controls on the law-abiding citizens in this State who own guns will have no impact on the big picture – that of keeping our schools and our workplaces safe.

Further restrictions on responsible gun owners will only potentially make felons of law-abiding citizens, further jeopardizes people’s safety and their Constitutional Right to bear arms and defend themselves, and empowers criminals – who by definition are not concerned or dissuaded by laws to begin with. This latest attempt at gun control is the equivalent of putting a band-aid on an amputated limb – it will do nothing to address the actual problem.

The State’s resources and energy would arguably be better spent on researching, sourcing, and / or creating and providing better training and resources for our law enforcement personnel, teachers and school resource officers, and other professionals to deal with the ever-increasing number of residents with mental health disorders, the socially at-risk and homeless population, and the like. Rather than seeking to penalize the citizens who are listening to and following the laws in a State that seems bent on becoming one of the most restrictive on this issue, I would encourage Committee Members to find real solutions to Colorado’s other larger problems.

At this time I remain opposed to all gun control proposals.

Respectfully Submitted,
Clinton Lynch
Erie, CO
March 18, 2024

Prepared Written Testimony of Brandon M. Farrand

Founder

2nd to None, LLC.

Submitted March 19, 2024

Colorado House Judiciary Committee

March 19, 2024

Room #271, Old State Library

Judiciary Hearing

House Bill 24-1292 – “Prohibit Certain Weapons Used in Mass Shootings”

Chairperson Weissman, Vice Chair Bacon, and Committee Members:

Thank you for the opportunity to provide written testimony on behalf of 2nd to None, LLC., which strongly opposes House Bill 24-1292 – “Prohibit Certain Weapons Used in Mass Shootings” and the like, and requesting that all members of the House Judiciary Committee and the Colorado General Assembly do the same.

Many would think that after hearing over 12 hours of witness testimony and a ratio of 6-1 in opposition to HB23-1230, and the countless pending lawsuits, some of the members of the Colorado General Assembly would get the hint that the people of Colorado DO NOT WANT this type of legislation, yet here we are again. Are we surprised? Not at all. Why stop at attempting to strip away the Right of the People to Free And Fair Elections, continue to make good on the threat to Colorado citizens and attempt yet again to strip away the to Keep and Bear Arms. After all, “It’s the guns. It’s the guns. It’s the guns!” right? Sure.

Most people aren’t as dumb as some of the ~~California, New York, Illinois, Oregon, New Mexico, Washington D.C.~~ COLORADO General Assembly assume. The true citizens of this once beautiful and great state can see exactly what the true intentions are of legislators that bring garbage like HB24-1292, to the table year after year. It has nothing to do with public safety, rather an agenda to take advantage of the majority and to penalize law abiding citizen’s one piece at a time till “the guns” are not obtainable by the law abiding anymore. That is called Tyranny. It doesn’t matter if it’s “certain guns”, as some members of the Colorado House claim, or any gun. At the end of the day, they, and we, are protected by the Colorado Constitution and the U.S. Constitution, “...The Right of the People to Keep and Bear Arms Shall Not Be Infringed.” We know not everyone like the anti-gun groups and certain members of the Colorado General Assembly that listen to them can understand that, or refuse to accept it, and it’s apparent. The General Assembly may have the numbers, and ignorance or pretend to be intelligent and come up with misconstrued interpretations of law and history to pass this unconstitutional filth. If it does, celebrate quickly because it is not going to last long once the smoke clears and decisions from lawsuits continue to be released in the Constitution’s favor. Just like the failed attempt to take certain candidates off the ballot so the People cannot exercise THEIR Right and vote for the candidate of THEIR choice. That is also called Tyranny. At the end the day, we are a Constitutional Republic.

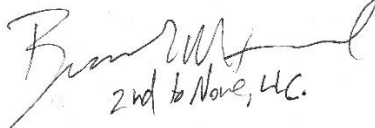
Instead, here we are yet again; and 2nd to None continues to urge the halting of this absurd and ultimately ineffective path that the Colorado General Assembly is STILL continuing to travel down. Yet again, instead of coming up with effective solutions that would actually make positive impact, such as strengthening school security (metal detectors, armed and trained personnel or law enforcement, creating an impenetrable presence, getting rid of gun free zones and sensitive places), addressing mental health and figuring out why people are resorting to violence, holding individuals accountable for their misconduct and crimes; rather the Colorado General Assembly and certain localities of Colorado are once again under the false pretense that “It’s the Guns. It’s the Guns. It’s the Guns!” STILL intentionally and with no regard, violating their oaths of office by wasting time, money and lives going after inanimate objects and Constitutionally Protected Rights of which have been deemed time and time again just that. STILL intentionally and with no regard, violating their oaths of office by leaving law abiding citizens defenseless and hindering their ability to exercise their Natural-Born, God-Given Right until Our Rights are reinforced by the courts, and ultimately striking down useless legislative efforts due to nonsensical knee-jerk reactions and in the interim opening the door for more crime and violence, and purposely restricting everyone’s Right to self-defense to “feel safer”. Want to really be safe? Beside the numerous suggestions above, always have some kind protection on your person... like a gun. It’s not living in fear, it’s called being protected and prepared. Especially with the millions of illegal immigrants and possible terrorists that are being welcomed in by the state of Colorado and country wide, citizens are more afraid of that and should be, the need for self-defense is needed now more than ever!

In summation, House Bill 24-1292 overreaches our Naturally Born and God-Given Constitutional Rights. **Period.** This is supported by countless judicial decisions released by the U.S. Supreme Court (NYSRPA v. Bruen, District of Columbia v. Heller), by State Courts all over the country (NAGR v. The City of Naperville, Boland v. Bonta, Nguyen v. Bonta, etc.), and not to mention the numerous local lawsuits filed against Governor Jared Polis, Boulder County, City of Boulder, City of Louisville, and Town of Superior that affirm such legislation, the same type of legislation like HB24-1292, are in violation of our individual inalienable Rights.

2nd to None and the people of Colorado continue to ask you to please make an actual difference and focus efforts Constitutionally on the actual root of the problem, the criminals responsible for these tragedies; and the psychological, cultural, societal reasoning’s that lead up to their deplorable actions. Not toward Constitutionally protected law abiding citizens and inanimate objects that we all have the Right to exercise with; that includes all of them not just “certain ones”. Having a world where everyone gets along no matter of race, creed, religion, gender, color, etc. is a desire that most people have on this Earth... then there is reality. Unfortunately there are people out there that are just evil and Americans have the Right and means to protect themselves from such evil. It’s Our Right. Don’t Be A Victim. STOP attempting to have the people of Colorado become one that hasn’t already been!

Thank you,

Brandon M. Farrand
Founder of 2nd to None, LLC.



2nd to None, LLC.

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9

10 JAMES MILLER, et al.,

11 Plaintiffs,

12 v.

13 ROB BONTA, in his official capacity as
14 Attorney General of the State of
15 California, et al.,

16 Defendants.

Case No.: 19-cv-1537-BEN (JLB)

DECISION

17 **I. INTRODUCTION**

18 Like the Swiss Army Knife, the popular AR-15 rifle is a perfect combination of
19 home defense weapon and homeland defense equipment. Good for both home and battle,
20 the AR-15 is the kind of versatile gun that lies at the intersection of the kinds of firearms
21 protected under *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *United States v*
22 *Miller*, 307 U.S. 174 (1939). Yet, the State of California makes it a crime to have an AR-
23 15 type rifle. Therefore, this Court declares the California statutes to be unconstitutional.

24 Plaintiffs challenge a net of interlocking statutes which impose strict criminal
25 restrictions on firearms that fall under California's complex definition of the ignominious
26 "assault weapon." Hearings on a preliminary injunction were consolidated with a trial on
27 the merits pursuant to F.R.C.P. Rule 65(a)(2). Having considered the evidence, the Court
28

1 issues these findings of fact and conclusions of law,¹ finds for the Plaintiffs, and enters
2 Judgment accordingly.

3 The Second Amendment “elevates above all other interests the right of law-
4 abiding, responsible citizens to use arms in defense of hearth and home.” *Heller*, 554
5 U.S., at 635. The Supreme Court clearly holds that the Second Amendment protects guns
6 commonly owned by law-abiding citizens for lawful purposes. At the same time, “the
7 Second Amendment confers an individual right to keep and bear arms . . . that ‘have
8 some reasonable relationship to the preservation or efficiency of a well regulated
9 militia.’” *Id.* at 622. And although the Supreme Court cautioned that the Second
10 Amendment does not guarantee a right to keep and carry “any weapon whatsoever in any
11 manner whatsoever and for whatever purpose,” *Heller*, 554 U.S., at 626, lower courts
12 have often cited this proviso about extreme cases to justify gun laws in average contexts.
13 There is no evidence that the Supreme Court intended that language to be a license to
14 avoid its common sense holding in average contexts. Unfortunately, *Heller*’s
15 acknowledgement of exceptions for gun laws at the extreme is in danger of swallowing
16 *Heller*’s rule for the average case.

17 This case is not about extraordinary weapons lying at the outer limits of Second
18 Amendment protection. The banned “assault weapons” are not bazookas, howitzers, or
19 machineguns. Those arms are dangerous and solely useful for military purposes.
20 Instead, the firearms deemed “assault weapons” are fairly ordinary, popular, modern
21 rifles. This is an average case about average guns used in average ways for average
22 purposes.

23 One is to be forgiven if one is persuaded by news media and others that the nation
24 is awash with murderous AR-15 assault rifles. The facts, however, do not support this
25

26
27 ¹ The characterization of a finding as one of “fact” or “law” is not controlling. To the
28 extent that a finding is characterized as one of “law” but is more properly characterized
as one of “fact” (or vice versa), substance prevails over form.

hyperbole, and facts matter. Federal Bureau of Investigation murder statistics do not track assault rifles, but they do show that killing by knife attack is far more common than murder by any kind of rifle. In California, murder by knife occurs seven times more often than murder by rifle. For example, according to F.B.I. statistics for 2019, California saw 252 people murdered with a knife, while 34 people were killed with some type of rifle – not necessarily an AR-15.² A Californian is three times more likely to be murdered by an attacker’s bare hands, fists, or feet, than by his rifle.³ In 2018, the statistics were even more lopsided as California saw only 24 murders by some type of rifle.⁴ The same pattern can be observed across the nation.

A. **Pre-*Heller* Origin of the Assault Weapons Control Act (“AWCA”)**

It is clear today, in the year 2021, that individuals have a right to keep and possess dangerous common arms.”⁵ But California’s Assault Weapons Control Act (“AWCA”) was enacted in the year 1989. In 1989, the California Legislature was concerned that an assault weapon “has such a high rate of fire and capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings.” *See* Cal. Penal Code § 30505(a). AWCA then banned assault weapons by specific makes and models. Cal. Penal Code § 30510.

AWCA was a policy choice unencumbered by constitutional considerations. The California Legislature weighed only the firearm’s value for sports and recreation against the relative dangerousness of the weapon and the danger of it being misused by criminals.

² <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-20>.

³ *Id.* California recorded 102 murders in 2019 by an attacker’s use of hands, fists, or feet.

⁴ <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/tables/table-20>.

⁵ *Caetano v. Massachusetts*, 577 U.S. 411, 418 (2016) (Alito, J., and Thomas, J., concurring) (citing *Heller*, 554 U.S., at 627, 636 (“If *Heller* tells us anything, it is that firearms cannot be categorically prohibited just because they are dangerous.”)).

1 It was a different time in legal history.

2 **B. Pre-*Heller* Second Amendment Jurisprudence**

3 In 1989, most judicial thinking about the Second Amendment was incorrect. Prior
4 to 2008, lower court opinions did not acknowledge that the Second Amendment
5 conferred an individual right to own firearms, or that the right applied against the states.
6 See e.g., *United States v. Hancock*, 231 F.3d 557, 565–66 (9th Cir. 2000) (“[T]his court
7 has concluded that ‘the Second Amendment is a right held by the states, and does not
8 protect the possession of a weapon by a private citizen.’”) (citation omitted).⁶ When the
9 features-based definition was added for the year 2000, a citizen challenging AWCA in
10 the Ninth Circuit was still (incorrectly) regarded as lacking basic Article III standing.⁷
11 Judicial recognition of an individual right to keep and bear arms to be respected by the
12 states would come later with the *Heller* decision in 2008 and the *McDonald* decision in
13 2010. See *McDonald v. City of Chicago, Ill.*, 561 U.S. 742, 767 (2010) (“[I]n *Heller*, we
14 held that individual self-defense is ‘the central component’ of the Second Amendment
15 right.”).⁸

16
17
18 ⁶ See also *Hickman v. Block*, 81 F.3d 98, 101 (9th Cir. 1996) (“We follow our sister
19 circuits in holding that the Second Amendment is a right held by the states, and does not
20 protect the possession of a weapon by a private citizen.”); *Fresno Rifle & Pistol Club,
21 Inc. v. Van De Kamp*, 965 F.2d 723, 731 (9th Cir. 1992) (rejecting the first attack on
22 California’s AWCA because “until such time as *Cruikshank* and *Presser* are overturned,
the Second Amendment limits only federal action, and we affirm . . . ‘that the Second
Amendment stays the hand of the National Government only.’”).

23 ⁷ *Silveira v. Lockyer*, 312 F.3d 1052, 1066-67 (9th Cir. 2002) (“Because we hold that the
24 Second Amendment does not provide an individual right to own or possess guns or other
25 firearms, plaintiffs lack standing to challenge the AWCA.”).

26 ⁸ See also *United States v. Craighead*, 539 F.3d 1073, 1077 (9th Cir. 2008) (“The home
27 occupies a special place in the pantheon of constitutional rights. Under the First
28 Amendment, the ‘State has no business telling a man, sitting alone in his house, what
books he may read or what films he may watch.’ The Second Amendment prohibits a
federal ‘ban on handgun possession in the home.’” (citing *Heller*)).

1 In the year 1989, the California Legislature was not concerned with maintaining
 2 room for a citizen's constitutional right to have a common firearm of one's choosing to
 3 defend hearth and home. In making its policy choice, the California Legislature neither
 4 mentioned a modern rifle as a means of self-defense, nor did the core Second
 5 Amendment right appear to have been any part of its consideration.⁹ The formal
 6 legislative findings say nothing about self-defense. *See* § 30505(a). The balance was
 7 simply about criminal use, on the one hand, versus sporting or recreational activities, on
 8 the other hand. In the pre-*Heller* jurisprudential milieu, the pure policy choice made
 9 sense.

10 **C. Amending AWCA Using a Prohibited-Features Approach**

11 On January 1, 2000, Senate Bill 23 went into effect adding to AWCA the features-
 12 based definition of "assault weapons" (now codified at California Penal Code §
 13 30515(a)). At this juncture, it is not clear why § 30515(a) was enacted, as there is no
 14 legislative history in evidence. The federal assault weapon ban was already in place.

15 It may have been the fact that manufacturers began producing new firearms with
 16 similarities to listed rifles to circumvent the ban.¹⁰ Important for today's constitutional
 17 evaluation is the fact that, once again, the California Legislature did not consider its
 18 citizens' federal constitutional right to keep a weapon for home defense. As *Heller* says,
 19 "[t]he very enumeration of the [constitutional] right takes out of the hands of government
 20

21
 22 ⁹ In *Kasler v. Lockyer*, 23 Cal. 4th 472, 488 (2000), the California Supreme Court
 23 detailed the legislative history of AWCA and said, "[t]he Legislature was, in short,
 24 confronted with two conflicting societal interests, both of which it recognized as
 25 legitimate – the interest of all citizens in being protected against the use of semiautomatic
 26 weapons by criminals, and the interest of some citizens in using semiautomatic weapons
 for hunting, target practice, or other legitimate sports or recreational activities."

27 ¹⁰ In *Silveira v. Lockyer*, 312 F.3d 1052 at n.5 and n.56, as amended (Jan. 27, 2003), the
 28 court said that was the legislative impetus, but cited only a Los Angeles Times newspaper
 article.

1 . . . the power to decide on a case-by-case basis whether the right is *really worth* insisting
2 upon.” 554 U.S., at 635 (emphasis in original).

3 Concerning AWCA’s prohibited-features amendment, the Attorney General has
4 not identified any relevant legislative history or legislative findings about the societal
5 dangers of pistol grips, flash hiders, telescoping stocks, flare launchers or barrel shrouds.
6 The State’s legislative information website lists several committee reports leading up to
7 the signing of Senate Bill 23 by California Governor Gray Davis on July 19, 1999. *See*
8 leginfo.legislature.ca.gov. But there are no studies of criminal gun usage recounted.
9 There are no assault weapon experiences of other states or cities recited. There are no
10 public hearings described. There is one indication, however: Senate Bill 23 was said to
11 be similar to Assembly Bill 2560, which was passed the previous year, but vetoed by
12 California Governor Pete Wilson. Governor Wilson issued a statement with his veto
13 criticizing AWCA’s prohibited-features approach and offered this analogy: “If this bill’s
14 focus were high speed sports cars, it would first declare them ‘chariots of death’ and then
15 criminalize possession of Ramblers equipped with racing stripes and wire wheels.”¹¹

16 After AWCA was amended times changed. The federal ban expired in 2004.
17 *Heller* was decided in 2008. *McDonald* was decided in 2010. Nevertheless, California
18 continues to restrict “assault weapons” under § 30515(a). *See* Cal. Pen. Code §§
19 30600(a), 30605(a).¹² Section 30515(a)(1) through (8), the prohibited-features definition

21
22 ¹¹ *See* www.leginfo.ca.gov/pub/97-98/bill/asm/ab_2551-2600/ab_2560 (last visited
23 4/14/21).

24 ¹² California Penal Code § 30600(a) states, “Any person who, within this state,
25 manufactures or causes to be manufactured, distributes, transports, or imports into the
26 state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault
27 weapon . . . is guilty of a felony, and upon conviction shall be punished by imprisonment
28 pursuant to subdivision (h) of Section 1170 for four, six, or eight years.”

Likewise, California Penal Code § 30605(a) states, “Any person who, within this
state, possesses any assault weapon . . . shall be punished by imprisonment in a county

1 of an “assault weapon,” is the statute (along with its interlocking counterparts) which,
2 today, Plaintiffs challenge as unconstitutional.¹³

3 **D. Assault Weapons Defined**

4 Under § 30515(a), a rifle is labeled an “assault weapon” if it is one of three
5 principal types. The first type is a semiautomatic centerfire¹⁴ rifle that does not have a
6 fixed magazine but has one of the following prohibiting features: a pistol grip that
7 protrudes conspicuously beneath the action of the rifle, a thumbhole stock, a folding or
8 telescoping stock, a grenade or flare launcher, a flash suppressor, or a forward pistol grip.
9 The second type is a semiautomatic centerfire rifle that has a fixed¹⁵ magazine able to
10 hold more than 10 rounds. The third type is a semiautomatic centerfire rifle that has an

11
12
13
14 jail for a period not exceeding one year, or by imprisonment pursuant to subdivision (h)
15 of Section 1170.” The statutes do not specifically criminalize the buying or borrowing of
16 an assault weapon, but the criminalization of selling, lending, and manufacturing
impinges on a citizen’s constitutional right to acquire these firearms for self-defense.
17 “This acquisition right is protected as an ‘ancillary right’ necessary to the realization of
18 the core right to possess a firearm for self-defense.” *Renna v. Becerra*, No. 20cv2190-
DMS (DEB), 2021 WL 1597933, at *6 (S.D. Cal. Apr. 23, 2021) (quoting *Teixeira v.*
19 *County of Alameda*, 873 F.3d 670, 677 (9th Cir. 2017)) (*en banc*) (core Second
20 Amendment right “wouldn’t mean much” without ability to acquire arms).

21 ¹³ Plaintiffs do not challenge §§ 30505 or 30510. On August 6, 2020, AWCA was again
22 amended adding new subsections (9) though (11) to § 30515(a) to include semiautomatic
23 centerfire firearms that are somehow neither rifle, nor pistol, nor shotgun, but have the
prohibited features.

24 ¹⁴ Centerfire ammunition is generally more powerful and reliable than rimfire
25 ammunition. Defs. Exh. D, Graham Decl. at ¶ 22 (DEF0201-02); Kapelsohn Depo. at
26 29:10-13.

27 ¹⁵ A “fixed magazine” is “an ammunition feeding device contained in, or permanently
28 attached to, a firearm in such a manner that the device cannot be removed without
disassembly of the firearm action.” Cal. Pen. Code § 30515(b).

1 overall length of less than 30 inches. Cal. Penal Code § 30515(a)(1)-(3).¹⁶

2 As an aside, the “assault weapon” epithet is a bit of a misnomer.¹⁷ These
3 prohibited guns, like all guns, are dangerous weapons. However, these prohibited guns,
4 like all guns, can be used for ill or for good. They could just as well be called “home
5 defense rifles” or “anti-crime guns.”

6 The mechanical design features that identify a rifle as a California “assault
7 weapon,” it is argued, tend to help a person shoot the rifle more accurately under
8 pressure. The Plaintiffs make the point that this is a better condition for all lawful uses,
9 *i.e.*, a more accurate gun is better for everyone. After all, responsible gun-owners worry
10 about the ending point of every round fired. If shooting in self-defense, a home defender
11 wants every round to hit only attackers.

12 In contrast, the Attorney General argues that better accuracy makes it a more
13 dangerous weapon. According to the Attorney General, “assault weapons enable a
14 shooter to fire more rounds rapidly in a given period with greater accuracy, increasing the
15 likelihood that more individuals will be shot and suffer more numerous injuries.” The
16

17
18 ¹⁶ Based on prohibited features, AWCA also dubs “assault weapons” certain shotguns and
19 pistols, and (recently) guns that are neither rifles, nor shotguns, nor pistols. Antique
20 firearms and certain pistols designed expressly for Olympic events are exempted. Cal.
Pen. Code §30515(d).

21 ¹⁷ *Stenberg v. Carhart*, 530 U.S. 914, 1001 n.16 (2000) (Thomas, J., dissenting) (“Prior to
22 1989, the term ‘assault weapon’ did not exist in the lexicon of firearms. It is a political
23 term, developed by anti-gun publicists to expand the category of ‘assault rifles’ so as to
24 allow an attack on as many additional firearms as possible on the basis of undefined
25 ‘evil’ appearance.”) (quoting Kobayashi & Olson et al., *In re 101 California Street: A
26 Legal and Economic Analysis of Strict Liability for the Manufacture and Sale of “Assault
27 Weapons,”* 8 Stan. L. & Pol’y Rev. 41, 43 (1997)); *Heller v. D.C. (Heller II)*, 670 F.3d
28 1244, 1290 (D.C. Cir. 2011) (Kavanaugh, J., dissenting) (“D.C. repeatedly refers to the
guns at issue in this case as ‘assault weapons.’ But if we are constrained to use D.C.’s
rhetoric, we would have to say that handguns are the quintessential ‘assault weapons’ in
today’s society; they are used far more often than any other kind of gun in violent
crimes.).

1 implied context is a mass shooting. In the terrible mass shooting context, which
 2 fortunately is a rare event, reducing the number of innocent victims is the State's goal,
 3 although it is not at all clear that a less accurate rifle would reduce the number of victims.
 4 A less accurate rifle in the hands of a mass shooter may very well result in different
 5 victims, but not necessarily less victims. On the other hand, in the self-defense context,
 6 which seems to be more common, taking accurate shots at attackers is vitally important
 7 for the innocent victim. While the state ought to protect its residents against
 8 victimization by a mass shooter, it ought also to protect its residents against victimization
 9 by home-invading criminals. But little is found in the Attorney General's court filings
 10 reflecting a goal of preventing violence perpetrated against law-abiding citizens in their
 11 homes. Instead, the State's litigation stance is more like the view recently expressed by a
 12 police chief in Oakland, California: we do not want victims to arm themselves; we want
 13 them to be good witnesses.¹⁸ Of course, a dead victim is a lousy witness.

14 **E. Criminal Penalties**

15 The State prefers a policy of residents not arming themselves with assault
 16 weapons, and for those who do, arresting residents. California Penal Code § 30600
 17 imposes a felony criminal penalty for anyone who manufactures, distributes, imports,
 18 keeps for sale, offers for sale, or lends an "assault weapon." The prescribed prison
 19 sentences for violations of these *malum prohibitum* crimes are four, six, or eight years.

21
 22 ¹⁸ See abc7news.com/Oakland-police-chief-leronne-armstrong-chinatown-opd/10346747/
 23 (last visited 2-19-21). On February 17, 2021, ABC7 News reported, "a woman was
 24 walking . . . around 6 p.m. Monday when she was approached by a suspect who
 25 attempted to take her camera. During the struggle, investigators said a nearby resident
 26 came up and fired several rounds toward the suspect." Afterwards, the police chief said,
 27 "[w]hen weapons are fired in our community, there could be unintended victims. We
 28 don't want our business owners or others to begin to arm themselves. We would really
 prefer them to be good witnesses." Unironically, according to the report, "[n]o one was
 hit, but when police arrived, the man with the gun was arrested while the robbery suspect
 got away."

1 See California Penal Code § 30600(a). One who merely possesses an “assault weapon”
 2 in California is guilty of a misdemeanor under California Penal Code § 30605(a) or a
 3 felony pursuant to California Penal Code § 1170(h)(1) (“a felony punishable pursuant to
 4 this subdivision where the term is not specified in the underlying offense shall be
 5 punishable by a term of imprisonment in a county jail for 16 months, or two or three
 6 years”). In other words, the criminal sanction for possession of any gun deemed an
 7 “assault weapon” is a wobbler and can be sentenced as either a felony or a misdemeanor.
 8 If one possesses only one or two properly registered pre-ban assault weapons, the crime
 9 is a misdemeanor for the first offense. Cal. Pen. Code § 30605(b). Beginning January 1,
 10 2020, a prosecutor may in lieu of criminal prosecution for mere possession of an assault
 11 weapon, institute a civil action for an injunction, fine, and destruction of the firearm as a
 12 nuisance. Cal. Pen. Code §30800.

13 As one commentator describes it, “[m]ere possession of an object that is
 14 commonplace and perfectly legal under federal law and in forty-four states will land you
 15 in prison, [will] result in the loss of your rights including likely the right to vote, and
 16 probably [will] cause you irreparable monetary and reputational damages, as well as your
 17 personal liberty. All of this despite the absence of even a single victim.”¹⁹

18 **F. Modern Rifles**

19 The Second Amendment protects modern weapons. *Caetano v. Massachusetts*,
 20 577 U.S. 411, 412 (2016). The firearms banned by California Penal Code § 30515 and
 21 deemed “assault weapons” are modern weapons. They are principally AR-15 type rifles,
 22 pistols, and shotguns. Plaintiffs and others refer to them as “modern sporting rifles”
 23 although they are clearly useful for more than just sport. They are modern rifles that do
 24 not look like the iconic rifles from years gone by. They are fabricated with synthetic

25
 26
 27 ¹⁹ Mark W. Smith, *Assault Weapon Bans: Unconstitutional Laws for Made-up Category*
 28 *of Firearms*, 43 Harvard J. Law & Public Policy 357, 360 (2020). One could add to this
 list of consequences the forfeiture of the firearm itself. See Cal. Pen. Code § 30800(d).

1 polymers and anodized aluminum in cerakoted colors of black and brown and green.
2 Parts once made of solid wood on guns of the past are gone. These modern rifles are
3 constructed of lightweight alloys and titanium nitride barrels in angular skeletonized
4 shapes. To those who grew up watching movie “westerns” with John Wayne, or Chuck
5 Connors (“The Rifleman”) on television, modern rifles just do not look like rifles. The
6 AR-15 platform in particular, is an “open source” design and includes firearms made by
7 numerous manufacturers under different product names with countless variations and
8 adaptations. In fact, the platform’s ability to accept modifications with ready-made retail
9 parts without the need for specialized tools or expertise, is part of what makes these rifles
10 popular. What advances in firearm design the future holds for these arms are yet to be
11 imagined. When the term “modern rifle” is used in this opinion, it principally refers to a
12 rifle built on the AR-15 platform with prohibited features.

13 II. ANALYSIS

14 The Second Amendment provides: “A well regulated Militia, being necessary to
15 the security of a free State, the right of the people to keep and bear Arms, **shall not** be
16 infringed.” U.S. Const. amend. II (emphasis added). The Supreme Court recognizes that
17 “the Framers and ratifiers of the Fourteenth Amendment counted the right to keep and
18 bear arms among those fundamental rights necessary to our system of ordered liberty.”
19 *McDonald*, 561 U.S., at 778. This right is incorporated against the states under the
20 Fourteenth Amendment. *Id.*

21 Although the Attorney General sees it differently, the Supreme Court also
22 recognizes that the Second Amendment guarantee includes a right to keep and bear
23 firearms that have “some reasonable relationship to the preservation or efficiency of a
24 well-regulated militia.” *Miller*, 307 U.S., at 178. *Miller* implies that a weapon that is
25 commonly owned and that is useful for the common defense for a militia member is also
26 protected by the Second Amendment.

27 *Heller* and *Miller* are consistent. *Heller* took the already expansive zone of
28 protection for weapons that could be used by the militia and focused on the core use of

1 firearms for self-defense. “The [*Heller*] Court determined that the right to keep and bear
 2 arms is an individual right held by the people, and not limited by the prefatory clause – ‘a
 3 well regulated Militia’ -- only to ‘the right to possess and carry a firearm in connection
 4 with militia service.’” *Young v. State*, 992 F.3d 765, 782 (9th Cir. 2021) (*en banc*). As
 5 *McDonald* puts it,

6 [i]n *Heller*, we recognized that the codification of this right was prompted by
 7 fear that the Federal Government would disarm and thus disable the militias,
 8 but we rejected the suggestion that the right was valued only as a means of
 9 preserving the militias. On the contrary, we stressed that the right was also
 10 valued because the possession of firearms was thought to be essential for
 self-defense. As we put it, self-defense was “the central component of the
 right itself.”

11 *McDonald*, 561 U.S., at 787. In *Caetano*, the Court underscored these two points. One,
 12 the Second Amendment extends at the very least to common modern arms useful for self-
 13 defense in the home. Two, Second Amendment protection includes both common arms
 14 and weapons that may also be useful in warfare. *Caetano*, 577 U.S., at 412 (quoting
 15 *Heller*, 554 U.S., at 582, 624-25); *contra Kolbe v. Hogan*, 849 F.3d 114, 131 (4th Cir.
 16 2017) (*en banc*) (weapons most useful in warfare are not protected by the Second
 17 Amendment).

18 **A. The *Heller* Test**

19 With these principles firmly established, it is time to put the constitutionality of
 20 AWCA to the test. Two tests will be used: (1) the *Heller* test; and (2) the Ninth Circuit’s
 21 two-step levels-of-scrutiny test.

22 The *Heller* test is a test that any citizen can understand. *Heller* asks whether a law
 23 bans a firearm that is commonly owned by law-abiding citizens for lawful purposes. It is
 24 a hardware test.²⁰ *Heller* draws a distinction between firearms commonly owned for
 25

26
 27 ²⁰ Most of the Ninth Circuit’s intermediate scrutiny analysis has developed in cases that
 28 are not hardware bans but more akin to time, place, and manner regulations. *See e.g.*,

1 lawful purposes and unusual arms adapted to unlawful uses as well as arms solely useful
 2 for military purposes.²¹ As applied to AWCA, the *Heller* test asks: is a modern rifle
 3 commonly owned by law-abiding citizens for a lawful purpose? For the AR-15 type rifle
 4 the answer is “yes.” The overwhelming majority of citizens who own and keep the
 5 popular AR-15 rifle and its many variants do so for lawful purposes, including self-
 6 defense at home. Under *Heller*, that is all that is needed. Using the easy to understand
 7 *Heller* test, it is obvious that the California assault weapon ban is unconstitutional. Under
 8 the *Heller* test, judicial review can end right here.²²

9 **1. Popularity in California**

10 Modern rifles have become immensely popular in the United States. Even in
 11 California, despite being banned for 20 to 30 years, according to the State’s own
 12 evidence, there are 185,569 “assault weapons” currently registered with the California
 13

14
 15 *Young*, 992 F.3d 765 (open carry outside the home); *United States v. Singh*, 979 F.3d 697
 16 (9th Cir. 2020) (prohibition on gun ownership for nonimmigrant visa holders); *United*
 17 *States v. Torres*, 911 F.3d 1253 (9th Cir. 2019) (prohibition on gun possession by aliens
 18 illegally or unlawfully in the United States); *Teixeira v. Cty. of Alameda*, 873 F.3d 670,
 19 680 (9th Cir. 2017) (*en banc*) (gun store in a particular location); *Bauer v. Becerra*, 858
 20 F.3d 1216 (9th Cir. 2017) (using fees from firearm sales to fund law enforcement
 21 program); *Silvester v. Harris*, 843 F.3d 816 (9th Cir. 2016) (ten-day waiting period for
 22 firearm purchase); *Peruta v. Cty. of San Diego*, 824 F.3d 919, 927 (9th Cir. 2016) (*en*
 23 *banc*) (concealed carry outside the home); *United States v. Chovan*, 735 F.3d 1127 (9th
 24 Cir. 2013) (prohibition on domestic violence misdemeanor possession).

25
 26 ²¹ *Cf. Nordyke v. King*, 563 F.3d 439, 465 (9th Cir. 2009) (Gould, J., concurring),
 27 *vacated*, 611 F.3d 1015 (9th Cir. 2010) (“[N]o individual could sensibly argue that the
 28 Second Amendment gives them a right to have nuclear weapons or chemical weapons in
 their home for self-defense.”).

²² This Court is not the first jurist to read *Heller* this way. See *Friedman v. City of Highland Park*, 784 F.3d 406, 416 (7th Cir. 2015) (Manion, J., dissenting) (“The fact that a statistically significant number of Americans use AR-type rifles and large-size magazines demonstrates *ipso facto* that they are used for lawful purposes. Our inquiry should have ended here: the Second Amendment covers these weapons.”).

1 Department of Justice. Defs. Exh. CZ, Glover Decl. at ¶ 7 (DEF3222). Another 52,000
 2 assault weapon registrations were backlogged and left unregistered when the last
 3 California registration period closed in 2018. *See* n.37 *infra*. There are likely many more
 4 in California. According to the State's evidence, a 2018 California Safety and Well-
 5 Being Survey reports 4.2 million adult Californians personally own a firearm.²³ And
 6 Californians own an estimated 19.9 million firearms.²⁴ According to this survey, of the
 7 19.9 million firearms in the state, assault weapons make up 5%²⁵ or approximately
 8 1,000,000.²⁶

9 Californians buy a lot of firearms. In the year 2020 alone, residents bought
 10 1,165,309 firearms.²⁷ From January 1, 2021 to March 12, 2021, they bought 180,058
 11 more guns.²⁸ Out of the total of 1,345,367 new guns purchased since January 1, 2020,
 12 rifles made up 368,337.²⁹ If 48% of rifles sold nationally are modern "assault" rifles, it
 13 can be inferred that Californians would have purchased modern rifles at the same rate.
 14 So, of the 368,337 rifles actually bought since January 1, 2020 in California, it is
 15 reasonable to infer that 176,801 additional modern rifles would have been added to the
 16 California stock, were it not for the assault weapon ban. Some fraction of the 368,337

17
 18
 19 ²³ Defs. Exh. DY, at 1 (DEF3578); Defs. Exh. DZ (Nicole Kravitz-Wirtz et al., *Firearm*
 20 *Ownership and Acquisition in California: Findings from the 2018 California Safety and*
Well-Being Survey, 26 Injury Prevention 516 (2020)) at DEF3579-80.

21 ²⁴ *Id.*

22 ²⁵ *Id.*

23
 24 ²⁶ Because it is generally now unlawful to own an "assault weapon" in California, it
 25 would not be surprising if survey participants underreported ownership of these firearms.

26 ²⁷ *See* Asst. Dir. Blake Graham Decl. at ¶ 4 (Dkt. # 112).

27 ²⁸ *Id.*

28 ²⁹ *Id.* at ¶ 5.

1 rifles actually bought by Californians may well have been stripped-down “featureless”
 2 California-legal editions of modern rifles. Among the people of California purchasing all
 3 of these guns there were approximately 412,059 first-time buyers.³⁰

4 **2. Popularity Nationally**

5 Nationally, modern rifles are ubiquitous. In 2018 alone (the most recent year with
 6 data), 1,954,000 modern rifles were manufactured or imported into the United States.
 7 Over the last three decades, 19,797,000 modern rifles have been manufactured or
 8 imported into the United States and the numbers have been steadily increasing. Pls. Exh.
 9 4-8, *NSSF Firearm Production in the United States*, at 7. Almost one-half of all rifles
 10 (48%) produced in 2018 were modern rifles. *Id.* at 18. That is 664,360 rifles. That same
 11 year, 34% of buyers purchased a modern rifle for personal protection, while 36%
 12 purchased for target practice or informal shooting, and 29% purchased for hunting. Pls.
 13 Exh. 4-5, *NSSF Survey*, at 9. In contrast, only 5% of traditional rifles were bought for
 14 personal protection. For female gun buyers in 2018, after a handgun, a modern rifle was
 15 the next most popular choice. *Id.* at 24. The same was true of all first-time gun buyers in
 16 2018. *Id.* at 25. During 2018, approximately 18,327,314 people participated nationally
 17 in target and sport shooting specifically with modern rifles. Pls. Exh. 4-6, *NSSF Report*
 18 *on Sport Shooting Participation in the U.S. in 2018*, at ii. Nationally, 3-gun shooting is
 19 the activity with the highest mean days of participation (23.8 days), but the next highest
 20 activity is target shooting with a modern rifle (15.3 days). *Id.* at 32. In the West Region,
 21 target shooting with a modern rifle is the top activity. *Id.*

22 **3. More Popular than the Ford F-150 Pickup Truck**

23 Modern rifles are popular. Modern rifles are legal to build, buy, and own under
 24 federal law and the laws of 45 states. There are probably more modern rifles in
 25 circulation than there are Ford F-150 pickup trucks. In 2018, 909,330 Ford F-150s were
 26

27
 28 ³⁰ *Id.* at ¶ 10.

1 sold.³¹ Twice as many modern rifles were sold the same year. Imagine, every time one
 2 passes a new Ford pickup truck, it is a reminder that two new modern rifles have been
 3 purchased. That is a lot of modern rifles owned by Americans.³² Other courts agree.
 4 “Even accepting the most conservative estimates cited by the parties and by amici, the
 5 assault weapons . . . at issue are ‘in common use’ as that term was used in *Heller*.” *New*
 6 *York State Rifle & Pistol Ass’n, Inc. v. Cuomo*, 804 F.3d 242, 255 (2d Cir. 2015). “We
 7 think it clear enough in the record that semi-automatic rifles . . . are indeed in ‘common
 8 use.’” *Heller II*, 670 F.3d at 1261.

9 **4. More Popular than Stun Guns**

10 The Supreme Court implied that as few as 200,000 stun guns owned nationwide by
 11 law abiding citizens is a sufficient number to show common ownership and receive
 12 constitutional protection. *Caetano*, 577 U.S., at 420 (Alito, J., and Thomas, J.,
 13 concurring) (approximately 200,000 civilians owned stun guns as of 2009) (“While less
 14 popular than handguns, stun guns are widely owned and accepted as a legitimate means
 15 of self-defense across the country.”). Based on the evidence presented, it can be
 16 confidently said that between at least 200,000 and perhaps 1,000,000 modern rifles are
 17 owned in California alone. Based on the lack of evidence at trial that these 200,000 to
 18 1,000,000 California guns are often used in crime, it is reasonable to infer that most are
 19 owned by law-abiding citizens who use them only for lawful purposes.

20 After handguns, modern rifles are probably the most popular firearms in America.
 21 They are quietly owned by millions of law-abiding citizens for lawful purposes ranging
 22

23
 24 ³¹ See media.ford.com/content/dam/fordmedia/North%20America/US/2020/01/06/sales-4q2019.pdf (last visited 3/9/21).
 25

26 ³² “[W]e note that in 2012, the number of AR- and AK-style weapons . . . was more than
 27 double the number of Ford F-150 trucks sold, the most commonly sold vehicle in the
 28 United States.” *Kolbe v. Hogan*, 813 F.3d 160, 174 (4th Cir. 2016), *on reh’g en banc*,
 849 F.3d 114 (4th Cir. 2017).

1 from home defense to sporting competitions. Yet, California has banned, and continues
 2 to ban, these popular rifles. Perhaps the State has a long-range plan of taking incremental
 3 steps toward more and more gun control.³³ But it should be obvious that barring total
 4 extinction of the Second Amendment, no amount of “common sense” gun control laws
 5 will prevent criminals from misusing guns. Whatever the reason, these laws are still on
 6 the books. Like Victor Hugo’s Inspector Javert relentlessly searching for Jean Valjean,
 7 California continues to amend its statutes to prohibit more and more firearms.

8 At the core this is a simple case. Like the cases of *Heller* and *McDonald*, here the
 9 government bans an entire class of very popular hardware -- firearms that are lawful
 10 under federal law and under the laws of most states and that are commonly held by law-
 11 abiding citizens for lawful purposes. Under no level of heightened scrutiny can the law
 12 survive.

13 **B. The Ninth Circuit’s Two-Step Framework**

14 The Ninth Circuit has yet to adopt the easy to grasp *Heller* test. Instead, the Ninth
 15 Circuit uses what it calls “a two-step framework.” *Young*, 992 F.3d at 783. In practice
 16 the two-step framework is not particularly simple.³⁴ “We have understood *Heller* to
 17

18
 19 ³³ The State’s expert Dr. John Donohue testified, “I think California is trying to craft the
 20 wise restraints . . . but I think it’s useful to take incremental steps, and if you are not
 21 getting the full benefits of reduction in mass killings, you could go further.” Tx
 preliminary injunction hearing (10/22/20) at 74:9-14.

22 ³⁴ Some have criticized the schema. *Rogers v. Grewal*, 140 S. Ct. 1865, 1867 (2020)
 23 (Thomas, J., dissenting from denial of certiorari) (“[T]he courts of appeals’ test appears
 24 to be entirely made up. The Second Amendment provides no hierarchy of “core” and
 25 peripheral rights. And “[t]he Constitution does not prescribe tiers of scrutiny.”
 26 Moreover, there is nothing in our Second Amendment precedents that supports the
 27 application of what has been described as “a tripartite binary test with a sliding scale and
 28 a reasonable fit.”) (citations omitted); *see also Mai*, 974 F.3d at 1087 and 1106 (Bumatay,
 J., dissenting from denial of rehearing *en banc*) (“Indeed, when this court first adopted
 the two-step test, Judge Bea rightfully questioned whether applying tiers of scrutiny to a

1 require one of three levels of scrutiny: If a regulation amounts to a destruction of the
 2 Second Amendment right, it is unconstitutional under any level of scrutiny; a law that
 3 implicates the core of the Second Amendment right and severely burdens that right
 4 receives strict scrutiny; and in other cases in which Second Amendment rights are
 5 affected in some lesser way, we apply intermediate scrutiny.” *Young*, 992 F.3d at 784
 6 (quotation marks and citations omitted). Most courts select intermediate scrutiny in the
 7 end. Intermediate scrutiny, in turn, looks for a “reasonable fit.” California’s modern rifle
 8 ban is suspect even under the most lenient form of scrutiny because the “assault
 9 weapons” laws are not a reasonable fit to achieve the State’s interests. This will become
 10 clear after considering the trial evidence. But first, the Ninth Circuit’s two-step
 11 framework requires a pre-check for Second Amendment coverage.

12 **1. Step One -- Presumptively Lawful or Historical Regulation?**

13 The first step asks, “whether the regulation is one of the presumptively lawful
 14 regulatory measures identified in *Heller*, or whether the record includes persuasive
 15 historical evidence establishing that the regulation at issue imposes prohibitions that fall
 16 outside the historical scope of the Second Amendment.” *Jackson v. City & Cty. of San*
 17 *Francisco*, 746 F.3d 953, 960 (9th Cir. 2014) (internal quotes and citations omitted);
 18 *Young*, 992 F.3d at 783. In other words, if the regulation is presumptively lawful or
 19 historically approved, the inquiry ends. *Young*, 992 F.3d at 783.

20 The California modern rifle ban is not excused from judicial scrutiny on either
 21 ground. First, a complete ban on modern rifles is not one of the presumptively lawful
 22

23 Second Amendment right was consistent with *Heller*. As Judge Bea noted, ‘unitary tests
 24 such as strict scrutiny, intermediate scrutiny, undue burden, and the like don’t make sense
 25 . . . in the Second Amendment context because the language of *Heller* seems to foreclose
 26 scrutiny analysis.’”) (citations omitted) and (VanDyke, J., dissenting from denial of
 27 rehearing *en banc*) (“Our toothless ‘heightened’ scrutiny of Second Amendment
 28 restrictions is broken, and not accidentally so. But Second Amendment rights are
 fundamental, and litigants attempting to vindicate theirs deserve better than what we’re
 currently offering.”).

1 measures identified in *Heller*. Second, a ban on modern rifles has no historical pedigree.
 2 Prior to the 1990's, there was no national history of banning weapons because they were
 3 equipped with furniture like pistol grips, collapsible stocks, flash hiders, flare launchers,
 4 or barrel shrouds. In fact, prior to California's 1989 ban, so-called assault weapons were
 5 lawfully manufactured, acquired, and possessed throughout the United States.³⁵

6 The Attorney General disagrees and claims that AWCA is analogous to a handful
 7 of state firing-capacity regulations from the 1920's and 1930's and one District of
 8 Columbia law from 1932. The state laws were repealed long ago. The only law in the
 9 United States that has remained in effect, the Attorney General describes as a District of
 10 Columbia law that is "a twelve-shot restriction on semiautomatic weapons." Defs. Memo
 11 of Contentions of Fact and Law at 12 (quoting Pub. L. No. 275, 1932 – 72nd Cong. Sess.
 12 I, chapter 465). The District of Columbia regulation seems to mix terms. Section 14
 13 prohibits possession of any "machinegun or sawed-off shotgun." Section 1 defines a
 14 "machinegun" as a "firearm that shoots automatically or semiautomatically more than
 15 twelve shots without reloading." It is true that during its existence, the District of
 16 Columbia regulation has been applied to a semiautomatic pistol. See *United States v.*
 17 *Woodfolk*, 656 A.2d 1145, 1147-48 (D.C. 1995) (9 mm semiautomatic Luger that could
 18 operate with a 13-round magazine qualified as an illegal "machinegun").

19 However, the 76-year existence of the District of Columbia regulation did not
 20 stand in the way of the Supreme Court when it dismantled the District of Columbia's
 21 handgun ban in *Heller*. The District of Columbia regulation (that the California Attorney
 22 General relies on today) was not regarded as long-standing and presumptively lawful. It
 23 was not even mentioned. In fact, the *Heller* opinion broadly cautioned courts deciding
 24

25
 26 ³⁵ One might argue that for a recent invention like the AR-15, a 30-year ban ought to be
 27 longstanding enough. A better view is that recently invented guns and recently imposed
 28 bans are to be judged in the usual way. The exception for longstanding regulations
 simply will not apply in that context.

1 whether an analogous regulation is long-standing saying that, “we would not stake our
 2 interpretation of the Second Amendment upon a single law, in effect in a single city, that
 3 contradicts the overwhelming weight of other evidence regarding the right to keep and
 4 bear arms for defense of the home.” *Heller*, 554 U.S., at 632. Yet, that is what the
 5 Attorney General is proposing. In view of *Heller*’s caution, this Court finds that the
 6 District of Columbia regulation is insufficient to demonstrate a longstanding prohibition
 7 on semiautomatic modern firearms. AWCA’s ban has no historical pedigree. With the
 8 pre-check completed, the hard work begins.

9 **2. Step Two -- Closeness to the Core and Severity of the Burden**

10 Since AWCA’s assault weapon ban is not presumptively lawful or historically
 11 permitted, the Second Amendment applies. At step two, a court selects one of the three
 12 levels of scrutiny. *Young*, 992 F.3d at 784. Here, a sort-of bull’s eye test is used. A
 13 target is set up. At the center of the target is the core of the Second Amendment right.
 14 The first step measures how close the statute hits to the bull’s eye. The second step
 15 measures how severely the statute burdens the core Second Amendment right. “Because
 16 *Heller* did not specify a particular level of scrutiny for all Second Amendment
 17 challenges, courts determine the appropriate level by considering ‘(1) how close the
 18 challenged law comes to the core of the Second Amendment right, and (2) the severity of
 19 the law’s burden on that right.’” *Bauer*, 858 F.3d at 1221-22 (quoting *Silvester*, 843 F.3d
 20 at 821).

21 The modern rifle ban strikes at the acknowledged core of the Second Amendment,
 22 which is the right of self-defense in the home. *Heller* held that the “core” Second
 23 Amendment right is for law-abiding citizens to defend hearth and home.³⁶ 554 U.S., at
 24

25
 26 ³⁶ Courts have yet to address the subject of arms for militia use. Is the right to keep an
 27 assault rifle reasonably-related to militia use also a core right at the center of the bull’s
 28 eye or does it fall on the periphery of Second Amendment concerns? In view of the

635; *see also Kachalsky v. Cty. of Westchester*, 701 F.3d 81, 89 (2d Cir. 2012) (“Second Amendment guarantees are at their zenith within the home.”). “As we put it, self-defense [is] ‘the central component of the right itself.’” *McDonald*, 561 U.S., at 787.

Going straight to the core, the California law criminalizes modern rifles kept or possessed everywhere, including in the home for self-defense. There are no current exceptions for ordinary citizens.³⁷ A Californian who picks up an unregistered AR-15 style modern rifle solely to defend his family in his home commits a crime. It does not matter if the home was burglarized last night or is likely to be invaded this night. When it comes to self-defense in the home, AWCA hits the bull’s eye – a direct burden on the core right.

The California statutes not only directly burden the core, but impose the *severest*

importance of keeping militia arms at the founding of the nation, and its continuing importance as a means of national self-preservation, this Court deems it to be a core right.

³⁷ There is a form of grandfathering for residents with previously registered firearms. Pursuant to California Penal Code § 30943(a), one may possess a modern rifle at home if it has been registered. The first registration period ended January 1, 1991. *See* § 30900(a)(1). A second registration period ended January 1, 2001. *See* § 30900(a)(2). A third registration period (which was for a bullet button-equipped firearm) ended July 1, 2018, provided the weapon was lawfully owned before December 31, 2016. *See* § 30900(b).

Although neither side addresses it, at some point the registration period will be re-opened for 90 days due to recent settlement agreement in *Sharp v. Becerra*, Case No. 2:18cv2317-MCE-AC, U.S. District Court for the Eastern District of California. *See* Order of Injunction and Consent Decree, filed 3/29/21. The *Sharp* case was brought after a flawed California registration system prevented many residents from registering their assault weapons. Allegedly, the online registration system was riddled with problems. Frequent glitches and computer crashes made weapons registration difficult. *Memorandum and Order* (filed 6/26/19), at 4. On the last day of the July 1, 2018 registration period the unregistered backlog had grown to 52,443 applications. *Id.*

1 burden – a complete ban.³⁸ When a severe restriction on the core right of self-defense
 2 amounts to a destruction of the Second Amendment right, it is unconstitutional under any
 3 level of scrutiny. “A law that imposes such a severe restriction on the fundamental right
 4 of self-defense of the home that it amounts to a destruction of the Second Amendment
 5 right is unconstitutional under any level of scrutiny.” *Bauer*, 858 F.3d at 1222 (quoting
 6 *Silvester*, 843 F.3d at 821). Once again, judicial review could end right here. Other than
 7 *Heller* and *McDonald*, no federal court has applied this top tier of scrutiny.

8 **3. Two Lower Levels of Scrutiny**

9 Assuming AWCA requires some form of lower scrutiny, which prudence dictates,
 10 a lower level must be selected under the Ninth Circuit’s two-step framework. “[A] law
 11 that implicates the core of the Second Amendment right and severely burdens that right
 12 receives strict scrutiny; and in other cases in which Second Amendment rights are
 13 affected in some lesser way, we apply intermediate scrutiny.” *Young*, 992 F.3d at 784;
 14 *Silvester*, 843 F.3d at 821.

15 The Attorney General argues that the lowest form, *i.e.*, intermediate scrutiny
 16 should apply. Most courts select intermediate scrutiny. *United States v. Torres*, 911 F.3d
 17 1253, 1262 (9th Cir. 2019) (“Although not dispositive of the question, we note that there
 18 has been ‘near unanimity in the post-*Heller* case law that, when considering regulations
 19 that fall within the scope of the Second Amendment, intermediate scrutiny is
 20 appropriate.”). AWCA would fail strict scrutiny. But even under intermediate scrutiny,
 21 AWCA fails to have “fit,” as is discussed below.

22 **4. Intermediate Scrutiny**

23 When intermediate scrutiny is selected, another two-part test is required: (1) the
 24

25
 26 ³⁸ This is also the case for the Second Amendment militia right to keep a modern rifle,
 27 first recognized in *Miller*, and later acknowledged in *Heller* and *Caetano*. AWCA’s
 28 criminalization of assault weapon possession makes no exception for militia readiness.
 Thus, AWCA both hits at a core right and imposes the severest form of burden.

1 government's interest must be important; and (2) the "fit" of the law to the objective must
2 be reasonable. *Silvester*, 843 F.3d at 821-22. As always, the State's objective with these
3 laws (*i.e.*, to reduce gun crime) passes the first prong of the test. Reducing gun crime is a
4 very important objective. Part one is a given. Part two is where the rubber meets the
5 road.

6 Part two requires a reasonable fit, but it does not demand the least restrictive means
7 of furthering that objective. *Id.* at 827 (quoting *Jackson*, 746 F.3d at 969). Least
8 restrictive means would be a test for strict scrutiny. "Instead," in the Ninth Circuit, "the
9 statute simply needs to promote a substantial government interest that would be achieved
10 less effectively absent the regulation." *Mai v. United States*, 952 F.3d 1106, 1116 (9th
11 Cir. 2020) (quoting *Torres*, 911 F.3d at 123). This watered-down test has been criticized.
12 *Silvester v Becerra*, 138 S. Ct. 935, 950 (2018) (Thomas, J., dissenting from denial of
13 certiorari) ("The Ninth Circuit . . . dismissed any tailoring concerns by observing that
14 intermediate scrutiny requires 'only that the regulation 'promote a substantial government
15 interest that would be achieved less effectively absent the regulation.' But that
16 observation was incomplete. Intermediate scrutiny also requires that a law not 'burden
17 substantially more protected activity than is necessary to further the government's
18 interest.' The Ninth Circuit did not ask this second question."). Even in its diluted form
19 AWCA fails the intermediate fit test.

20 Under this relaxed test a state could enter a person's home without a warrant and
21 seize him or his guns in violation of the Fourth Amendment prohibition on searches and
22 seizures without a warrant or the Due Process Clause of the Fourteenth Amendment.
23 What other governmental mischief might be tolerated by courts under such a deferential
24 standard?

25 As an aside, this Court notes that such a deferential treatment of government
26 restrictions of Second Amendment rights is not to be found anywhere in the Constitution,
27 the Bill of Rights, or in the text of the Second Amendment. And there is hardly any
28 governmental intrusion that cannot be rationalized as important (for example, a California

1 Japanese internment camp). See *Korematsu v. United States*, 323 U.S. 214, 218–19
 2 (1944), *abrogated by*, *Trump v. Hawaii*, 138 S. Ct. 2392 (2018) (“Like curfew, exclusion
 3 of those of Japanese origin was deemed necessary because of the presence of an
 4 unascertained number of disloyal members of the group, most of whom we have no doubt
 5 were loyal to this country. It was because we could not reject the finding of the military
 6 authorities that it was impossible to bring about an immediate segregation of the disloyal
 7 from the loyal that we sustained the validity of the curfew order as applying to the whole
 8 group.”).

9 While the Second Amendment intermediate scrutiny fit test is an overly relaxed
 10 standard, it is not a free pass, as other courts have pointed out. When subjected to
 11 intermediate scrutiny, “the [State] is not thereby ‘insulated from meaningful judicial
 12 review.’” *Heller II*, 670 F.3d at 1259 (quoting *Turner Broad. Sys., Inc. v. F.C.C. (Turner*
 13 *I)*, 512 U.S. 622, 666 (1994)). Even under intermediate scrutiny, a court must determine
 14 whether the legislature has based its conclusions upon substantial evidence. *Turner*
 15 *Broad. Sys., Inc. v. F.C.C. (Turner II)*, 520 U.S. 180, 196 (1997). The government “must
 16 do more than just simply posit the existence of the diseases sought to be cured,” and
 17 “demonstrate that the recited harms are real, not merely conjectural, and that the
 18 regulation will in fact alleviate these harms in a direct and material way.” *Turner I*, 512
 19 U.S., at 664. “What our decisions require is a ‘fit’ between the legislature’s ends and the
 20 means chosen to accomplish those ends, a fit that is not necessarily perfect, but
 21 reasonable; that represents not necessarily the single best disposition but one whose scope
 22 is ‘in proportion to the interest served,’ that employs not necessarily the least restrictive
 23 means but . . . a means narrowly tailored to achieve the desired objective.” *Bd. of*
 24 *Trustees of State Univ. of New York*, 492 U.S., at 480 (citations and internal quotation
 25 marks omitted). In *Turner II*, an expanded record permitted the Court to consider
 26 whether Congress’ must-carry provisions “were designed to address a real harm, and
 27 whether those provisions will alleviate it in a material way.” 520 U.S., at 195. Moving
 28 through the trial record here, it becomes clear that AWCA’s assault weapons ban-by-

1 prohibited-features was not designed to address a real harm, and even if it did, does not
 2 alleviate the harm in a material way. Guiding the intermediate scrutiny path are some
 3 checkpoints.

4 **5. Checkpoints**

5 **a. Checkpoint No. 1: burden of proof**

6 Plaintiffs do not have to shoulder the burden of proving that they are entitled to
 7 enjoy Second Amendment rights. The command of the Amendment is that the right to
 8 keep and bear arms “shall not be infringed.” It follows that when a citizen complains in a
 9 facial challenge that the government is infringing, then it is the government that must
 10 carry the burden of justifying its restriction of Second Amendment rights. The
 11 government must carry the burden of establishing that its regulations are reasonably
 12 tailored. “[S]ince the State bears the burden of justifying its restrictions, it must
 13 affirmatively establish the reasonable fit we require.” *Bd. of Trs. of State Univ. of N.Y.*,
 14 492 U.S., at 480 (citation omitted)); *Ezell v. City of Chicago*, 651 F.3d 684, 706 (7th Cir.
 15 2011) (government bears the burden of justifying its action under heightened standard of
 16 judicial review). If the burden of proof is shouldered, the government regulation survives
 17 scrutiny. If the government does not bear its burden of persuasion or its burden of proof,
 18 or does not support its case at all, the citizen prevails.

19 The Attorney General takes a different view. He says that Plaintiffs bear the
 20 burden at step one, citing *Binderup v. Att’y Gen. U.S.*, 836 F.3d 336, 347 (3d. Cir. 2016)
 21 (*en banc*). Defs. Memo of Contention of Facts and Law, Dkt #65, at 8 (“It is Plaintiffs’
 22 burden to show that assault weapons are in ‘common use’ by law-abiding citizens for
 23 lawful purposes.”). But *Binderup* placed the first step burden on a plaintiff for an as-
 24 applied challenge, which makes sense because in such cases the plaintiff claims to be the
 25
 26
 27
 28

1 exception to the rule.³⁹ Plaintiffs in this case bring both facial and as-applied challenges.

2 The Attorney General also objects that the state should not have the initial burden
3 of proving a prohibited arm is *not* commonly possessed for lawful purposes. Defs.
4 Supplemental Brief at 2. But this is exactly wrong. The constitutional imperative is on
5 the government to not infringe. The correct starting orientation is that no arm may be
6 prohibited. If a plaintiff challenges the government's prohibition, it is on the government
7 first to prove the banned arm is dangerous and unusual, and if not that it is not commonly
8 possessed, or not commonly possessed by law-abiding citizens, or not commonly
9 possessed for lawful purposes or militia readiness. If the state cannot so prove, the
10 challenged prohibition must be struck down.

11 The presumption in favor of rightfully possessing a citizen's arm was made during
12 the adoption of the Second Amendment. The government may carry its burden in a
13 myriad of yet undefined ways, but it is the government's burden to bear. In this case,
14 there is sufficient evidence to prove that AR-15 type rifles are commonly owned by law-
15 abiding citizens for lawful purposes like self-defense and hunting. At the same time,
16 there is very little evidence regarding the commonality of AK-47 type rifles, or
17 semiautomatic shotguns, or "assault pistols" whatever they are.⁴⁰ Likewise, there is little
18

19
20 ³⁹ *Binderup*, 836 F.3d at 347 ("Barton did not present 'facts about himself and his
21 background that distinguished his circumstances from those of persons historically barred
22 from Second Amendment protections,' so . . . his as-applied challenge could not
succeed.") (citations omitted).

23 ⁴⁰ Plaintiffs have introduced evidence of threaded pistol barrels for sale that easily replace
24 a standard barrel. Switching a threaded barrel for a standard barrel would transmute a
25 typical and lawful Glock 17 into a banned "assault weapon" under AWCA and subject its
26 owner to felony prosecution for manufacturing and possessing an "assault weapon." Cal.
27 Penal Code § 30515(a)(4)(A) ("Notwithstanding Section 30510, 'assault weapon' also
28 means any of the following: . . . (4) A semiautomatic pistol that does not have a fixed
magazine but has any one of the following: (A) A threaded barrel, capable of accepting a
flash suppressor, forward handgrip, or silencer."). The crime of manufacturing an assault

1 evidence that semiautomatic AK-47 type rifles, or semiautomatic shotguns, or “assault
 2 pistols,” have been used often unlawfully in California. Because the government bears
 3 the burden in the first instance and has not proven they are uncommon and dangerous,
 4 these arms are presumptively lawful to own. The government must now demonstrate that
 5 its outright prohibition on acquisition and possession survives scrutiny. The State’s
 6 evidence is wide, but it is also shallow. It is not enough to carry its burden.

7 **b. Checkpoint No. 2: the alternative guns argument**

8 Re-phrasing the Attorney General’s argument, California’s modern rifle ban does
 9 not destroy the fundamental right of self-defense of the home because some guns remain
 10 lawful to keep in the home. Running through his arguments is the rationale that no harm
 11 is done because a citizen may still buy and keep traditional rifles and “featureless” rifles,
 12 traditional shotguns, and handguns from the state-approved handgun roster. (What is not
 13 mentioned is that the handgun roster is a shrinking roster.) *See* Unsafe Handgun Act,
 14 Cal. Pen. Code § 31910(b)(7); *see also* *Renna v. Becerra*, Case No. 20cv2190-DMS, Dkt.
 15 # 17, Order (filed 4/23/21) (describing California’s shrinking handgun roster). Therefore,
 16 according to the Attorney General, the constitutional right is only mildly or moderately
 17 burdened by an assault weapons ban because alternatives remain. “The State’s position is
 18 that the configuration that is prohibited under the Assault Weapons Control Act is not a
 19 configuration -- or is not a prohibition that severely burdens the core right, because
 20 individuals, as Your Honor notes, can use a [Ruger] Mini-14. An individual can use an
 21 AR-15 so long as it’s rimfire and takes .22 round caliber ammunition with all the

22 _____
 23
 24 weapon can be committed by simply swapping in a prohibited part for lawful counterpart.
 It is more than a hypothetical trap for a gun owner.

25 Consider the case of Alan Bruce MacFarlane, a Vietnam veteran with limited
 26 mobility in one arm, who purchased a rifle at a California gun shop legally and then
 27 modified it with a prohibited adjustable stock and forward pistol grip to accommodate his
 28 disability. “Unbeknownst to him, he asserted, his modifications rendered the firearm an
 illegal assault weapon under California law.” *People v. Macfarlane*, No. A141326, 2016
 WL 3634286, at *1 (Cal. Ct. App. June 29, 2016).

1 features, or a centerfire semi-automatic rifle with a detachable magazine that has no pistol
2 grip – telescoping stock, forward pistol grip, or flash suppressor.”⁴¹

3 The problem is that the alternatives-remain argument has no limiting principle and
4 would justify incremental firearm bans until there is only a single-shot derringer
5 remaining for lawful self-defense. The same argument – that a handgun ban might be
6 justified because government-approved alternatives are available – was rejected in *Heller*
7 and it is rejected here. 554 U.S., at 629 (It is “no answer to say . . . that it is permissible
8 to ban the possession of handguns so long as the possession of other firearms (*i.e.*, long
9 guns) is allowed.”); *see also* III(B)(5) *infra*. (discussing *N.Y. State Rifle & Pistol*
10 *Association v. Cuomo*, 804 F.3d 242 (2d Cir. 2015)).

11 c. Checkpoint No. 3: legislative history

12 As part of intermediate scrutiny review, a court may consider “the legislative
13 history of the enactment as well as studies in the record or cited in pertinent case law.”
14 *Fyock v. Sunnydale*, 779 F.3d 991, 1000 (9th Cir. 2015). While there are legislative
15 findings for the enactment of AWCA, there are none for the prohibited-features
16 amendments of § 30515. AWCA’s enacted findings indicate that no consideration by the
17 California Legislature was given to the ban’s burden on home defense or militia use.
18 This makes it challenging to precisely discern the State’s rationale for later amending
19 AWCA. “[T]he municipality’s evidence must fairly support the municipality’s rationale
20 for its ordinance.” *Jackson*, 746 F.3d at 969 (quoting *City of Los Angeles v. Alameda*
21 *Books, Inc.*, 535 U.S. 425, 438 (2002)). And while courts “should not conflate legislative
22 findings⁴² with ‘evidence’ in the technical sense,” (*Pena*, 898 F.3d at 979 (citation
23

24
25 ⁴¹ Deputy Attorney General Echeverria, Preliminary injunction hearing transcript
26 10/19/20, at 188.

27 ⁴² Where there are congressional findings, they may assist a court in evaluating the
28 legislative judgment. *United States v. Lopez*, 514 U.S. 549, 563 (1995). Yet, Congress,

omitted)), neither should they credit facially implausible legislative findings. *Jackson*, 746 F.3d at 969. The Ninth Circuit recently put it this way:

In assessing congressional judgment, “we do not impose an ‘unnecessarily rigid burden of proof,’ and we allow the government to rely on any material ‘reasonably believed to be relevant’ to substantiate its interests.” That standard applies because “we are weighing a legislative judgment, not evidence in a criminal trial.” Thus, we do not require “scientific precision.” We ask only whether the evidence “fairly supports” Congress’ “reasonable” conclusions. When empirical evidence is incomplete, we “must accord substantial deference to the predictive judgments of Congress.”

Mai, 952 F.3d at 1118 and 1119 n.8 (citations omitted) (concluding *scientific evidence fairly supported* the congressional judgment that persons involuntarily committed in the past continue to pose an increased risk of violence).⁴³

i. a faulty prediction

In 1989, California’s Legislature predicted an assault weapons ban would eliminate or reduce mass shootings. It has not turned out that way. As discussed later, even the State’s evidence demonstrates that mass shootings with assault weapons continue to occur at the same average rate as before the ban. If Congress is correct, the national assault weapon ban also did not work. Congress passed the 1994 assault weapon ban with a ten-year sunset provision and allowed the ban to lapse on its own in 2004.

and by extension, a state or municipality, need not make formal legislative findings in order to legislate. *Katzenbach v. McClung*, 379 U.S. 294, 304 (1964) (“Here, of course, Congress had included no formal findings. But their absence is not fatal to the validity of the statute.”).

⁴³ Note how robust the scientific evidence was that supported the law in *Mai*. The scientific evidence was unequivocal. The studies did not say that perhaps, after years more study, there might be some slight connection established. Instead, the court noted, “[i]mportantly, the studies did not show merely a slight increase in risk for those involuntarily committed; the studies reported ‘a suicide risk 39 times that expected.’” *Mai*, 952 F.3d at 1118.

1 Congress has not re-enacted a ban since that time. There is disagreement by
 2 academicians over the effect of the federal ban on reducing mass shootings and even
 3 those who saw a good effect see the effect as slight and diluted by other aspects like the
 4 associated ban on larger capacity magazines.

5 State level assault weapon bans that remain in effect have little to show. Defs.
 6 Exh. BL, Christopher S. Koper, *Assessing the potential to reduce deaths and injuries*
 7 *from mass shootings through restrictions on assault weapons and other high-capacity*
 8 *semiautomatic firearms*, Criminology and Public Policy (2020) at 148 (DEF 2015) (the
 9 effects of state-level restrictions are not yet clear), and 158 (DEF2025) (“evidence has
 10 been mixed”). Studies suggest that large capacity magazine (“LCM”) bans may have a
 11 greater effect. *Id.* at 159 (DEF2026) (“Most notably, Webster *et al.* (2020), in their state-
 12 level panel analysis . . . suggested that state LCM bans reduce mass murder incidents . . .
 13 and fatalities whereas AW-specific restrictions do not.”). Nevertheless, California
 14 continues its experiment. No case has held that intermediate scrutiny permits a state to
 15 impinge on the Second Amendment right by continuing to employ a known failed
 16 experiment.

17 **ii. the federal ban’s history**

18 In addition to AWCA’s legislative history, the Attorney General cites the
 19 legislative history of the 1994 federal ban to justify AWCA. Specifically, he cites House
 20 Report No. 103-489 (Defs. Exh. J). Defs. Memo of Contentions of Fact and Law at 17-
 21 18. The Attorney General says that Congress found assault weapons to be the weapons
 22 of choice among drug dealers, criminal gangs, hate groups, and mentally deranged
 23 persons bent on mass murder. *Id.* (citing H.R. No. 103-489, at 13). Actually, this part of
 24 the House Report simply lays out some of the evidence received during five years of
 25
 26
 27
 28

1 hearings. It does not contain findings approved by the full Congress.⁴⁴ The Report
 2 describes other testimony along these lines, but it also describes the views of several
 3 victims to which the Attorney General does not cite. One victim testified that although
 4 she had been shot with an assault weapon, she was angry that her tragedy was being used
 5 to deny law-abiding citizens the right to the firearm of their choosing. “Enforce the laws
 6 against criminals already on the books . . . You cannot ban everything in the world that
 7 could be used as a weapon because you fear it, don’t understand it, or don’t agree with
 8 it.” *Id.* at 16. Another witness testified positively that he used a Colt AR-15 to capture a
 9 wanted criminal in the act of burglarizing his parents’ home. *Id.* At least Congress
 10 considered the self-defense rights of law-abiding citizens before passing the federal ban.⁴⁵

13 ⁴⁴ Apparently, the Attorney General is not referring here to formal findings of Congress
 14 enacted as part of a statute as was done, for example, with the National Labor Relations
 15 Act, 29 U.S.C. § 151. This informal kind of legislative history, is inherently suspect for
 16 the task of evaluating the constitutionality of a statute. Justice Scalia observed, “[t]he
 17 greatest defect of legislative history is its illegitimacy. We are governed by laws, not by
 18 the intentions of legislators. As the Court said in 1844: ‘The law as it passed is the will
 19 of the majority of both houses, *and the only mode in which that will is spoken is in the act
 20 itself. . . .*’ But not the least of the defects of legislative history is its indeterminacy. If
 21 one were to search for an interpretive technique that, *on the whole*, was more likely to
 22 confuse than to clarify, one could hardly find a more promising candidate than legislative
 23 history.” *Conroy v. Aniskoff*, 507 U.S. 511, 519 (1993) (Scalia, J., concurring) (citation
 24 omitted). Consistent with Justice Scalia’s view, California law normally prohibits its
 25 own courts from construing a statute by considering the motives or understandings of an
 26 individual legislator (including the author of the statute). *Cairns v. Franklin Mint Co.*,
 27 120 F. Supp. 2d 880, 886 (C.D. Cal. 2000) (citing *Williams v. Garcetti*, 5 Cal. 4th 561,
 28 569 (1993)).

⁴⁵ See Defs. Exh. J, at DEF0473. The House Report also contains the dissenting views of
 Sensenbrenner, Jr., Gekas, Smith, McCollum, Coble, Schiff, and Goodlatte:

We strongly oppose H.R. 4296 which would ban a variety of guns. The primary
 problem with this bill is that it targets law abiding citizens. If this bill passes,
 simply possessing a shotgun or rifle could land you in jail. You don’t have to
 shoot anybody. You don’t have to threaten anyone, just leaving it in the hall closet

1 The same cannot be said for AWCA. It is also worthy of note that gun control has been a
 2 hot political issue for these seventeen years. Yet, through both Republican and
 3 Democratic administrations the Act has not been renewed.

4 **d. Checkpoint No. 4: news reports and police reports**

5 News reports are normally considered inadmissible hearsay, but both sides offered
 6 into evidence news articles and magazine pieces and expert testimony relying on
 7 newspaper articles about gun-related events. News reports to which the parties made no
 8 objection are admitted into evidence. But it begs the question, “Where are the actual
 9 police reports or criminal court records?” Why are the only collections of offensive or
 10 defensive gun use maintained by biased organizations? How reliably can a news reporter
 11 after the fact, identify a firearm as an “assault weapon,” or determine the size of an
 12 ammunition magazine, or count the number of rounds fired? One would expect a police
 13 report to accurately record these kinds of raw facts.

14 While the Plaintiffs may have difficulty obtaining copies of actual police reports,
 15 surely the Attorney General has easy access. But the Attorney General has not offered a
 16 single California police report. There were 161 mass shootings in the last 40 years but
 17 there is no testimony from any percipient witness. There were instances of defensive gun
 18 use but no testimony from any defensive gun user. The Attorney General argues that a
 19 citizen defending himself really needs, on average, only 2.2 shots. But there is no

21 is enough to land you in jail. Even if you use the gun for self-defense, you can go
 22 to jail.

23 . . .

24 Finally, the problem of these guns has been greatly exaggerated. Although
 25 semiautomatic weapons are used in the most high profile killings that make it on
 26 the nightly news, in fact, more than 99 percent of killers eschew assault rifles and
 27 use more prosaic devices. According to statistics from the Justice Department and
 reports from local law enforcement, five times as many people are kicked or beaten
 to death than are killed with assault rifles.

28 Passing this legislation is an excuse to avoid the real issues of violent crime,
 and threatens the rights of law-abiding citizens. Therefore, we oppose H.R. 4296.

1 testimony from any home defender. No victim was called to testify about how many
2 shots he or she would have wanted to have ready to fire during their actual home
3 invasion.

4 The defense of home and family by using a gun is not a hypothetical event. While
5 there are not hard numbers, it surely happens a lot. Approximately 1,000,000 burglaries
6 of a home while occupied take place each year, according to Department of Justice
7 statistics. *See* n.100 *infra*.

8 The Attorney General does not take offense at the fragility of his evidence.
9 Instead, the Attorney General argues that the law excuses it. He reminds us that under
10 intermediate scrutiny, the government may “rely on any evidence ‘reasonably believed to
11 be relevant’ to substantiate its interests.” Defs. Memo of Contentions of Fact and Law, at
12 17 (citing *Fyock*, 779 F.3d at 1000). He says that his evidence need not be particularly
13 robust or persuasive. On the contrary, he says the “evidence need only ‘fairly support’
14 the government’s conclusions.” *Id.* For Second Amendment scrutiny, many courts have
15 applied a lowered standard, but even the lowest form of scrutiny does not require
16 obeisance from the factfinder.

17 The Attorney General’s lack of direct evidence is noted. There is no direct
18 testimony from criminal shooters. The sociologists’ studies disagree and speak of further
19 study and hopes for better data. As for the legislative history of § 30515, it tells only of
20 prosaic interest balancing undertaken without regard for the constitutional rights of
21 individuals.

22 **III. THE EVIDENCE**

23 Approximately 14,000 pages of evidence and testimony have been submitted and
24 reviewed by this Court. Only the most salient evidence is addressed in this opinion.
25 Different types of trial evidence were presented and are evaluated in the manner required.
26 Fact witnesses were judged on accuracy and credibility. Expert witnesses were judged,
27 and their opinions given the weight deserved.

1 **A. AR-15's in Home Defense**

2 Because firearm possession for the defense of home, self, and family is at the core
3 of the Second Amendment right, it is important to know if there is evidence of modern
4 rifles used for self-defense or defense of the home and family. Recall that AWCA's §
5 30515 has no present exception allowing a typical Californian to lawfully acquire a
6 modern rifle for home defense. There are no exceptions for urban dwellers and there are
7 no exceptions for rural farmers. There are no exceptions for wealthy targets of armed
8 home invaders. There are no exceptions for the impoverished who can afford only one
9 self-defense firearm for all situations.

10 Without question, there is clear evidence that AR-15 rifles are and have been used
11 for self-defense. For example, in one case an AR-15 was used in Florida by a pregnant
12 wife and mother to defend her family from two armed, hooded, and masked home
13 intruders. Pls. Exh. 1-1. As soon as the armed intruders entered the back door of her
14 home, they pistol-whipped her husband -- fracturing his eye socket and sinus cavity.
15 Then they grabbed the 11-year-old daughter. Before they could do any more harm, the
16 pregnant wife retrieved the family AR-15 from a bedroom and fired, killing one of the
17 attackers while the other fled. It does not require much imagination to guess what would
18 have happened next if the wife and mother did not have the firearm, or if she had emptied
19 the AR-15's magazine *before* the attackers had fled. The quiet click would be sickening
20 and probably with tragic results. The State contends that one does not "need" more than
21 ten rounds. That is easy to say. Perhaps one should imagine the terror that would have
22 gripped this wife and mother, from the sound of a "click," out of ammunition, helplessly
23 watching her husband being murdered, her daughter being raped or murdered, and the
24 enraged men coming for her.

25 In another case, an AR-15 was used by a young man in Oklahoma to defend
26 himself from three masked and armed home invaders wearing all black. Pls. Exh. 1-7.
27 The intruders had selected the home because the family had money and expensive
28 belongings and the criminals had previously burglarized an apartment on the property.

1 The three intruders broke through a rear glass door before, to their surprise, they were
2 shot by the home defender using an AR-15.

3 When seven armed and masked intruders went to a home in Florida at 4:00 a.m.,
4 burst through the front door and fired a gun, the occupants of the home, one armed with
5 an AR-15, fired over 30 rounds and stopped the attackers. Pls. Exh. 1-2.

6 An AR-15 was used to stop a knife attack at an apartment building in Illinois. Pls.
7 Exh. 1-3. Dave Thomas grabbed his AR-15 explaining, "It's just a bigger gun. I think a
8 little bit more than an intimidation factor definitely played a part in him actually
9 stopping." No shots were fired. Thomas also said, "[t]he AR-15 is my weapon of choice
10 for home protection . . . It's light, it's maneuverable."

11 An AR-style rifle was used by a homeowner across the street from the mass
12 shooter in Sutherland Springs, Texas. The defender shot and injured the mass shooter,
13 who then dropped his assault rifle and fled. Pls. Exh. 1-4.

14 An AR-15 was used to stop an intruder in Pennsylvania. Pls. Exh. 1-6. A criminal
15 already awaiting trial for aggravated assault in another incident, forced his way into the
16 couple's apartment late at night. One of the apartment-dwellers was able to retrieve an
17 AR-15 and defend against the attacker who disregarded warnings to stop.

18 **1. *Prohibited Features Are Good for Home Defense***

19 The evidence shows that one reason for the popularity of the modern rifle is that it
20 makes a good weapon for self-defense at home. The AR-15, in particular, is an easy
21 firearm to shoot accurately and is generally easier to fire accurately than a handgun.
22 The AR-15 rifle is light in weight, and has good ergonomics, and is suitable for people of
23 all statures and varying levels of strength.⁴⁶

24 When burglars break and enter, a homeowner with a modern rifle has thirty rounds
25

26
27 ⁴⁶ Kapelsohn testimony, Tx of 10/19/20 hearing at 25:16 – 26:20 and 26:21 – 27:8.
28

1 at the ready, assuming a standard magazine is used.⁴⁷ Standard size magazines are
 2 ubiquitous. With the physiological stress of waking to the noise of home invaders, one
 3 may need many rounds to overcome the difficulty of aiming in the dark at multiple
 4 attackers making furtive movements. The adjustable stock can be quickly set for one's
 5 arm length. The pistol grip gives a homeowner a secure hold with one hand while the
 6 other hand holds a telephone or spare magazine.⁴⁸ A flash suppressor prevents the night-

7
 8
 9 ⁴⁷ California Penal Code § 30515(a)(2) also defines an “assault weapon” to include an
 10 otherwise featureless rifle that has a fixed magazine with the capacity to hold more than
 11 10 rounds. Likewise, Penal Code § 30515(a)(5) defines as an “assault weapon” any
 12 semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10
 13 rounds. This Court has already described the utility of larger, standard capacity
 14 magazines in self-defense situations and California’s unconstitutional 10-round limit.
 15 See *Duncan v. Becerra*, 366 F. Supp. 3d 1131, 1142 (S.D. Cal. 2019).

16 A detachable magazine of any size along with a prohibited feature qualifies as an
 17 “assault weapon.” Cal. Penal Code § 30515(a)(1), (4), (a)(7). Yet, detachable magazines
 18 are useful for self-defense and provide a person with the ability to re-load a
 19 semiautomatic firearm. If a person has a second magazine at hand that is already filled
 20 with loaded cartridges, he may remove the depleted magazine and re-insert another
 21 magazine fairly quickly. However, the idea that the ability to accept detachable
 22 magazines “provides the soldier with a fairly large ammunition supply and the ability to
 23 rapidly reload,” as suggested by the Attorney General, is not relevant in the context of
 24 citizen self-defense. It is relevant, however, for considering AWCA’s impingement on
 25 the right to keep a firearm for militia use.

26 The Court rejects the notion that magazines capable of holding more than 10
 27 rounds feature prominently in gun violence against law enforcement personnel as there is
 28 little evidence. For example, among all of the incidents of gun violence toward law
 enforcement officers that occurred nationally from 1984 to 2019, California Assistant
 Director Department of Justice, Bureau of Firearms, Blake Graham lists only nine
 occasions involving larger capacity magazines. See Defs. Exh. D, Graham Decl. at ¶ 68
 (DEF0215-18).

⁴⁸ Pistol grips are a prohibited feature under Pen. Code § 30515(a)(1)(A). Pistol grips are
 the most common of the prohibited features on just about all modern semiautomatic arms.
 Curcuruto testimony, Tx of 10/19/20 Hearing at 65:2-6; Graham testimony, Tx of
 10/19/20 Hearing at 129:17-12; Defs. Exh. D, Graham Decl. at ¶ 28 (“In my experience,
 this feature is the most prevalent feature of assault rifles prohibited under the AWCA.”).

1 time home defender from being blinded by her own muzzle flash.⁴⁹ It may also hide the
 2 home defender's location from attackers. A barrel shroud serves as a way to attach a
 3 flashlight or laser pointer.⁵⁰ The straight-line design of an AR-15 is easier to shoot
 4 accurately because muzzle rise is reduced. The gas piston design reduces the recoil so
 5 that the young or old or not-particularly-strong have better control. The light weight
 6

7
 8 Pistol grips are important to good ergonomics, particularly on a straight-line design
 9 rifle such as the AR-15. Kapelsohn Decl., Pls. Exh. 001, at ¶ 28; Kapelsohn testimony,
 10 Tx of 10/19/20 hearing at 32:23 – 33:2. This enhances the firearm's accuracy. *Id.*; Defs.
 11 Exh. D, Graham Decl. at ¶ 28 (“A shooter using an assault rifle without a pistol grip may
 12 shoot less accurately with repeated – and especially rapid – shots if the shooter's trigger
 hand is in an awkward position for a significant amount of time”); Defs. Exh. BA, p. 9
 (pistol grips afford greater control of the rifle during firing).

13 Like pistol grips, thumbhole stocks allow the shooter to gain a comfortable grip on
 14 the firearm and can facilitate accurate shooting. Kapelsohn Decl., Pls. Exh. 001, ¶ 29.
 15 By prohibiting both pistol grip stocks and thumbhole stocks, § 30515(a)(1)(B) relegates
 such firearms to be equipped in a manner that is less comfortable, less accurate, and less
 safe. Kapelsohn Decl., Pls. Exh. 001, ¶ 29.

16 A forward pistol grip is designed to enhance control of the firearm. Forward pistol
 17 grips on rifles, also called vertical forends, are popular among some shooters in allowing
 18 them to control the rifle better for more accurate shooting. Kapelsohn Decl., Pls. Exh.
 001, ¶ 34. Forward pistol grips may also serve as a “monopod” to assist in stabilizing the
 rifle for more precision shooting in the prone position. *Id.*

19
 20 ⁴⁹ A flash suppressor is a device fitted on the end of a muzzle which diverts the muzzle
 flash through several slots or holes, most commonly arranged around the axis of the bore.
 21 Kapelsohn Decl., Pls. Exh. 001, ¶ 33. The most common type of flash suppressor on AR-
 22 15 rifles is the “birdcage” type of device. *Id.* at Exh. 001-14. The primary advantage of a
 flash suppressor is to reduce muzzle flash so as not to temporarily blind a shooter who is
 23 shooting in a dark environment. *Id.* at Exh. 001, ¶ 33. The use of a rifle without a flash
 suppressor under low light circumstances is likely to temporarily blind the user, or impair
 24 the user's vision, placing a law-abiding user at a disadvantage to a criminal attacker. *Id.*;
 25 Kapelsohn Depo. at 124:25 – 125:8 (“I have fired ARs that don't have a flash suppressor
 and [they] throw out a God awful flame and muzzle blast as a result.”).

26 ⁵⁰ Regarding an assault pistol, a barrel shroud also serves a functional purpose by cooling
 27 the barrel and insulating the non-trigger hand during rapid fire. Kapelsohn Depo. at
 28 171:12-17.

1 makes it easy to hold and use, while the short 30-inch length (compared to a 48”
 2 traditional shotgun) makes it more maneuverable through the narrow doorways and
 3 hallways of a home.⁵¹

4 On an AR-15 rifle, a telescoping stock is typically capable of adjusting to between
 5 three and six different lengths.⁵² This enables the rifle stock to be quickly and properly
 6 adjusted to fit the user, which is particularly beneficial to persons of smaller stature.⁵³
 7 Plaintiff Wendy Hauffen, a firearms trainer, says that the telescoping stock is preferred
 8 for training women or younger shooters.⁵⁴ Hauffen owns a featureless firearm, which she
 9 accomplished by removing the features prohibited by § 30515(a)(1). But Hauffen would
 10 prefer to have standard AR-15 with ergonomic features, such as a pistol grip or a forward
 11 vertical grip, to assist in controlling the firearm.⁵⁵ In addition, she would prefer to use and
 12 train other women shooters with a telescoping stock, which can accommodate smaller
 13 shooters. The telescoping stock also makes a single weapon useful for different members
 14
 15
 16

17 ⁵¹ Rifles that have shorter overall lengths are more advantageous to the user in a close
 18 quarter’s situation, such as the defense of a home, because it enables the user to be more
 19 maneuverable moving through doorways and around corners. Kapelsohn testimony, Tx
 20 of 10/19/20 Hearing at 33:18 – 34:5; Graham testimony, Tx of 10/19/20 Hearing at
 21 132:13 – 134:6. The idea of a “carbine,” which is a shorter rifle, typically refers to a rifle
 22 with a barrel less than 20 inches. Hlebinsky Decl., Pls. Exh. 002, ¶ 22. Rifles with
 23 shorter barrel lengths also have the added advantage of having less weight, which would
 be important from a defensive perspective. Kapelsohn testimony, Tx of 10/19/20
 Hearing at 39:14 – 40:4.

24 ⁵² Kapelsohn Decl., Pls. Exh. 001, at ¶ 31.

25 ⁵³ Kapelsohn testimony, Tx of 10/19/20 Hearing at 28:24 – 29:1; Youngman testimony,
 26 Tx of 10/19/20 Hearing at 88:13-20.

27 ⁵⁴ Hauffen Decl., Pls. Exh. 014, ¶ 8.

28 ⁵⁵ *Id.* at ¶¶ 5, 8.

1 of a household.⁵⁶

2 A folding stock, though it makes the firearm more portable, does not turn a
3 semiautomatic rifle into a common instrument of crime, since it does not make a rifle
4 easily concealable for most criminal activities.⁵⁷ Making a folding stock almost
5 irrelevant, an AR-15 firearm is easily separated into two halves by pulling out two pins,
6 as was demonstrated during one of the hearings by a Deputy U.S. Marshal. Two halves
7 of a 30-inch rifle are more concealable than a 30-inch rifle with an adjustable stock. A
8 pistol is far more concealable than either and much more often used in crime.

9 A drawback to the featureless AR-15 rifle is that the lack of a pistol grip makes it
10 less safe when it comes to clearing malfunctions.⁵⁸ In self-defense and in battle,
11 malfunctions can be fatal. Also, AWCA provides no exception for those that may have
12 physical or medical reasons for seeking certain characteristics on a home-defense firearm.
13 Those of small stature or less strength may need an adjustable stock, pistol grip, or
14 vertical foregrip to maintain proper control of their firearm. For those that have trouble
15 handling the recoil of a pistol, AWCA forces a choice between: (1) using a firearm that is
16 difficult to properly control; or (2) a different and potentially inferior firearm. Those
17 with medical disabilities are left to operate firearms that lack characteristics that would
18 make the firearm more comfortable or easier to operate.

19 **2. California's Reasons for Banning**

20 What is the reason for continuing to ban these modern firearms? "So, the State
21 here is concerned about the configuration of particular arms that have been proven to be
22

23
24 ⁵⁶ The arbitrary and capricious nature of these restrictions is perhaps best reflected by the
25 telescoping stock restriction. If the total length of the rifle is 30 inches as required, what
26 difference would it make if the telescoping stock would lengthen the rifle to 31, 32, or 34
inches?

27 ⁵⁷ Kapelsohn Decl., Pls. Exh. 001, ¶ 30.

28 ⁵⁸ Kapelsohn Depo. at 188:11 – 194:19.

1 the most lethal in mass shooting situations.”⁵⁹ The Attorney General says that the State is
 2 concerned with rapidly firing accurate rifles. As the State’s attorney explained during the
 3 first day of testimony,

4 But I will tell you that, as the State has demonstrated in this case and in our
 5 pleadings in this case, that the State is concerned about . . . the particular
 6 configuration of certain centerfire semi-automatic rifles with a detachable
 7 magazine [that] allows someone to fire, not just 30 or 40 rounds, but to fire
 8 those rounds rapidly and maintain accuracy in rapid-fire scenarios. That is
 the concern. So there are other concerns as well, but that is what the State of
 California was concerned about.⁶⁰

9 The Attorney General views rapid-fire accuracy as a danger to be outlawed.

10 **a. The accuracy conundrum**

11 Accuracy is very important for self-defense because a civilian is accountable for
 12 every round he fires. If he misses the attacker, he will hit something he did not intend to
 13 hit, which may be an innocent bystander.⁶¹ The State does not dispute the importance of
 14 accuracy alone for self-defense.⁶²

15 Does the state want rifles that are less accurate? No and yes. The State wants
 16 rifles that are less accurate during rapid firing because rapid firing, it is claimed,
 17 correlates with criminal use. And there is no need for rapid firing for self-defense,
 18 according to the Attorney General. The Attorney General argues that the features
 19 prohibited by § 30515 are characteristic of military weapons and military weapons are
 20 designed to be accurate with rapid firing. Perhaps. But that a civilian rifle has design
 21 features similar to a military rifle does not detract from its constitutional protection for
 22

23
 24 ⁵⁹ Deputy Attorney General Echeverria, preliminary injunction hearing transcript 10/19/20,
 at 188.

25
 26 ⁶⁰ *Id.* at 187-88.

27 ⁶¹ Kapelsohn testimony, Tx of 10/19/20 Hearing at 27:24 – 28:6.

28 ⁶² Graham testimony, Tx of 10/19/20 Hearing at 134:15-18 (“If you’re firing a weapon for
 self-defense, accuracy would be ideal”).

1 self-defense. At the same time, it actually enhances a firearm's constitutional protection
 2 for militia readiness. The exception to this rule for civilian self-defense is a weapon's
 3 ability to fire in full-automatic mode. The ability to fire fully automatic is, above
 4 everything else, what distinguishes an M-16 from an AR-15-type semi-automatic civilian
 5 rifle. *See Staples v. United States*, 511 U.S. 600 (1994). But the M-16 was modified to
 6 allow for burst and single fire (semi-automatic) capabilities because it was recognized
 7 that firing in full automatic is less accurate and wastes ammunition. And this is where
 8 the mantra that an AR-15 is "almost as fast as the M-16" fails. Because the M-16
 9 provides fast but inaccurate shooting in full automatic mode, when accuracy is needed,
 10 the M-16 has the option of the slower single round semiautomatic firing like an AR-15.

11 The home defending victims described earlier needed to rapidly fire their modern
 12 rifles and needed to fire them accurately at their attackers. Pls. Exhs. 1-1 through 1-7.
 13 For home defense, accuracy is always important, not only for hitting an attacker, but also
 14 for hitting *only* an attacker. Emanuel Kapelsohn testified,

15 Accuracy is very important for self-defense because, unlike a criminal using
 16 a firearm, the civilian or the police officer, either one is accountable for
 17 every round they fire. And any round that misses the attacker, who is
 18 attacking the civilian or the police officer, if it doesn't hit what they intended
 19 to hit, the attacker, then by definition it hits something they didn't intend to
 20 hit. That may be an innocent bystander. So the accomplishment of a good
 level of accuracy is paramount in civilian self-defense training with firearms,
 and the AR-15 permits that.⁶³

21 The AR-15 type rifle is an accurate gun. And it can be fired repeatedly, if need be, more
 22 rapidly than a bolt action or lever action rifle.

23 **b. The featured vs. featureless AR-15 video**

24 One video in evidence is particularly interesting. In this short video, two AR-15
 25 type rifles were fired repeatedly and reloaded with a detachable magazine at a target in

26
 27
 28 ⁶³ Preliminary injunction hearing transcript 10/19/20, at 27:24-28:9.

1 daylight. One rifle had all of the prohibited features prohibited by AWCA in § 30515(a).
2 The other rifle was a “featureless” California-legal variety of AR-15 rifle.⁶⁴ The results
3 were remarkably similar. Each rifle fired at approximately the same speed and accuracy.
4 Any difference was hardly noticeable.⁶⁵ Of course the video was staged for a purpose,
5 but it clearly demonstrates little difference in the operation of a lawful and an unlawful
6 AR-15. The presence or absence of a flash suppressor made no difference in the
7 daylight. It might have, had the demonstration been conducted at night. The person
8 demonstrating modestly described himself as moderately experienced with guns.

9 The video demonstration raises questions. The State says that a modern rifle
10 without the prohibited features works just fine. Since the features are just cosmetic, then
11 there is no burden on Second Amendment rights. The Plaintiffs say that if a modern rifle
12 without the prohibited features is just as lethal, the State’s ban of rifles with the features
13 is pointless. The Plaintiffs say that if what the state labels “combat-oriented features”
14 have no effect, then they are not really combat-oriented features. The ban fails to achieve
15 its purpose of prohibiting a “more lethal” firearm. The State says the features are not
16 needed for lawful uses. The Plaintiffs say the features make no difference in unlawful
17 uses. Even if they did make a difference, the Plaintiffs say that the notion, that
18 improvements that make firearms better and safer for lawful use likewise make them
19 comparably better for unlawful use, simply leads to the absurdity that firearms may never
20 be improved because the harm of a more accurate firearm in a criminal’s hands will
21 always justify a ban. The difference is the featureless rifle is more cumbersome for the
22

23
24 ⁶⁴ The video also demonstrates that twenty years of state regulation has artificially shaped
25 the firearm marketplace. “Featureless” rifles would not exist if the prohibited features
26 really do define the utility of the firearm. In the absence of the Second Amendment,
27 government policy may ban a firearm based on its looks. The same policy cannot survive
28 heightened constitutional scrutiny because a citizen’s right to keep common firearms
regardless of looks is protected by the Second Amendment.

⁶⁵ See Pls. Exh. 11, Adam Kraut Decl.

1 surprised homeowner who, unlike the intruder, may not be as ready to wield his or her
2 firearm.

3 In the end, the Court finds that the prohibited features do not change an AR-15
4 rifle from a benign weapon into an “incredibly effective killing machine.” Another
5 commonly espoused myth is that the caliber of these centerfire semiautomatic weapons
6 are more lethal. In fact, the evidence proves otherwise. The usual ammunition for an
7 AR-15, the .223/5.56 round, is designed to cause wounding, much more than death. Dr.
8 Margulies, M.D., testified that the 5.56 round was a NATO choice to inflict non-lethal
9 wounds. He explained that using the 5.56 round designed for wounding rather than
10 killing furthered a military goal of reducing the enemy fighting force by diverting healthy
11 enemy soldiers to caring for its wounded soldiers.⁶⁶ Hyperbole aside, AR-15 ammunition
12 is designed to make the AR-15 type rifle a wounding machine rather than a killing
13 machine. *But see, Rupp*, 401 F. Supp. 3d at 992, 993 (firearms with assault-weapon
14 configurations are “incredibly effective killing machines” because the prohibited features
15 “increase the capabilities of semiautomatic rifles and thereby enhance their capacity for
16 mass violence.”).

17 **c. The disproportionality bromide**

18 The Attorney General stresses the notion that modern rifles are disproportionately
19 used in crime. Defs. Memo at 18. It seems like it could be true, but it is not supported by
20 the evidence. More ~~importantly, important is understanding that~~ disproportionality is not
21 a constitutional test. *Heller* and *McDonald* demonstrate the opposite is true. The Court
22 struck down bans on handguns in the District of Columbia and Chicago at a time when
23 handguns were disproportionately used in crime. *Heller*, 554 U.S., at 697-98 (Breyer, J.,
24 dissenting) (“From 1993 to 1997, 81% of firearm-homicide victims were killed by
25 handgun Handguns also appear to be a very popular weapon among criminals. In a
26

27
28 ⁶⁶ Depo. Margulies, (Dec. 18, 2020), at 65:7-9; 67:7-17; 94:20-25.

1 1997 survey of inmates . . . 83.2% of state inmates and 86.7% of federal inmates said that
 2 they were armed with a handgun.”). By comparison, modern rifles are not used in crime
 3 nearly as often as handguns.

4 If use by criminals could justify a weapon’s ban, it would amount to something
 5 like a disfavored “heckler’s veto.” We might call it the “criminal’s veto.” *See e.g., Santa*
 6 *Monica Nativity Scenes Comm. v. City of Santa Monica*, 784 F.3d 1286, 1292-93 (9th
 7 Cir. 2015) (explaining “heckler’s veto” doctrine) (“If speech provokes wrongful acts on
 8 the part of hecklers, the government must deal with those wrongful acts directly; it may
 9 not avoid doing so by suppressing the speech.”). Just as a heckler’s veto wrongly
 10 punishes persons who speak their ideas, California’s ban punishes persons who choose
 11 modern rifles for home defense. In other words, if modern rifles are misused in crime
 12 (even disproportionately), government must deal with those wrongful acts directly; it may
 13 not deal with the problem by suppressing the rights of law-abiding citizens to have
 14 modern rifles for lawful uses. Thus, disproportionality is not a valid constitutional
 15 concern. Common ownership by law abiding citizens for lawful purposes is the test.

16 Moreover, there is little evidence that modern rifles are used disproportionately in
 17 crime. The Attorney General cites the 1994 Congressional House Report as evidence.
 18 Defs. Mem., at 18. The House Report actually said that assault weapons were “a growing
 19 menace to our society *of proportion to their numbers*,” rather than out of proportion to
 20 their numbers. Defs. Exh. J, at 13 (emphasis added).⁶⁷ Perhaps the Report was published
 21

22
 23 ⁶⁷ The House Report notes that the Director of ATF testified that while, in 1993, assault
 24 weapons made up only 1% of the firearms in circulation, they made up 8.1% of the guns
 25 traced to crime. Whatever the ratio was in 1993, it has changed over the last 27 years.
 The State does not offer any current evidence.

26 For 2019, ATF’s firearm tracing report shows 41,883 crime firearms traced and
 27 recovered in California. (<https://www.atf.gov/file/146966/download>). Of those, there
 28 were 7,655 rifles. The ATF report does not categorize assault weapons as a separate
 category, but it does list firearms by ammunition type. The 223/5.56mm caliber is most

1 with a scrivener's error. Regardless, a single citation to a 27-year-old Report cannot be
 2 said to fairly support California's conclusions. There is no evidence that California's
 3 Legislature relied on the 1994 House Report when it passed AWCA five years earlier in
 4 1989, or later when it adopted a features-based definition in 1999. There is no evidence
 5 that the California Legislature conducted its own study on whether modern rifles were
 6 being disproportionately used in crime in California in 1989, or 1999. There is no
 7 evidence that the California Legislature relied on studies from other states. There is no
 8 evidence that the State was making a sensitive policy judgment. There is, however,
 9 evidence at the time of the federal ban that assault weapons were rarely used as crime
 10 guns.⁶⁸ Even today, most national estimates suggest assault weapons are used in crimes
 11 less than 7% of the time.⁶⁹

12 To sell the disproportionality bromide, the Attorney General also cites its expert,
 13 Professor Louis Klarevas.⁷⁰ But Klarevas does not express an opinion about modern rifle
 14 use in general crime. Instead, he opines that modern rifles are used disproportionately in
 15

16 often found on banned assault rifles. *See* Def's Exh. BG, at 6. Of course, the
 17 223/5.56mm caliber is also found on the California-legal "featureless" modern rifles.
 18 Regardless, of the 41,883 firearms traced in California in 2019, only 1,154 (or .027%)
 19 were of the 5.56mm caliber. During the same year there were approximately 20,000,000
 20 guns owned in California. The percentage of 1,154 possible assault rifles used in crime,
 as a percentage of the total guns owned in California, is ridiculously small.

21 This ATF report was not presented as evidence in the case and the Court does not
 22 rely on it as such. However, it does suggest the reason why California does not offer
 current evidence of disproportional assault rifle use in crime. There is none to be found.

23 ⁶⁸ Defs. Exh. Y, Christopher S. Koper, *Criminal Use of Assault Weapons and High-*
 24 *Capacity Semiautomatic Firearms*, J. Urban Health (Oct. 2017), at 2 ("Studies conducted
 25 around the time of the federal ban found that [assault weapons] accounted for up to 8% of
 guns used in crime (generally between 1 and 6% and averaging around 2%).").

26 ⁶⁹ *Id.* at 1 ("Results suggest assault weapons (primarily assault-type rifles) account for 2 –
 27 12% of guns used in crime in general (most estimates suggest less than 7%).").

28 ⁷⁰ Defs. Exh. E, Klarevas Decl. at ¶ 16.

1 what he calls “gun massacres” – not crime in general. And Klarevas defines a “gun
2 massacre” as a shooting event resulting in at least *six* deaths and where at least one
3 assault weapon was discharged.⁷¹ No other expert witness, sociologist, economist, or
4 government agency defines a mass shooting in this way. The definition almost creates a
5 tautology along the lines of assault weapons are used disproportionately in assault
6 weapon events.

7 The Attorney General takes one more shot at it by citing another expert, Professor
8 John Donohue.⁷² It is not convincing. Like Klarevas, Donohue does not opine about
9 general crime use. Donohue opines more narrowly that modern rifles are used
10 disproportionately in mass shootings. He says, “[a]s Klarevas, Koper, and courts have
11 observed, assault weapons with large capacity magazines are disproportionately used in
12 mass shootings.” Donohue relies on Professor Christopher Koper’s opinion. But that
13 does not help. Koper’s 2004 Study dramatically undercuts the whole trope of assault
14 weapons supposedly being disproportionately used in general crime.⁷³

15 In fact, Koper finds quite the opposite to be true. In his landmark 2004 report,
16 Koper surveyed national data and found, “the estimates consistently show that AWs
17 [assault weapons] are used in a small fraction of gun crimes,” and “most survey evidence
18 on the actual use of AWs suggests that offenders rarely use AWs in crime.”⁷⁴ Koper also
19 notes something that others tend to overlook. Koper notes that many of the assault
20 weapons used in crime, when they are used, are pistols rather than rifles. He explains,
21 “[n]ote also that the majority of AWs used in crime are assault pistols (APs) rather than
22
23

24 ⁷¹ *Id.* at Exh. 3, p.4.

25 ⁷² Defs. Exh. C, Donohue Decl. at ¶ 115.

26 ⁷³ *See* Defs. Exh. BJ.

27 ⁷⁴ Defs. Exh. BL, at 15-16.

1 assault rifles (ARs) . . . by a ratio of 3 to 1.”⁷⁵ Koper concludes, “while some surveys
 2 suggest that ownership and, to a lesser extent, use of AWs may be fairly common among
 3 certain subsets of offenders, *the overwhelming weight of evidence from gun recovery and*
 4 *survey studies indicates that AWs are used in a small percentage of gun crimes*
 5 *overall.”*⁷⁶ Koper’s conclusions comport with the ATF firearm tracing report from 2019.

6 As to their presence in mass shootings, even Koper has explained that the highest
 7 correlation is with the presence of large capacity magazines, as opposed to the presence
 8 of assault weapons. According to his 2020 study, Koper says, “[i]n summary, growing
 9 evidence suggests LCM restrictions reduce mass shootings and are more potent than AW-
 10 only restrictions. Nonetheless, the evidence is not yet sufficient to draw definitive
 11 conclusions.”⁷⁷

12 Recall that to pass intermediate scrutiny, AWCA must have at least been designed
 13 to address a real harm and alleviate the harm in a material way. *Turner II*, 520 U.S., at
 14 195. The evidence described so far proves that the “harm” of an assault rifle being used
 15 in a mass shooting is an infinitesimally rare event. More people have died from the
 16 Covid-19 vaccine than mass shootings in California. Even if a mass shooting by assault
 17 rifle is a real harm, the evidence also shows that AWCA’s prohibited features ban has not
 18 alleviated the harm in any material way. Perhaps recognizing AWCA’s constitutional
 19 infirmity, the Attorney General attempts to draw attention away from the statute’s small
 20 aim and maintains that citizens do not “need” more than 2.2 shots for self-defense, so
 21 AWCA’s constitutional burden is mostly hypothetical.

22 **d. The myth of 2.2 shots**

23 The Attorney General offers the old saw that large capacity magazines and
 24

25
 26 ⁷⁵ *Id.* at 16.

27 ⁷⁶ *Id.* at 17 (emphasis added).

28 ⁷⁷ Defs. Exh. BL, at 161 (DEF2028).

1 accurate repeated firing are things needed only by mass shooters. The story goes that for
2 self-defense a citizen “needs” only 2.2 rounds. It is a myth. Take the case of the 80-
3 year-old woman faced with a home invader who began attacking and stabbing her 75-
4 year-old husband.⁷⁸ When the intruder attacked her husband with a knife, she shot at the
5 intruder. According to her neighbor, “She emptied the gun.” Where there is only a
6 single intruder, 2.2 shots may not be enough. Where there are multiple attackers, it is
7 self-evident that 2.2 shots will not be enough.

8 Where does this 2.2 shots myth originate? According to a 2018 study by Professor
9 Koper (evidence introduced by the Attorney General), “there is no national or state data
10 source that captures information on shots fired in gun attacks.”⁷⁹ Attempting to fill this
11 data gap with his own study, Koper reports, “this study finds that 20% – 28% of victims
12 were wounded in incidents involving >10 shots, most of which seem likely to have
13 involved high-capacity semiautomatics.”

14 The 2.2 shots notion comes from the State’s expert, Lucy Allen. Allen is an expert
15 in economics and statistics.⁸⁰ Unlike Koper, who is an academician undertaking peer-
16 reviewed studies for the advancement of understanding, Allen was hired specifically to
17 conduct research for the State’s litigation. Her study is not peer-reviewed. Her study
18 cannot be tested because she has not disclosed her data. Her study cannot be replicated.
19 In fact, the formula used to select 200 news stories for her study is incomprehensible.
20 Worse, the entire concept is suspect because it attempts to study an average defensive
21 gun use based *not on police reports* but on events reported in the news media and often
22 lacking in detail, all while acknowledging that many events are never reported. Allen did
23

24
25 ⁷⁸ See [www.q13fox.com/news/she-emptied-the-gun-home-intruder-shot-killed-by-80-](http://www.q13fox.com/news/she-emptied-the-gun-home-intruder-shot-killed-by-80-year-old-woman-in-sultan-identified)
26 [year-old-woman-in-sultan-identified](http://www.q13fox.com/news/she-emptied-the-gun-home-intruder-shot-killed-by-80-year-old-woman-in-sultan-identified).

27 ⁷⁹ Defs. Exh. CO, at DEF3132-34.

28 ⁸⁰ Defs. Exh. A, at ¶ 1-3.

1 ask the State for police reports, but she did not receive them.⁸¹ Allen testified that the first
2 thing she did was ask whether there were police records available.⁸²

3 Here are the details. Allen claims she has determined the average number of
4 rounds fired by an individual in a defensive gun use.⁸³ To find the average, she says that
5 she conducted a word search with a database of news articles maintained by a news
6 aggregator called Factiva. Factiva is a commercial database behind a paywall. She also
7 conducted a search of stories published in the NRA Institute for Legislative Action
8 magazine between 2011 and 2017 called the Armed Citizen Database.⁸⁴ From these
9 searches she or a member of her team coded each story and arrived at the conclusion that
10 on average, 2.2 shots were fired in a defensive gun use and 2.1 shots were fired if the
11
12

13
14 ⁸¹ See preliminary injunction hearing, 10/19/20, at 153:1-16.

15 “THE COURT: Let me ask you a question. Did you ever ask, for example,
16 [Deputy Attorney General] Mr. Echeverria if he would get you the law enforcement
17 reports of home defense shootings that may have occurred where the homeowner or the
18 person at home fired shots at someone that was intruding?

19 THE WITNESS: Yes. So I did ask both from the State of California as well as
20 from a number of other states that I have worked for, I have asked for data on incidents of
21 exactly that, or whether there was a broader set of data that they had that I could then
22 review.

23 THE COURT: And did you get that from the State of California?

24 THE WITNESS: I did not. It was my understanding that the State of California
25 did not have that data or did not have that in a way that it could be reviewed. That that is
26 not -- that is not a type of data that is collected.”

27 ⁸² See preliminary injunction hearing, 10/19/20, at 171:8-15 (“And actually, the first thing
28 I did was, per their question, which was try to find out whether there were police records
on that I agree with you that I think that would be helpful, so I first did try to
research and ask whether there was government data or other data, police records
available.”).

⁸³ Allen Video Depo., Jan. 12, 2021 at 10:55.

⁸⁴ *Id.* at 11:06; Exh. A, at ¶ 11-13.

1 defensive gun use was in a home.⁸⁵

2 Her methodology with the Factiva database is incomprehensible. For the Factiva
3 database of 70 million news stories, her word search returned 35,000 stories.⁸⁶ From
4 there she somehow selected 200 stories of defensive gun use in the home and set out to
5 analyze the events.⁸⁷ It is unclear how the stories were selected or what members of her
6 “team” selected the stories to analyze. She describes selecting 200 stories out of a sub-
7 collection of 4,800 stories by reviewing 1,400 stories. Where did the 4,800 stories come
8 from? Her methodology cannot be duplicated, but here it is:

9 Using a random number generator, a random sample of 200 stories was
10 selected for each calendar year [from 2011 to 2017], yielding 1,400 stories
11 in total. These 1,400 stories were reviewed to identify those stories that
12 were relevant to the analysis, *i.e.*, incidents of self-defense with a firearm in
13 or near the home. This methodology yielded a random selection of 200
14 news stories describing incidents of self-defense with a firearm in the home
15 out of a population of approximately 4,800 relevant stories. Thus, we found
16 that out of the over 70 million news stories aggregated by Factiva between
January 2011 and May 2017, approximately 4,800 news stories were on
incidents of self-defense with a firearm in the home. We analyzed a random
selection of 200 of these stories.

17 It is a mystery how 4,800 stories were determined to be the universe of reports on
18 self-defense with a firearm in the home. In her deposition, she was not asked about the
19 4,800 stories. ~~Also,~~ Allen also fails to provides ~~neany~~ copies of the 200 stories she
20 analyzed or the mythical 4,800 stories from which she says she drew the 200 analyzed
21 stories. There is no list. There is no way to check her analysis or her math or try to
22 reproduce or falsify her results – nor did she try to do so.

23 Allen’s calculations also include other curiosities. To arrive at her average of 2.2
24

25 ⁸⁵ Video Depo. at 11:37; Exh. A, at ¶ 14-15 (and table).
26

27 ⁸⁶ Exh. A at ¶18.

28 ⁸⁷ *Id.* at ¶ 19.

shots, she includes in the averages those events where no shots were fired.⁸⁷ This has the obvious effect of bringing the overall average number of shots “needed” down.⁸⁸ She testified that she has never calculated the average number of shots fired only in events when shots were actually fired, but agrees that whatever that average is it would be greater than 2.2 because all of those events where no shot is fired would be removed from the equation.⁸⁹ One would expect the impact of Allen’s choice to include a zero for a no-shot event to be significant because 16.1% of the events in the home were no-shot events (according to Allen’s table).⁹⁰ For the California-only events average, 32.1% of the events in the home were no-shot events.⁹¹

For a study that set out to prove the number of shots required to defend one’s home with a firearm, the effect of this statistical manipulation is significant. What if, for example, a study sought to measure the benefit of airbags in car accidents but included both accidents where the airbags deployed as well as those where the airbags did not deploy? The result would surely show airbags made a muted difference; their usefulness erroneously diminished by the multitude of minor accidents in which airbags did not deploy and yet no one sustained injuries. But when airbags do deploy, they just as surely provide a substantial benefit to motorists. The impact of an airbag’s benefit would be lost

⁸⁸ Allen Depo. Jan. 12, 2021 at 119:10-18 (“Q. So numerically speaking, inclusion of incidents where the number is zero would tend to drag the average number of shots fired down; would you tend to agree with that? A. So it includes those with zero. That’s correct. Q. Okay. And have you ever looked at the average number of shots fired when shots were fired? A. No.”)

⁸⁹ *Id.* at 120:10-15 (Q. Have you ever looked at average number of shots fired when shots were fired? A. I don’t believe so. Would you tend to believe that number is higher than 2.2? A. Yes.”)

⁹⁰ Exh. A at ¶ 15.

⁹¹ *Id.* at ¶ 16.

1 in this hypothetical study, drowned out by minor paint scratches and fender benders.

2 Allen's study suffers from the same flaw. By including the number of events in
 3 which no shots were fired in its calculation of an "average," Allen's study inaccurately
 4 reduces the average number of shots needed to defend oneself during a home intrusion.

5 To compound the problem, Allen also used an "imputed" number of shots fired
 6 when a media report says "shots" were fired but did not report a specific number.⁹² This
 7 imputed number was averaged in, but Allen did not know and could not guess at the
 8 imputed number she used.⁹³

9 Allen also used something called the Armed Citizen Database. That database is
 10 problematic because it is not really a database but a list of published magazine stories.
 11 First, the database compilers make no attempt to record all events or statistically
 12 representative events. Second, Allen has no direct knowledge of how editorial decisions
 13 are made for including or excluding a particular story.⁹⁴ She has deduced that only
 14 stories with successful outcomes are published. One can only guess whether
 15 unsuccessful self-defense situations involve similar numbers of shots fired. Third, Allen
 16 does not know how many stories are not published or not included in the database.⁹⁵

17
 18
 19 ⁹² "When the exact number of shots fired was not specified, we used the average for the
 20 most relevant incidents with [a] known number of shots. For example, if the story stated
 21 that "shots were fired" this would indicate that at least two shots were fired and thus we
 22 used the average number of shots fired in all incidents in which two or more shots were
 fired and the number of shots was specified." Exh. A, at n.19.

23 ⁹³ Allen Depo., Jan. 12, 2021 at 131:13-19 ("Q. Can you tell me what that imputed
 24 number would be for purposes of this report? A. I can't, no. Q. An estimate [as] to
 25 what that imputed number is? A. I can't. I mean, you might be able to figure it out, but I
 26 can't as I sit here now.")

⁹⁴ *Id. passim.*

27 ⁹⁵ *Id.* at 111:5-12 ("Q. You don't know – if you don't know the number of stories that are
 28 submitted to the NRA for consideration in the Armed Citizen feature, then you don't

1 Fourth, like the Factiva collection, 736 incidents in the Armed Citizen Database were
 2 analyzed but no list of the incidents have been placed in evidence. As she acknowledged
 3 in her declaration submitted in *Duncan v. Becerra*, the NRA-ILA Armed Citizen
 4 Database is not compiled scientifically.⁹⁶

5 Allen's 2.2/2.1 shot averages are suspect for larger reasons. The whole statistical
 6 exercise is based on news reporting rather than police reports. A database of news
 7 articles lacks the usual indicia of accuracy and reliability of admissible evidence.
 8 Professor Koper observed that there exists no national or state database of defensive gun
 9 uses or database of the number of shots fired during self-defense events. But there are
 10 surely large numbers of such events each year. According to fifteen national polls
 11 conducted by non-law enforcement agencies, there may be from 760,000 defensive
 12 handgun uses to 3.6 million defensive uses each year.⁹⁷ Even Allen's Factiva search
 13 apparently identified 33,000 news stories, despite the likelihood that many events go
 14 unreported to the police and many that are reported to the police are not reported by the
 15 news media.

16 On the other side, a fully loaded modern rifle is surely a powerful psychological
 17 criminal deterrent. Simply brandishing such a weapon may cause an intruder to flee
 18 precisely because it appears to be dangerous and fully loaded. It is difficult to imagine
 19 the same psychological effect on a home invader (or two invaders) from brandishing a 2-
 20 shot derringer. It is a reasonable inference that the visual threat presented by a
 21 homeowner holding a modern rifle with a large magazine makes it an effective deterrent
 22

23
 24 know how many stories are left on the cutting room floor or are never published, right?
 25 A. I'm not sure that question makes sense, but I don't – pretty sure I don't know the
 26 answer one way or the other, but ...")

27 ⁹⁶Allen Decl. (filed 6/5/17) at ¶ 6.

28 ⁹⁷Pls. Exh. 10-10, John R. Lott, Jr., *More Guns, Less Crime* 3d. (2010), at 12.

1 without firing a shot.

2 All considered, Allen's opinion about the number of shots fired in self-defense is
3 entitled to little weight and fails the scientific method.⁹⁸

4 **e. You don't need more than 2.2 shots and you don't need seat belts or**
5 **smoke detectors**

6 The Attorney General remonstrates that whatever the precise average number is,
7 "it is extraordinarily relevant because it shows that the burden on the core right is
8 minimal."⁹⁹ It may be minimal much of the time. A law that bans seat belts or smoke
9 detectors would impose a minimal burden much of the time. One could drive 100,000
10 miles without needing seat belts. But when the unexpected collision occurs, seat belts are
11 really needed. One could live 100 years without needing a smoke detector, but when fire
12 starts in the middle of the night, a smoke detector is really needed. A person may not
13 need more than 2.2 shots to defend themselves in the average situation. Yet, sometimes
14 more than 2.2 shots – sometimes much more – are needed. That is when the burden on
15 the core right of self-defense becomes extraordinarily severe.

16 According to the United States Department of Justice, it is estimated that 3,700,000
17 burglaries occur each year in the United States.¹⁰⁰ A household member is present during
18 approximately 1,000,000 of those burglaries. Of the 1,000,000 household members
19

20
21 ⁹⁸ See also *Ass'n of New Jersey Rifle & Pistol Clubs, Inc. v. Grewal*, No. 317cv10507
22 PGSLHG, 2018 WL 4688345, at *12 (D.N.J. Sept. 28, 2018), *aff'd sub nom. Ass'n of New*
23 *Jersey Rifle & Pistol Clubs, Inc. v. Att'y Gen. New Jersey*, 910 F.3d 106 (3d Cir. 2018)
24 ("The Court finds neither Allen nor [] provided a clear analysis based on the various
25 studies. Allen's analysis, based on an NRA report, does not support with statistical
reliability her claim that individuals only use an average of 2.2 or 2.3 bullets when using
handguns in self-defense.").

26 ⁹⁹ Transcript, Pre-Trial Conference, Dkt # 74, at 32:4-6.

27 ¹⁰⁰ U.S. Department of Justice, Bureau of Justice Statistics, *Victimization During*
28 *Household Burglary* (Sept. 2010), at 1 & 9.

1 present in their homes when burglars enter, approximately 266,560 end up victims of
 2 violent crime. Seventy-seven hundred women are raped in their own homes. Each of the
 3 1,000,000 burglaries each year where a household member is present is a potential
 4 circumstance for defensive gun use. Unfortunately, for 266,560 homeowners, either no
 5 firearm was at hand or it was not enough to prevent a violent attack. It begs the question,
 6 are the lives of home invasion victims worth less than the lives of mass shooting victims?

7 For some citizens, a modern rifle is their first choice to prepare for home defense
 8 when this year's 3,700,000 burglaries take place.¹⁰¹ For the future 266,560 new victims
 9 of violent crime during a home burglary this year, a modern rifle may be the thing they
 10 regret not having.

11 **f. Modern rifles and mass shootings**

12 "So, the State here is concerned about the configuration of particular arms that
 13 have been proven to be the most lethal in mass shooting situations, and that's what the
 14 evidence shows." Deputy Attorney General Echeverria, preliminary injunction hearing
 15 (10/19/20), at 188. Allen also opines about a correlation between modern rifles and mass
 16 shootings. The specter of a mass shooting with a modern rifle is really the driving force
 17 behind the state's prohibition on AR-15s and the like.

18 On cue, Allen uses her private database of news articles to identify a correlation
 19 between mass shootings and modern rifles. As of December 2019, Allen identifies 161
 20 mass shootings.¹⁰² In a previous case she identified 109 mass shootings.¹⁰³ In the
 21
 22
 23

24
 25 ¹⁰¹ See Pls. Exhs. 13-15 and 16-22.

26 ¹⁰² Defs. Exh. A, at ¶ 30.

27 ¹⁰³ Defs. Exh. AQ, at ¶ 10 (*Rupp v. Becerra*, C.D. Cal. Case No. 17cv746-JLS-JDE,
 28 Expert Report of Lucy Allen (signed Oct. 25, 2018).

1 *Duncan v. Becerra* case, she identified 96 mass shootings.¹⁰⁴ In a New Jersey case she
 2 identified 83 mass shootings.¹⁰⁵ In a Maryland case she identified 69 mass shootings¹⁰⁶
 3 and in a New York case 66 mass shootings.¹⁰⁷ One might guess that the numbers keep
 4 changing because mass shooting events keep happening.

5 More recent events can account for 13 of the additional cases in the current tally of
 6 161, but there is something else odd going on with the counting. By comparing her 2019
 7 declaration in this case to her 2018 declaration in *Rupp v. Becerra*, many unexplained
 8 changes are evident. Sixteen events have been removed.¹⁰⁸ Fifty-four new cases were
 9

10
 11 ¹⁰⁴ Defs. Exh. BT, at ¶ 22 (*Duncan v. Becerra*, S.D. Cal. Case No. 17cv1017-BEN, Expert
 12 Report of Lucy Allen (signed Oct. 6, 2017)).

13 ¹⁰⁵ *Ass'n of New Jersey Rifle & Pistol Clubs, Inc. v. Grewal*, No. 317cv10507 PGSLHG,
 14 2018 WL 4688345, at *5 (D.N.J. Sept. 28, 2018) (“Allen concluded that LCMs, which
 15 she defined as magazines capable of holding more than ten rounds, were known to have
 been used in 54 out of 83 mass shootings, where the magazine capacity was reported.”).

16 ¹⁰⁶ *Kolbe v. O'Malley*, 42 F. Supp. 3d 768, 795 (D. Md. 2014), District of Maryland Case
 17 No. 13cv2841-CCB, Docket No. 44-9, Decl. Lucy P. Allen (filed Feb. 14, 2014), ¶ 18.

18 ¹⁰⁷ *New York State Rifle and Pistol Ass'n v. Cuomo*, W.D.N.Y. Case No 13cv291 (WMS),
 19 Docket No. 69, Decl. Lucy P. Allen (signed June 21, 2013) at ¶ 18.

20 ¹⁰⁸ These might be explained by Allen removing events where three or less people died as
 21 the Mother Jones magazine database used began including lower-fatality events as “mass
 22 shootings” in 2013. The events removed include three low-fatality California events
 23 (Yountville Veterans Home 3/9/18 ; San Francisco UPS 6/14/17; Fresno Downtown
 4/18/17) and two national low-fatality assault weapon events (Baton Rouge Police
 7/17/16 and Excel Industries 2/25/2016).

24 Other events that have been removed *without* explanation are: Rite Aid Warehouse
 25 9/20/18; Fifth Third Center 9/6/18; Suburban Denver Walmart 11/1/17; Edgewood
 26 Business Park 10/18/17; Pennsylvania Supermarket 6/7/17; Ohio Nursing Home 5/12/17;
 27 Planned Parenthood Clinic 11/27/15; Colorado Springs 10/31/15; Trestle Trail Bridge
 6/11/15; Fort Hood 4/3/14; Fort Lauderdale 2/9/96 with six fatalities and no assault
 28 weapon).

1 added. Of the 54 newly added cases, 13 occurred in 2019 after the *Rupp* declaration was
 2 signed. Oddly, 41 new cases have been added from dates as far back as 1982.¹⁰⁹ Allen's
 3 declaration is silent about the 41 newly added old cases.¹¹⁰

4 No one can blame Allen too much for her changing tallies of "mass shootings."
 5 The problem is a disagreement over the definition of a "mass shooting" combined with
 6

7
 8 ¹⁰⁹ The 41 newly-added old cases are: Detroit 2/26/18; Taos and Rio Arriba Communities
 9 6/15/17; Marathon Savings Bank 3/22/17; Club 66 2/6/17; Franklin Avenue Cookout
 10 3/9/16; Tennessee Colony Campsite 11/15/15; Akron 8/7/11; Forum Roller World
 11 7/23/11; Family Law Practice 6/2/11; Jackson 9/11/10; City Grill 8/14/10; Hot Sport Café
 12 Los Angeles California 4/3/10; Worth Street 11/1/09; Skagit County 9/2/08; Black Road
 13 Auto Santa Maria, California 3/18/08; Youth With a Mission 12/9/07; The Ministry of
 14 Jesus Christ 5/21/06; Sash Assembly of God 8/29/05; Fulton County Courthouse 3/11/05;
 15 ConAgra Food Plant 7/3/04; Stateline Tavern 10/24/03; Labor Ready 2/25/03; Bertrand
 16 Products 3/22/02; Burns International Security Sacramento, California 9/10/01; Bookcliff
 17 RV Park 7/3/01; Houston 1/9/01; Mount Lebanon 4/28/00; MiTFine Car Wash 3/20/00;
 18 Albertson's Supermarket 6/3/99; New St. John Fellowship Baptist Church 3/10/99; Erie
 19 Manufacturing 12/3/97; News and Sentinel 8/20/97; Fire Station 4/25/96; Fort
 20 Lauderdale 2/9/96; Little Chester Shoes 12/19/95; Puppy Creek 12/31/94;
 21 Unemployment Office Oxnard, California 12/2/93; Family Fitness Club El Cajon,
 22 California 10/14/93; Washington County Bar 7/8/93; Card Club Paso Robles, California
 23 11/8/92; Phoenix 3/15/92; Restaurant 11/10/91; Post Office 10/10/91; Montefiore School
 24 9/22/88; Old Salisbury Road 7/17/88; Anchor Glass Container 3/16/85; Other Place
 25 Lounge 7/24/84; Alaska Mining Town 5/17/84; College Station 10/11/83; Alaska Back-
 26 County 3/1/83; Upper West Side Hotel 2/3/83; The Investor 9/6/82; Western Transfer Co.
 27 8/9/82; and Russian Jack Springs Park 5/3/82.

28 ¹¹⁰ Perhaps the newly added old cases are a byproduct of expanding her event databases to
 include the Washington Post database and the Violence Policy database. The Attorney
 General has abandoned any reference to the Mayors Against Illegal Guns database
 offered previously in *Duncan v. Becerra*, although it sits silently among the voluminous
 trial exhibits submitted. Now, the State's expert witness relies on four other sources for
 identifying mass shootings: Mother Jones magazine, the private Citizens Crime
 Commission of New York City, the Washington Post newspaper, and the private
 Violence Project. Defs. Exh. A, at ¶ 25 and n.22-25. The four databases cover a much
 longer period of time, but the overall picture is the same.

1 the lack of a reliable database maintained by a disinterested organization or governmental
 2 entity.¹¹¹ Instead, these unreliable collections of shooting stories are generally not based
 3 on police reports, but rather claim details from after-the-fact, sometimes sensationalized,
 4 news reporting, lacking access to crime scenes and based on random bystander
 5 perceptions.

6 Professor Louis Klarevas counts 103 gun incidents since 1980.¹¹² As mentioned
 7 previously, Klarevas uses a metric few researchers use: “gun massacres.” Klarevas
 8 defines a gun massacre as an event with *six* or more victims instead of the more
 9 commonly accepted number of four. He does not explain why he uses six fatalities for
 10 his studies.¹¹³ Demonstrating another problem with data, Klarevas’ count does not match
 11 Allen’s count -- even where it should agree. For example, one would expect that all of
 12 Klarevas’ six-fatality events would be included on Allen’s list of four-or-more fatality
 13 events. Yet, several are not. Just from the most recent decade, Klarevas lists ten events
 14 that inexplicably do not appear on Allen’s list.¹¹⁴ Adding to the unreliability of his

17 ¹¹¹ “[T]here is no single official data source that regularly provides detailed and
 18 comprehensive information on mass murders and the guns used in these incidents. . .
 19 [and] detailed weapon information could not be found in public sources for many of these
 20 cases.” Defs. Exh. Y, Koper, *Criminal Use of Assault Weapons*, at 3.

21 ¹¹² Defs. Exh. E, at ¶ 11.

22 ¹¹³ *Id.* (Curiously, in note 43 of his declaration, Klarevas cites Sherry Towers as an
 23 example of a researcher who uses the six-fatality metric. However, the cited study shows
 24 Towers uses the standard metric of four fatalities.).

25 ¹¹⁴ These events are cited as: Plano 9/11/17, Brookhaven 5/27/17, Piketon 4/22/16,
 26 Houston 8/8/15, Waco 5/17/15, Tyrone 2/27/15, Bell 9/18/14, Spring 7/9/14, Grapevine
 27 12/25/11, Appomattox 1/19/10. Defs. Exh. E-3. Klarevas cites for data his own writings
 28 and the Gun Violence Archive which reports much higher totals of mass shootings, due
 to including events where four or more were shot, *but not necessarily fatally*. “[T]he
 criteria are simple...if four or more people are shot or killed in a single incident, not
 involving the shooter, that incident is categorized as a mass shooting based purely on that

1 declaration, Klarevas also includes a shooting with an assault weapon in California after
 2 the passage of AWCA (Fresno, 1993) that does not appear on Allen's list. And Klarevas
 3 omits an event before AWCA in California with an assault weapon (Stockton, 1989) that
 4 does appear on Allen's list. Because of the unconventional aspects of his approach to
 5 mass shootings, little weight is given to Klarevas' testimony. With disagreement and
 6 uncertainty about what is a mass shooting and how many have occurred, the Attorney
 7 General turns to national statistics to demonstrate the prolific use of assault rifles in mass
 8 shootings. But the evidence is not what he thinks.

9 **i. *The national experience***

10 Analyzing the list of 161 national events, Allen finds that 78% of mass shooting
 11 events did not involve an assault weapon. Put differently, across the U.S. only 22% did
 12 involve an assault weapon.¹¹⁵ Her opinion comports with other evidence in the record.
 13 Professor Mark Gius reports even less frequent use of assault rifles in mass shooting
 14 events.¹¹⁶ Gius says, "[c]ontrary to popular belief, however, assault rifles were not the
 15 predominant type of weapon used in these types of crimes. In fact, according to a recent
 16 study, handguns were the most used type of firearm in mass shootings (32.99% of mass
 17 shootings); rifles were used in only 8.25% of mass shootings."¹¹⁷ That may come as a
 18 surprise to the public that is constantly told that assault weapons are often used in mass
 19 shootings.

20
 21
 22
 23 numerical threshold." See www.gunviolencearchive.org/methodology (last visited April
 24 2, 2021)).

25 ¹¹⁵ Defs. Exh. A, at ¶ 30.

26 ¹¹⁶ Defs. Exh. BM, Mark Gius, *The Impact of State and Federal Assault Weapons Bans*
 27 *on Public Mass Shootings*, Applied Economics letters (2014), at 1.

28 ¹¹⁷ *Id.*

1 ii. *The California experience*

2 From Allen's list of mass shooting events, it is reported that in California there
3 have been 25 mass shooting events over approximately 40 years.¹¹⁸ How well has the
4 California ban on assault weapons worked? *Before* AWCA, twice in a decade, an assault
5 weapon was used in a mass shooting. On average, *since* AWCA, twice a decade, an
6 assault weapon was used in a mass shooting.¹¹⁹ The assault weapon ban has had no
7 effect. *California's experiment is a failure.*

8 To summarize, the average rate of mass shootings with assault weapons in
9 California has not changed in the thirty years since the assault weapon ban was enacted.
10 Moreover, for all mass shooting events, assault weapons are used only either 8.25%
11 (Gius), 10.3% (Koper), or 22% (Allen), of the time.¹²⁰ In every California mass shooting
12 event with an assault weapon, the shooter brought multiple weapons. Professor Gius puts
13 mass shootings and modern rifle bans in perspective. He concludes, "it is important to
14 note that mass shooting fatalities are a very small percentage of overall murders. Hence,
15 even if a certain type of gun control measure were found to eliminate mass shooting
16 (which assault weapons bans do not), the overall murder rate would decline by a very
17

18
19 ¹¹⁸ Defs. Exh. A, at 28-50.

20 ¹¹⁹ According to Allen's testimony, prior to AWCA, there were three California mass
21 shooting events. Two events involved modern firearms – one was a rifle and one was a
22 pistol. (Stockton 1989 (AK-47 rifle) and San Ysidro 1984 (Uzi pistol)). Since AWCA,
23 there have been 23 California mass shooting events. Six events involved modern
24 firearms – five with rifles and one with a pistol. (San Francisco 1993 (Tec DC9 pistol),
25 Orange 1997 (AK-47 rifle), Sacramento 2001 (AK-47 rifle), Santa Monica 2013 (AR-15
26 rifle), San Bernardino 2015 (AR-15 rifles), Rancho Tahema 2017 (unknown rifles)).

27 ¹²⁰ The low incidence rate is similar to that found by Professor Koper. Defs. Exh. Y,
28 Koper, *Criminal Use*, at 5 ("[Assault Weapon] and LCM use in firearm mass murders
was examined for a sample of 145 incidents that occurred from 2009 through 2015 but
could only be estimated within broad ranges due to high levels of missing weapons data
in public accounts. [Assault Weapons] were used in at least **10.3%** of these incidents.").

1 small amount.”¹²¹

2 Furthermore, perspective is important. Contrary to public misinformation, mass
3 shooting events are rare events. In contrast, as stated previously, there were 3.7 million
4 burglaries per year in the years 2003 to 2007, 266,560 people suffered a violent
5 victimization, 23,310 persons, or 9% of those victims, suffered serious injury, and
6 approximately 7,700, or 3% of those victims, were raped. During the same years, there
7 was less than one mass shooting with an assault weapon per year. According to Allen’s
8 list, the total number of persons, killed *or* injured, during *all* mass shooting events *with*
9 *an assault weapon* during the years of 2003 to 2007 was 38.

10 Had laws been in place that prevented acquisition of assault weapons during the
11 years 2003 to 2007, 38 people may have been spared being shot with an assault weapon
12 (although they may or may not have been shot with a non-assault weapon). In contrast,
13 during the same five years, 7,700 women may not have been raped and 266,560
14 homeowners may not have suffered a violent victimization during the burglary of their
15 homes had they been armed with an assault weapon. Imagine calculating these figures
16 over thirty years. Of course, many victims do not choose to own a modern rifle. And
17 though victimized once, some may still choose not to arm themselves against future home
18 invaders. The Constitution does not force citizens to arm themselves for their own
19 protection. But it does protect the liberty and freedom of those who choose to do so.

20 Today, an assault weapon ban that trenches on the rights of 266,560 citizens to
21 protect themselves from violent assault in their homes by criminalizing acquisition and
22 possession of a common firearm that they might deem best for their defense, balanced
23 against possibly reducing the shooting risk to 38 people, is lopsided.

24 **g. Assault weapon wounds -- are they worse?**

25 The Attorney General argues that victims of assault weapons generally suffer more
26

27
28 ¹²¹ Defs. Exh. BM, Gius, *Assault Weapons Bans*, at 3-4.

1 extensive and more numerous gunshot wounds, resulting in higher morbidity and
 2 mortality than victims of shootings from other weapons, relying on testimony from
 3 Christopher B. Colwell, M.D. Dr. Colwell treated emergency victims from Denver,
 4 Colorado area tragedies at Columbine High School and the Aurora Theater.¹²² Dr.
 5 Colwell opines that assault weapons enable a shooter to fire more rounds rapidly in a
 6 given period with greater accuracy, increasing the likelihood that more individuals will
 7 be shot and suffer multiple injuries, making it “far more likely” that the individual will
 8 suffer complications and die of those injuries.¹²³ He concludes that “while all weapons
 9 pose risk, assault weapons, especially when equipped with large capacity magazines,
 10 pose a far greater risk to the public from a medical standpoint than non-assault
 11 firearms.”¹²⁴

12 First, as Kraut’s video demonstrates, the injuries from firearms like the AR-15
 13 which are banned as “assault weapons” are no different from other firearms that are
 14 common and lawful to own. Second, there is no difference in the lethality or accuracy or
 15 firing capacity between a “featureless” AR-15 and a banned AR-15. Dr. Robert A.
 16 Margulies, M.D., has unusually impressive credentials. He has practiced emergency
 17 medicine for more than 50 years. For 24 years he served in active duty in the U.S. Navy
 18 including combat experience or the front lines of conflict. Dr. Margulies also currently
 19 serves as a sworn reserve police officer and a certified police firearms instructor.¹²⁵
 20 According to Dr. Margulies,

21 The biggest flaw with Dr. Colwell’s declaration is that he does not explain
 22 why the supposedly extreme wounds generated from an intermediate
 23 cartridge, such as the 223/5.56 round fired from a California-defined

24 ¹²² Defs. Exh. B, Colwell Decl. at ¶ 9 (DEF0054-55).

25 ¹²³ *Id.* at ¶ 8.

26 ¹²⁴ *Id.* at ¶ 12.

27 ¹²⁵ *Id.* at ¶ 3, 7.

1 “assault weapon” bearing the features or characteristics set forth in
 2 California Penal Code § 30515(a) would present a greater wound profile
 3 than a wound suffered from the same round fired from a non-assault
 4 weapon, using the same barrel length. *See* for example, the declaration of
 5 Blake Graham, offered in support of the defense, at paragraph 45, in which
 6 he describes a Sturm Ruger Mini-14 ranch rifle that has none of the features
 7 that supposedly make it an “assault weapon.” Dr. Colwell does not explain
 8 why or how the wounds generated from so-called assault weapons using the
 same round, and the same barrel length, are or would be qualitatively
 different from the wounds that would be generated from a “featureless”
 Mini-14 firing the same .223 round.”¹²⁶

9 Without first knowing what ammunition was used, one can only generally
 10 categorize a bullet wound. According to Dr. Margulies, “looking at a gunshot wound,
 11 one is able to determine during the treatment of that wound that it was either, relatively
 12 speaking, a low-velocity or a high-velocity injury. You couldn’t tell the difference
 13 between a nine-millimeter and a .45 ACP injury just from looking at the injury; you
 14 couldn’t tell the difference between a 5.56 x 45 or a 7.62 x 39 [by] simply looking at the
 15 injury. You could determine that one came from a higher velocity cartridge than from a
 16 lower velocity cartridge.”¹²⁷

17 It is not widely known, but the rounds typically used in “assault rifles” are lower
 18 velocity rounds than traditional military and hunting rifle rounds. According to Dr.
 19 Margulies,

20 intermediate cartridges used in assault rifles possess significantly less kinetic
 21 energy than traditional military cartridges, as well as rifle cartridges
 22 designed for hunting. Therefore, an intermediate rifle cartridge can’t
 23 produce . . . a more severe injury than a full-power cartridge which has been
 24 designed and accepted for military and hunting and long-range shooting
 purposes.”¹²⁸ Dr. Margulies explains, “[t]he cosmesis of a firearm, whether

25
 26 ¹²⁶ *Id.* at ¶ 14.

27 ¹²⁷ Margulies Depo. (Dec. 18, 2020) at 30:7-16.

28 ¹²⁸ *Id.* at 62:23 – 63:6.

1 it has a flash suppressor or whether it has a forward grip or a pistol grip or a
 2 detachable magazine or whatever, makes no difference. A 5.56/.223 fired
 3 from a bolt-action rifle -- one of which I own. It's an old wood stocked,
 4 bolt-action .223. That -- that cartridge-bullet combination is going to
 5 produce the same energy, and therefore the same wounding potential, if the
 point of impact is the same, at the same distance as if it came from, quote --
 quote -- an assault rifle, close quotes.¹²⁹

6 As an emergency room physician, Dr. Margulies says, “[f]or me to talk about a wound, I
 7 have to know the cartridge, the bullet, the barrel, the distance and the point of impact. It's
 8 going to make a lot of difference if it strikes somebody in the shoulder or strikes them in
 9 the middle of the forehead. So I have to know all those things. It's not going to make
 10 any difference to me treating the patient if it came from a bolt-action .223 or it came from
 11 a semiautomatic AR-15.”¹³⁰

12 To summarize the medical evidence, the severity of a gunshot injury depends on
 13 many things, perhaps the most important of which is the cartridge used and the velocity
 14 of the bullet. Bullets achieve much higher velocities from long rifle barrels than short
 15 handgun barrels. A modern rifle like the AR-15 platform rifle typically uses lower power
 16 cartridges than either military rifles or hunting rifles. While there are exceptions, for
 17 purposes of the state regulation it does not matter. This is confirmed by the Attorney
 18 General's own evidence. As set forth by Vincent J.M. DiMaio, M.D., in the authoritative
 19 work *Gunshot Wounds, Practical Aspects of Firearms, Ballistics, and Forensic*
 20 *Techniques*, 3d, CRC Press (2016), the wounds from assault rifles are less severe than
 21 hunting rifles. Dr. DiMaio explains,

22 One of the common fallacies about assault rifles is that the wounds they
 23 produce are more severe than those due to ordinary centerfire rifles. In fact,
 24 the wounds are less severe than those produced by virtually all hunting rifles
 25 [T]he severity of the wound is determined by the amount of kinetic

26
 27 ¹²⁹ *Id.* at 74:20-75:4.

28 ¹³⁰ *Id.* at 83:2-9.

1 energy lost by a bullet in the body. The intermediate cartridges used in
 2 assault rifles possess significantly less kinetic energy than a regular
 3 centerfire rifle cartridge designed for hunting. In addition, since most
 4 ammunition used in these weapons is loaded with a full-metal-jacketed
 (FMJ) bullet, the wound is even less severe than one might expect.¹³¹

5 Section 30515(a) does not ban rifles based on whether a firearm is chambered for high-
 6 velocity or low-velocity rounds. It does not ban rifles based on large caliber or small
 7 caliber bullets.

8 **h. Stray bullets piercing walls and striking bystanders?**

9 Some say that a bullet fired from an AR-15 in self-defense could penetrate a wall
 10 and strike a bystander.¹³² The Court is unaware of any evidence that such an event has
 11 ever been reported. One thing is clear, there is no evidence that home defenders using
 12 AR-15s hitting bystanders with stray bullets through walls is a common problem. That a
 13 stray bullet fired in self-defense might penetrate a wall is an argument in favor of using a
 14 more accurate self-defense firearm. And there is evidence that AR-15 type rifles are both
 15 accurate and easy to fire accurately. There is also mixed evidence about whether AR-15
 16 type rounds are more or less likely than handgun rounds to penetrate the walls of a typical
 17 home.

18 For example, Plaintiffs' expert Emanuel Kapelsohn testified in a deposition on
 19 January 8, 2021 that he had done demonstrations with various rounds fired at walls of
 20 drywall and lumber. He testified that the wall penetrating capability of a .223 or 5.56
 21 round depends more on the construction of the projectile than the particular firearm firing
 22 the round.¹³³ Another study found that a 55 grain HP .223 round, one commonly used in
 23

24
 25 ¹³¹ Defs. Exh. AL, at 11 (DEF1333).

26 ¹³² See e.g., Defs. Exh. K, *Assault Weapons, Mass Produced Mayhem*, Brady Center to
 27 Prevent Gun Violence (2008), at 16.

28 ¹³³ Kapelsohn testified (at page 104-106):

1 modern rifles, penetrated walls *less* than a common .40 S&W handgun round and less
 2 than a common 12-gauge shotgun slug. The study found, “[t]he 55 grain HP .223 has
 3 less penetration than any of the other ammunition tested. Based on the results of this
 4 testing, there appears to be no basis for concern regarding the over penetration of the .223
 5 round. In fact, it seems even safer in this regard than .40 S&W handgun ammunition.”¹³⁴
 6 The idea, then, that a stray bullet fired from a modern rifle will penetrate the walls of a
 7 home and hit a bystander, would depend largely on the particular ammunition and
 8 whether the home is in a crowded complex or a rural tract. It would depend less on the
 9 firearm, and not at all on whether the firearm had prohibited features described in §

10 _____
 11
 12 Q. So what would -- so what -- what parts of a cartridge would enhance or reduce the
 13 penetrative capabilities of the round?

14 A. The construction of the projectile itself is -- is primary. The -- the weight of it.
 15 What kind of jacket it [has]. Does it have a soft point, a hollow point, a ballistic tip.
 16 Does it have a steel core because it's military ammunition made to penetrate armor. Is it
 17 a 45 or 50 or 55 grain bullet, or is it a 70 or 75 or 80 grain bullet. What kind of powder,
 18 and how much powder because that develops the velocity and that has to do with whether
 19 the bullet fragments or expands quickly, or whether it penetrates more deeply. And the
 20 barrel length of the rifle from which it's fired, has to do, also, with its velocity because
 21 you take the same ammunition and fire it from a longer barrel, in some cases, and get
 22 more velocity or from a shorter barrel and get less velocity.”

23 (And at page 108-109):

24 Q. And which rounds -- which, in -- in your experience or in your professional judgment,
 25 which rounds would have greater penetration than others?

26 A. For instance, the 5.56 millimeter steel core penetrator rounds would have more
 27 penetration. That's a military round. It's rarely seen or used in the civilian world, but
 28 there are some out there and some people buy it as surplus. That would have more
 29 penetration. Less penetration would be the 55 grain soft-point or hollow-point rounds,
 30 and even less penetration would be the 45 grain rounds that some police departments use
 31 for entry work and . . . they are generally available. People use them for what is called
 32 varmint shooting, things like prairie dogs and similar small animals that are hunted or
 33 shot. And those rounds are particularly -- the bullets are particularly fragile in their
 34 construction. And so they come apart easily in wall construction, studs, Sheetrock and so
 35 forth.”

¹³⁴ Pls. Exh. 1-9, at 35.

1 30515(a).

2 **i. Blake Graham, Assistant Director, Cal. D.O.J. Bureau of**
3 **Firearms**

4 The Attorney General introduced testimony from another witness worth noting.
5 Mr. Blake Graham is the Assistant Director of the California Department of Justice
6 Bureau of Firearms.¹³⁵ He has worked as a firearms investigator for the State since 1994.
7 He offers both percipient and expert testimony.¹³⁶ Graham says that the most common
8 feature of a prohibited assault rifle is the pistol grip, and the next most common features
9 are the telescoping stocks and flash suppressors.¹³⁷ There is no evidence to the contrary
10 on those points.

11 Graham's opinions on ammunition are less convincing. For example, he says that
12 centerfire rifles generally use rounds that are associated with increased lethality.¹³⁸
13 While true, it is only half so. As Dr. Margolies explained, for rifles and pistols almost all
14 centerfire ammunition is more lethal than the only other type of ammunition, which is
15 rimfire ammunition. Graham says that .223 caliber, 5.56 mm, and 7.62 x 39 mm
16 ammunition is often used with assault rifles. That is true. He says that these rounds will
17 typically defeat normal bullet resistant body armor used by law enforcement. Again true,
18 but only half so. Dr. Margolies, who also serves as a police department armorer, says
19

20
21 ¹³⁵ Defs. Exh. D, Graham Decl. (dated Jan. 22, 2020).

22 ¹³⁶ The lines are sometimes blurred in his declaration. For example, in his opinions
23 section he says that the AWCA year 2000 amendment adding a features-based definition,
24 was "[i]n response to attempts by firearm manufacturers to circumvent the AWCA."
25 Defs. Exh. D, at ¶ 16. Graham might offer such testimony as a percipient witness from
26 that time, but it is not apparent why he would have any particular expertise on the
legislature's motivation.

27 ¹³⁷ *Id.* at ¶ 16.

28 ¹³⁸ *Id.* at ¶ 22.

1 that most all rifle rounds from any rifle will defeat normal police body armor. Typical
 2 police body armor is expected to resist only lower caliber ammunition fired from a
 3 handgun.¹³⁹ Even Graham acknowledges that bullets fired from a handgun travel at a
 4 slower muzzle velocity than the same bullets fired from a rifle.¹⁴⁰ The slower a bullet is
 5 travelling the less likely it is to pierce body armor; conversely, the faster the bullet is
 6 traveling, the more likely it is to defeat body armor. The feature-based prohibition in §
 7 30515(a) says nothing about types of ammunition or bullet velocities. In fact, one might
 8 argue that by prohibiting rifles with barrels shorter than 16 inches, the statutes encourage
 9 state residents to use longer barrels with higher muzzle velocities resulting in more lethal
 10 rifles.

11 Graham also opines on magazines. However, his opinions there lack precision.
 12 For example, he opines that a detachable magazine “allows the shooter to rapidly
 13 exchange a depleted magazine with a fully loaded one, enabling a shooter to fire a large
 14 number of rounds near-continuously.” It is an overgeneralization. A trained and
 15 composed shooter with a gun and two 75-round magazines may well be able to fire many
 16 rounds near-continuously. An untrained homeowner awoken in the night, having a pistol,
 17 two 10-round magazines, and surging adrenaline, may not be able to fire many rounds
 18 near-continuously. Graham also opines that “[a] person intent on doing harm to the
 19 public or law enforcement will often pair assault weapons and multiple LCMs to
 20 maximize the lethality of their attacks.”¹⁴¹ Graham offers little support for his
 21 supposition. Sociologists know very little about the motivations of mass shooters except
 22
 23

24
 25 ¹³⁹ Defs. Exh. AY, at 5 (“Soft armor is designed to offer protection against assaults with
 26 handguns.”).

27 ¹⁴⁰ Defs. Exh. D, ¶ 23.

28 ¹⁴¹ *Id.* at ¶ 27.

1 that they share a general quest for notoriety and infamy,¹⁴² a factor influenced by
 2 seemingly endless reporting when a tragic mass shooting does occur. Little, if any,
 3 reporting occurs when an intruder is shot or deterred by defensive gun use.

4 Graham says he researched several mass shootings. But two shootings took place
 5 before he worked for the State. Thirteen shootings occurred beyond the boundaries of
 6 California. Two shootings took place beyond the Northern Hemisphere.¹⁴³ Of the seven
 7 shootings that did occur within California while he was working for the State, Graham
 8 does not say that he personally investigated the cases. Graham does not say how many
 9 shots were fired. Though surely he could access them, *Graham does not even offer the*
 10 *actual police reports*. In short, much of Graham's testimony ventures beyond his
 11 experience and his expertise.

12 Put simply, the evidence indicates gun bans are ineffective at reducing gun
 13 crimes. Plaintiffs' expert, economist John R. Lott, Jr., opines that "all credible evidence
 14 shows that assault weapon bans have little to no effect in reducing mass shootings,
 15 homicides, or violent crime in general."¹⁴⁴ Professor Koper, in his assessment of the ten-
 16 year federal assault weapon ban concluded, "[a]lthough the ban has been successful in
 17 reducing crimes with AWs, any benefits from this reduction are likely to have been
 18 outweighed by steady or rising use of non-banned semiautomatics with LCMs, which are
 19
 20
 21

22
 23 ¹⁴² Defs. Exh. AC, at 1 (DEF0847) Adam Lankford and James Silver, *Why Have Public*
 24 *Mass Shootings Become More Deadly?*, Crim. & Pub. Policy (2019) ("[S]ocietal changes
 25 have led to more public mass shooters who are motivated to kill large numbers of victims
 26 for fame or attention, as well as to more shooters who have been directly influenced by
 previous attackers.").

27 ¹⁴³ Defs. Exh. D, ¶ 69.

28 ¹⁴⁴ Lott Decl. at ¶ 64.

1 used in crime much more frequently than AWs.”¹⁴⁵ Bereft of hard evidence that gun bans
 2 are effective, the Attorney General radios in for backup from other courts of appeal.

3 **B. Decisions of Other Courts**

4 The Attorney General’s position is that AWCA does not severely burden Second
 5 Amendment rights. After all, assault weapons are supposedly uncommon and unusually
 6 dangerous, there are other guns available, and only 2.2 shots are needed for self-defense
 7 so any gun will do. Better to have a state citizenry armed with microstamping Saturday
 8 Night Specials than accurate AR-15s. Since the constitutional burden is mild,
 9 intermediate scrutiny will be satisfied. How can one argue with every other federal
 10 circuit court to have considered assault weapon restrictions?¹⁴⁶ These opinions deserve a
 11 look.

12 In the past, Second Amendment cases were wrongly decided by following a
 13 majority of circuit courts down the wrong path. That is what happened in 1996 when the
 14 Ninth Circuit erroneously decided that the Second Amendment does not confer on private
 15 citizens a right to possess a firearm, wherein the court said, “[w]e follow our sister
 16 circuits in holding that the Second Amendment is a right held by the states, and does not
 17 protect the possession of a weapon by a private citizen.” *See Hickman v. Block*, 81 F.3d
 18 98, 101 (9th Cir. 1996), *abrogation in light of Heller recognized by, Nordyke v. King*, 563
 19 F.3d 439, 445 (9th Cir. 2009), *vacated in light of McDonald*, 611 F.3d 1015 (9th Cir.
 20 2010). It happened the first time the Ninth Circuit considered AWCA. *See Fresno Rifle*
 21 *& Pistol Club, Inc. v. Van De Kamp*, 965 F.2d 723, 731 (9th Cir. 1992) (“The plaintiffs
 22 argue that . . . the Second Amendment guarantee[s] an individual right of persons to
 23 acquire and keep rifles, pistols, and shotguns. . . . *Cruikshank* . . . and *Presser* both make
 24

25
 26 ¹⁴⁵ Defs. Exh. BJ, Christopher S. Koper, *An Updated Assessment of the Federal Assault*
 27 *Weapons Ban* (June 2004), at 96 (DEF 1994).

28 ¹⁴⁶ *See* Defs. Brief on Significant Disputed Issues of Law (filed Jan. 27, 2021), at 2.

1 clear that the Second Amendment binds only the national government. In this view we
 2 join the Seventh Circuit . . .”). It also happened the last time the Ninth Circuit upheld
 3 AWCA. *See Silveira v. Lockyer*, 312 F.3d 1052 (9th Cir. 2002), *as amended* (Jan. 27,
 4 2003) (“Long the dominant view of the Second Amendment, and widely accepted by the
 5 federal courts . . .”). Before *Heller*, hundreds of judges erroneously overread *Miller*, as
 6 *Heller* itself points out. 554 U.S., at 624 n.24 (“[T]heir erroneous reliance . . . cannot
 7 nullify the reliance of millions of Americans . . . upon the true meaning of the right to
 8 keep and bear arms.”). Thus, with heightened circumspection, it is time to see what can
 9 be learned from these decisions.

10 **1. *Wilson v. Cook County***

11 The Attorney General first cites *Wilson v. Cook Cty.*, 937 F.3d 1028, 1036 (7th Cir.
 12 2019). *Wilson* was not decided on facts or evidence. *Wilson* was dismissed at the outset
 13 because an earlier Seventh Circuit decision was controlling, *i.e.*, *Friedman v. City of*
 14 *Highland Park, Ill.*, 784 F.3d 406, 412 (7th Cir. 2015).

15 **2. *Friedman v. City of Highland Park, Illinois***

16 *Friedman* looked at facts, however, it did not apply intermediate scrutiny, as the
 17 Attorney General’s citation suggests. *Friedman* asked a question: “instead of trying to
 18 decide what ‘level’ of scrutiny applies, and how it works, we think it better to ask
 19 whether a regulation bans weapons that were common at the time of ratification or that
 20 have ‘some reasonable relationship to the preservation or efficiency of a well regulated
 21 militia,’ and whether law-abiding citizens retain adequate means of self-defense.” 784
 22 F.3d at 410.

23 That is a reasonable question. But *Friedman* did not rely on the answer. *Friedman*
 24 ultimately upheld municipal assault weapon bans because it was a permissible
 25 experiment and good for the community psyche. *Id.* at 412 (“If a ban on semiautomatic
 26 guns and large-capacity magazines reduces the perceived risk from a mass shooting, and
 27 makes the public feel safer as a result, that’s a substantial benefit.”).

28 It is worth pointing out, however, that along the way, *Friedman* made some

1 observations that this Court makes today: that “perhaps 9% of the nation’s firearms
 2 owners have assault weapons,” and that assault weapons “generally are chambered for
 3 small rounds . . . suggest[ing] that they are less dangerous per bullet.” 784 F.3d at 409.
 4 *Friedman* also observed, as does this Court, that assault weapons can work well for self-
 5 defense. “True enough, assault weapons can be beneficial for self-defense because they
 6 are lighter than many rifles and less dangerous per shot than large caliber pistols or
 7 revolvers. Householders too frightened or infirm to aim carefully may be able to wield
 8 them more effectively” 784 F.3d at 411. The dissent echoes this point about assault
 9 weapons: “their ability to project large amounts of force accurately is exactly why they
 10 are an attractive means of self-defense. While most persons do not require extraordinary
 11 means to defend their homes, that fact remains that some do.” 784 F.3d at 413 (Manion,
 12 J., dissenting). Although it was a close call, it upheld a ban. Fair enough. But the
 13 Seventh Circuit was not using intermediate scrutiny.

14 **3. *Worman v. Healey***

15 The Attorney General next cites *Worman v. Healey*, 922 F.3d 26, 35 (1st Cir.
 16 2019). In *Worman*, the district court and the First Circuit side-stepped answering the
 17 question of commonality while noting that (as of 2013) nearly 5,000,000 people owned at
 18 least one assault weapon. 922 F.3d at 36 (“[W]e are reluctant to plunge into this
 19 factbound morass.”). The case was decided on summary judgment rather than by trial.
 20 In some respects, the record evidence in *Worman* was different. *Worman* said assault
 21 weapons can fire through walls and risk the lives of those in nearby apartments or streets.
 22 922 F.3d at 37. By contrast, according to the evidence in this case, handgun rounds are
 23 more likely to fire through walls than typical .223/5.56 AR-15 rounds, and AWCA’s ban
 24 is not based on particular calibers. More importantly, *Worman* noted that there was no
 25 evidence in its case about “even a single example of use of an assault weapon for home
 26 defense.” The missing evidence in *Worman* is present in this case. As mentioned
 27 earlier, an AR-15 was used by a pregnant wife and mother to defend her family from two
 28 armed, hooded, and masked home invaders. Pls. Exh. 1-1; *see also* Pls. Exhs. 1-2, 1-3, 1-

1 4, 1-6, 1-7. Finally, the *Worman* court unpersuasively rejected the main argument that
 2 the forbidden assault weapons were ideal for domestic self-defense by pronouncing the
 3 assertion “too facile by half” without explaining what it meant.¹⁴⁷ 922 F.3d at 40.

4 **4. *Kolbe v. Hogan***

5 The Attorney General next cites *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (*en*
 6 *banc*). *Kolbe* went its own direction and concluded that assault weapons are so much like
 7 M-16 machineguns that they lay outside the ambit of the Second Amendment. In *Kolbe*,
 8 the court wrote, “[w]e conclude . . . the banned assault weapons . . . are not protected by
 9 the Second Amendment.” 849 F.3d at 121. As the dissent put it, “our court today has
 10 adopted an ad hoc analysis that excludes a weapon from Second Amendment protection
 11 if it appears to be ‘like’ an M-16 or ‘most useful in military service.’ Under this
 12 approach, it is irrelevant that a firearm may have been commonly possessed and widely
 13 accepted as a legitimate firearm for law-abiding citizens for hundreds of years.” 849 F.3d
 14 at 156 (Traxler, J., joined by Niemeyer, J., Shedd, J., and Agee, J., dissenting).

15 *Kolbe*’s conclusion is unpersuasive. An AR-15 rifle may be like an M-16
 16 machinegun in many ways, but the single major difference is also legally determinative.
 17 *Staples*, 511 U.S., at 611 (observing that AR-15s traditionally have been widely accepted
 18 as lawful possessions and distinguishing between the semiautomatic AR-15 and a fully
 19 automatic machinegun); *but see Rupp v. Becerra*, 401 F. Supp. 3d 978 (C.D. Cal. 2019).
 20 But, if in fact when the Supreme Court issued *Heller* and commented that “it may be
 21 objected that if weapons that are most useful in military service -- M-16 rifles and the like
 22 -- may be banned,” knowing that there is a difference between the M-16 and the AR-15
 23 (as is evident in *Staples*) and that the AR-15 is the more popular civilian owned of the
 24

25
 26 ¹⁴⁷ The expression “too facile by half” is uncommon in American English and appears
 27 only one other time in American court cases. See *United States v. Walker-Couvertier*,
 28 860 F.3d 1, 13 (1st Cir. 2017). It is not found in the Corpus of Contemporary American
 English, www.english-corpora.org/coca/.

1 two, why would it have chosen to mention the M-16 and not the AR-15? The answer
 2 seems obvious. An M-16 is fully automatic solely suitable for military purposes; the AR-
 3 15 is not!

4 In the alternative, *Kolbe* found that the state regulation did not impose a severe
 5 burden and applied intermediate scrutiny. 849 F.3d at 138. The burden was not severe,
 6 according to *Kolbe*, because citizens were free to protect themselves with a plethora of
 7 other firearms. 849 F.3d at 138. Once again, the jurisprudence of firearm alternatives is
 8 at odds with *Heller*.

9 *Kolbe* also deemed the burden not severe because, like the summary judgment
 10 record in *Worman*, there was “scant evidence in the record” that the banned assault rifles
 11 were possessed “or even suitable” for self-protection. 849 F.3d at 138. Once again,
 12 unlike both *Kolbe* and *Worman*, the trial record before this Court has opinion testimony
 13 and a number of examples in evidence of AR-15 type rifles being useful and used in self-
 14 defense. Whatever was missing from the summary judgment record in *Kolbe*, it is not the
 15 case today in this California trial.

16 **5. *N.Y. State Rifle & Pistol Association v. Cuomo***

17 The Attorney General next cites *N.Y. State Rifle & Pistol Association v. Cuomo*,
 18 804 F.3d 242 (2d Cir. 2015). That decision applied intermediate scrutiny after deciding
 19 that New York and Connecticut laws imposed a burden that was not severe. 804 F.3d at
 20 260. The Second Circuit also relied heavily on the jurisprudence of firearm alternatives.
 21 In fact, the single reason given for finding the burden not severe was because of the
 22 notion that “numerous ‘alternatives remain for law-abiding citizens to acquire a firearm
 23 for self-defense.’” 804 F.3d at 260 (quoting *U.S. v. Decastro*, 682 F.3d 160, 168 (2d Cir.
 24 2012). Curiously, although the decision relied on it, the Second Circuit’s *Decastro*
 25 decision was not about a ban on assault weapons or any particular firearm. *Decastro*
 26 highlighted the opposite situation. The court said that 18 U.S.C. § 922(a)(3) does not
 27 substantially burden the right to keep and bear arms because “it does nothing to keep
 28 someone from purchasing a firearm in her home state, which is presumptively the most

1 convenient place to buy anything.” 682 F.3d at 168. *Decastro*, in turn, relied on *Nordyke*
 2 *v. King*, 644 F.3d 776 (9th Cir. 2011), *on reh’g en banc*, 681 F.3d 1041 (9th Cir. 2012).

3 *Nordyke*, unsurprisingly, decided merely that a ban on gun shows at county-owned
 4 fairgrounds did not substantially burden the right to keep and bear arms. *Nordyke* found
 5 the fairgrounds-gun-show-ban left open regular avenues for buying a firearm. 644 F.3d
 6 at 787 (citing *United States v. Marzzarella*, 595 F. Supp. 2d 596, 606 (W.D. Pa. 2009),
 7 *aff’d*, 614 F.3d 85, 95 (3d Cir. 2010)). *Nordyke*, at bottom, relied on *Marzzarella*.
 8 *Marzzarella* unsurprisingly held that 18 U.S.C. § 922(k) is constitutional because it bans
 9 *only* firearms with obliterated serial numbers and “leaves open ample opportunity for
 10 law-abiding citizens to own and possess guns.” 595 F. Supp. 2d at 606.

11 The jurisprudence of firearm *alternatives* has surely drifted far away from *Heller*.
 12 *Heller* said, in 2008, that it is “no answer to say . . . that it is permissible to ban the
 13 possession of handguns so long as the possession of other firearms (*i.e.*, long guns) is
 14 allowed.” 554 U.S., at 629. *Marzzarella* stepped slightly away and said it is permissible
 15 to ban only firearms without serial numbers because alternatively *any other gun* is
 16 permissible. *Nordyke* said it is permissible to ban fairground gun shows because
 17 alternatively *any gun* may be purchased anywhere else. *Decastro* said it is permissible to
 18 ban guns bought out of state because, alternatively, *any gun* may still be purchased within
 19 one’s home state. *N.Y. State Rifle & Pistol* then took a long jump from *Heller*,
 20 *Marzzarella*, *Nordyke*, and *Decastro*, and said bans on assault rifles are permissible
 21 because alternative guns remain.

22 Today, the Attorney General goes beyond *N.Y. State Rifle & Pistol* and suggests
 23 that intermediate scrutiny should permit a class-wide ban on extremely popular assault
 24 rifles, assault shotguns, and assault handguns, in addition to an existing ban on buying
 25 any handgun not found on a shrinking list under California’s “handgun roster” of “safe”
 26 handguns, because some alternatives remain. This is too far.

27 **6. *Heller v. District of Columbia (Heller II)***

28 The last circuit decision cited by the Attorney General is *Heller II*, 670 F.3d 1244.

1 Decided on summary judgment, *Heller II* upheld prohibitions on assault rifles finding the
2 burden to be insubstantial. *Heller II* accepted as fact that assault rifles are in common
3 use. 670 F.3d at 1261. But on the summary judgment record before it, the court could
4 not be certain “whether these weapons are commonly used or are useful specifically for
5 self-defense or hunting.” 670 F.3d at 1261. The *Heller II* court explained, “[a]lthough
6 we cannot be confident the prohibitions impinge at all upon the core right protected by
7 the Second Amendment, we are reasonably certain the prohibitions do not impose a
8 substantial burden upon that right . . . [because] the plaintiffs present hardly any evidence
9 that semi-automatic rifles . . . are well-suited to or preferred for the purpose of self-
10 defense or sport.” 670 F.3d at 1262. Since District of Columbia residents were still
11 permitted to possess a handgun or a “non-automatic long gun,” *Heller II* agreed with
12 *Marzzarella* (the obliterated serial number case) that the burden on Second Amendment
13 rights was insubstantial and thus deserving of no more than the lower intermediate
14 scrutiny. 670 F.3d at 1262.

15 One problem with relying on *Heller II* is that the California statutes go much
16 further in the kinds of firearms banned. Section 30515(a) also criminalizes possession of
17 certain semi-automatic pistols. Even *Heller II* conceded that a ban like that may be
18 unconstitutional. “A narrower prohibition, such as a ban on certain semi-automatic
19 pistols, may also ‘fail constitutional muster,’ but that question has not yet been decided
20 by the Supreme Court.” 670 F.3d at 1267 (appendix) (quoting *Heller*, 544 U.S., at 628).
21 As noted in the dissent, *Heller II* drifted far away from *Heller*. “The majority opinion
22 here is in uncharted territory in suggesting that intermediate scrutiny can apply to an
23 outright ban on possession of a class of weapons that have not traditionally been banned.”
24 670 F.3d at 1285 (Kavanaugh, J., dissenting).

25 To sum up, in the Seventh Circuit, *Wilson* was simply bound by *Friedman*, and
26 *Friedman* did not apply intermediate scrutiny. In the First Circuit, *Worman* lacked record
27 evidence of use or usefulness of assault rifles for self-defense. In the Fourth Circuit,
28 *Kolbe* decided a rifle like the AR-15 was like the M-16 machinegun and therefore outside

1 the ambit of the Second Amendment. Alternatively, *Kolbe* had “scant evidence” in the
 2 record that assault rifles are used or useful for self-protection and there was a plethora of
 3 other permissible guns. In the District of Columbia Circuit, *Heller II* also doubted
 4 whether assault weapons were used or useful for self-defense or hunting and drifted away
 5 from *Heller* into uncharted territory. Even so, the court conceded that a ban on assault
 6 pistols might be unconstitutional. The Second Circuit, in *N.Y. State Rifle & Pistol Ass’n*,
 7 completely relied on the notion rejected by *Heller* that where alternative firearms may be
 8 owned, intermediate scrutiny applies.

9 None of the out-of-circuit decisions comfortably fit this case. None of the cases
 10 went to trial. None of the cases had substantial evidence that AR-15 type rifles are useful
 11 and used by law-abiding citizens for lawful purposes like home-defense and sporting
 12 competition. None of the cases considered an AR-15’s militia use. None of the cases
 13 scrutinized a statute like California’s § 30515 that bans assault rifles, assault shotguns,
 14 and assault pistols, while at the same time prohibiting the sale of all potentially
 15 alternative handguns not included on the State’s shrinking handgun roster. *See* Calif.
 16 Pen. Code § 31910(b)(7); §§ 32000 *et seq.*; *see also Renna*, Case No. 20cv2190-DMS,
 17 Dkt. # 17 Order (filed 4/23/21) (describing California’s shrinking handgun roster where
 18 three guns are dropped for every gun added). Perhaps intermediate scrutiny is still
 19 required under our Ninth Circuit precedents, but not because the out-of-circuit decisions
 20 are similar to this case.

21 **7. *Rupp v. Becerra***

22 The Central District of California rejected a similar challenge to AWCA’s ban on
 23 assault weapons because, like *Kolbe*, it decided on summary judgment that AR-15s are
 24 “virtually indistinguishable from M-16s.” *Rupp v. Becerra*, 401 F. Supp. 3d 978, 988
 25 C.D. Cal. 2019), *appeal pending*, Appeal No. 19-56004. That conclusion would be
 26 unsupported by the trial record here, unless one accepts the overgeneralization that all
 27 semiautomatics are “virtually indistinguishable” from all automatic machineguns. *Rupp*
 28 decided alternatively that intermediate scrutiny should be applied because of the

1 alternative-guns-remain canard. *Id.* at 989 (“AWCA does not severely burden the core of
2 the Second Amendment right because individuals ‘remain free to choose any weapon that
3 is not restricted by the AWCA or another state law.’”). *Rupp* also unfairly discounts the
4 evidence that 30% of modern rifle purchases are made for self-defense by placing too
5 much emphasis on purchases for recreational target shooting. *Id.* (“[W]hile individuals
6 may sometimes purchase assault rifles for self-defense, it is not the primary purpose for
7 doing so.”). Both purposes are lawful and the ban burdens both. It is not convincing to
8 say that stifling one’s need to have a tool chosen 30% of the time for self-defense is not a
9 severe burden on the core constitutional right of self-defense.

10 In any event, the AR-15 is not like the M-16 because one is a fully automatic
11 machinegun and one is not. There is testimony in this case that an AR-15 may fire
12 rounds at speeds up to five to seven rounds per second. Each round requires a finger
13 trigger pull for each round. The AR-15 has no minimum rate of fire. Consequently, the
14 AR-15 type rifle may be fired slowly or up to a hypothetical maximum rate of 300 to 420
15 rounds per minute, assuming no pause for reloading (which by itself is a purely
16 unrealistic hypothetical assumption). Compare this to “[a] modern machine gun [that]
17 can fire more than 1,000 rounds per minute, allowing a shooter to kill dozens of people
18 within a matter of seconds.” *United States v. Henry*, 688 F.3d 637, 640 (9th Cir. 2012)
19 (citation omitted). Federal law has codified the difference for decades. The Supreme
20 Court recognized the difference in *Staples* and *Heller*. The Ninth Circuit most recently
21 recognized the difference in *United States v. Kuzma*, 967 F.3d 959, 967 (9th Cir. 2020),
22 *cert. denied*, 141 S. Ct. 939 (2020); *see also Henry*, 688 F.2d at 640 (“We agree with the
23 reasoning of our sister circuits that machine guns are ‘dangerous and unusual weapons’
24 that are not protected by the Second Amendment.”). Semiautomatic pistols also fire at a
25 rapid rate, yet, neither *Heller* nor *McDonald* found them to be beyond Second
26 Amendment protection for being virtually indistinguishable from prohibited machine
27 pistols.

28 In fact, almost all of the negative aspects of the prohibited modern rifles, like faster

1 firing, are shared with Second Amendment-protected semiautomatic rifles like the Sturm
 2 Ruger Mini 14 and pistols like the Springfield Armory 1911. For example, the Attorney
 3 General asserts that “detachable magazines enhance the ability of a semiautomatic
 4 firearm to fire a large number of rounds quickly, by eliminating the need to reload each
 5 round.”¹⁴⁸ This is true of the Mini 14 rifle and the venerable 1911 pistol. The Attorney
 6 General says, “[t]he ability to accept detachable magazines provides the soldier with a
 7 fairly large ammunition supply and the ability to rapidly reload.”¹⁴⁹ The same is true for
 8 the 1911 pistol. The Attorney General states, “[t]he ability to accept detachable
 9 magazines renders a semiautomatic weapon ‘capable of killing or wounding more people
 10 in a shorter amount of time.’” This is also true for the Mini 14 and the 1911 pistol. The
 11 Attorney General claims, “[t]he use of LCM-equipped firearms in mass shooting results
 12 in a substantially greater number of fatalities and injuries than mass shootings not
 13 involving LCMs.” The same would be true for a Mini 14 or a 1911 pistol equipped with
 14 a large capacity magazine. This was illustrated in the Virginia Tech mass shooting where
 15 two semiautomatic pistols were used to kill 32 people.¹⁵⁰ The Attorney General says that
 16 a pistol grip enables a shooter to maintain accuracy during rapid fire and can enable a
 17 shooter to maintain aim and even fire while reloading a detachable magazine.¹⁵¹ The
 18 same is true for the 1911 pistol. The Attorney General says that a folding or telescoping
 19 stock enhances the portability and concealability of a rifle. A 1911 pistol is much more
 20 portable and concealable than any prohibited rifle. The Attorney General argues that a
 21 flash suppressor enhances the concealability of a shooter in low-light settings. The same
 22 would be true for a fixed flash suppressor on a Mini 14 or a 1911 pistol. The Attorney
 23

24 ¹⁴⁸ Defs. Memo of Contentions of Fact and Law, at 3.

25 ¹⁴⁹ *Id.*

26 ¹⁵⁰ Pls. Exh. 31, Governor’s Report of the Review Panel (2007).

27 ¹⁵¹ *Id.*

1 General sneers that “assault weapons have a military pedigree.” *Id.* at 10. The 1911
2 pistol also has a military pedigree.¹⁵²

3 The point is that most of what the Attorney General says are dangerous features on
4 a prohibited modern rifle are also features on a Second Amendment-protected
5 semiautomatic pistol. The Ruger Mini 14 is not banned by AWCA but it is capable of
6 shooting the same ammunition, at the same speed, with the same type of large capacity
7 magazines, as an AR-15. Perhaps the different treatment is explained by the fact that the
8 Mini 14 looks like an old rifle with a wooden stock. At bottom, guns are dangerous.
9 Guns with removable magazines are dangerous. Guns that can fire from 30-round
10 magazines without reloading are dangerous for thirty rounds worth of uninterrupted time.
11 The Attorney General conflates the increased danger of high-capacity magazines with the
12 innate dangerousness of any semiautomatic firearm and then rests on the conflation to
13 justify a class prohibition on assault weapons. The prohibited rifles shoot farther than
14 pistols but not as far as other permissible rifles. Beyond that, the prohibited firearms
15 share most of the same dangerous characteristics as permissible pistols like the 1911 and
16 the Glock 17. The AR-15 is “virtually indistinguishable” from a semiautomatic pistol in
17 function. The AR-15 is “virtually indistinguishable” from the M-16 machinegun, but
18 only in appearance.¹⁵³

19 C. Militia Use

20 1. *Banning the Ideal Arm for Militia Use Fails Intermediate Scrutiny*

21 The Attorney General does not address or acknowledge whether the ban also
22
23

24 ¹⁵² Preliminary injunction hearing (Hlebinsky) 10/19/20 at 56:7-8 (excess military 1911s
25 sold to the public through the federal Civilian Marksmanship Program).

26 ¹⁵³ Dennis P. Chapman, Colonel (Retired) U.S. Army, *Firearms Chimera*, 8 Belmont L.
27 Rev. 191, 205 (2020) (“The same cannot be said about automatic fire; it exists for the
28 purely military purpose of achieving fire superiority over an enemy force. Automatic and
selective fire is the only significant uniquely military firearms feature.”).

1 imposes a burden on the Second Amendment right to own a firearm that is the ideal
2 weapon for use in the militia. If the modern rifle is the ideal weapon, which it is
3 according to the testimony of General Youngman, then the ban forces a choice of a less-
4 than-ideal weapon for militia use. That may not be a severe burden today when the need
5 for the militia is improbable. One could say the same thing about the improbable need
6 for insurance policies. The point is, neither the Attorney General nor current court
7 decisions address the level of scrutiny to employ where a regulation burdens the Second
8 Amendment right to keep and bear arms for militia service. This Court assumes that for
9 intermediate scrutiny, the “fit” of a total ban is judged on its application to all aspects of
10 exercising the Second Amendment right: home defense, militia use, sporting
11 competitions, hunting, target practice, and other lawful uses.

12 The concept of the citizens’ militia, as protected by the Second Amendment, is an
13 informal assembly of able-bodied, ordinary citizens acting in concert for the security of
14 our nation. *Heller*, 554 U.S., at 600 (“citizens’ militia” is a safeguard against tyranny).
15 “[T]he Militia comprised all males physically capable of acting in concert for the
16 common defense.” *Heller*, 554 U.S., at 595. There are at least two reasons why the
17 militia is thought to be necessary to the security of a free country. First, it is useful in
18 repelling invasions. Second, “when the able-bodied men of a nation are trained in arms
19 and organized, they are better able to resist tyranny.” *Heller*, 554 U.S., at 597–98. For
20 service in the citizens’ militia, one is expected to bring for action a commonly used
21 firearm such as a gun used for self-defense at home or for hunting game. “Ordinarily
22 when called for militia service able-bodied men were expected to appear bearing arms
23 supplied by themselves and of the kind in common use at the time.” *Miller*, 307 U.S., at
24 179. “[W]eapons used by militiamen and weapons used in defense of person and home
25 were one and the same.” *Heller*, 554 U.S., at 624–25 (citation omitted).

26 In this case, the evidence overwhelmingly shows that AR-15 platform rifles are
27 ideal for use in both the citizens’ militia and a state-organized militia. Quite apart from
28 its practicality as a peacekeeping arm for home-defense, a modern rifle can also be useful

1 for war. In fact, it is an ideal firearm for militia service. Major General D. Allen
 2 Youngman, U.S. Army (retired)¹⁵⁴ testified credibly about the usefulness for militia
 3 service of rifles built on the AR-15 platform.

4 He describes three tiers of militia service. General Youngman testified that a state
 5 may or may not have a statute authorizing a state defense force. California does have a
 6 state defense force of approximately 1,000 members. During World War II, California
 7 used a state defense force much larger than 1,000 to secure critical infrastructure. For
 8 this type of militia use, the AR-15 “would be absolutely the perfect weapon for the
 9 individual member of that force to be equipped for -- for a variety of missions to include
 10 infrastructure protection and ones like that.”¹⁵⁵

11 **2. *Why the AR-15 Type Rifle is Ideal for Militia Readiness***

12 The “AR-15 pattern of rifle, with its highly standardized and interchangeable
 13 component parts, is a firearm not just well-suited, but ideal for militia service.”¹⁵⁶ The
 14 AR-15’s use of standardized (“STANAG”) magazines and common ammunition, and its
 15 reliability, low cost, and light weight, serve the same purposes sought to be achieved by
 16 the drafters of our Founding Era militia acts. Furthermore, the modularity and
 17 standardization of the AR-15, its ubiquity, commonality, and widespread ownership in
 18 common ammunition sizes such as .223 and 5.56 x 45mm, and the interchangeability of
 19
 20
 21

22 ¹⁵⁴ In addition to his regular Army service, Youngman served two years as Adjutant
 23 General for the Commonwealth of Kentucky in charge of the Kentucky National Guard.
 24 Youngman Depo. (Jan 6, 2021) at 89:16-20.

25 ¹⁵⁵ *Id.* at 97:19-23. Youngman points out that while one may be a member of the larger
 26 militia, “that does not imply self-deployment or self -- you know, calling yourself into
 27 service and going doing something.”

28 ¹⁵⁶ Youngman Decl., Pls. Exh. 9, ¶ 14; Youngman testimony, Tx of 10/19/20 Hearing at
 85:16-23 (“It would be the ideal weapon for the militia.”).

1 parts, including magazines, makes it ideal.¹⁵⁷

2 “For example,” says General Youngman, “AR-15 rifles can interchange trigger
3 mechanisms, bolt and locking components, barrels, magazines, buttstocks, optical sights,
4 bayonets, and other assorted furniture, with few specialized tools. Further, even if two
5 AR-15s might be set up for vastly different uses (for example, long-range versus short-
6 range engagement), the majority of wearable components remain interchangeable.”¹⁵⁸

7 Youngman explains,

8 The parts interchangeability of the AR-15 platform means any militia field
9 armorer with a short list of components could service the militia’s standard
10 rifles, as well as special purpose armament. It also means that virtually any
11 standard rifle could be equipped by said armorer for a special purpose. It is
12 most certainly in the best interest of the militia for militiamen to have their
13 arms serviceable in such a consistent, economical, and efficient way as is
14 afforded virtually uniquely by the AR-15 platform.¹⁵⁹

15 Moreover, for militia use the low cost is an ideal factor “because we would be
16 asking individuals to acquire and maintain their own in the absence of being issued a
17 weapon. The AR-15 is a very affordable system for the average citizen who might be a
18 member of the militia.”¹⁶⁰ The light weight of the AR-15 also makes it ideal for militia
19 use because “[i]t would accommodate a wide variety of physical[ly] conditioned
20 individuals, as well as smaller stature, as well as female.”¹⁶¹ The pistol grip beneath the
21

22 ¹⁵⁷Youngman Decl., Pls. Exh. 9, ¶¶ 15-19.

23 ¹⁵⁸ *Id.* at ¶ 15.

24 ¹⁵⁹ *Id.* at ¶ 16.

25 ¹⁶⁰ Youngman Depo. (Jan. 2021) at 118:7-11.

26 ¹⁶¹ *Id.* at 119:2-4.

1 action makes the AR-15 more useful for militia use.¹⁶² Without a pistol grip it would be
 2 much more difficult to train loading, unloading, and clearing malfunctions. The pistol
 3 grip also enhances accuracy because it puts the trigger finger in the proper alignment and
 4 helps to control the firearm.¹⁶³ While a folding stock offers no advantage, according to
 5 Youngman, a telescoping stock offers “[t]he ability to properly fit the rifle or the weapon
 6 to an individual regardless of their stature, as well as the ability to accommodate body
 7 armor.”¹⁶⁴ A grenade launcher may have some utility for militia use because it can fire
 8 teargas cartridges or flares.¹⁶⁵ A flash suppressor would be useful at night because, in
 9 Youngman’s words, “you don’t go blind after you fire the first round.”¹⁶⁶

10 A detachable magazine is “absolutely essential” for militia use. Youngman
 11 explains, “[b]ecause in a militia setting . . . you need the ability to change magazines
 12 expeditiously rather than having to manually reload rounds into the -- into the firearm.”
 13 A firearm that has an overall length of 30 inches would be useful in militia service
 14 because of its increased maneuverability particularly for urban operations. The overall
 15 military is going in the direction of a 16-inch barrel rather than the older longer
 16 models.¹⁶⁷

17 Youngman’s testimony is uncontroverted. Youngman is very well qualified to
 18 opine on the usefulness of an AR-15 for militia use. He has served in the regular army
 19 and the army reserves. He served as Kentucky’s Adjutant General commanding the
 20 state’s national guard. He is a firearms trainer and armorer. He was a member of the bar
 21

22 ¹⁶² *Id.* at 133:19.

23 ¹⁶³ *Id.* at 133:23 – 135:1.

24 ¹⁶⁴ *Id.* at 136:25 – 137:3.

25 ¹⁶⁵ *Id.* at 138:7-16.

26 ¹⁶⁶ *Id.* at 138:22-23.

27 ¹⁶⁷ *Id.* at 142:2-8.

1 and worked as a prosecutor. His opinion that an AR-15 is an ideal firearm for use in a
2 militia is unequivocal and uncontested. Of the prohibited features in § 30515(a), most are
3 important for militia use.

4 “*Heller* recognized that militia members traditionally reported for duty carrying
5 ‘the sorts of lawful weapons that they possessed at home,’ and that the Second
6 Amendment therefore protects such weapons as a class, regardless of any particular
7 weapon’s suitability for military use.” *Caetano*, 136 S. Ct. at 1032 (Alito, J., concurring)
8 (citing *Heller*, 554 U.S., at 627). Owing much to the commonality of its ownership, as
9 well as its features and characteristics, the AR-15 is a modern rifle that is suited for use in
10 the militia. Because it is a weapon of light warfare that is commonly owned, commonly
11 trained, with common characteristics, and common interchangeable parts, it is protected
12 for militia use by the Second Amendment. California’s statutes impose criminal
13 penalties for making and possessing, by ordinary citizens who would make up a militia, a
14 firearm that is well-suited for militia service. It is the exact opposite of a statute with a
15 reasonable fit and places the most severe burden on those who are able to be part of the
16 citizens’ militia, and ultimately burden all of the people of the state and the nation.

17 Some courts have coined the AR-15 a “weapon of war.” *E.g.*, *Kolbe*, 849 F.3d at
18 124. Some courts have concluded that because the AR-15 is most useful in military
19 service, it is not protected by the Second Amendment. *See, e.g.*, *Worman v. Healey*, 293
20 F. Supp. 3d 251, 266 (D. Mass. 2018) (AR-15s are most useful in military service,
21 therefore they are beyond the scope of the Second Amendment). Some courts have
22 reasoned that an M-16 is most useful in military service and thus can be banned and that
23 the AR-15 is “like” the M-16 so it also can be banned. *See, e.g.*, *Rupp*, 401 F. Supp. 3d at
24 987 (“the Court agrees with *Kolbe*’s conclusion that ‘AR-15-type rifles are ‘like’ M16
25 rifles under any standard definition of that term.’”).

26 But *Miller* held that it is precisely this type of firearm – a firearm that has a
27 reasonable relationship to militia service -- that is protected by the Second Amendment.
28 It is a principle that *Heller* grasped. “This holding [of *Miller*] is not only consistent with,

1 but positively suggests, that the Second Amendment confers an individual right to keep
 2 and bear arms (though only arms that ‘have some reasonable relationship to the
 3 preservation or efficiency of a well regulated militia’”). *Heller*, 554 U.S., at 622; *see also*
 4 *Lewis v. United States*, 445 U.S. 55, n.8 (1980) (“the Second Amendment guarantees no
 5 right to keep and bear a firearm that does not have ‘some reasonable relationship to the
 6 preservation or efficiency of a well regulated militia.’”) (quoting *Miller*, 307 U.S., at
 7 178); *Wilson v. Cook County*, 937 F.3d 1028 (7th Cir. 2019) (“We, however, attempted to
 8 evaluate the Highland Park Ordinance in more “concrete” terms by asking: ‘whether a
 9 regulation bans weapons . . . that have ‘some reasonable relationship to the preservation
 10 or efficiency of a well regulated militia,’ and whether law-abiding citizens retain
 11 adequate means of self-defense.’”); *Miller v. Sessions*, 356 F. Supp. 3d 472, 478 (E.D.
 12 Pa. 2019) (“In 2008, sixty-nine years after it last revisited the Second Amendment, the
 13 Supreme Court ultimately held that in addition to ‘preserving the militia,’ the Second
 14 Amendment guarantees an individual right to keep and bear arms.”); *but see Hatfield v.*
 15 *Sessions*, 322 F. Supp. 3d 885, 889 (S.D. Ill. 2018), *rev’d on other grounds sub nom.*,
 16 *Hatfield v. Barr*, 925 F.3d 950 (7th Cir. 2019) (“Another case jumps the ship and asks if
 17 the challenged regulation has ‘some reasonable relationship to the preservation or
 18 efficiency of a well regulated militia,’ a test which contradicts *Heller* itself.”).

19 The Attorney General does not agree that the militia clause can put the brakes on
 20 the state’s power to ban arms that are ideal for militia use. But the militia clause informs
 21 the full understanding of the right. “The militia clause helps us understand the contours
 22 of the Second Amendment. After *Heller*, the prefatory clause may not dictate the content
 23 of Second Amendment rights, but neither is it irrelevant to it.” *Young v. State of Hawaii*,
 24 992 F.3d 765, 825 (9th Cir. 2021) (*en banc*). Forty-four of the fifty states have a Second
 25 Amendment analogue and most have a clause referring to the militia and the right to
 26 defend self and state. *Id.* at 816 (collecting provisions).

27 The point was made in this Court’s decision in *Rhode v. Becerra*,

28 The Supreme Court also recognizes that the Second Amendment

1 guarantee includes firearms that have “some reasonable relationship to the
 2 preservation or efficiency of a well-regulated militia.” *United States v.*
 3 *Miller*, 307 U.S. 174, 178 (1939). *Miller* implies that possession by a law-
 4 abiding citizen of a weapon and ammunition commonly owned, that could
 5 contribute to the common defense, is also protected by the Second
 Amendment.

6 *Heller* and *Miller* are consistent. *Heller* took the already expansive
 7 zone of protection for weapons that could be used by a militia and focused
 8 on the core use of firearms for defending the home. “It is enough to note, as
 9 we have observed, that the American people have considered the handgun to
 10 be the quintessential self-defense weapon Whatever the reason, handguns
 are the most popular weapon chosen by Americans for self-defense in the
 home, and a complete prohibition of their use is invalid.” *Heller*, 128 S. Ct.
 at 2818. As *McDonald* puts it,

11 in *Heller*, we recognized that the codification of this right was
 12 prompted by fear that the Federal Government would disarm
 13 and thus disable the militias, but we rejected the suggestion that
 14 the right was valued only as a means of preserving the militias.
 On the contrary, we stressed that the right was also valued
 15 because the possession of firearms was thought to be essential
 for self-defense. As we put it, self-defense was ‘the central
 16 component of the right itself.’ *McDonald*, 561 U.S. at 787. In
 17 *Caetano v. Massachusetts*, the Court underscored these two
 18 points. One, the Second Amendment extends to common
 modern firearms useful for self-defense in the home. Two,
 19 common firearms beyond just those weapons useful in warfare
 are protected. See *Caetano*, — U.S. —, 136 S. Ct. 1027,
 20 1028 (2016) (per curiam) (quoting *Heller*, 554 U.S. at 582, 624-
 21 25, 128 S. Ct. 2783); *contra Kolbe v. Hogan*, 849 F.3d 114, 131
 22 (4th Cir. 2017) (weapons useful in warfare are not protected by
 the Second Amendment).

23 445 F. Supp. 3d 902, 929 (S.D. Cal. 2020), *appeal stayed*, Appeal No. 20-55437. Major
 24 General Youngman did not address the utility of other modern rifles, such as the
 25 semiautomatic AK-47, for militia use. The evidence is clear, however, that the AR-15
 26 type of modern rifle bears a reasonable relationship to the preservation and efficiency, as
 27 well as the effectiveness, of a modern well-regulated militia. It is therefore categorically
 28 protected by the Second Amendment.

1 **3. Citizen Militias are not Irrelevant**

2 Before the Court there is convincing and un rebutted testimony that the versatile
3 AR-15 type of modern rifle is the perfect firearm for a citizen to bring for militia service.
4 A law that bans the AR-15 type rifle from militia readiness is not a reasonable fit for
5 protecting the Second Amendment right to keep and bear arms for the militia. It has been
6 argued that citizens with nothing more than modern rifles will have no chance against an
7 army with tanks and missiles. But someone forgot to tell Fidel Castro who with an initial
8 force of 20 to 80 men armed with M-1 carbines, walked into power in Havana in spite of
9 Cuba's militarized forces armed with tanks, planes and a navy. Someone forgot to tell
10 Ho Chi Minh who said, "Those who have rifles will use their rifles. Those who have
11 swords will use their swords. Those who have no swords will use their spades, hoes, and
12 sticks," and eventually defeated both the French and the United States military. Someone
13 forgot to tell the Taliban and Iraqi insurgents. Citizen militias are not irrelevant.

14 For this reason, state statutes ought to specifically preserve the right and ability of
15 its law-abiding responsible citizens to acquire and possess such arms. But to
16 purposefully *criminalize* acquisition and possession of an AR-15 type modern rifle, as
17 California does, particularly because it would be useful in militia warfare, is contrary to
18 one of the purposes of the Second Amendment and therefore displays no degree of fit.

19 **D. Experiments**

20 The Attorney General objects saying the government "must be allowed a
21 reasonable opportunity to experiment with solutions to admittedly serious problems." *Id.*
22 at 969-70 (quoting *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 52 (1986)).
23 How long does the experiment go on and what are its limits? California has had more
24 than a reasonable opportunity to experiment. In the face of the failed federal experiment
25 California persists with its experiment. The facts found in this trial are that the California
26 statute has not solved the problem of mass shootings or the shooting of police officers
27 despite 40 years of testing.

1 **E. Deference**

2 The Attorney General maintains that under intermediate scrutiny, courts “afford
3 substantial deference to the predictive judgments of the legislature.” *Pena v. Lindley*, 898
4 F.3d 969, 979 (9th Cir. 2018) (quotation omitted). Deference makes sense when new
5 problems arise and new solutions are needed. At some point it becomes clear whether a
6 legislature’s predicted solution is incorrect. At this point, in this case, is it clear that the
7 California Legislature’s predictions were incorrect when it passed AWCA in 1989 and
8 amended AWCA in 1999. The demonstrably incorrect predictions are no longer entitled
9 to judicial deference.

10 **F. Selecting among alternatives**

11 The Attorney General retreats to the principle that even when the record contains
12 “conflicting legislative evidence,” intermediate scrutiny “allow[s] the government to
13 select among reasonable alternatives in its policy decisions.” *Id.* (quotation omitted).
14 The legislative record of AWCA makes clear that that respecting a citizen’s constitutional
15 right of armed self-defense was not among the considered alternatives – it was not a
16 consideration at all. Likewise, a citizen’s constitutional right to be prepared for armed
17 militia service was not a considered alternative. The California Legislature did not
18 choose among reasonable alternatives as none of the alternatives included protecting
19 space for a citizen’s Second Amendment rights.

20 The Attorney General argues that deferential review is particularly appropriate
21 here because “the legislature is ‘far better equipped than the judiciary’ to make sensitive
22 public policy judgments (within constitutional limits) concerning the dangers in carrying
23 firearms and the manner to combat those risks,” quoting *Kachalsky v. Cty. of*
24 *Westchester*, 701 F.3d 81, 97 (2d Cir. 2012). A legislature may be better equipped, but in
25 the end, a legislature must also actually make those sensitive judgments and must make
26 them within constitutional boundaries. However, the California Legislature made its
27 AWCA policy judgment without protecting or considering a citizen’s individual Second
28 Amendment rights. Therefore, its judgment is outside of the constitutional limits and

1 entitled to no deference.

2 **G. No reasonable fit**

3 The end of the road is here. AWCA fails intermediate scrutiny because it lacks a
4 reasonable fit. It is a continuing failed experiment which does not achieve its objectives
5 of preventing mass shootings or attacks on law enforcement officers. The evidence
6 suggests it has made no difference at all. Where it has made a large difference is on the
7 lives of numerous law-abiding citizens who would make, buy, and use these prohibited
8 weapons for home defense and militia readiness, but for the threat of severe criminal
9 punishments. A reasonable fit would, at the very least, include a broad exception for
10 home defense. A reasonable fit would, at the very least, also recognize an exception for
11 maintaining an AR-15 type rifle for militia readiness. But today there are no such
12 exceptions. Thus, it burdens substantially more protected activity than is necessary to
13 further the state's goals.

14 AWCA certainly falls under the more demanding standard of strict scrutiny.
15 Narrow tailoring using the least restrictive means under strict scrutiny would go much
16 farther and include specific exceptions for a person to acquire and possess an assault
17 weapon for self-defense in other habitations such as a motorhome, houseboat, camping
18 tent, and hotel room, and an exception for those unable to comfortably afford more than
19 one firearm for self-defense to bear an assault weapon everywhere firearms are not
20 prohibited. Narrow tailoring would include a safe-harbor provision for all home defense
21 use, self-defense use in any non-sensitive place, hunting, sports, and all other lawful
22 activities and militia readiness uses.

23 Perhaps there are better experiments that can be tried by the State to reduce mass
24 shootings.¹⁶⁸ As stated previously, shooters seek notoriety and news coverage. Perhaps
25

26
27 ¹⁶⁸ Defs. Exh. AC, at 17 ("In other words, the deadliest public mass shooters' murderous
28 intent is larger, but so is their criminal footprint. And this makes sense: When more

1 restraint in news coverage might be a novel approach.¹⁶⁹ Perhaps the better education of
 2 our children or perhaps the expansion of our mental health care system will be the
 3 answer.

4 In the end, the Bill of Rights is not a list of suggestions or guidelines for social
 5 balancing. The Bill of Rights prevents the tyranny of the majority from taking away the
 6 rights of a minority. When a state nibbles on Constitutional rights, who protects the
 7 minorities? The federal courts. The Second Amendment protects any law-abiding
 8 citizen's right to choose to be armed to defend himself, his family, and his home. At the
 9 same time, the Second Amendment protects a citizen's right to keep and bear arms to use
 10 should the militia be needed to fight against invaders, terrorists, and tyrants. The Second

11 _____
 12
 13 ambitious attacks are planned over a longer period of time, that creates more opportunity
 14 for perpetrators to make mistakes and let incriminating information slip out, along with
 15 more opportunity for warning signs to be observed by the public and reported to law
 16 enforcement. The deadliest public mass shootings have the worst impact on society, *but*
they should be the easiest to prevent.") (emphasis added).

17 ¹⁶⁹ Defs. Exh. AC, at 15 (citations omitted). Sociologists Lankford and Silver suggest
 18 media restrictions. "Fortunately, it may be possible to disrupt the reward system that
 19 incentivizes public mass shooters to kill large number of victims for fame and attention.
 20 The key is changing how the news media cover these attacks. . . . The consensus from
 21 scholars and law enforcement is clear: Stop publishing the names and photos of public
 22 mass killers (except during ongoing searches for escaped suspects), but continue
 23 reporting the other details of these crimes in a responsible manner. An open letter calling
 24 for this approach has been signed by 149 criminologists, professors, and law enforcement
 25 professionals. And similar recommendations have been supported by the FBI, the
 26 International Association of Chiefs of Police, the International Police Association, and
 27 the advocacy group "No Notoriety," along with some political leaders, families of
 28 victims, and media members themselves.

If this approach is implemented nationwide, it could result in deterring a
 substantial proportion of fame and attention-seekers from committing public mass
 shootings, while removing the incentive for them to kill large numbers of victims to forge
 a legacy. The strategy of refusing to publish their names and photos would also be
 consistent with the core tenets of deterrence theory: It would be swift, certain, and
 severe."

1 Amendment is about America's freedom: the freedom to protect oneself, family, home,
2 and homeland. California's assault weapon ban disrespects that freedom.

3 IV. CONCLUSION

4 Plaintiffs challenge California Penal Code §§ 30515(a)(1) through (8) (defining an
5 "assault weapon" by prohibited features), 30800 (deeming certain "assault weapons" a
6 public nuisance), 30915 (regulating "assault weapons" obtained by bequest or
7 inheritance), 30925 (restricting importation of "assault weapons" by new residents),
8 30945 (restricting use of registered "assault weapons"), and 30950 (prohibiting
9 possession of "assault weapons" by minors). It is declared that these statutes
10 unconstitutionally infringe the Second Amendment rights of California citizens. These
11 statutes and the penalty provisions §§ 30600, 30605 and 30800 as applied to "assault
12 weapons" defined in Code §§ 30515(a)(1) through (8) are hereby enjoined.

13 You might not know it, but this case is about what should be a muscular
14 constitutional right and whether a state can force a gun policy choice that impinges on
15 that right with a 30-year-old failed experiment. It should be an easy question and answer.
16 Government is not free to impose its own new policy choices on American citizens where
17 Constitutional rights are concerned. As *Heller* explains, the Second Amendment takes
18 certain policy choices and removes them beyond the realm of permissible state action.
19 California may certainly conceive of a policy that a modern rifle is dangerous in the
20 hands of a criminal, and that therefore it is good public policy to keep modern rifles out
21 of the hands of every citizen. The Second Amendment stands as a shield from
22 government imposition of that policy.

23 There is only one policy enshrined in the Bill of Rights. Guns and ammunition in
24 the hands of criminals, tyrants and terrorists are dangerous; guns in the hands of law-
25 abiding responsible citizens are better. To give full life to the core right of self-defense,
26 every law-abiding responsible individual citizen has a constitutionally protected right to
27 keep and bear firearms commonly owned and kept for lawful purposes. In early America
28 and today, the Second Amendment right of self-preservation permits a citizen to "repel

1 force by force’ when ‘the intervention of society in his behalf, may be too late to prevent
 2 that injury.’” *Heller*, 554 U.S., at 594. Then, as now, the Second Amendment “may be
 3 considered as the true palladium of liberty.” *Id.* at 606 (citation omitted). Unfortunately,
 4 governments tend to restrict the right of self-defense. “[I]n most governments it has been
 5 the study of rulers to confine the right within the narrowest limits possible.” *Id.* (citation
 6 omitted). Fortunately, no legislature has the constitutional authority to dictate to a good
 7 citizen that he or she may not acquire a modern and popular gun for self-defense.

8 The Court does not lightly enjoin a state statute. However, while the Court is
 9 mindful that government has a legitimate interest in protecting the public from gun
 10 violence, it is equally mindful that the Constitution remains a shield from the tyranny of
 11 the majority. As Senator Edward Kennedy said, “[t]he judiciary is – and is often the only
 12 – protector of individual rights that are at the heart of our democracy.” Law-abiding
 13 citizens are imbued with the unalienable right to keep and bear modern firearms.

14 V. TEMPORARY STAY

15 The Attorney General asked for a stay of any injunction pending appeal. A party
 16 seeking a stay must establish that he is likely to succeed on the merits, that he is likely to
 17 suffer irreparable harm in the absence of relief, that the balance of equities tip in his
 18 favor, and that a stay is in the public interest. *Humane Soc’y of the United States v.*
 19 *Gutierrez*, 558 F.3d 896, 896 (9th Cir. 2009), citing *Winter v. NRDC, Inc.*, 555 U.S. 7, 19
 20 (2008). The Ninth Circuit has held that a likelihood of success per se is not an absolute
 21 requirement and that serious questions going to the merits can support issuance of an
 22 injunction. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1085 (9th Cir. 2014)
 23 (discussing the parallel preliminary injunction standard). Serious questions are
 24 “substantial, difficult and doubtful . . . [and] need not promise a certainty of success, nor
 25 even present a probability of success, but must involve a fair chance of success on the
 26 merits.” *Republic of Philippines v. Marcos*, 862 F.2d 1355, 1362 (9th Cir. 1988).

27 Because this case involves serious questions going to the merits, a temporary stay
 28 is in the public interest. This declaration and permanent injunction are stayed for 30 days

1 during which time the Attorney General may appeal and seek a stay from the Court of
2 Appeals. After 30 days, the following Order will take full force and effect:

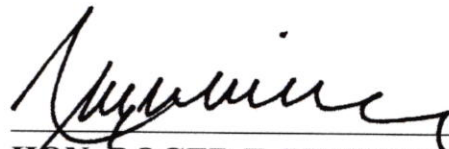
3 **IT IS HEREBY ORDERED that:**

4 1. Defendant Attorney General Rob Bonta, and his officers, agents, servants,
5 employees, and attorneys, and those persons in active concert or participation with him,
6 and those duly sworn state peace officers and federal law enforcement officers who gain
7 knowledge of this injunction order or know of the existence of this injunction order, are
8 enjoined from implementing or enforcing the California Penal Code §§ 30515(a)(1)
9 through (8) (defining an “assault weapon” by prohibited features), 30800 (deeming those
10 “assault weapons” a public nuisance), 30915 (regulating those “assault weapons”
11 obtained by bequest or inheritance), 30925 (restricting importation of those “assault
12 weapons” by new residents), 30945 (restricting use of those registered “assault
13 weapons”), and 30950 (prohibiting possession of those “assault weapons” by minors) and
14 the penalty provisions §§ 30600, 30605 and 30800 as applied to “assault weapons”
15 defined in Code §§ 30515(a)(1) through (8).

16 2. Defendant Attorney General Rob Bonta shall provide forthwith, by personal
17 service or otherwise, actual notice of this order to all law enforcement personnel who are
18 responsible for implementing or enforcing the enjoined statute. Within 10 days, the
19 government shall file a declaration establishing proof of such notice. Alternatively, the
20 parties may file a stipulation.

21 **IT IS SO ORDERED.**

22 Dated: June 4, 2021

23 
24 **HON. ROGER T. BENITEZ**
25 United States District Judge
26
27
28

To the Honorable Members of the Colorado Legislature,

I am writing to express my vehement opposition to the proposed HB24-1292, which seeks to ban assault weapons in the state of Colorado. As a law-abiding citizen and staunch advocate for individual rights, I firmly believe that such a measure is not only misguided but also poses a serious threat to the fundamental freedoms and safety of our communities.

First and foremost, it is essential to recognize that firearms, including so-called "assault weapons," are an integral part of American heritage and culture. The right to keep and bear arms is enshrined in the Second Amendment of the United States Constitution, a cornerstone of our democracy that guarantees the individual's ability to defend themselves, their loved ones, and their property against tyranny and criminal threats.

Moreover, the term "assault weapon" itself is nebulous and misleading, often used to evoke fear and misconceptions about firearms that are commonly owned and responsibly used by millions of law-abiding citizens for self-defense, sporting purposes, and collecting. Contrary to popular belief, these firearms are not inherently more dangerous than any other type of firearm.

Furthermore, history has shown us time and time again that prohibitive measures targeting firearms only serve to disarm law-abiding citizens, leaving them vulnerable to criminals who will obtain weapons through illicit means regardless of legal restrictions. In places where stringent gun control measures have been implemented, such as Chicago, Washington, D.C. and recently Washington State, violent crime rates have not seen significant decreases. In fact, many studies have demonstrated that areas with stricter gun control laws often experience higher rates of violent crime, as criminals are emboldened by the knowledge that their victims are less likely to be armed and able to defend themselves effectively.

Additionally, the proposed assault weapons ban fails to address the root causes of violence in our society, such as poverty, mental health issues, and the breakdown of familial and community structures. Instead of scapegoating law-abiding gun owners and infringing on their constitutional rights, we should be focusing on comprehensive solutions that address these underlying issues and promote responsible firearm ownership and education.

In conclusion, I strongly ask you to reject HB24-1292 and any other misguided attempts to restrict the rights of law-abiding citizens to keep and bear arms. I urge you to focus on evidence-based solutions that address the root causes of violence while respecting

the rights of law-abiding citizens. Our Constitution guarantees us the right to defend ourselves and our families, and it is imperative that we uphold and protect this fundamental freedom for generations to come. Criminals do not pick soft targets, they thrive in "gun free" zones. An armed society is a polite society. I implore you to uphold the principles of liberty and individual rights by rejecting this misguided assault weapons ban.

Let us work together to find meaningful solutions that prioritize both public safety, education and individual liberties, to ensure a better society for us, our children and our children's children.

Thank you for hearing my testimony.
Sincerely,

Chris Dickson
3672 Greenways Main Blvd
Colorado SPrings, CO
80922

3/17/2024

A handwritten signature in black ink, appearing to read "Chris Dickson", written in a cursive style.

HB24-1292 PROHIBIT CERTAIN WEAPONS USED IN MASS SHOOTINGS

Dear distinguished members of the Colorado House Judiciary Committee, my name is Clinton Lynch.

I am a firearms industry professional with over 20 years of experience in the design and development of a number of firearms platforms and accessories. I have had the privilege of supporting the missions of US Military and Government personnel, Law Enforcement professionals, and responsible citizens by providing essential tools and education across the United States.

I am a husband, a father, a son. I support our law enforcement officers, emergency first responders, and uniformed and reserve military personnel. I am a man of integrity, purpose, and principal. I am a regular everyday average American citizen.

I write to you today to OPPOSE HB24-1292 or the “Prohibit Certain Weapons Used in Mass Shootings” bill.

In addition to criminalizing the most commonly used and owned sporting and defense-adaptable firearms – and by extension the millions of Coloradoans who employ and enjoy these types of firearms legitimately and legally – this bill will do nothing to prohibit determined criminals from carrying out heinous acts by any means or tools available. The unfortunate reality is that limiting or trying to impose more controls on the law-abiding citizens in this State who own guns will have no impact on the big picture – that of keeping our schools and our workplaces safe.

Further restrictions on responsible gun owners will only potentially make felons of law-abiding citizens, further jeopardizes people’s safety and their Constitutional Right to bear arms and defend themselves, and empowers criminals – who by definition are not concerned or dissuaded by laws to begin with. This latest attempt at gun control is the equivalent of putting a band-aid on an amputated limb – it will do nothing to address the actual problem.

The State’s resources and energy would arguably be better spent on researching, sourcing, and / or creating and providing better training and resources for our law enforcement personnel, teachers and school resource officers, and other professionals to deal with the ever-increasing number of residents with mental health disorders, the socially at-risk and homeless population, and the like. Rather than seeking to penalize the citizens who are listening to and following the laws in a State that seems bent on becoming one of the most restrictive on this issue, I would encourage Committee Members to find real solutions to Colorado’s other larger problems.

At this time I remain opposed to all gun control proposals.

Respectfully Submitted,
Clinton Lynch
Erie, CO
March 18, 2024



WRITTEN TESTIMONY: HB24-1292 (Hernandez - Epps) OPPOSE Joseph Ramos, MD
 to: committees.lcs.ga@coleg.gov 03/19/2024 12:56 AM
 Cc: "rose@roseforcolorado.com"

Dear Committee Members:

I am submitting written testimony here as the website was not allowing me to upload my testimony.

Please **oppose HB24-1292** that is titled: "*Prohibit Certain Weapons Used in Mass Shootings.*" While this Bill has a catchy name – it is misleading and any vote in favor of this Bill by the House Judiciary Committee is misdirecting time and resources in a non-meaningful and non-impactful manner.

I worked and taught in Level I Trauma Centers (Denver Health Medical Center and the University Hospital) for over 10 years. During this time, it was not a particular type of weapon that resulted in the many gunshot victims I treated; rather, it was unequivocally the mental health and criminal activities of certain individuals that resulted in the trauma.

The individuals that get their hands on the particular guns you are targeting here will CONTINUE to get guns and will continue to commit crimes. This Bill only serves to bind, block, and penalize the citizens of Colorado who do things legally (and are already exposed to adequate restrictions).

A better use of resources would be to invest in mental health and emotional support for people who are struggling and began threatening inappropriate activities. In addition to mental health support, I would reconsider criminal penalties and aim to prosecute the 'time commensurate with the crime.' Simply put, the people who commit these crimes are typically not afraid of the consequences because they are "in and out" of the jail/criminal systems relatively fast.

I have taken care of a lot of gunshot victims over my career. I cannot remember a single one that was a legal gunowner who had undergone a background check and was functional in society. There is a very common and well known profile and if you want to see it, go to any local Level I Trauma Center for a night and you will see why I say: "This Bill only serves to bind, block, and penalize the citizens of Colorado who do things legally (and are already exposed to adequate restrictions)."

Thank you for **OPPOSING** this Bill.

Joseph Ramos, MD, JD

Sincerely,

Joseph Ramos, MD, JD
 Owner

RAMOS LAW



10190 Bannock St Suite 200
Northglenn, CO 80260
ramoslaw.com
Attorneys Licensed in 22 States

d: 303.731.2290
o: 303.733.6353
f: 303.865.5666



CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.



The Gun Rights and the Reasons for it...Kenny Stilson to: committees.lcs.ga 03/19/2024
09:23 AM

With guns being so controversial, the arguments for each side are understandable, but unfortunately the gun control bills being voted on haven't been considered in all aspects. Making MORE laws? How does this help, when crimes are performed by those with no respect for the law, so more laws more broken laws. Gun owners do, everything they can to be law abiding, safe, knowledgeable and helpful with firearms and the safe handling of such. Under the belief that more is better, is nothing more than a logical folly. Your resources for what your party calls "Gun Violence " is right there incorrect. It should worded as such, "Crimes committed, IN WHICH a firearm was present or used to perform a violent form of harm. But, the politicians think they can just, change the definition of a word on the fly, to get the vote, complete their agenda and get more money. Speaking to politicians today's seems such a waste of time. You all have your mind made up before you were elected. It's like a giant , time to get even or get back at those you never liked. When is someone going to be the ADULT in the room? Today? We'll see...Thank you



A new bill (HB24-1292: Prohibit Certain Weapons Used in Mass Shootings)MARIJEAN DECESARIS to: committees.lcs.ga 03/18/2024 07:43 PM

Good afternoon,

In regards to a a new bill (HB24-1292: Prohibit Certain Weapons Used in Mass Shootings) that has been introduced this year that more clearly defines "assault weapon" and prohibits a person from manufacturing, importing, purchasing, selling, offering to sell, or transferring ownership of an assault weapon in which the bill further prohibits a person from possessing a rapid-fire trigger activator, and a violation of this would be a class 2 misdemeanor.

This bill has a committee hearing scheduled on March 19th.

I am in total support of this bill and hope Colorado does the right thing to reduce mass shootings.

Sincerely,

Marijean DeCesaris

Silverthorne, CO

Sent from my iPhone



Against HB24-1292 Assault Weapons Ban Sidney Patin to: LCS Committees 03/18/2024
02:26 PM

History: This message has been replied to.

Your "upload" on the website is not working.

Please present my written testimony as follows, and please confirm receipt by replying to this email. Thank you. Sidney Patin.

To: House Judiciary Committee
March 19, "upon adjournment"

Opposition to Assault Weapons Ban HB24-1292

My name is Sidney Patin. I strongly oppose HB24-1292, and I adopt the statements of the organizations Rocky Mountain Gun Owners and Colorado State Shooters Association, which oppose this measure and others like it before the General Assembly this session.

Gun bans, like this one, are a direct and obvious infringement of both the United States and Colorado Constitutions and have been shown to have no positive effect on crime rates or deterrence of mass shootings. This so-called 'assault weapons' ban senselessly turns thousands of law-abiding Colorado citizens and business owners into criminals for simply attempting to sell a firearm with features arbitrarily deemed 'scary' by gun grabbing Democrats. The language of HB24-1292 would outlaw most if not all semi-automatic pistols and rifles used for legal purposes in Colorado and most of the rest of this country. It is a clear violation of the 2nd Amendment of the US Constitution because it infringes on the right to own and possess firearms. It also violates the 4th, 5th and other Amendments because it chills the rights of citizens to prohibit them from exercising their rights.

The Constitution does not limit the right to own and possess firearms to just a few weapons. Semi-auto pistols are commonly and legally carried to protect person and property, and that has been the case for many years. The same is true for AR style rifles and other semi-auto rifles and shotguns.

The actions of a few crazed lunatics do not justify disarming the entire population. The legislature should instead direct its efforts toward better security to protect soft targets like schools, churches, and other places where people gather. "Gun Free Zone" is just an invitation to a soft target with no defenses. HB24-1292 would make the whole state a "Gun Free Zone" and turn the state into a soft target, inviting more mass shootings, not less.

The language of the anti-gun measure displays the lack of understanding of firearms by the authors of the measure. Pistol grips, detachable magazines, shrouds, protruding grip, or other attachments, like a grenade launcher, do not make a gun an assault weapon. It could be said that any weapon used to assault people is an assault weapon. But the same weapon could also be

said to be a defensive weapon, which could be properly and legally used to defend one self, or family members, others, or property. It is the use of the weapon, not the ornaments, that make a difference.

The legislature should instead consider how to control the criminals who commit these horrible acts, and not deprive law abiding citizens of their Constitutional rights.

Sidney L. Patin
460 Silver Spring Cir.
Colorado Springs, CO 80919
Telephone: 719-578-5104
Email: spatin51@msn.com



opposition HB24-1292 "assault weapons ban" Sidney Patin to:
committees.lcs.ga@coleg.gov 03/14/2024 11:41 AM
History: This message has been replied to.

Please confirm receipt of this written testimony in opposition to HB24-1292. Thank you.

Opposition to Assault Weapons Ban HB24-1292

My name is Sidney Patin. I live in Colorado Springs. I strongly oppose HB24-1292, and I adopt the statement of the organization Rocky Mountain Gun Owners and Colorado State Shooters Association, which oppose this measure and others like it before the General Assembly this session.

Gun bans, like this one, are a direct and obvious infringement of both the United States and Colorado Constitutions and have been shown to have no positive effect on crime rates or deterrence of mass shootings. This so-called 'assault weapons' ban senselessly turns thousands of law-abiding Colorado citizens and business owners into criminals for simply attempting to sell a firearm with features arbitrarily deemed 'scary' by gun grabbing Democrats. The language of HB24-1292 would outlaw most if not all semi-automatic pistols and rifles used for legal purposes in Colorado and most of the rest of this country. It is a clear violation of the 2nd Amendment of the US Constitution because it infringes on the right to own and possess firearms. It also violates the 4th, 5th and other Amendments because it chills the rights of citizens to prohibit them from exercising their rights.

The Constitution does not limit the right to own and possess firearms to just a few weapons. Semi-auto pistols are commonly and legally carried to protect person and property, and that has been the case for many years. The same is true for AR style rifles and other semi-auto rifles and shotguns.

The actions of a few crazed lunatics do not justify disarming the entire population. The legislature should instead direct its efforts toward better security to protect soft targets like schools, churches, and other places where people gather. "Gun Free Zone" is just an invitation to a soft target with no defenses. HB24-1292 would make the whole state a "Gun Free Zone" and turn the state into a soft target, inviting more mass shootings, not less.

The language of the anti-gun measure displays the lack of understanding of firearms by the authors of the measure. Pistol grips, detachable magazines, shrouds, protruding grip, or other attachments, like a grenade launcher, do not make a gun an assault weapon. It could be said that any weapon used to assault people is an assault weapon. But the same weapon could also be said to be a defensive weapon, which could be properly and legally used to defend one self, or family members, others, or property. It is the use of the weapon, not the ornaments.

The legislature should instead consider how to control the criminals who commit these horrible acts, and not deprive law abiding citizens of their Constitutional rights. Thank you.

Sidney L. Patin
460 Silver Spring Cir.
Colorado Springs, CO 80919
Telephone: 719-578-5104
Email: spatin51@msn.com

Mr. Hernandez,

Allow me to inform you, albeit unfortunate, you lack intellect and a will for good. Your thought process is clearly disordered. Despite my best efforts to try to understand your reasoning (and other gun grabbers like you), I can't wrap my head around it. The best I can come up with is that your intentions are impure. You have been brainwashed to believe you can justify the means with an end. That's disordered. This bill you've proposed hints to me that you want to play God. That's a terrible idea. Allow me to educate you a bit on our creator, and how you trying to act as him in this way won't end well for you or your counterparts in the Colorado Legislator that sponsor this bill.

So, you want to stop "mass shootings." That's great. So do we all. However, your proposed bill WILL NOT accomplish your goal. Mr. Hernandez, you must realize that evil exists in this world. A fall occurred long before you and I were alive. The result, sin was born into this world. It is more prevalent today than it ever has been. See, God desires our happiness. He gave us the gift of free will and the ability to make life choices. The one thing you need to understand is that with free will, we also need to be prepared to accept the consequences of our choices. He wants us to choose good. He never wanted evil to exist, but here we are. We live in the devil's playground. Now that we are stuck with sin, Satan can influence the souls of every human being and it is our duty to disobey him. The only way we can beat him is through God's grace. Legislation cannot compete with Satan. In fact, most legislation tends to create more evil.

All responsible gun owners understand that fact I laid out for you above. It is our duty, all United States Citizens, to resist the devil and to will good in this world. Our guns act as a secondary defense against evil when God's free gift of grace isn't plentiful enough to stop the evil. Our Founding Fathers understood this. That's why they included the Second Amendment in the Bill of Rights. Those rights in the Bill of Rights are unalienable and God-given. All responsible and lawful gun owners take the ownership of guns serious. To that point, there has NEVER been a responsible and lawful gun owner use a firearm to commit a heinous act that you claim this bill will stop.

Your legislation promotes evil. All gun violence happens because evil people wish evil acts on the good. Evil people don't know God. They are influenced by Satan and either knowingly or sometimes unknowingly commit the atrocities devised by him. Satan does know God; he actually knows everything about God. He knows how to combat him and knows how to influence us to beat him. Influences common today, just to name a few, are through ignorance, hate, pride, and materialism. We have much bigger issues on our plates that you could be using your power to combat for the good of our State. The tools targeted by this legislation are not the issue. The bill simply put takes guns out of the hands out of responsible gun owners and keeps them in the hands of the evildoers. That is exactly what the devil wants.

I think you carry hate in your heart. I see it on your X and Instagram feeds. You believe those that disagree with you are the evil ones. You are being influenced by the devil daily, and through his desires you are using your power to attack your perceived "enemies." I think that is your true intention. You really don't care about limiting true evil. You are attacking what you perceive to be evil because you are lost and unhappy. You don't have God in your life. You refuse to seek truth. God is love and truth. If you don't pursue love and truth, you will be destined for a life of bitterness and unhappiness. You are likely already there. It is documented on all sixteen pages of this bill. I urge you to walk away from this bill and the seven others like it that are aimed at your perceived enemies through hate. Seek love and truth, and most of all start using your power to combat the devil and the true evil that exists in this State. I'll be praying for you!

Sincerely,

Luke Schroeder

Mr. Hernandez,

Allow me to inform you, albeit unfortunate, you lack intellect and a will for good. Your thought process is clearly disordered. Despite my best efforts to try to understand your reasoning (and other gun grabbers like you), I can't wrap my head around it. The best I can come up with is that your intentions are impure. You have been brainwashed to believe you can justify the means with an end. That's disordered. This bill you've proposed hints to me that you want to play God. That's a terrible idea. Allow me to educate you a bit on our creator, and how you trying to act as him in this way won't end well for you or your counterparts in the Colorado Legislator that sponsor this bill.

So, you want to stop "mass shootings." That's great. So do we all. However, your proposed bill WILL NOT accomplish your goal. Mr. Hernandez, you must realize that evil exists in this world. A fall occurred long before you and I were alive. The result, sin was born into this world. It is more prevalent today than it ever has been. See, God desires our happiness. He gave us the gift of free will and the ability to make life choices. The one thing you need to understand is that with free will, we also need to be prepared to accept the consequences of our choices. He wants us to choose good. He never wanted evil to exist, but here we are. We live in the devil's playground. Now that we are stuck with sin, Satan can influence the souls of every human being and it is our duty to disobey him. The only way we can beat him is through God's grace. Legislation cannot compete with Satan. In fact, most legislation tends to create more evil.

All responsible gun owners understand that fact I laid out for you above. It is our duty, all United States Citizens, to resist the devil and to will good in this world. Our guns act as a secondary defense against evil when God's free gift of grace isn't plentiful enough to stop the evil. Our Founding Fathers understood this. That's why they included the Second Amendment in the Bill of Rights. Those rights in the Bill of Rights are unalienable and God-given. All responsible and lawful gun owners take the ownership of guns serious. To that point, there has NEVER been a responsible and lawful gun owner use a firearm to commit a heinous act that you claim this bill will stop.

Your legislation promotes evil. All gun violence happens because evil people wish evil acts on the good. Evil people don't know God. They are influenced by Satan and either knowingly or sometimes unknowingly commit the atrocities devised by him. Satan does know God; he actually knows everything about God. He knows how to combat him and knows how to influence us to beat him. Influences common today, just to name a few, are through ignorance, hate, pride, and materialism. We have much bigger issues on our plates that you could be using your power to combat for the good of our State. The tools targeted by this legislation are not the issue. The bill simply put takes guns out of the hands out of responsible gun owners and keeps them in the hands of the evildoers. That is exactly what the devil wants.

I think you carry hate in your heart. I see it on your X and Instagram feeds. You believe those that disagree with you are the evil ones. You are being influenced by the devil daily, and through his desires you are using your power to attack your perceived "enemies." I think that is your true intention. You really don't care about limiting true evil. You are attacking what you perceive to be evil because you are lost and unhappy. You don't have God in your life. You refuse to seek truth. God is love and truth. If you don't pursue love and truth, you will be destined for a life of bitterness and unhappiness. You are likely already there. It is documented on all sixteen pages of this bill. I urge you to walk away from this bill and the seven others like it that are aimed at your perceived enemies through hate. Seek love and truth, and most of all start using your power to combat the devil and the true evil that exists in this State. I'll be praying for you!

Sincerely,

Luke Schroeder

Written testimony on HB24-1292

To Make Firearms Inaccurate

Colorado House of Representatives
Judiciary Committee
March 19, 2024

By David Kopel
Research Director
Independence Institute
727 East 16th Ave.
Denver, Colo. 80203
303-279-6536
david@i2i.org

Some of the factual findings of HB24-1292 are fabrications, as will be described in Part I. The bill's list of features that supposedly define an "assault weapon" are mostly features that improve accuracy, as will be detailed in Part II. Part III explains how local laws like HB24-1292 have already been held unconstitutional by several judges in the Tenth Circuit, appointed by Presidents Biden and Obama.

According to the Congressional Research Service, so-called "assault weapons" are used in fewer than 10% of mass shootings. Although the California legislature banned "assault weapons" in 1989, the people of California today suffer from over one mass shooting per week.

HB24-1292 prohibits firearms with certain features, such as stocks that can be adjusted to fit the user's arm length. According to HB24-1292, these features are "designed for warfare, refined to maximize killing large numbers of people quickly and efficiently."¹ Supposedly, the firearms are "not suitable for self defense and are not well- suited for hunting , sporting, or any purpose other than mass killing."²

The bill itself refutes its own malicious lie. The prohibition does not apply to "a peace officer."³ The bill's sponsors often make a big public show of claiming to be very, very concerned about police violence. Yet their bill allows police officers to wield weapons

¹ Proposed C.R.S. § 18-12-601(1)(g).

² Proposed C.R.S. § 18-12-601(2)(a).

³ Proposed C.R.S. § 18-12-604(2)(e). Peace officers undergo more intensive background checks than do citizens who buy guns, and often have more training. But the bill is not about improving background checks or training. Because peace officers possess arms only for lawful defense of self or others, if the

“designed for warfare, refined to maximize killing large numbers of people quickly and efficiently.”

Colorado peace officers often do choose the arms that would be banned by HB24-1292. The officers are not itching to kill “large numbers of people quickly and efficiently.” Peace officers choose their arms for only one reason: lawful defense of self and others. That is why law enforcement officers choose them so often, and why law-abiding citizens do too.

Part I. The factual findings

18-12-601(1)(c) IN RECENT YEARS, AMERICANS HAVE ENDURED AN UNFATHOMABLE AVERAGE OF MORE THAN ONE MASS SHOOTING PER DAY.

This statement is based on definition used by the website Mass Shooting Tracker. As the website explains: “We define a ‘mass shooting’ as a single outburst of violence in which four or more people are shot. This is not the same as mass murder as defined by the FBI.”⁴ For example, if two people attempt to rob a liquor store, and they wound two people inside the store, and the two robbers are also wounded, that would be classified as a “mass shooting.” Whether the wounds were serious or superficial would not matter.

According to that website, in 2022 there were 753 mass shootings nationwide. In California there were 57:

Dec. 15, Nov. 24, Nov. 12 (Sacramento), Nov. 12 (Indio), Nov. 6, Oct. 30, Oct. 16, Oct. 10, Oct. 8, Oct. 7, Oct. 3, Oct. 1, Sept. 28, Sept. 27, Sept. 23, Sept. 14, Sept. 13, Sept. 3, Sept. 2, Aug. 28, Aug. 21, Aug. 11, Aug. 3, Aug. 1, July 24, July 21, July 11, July 10, July 4 (Oakland), July 4 (Sacramento), June 17, June 12, May 29, May 28, May 20, May 17, May 15, Apr. 23, Apr. 17, Apr. 15, Apr. 10, Apr. 3 (S.F.), Apr. 3 (Sacramento), Mar. 26, Mar. 22, Mar. 10, Mar. 1, Feb. 28, Feb. 19, Feb. 12, Feb. 6, Feb. 2, Jan. 29, Jan. 27, Jan. 23, Jan. 9 (Fresno), Jan. 9 (L.A.)

The California general assembly enacted the nation’s first “assault weapons” ban in 1989 and has expanded the ban many times. California has an average of more than one mass shooting per week.

bill’s claims that the firearms have no utility for lawful defense were true, there would be no reason for peace officers to possess them.

⁴ <https://massshootingtracker.site/>

18-12-601(1)(c) CONSISTENTLY, THE DEADLIEST MASS SHOOTING INCIDENTS IN THE UNITED STATES INVOLVED THE USE OF ASSAULT WEAPONS OR HIGH- CAPACITY MAGAZINES.

Mass shootings account for about 2/3 of 1% of murders in the United States. According to the Congressional Research Service, under 10% of mass shootings involve “assault weapons.” For those that take place in public, the figure is 27%.⁵

The handgun is the most common weapon used to commit mass shootings. Criminals with handguns perpetrated high-casualty shootings at Virginia Tech (58), Ft. Lauderdale (48), Killeen, Texas (45), Ft. Hood (45), and Thousand Oaks (33); the casualties approximated or exceeded attacks with “assault weapons” at Highland Park (53), El Paso (49), Sutherland Springs (45), Uvalde (38), and Parkland (34).⁶

18-12-601(1)(g) ASSAULT WEAPONS ARE UNIQUELY LETHAL BY DESIGN. THEY ENTAIL TACTICAL FEATURES DESIGNED FOR WARFARE, REFINED TO MAXIMIZE KILLING LARGE NUMBERS OF PEOPLE QUICKLY AND EFFICIENTLY.

Incorrect. Researchers led by Dr. Babak Sarani, founder and chief of the Center for Trauma and Critical Care at George Washington University Hospital, examined the relationship between the type of firearm used, wounding characteristics, and probability of death in mass shootings.⁷ They studied firearm types and autopsy reports for 232 victims from 23 mass shootings, including high-casualty shootings with “assault weapons” at Orlando and Las Vegas.

Surprisingly, the researchers found that mass shootings with handguns are more lethal than those with rifles because handguns result in more wounds per victim and more injuries to vital organs.⁸ “All of us were shocked,” Dr. Sarani said. “We came to the table with our bias that an assault weapon would be worse.”⁹

⁵ William J. Krouse & Daniel J. Richardson, *Mass Murder with Firearms: Incidents and Victims, 1999-2013*, Congressional Research Service (July 30, 2015) (9.78%, based on all mass shootings 1999–2013), <https://sgp.fas.org/crs/misc/R44126.pdf>.

⁶ See The Violence Project, *Mass Shooter Database* (vers. 8.0 January 2024), <https://www.theviolenceproject.org/mass-shooter-database/>.

⁷ Babak Sarani, et al., *Wounding Patterns Based on Firearm Type in Civilian Public Mass Shootings in the United States*, 228 *Journal of the American College of Surgeons* 228 (Mar. 2019).

⁸ *Id.* at 228-29, 232-33.

⁹ Carolyn Crist, *Handguns More Lethal Than Rifles in Mass Shootings*, Reuters (Dec. 31, 2018). Victims shot with a handgun were almost four times more likely to have three or more wounds compared to those shot with a rifle. Thus “the probability of death is higher for events involving a handgun than a rifle.” Sarani at 232. Twenty-six percent of victims shot with handguns and 16% shot

A more accurate finding would have said:

Ninety percent of mass shooters do not use ‘assault weapons.’ It is therefore unsurprising that in California, which has banned ‘assault weapons’ for over a third of a century, there is more than one mass shooting per week.

18-12-601(2)(e) BANNING ASSAULT WEAPONS LEADS TO A DROP IN MASS SHOOTINGS AND GUN MASSACRES. IN THE TEN YEARS THAT ASSAULT WEAPONS WERE LIMITED BY A FEDERAL BAN , GUN MASSACRES DROPPED DRASTICALLY, BY AT LEAST THIRTY-SEVEN PERCENT. CONVERSELY, AFTER THE FEDERAL ASSAULT WEAPON BAN EXPIRED IN 2004, GUN MASSACRES SKYROCKETED BY APPROXIMATELY ONE HUNDRED AND EIGHTY-THREE PERCENT.

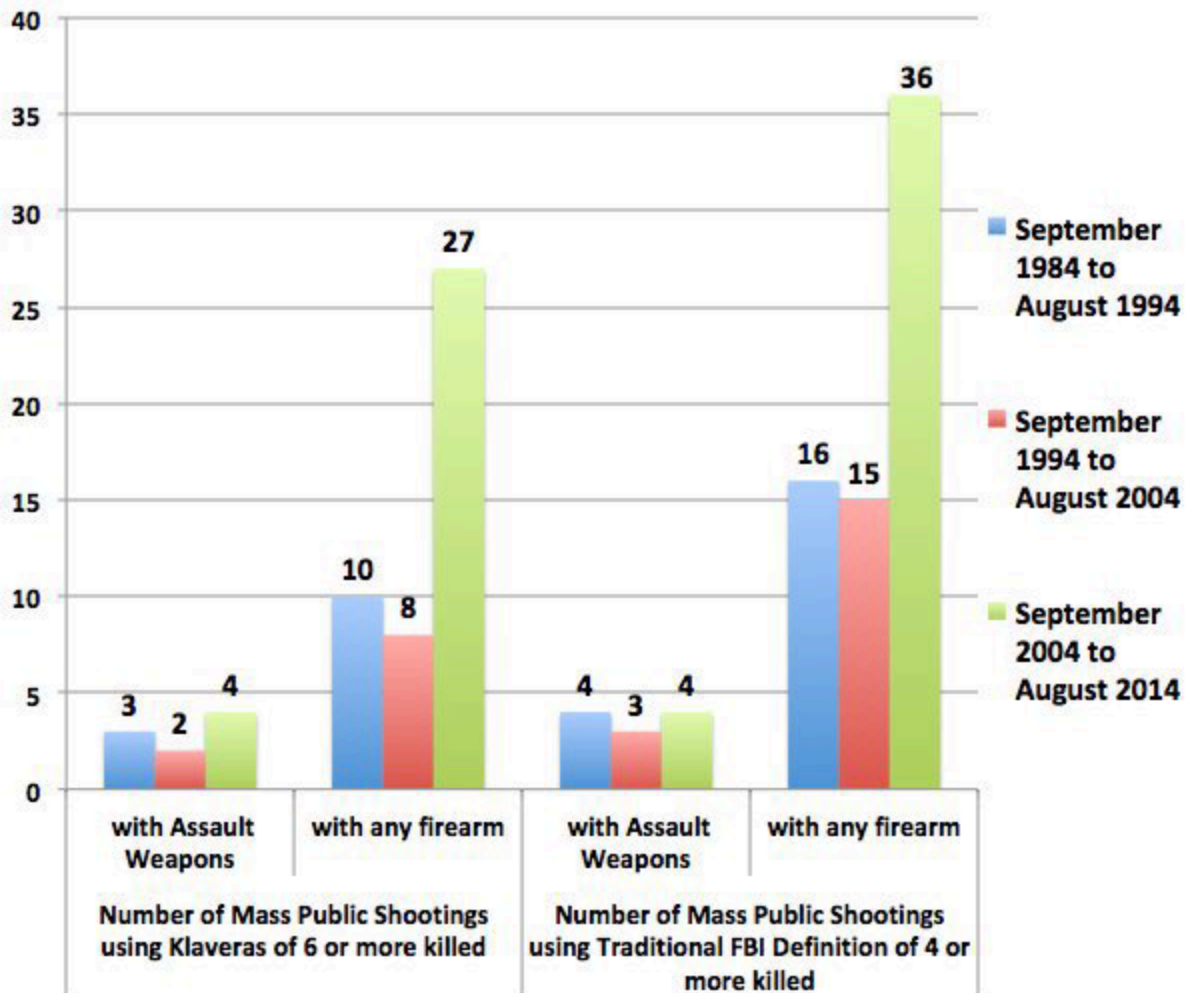
The research commissioned by the Clinton administration shows the opposite. In 1994, Congress enacted a ban with a 10-year sunset and ordered the Department of Justice to commission research on the effectiveness of the ban. President Clinton’s DOJ chose the Urban Institute, a respected left-leaning think tank. The study found no discernable reductions in any metric of crime and violence. Christopher Koper, *An Updated Assessment of the Federal Assault Weapons Ban*, Report to the National Institute of Justice (Philadelphia: Jerry Lee Center of Criminology 2004).¹⁰

Mass shootings did increase after 2004. However, almost all the increase involved guns that were *not* “assault weapons.” The graph below shows the data.

with shotguns had multiple fatal organ injuries; only 2% of those shot by a rifle had two or more fatal organ injuries. *Id.* Wounds to the brain and heart, which have the highest fatality rates, were most likely when handguns were used. *Id.* at 233. Victims shot with rifles were twice as likely to have a preventable death (if medical care were rendered in time) than those shot with other firearms. *Id.* at 231.

¹⁰ <https://www.ojp.gov/pdffiles1/nij/grants/204431.pdf>.

Changes in Number of Mass Public Shootings Before, During, and After the Federal Assault Weapons Ban (Using Mother Jones' Mass Public Shooting data)



Source: <https://twitter.com/GodwinMeter/status/1641923528915296256>.¹¹

¹¹ The word “massacres” in the bill text comes from professor Louis Klarevas, who is a professor at the Teachers College at Columbia University. He defines “massacre” as six or more killed. Many scholars, and the FBI, define a “mass shooting” as four or more killed, not including the criminal.

Part II. Features of so-called “assault weapons”

Using a firearm safely means keeping it as steady as possible. A firearms user holds a long gun securely with two hands plus the shoulder. The better the fit, the more secure the hold.

Lawful firearms users discharge firearms when hunting, target shooting, and in lawful defense of self and others. In every situation, better accuracy is safer.

Because being suddenly attacked by a criminal is very stressful, good ergonomics for accuracy are especially important. This is all the more true for persons with relatively weak upper body strength, including many women, many elderly, and many people with disabilities.

Perversely, HB24-1292 outlaws features that improve accuracy. Anti-gun lobbies that purport to support “gun safety” are lobbying for citizens to use less accurate, less safe firearms.

Perversely, some legislators who claim to be against police brutality are sponsoring a bill for police to have weapons “designed for warfare, refined to maximize killing large numbers of people quickly and efficiently.”

HB24-1292 has nothing to do with gun safety and public safety. Instead, it is simply a big first step towards the objective of the Giffords lobby; in Ms. Giffords’ words, “No More Guns. Gone.”¹²

HB24-1292 denounces “assault weapons” for

PROVIDING EASE OF USE FOR LESS THAN EXPERT USERS.

18-12-601(1)(h).

According to the bill, persons who are “less than expert users” should not have “ease of use.” Such contempt for constitutional rights!

The sponsors are well-known for their announced dedication to “equity.” Yet their bill aims to eradicate “ease of use” in exercise of constitutional rights, for everyone except “experts.” How equitable!

¹² Philip Elliott, *No More Guns. Gone’: Why Gabby Giffords Isn’t Giving Up*, Time, Apr. 26, 2023, <https://time.com/6274979/gabby-giffords-gun-control/>.

Stated another way, when law-abiding Colorado citizens are defending themselves against violent criminal attackers, the bill sponsors want the victims to be forced to use firearms that are difficult to use.

The bill's definition of "assault weapon" focuses primarily on outlawing features that make firearms more accurate. It is hard to understand how the bill's sponsors believe that they are improving public safety by making firearms less accurate, thereby increasing the risks of stray shots that could hit a bystander.

18-12-602(2)(a) "ASSAULT WEAPON", EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, MEANS:

(I) A SEMIAUTOMATIC RIFLE THAT HAS THE CAPACITY TO ACCEPT A DETACHABLE MAGAZINE, OR THAT MAY BE READILY MODIFIED TO ACCEPT A DETACHABLE MAGAZINE , AND HAS ONE OR MORE OF THE FOLLOWING CHARACTERISTICS:

(A) A PISTOL GRIP OR THUMBHOLE STOCK;

(B) ANY FEATURE CAPABLE OF FUNCTIONING AS A PROTRUDING GRIP THAT CAN BE HELD BY THE NON-TRIGGER HAND;

(C) A FOLDING, TELESCOPING, OR DETACHABLE STOCK THAT IS OTHERWISE FOLDABLE OR ADJUSTABLE IN A MANNER THAT OPERATES TO REDUCE THE LENGTH, SIZE, OR ANY OTHER DIMENSION, OR OTHERWISE ENHANCES THE ABILITY TO CONCEAL THE WEAPON;

(D) A MUZZLE BRAKE;

(E) A FUNCTIONAL GRENADE LAUNCHER OR FLARE LAUNCHER;

(F) A SHROUD ATTACHED TO THE BARREL, OR THAT PARTIALLY OR COMPLETELY ENCIRCLES THE BARREL, ALLOWING THE BEARER TO HOLD THE FIREARM WITH THE NON- TRIGGER HAND WITHOUT BEING BURNED, BUT EXCLUDING A SLIDE THAT ENCLOSSES THE BARREL;
OR

(G) A THREADED BARREL;

In this list, items (A), (B), and (C) improve accuracy by helping the user hold the firearm more securely. This includes fitting the firearm to the user's stature, arm length, and hand size.

Item (D), the muzzle brake, reduces recoil and improves accuracy by stabilizing the barrel.¹³

Item (E), grenade launcher, does not involve any firearms available for sale to the general public, as far as I know.

The “flare launcher” ban is strange. Flares are emergency distress signals. How do the sponsors believe that they will improve public safety by making it harder for people to launch flares?

Item (F), any barrel “shroud.” On many modern firearms, the barrel is surrounded by rails that allow the attachment of optics, such as scopes, red dots, or flashlights. All of these attachments foster accuracy and safety.

Item (G), the threaded barrel, is used to attach muzzle brakes or sound suppressors. Suppressors are perfectly legal in Colorado. Buying one requires the same very lengthy process as buying a machine gun; this requires fingerprints, a months-long registration process with the federal Bureau of Alcohol, Tobacco, Firearms & Explosives, and a \$200 tax.¹⁴ Over two million suppressors are lawfully registered and owned in the United States.

Suppressors are sometimes inaccurately called “silencers.” They typically reduce a gunshot’s noise by about 15-20 decibels, which still leaves the gun four times louder than a chainsaw.¹⁵

But some ill-informed people, whose knowledge of firearms comes mainly from cinema, imagine that a gun with a “silencer” is nearly silent, and is only used by professional assassins. In real life, sound suppressors are used by lots of people who want to protect their hearing, or to reduce the noise heard by neighbors of a shooting range. Many firearms instructors choose suppressors in order to help new shooters avoid the “flinch” that many novices display because of a gun’s loudness.

¹³ The gunpowder explosion sends a sine wave of energy through the barrel, which makes the barrel wobble. A muzzle brake reduces the wobble.

¹⁴ 18 U.S.C. § 921(a)(24); 26 U.S.C. § 5845(a)(7).

¹⁵ Kopel, *The Hearing Protection Act and ‘silencers’*, Washington Post, June 20, 2017, reprinted without paywall at <https://reason.com/volokh/2017/06/19/the-hearing-protection-act-and/>. A suppressed firearm in .22 caliber, the smallest very common caliber, is quiet. Adding a suppressor to any larger caliber, which includes the firearms banned by HB12-1242, still leaves the firearm quite loud.

Part III. Case law in the Tenth Circuit

In 2022, three municipalities in Boulder County, plus the Boulder County Commissioners passed “assault weapon” laws similar to HB-1242. In all four cases, the enforcement of the bans has been halted by a preliminary court order, pending full trial.

At present, the operative order was issued by U.S. District Judge Nita K. Wang, who was appointed to the federal bench by President Biden in 2022.¹⁶ Before the cases were consolidated, orders against enforcement of the bans were issued by U.S. District Judge Charlotte Sweeney, who was appointed to the federal bench by President Biden in August 2021, and Judge Raymond Moore. Judge Moore was appointed to the federal bench by President Obama. Judge Moore’s opinion issuing a restraining order against the gun ban stated that Judge Traxler’s Fourth Circuit dissent, quoted above, was a correct statement of constitutional law under current Supreme Court precedent.¹⁷

Fourth Circuit Court of Appeals Judge William B. Traxler was appointed by President Clinton in 1998. In a 2017 case involving a Maryland ban on “assault weapons,” Judge Traxler wrote:

The majority also suggests that other features of semiautomatic rifles like the AR-15 make them devastating military weapons. But several of the features identified do not make the firearms more lethal or battle-ready, but easier to use. On the contrary, many of the “military-style” components “increase accuracy and improve ergonomics.” J.A. [Joint Appendix] 2100. A telescoping stock, for example, permits the operator to adjust the length of the stock according to his or her physical size so that the rifle can be held comfortably. J.A. 2182. Likewise, a pistol grip provides comfort, stability, and accuracy, see David B. Kopel, *Rational Basis Analysis of “Assault Weapon” Prohibition*, 20 J. Contemp. L. 381, 396 (1994)¹⁸ (“By holding the pistol grip, the shooter keeps the barrel from rising after the first shot, and thereby stays on target for a follow-up shot. The defensive application is obvious, as is the public safety advantage in preventing stray shots.”), and barrel shrouds keep the operator from burning himself or herself upon contact with the barrel.⁶ And although flash suppressors can indeed conceal a shooter’s position—which is also an advantage for someone defending his or her home at night—they serve the primary function of preventing the shooter from being blinded in low-lighting

¹⁶ *Rocky Mountain Gun Owners, et al. v. Town of Superior, City of Louisville, Colorado, City of Boulder, Colorado, and Board of County Commissioners of Boulder County*, Civil Action No. 22-cv-02680-NYW (D. Colo., Oct. 24, 2022) (Doc. 29).

¹⁷ *Rocky Mountain Gun Owners, et al. v. Town of Superior, et al.*, Civil Action No. 22-cv-01685-RM (D. Colo., July 22, 2022) (temporary restraining order, Doc. 18).

¹⁸ <https://davekopel.org/2A/LawRev/rational.htm>.

conditions. See Kopel, at 397 (“Reduced flash decreases shooter's blindness—the momentary blindness caused by the sudden flash of light from the explosion of gunpowder. The flash reduction is especially important for shooting at dawn or at dusk.”). None of these features convert a semiautomatic rifle into a weapon of war like a machinegun carried into battle by actual soldiers. It is unclear to me why features that make a firearm easier and safer to operate add to its battlefield prowess.⁷

Footnote 6: These features, the majority suggests, enable a shooter to “spray-fire” rounds everywhere. “Spray-firing” can only be accomplished with a fully automatic assault rifle like an M4 carbine; “[i]n semiautomatic mode it is possible to either aim fire or to point shoot, but it is not possible to spray fire in the manner as one would in fully automatic mode.” J.A. 2128.

Footnote 7: Nor does it appear that an AR-15-style rifle fires rounds that create a greater risk to civilians than rounds fired by a standard hunting rifle. In fact, just the opposite is true. The AR-15’s standard .223/5.56 mm ammunition is “quite anemic in penetration capability and pale[s] in destructive capacity when compared to common civilian hunting rifles....” J.A. 2095.

Kolbe v. Hogan, 849 F.3d 114, 158-59 (4th Cir. 2017) (Traxler, J., dissenting).

In the *Kolbe* case, Judge Traxler was writing for the dissent. Later, the U.S. Supreme Court vacated and remanded a successor case that had been based entirely on the *Kolbe* majority precedent. *Bianchi v. Frosh*, 858 Fed. App’x 645 (4th Cir. 2021), vacated by 142 S. Ct. 2898 (2022) (Mem.).

It is no secret that some sponsors of HB24-1242 have contempt for the United States Constitution and for the existence of the United States of America. That contempt is manifest is pushing legislation that has already been found unconstitutional in federal district courts for Colorado.

Conclusion

HB24-1292 is self-refuting. Its stated purpose is to prevent “ease of use,” making firearms use difficult for non-experts. The stated purpose is obviously unconstitutional and disdainful of lawful self-defense.

Hence, the bill’s safety clause, “for the immediate preservation of the public peace, health, or safety,” is incorrect. Getting rid of accurate firearms and forcing people to

use less accurate arms that are more difficult for non-experts to fire accurately is the opposite of public safety.

The bill falsely asserts that features which improve accuracy are “not suitable for self defense . . . or any purpose other than mass killing.” Then the bill irrationally puts those same “mass killing” weapons, “not suitable for self-defense” in the hands of Colorado peace officers.

Some of the bill’s sponsors have not been shy about public self-congratulation for their commitment to diversity and inclusion. Yet HB24-1292 is based on raw bigotry and ignorance. With reckless disregard for public safety, the bill’s only real purpose is a big step towards lobbyists’ goal of banning all guns.



Dannye Nachtrieb <dnachtr@wgu.edu>

(no subject)**Dannye Nachtrieb** <dnachtr@my.wgu.edu>

Tue, Mar 19, 2024 at 10:50 PM

To: Dannye Nachtrieb <dnachtr@wgu.edu>

Thank you for excepting my testimony. I myself am a 34-year-old woman, born and raised in Colorado, and I oppose HB24-1292. I am a firearms instructor, as well as a firearms compliance specialist for a Colorado federal firearms license (FFL).

Firstly, I will speak on specific aspects and verbiage used in this bill. One point being the use of the term "assault weapons". This is a term that is inherently broad and misleading. By true definition, an assault weapon would be anything that can be used in order to assault, and I use that term loosely. Whether it be a bat, a knife, a car, a spoon, an individual's hands, feet, etc. So, if we are worried about banning "assault weapons", are we to ban every other thing on this earth and in our societies?

The bill also mentions that these firearms are not suitable for self-defense, hunting, sporting, or any other purpose. Let us please understand, that an AR-15, which is the headlining firearm being attacked with this bill, is very rarely used in hunting. It is however, used in sporting, which relates to firearms sporting competitions, all the way down to simple target shooting. This is applicable for Coloradoans, individuals all across the United States, as well as non-residents who come to the United States strictly for firearms sporting events. Whether these firearms are suitable for self-defense, is not up to anyone to determine, other than the individual that owns and intends to use that firearm for the purpose of self-defense.

95% of the verbiage in this bill, I have read countless times before, as it is copied from various other states that have implemented these intrusive, and unconstitutional bans. Almost all of the characteristics named in this bill, to identify such firearms as "assault weapons", do not, in any way, make the firearm more lethal, as they are purely cosmetic aspects. The verbiage in this bill deceptively, purposefully and incorrectly states otherwise. Not to mention, the verbiage of this bill in many ways, is so broad and undefined that it would affect various different types of firearms disproportionately and inaccurately.

Working in the firearms industry and specifically as a firearms compliance specialist, I have been responsible for making sure that any and all firearms, as defined by the Bureau of Alcohol, Tobacco, Firearms & Explosives and the NFA Division, are legal and compliant transactions. These transactions are not taking place with criminals. They are taking place with law-abiding citizens. Men and women of all backgrounds who wish to protect themselves and their families, those who hunt in order to provide food, while also assisting in population control of various species, and those who participate in firearms sporting events and more. And all are doing so pursuant with their constitutional rights. These transactions are never made with individuals whose intention can be, by any means, determined, or even questioned, as malicious or misleading.

The issue of gun violence, or even violence in general today, is a generational issue. Morals, ethics, respect and faith have been far removed from our schools, and our households, as well as a major lack of firearms education. Recent generations and society have done themselves a major disservice. As a firearms instructor, my motto has always been to "train and educate, don't isolate". As we have seen in recent years, a lack of firearms education and the want to isolate firearms, has been a daunting factor in gun violence today. The real issue behind this violence, will never be solved by taking constitutional rights away from law-abiding citizens and those who choose to educate and train themselves appropriately.

I know your time is limited and I thank you for accepting my testimony on HB24-1292. I ask that you oppose this egregious, and unconstitutional bill alongside your fellow Coloradoans and law-abiding citizens. Thank you.

Below is an excerpt from the study “*Would Banning Firearms Reduce Murder and Suicide – A Review of International and Some Domestic Evidence*” by Don B. Kares and Gary Mauser

There is a compound assertion that (a) guns are uniquely available in the United States compared with other modern developed nations, which is why (b) the United States has by far the highest murder rate. Though these assertions have been endlessly repeated, **statement (b) is, in fact, false and statement (a) is substantially so.** Since at least 1965, the false assertion that the United States has the industrialized world’s highest murder rate has been an artifact of politically motivated Soviet minimization designed to hide the true homicide rates. Between 1998-2004 (the latest figure available for Russia), Russian murder rates were nearly four times higher than American rates. Similar murder rates also characterize the Ukraine, Estonia, Latvia, and Lithuania. While American gun ownership is quite high, Table 1 shows many other developed nations (e.g., Norway, Finland, Germany, France, Denmark) with high rates of gun ownership.

Table 1: European Gun Ownership and Murder Rates
(rates given are per 100,000 people and in descending order)

Nation	Murder Rate	Rate of Gun Ownership
Russia	20.54 [2002]	4,000
Luxembourg	9.01 [2002]	c. 0
Hungary	2.22 [2003]	2,000
Finland	1.98 [2004]	39,000
Sweden	1.87 [2001]	24,000
Poland	1.79 [2003]	1,500
France	1.65 [2003]	30,000
Denmark	1.21 [2003]	19,000
Greece	1.12 [2003]	11,000
Switzerland	0.99 [2003]	16,000
Germany	0.93 [2003]	30,000
Norway	0.81 [2001]	36,000
Austria	0.80 [2002]	17,000

Table 1: European Gun Ownership and Murder Rates (rates given are per 100,000 people and in descending order)

These countries, however, have murder rates as low or lower than many developed nations in which gun ownership is much rarer. For example, Luxembourg, where handguns are totally banned and ownership of any kind of gun is minimal, had a murder rate nine times higher than Germany in 2002.

The same pattern appears when comparisons of violence to gun ownership are made within nations. Indeed, “data on firearms ownership by constabulary area in England,” like data from

the United States, show “a negative correlation,” that is, “where firearms are most dense violent crime rates are lowest, and where guns are least dense violent crime rates are highest.”

[T]here is no consistent significant positive association between gun ownership levels and violence rates.

In 2004, the U.S. National Academy of Sciences released its evaluation from a review of 253 journal articles, 99 books, 43 government publications, and some original empirical research. It failed to identify any gun control that had reduced violent crime, suicide, or gun accidents. The same conclusion was reached in 2003 by the U.S. Centers for Disease Control’s review.

Nations with higher gun ownership rates, however, do not have higher murder or suicide rates than those with lower gun ownership. Indeed many high gun ownership nations have much lower murder rates. Comparison of “homicide and suicide mortality data for thirty-six nations (including the United States) for the period 1990–1995” to gun ownership levels showed **“no significant (at the 5% level) association between gun ownership levels and the total homicide rate.”** Consistent with this is a later European study of data from 21 nations in which “no significant correlations [of gun ownership levels] with total suicide or homicide rates were found.”

Table 2: Murder Rates of European Nations that Ban Handguns as Compared to Their Neighbors that Allow Handguns
(rates are per 100,000 persons)

Nation	Handgun Policy	Murder Rate	Year
A. Belarus	banned	10.40	late 1990s
[Neighboring countries with gun law and murder rate data available]			
Poland	allowed	1.98	2003
Russia	banned	20.54	2002
B. Luxembourg	banned	9.01	2002
[Neighboring countries with gun law and murder rate data available]			
Belgium	allowed	1.70	late 1990s
France	allowed	1.65	2003
Germany	allowed	0.93	2003
C. Russia	banned	20.54	2002
[Neighboring countries with gun law and murder rate data available]			
Finland	allowed	1.98	2004
Norway	allowed	0.81	2001

The “more guns equal more death” mantra seems plausible only when viewed through the rubric that murders mostly involve ordinary people who kill because they have access to a firearm when they get angry. If this were true, murder might well increase where people have ready

access to firearms, but the available data provides no such correlation. Nations and areas with more guns per capita do not have higher murder rates than those with fewer guns per capita.

Almost all murderers are extremely aberrant individuals with life histories of violence, psychopathology, substance abuse, and other dangerous behaviors. The vast majority of persons involved in life-threatening violence have a long criminal record with many prior contacts with the justice system.

National Institute of Justice surveys among prison inmates find that large percentages report that their fear that a victim might be armed deterred them from confrontation crimes. **Robbery is highest in states that most restrict gun ownership.**

This study highlights the fact that for over 20 years, real data has shown that gun ownership is not the problem and has no direct correlation to violence. Unfortunately, instead of addressing the problem (a growing mental health epidemic that has been exacerbated by the denial of basic fundamental truths), legislators have spent the 21st century demonizing the 2nd amendment and the right for citizens to own guns.

Existing gun laws, if enforced correctly, prohibit individuals with a history of violence, psychopathology, substance abuse, and other dangerous behaviors from obtaining a gun. The majority of individuals who have perpetrated mass shootings fall into these categories and should not legally own or obtain a gun under current law. A study conducted by Stanford Medicine found that of 35 mass shooters that were evaluated during the period 1982 to 2019, 28 (80%) were likely suffering from an untreated psychiatric illness at the time of the shooting [[Investigating psychiatric illnesses of mass shooters](#)].

Mass shootings are preventable and avoidable if loved ones and community members around them were educated on warning signs and actively participate in the lives of those around them. A caring community speaks the truth to people who are confused. A caring community does not affirm confusion.

We need to prioritize funding that gets to the root of the issue behind mass shootings – teaching truth and helping those around us who need support in overcoming obstacles that will lead them to a path of violence if not addressed.

All Coloradans desire solutions to the challenges we face. Unfortunately, a politically motivated bill that has no substantive data to support it is not the answer. Please consider withdrawing this bill that demonizes law abiding citizens and will encourage violence.

March 19, 2024

First, let me begin with a thank you to the Committee for allowing me to submit my testimony in support of HB24-1292. My name is Amanda Goodwin and I am a front line healthcare worker who was working the overnight shift at the largest hospital in Aurora on July 20, 2012. I have worked in healthcare for over 19 years and nothing prepared me for the patients I cared for on that night.

My facility received a call after midnight of a shooting at a movie theater and we began receiving critical patients just before one o'clock in the morning. Normally any trauma patient arrives by ambulance in an orderly fashion but that night our ambulance bay was chaos. Instead of ambulances, dozens of patrol cars were haphazardly parked all over the sidewalks with bloodied, screaming people in their backseats. These patients were extensively, critically injured and all my years of front line patient care could not have prepared me for how severely mutilated each of them were. I saw injuries that night that my medical colleagues in the military stated they had only seen in war zones. I lost count of how many patients grabbed onto me and begged me not to let them die. At one point I was walking down the emergency room hallway, carefully stepping around many victims, when I saw my EMT colleague next to a gurney holding something oddly shaped in both hands. As I approached them to offer assistance, I realized it was the patient's intestines being carefully cradled to avoid any further tangling until the patient could go to the operating room. Before that night, I had no idea the level of damage that a semi-automatic weapon (specifically in this case, a Smith & Wesson M&P15) could inflict on a human body.

Of the many things from that night that I will never forget, the most poignant was while I was helping move patients in Radiology with a Police Officer who was taking photos for evidence. After a particularly devastating wound, he looked at me and said "this would have been so much worse if his weapon wouldn't have jammed".

In closing, I want to reiterate my support of HB24-1292 because no one deserves what happened to the 12 murdered, 70 injured and countless others affected by this tragedy. Thank you for your time and attention today, and your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amanda Goodwin', written in a cursive style.

Amanda Goodwin

Committee members,

I am reaching out on behalf of the Proposed HB24-1292 bill that would prohibit so-called assault weapons. This bill would affect so many people in the state of Colorado and make them criminals overnight. Many states have attempted this type of legislation and are now seeing it stopped in the courts and ruled as unconstitutional as well as not being enforced because the courts have given injunctive relief to the citizens & currently there are multiple similar laws that have cases at the door step of the Supreme Court. The Supreme Court has already Granted Cert to one of them and asked the lower courts to apply the Bruen case before they look. You are only wasting Colorado taxpayers money and time. Our neighbors in New Mexico have also come to this conclusion that this type of proposed legislation would go nowhere and do nothing to curb violence or crime so they have stopped pursuing such type of law. This bill would affect the citizens who defend their homes, the people who participate in outdoor sporting & hurt the revenue created from those out of state who like to hunt in our wonderful mountains. Governor Polis has also said this type of proposed legislation will not stop or prevent these violent tragedies as well. This type of legislation will see massive opposition from the citizens whether that be next time they see your name on the ballot or in the courts where this type of legislation doesn't stand a chance post Bruen. Oppose this bill or next time you are running for office the citizens of this state will find someone else who can do your job that will represent us. OPPOSE HB24-1292.

Respectfully,

Benjamin O'Loughlin

To both representatives and senators thank you for your time on reading this testimony. I'm writing this to have you reconsider not going ahead with House Bill 24-1292 based on two main reasons.

First is the financial aspect that will come up if this bill is put into law. The very nature of this bill will have multiple Second Amendment advocacy groups file lawsuits on various aspects of this bill which the state will then have to hire attorneys to defend. The end result will be hundreds of thousands if not millions of dollars being spent in the challenging and defending of this bill...money that could be otherwise spent on improving school safety, funding for putting law enforcement officers in the schools during school hours, and funding for improving and/or expanding mental health or counseling services. Nothing will come from this but wasted money and personnel hours spent as arguments go back and forth and all the while schools and public areas remain unprotected and vulnerable.

The second is the false sense of security that will come with the passing of this bill. Even though this bill would prevent everything short of possession of "assault weapons" in Colorado there is nothing stopping someone from obtaining these weapons by illegal means, bringing them in from out of state, using what is already out there, etc. People who commit these horrific acts of murder and crime don't care about a bunch of words written on a piece of paper or words posted on some window. If they have it in their minds to commit these acts they have already ignored this bill outright and many other previously passed bills. The conclusion is this, the passing of this bill will do nothing but (1) spend money on a bunch of attorneys going back and forth for weeks if not years, (2) will create further division, and (3) propagate a false sense of security. My appeal to the committee is this...try something new, (1) have schools lock all their doors during school hours, (2) provide law enforcement officers in every school, and (3) interchange current glass for bullet-resistant panels if they have not already and discreetly armor up the buildings. After the January 6 incident back in 2020 Congress had no problem with increasing their security around the Capital in the form of increased security personnel, metal detectors, and the like so why not follow their example and start out with the items previously listed, what harm can be done? Is not our children's safety equally important as our elected officials?

I thank you for your time on hearing my position regarding this matter

Opposing HB24-1292 – Prohibiting Certain Weapons Used in Mass Shootings

Dear Committee,

I urge you to oppose the 2024 Colorado “Assault Weapon” ban and instead advocate for solutions that are grounded in data and logic. Using the below points I feel we can make meaningful progress in enhancing public safety without infringing on the rights of law-abiding citizens.

First, banning specific types of firearms doesn't address the key issues of gun violence, primarily harming responsible and law abiding citizens. The data referenced in this article (<https://coloradosun.com/2023/04/06/colorado-gun-violence-explained-charts/>) shows that while firearms related deaths have risen dramatically in CO, they also have fluctuated substantially, and the 1994-2004 AWB didn't actually impact the statistics according to the National Institute for Justice Study. The current rise also coincides with increased restrictions on firearms in CO, such as magazine restrictions and waiting periods. It's essential to acknowledge that the majority of homicides in the United States are committed using handguns, not assault weapons. According to the Centers for Disease Control and Prevention (CDC), handguns are consistently the most common type of firearm used in homicides, comprising approximately 64% of all firearm-related murders. Restricting access to “assault weapons” based on cosmetic features, therefore, addresses only a fraction of the overall problem. The term “assault weapon” itself is vague and often arbitrarily defined, leading to confusion and loopholes in legislation. Many firearms categorized as assault weapons are functionally no different from other semi-automatic rifles commonly used for hunting and sporting purposes. **Banning certain firearms based on their appearance does little to address the underlying causes of gun violence.**

Secondly, Semi-automatic carbines and modern sporting rifles (commonly referred to as assault weapons by legislators and laypersons) are not the culprit of the rise in Colorado gun deaths. Suicide by handgun is. Focusing on social safety nets, access to mental health care, and programs that incentivize safe gun storage and that put discussions of mental health at the forefront can have measurable results. Connecticut, Maine, Massachusetts, Texas, Virginia and Washington all have some form of state sponsored incentives to financially encourage and assist gun owners to use gun safes. **Additionally, Colorado does not have any FFLs that are currently part of the Hold My Guns program, (<https://www.holdmyguns.org/locations/>) which is a non-profit organization that partners with firearms dealers to provide an additional resource for individuals experiencing a mental health crisis, or their loved ones, to temporarily remove access to firearms in a household.** Programs and incentives like these are not only addressing the root causes of gun violence, but they shift our public conversation towards destigmatizing mental health. **Programs like this demonstrate a deeper understanding of the real issues Coloradans face without infringing on Constitutional - and human- rights.** Colorado does have weak points when it comes to gun control, which are particularly relevant to the last point, specifically, we lack: “emergency restraining order prohibitors, violent offense prohibitors, mental health prohibitors, and a police use of deadly force standard.” The last point is particularly alarming, given that Colorado is among the top five states for fatal police interactions, and that on average, police shootings account for roughly 13% of all gun deaths in Colorado. Addressing these issues legislatively would also demonstrate a deeper understanding and willingness to attempt to comprehensively solve the issues that face Coloradans today. (<https://www.everytown.org/press/colorado-is-among-five-states-with-the-highest-rates-of-fatal-police-shootings-in-the-country-heres-what-you-need-to-know-about-police-violence/>)

Finally, Progressive voters are among the fastest growing group of firearms owners. Despite intention, any ban on firearms would disproportionately impact these demographics, and would be inadvertently racist, sexist, and classist. **The Supreme Court has also made a decision in District of Columbia v. Heller** that private citizens have the right under the Second Amendment to possess an ordinary type of weapon and use it for lawful, historically established situations such as self-defense in a home, even when there is no relationship to a local militia. “Assault Weapons” as defined in this bill are one of the most commonly used rifles for lawful purposes, therefore they can be determined as ordinary.

In conclusion, we should not pursue ineffective measures like assault weapon bans, we should focus and use resources on evidence-based strategies that have been proven to reduce gun violence. This includes stronger prison sentences, improved access to mental health care, and targeted interventions to address the root causes of crime in our communities. **By addressing the underlying factors contributing to violence, we can make meaningful progress in enhancing public safety without infringing on the rights of law-abiding citizens. I urge you to oppose the 2024 Colorado Assault Weapon ban and instead advocate for solutions that are grounded in data and logic.** By focusing on strategies that address the root causes of gun violence and respecting the rights of responsible gun owners, we can work together to create safer communities for all. Those reasons above are just a few evidence-based reasons why anti-gun legislation in Colorado is not only an ineffective way to deal with legitimate issues, but is actually not representative of the real needs that your constituents have.

Thank you for your time, and I look forward to you making an informed, evidence based, and solutions focused decision which represents the real needs of all of your constituents.

Respectfully,

Bradley Abell



Opposition to HB24-1292

Well, here we are again, another attempt to use the blood of innocent people to disarm innocent people. The sponsors of HB24-1292 should be utterly ashamed of themselves, not only are they wasting taxpayer dollars, because they know this is unconstitutional on its face, but they have also used wording to lie to Coloradans.

This year Colorado tried their best to remove a Presidential Candidate from the state ballot with outrageous claims of his involvement with the events that surrounded January 6th of 2021, only to get annihilated by all 9 justices in the highest court of this union! This is just the most extreme example of exactly how out of touch they are with the constitution and what states can and cannot do pertaining to American rights within and outside of the Colorado borders. They will stop at nothing to destroy American values that have held this union together for almost two- and one-half centuries.

Last year, they named a similar bill "Prohibit Assault Weapons in Colorado " this year the name changed to "Prohibit Certain Weapons Used in Mass Shootings" Oh gee, I wonder why the change? I know a little something about psychological warfare, and this name change is no different - the manipulation of people to exercise control over them. The name change in itself is an attempt to persuade those who may be on the fence about approving, voting for, or sponsoring such an unconstitutional provision.

In addition to the palpable name change, the bill is rattled with lies from start to finish. One of the great lies is in the name change itself. For starters, nowhere in the document is the term "mass shooting" defined and the definition of "assault weapons," as this bill defines, is essentially all semi-automatic pistols, rifles, and shotguns if they have ONE of the listed common features that DO NOT make the firearm any more or less lethal. Moreover, these common features on these common firearms do not make these common firearms less common either, but I am sure the sponsors could care less about any of the Supreme Court decisions that affirm the Second Amendment.

The biggest lie in the title of the bill is the notion that the bill only prohibits "certain" weapons used in mass shootings. Since when are .50 caliber rifles used in mass shootings? I also notice the bill does not differentiate between the various actions pertaining to rifles in the .50 caliber category. Meaning, all .50 caliber rifles would be banned as "Assault Weapons" regardless if the rifle is single shot, pump action, bolt action, or semi-auto. This shows the hand of the anti-gunners who want all firearms banned regardless of the Constitution and regardless if they



Opposition to HB24-1292

were used in mass shootings, and is similar to their attempt to remove Donald J. Trump from the Colorado ballot.

Furthermore, the text of the bills lies so great it is almost as if the sponsors of the bill laugh in the face of their own base labeling them stupid in the most surreptitious method, knowing full well their base either does not care or will not fact check the claims the bill makes. The sponsors as well as most of their base is absolutely ignorant to firearms in general, blinded by emotion due to circumstance as they have mentioned in the bill itself, naming the mass shootings that have occurred in several places within Colorado. All adults should know, crafting a decision or decisions with emotion is not wise, nor will those decisions produce the desired effect.

One such lie is listed on page 2 which states, “MASS SHOOTINGS ARE A SIGNIFICANT COMPONENT OF THE DISTINCTLY AMERICAN EPIDEMIC OF GUN VIOLENCE”

Might I remind the sponsors of the bill, gun violence or mass shootings are not distinctly American! Our neighbor to the south has many more deaths per capita due to violence with firearms. If any legislator ignores this fact, please travel to Juarez, just south of the border, walk around at night without any protection, and ask many questions of the citizens there. Many other countries have far greater firearms related deaths than the United States. Please stop lying!

Another lie is located in paragraph (1)(g) that says “Assault weapons ... are disproportionately used in public mass shootings ...” this statement is not immediately recognized as a lie until you realize the bill literally defines ALL semi-auto firearms if they have one common feature as “assault weapons.” If the definition is correct, the statement would be true, but to claim something so misleading is yet another form of manipulation. Semi-auto firearms are the choice for military, police, and civilians for defense just as they are for bad actors that want to harm others. One would not restrict the privilege to drive just because drunk drivers cause accidents, so any proposal of stripping RIGHTS because of bad actors should fall flat.

Speaking of police, if these “assault weapons” are so horrible and “have no place in civilized society,” para. (1)(c), why are there special provisions for the police to keep so-called “assault weapons?” Additionally, why are there provisions to allow, “An entity that operates an armored vehicle business and an authorized employee of the entity while in the course and scope of employment” to keep so called “assault weapons.”

Who are these entities?

Why do they operate armored vehicles?



Opposition to HB24-1292

What is their scope of employment?

If these “entities” are security agencies that collect monies from banks, ATMs, or other places with high value tangible items. The sponsors of this bill display a belief that tangible items are more valuable than the citizens’ rights to keep and bear arms and the right to defend one-self from harm. However, if these “entities” are not security agencies, then we should all be concerned and we should all ask these questions directly. The sponsors of this bill obviously do not want the public to know who these “entities” are and that is very peculiar.

Moreover, the bill asserts in paragraph (2)(a), “ASSAULT WEAPONS ARE NOT SUITABLE FOR SELF DEFENSE AND ARE NOT WELL-SUITED FOR HUNTING, SPORTING, OR ANY PURPOSE OTHER THAN MASS KILLING”

There is so much in this one little sentence that requires questioning. For the same question above, if this statement is true, then why are there provisions to allow police and other “entities” to keep and use so-called “assault weapons?” This statement is obviously not true in any regard, semi-auto rifles with or without a detachable magazine are used hunting every season; in addition to national and worldwide competitions semi-auto pistols, with or without a threaded barrel, are used in the vast majority of self-defense cases where firearms are used; in addition to self-defense home invasion plans, semi-auto shotguns are used for game bird hunting and skeet/trap competitions; AR15s, Pistol Caliber Carbines, and AK47s are used in competitions, hunting, plinking, and defense against tyranny. (There will be some eye rolls on the “defense against tyranny” claim) The accusation that these weapons have no other purpose than mass killing is dangerous, not factual, and a bold-faced lie. In fact, not a single one of my firearms that fit the bill's definition has killed anyone. Speaking of my firearms, if in fact these so-called “assault weapons” are so very dangerous, then why the grandfather clause? We all know why; we know that the anti-gunners want to chip away at the Second Amendment little by little until they have enough support for confiscation.

In Paragraph 2.c. this bill asserts that "AFTER THE FEDERAL ASSAULT WEAPON BAN EXPIRED IN 2004, GUN MASSACRES SKYROCKETED BY APPROXIMATELY ONE HUNDRED AND EIGHTY-THREE PERCENT." Notice how this bill specifically targets "gun massacres" and ignores the fact that violence with firearms has significantly decreased nationwide.



Opposition to HB24-1292

The published April 2022 study by Bureau of Justice Statistics concluded, "The rate of firearm homicide per 100,000 persons age 12 or older declined 41% across the 26-year period of 1993 to 2018" (8.4/100k to 5.0/100k) Additionally, according to the Center for Disease Control and Prevention, from 2019 to 2022 the average per capita homicide rate with a firearm is 5.57/100k which shows a steady normalized average in homicides by firearm.

This bill also states, "IN THE TEN YEARS THAT ASSAULT WEAPONS WERE LIMITED BY A FEDERAL BAN, GUN MASSACRES DROPPED DRASTICALLY, BY AT LEAST THIRTY-SEVEN PERCENT." which is an outright lie of magnificent proportions. Mass shootings actually increased compared to the 10-year period prior to 1994.

The Violence Project clearly explains pre-, during, and post- 1994 Assault Weapons Ban. Interestingly enough the gun grabbers tout on their 94' Assault Weapons Ban as something that would prevent mass shootings with "assault weapons" in the future, however in the decade pre-94 (the first decade) there were 25 cases of mass shootings six of those an "assault rifle" was used which is 24% of the total. During the banned period from 1994-2004 (the second decade) there were 33 mass shootings and the use of an "assault rifle" slightly decreased to 21% of the total. However, in the following decade (the third decade) the use of "assault rifles" in mass shootings decreased to 17% of the total (8 uses out of 46 mass shootings).

Of note, the rate of increase of mass shootings between 1984-2022 was unchanged by the 94' Assault Weapons Ban. On average there was about a 25% steady increase between the decades.

There has been a significant increase in use of "Assault Rifles" from 2014 to present, but why? It is most definitely not because the 94' Assault Weapons Ban expired. Even if you wanted to hang your hat on the effectiveness of the 94' Assault Weapons Ban, you could only assert an extremely minimal effectiveness (3%) between the first and second decades. Even if you add the third decade to the 94' AWB effectiveness, it would only be about 6% effective, which clearly demonstrates the gun is not the problem and never was.

In summary, the rate of increase has not changed from decade to decade, the percentage of "Assault Rifle" use has only increased in the last decade, and the number of personnel killed during a mass shooting has increased steadily from 1984 regardless of the 94' AWB, but homicides by firearm have plateaued at their lowest average since 1993 with a decline of 41% anyone can see why anti-gunners only want to use mass shootings for their gun grab agenda.



Opposition to HB24-1292

In the last decade we have seen our government sell out Americans and the United States.

- We have deployed fathers and husbands to significant wars in Afghanistan, Iraq, and Syria, causing a disproportionate amount of stress on fathers and husbands, who could not father their children and who could not be a husband to their wives. Only to pull out of Afghanistan so abruptly that it significantly impacted thousands of those Service Members and Veterans who thought we (Americans) were in the fight to free the Afghans from tyranny.
- We were lied to about the pandemic while being forced to take vaccines and wear muzzle devices.
- Children are glued to their phones watching TikTok, Instagram, SnapChat, and other non-productive social programming instead of learning math and science.
- Taxes have increased both on a state and federal level along with the inflation of goods and services.
- Our borders are not secure and we welcome unvetted personnel with open arms knowing full well some have arrived to do Americans harm.
- The government continues to get us involved with other wars in Ukraine and Israel by spending money we do not have, failing to help American families, especially those who are homeless.
- We are told that masculinity is toxic and all whites are racist, but people of color cannot be racist.
- We are told our children can cut their genitals off and we should be supportive of their delusions regardless of biblical, moral, or ethical convictions.
- We are told January 6th was an "insurrection" but the widespread violence during the preceding election year was "mostly peaceful".
- We were told that one of the primary presidential candidates could be barred from running because of his involvement in the "insurrection"
- Law Enforcement Officers cannot do their jobs without fear of being prosecuted.
- We are forced by law to get health insurance (Obama Care) which is an added cost of living.

All of these are more than likely contributions to the shootings that have occurred over the last decade.



Opposition to HB24-1292

To finish this opposition article, several decisions from the Supreme Court have ruled in favor of the Second Amendment since its ratification. Namely, the following references has pulled from Justia.com

Arguably the most important Supreme Court decision is [Caetano v. Massachusetts](#) (2016) considering it was unanimously decided by all nine justices, just like the Trump ballot issue in 2024. All of these so-called “assault weapons” are bearable arms and we the people shall keep them.

[U.S. v. Cruikshank](#) (1876)

Author: [Morrison R. Waite](#)

The Second Amendment declares that the right to bear arms shall not be infringed, but this means no more than that it shall not be infringed by Congress. This is one of the amendments that has no other effect than to restrict the powers of the national government.

[Presser v. Illinois](#) (1886)

Author: [William Burnham Woods](#)

In view of the fact that all citizens capable of bearing arms constitute the reserved military force of the national government, as well as in view of its general powers, the states cannot prohibit the people from keeping and bearing arms so as to deprive the United States of their rightful resource for maintaining public security.

[District of Columbia v. Heller](#) (2008)

Author: [Antonin Scalia](#)

The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home.



Opposition to HB24-1292

McDonald v. City of Chicago (2010)

Author: Samuel A. Alito, Jr.

The Fourteenth Amendment incorporates the Second Amendment right to keep and bear arms for the purpose of self-defense. (In other words, the right is protected from state as well as federal interference.)

Caetano v. Massachusetts (2016)

Author: Per Curiam

The Second Amendment extends to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding, and this Second Amendment right is fully applicable to the states.

New York State Rifle & Pistol Association, Inc. v. Bruen (2022)

Author: Clarence Thomas

When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. To justify a firearm regulation, the government must demonstrate that the regulation is consistent with the nation's historical tradition of firearm regulation.

David Williams

Triple A Coach LLC

Colorado Springs, CO



gun controlPete Fibiger to: committees.lcs.ga@coleg.gov 03/20/2024 01:28 PM

The Second Amendment of the Constitution says, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed". I am not exactly sure what part of "SHALL NOT BE INFRINGED" you can't understand. Or are you deciding to simply ignore that?

I understand that you elected are nothing more than part time employees and you are trying to enact your will and prejudices on the living souls of Colorado. As you may also know, government operates through the consent of the governed. To all you liberals, even obama acknowledged that to be fact. If people want to give their tacit agreement to you, they have that right. I for one, do not give you my consent explicit or tacit especially when it comes to trying to take away my God given Rights as a native born American.

You, as the elected, you need to stay within the color of law and stay within the scope of your office and as you may not know, when you step outside of the scope of the law you commit a felony. And this felony needs to be prosecuted more often so you, the elected, stay within your lane of operation. After reading the words of the Second Amendment (A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed) I am struggling to see where in the LAW that protects my RIGHT, where it gives YOU the right to tell me where I can and can't carry arms.

Furthermore, Chief Justice John Marshall said it best in Marbury v. Madisen (5 U.S. 137) 1803 when he said, "A law repugnant to the Constitution is void". Since the Second Amendment says nothing about how I can carry arms or where I can carry arms, your law is null and void and no one needs to abide by it. Even if this is passed it will be an unconstitutional law and you all will have committed a felony for stepping outside the scope and color of the Constitution.

Since I am a free living soul and a patriotic American with self determination, I live my life by the law of the land which is the Constitution and Biblical, I will not abide by your unconstitutional law. After all, your legislation's are not meant to protect Americans, they are meant to protect the evil ones who want to destroy us. The 2nd was made into law to protect us from you the tyrannical government.

Pete

Rationality and HB24-1292

Drew Travis

Rationality and HB24-1292

On March 19th, 2024, the Colorado House of Representatives will review a bill designed to enact a massive and sweeping ban on “assault weapons”. The stated intention of this bill is that “a ban...of assault weapons in Colorado is in the best interests of the citizens and guests of our great state” (Domino_Admin, 2024, 18-12-601 3). While acknowledging the severity and evil inherent to violent events, it is important to maintain a rational perspective on the true source of said violence. Consider the following.

As of 2022, Colorado had an estimated state population of 5,839,926 people (*Colorado - Place Explorer - Data Commons*, n.d.). Additionally, as of 2024, an estimated 45.1% of that population own firearms (*Gun Ownership by State 2024*, n.d.). That percentage translates to over 2.6 million Colorado gun owners. This number does not reflect the number of guns, since many gun owners possess more than one. However, for simplicity, let's assume that this figure (2.6 million) reflects the number of firearms owned within the state; let's further assume that “assault weapons” comprise 10% of owned guns (260,000).

According to Wikipedia, there have been 19 mass shooting events in Colorado since 1993, with a combined total of 91 dead (*List of Shootings in Colorado - Wikipedia*, n.d.). These events were tragic and evil events, but consider this: these events occurred on 19 days out of a combined total of 11,322 days (1993-2024). These events make up only 0.16 % of that time span. According to the same Wikipedia article, at least 26 shooters were involved in the listed events. 26 out of 2.6 million gun owners, comes to only 0.001% of the gun-owning populous. Further research into those events reveals that not all the shooters used “assault guns”, such as the case of Karl Pierson who was armed with incendiary devices and a shotgun (*List of Shootings in Colorado - Wikipedia*, n.d.).

The point I am making here is that those who commit these horrific crimes do not comprise a significant portion of the gun-owning population. In looking at the frequency of such events, the overwhelming majority of the time those with access to guns **do not** abuse them. If, in each of the previously indicated shootings, an “assault weapon” (as defined by HB24-1292) were used it would come to a grand total of 26, one for each shooter. *26 out of a possible 260,000*. That means **259,974** “assault weapons” were not used to murder people.

If we look solely at the number of deaths as justification for a sweeping ban on a particular type of device, then we should immediately question the concept of private ownership of vehicles. According to the Colorado Department of Transportation, there were 754 traffic related deaths in 2022 (*754 Lives Lost on Colorado Roads in 2022, Most Roadway Deaths Since 1981*, n.d.). That averages to **two deaths per day** due to vehicles, versus the 91 deaths over the course of 31 years. Why is it that the concept of restricting car ownership seems nonsensical (despite the high occurrence of injuries/fatalities), but banning numerous guns (despite the overwhelming large number of responsible owners) seems reasonable? Not to mention the fact that HB24-1292 does not affect current gun-ownership, but instead targets future purchases (Domino_Admin, 2024, 18-12-601 2c).

Finally, allow me to use an example from nature which, for Coloradans, is all too real. “In an average year, about 500,000 lightning flashes hit the ground in Colorado” (*Colorado Lightning Statistics as Compared to Other States*, n.d., para. 1). The risk from lightning is not primarily from the number of strikes, but rather from the fact that any one of those strikes may ignite a wildland or forest fire. Such an event can be devastating to the lives of residents, even if the only thing they lose is peace of mind; for others, the cost can be their possessions, or even their lives. Unfortunately, while the atmospheric conditions which create lightning *can* be

measured, the location of a strike and its consequences *cannot be predicted*. All that can be done is to respond quickly to these locations with the proper tools to put out the fires and minimize the damage.

This is the nature of evil. There can be no certainty that restricting the sales of any guns will prevent someone bent on causing the deaths of others. Just like lightning, evil cannot be prevented. Taking guns out of the hands of lawful, responsible owners (and future owners) is like taking fire extinguishers out of the homes of people who may one day be victims of lightning caused fires.

References

Colorado - place explorer - data commons. (n.d.). Retrieved March 18, 2024, from

https://datacommons.org/place/geoId/08?utm_medium=explore%26mprop=count&popt=Person&hl=en

Colorado lightning statistics as compared to other states. (n.d.). Retrieved March 18, 2024, from

https://www.weather.gov/pub/Colorado_ltg_ranking#:~:text=In%20an%20average%20year%2C%20about,hit%20the%20ground%20in%20Colorado.

Domino_Admin. (2024). *D:\dist\text\1292_01.txt* [PDF].

https://leg.colorado.gov/sites/default/files/documents/2024A/bills/2024a_1292_01.pdf

Gun ownership by state 2024. (n.d.). Retrieved March 18, 2024, from

<https://worldpopulationreview.com/state-rankings/gun-ownership-by-state>

List of shootings in colorado - wikipedia. (n.d.). Retrieved March 18, 2024, from

https://en.wikipedia.org/wiki/List_of_shootings_in_Colorado

754 lives lost on colorado roads in 2022, most roadway deaths since 1981. (n.d.). Colorado

Department of Transportation. Retrieved March 18, 2024, from

<https://www.codot.gov/safety/traffic-safety-pulse/2023/february/754-lives-lost-on-colorado-roads-in-2022-most-roadway-deaths-since-1981>

Dear House Judiciary,

I speaking to you all today about the HB24-1292 this bill is an infringement on the second amendment and the items on this bill makes zero sense to me like the heat shield and the Thomson section on the bill is you have to be a type 7 ffl to own any full auto guns like Thomsons and the heat shield is design for the purpose of not burning yourself on the barrel and they also look cool the other stuff is just cosmetic and does nothing to change the fire rate. So I want a future where everyone have that right to own any type of firearm of their choosing like Armelite-15s style of firearms and ak styles of firearms or any firearm that is out there.

Sincerely,

Mr. Anthony Michael Watts

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 Annely 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.

03/17/2024

Dear Public Representatives:

As a resident of the great state of Colorado I am fulfilling my duty to take action in the political process by voicing my opinion on the changing political tide I see happening here.

Opposing bill HB24-1292 is an attempt to say that there is a better way for us as Coloradans and humans with differing political ideologies to have discourse, that we do not need to abolish one sides way of life to find peace and prosperity within our geographical boundaries. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Please take a moment to realize this bill was written from the perspective of individuals who have not spent any time trying to understand firearms, but instead feverishly authored a bill trying to completely wipe out firearm ownership within one generation. We cannot allow ourselves to make enemies of our neighbors simply because they would like to retain their unalienable rights. Let us not pit ourselves against each other, as if our political system is a game that can be won, but instead realize that we are different parts of the same team trying to reach a common goal, a long, prosperous and peaceful future for the generations that follow us. Thank you for your time.

Sincerely,

Joe Gregory

HB24-1292 – CO bill to ban semi-automatic weapons in common use

This testimony concerns the so-called Assault Weapons Ban being heard by the Colorado House Judiciary Committee as HB 24-1292. I thank the Committee for accepting, and perhaps considering, this statement.

The Second amendment to the Constitution of the United States says, unequivocally, that: “the right of the people to keep and bear arms shall not be infringed.” The Supreme Court of the United States has stated that the liberties guaranteed to the people and protected by the Constitution are not subject to being taken away by the States any more than by the Federal government. Just to note, the rights of the people are recognized and protected by the Constitution, not created by it. The Court has also set standards by which proposed laws that could be construed to infringe on the right to keep and bear arms must be judged, especially when those laws intend to ban certain specific weapons. This bill is directly contrary to the decisions and standards of the Court because it seeks to ban weapons and accoutrements that are in common use and have been for decades.

HB24-1292 contains a list of firearms, most specified by make and model, that the legislature would try to ban in Colorado. It also describes features of weapons that it uses to define the term “assault weapons”. None of those features were designed or intended to make the weapons more likely to be used in an assault or to make an illegal assault more deadly. Certainly the features increase the safety, ease of use, and efficiency of the firearm for its intended purpose, which is to shoot a target accurately. What the target is, however, is always the choice of the user, not the weapon.

And that is the great downfall and failure of this bill. The supposed justifications of this bill, as listed in it (Sec 18-12-601), are in large part, not just erroneous interpretations of facts, but outright lies presented as though they are facts. Yes, there have been so-called “mass shootings” in CO. Reportedly, 80-some people have died in 25 or so incidents in the past 30 years. Every one of those incidents was the action of a person who was in violation of existing laws, in particular, those laws against deliberately harming other people. The guns they used did not cause those perpetrators to commit the crimes any more than the vehicles they drove to the scene made them do it. The very premise of this bill is fallacious; preventing ownership of tools does not and cannot cure mental illness or evil intent. All it does is harm people who have neither the illness nor the intent.

Until this legislature is willing to address the true causes of the supposed but perhaps non-existent “epidemic” of gun violence, the very best that any bill like this can accomplish is to cause those people intent on doing harm to use other tools. And if those people are determined and willing to ignore the laws that prohibit causing harm, they are going to ignore such laws as this as well. A person determined to commit a violent crime in the first place is not going to be deterred by a law that makes possession of his preferred tool a crime also. Do any of the supporters of this measure, or of the others being considered, truly believe that a person willing to deliberately murder multiple people is going to care one whit that possession of the tool used to do it is illegal? Do they even think that making the tool illegal will prevent a person intent on murder from obtaining whatever tool they want to use? The most likely outcome of making ownership of these weapons illegal for peaceful private citizens is the creation

of another flourishing underground trade in illegal substances, otherwise known as smuggling and sale of contraband. With this bill, the legislature itself is promoting additional illegal activity.

None of the foregoing addresses the philosophy that makes the ownership of weapons such as these both right and necessary for peaceful and law-abiding citizens. This nation was founded on beliefs enunciated in the Declaration of Independence. Those beliefs are derived from a philosophy that declares the independence and autonomy of individual persons. "We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men ...; that whenever any form of government becomes destructive to these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in form, as to them shall seem most likely to effect their safety and happiness ... [and] to provide new guards for their future security." The Declaration outlines the philosophy that impelled the creation of the United States; the Constitution provides for the organization and structure that they thought likely to guarantee the security of their liberties.

Within the Constitution itself they placed specific restrictions on the government in several areas of action where they thought it most likely the government would attempt to violate the rights their philosophy said were inherent in individuals. The first 10 Amendments to the Constitution are called the Bill of Rights. Those amendments were implemented as special safeguards for rights that previous governments had tried to usurp and abuse.

The Second Amendment was one of those safeguards. It was not put in to allow people to hunt, or engage in shooting competitions. It was created deliberately and particularly to prevent the government from denying to the people the ability to protect their own freedoms against the incursions of their own governments. Militias were the organizations through which the people could act in their own defense. The weapons those militias used were in large part the weapons owned by the militia members. And while those weapons were perhaps not standard issue, that is, the same for all members in the company, they were mostly equivalent to the weapons used by regular troops.

Some militias were privately organized armies; sometimes they were sponsored by the colonial governments. While their supplies may at times have been provided through local government funding, it was the responsibility of the local volunteers to furnish and maintain their essential armaments. Those armaments included their rifles or muskets, their ammunition, their gunpowder, and even cannons. Extra arms and ammunition may have been stored in a public armory operated by the militia, but the privately owned weapons of the members were kept at home, being the first line of defense for their lives, property, and freedoms.

Just as the colonial governors tried to disarm the citizens when the people resisted the usurpation of their rights and abuse of their liberties by government power, those in power today recognize that the only real and final limitation to the abuse of people's rights now is an armed citizenry. Any other excuses legislators or other advocates of measures such as this bill may give for disarming peaceful and non-

criminal citizens are just that, excuses. The real effect they seek is not the prevention of criminal activity, but the suppression of the ability of the people to resist oppression and tyranny by government, not to mention their ability to protect themselves and others against criminals.

Were this conclusion not true, the efforts of this legislature would be directed at controlling criminals and their activities rather than those of us who have no desire to commit a crime. Action would be directed toward people who have actually broken the laws against using violence to achieve illegitimate purposes, not at suppressing the rights of those who have no intention of doing so.

I and a million others in this state can carry loaded and lethal weapons anywhere without causing danger to anyone. We are no more a threat to any other peaceful person we encounter than any unarmed individual is. Nevertheless, this law is directed at us. It will do nothing to stop the use of semi-automatic weapons, regardless of their appearance or features, by criminals or would-be criminals who have no regard for the law or for other people to begin with.

If this legislature wants to have a positive effect to reduce killing and other crime in this state, then take real action to make destructive behavior by criminals less appealing. When criminal behavior occurs, punish the behavior; do not reward it. Incentives matter. Letting people get away with stealing, arson, battery, and other mayhem only encourages more of the same. Make use of a weapon of any kind, whether gun, knife, club, slingshot, or fist, in the commission of a crime an aggravating offense, and do not let the offenses to be pled down. Make crime painful for the criminal, not just the victim. Stop pretending that criminals are the victims.

Encourage schools and other community organizations to develop programs that teach respect for the persons and property of others, instead of self-indulgence and false self-esteem.

Teach young people the safe handling and proper use of guns just as they are taught safe driving techniques and habits.

Take the money the legislature intends to steal to enforce these useless laws and redirect it to incarceration, reform, and education of offenders of current laws, rather than trying to make offenders of people who are not hurting anyone.

The problem is not the existence of guns. The problem is the evil in the hearts and minds of those who seek to harm others. Unless that problem is addressed this society will continue to deteriorate. Laws such as this one and its companions, that penalize the peaceful and otherwise law-abiding, but do nothing to change the destructive behavior of those who would ignore them anyway, only contribute to the problem, not a solution.

Attempts by government to infringe, restrict, and negate rights of the people do not abolish those rights; such actions merely delegitimize the government.

I thank the Committee for receiving this statement.

Opposition to Assault Weapons Ban HB24-1292

My name is Sidney Patin. I live in Colorado Springs. I strongly oppose HB24-1292, and I adopt the statement of the organization Rocky Mountain Gun Owners and Colorado State Shooters Association, which oppose this measure and others like it before the General Assembly this session. Gun bans, like this one, are a direct and obvious infringement of both the United States and Colorado Constitutions and have been shown to have no positive effect on crime rates or deterrence of mass shootings. This so-called 'assault weapons' ban senselessly turns thousands of law-abiding Colorado citizens and business owners into criminals for simply attempting to sell a firearm with features arbitrarily deemed 'scary' by gun grabbing Democrats.

The language of HB24-1292 would outlaw most if not all semi-automatic pistols and rifles used for legal purposes in Colorado and most of the rest of this country. It is a clear violation of the 2nd Amendment of the US Constitution because it infringes on the right to own and possess firearms. It also violates the 4th, 5th and other Amendments because it chills the rights of citizens to prohibit them from exercising their rights. The Constitution does not limit the right to own and possess firearms to just a few weapons. Semi-auto pistols are commonly and legally carried to protect person and property, and that has been the case for many years. The same is true for AR style rifles and other semi-auto rifles and shotguns.

The actions of a few crazed lunatics do not justify disarming the entire population. The legislature should instead direct its efforts toward better security to protect soft targets like schools, churches, and other places where people gather. "Gun Free Zone" is just an invitation to a soft target with no defenses. HB24-1292 would make the whole state a "Gun Free Zone" and turn the state into a soft target, inviting more mass shootings, not less.

The language of the anti-gun measure displays the lack of understanding of firearms by the authors of the measure. Pistol grips, detachable magazines, shrouds, protruding grip, or other attachments, like a grenade launcher, do not make a gun an assault weapon. It could be said that any weapon used to assault people is an assault weapon. But the same weapon could also be said to be a defensive weapon, which could be properly and legally used to defend one self, or family members, others, or property. It is the use of the weapon, not the ornaments.

The legislature should instead consider how to control the criminals who commit these horrible acts, and not deprive law abiding citizens of their Constitutional rights. Thank you.

Sidney L. Patin
460 Silver Spring Cir.
Colorado Springs, CO 80919
Telephone: 719-578-5104
Email: spatin51@msn.com

Concerns regarding HB24-1292

Statistics regarding the use of “assault weapons” in crimes and mass murder, as well as the “success” of the 1994 national ban of “assault weapons”, are grossly overstated in the introduction to this bill and then the inaccurate statements multiply from there.

The type of firearm that this bill targets, contrary to the statement in the text of the bill that it does not have “any purpose other than mass killing”, is used by thousands of people around the country for target shooting, shooting competitions, hunting and yes, defense of their homes and loved ones.

Firearm features that are decried in this bill are not sinister but practical. An adjustable stock, rather than being about concealment, makes the firearm adaptable to multiple users of different sizes and statures. It also allows the user to make optimal use of different types of optics that may be mounted on the firearm; if a hunter wants to make a quick, close in shot using his/her red dot optic, a shortened stock can work well. For longer range shots at game, the stock at full length optimizes the use of a second mounted telescopic sight. The eye relief associated with each of those mounted optics on a firearm can be just different enough that an adjustable stock makes it possible to optimize the use of each optic and again if there are multiple users of the same gun (father and son/daughter) the optics can be used successfully by each of them.

The pistol grip and the ability to attach a second vertical grip to the shroud of a platform like the AR15 or AR10 are all about accuracy, which is a paramount consideration for any competitive shooter or responsible hunter. Even shotgun models specifically designed for turkey hunting have now started to include a pistol grip because it's an acknowledged preference associated with accuracy.

The text of the bill also mentions semi-automatic pistols with threaded barrels as being on the list of firearms to be banned. A threaded barrel enables the attachment of a compensator, which again is a device that has a practical and not a sinister purpose. Competitive shooters use compensators to reduce the felt effects of recoil so that they can be more accurate during competition.

I find the list of firearm attributes noted in this bill to be so broad that it will ban access to a large number of practical firearms that are used and enjoyed by many today for legitimate and not nefarious purposes. Although one of the stated purposes of this bill is “...to limit the prospective sale of assault weapons and accessories, while permitting existing legal owners to retain the assault weapons they currently own”, I am skeptical about the ultimate intent of those pushing this. Will the next move be to redefine what it means to be a “legal owner” of a firearm with any of these attributes? And why should law abiding citizens suddenly be classified as criminals if a firearm owned by a father, for example, is willed to a son or a daughter upon the father's death. It seems like this

bill is setting the stage for ultimate confiscation of a broad base of firearms that are in common practical use today. As a concerned citizen, a hunter, a participant in competitive shooting sports and a lifelong owner of firearms, I strongly oppose such legislation and I urge you to scrap this effort.

Brian O'Boyle

It is always horrifying to wake up and see on the news that another mass-shooting tragedy has occurred. The loss of a life is always sorrowful in its own way, and becomes more so when the loss of that life is a child.

In these times, it is always imperative to look toward the future. We should always ask “Could this have been prevented?” It’s natural in the wake of such tragedies.

When it comes to crimes perpetrated with firearms, the question always seems to be “How do we outlaw the firearm?” when instead the question should be “How do we stop people from performing senseless acts of violence?”

A firearm, regardless of its age or classification, is a tool. It is a tool that has sadly been used for some of the most heinous crimes in recent history, but it is simply an object. That same object has also saved lives, countless lives here in the United States when used by both police and civilians. Banning a tool when it is used for a crime, no matter how horrible the crime is, does not resolve the underlying issue or issues that lead to the commission of that crime.

The proposed ban on so-called “assault weapons” seeks to ban firearms for possessing cosmetic features that have no bearing on the deadliness of the firearm. Firearms are not toys, but their danger to the self and others is directly correlated to the operator of the firearm, regardless of what is attached to the firearm.

The ban would deprive millions of law-abiding Colorado residents’ access to firearms that have legitimate purposes such as hunting and self-defense, all in reaction to the crimes committed by a very small percentage of the population. We should instead focus on hardening our schools to make these crimes harder to commit, and penalizing those that do commit gun crimes to the fullest extent of the law. No deals or parole.

We should also focus on addressing the cause of this violence. Firearms have existed for hundreds of years, and the Second Amendment has existed for 231 years. The so-called “assault weapons” that you are seeking to ban have been available to civilians since at least the 1960s. However, it has not been until recently that we have seen these mass shooting events. If the so-called “assault weapons” are the issue, why were these events not more prevalent starting in the 1970s? We must look at how our socioeconomics have changed and address the root cause instead of banning the tool that is used and indicating a symptom. Without addressing the root cause (such as school bullying), acts of violence will still occur.

A ban on “assault weapons” may feel like a step in the right direction, until the next act of violence is an improvised explosive device. Or chlorine gas.

It should also be noted that the 1993 ban on “assault weapons” did not have a conclusive effect on reducing violent crime.

I would like to finish by pointing to the document that is the framework for our laws and, one may argue, our society: the Constitution. The Second Amendment of the Constitution states that “The right of the people to keep and bear arms shall not be infringed.” A ban of any kind against any firearm is defined as “infringement,” and thus is unconstitutional. This has been

upheld by the Supreme Court, which ruled that firearms in common use (the “assault weapons” that are being banned are among the most popular arms in the entire country) are protected by the Second Amendment.

Everyone is welcome to their opinion regarding firearm ownership in the United States. Some see it as a relic that needs to be updated or abolished. Some do not understand the Second Amendment and its original purpose. However, the Constitution, the supreme law of the land, is clear: Shall Not Be Infringed.

I want to close this by saying how disgusted I am that this is the second year in a row I’ve taken my time and written testimony against an Assault Weapons Ban bill. Not only is such a bill in flagrant violation of the Second Amendment, but trying to pass almost the same bill a year later is an egregious waste of taxpayer time, money, and resources. Instead of trying to pass legislation that may help tackle the root cause of issues, or do anything else that might improve the quality of life for Colorado citizens, you instead waste time trying to pass the same drivel that failed so miserably last year.

Almost more than anything, that is what upsets me the most. The utter disregard to not only the Constitution, but to the taxpayers of this state. The taxpayers that must now pay your salary while you draft legislation to strip away their constitutional rights. Taxpayers that must take time off work, or away from their families, to drive or fly to the Capitol to testify against this bill. Taxpayers like me who have to write testimony such as this for a second time. Taxpayers who have to pay for every support staff and computer and sheet of paper that is being allocated to this absolute waste of time.

Hello, my name is Nathan Butler. I'm a medically retired army resident of Craig Colorado as well as a currently seated member of the Craig city council, I'm also currently running to represent Colorado House district 26 I intended to give this speech in person but due to turnout and time constraints I have to settle for written testimony as I have important council issues to deal with in Craig today. I write you now to vehemently speak against house bill 24-1292, otherwise known as the Colorado assault weapons ban. On its face this bill is blatantly unconstitutional and any person in this chamber that would support this bill as written is standing in direct opposition of the United States constitution and therefore the people of Colorado.

The long standing tradition of the left has been to demonize law abiding gun owners, all the while making it easier for criminals to commit acts of terror against other American citizens, then using that tragedy to expand even more restrictions that generally only hurt the law abiding. If you want to fix the problem, end gun-free Zones. If you want to save lives, enable people to defend themselves, their families, and their communities. Empower them to get training. Don't legislate it, don't make it harder, don't add unnecessary burdens. Instead, work with the law abiding gun owners to stop these shootings before they ever happen. The more we disarm or prevent the law abiding from legally acquiring weapons to defend themselves, the more likely you are creating new victims. As written I'd argue this bill will not have stopped a single mass shooting in this country, because it does nothing to address the real problems. If someone wants to commit an act of terror, they will find a way, gun or no gun. What we can do is prepare our citizens to defend themselves as best as possible. All this bill does is make it harder for the law-abiding citizen to acquire weapons to protect themselves, their families and their communities by adding more and more unnecessary burdens towards the acquisition of firearms. There are untold numbers of crimes that are stopped merely by the presence of a firearm without a single shot needing to be fired because firearms are a tool, nothing more.

Bills like this one that seek to remove our rights or to limit the types of firearms that we're allowed to purchase to defend ourselves. Serve no purpose other than to make it easier for a criminal to hurt law abiding citizens of Colorado and I hope everyone here fully understands that if you ban the purchase of semi-automatic weapons, you are not only *not* saving a single life, you are much more likely to be putting more lives in jeopardy. I plead with the representatives here today to reject this blatantly unconstitutional bill, it's un-American and it is certainly not in the best interest of the citizens of Colorado.

I am writing in opposition of HB 24-1292. As a career law enforcement officer and a citizen of the State, I am opposed to the passage of this legislation for several reasons. They are as follows:

1. How much taxpayer money is the state willing to spend defending this bill if it is passed and signed by the Governor? As soon as this bill, if signed by the Governor, becomes law it will be immediately challenged as unconstitutional. Pending litigation will be based in part on various Federal court decisions against similar legislation across the country, included but not limited to the 9th Circuit U.S. Court of Appeals, and the U.S. Supreme Court. To knowingly pass a bill that has little chance of meeting Constitutional standards is unconscionable when one considers the cost of taxpayer funds to defend such a bill, should it become law.

2. I believe the bill is being advanced on a number of false assumptions. These assumptions are as follows:

a. Part 6 (2) (a) Contrary to common belief, many so called assault weapons are appropriate for home/self-defense. This is especially true of the AR style sporting rifles. This are easy to shoot and require little practice to effectively use the firearm in a self-defense situation. To state these types of firearms are not suitable for self/home defense is inaccurate. In fact, a number of lives have been saved with the intervention of an AR style sporting rifle. Additionally, these style sporting arms are used throughout the State on a daily basis by varmint hunters (ranchers), and rural land owners.

b. Additionally, the AR style sporting rifle and many of the hand guns this legislation prohibits are used weekly in various sporting events across the State. These events include, three-gun events, precision rifle events, USPSA, and PPC type events/matches.

c. Part 6 (2) (e) Contrary to popular belief, the 1994 Assault Weapons did not “significantly” reduce “mass shooting” events. In fact, in the ten years prior to the ban, there was only two mass shootings on which to base statistical analysis; not impressive numbers with which to claim a significant difference.

d. Additionally, the 1994 ban did not effectively limit the production and purchases of the many so-called assault weapons. AR style sporting rifles were still manufactured and available to the public to purchase. As recently as Monday I saw one such rifle on display for sale at sporting goods store in Loveland. In fact, I purchased one such rifle during the ban. The facts have clearly been lost in the debate.

3. I am also concerned about contradictory language in the bill. As an example, the language essentially outlaws any firearms with a barrel shroud yet exempts rim fire firearms. Many .22 caliber rim fire rifles are manufactured with a barrel shroud. Are they legal under this bill or not? Clearly, this legislation impacts the most popular rife used by youth shooters. Our youth deserve the clarity this Bill is lacking.

4. Today, more than half the sheriffs in the state and an even larger number of chiefs of police have refused to enforce the current ban on high-capacity magazines. There is little doubt this will be the

future of this law, should it pass and be signed by the Governor. With so little support from our law enforcement, it truly is an expensive exercise in futility.

5. Finally, as a taxpayer I implore you not to make this a partisan issue and I beg you not to support his bill from a common-sense responsible position over seeing tax payer funds. It is certain to fail when constitutionally challenged that is certain to follow if signed by the Governor. Taxpayers will be funding the defense of an unpopular, and highly Unconstitutional law. Frankly, given the lack of local law enforcement's unwillingness to enforce this legislation, certainly reveals this to be an unnecessary taxpayer expense.

Thank you for your service.

I am writing in opposition of HB 24-1292. As a lifelong citizen of the State, I am opposed to the passage of this legislation for numerous reasons. I reasons a listed below:

I believe the bill is being advanced on a number of false assumptions. Part 6 (2) (a) Contrary to common belief, many so called assault weapons are appropriate for home/self-defense. This is especially true of the AR style sporting rifles. This are easy to shoot and require little practice to effectively use the firearm in a self-defense situation. To state these types of firearms are not suitable for self/home defense is inaccurate. In fact, a number of lives have been saved with the intervention of an AR style sporting rifle. Additionally, these style sporting arms are used throughout the State on a daily basis by varmint hunters (ranchers), and rural land owners.

Additionally, the AR style sporting rifle and many of the hand guns this legislation prohibits are used weekly in various sporting events across the State. These events include, three-gun events, precision rifle events, USPSA, and PPC type events/matches.

Part 6 (2) (e) Contrary to popular belief, the 1994 Assault Weapons did not “significantly” reduce “mass shooting” events. In fact, in the ten years prior to the ban, there was only difference of two shootings; not an impressive numbers with which to claim a significant difference.

Additionally, the 1994 ban did not effectively limit the production and purchases of the many so-called assault weapons. AR style sporting rifles were still manufactured and available to the public to purchase.

I am also concerned about contradictory language in the bill. As an example, the language essentially outlaws any firearms with a barrel shroud yet exempts rim fire firearms. Many .22 caliber rim fire rifles are manufactured with a barrel shroud. Are they legal under this bill or not? Clearly, this legislation impacts the most popular rife used by youth shooters. My children deserve the clarity this Bill is lacking.

How much taxpayer money is the state willing to spend defending this bill if it is passed and signed by the Governor? As soon as this bill, if signed by the Governor, becomes law it will be immediately challenged as unconstitutional. Pending litigation will be based in part on various Federal court decisions against similar legislation across the country, included but not limited to the 9th Circuit U.S. Court of Appeals, and the U.S. Supreme Court. To knowingly pass a bill that has little chance of meeting Constitutional standards is unconscionable when one considers the cost of taxpayer funds to defend such a bill, should it become law.

Today, more than half the sheriffs in the state and an even larger number of chiefs of police have refused to enforce the current ban on high-capacity magazines. There is little doubt this will be the future of this law, should it pass and be signed by the Governor. With so little support from our law enforcement, it truly is an expensive exercise in futility.

Finally, as a taxpayer I implore you not to make this a partisan issue and I beg you not to support his bill from a common-sense responsible position over seeing tax payer funds. It is certain to fail when constitutionally challenged that is certain to follow if signed by the Governor. Taxpayers will be funding the defense of an unpopular, and highly Unconstitutional law. Frankly, given the lack of local law enforcement's unwillingness to enforce this legislation, certainly reveals this to be an unnecessary taxpayer expense.

To the Bill prime sponsors and sponsors:

This letter is to inform you that I'm in OPPOSITION to house bill 24-1292, Prohibit Certain Weapons Used in Mass Shootings. The wording and description of the House bill are grossly overstated in context. For instance, the term 'mass shooting' is defined by the FBI as murderer who killed four or more people in a single incident. This term is overused so much that the definition is not considered. The 'mass shootings' in the US only account for less than 0.5% of all gun-related deaths every year. See the link below for educational purposes. Within the bill, lines 15 to 17 of the House bill state that 'assault weapons are not suitable for self-defense and are not well-suited for hunting, sporting, or any purpose other than a mass killing.' I can tell you for a fact that a rifle can be used for hunting; it just depends on the caliber used to take down big game. This gives a false description to the term 'assault weapon'. Secondly, lines 18 to 22 describe the firearm industry marketing assault weapons as tactical and hyper-masculine,' and the 'very people most likely to acquire such weapons as a means to gain infamy as a mass shooter is grossly misleading and has no relation to the term 'assault weapon.' This description sounds more like a mental health problem than a suppression on firearm ownership.

<https://www.usconcealedcarry.com/resources/gun-facts-and-fiction/mass-shootings/>

What research was performed to indicate that banning assault weapons led to a drop in mass shootings and gun massacres by at least 37%?

There is a reference to 'functional grenade launcher or flare launcher'; how is this related to the term 'assault weapon'?

The listed rifles or what you consider as 'assault weapons'; how knowledgeable are you to say that the list of 'assault weapons' are, indeed, 'assault weapons'? what background and technical acumen do you have to say they are assault weapons? Have these weapons been used in such cases of being identified or classed as 'assault weapons'? Of those listed firearms, which are classified under the National Firearms Act? These questions also apply to those firearms listed as pistols and shotguns having similar characteristics to an 'assault weapons.'

The impact of considering or implementing this bill on the citizens of Colorado will bring immediate financial consequences and/or public safety measures. Implementing this bill will result in businesses moving to a state that favors the sanctuary and preservation of the Second Amendment. For instance, the Colorado Chamber of Commerce noted that business leaders are leaving the state of Colorado due to the burden of laws imposed on its citizens. An open-ended question was asked on important issues facing Colorado, and almost 48% stated regulations. Secondly, a bulk of the regulatory concerns are related to the state government. Of the individuals interviewed, 64% stated that the state government has the greatest burden, while 15% by the federal government. If continued consideration is to implement this law, firearm businesses will leave, and you, the state legislature, will be responsible for the loss of jobs while also contributing to an increase in crime and suppressing the right of citizens to firearms to protect themselves.

<https://cochamber.com/2023/09/06/colorado-chamber-business-survey-regulatory-burden-is-driving-business-out-of-state/>

In addition, if the bill becomes law, there is a high probability that it will be challenged in the Supreme Court that it infringes on the Second Amendment. To give an example, a federal judge in California ruled against California's assault weapon ban as 'unconstitutional.' Are you willing to do this to satisfy the urge to suppress another citizen's right to bear arms?

<https://www.npr.org/2023/10/19/1207329132/a-federal-judge-rules-again-that-californias-assault-weapons-ban-is-unconstituti>

To look at it from a business perspective, if a business implements too many internal controls, the users will disregard the rules and find ways to go around or leave the company, degrading the user experience. Don't be that business that implements too many rules/policies because 'it's the right thing to do' when you don't know the actual root cause of the risk.

Bottom line, I love Colorado and want to stay here as long as possible. However, if this bill becomes law, businesses and citizens will leave Colorado for a favorable state that honors and preserves the Second Amendment. Please don't turn Colorado into California, Washington or Oregon.

CONCERNING PROHIBITIONS ON CERTAIN FIREARMS USED IN PUBLIC MASS SHOOTINGS

The Bill lacks exceptions that may impact many businesses in Colorado. The need for the Bill is not substantiated in the text of the Bill or the Fiscal Note.

The Prohibitions Does Not Apply to Listing does not include:

1. Farmers and ranchers who may from time to time provide firearms listed in this bill to employees, family members, and/or others for the purpose of securing livestock and/or other property.
2. Security employees of other businesses, not armored vehicle businesses, requiring such firearms in the scope of their employee duties.

SECTION 1, Part 6-Assualt Weapons

18-12-601. Legislative Declaration includes facts commonly known to the public concerning incidents of firearms being used to take lives or injure numbers of victims. However, most of the statements concerning “assault weapons and high-capacity magazines” are opinions without substantiation in the Bill or in the required Fiscal Note. The discussion does not mention the well-known need for mental health services within our communities and the correlation of this need and mass shootings.

The Fiscal Note assumptions cover a period of three-year fiscal years with limited evidence as to the need for this Bill.

- The Fiscal Note review indicates that one incident of transferring an assault weapon will occur on an annual basis indicates there is little need for this Bill. Some will argue that even one is too many, however limiting the rights of all owners of the firearms described in this Bill is not reasonable.
- The assumptions for rapid fire trigger activators use incidents involving high-capacity magazines, this is an “apples to oranges” comparison as there were likely thousands of high-capacity magazines owned throughout the State of Colorado prior to the enacting of the law prohibiting the manufacture and purchase of those items. Though there may be many rapid-fire trigger activators in Colorado they would be nowhere near as prevalent as high-capacity magazines. Even with this “apples to oranges” comparison the number of incidents is limited over a three-year period used in the assumptions.
- The transfer of an assault weapon to a juvenile was viewed nearly nonexistent in the Fiscal Note.

I am writing in opposition of HB 24-1292. As a citizen of the State, I am opposed to the passage of this legislation for the following reasons:

How much taxpayer money is the state willing to spend defending this bill if it is passed and signed by the Governor? As soon as this bill, if signed by the Governor, becomes law it will be immediately challenged as unconstitutional. Pending litigation will be based in part on various Federal court decisions against similar legislation across the country, included but not limited to the 9th Circuit U.S. Court of Appeals, and the U.S. Supreme Court. To knowingly pass a bill that has little chance of meeting Constitutional standards is unconscionable when one considers the cost of taxpayer funds to defend such a bill, should it become law.

I believe the bill is being advanced on a number of false assumptions. These assumptions are as follows:

Part 6 (2) (a) Contrary to common belief, many so called assault weapons are appropriate for home/self-defense. This is especially true of the AR style sporting rifles. These are easy to shoot and require little practice to effectively use the firearm in a self-defense situation. As a woman this is critically important to me. To state these types of firearms are not suitable for self/home defense is inaccurate. In fact, a number of lives have been saved with the intervention of an AR style sporting rifle. Additionally, these style sporting arms are used throughout the State on a daily basis by varmint hunters (ranchers), and rural land owners.

Additionally, the AR style sporting rifle and many of the hand guns this legislation prohibits are used weekly in various sporting events across the State. These events include, three-gun events, precision rifle events, USPSA, and PPC type events/matches.

Part 6 (2) (e) Contrary to popular belief, the 1994 Assault Weapons did not “significantly” reduce “mass shooting” events. In fact, in the ten years prior to the ban, there was only two mass shootings on which to base statistical analysis; not impressive numbers with which to claim a significant difference.

Today, the majority of sheriffs in the state and an even larger number of police chiefs have refused to enforce the current ban on high-capacity magazines. There is little doubt this will be the future of this law, should it pass and be signed by the Governor. With so little support from our law enforcement, it truly is an expensive exercise in futility.

Finally, as a taxpayer I implore you not to make this a partisan issue and I beg you not to support this bill from a common-sense responsible position over seeing tax payer funds. It is certain to fail when constitutionally challenged that is certain to follow if signed by the Governor. To be honest, this bill, if passed, will only affect law abiding citizens. The criminals we fear and need to defend against will continue to gather, maintain, and use “outlawed” firearms whether this bill is passed or not.

I am writing in opposition of HB 24-1292. As a citizen of the State, I am opposed to the passage of this legislation for the following reasons:

I believe the bill is being advanced on a number of false assumptions. These assumptions are as follows:

Part 6 (2) (a) Contrary to common belief, many so called assault weapons are appropriate for home/self-defense. This is especially true of the AR style sporting rifles. These are easy to shoot and require little practice to effectively use the firearm in a self-defense situation. To state these types of firearms are not suitable for self/home defense is inaccurate. In fact, a number of lives have been saved with the intervention of an AR style sporting rifle. Additionally, these style sporting arms are used throughout the State on a daily basis by varmint hunters (ranchers), and rural land owners. Additionally, the AR style sporting rifle and many of the hand guns this legislation prohibits are used weekly in various sporting events across the State. These events include, three-gun events, precision rifle events, USPSA, and PPC type events/matches. Several of which I participate in as a Venture Scout.

Today, the majority of sheriffs in the state and an even larger number of police chiefs have refused to enforce the current ban on high-capacity magazines. There is little doubt this will be the future of this law, should it pass and be signed by the Governor. With so little support from our law enforcement, it truly is an expensive exercise in futility.

How much taxpayer money is the state willing to spend defending this bill if it is passed and signed by the Governor? As soon as this bill, if signed by the Governor, becomes law it will be immediately challenged as unconstitutional. Pending litigation will be based in part on various Federal court decisions against similar legislation across the country, included but not limited to the 9th Circuit U.S. Court of Appeals, and the U.S. Supreme Court. To knowingly pass a bill that has little chance of meeting Constitutional standards is unconscionable when one considers the cost of taxpayer funds to defend such a bill, should it become law.

Finally, as a taxpayer I implore you not to make this a partisan issue and I beg you not to support this bill from a common-sense responsible position over seeing tax payer funds. It is certain to fail when constitutionally challenged that is certain to follow if signed by the Governor. To be honest, this bill, if passed, will only affect law abiding citizens. The criminals we fear and need to defend against will continue to gather, maintain, and used "outlawed" firearms whether this bill is passed or not.

I am writing in opposition of HB 24-1292. As a citizen of the State, I am opposed to the passage of this legislation because it only hampers the exercise of freedoms enjoyed by honest law abiding citizens as criminals will continue to get, maintain and use the firearms this legislation intends to limit.

I also believe the bill is being advanced on a number of false assumptions. Contrary to common belief, many so called assault weapons are appropriate for home/self-defense. This is especially true of the AR style sporting rifles. These are easy to shoot and require little practice to effectively use the firearm in a self-defense situation. To state these types of firearms are not suitable for self/home defense is inaccurate. This is especially important as I am a relatively small woman and not capable of effectively handling a revolver. In fact, a number of lives have been saved with the intervention of an AR style sporting rifle. Additionally, these style sporting arms are used throughout the State on a daily basis by varmint hunters (ranchers), and rural land owners. The AR style sporting rifle and many of the hand guns this legislation prohibits are used weekly in various sporting events across the State. These events include, three-gun events, precision rifle events, USPSA, and PPC type events/matches. Several of which I participate in as a Venture Scout. To say they do or cannot serve a sporting purpose is completely false.

Today, the majority of sheriffs in the state and an even larger number of police chiefs have refused to enforce the current ban on high-capacity magazines. There is little doubt this will be the future of this law, should it pass and be signed by the Governor. With so little support from our law enforcement, it truly is an expensive exercise in futility.

How much taxpayer money is the state willing to spend defending this bill if it is passed and signed by the Governor? As soon as this bill, if signed by the Governor, becomes law it will be immediately challenged as unconstitutional. Pending litigation will be based in part on various Federal court decisions against similar legislation across the country, included but not limited to the 9th Circuit U.S. Court of Appeals, and the U.S. Supreme Court. To knowingly pass a bill that has little chance of meeting Constitutional standards is unconscionable when one considers the cost of taxpayer funds to defend such a bill, should it become law.

As a taxpayer I encourage you not to make this a partisan issue and I beg you not to support this bill from a common-sense responsible position over seeing tax payer funds. It is certain to fail when constitutionally challenged that is certain to follow if signed by the Governor. To be honest, this bill, if passed, will only affect law abiding citizens. The criminals we fear and need to defend against will continue to gather, maintain, and use "outlawed" firearms whether this bill is passed or not.

HB24-1292 Testimony

I am testifying to urge you to vote against HB24-1292 that will ban so-called assault rifles (and some shotguns and pistols). These weapons are overwhelmingly owned by law abiding gun owners that use them for hunting, target practice and home defense. The bottom line is that bans do not work. There are bans on illicit drugs such as fentanyl, heroin, methamphetamines, etc. that are readily available thanks to smugglers that are willing to bring them into our country illegally. If so-called assault rifles were banned, criminal organizations would undoubtedly smuggle them in for use by criminals in our country. The only way to actually solve the problem of gun crime where so-called assault rifles are used is to address the root cause. The one common thing we see in highly publicized shootings where a so-called assault rifle is used is that the perpetrator is suffering from mental health issues. Additionally, perpetrators have often given numerous signs of

their mental health problem that are ignored. I urge you to vote against this unconstitutional bill and instead focus on ways to better address mental health issues that have historically led to shooting crimes with so-called assault rifles. Thank-you for providing me the opportunity to provide my testimony against this bill.

Today I write to the Colorado House of Representatives as both a lifelong Colorado native and left leaning Democratic voter. It is my conclusion that HB24-1292 oversteps in prohibiting common firearms for the overly vast majority of law-abiding Colorado citizens participating in marksmanship, hunting, personal expression, and socialization. Instead, this bill would fail to address the blatant underlying conditions that lead individuals into places priming them to carry out violence.

The constant framing of firearms as the source of violence, as well as their removal being the key to public safety, only serves to drive a wedge in public support. Much of the framing around this division is a self fulfilling issue and is reflected in the wording of the proposed bill itself. Section 2 Part B of the proposed bill states “The firearms industry has specifically marketed assault weapons as a tactical, hyper masculine, and military style in a manner that overtly appeals to the very people most likely to acquire such weapons as a means to gain infamy as a mass shooter”. This framing implies that every owner of the most common type of firearm today is either intentionally or subconsciously prone to commit violence despite the statistics showing otherwise. The overwhelming majority of gun owning individuals follow strict safety protocols to ensure that everyone around them is safe from direct and indirect harm, practices preached repeatedly in the communities and establishments they frequent. It is a rare occurrence where those who own and carry firearms don’t call out the bad behaviors and practices they see from others in their community. Constantly pushing away these individuals makes them resistant to our messaging on other issues, and drives a wedge between both us and them when we do agree. This vilification discourages left leaning individuals from entering into these spaces, and closes off a large demographic to the hobby. Unsurprisingly

this leads to the hobby as a whole being associated further with "The Right", and the advertisements from retailers and manufacturers cater to this highly biased demographic. The association between firearms and "tactical, hyper masculine, and military" is an association entirely the fault of divisive language and framing propagated by rhetoric and legislation not unlike the bill discussed here. Why try to appeal to those left of center when wording like that found in this proposed bill makes it clear; spend no effort on us since we'll reject you outright.

I have grown up in this beautiful state of ours, and like many of my friends and family, have grieved alongside my fellow citizens when they occur in our communities. I have seen the impacts these events have caused on family, friends, and myself. The discourse around these issues drive us to find a common factor that may explain why these tragic and horrific events happen, and the firearm seems to fit that role perfectly. This however is the wrong place to focus.

I too was wary of these tools growing up, hearing that they have no place in our society or that only those with ill intentions seek to own them. As I grew I, like many others, realized that a key component of fear was the lack of knowledge surrounding it. With this in mind, I decided to go out and learn all I could about the issues and opinions surrounding this divisive topic. In my journey to do so, I not only shed my misconceptions on firearms, but better understood the conditions that lead to the tragedies this bill is aiming to prevent.

While we look at examples of mass shootings both within our own state and across the country, most people are hyper focused on the types of firearms used instead of the individual themselves. In virtually all cases, the individual carrying out mass shootings has a trail of red flags that

indicate they have long standing issues that need addressing. Analysis of the manifestos, social media posts, online activity, and social behavior from those at fault all point to larger social issues. Social isolation, desperation, feelings of alienation, and overall mental health issues can all lead people to act drastically if not addressed. *The Violence Project: How to Stop a Mass Shooting Epidemic* by Jillian Peterson and James Densley highlight these connections, pushes for action on improving mental health.

Efforts at violence prevention would be much better suited in the form of public services, programs, and aid aimed at helping individuals who find themselves in dark places resulting from the fore mentioned states of mind. The promotion and funding of these programs would help to de-stigmatize people needing help, and provide an essential service that many wish they had. Providing access to the support people need not only dramatically decreases the likelihood of people resorting to violence, but can also have beneficial impacts on crime, poverty, and the living conditions of our state's population as a whole. Instead of restricting access to a wide array of firearms for our society's negligence over the collective mental health of our citizens, we should be aiming to address the problem at its root.

HB24-1292 may aim to curb violence and ease the fears of Colorado's citizens, but in practice it would miss its mark in addressing the core issues at play. We don't go out trying to ban muscle cars since the few use them to outrun police, so why should we deprive Colorado's sportsmen of their tools when we can strive to make a real change in our state? Let's focus on the issues that will have a real impact on our communities instead of vilifying and punishing the state's gun owners who abide by our laws.

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

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-1292—which include the complete prohibition of certain firearms--based predominantly upon cosmetic grounds--cannot possibly withstand any form of judicial scrutiny upon Constitutional challenge. Not only are the firearms sought to be prohibited under this bill common, prolific and well-suited for self-defense (which SCOTUS has time and again held are absolutely protected by the Second Amendment) they are of the very nature which the Second Amendment sought to protect in order to ensure "a well-regulated militia," thereby ensuring the historical protection of personal arms suitable for military use. You should be abundantly aware that legal challenges to similar legislation have resulted in preliminary injunctions by multiple courts against enforcement, primarily due to the clear standards set forth in *Bruen*. 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 of law-abiding Colorado citizens and vote against this and similarly-associated legislation. Thank you.

Anthony Fabian
10168 Nickolas Ave.
Highlands Ranch, CO 80130

This bill is rattled with lies from start to finish. For starters, nowhere in the document is the term “mass shooting” defined and the definition of “assault weapons,” as this bill defines. It essentially states all semi-automatic pistols, rifles, and shotguns if they have ONE of the listed common features make the firearm any more or less lethal. And since when are .50 caliber rifles used in mass shootings? Meaning, all .50 caliber rifles would be banned as “Assault Weapons” regardless if the rifle is single shot, pump action, bolt action, or semi-auto. One would not restrict the privilege to drive just because drunk drivers cause accidents, so any proposal of stripping RIGHTS because of bad actors should fall flat. Speaking of police, if these “assault weapons” are so horrible and “have no place in civilized society,” para. (1)(c), why are there special provisions for the police to keep so-called “assault weapons?” Moreover, the bill asserts in paragraph (2)(a), “ASSAULT WEAPONS ARE NOT SUITABLE FOR SELF DEFENSE AND ARE NOT WELL-SUITED FOR HUNTING, SPORTING, OR ANY PURPOSE OTHER THAN MASS KILLING” This statement is not true in any regard, semi-auto rifles with or without a detachable magazine are used hunting every season; in addition to national and worldwide competitions semi-auto pistols, with or without a threaded barrel, are used in the vast majority of self-defense cases where firearms are used; in addition to self-defense home invasion plans, semi-auto shotguns are used for game bird hunting and skeet/trap competitions; AR15s, Pistol Caliber Carbines, and AK47s are used in competitions, hunting, plinking, and defense against tyranny. The accusation that these weapons have no other purpose than mass killing is dangerous, not factual, and a bold-faced lie. In fact, not a single one of my firearms that fit the bill's definition has killed anyone. In Paragraph 2.c. this bill asserts that “AFTER THE FEDERAL ASSAULT WEAPON BAN EXPIRED IN 2004, GUN MASSACRES SKYROCKETED BY APPROXIMATELY ONE HUNDRED AND EIGHTY-THREE PERCENT.” This bill specifically targets “gun massacres” and ignores the fact that violence with firearms has significantly decreased nationwide. The published April 2022 study by Bureau of Justice Statistics concluded, “The rate of firearm homicide per 100,000 persons age 12 or older declined 41% across the 26-year period of 1993 to 2018” (8.4/100k to 5.0/100k) Additionally, according to the Center for Disease Control and Prevention, from 2019 to 2022 the average per capita homicide rate with a firearm is 5.57/100k which shows a steady normalized average in homicides by firearm. This bill also states, “IN THE TEN YEARS THAT ASSAULT WEAPONS WERE LIMITED BY A FEDERAL BAN, GUN MASSACRES DROPPED DRASTICALLY, BY AT LEAST THIRTY-SEVEN PERCENT.” which is an outright lie of magnificent proportions. Mass shootings actually increased compared to the 10-year period prior to 1994. The Violence Project clearly explains pre-, during, and post- 1994 Assault Weapons Ban. In the decade pre-94 (the first decade) there were 25 cases of mass shootings six of those an “assault rifle” was used which is 24% of the total. During the banned period from 1994-2004 (the second decade) there were 33 mass shootings and the use of an “assault rifle” slightly decreased to 21% of the total. However, in the following decade (the third decade) the use of “assault rifles” in mass shootings decreased to 17% of the total (8 uses out of 46 mass shootings). Of note, the rate of increase of mass shootings between 1984-2022 was unchanged by the 94’ Assault Weapons Ban. On average there was about a 25% steady increase between the decades.

House Judiciary

03/19/2024 Upon Adjournment

HB24-1292 Prohibit Certain Weapons Used in Mass Shootings

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Kristen Manning For themselves	This bill is important to me in addressing gun violence prevention in Colorado and I ask for your yes vote.
Miguel David Against themselves	This bill does nothing but affect law abiding citizens who want to protect themselves and exercise their 2nd amendment. This doesn't punish criminals who do violent crimes with illegally obtained guns. Please stop this and allow citizens to protect themselves.
Jesse Hall Against themselves	As a Marine veteran I speak for the majority of Coloradians that this bill WILL NOT have any effect in combating violent crime. I will not use straw-man arguments like "...shall not be infringed.." or the likes of that. I know that you, as lawmakers and politicians representing the people, know about our U.S. Constitution and our State Constitution as well in regards to our right to keep and bear arms. The term "Assault weapons" have been purposely used interchangeably for both military and civilian models, in order to confuse the local populace who wouldn't know better. This really disappoints millions of American gun-owners when we have elected officials who know little to nothing about the firearms they are advocating to ban or control. The civilian style AR-15s are commonly used for recreational, hunting, and for self-defense. In fact, a civilian AR-15 is better suited for a novice gun-owner for self defense since it provides a better platform for the individual and easier to operate. In order to combat gun violence we must face facts. We must address the mental health crisis we have in this country. It was recently shown that in the state of Colorado that 75% of gun deaths result in suicides. Meaning that the majority of gun deaths we see in this state

	is coming from mental health issues. Taking or restricting 2A rights WILL NOT solve these issues here on suicides. Expansion of access to mental health would be beneficial. Secondly, being able to protect our institutions should be on everyone's top priority. Schools have been a target for shooters due to the controversy and the lack of security. In June of 2020, Denver public schools voted to remove Resources officers in light of the 2020 protest. I feel that a majority of people, including myself, find this counterproductive and I believe that if Resource officers were present at East High, none of the recent shootings would have happened or been deterred in some form. Lastly, a major focus should be put in enforcing our laws and preventing crime. We need to be able to prosecute criminals and make sure that they would never do anything like this again. We need to make our criminal prevention system better and be more firm. This bill will not solve the issues we are facing, and for that I am completely against the passing of this bill. I hope that you consider the testimonies, like this one, from law-abiding citizens here in the State of Colorado who are completely against this.
Gregory Rowe Against themselves	To whom it may concern, my name is Greg Rowe, I am a lifelong resident of the state of Colorado and legal gun owner. I am writing in Lou of the assault weapons ban and why I am firmly against it. Years ago my wife came home late from work, I had our newborn in living room, and somebody was trying to rob our vehicle, with two kids asleep in the house and a wife, it was my duty and responsibility to scare away the threat from our property within the rights I am awarded under the constitution. Had an assault weapons ban such as this be put in place, I would not have been able to thwart or scare the threat away from possible harm to my family. All a law, bill or ban like this does is hurt responsible, law abiding citizens such as myself. This does not, nor will it ever stop criminals or crime from happening, nor said criminals from illegally obtaining such firearms nor will it change the mindset of those who wish to do bad things to good people. This is unconstitutional, illegal and an infringement on our second and fifth amendment rights as citizens of the state of Colorado. I urge all involved to use common sense and remember that it is your civic duty and responsibility to uphold the constitution and the rights and

	freedoms of the citizens you are elected to serve. This is a clear overreach of government power, and should be treated as such. The only thing that stops a bad guy with a gun, is a good guy with a gun. Our police officers, as great as they are, are almost always there after an incident takes place. It is my right and responsibility to be my own first responder. And under this bill, that right will be taken away from me and millions just like me. Thank you for your time.
Denise Goldin-Dubois For themselves	House Judiciary Committee, I am writing to urge you to support HB24-1292, Prohibit Certain Weapons Used in Mass Shootings. I think this is common sense gun legislation and is really the absolute least we could do. We know the impact of certain types of weapons and the carnage that ensues as a result of these being on the market and permitted in our society. It is time to say enough. Thank you, Denise Goldin-Dubois
Tyler Seielstad Against themselves	Dear members of the Judiciary Committee, I hope this email finds you well. I am reaching out to you today as a deeply concerned citizen about the recent discussions and proposed legislation surrounding potential restrictions on constitutional rights in response to isolated incidents. As Americans, we hold our constitutional rights dear. They are the cornerstone of our democracy, ensuring that every citizen is entitled to certain freedoms and protections. However, in the wake of tragic events or instances of misconduct by a few individuals, there has been a troubling trend of calls to curtail these rights for the broader populace. It is crucial to recognize that sacrificing the rights of the many due to the actions of a few not only undermines the very principles upon which our nation was founded but also fails to address the root causes of these incidents. Instead, we must seek solutions that uphold individual liberties while effectively addressing specific challenges.

	The Constitution of the United States is not merely a document; it is a covenant that binds us together as a nation. It serves as a bulwark against tyranny and ensures that our government remains accountable to the people it serves. Any attempt to subvert its principles through unconstitutional rulings not only weakens our democracy but also threatens the fabric of our society. We must remember that the strength of America lies in its diversity, its commitment to justice, and its unwavering belief in the inherent rights of every individual. By upholding the Constitution and resisting efforts to erode its protections, we affirm our dedication to the ideals that have made this country great. I urge you to join me in standing firm in defense of our constitutional rights. Together, we can ensure that the United States remains a beacon of freedom and democracy for generations to come. Thank you for your time and consideration. Sincerely, Tyler Seielstad
Thomas Saunders Against themselves	This is terrible legislation and I strongly encourage you to vote against it. Modern Sporting Rifles are owned by millions of law abiding Americans. Statistically, they are used in an extremely low percentage of crimes, way less than knives. The way this legislation is written it will make most commonly purchased firearms illegal in a clear violation of the Second Amendment and recent SCOTUS decisions.
Nickolaus Rodweller Against themselves	I am completely against banning any and all semi auto rifles. We do not have an issue with semi auto rifles in this country.
Matthew Anthony Against themselves	Colorado continues to lurch leftward without any rhyme or reason on many issues, and in particular on the issues of fundamental rights pertaining to self defense. The sponsors and supporters of this bill know full well that this bill has nothing to do with actual public safety; there is no evidence that has been scientifically vetted to prove

	assault weapons bans provide any effect at all. Less than 1% of crimes involving weapons have anything to do with weapons as delineated here, while recidivism, repeat offenders for drugs and violence enabled by soft crime enforcement, and continuing presence of violent elements here illegally contribute to the vast majority of those crimes. Democrats in Colorado have made it clear that they perceive their true enemies and the true affliction of this state to be people who don't think like they do, and being "law abiding" and within Constitutional rights is nothing in the face of their elitist, dare I say fascist, agenda. The sponsors of this bill also full well know that the bill they are proposing is moot in the face of the Supreme Courts prior decisions in Heller and Bruen, and have no problem openly thumbing their noses at American law and institutions when it favors them (while brazenly and with no quarter using those same institutions to crack down on those that oppose them). All the while proving that the founders were precisely correct when they drafted the 2nd amendment as written.
Albert Madrid Against himself	Testimony Against Bill Prohibiting Assault Weapons As a concerned citizen, I am writing to express my strong opposition to the proposed bill that seeks to ban assault weapons and penalize their possession. While I understand the intention behind this legislation, I firmly believe that it is not the most effective approach to address the issue of gun violence in our society. First and foremost, the definition of "assault weapon" provided in the bill is vague and overly broad, potentially encompassing firearms that are commonly used for legitimate purposes such as self-defense, hunting, and sport shooting. This could unfairly penalize law-abiding gun owners who pose no threat to public safety. Furthermore, imposing exorbitant fines for mere possession of these firearms is disproportionate and punitive. Such penalties would disproportionately impact law-abiding citizens who may inadvertently violate the law due to confusion or lack of awareness about the regulations. Moreover, the exemptions outlined in the bill create inconsistencies and loopholes that undermine its effectiveness. Granting exceptions

	to certain individuals and entities, such as members of the armed forces and licensed firearms dealers, while penalizing others, only serves to exacerbate existing disparities and inequalities in our legal system. Instead of focusing on arbitrary bans and punitive measures, we should be investing in evidence-based strategies to address the root causes of gun violence, such as mental health support, community intervention programs, and stricter enforcement of existing gun laws. In conclusion, I urge lawmakers to reconsider this bill and explore alternative solutions that prioritize the safety and well-being of all citizens without infringing on their constitutional rights. Thank you for considering my perspective on this important issue.
William Young Against themselves	Good evening, Please reject and throw away this bill. All it does is hamstringing law abiding citizens from owning firearms to protect themselves. Please stop trying to ban guns and focus on the mental health of our youth. I attended Virginia Tech during their school shooting and I am glad I can protect myself and my loved ones with firearms. Please don't prevent law abiding citizens from owning firearms and approach the problem from another direction. Rgds, Andy
Ron Hunt Against themselves	This is another bill being proposed that will ONLY affect law abiding firearm owners. The firearms in this bill are in common every day use buy millions of Americans every day that do not commit crimes. This is very much like banning cars because irresponsible people drink and drive resulting in injury or death. Not to mention that is in direct violation of the 2nd Amendment and if passed will eventually be overturned in the Supreme Court.
Mark WEst Against themselves	After reviewing the summary of the proposed legislation, I find the rationale for the specified firearms ban to be fundamentally flawed. It is a misconception to believe that mere access to a firearm incites an individual to commit violence. Many of my friends and family, who have honorably served in our armed forces, have never once entertained the notion of using their service weapons for harm outside of their duty. Similarly, at shooting ranges, there is a universal

	commitment to safety and responsibility, ensuring no harm comes to anyone. It is critical to acknowledge that the root cause of mass shootings often lies in mental health issues, not firearm ownership. Notably, Colorado ranks 48th in mental health care provision across the United States, highlighting a significant area for improvement. To effectively reduce gun violence, our focus should be on enhancing mental health services and intervention strategies to identify and support individuals at risk before a tragedy occurs. Diverting valuable time and resources towards restrictive firearm legislation overlooks the urgent need for improved mental health care services. By addressing this critical gap, we stand a better chance of preventing future incidents of violence. I urge the committee to consider these points carefully and to prioritize mental health initiatives over ineffective firearm bans that fail to address the underlying causes of gun violence.
Kate Kayne For themselves	This bill is important to me in addressing gun violence prevention in Colorado and I ask for your yes vote. A federal law prohibiting semiautomatic assault weapons was in place from 1994 to 2004. Research shows that this regulation reduced the likelihood of mass shooting fatalities by 70%. In other words, if this was still law, we'd see 70% fewer mass shooting deaths today.
Eric Poling Against themselves	The very beginnings and foundation of our country may be rooted in the concepts of individual liberty and self governance. A functioning democracy may only remain so if people maintain the ability to choose who and how they are governed. In many cases in history, the liberty and ability of people to self govern has been prevented by a government wielding a sole monopoly of force against its people. This all too common act resulted in more than 100,000,000 people being killed by their own government in the last century alone (a number far larger and more terrible than what is attempted to be prevented by this bill). It can therefore be concluded that there was not only great wisdom when the founders prevented a monopoly of force in government with the second amendment, but an essential tool necessary to guarantee the people could remain free and challenge an over reaching government. Many of the founders such as John Hancock even believed that the primary defense of the nation should fall largely to the people and militias instead of a military. It is therefore military arms that are intended to be protected

	for use by the people in the defense of their liberty. Sadly, there are many laws on the books that infringe on this liberty. This law would be counted among the many now up for consideration that will strip from its people the ability to defend their liberties and defend our democracy from tyrants, choose how they might be governed, and defend themselves and their family. I therefore implore the legislature to fulfill their oath to our constitution, to support the peoples right to self governance, to defend out right to keep arms, and to prevent the passage of this bill. The good intent behind this ill advised law may very well doom posterity to a subjugation our ancestors fought so ardently to prevent.
Bryson Aldridge Against themselves	Representatives of the Judiciary Committee, I am submitting this written testimony regarding the new bill submitted, HB-24-1292. While seemingly a good bill in name alone, this bill is an absolute violation of the citizens of this great state's Second Amendment Rights. This bill submits to ban the manufacture or purchase of any semiautomatic firearm that is capable of accepting or easily modifiable to take magazines over a 10-round capacity, as well as banning many types of firearms that are often associated with the term "Assault Weapon," this includes but is not limited to any AR-15 and AR-10 pattern rifles, and pistols, AK pattern rifles or pistols, and any .50 caliber rifles. These alone are unconstitutional as well as a massive risk to our communities if this law were to be passed. However, not only does this bill include these rifles and pistols, but it also includes almost every pistol used by average citizens of this great state when they go and register for a Concealed Carry License; this would mean that any people turning of age to purchase a pistol at the age of 21 would be unable to purchase one and obtain a Concealed carry license. If it were passed into law, this bill would cause only harm, and there would be no decrease in criminal use of firearms in this state. Please discard this bill and do not consider a new draft of this draconian thought process. This would in no way protect our citizens and only harm them; this law would deprive citizens of their main tool of defense if they ever needed it. Respectfully,

	Bryson Aldridge Victim of the STEM School shooting on May 7th, 2019 Douglas County
James Boyd Against themselves	I have lived in this state, to immigrant parents, for my entire life. I got two sides of the immigrant experience; one from Western Europe through a visa lottery, and one from Eastern Europe through a refugee visa. I bring this up because the values and ideas of America were what drove my parents to come here in the first place. My father, of the more liberal Western Europe, talks of the militarization of American police and how despite that, everyday citizens find themselves unable to find help when confronted by a criminal in their homes or on the street. My mother, from the communist dictatorship over the wall in Eastern Europe, talks of constant finger wagging, criminalization and legislation on law abiding people; whilst recollecting on the black market shops of Prague that sold Levi jeans and Depeche Mode cassettes despite the "impenetrable" customs and public law prohibiting such items. My point is twofold. This bill is one which empowers the police and federal agents, which I must add is very confusing coming from the party sponsoring this bill. Are your constituents not the same people who want the police to be equal to the people? Why do the police get special provisions if they are not the same as the people they are policing? And, this is also a bill that will punish those who follow the law, while conveniently ignoring that the criminal populace already goes to great lengths to circumnavigate the law, and no doubt already have strong ties to organizations that can provide what is already illegal and what will be made illegal in this bill. I vehemently oppose this bill and find that this is not only a terrible bill if impacting crime and gun deaths was the goal, but also a spit in the face to your constituents who obviously oppose the police having more power over them. If I was a Democrat I would value the agency and liberty of the people over the police getting special privileges because an elected official is afraid. Thank you for your time.
Christopher Magee Against themselves	Dear members of committee. While I cannot speak in person to you today my words still carry loud and clear. I write to you in opposition of this bill which will do nothing to stop mass shootings. I come from the generation that

	grew up in the shadow of Columbine. A shooting that I might add occurred while the federal assault weapons ban was in place. The shooters uses illegally modified weapons including sawed off shotguns as well as manufacturing pipe bombs.. CRIMINALS and those who insist on committing mass murder do not follow the law. All bills like this do is punish the law abiding citizen. Not the criminals. Further more the Supreme Court has outlined in Bruen common usage. The AR15 and weapons like it are among the most popular arms in America today. You pushed this ban last session and people overwhelmingly spoke against this and it failed. Our own Governor said a state assault weapons ban was not the right course of action...Yet here we are again. Are you trying to punish the law abiding citizens of this state ? I urge you to vote no. Chris M (Montrose CO)
Beth DeHaven For themselves	Yes, yes, yes. Other states have stepped up while the federal bill is languishing in our dysfunctional Congress. Colorado needs to follow their lead and ban these weapons of war that are the weapon of choice for mass murderers and should not be available to purchase in Colorado. Physicians have testified over and over again about the horrible damage inflicted on the human body. Parents have cried at their children's funerals. Active shooter drills traumatize our school children. How long must this go on before Colorado acts? Please vote yes on this bill, and let's make Colorado safer from the epidemic of gun violence.
Shane Tuttle Against themselves	Dear Members of the House Judiciary Committee, I am writing to express my vehement opposition to House Bill 24-1292, titled "Prohibit Certain Weapons Used in Mass Shooting." As a concerned citizen, I believe this legislation is deeply flawed and threatens our fundamental rights as outlined in the United States Constitution. While I share the goal of reducing violence in our communities, HB24-1292 is not the solution. Instead, it unfairly targets law-abiding citizens and infringes upon their Second Amendment rights. The proposed restrictions on certain firearms not only fail to address the

	root causes of mass shootings but also undermine the principles of individual liberty and self-defense. It is crucial to recognize that firearms themselves are not the cause of violence. Rather, it is the individuals who misuse them. Therefore, any effective policy must focus on addressing mental health issues, improving law enforcement efforts, and promoting responsible gun ownership rather than imposing blanket bans on specific types of firearms. Furthermore, banning specific types of firearms unfairly penalizes law-abiding gun owners who use them for legitimate purposes such as self-defense, hunting, and sport shooting. It is unjust to punish responsible citizens for the actions of criminals. In addition, I call for the resignation of the bill's sponsors, Representative Tim Hernandez and Representative Elisabeth Epps, for their dereliction of duty and undermining of the Constitution. Their support for HB24-1292 demonstrates a disregard for the rights of law-abiding citizens and a failure to uphold their oath to protect and defend the Constitution. Instead of pursuing ineffective and unconstitutional measures like HB24-1292, I urge you to focus on evidence-based policies that address the underlying causes of violence while respecting the rights of law-abiding citizens. This approach would not only be more just but also more likely to achieve meaningful results in reducing crime and ensuring public safety. In conclusion, I strongly urge you to reject HB24-1292 and any similar legislation that threatens our Second Amendment rights and fails to address the root causes of violence. Thank you for considering my views on this important issue. Sincerely, Shane Tuttle
Collin Perryman Against	I am thoroughly against this bill and these measures to take firearms from law abiding citizens. These measures are not what we need to stop violence in our state and our country. All you do with this bill is remove the self protections we have as American citizens. We cannot

themselves	rely on our police force to protect us with its low standards and reactionary ways. The way to solve violence isn't by banning firearms. When you do this, other ways will be used by those who wish to do harm and even then these people will likely get ahold of these firearms in illegal ways because guess what, they are criminals. Mass shootings are a horrible thing that we have seen up tick in America but are we really asking ourselves why? Maybe it has something to do with life becoming increasingly unaffordable. Housing and rent at a ridiculously high price. Food becoming more expensive everyday. The basic needs of humans are becoming harder to obtain and when those needs are hard to come by, crime is the solution for most. We have a horrible mental health crisis that is caused by so many ranging factors being social media, cost of living, cost of education, poor outreach programs, doom and gloom on a 24 hour news cycle, all these factors and more than constantly degrade our mental and physical health. So no, banning firearms isn't the way to solve this. It will do absolutely nothing to solve the problems we face now. We must look to other solutions and must focus our energy and efforts into what will actually stop people from feeling the need to commit acts of violence.
Patricia Leslie For themselves	I am writing to express my support for HB24-1292– Prohibit Certain Weapons Used in Mass Shootings. In 2016, I worked as the Chief Financial Officer for Alexander Dawson School, a K-12 independent school based in Lafayette, CO. When the school hired me, they gave me the additional task of managing the school's security. When I accepted the position, I thought this would simply mean ensuring that all doors were locked campus-wide during school sessions. I had no expertise as a security officer and no training from law enforcement. Soon, I was thrust into conducting a full-blown security audit, running lock-down drills for active shooters, and researching bullet proof protective glass to prohibit a shooter from shooting out the windows of classrooms. The stress of this, in addition to my regular job as a CFO was too much causing me to resign from this position after just nine months. People in positions like CFO's, Operation's Managers, and educators should not be expected to deal with active shooter issues and should focus more on just keeping the school financially viable and safe. This bill will enable people like me, and other individuals forced into security jobs to focus instead on our main job duties. No one should be carrying a weapon that can be used in mass shootings. Please vote yes to bill HB24-1292.
Robert Glenn Against themselves	As a 27 year resident of Colorado and a very concerned citizen, I am writing to express my vehement opposition to the proposed assault weapons ban, HB24-1292, and respectfully request your NO vote on this legislation!

	As a responsible citizen and advocate for firearm ownership, I know this measure would not only infringe upon our constitutional rights but also will fail to address the root causes of violence in society. The Second Amendment of the United States Constitution grants individuals the right to bear arms. Any attempt to restrict this fundamental right undermines the principles upon which our nation was founded. The government's role should be to protect and uphold these rights, not curtail them. It is critical that you acknowledge that the term "assault weapon" is vague and ambiguous, often used to demonize firearms based on cosmetic features rather than their function or capability. Banning certain types of firearms solely based on arbitrary characteristics does not make our communities safer; instead, it penalizes law-abiding citizens such as myself and does nothing to address the underlying issues contributing to violence. A comprehensive approach to reducing violence should focus on addressing mental health issues, improving access to education and economic opportunities, and strengthening law enforcement efforts to combat illegal firearms trafficking. Merely targeting law-abiding gun owners with restrictive legislation is a misguided and ineffective strategy. Banning assault weapons would have severe repercussions for responsible gun owners, including hunters, sport shooters, and collectors, who use these firearms safely and responsibly. Such a ban would unfairly penalize law-abiding citizens for the actions of a few individuals who choose to misuse firearms. Instead of pursuing restrictive measures that infringe upon the Rights of all Coloradans, I urge policymakers to focus on EVIDENCE-BASED solutions that respect OUR Second Amendment while promoting public safety. This includes investing in mental health services, improving background checks, and implementing targeted interventions to prevent firearm-related incidents.
--	---

	I strongly oppose the proposed assault weapons ban and urge you to consider alternative approaches that uphold our constitutional rights while addressing the complex issue of violence in our society. *** VOTE NO ON HB24-1292 *** Thank you for your attention to this matter.
Jesse Pentagulio Against themselves	I am against this disgusting bill that is massively misleading, and they are hoping to use words that will catch peoples attention that have no idea about firearms or stink. They are doing a great thing In reality they are giving their life away. Everything about this bill is disgusting and is not okay and the people that are pushing this or disgusting in themselves. We have a constitutional right to have a firearm and in this day and age were there too many crazy psychotic people out to do harm, I should have every right to defend myself. It is a dog eat dog world and these people need to realize that and at the end of the day if it comes down to it I'm coming home to my family again I disagree with this bill with all heart and the people pushing this are disgusting.
Theodore Cahoon Against themselves	This is another attempt at an "Assault Weapons Ban" that was defeated in committee last year. The "Assault Weapons Ban" is a massive gun grab that would outlaw all of the firearms most commonly used for self-defense, home defense, marksmanship, and hunting. It is unconstitutional and, after the Supreme Court's Bruen decision, would likely be overturned after much expenditure of taxpayer money. Most mass shooters have been found to have a long list of run-ins with police and histories of anti-social behavior. Instead of attacking law-abiding citizens with firearm bans, the government agencies should stop being "woke" and prosecute the offenders for more minor offenses before they get to the point of mass shootings.
Ira Cutting Against themselves	HB24-1292 (Prohibit Certain Weapons Used in Mass Shootings) Except for periods of military service that took me away from our state, I've been a Colorado resident since 1974. I respectfully request

	you do not support HB 24-1292, the bill to "Prohibit Certain Weapons Used in Mass Shootings." The firearms this bill would ban have been used by Coloradans for self- protection, hunting, and target shooting for decades. This bill infringes on my Second Amendment rights and will make thousands of lawful Colorado residents defenseless. Firearms are used legally more than 2 million times a year for personal protection, often without a shot being fired. These incidents don't make the headlines. We should ask ourselves, how many of these innocent people would have become a crime statistic if they didn't have the ability to protect themselves? Many of the firearms this bill would ban are used by women and the poor who live in dangerous areas for protection and banning them would make them less safe and defenseless. As a gun owner, I HATE whenever a criminal uses a gun to commit an act of violence. Rather than taking the easy path of simply blaming lawful gun owners for crime, please focus on how we can keep guns from those who should not own them. Republican, Democrat, or Independent, Colorado is a pro Second Amendment state. I believe once more Coloradans become aware of this bill, the vast majority will be appalled at its extreme proposals. Thank you for hearing me out. v/r Ira Cutting
Scott Hollister Against themselves	I am against banning semi auto weapons completely.
Justin Swindall Against	This bill is in gross violation of both our second amendment right and our rights as included in the Colorado constitution to keep and bear arms. What you are doing is pure infringement on these rights and your continued efforts to disarm subjugate the citizens of Colorado is

themselves	disheartening. However, we will not allow this to happen and we will continue to fight you evil people.
Rebekah Grant Against themselves	I am against taking away our constitutional rights, specifically 2A. Guns are part of the constitution, they should not be taken away. They are a form of our freedom and protection.
Deborah Griffin For themselves	My name is Deborah Griffin and I am testifying on behalf of myself. Thank you for the opportunity to voice my support of this bill HB24-1292 Prohibit Certain Weapons Used in Mass Shootings I am a resident of Colorado Springs for the past 36 years, a wife, Mother, and a Nurse Practitioner. This bill is important to me in addressing gun violence prevention in Colorado and I ask for your yes vote. This is one avenue to help reduce the epidemic of gun violence. Sincerely, Deborah Griffin
Erin DeCesaris For themselves	I am asking you to support HB24-1292: Prohibit Certain Weapons Used in Mass Shootings. Assault weapons do not serve a legitimate purpose for civilians. They are not used for hunting, they are not needed for recreational shooting. These high-powered weapons are meant to inflict the highest casualty rate in the least amount of time. They are manufactured to fire rounds at a greater speed than other guns and when combined with high-capacity magazines, they enable a shooter to fire more rounds over a short period. To put it bluntly: they are built to kill. And they do kill: Of all mass shooting incidents between 2009 and 2018, assault weapons accounted for 25% of deaths and 76% of nonfatal injuries. In mass shootings where the shooter used an assault style weapon, nearly six times as many people were shot, more than twice as many people killed, and 23 times as many people wounded compared to incidents where the shooter did not use an assault style rifle. (source: Everytown data)

	I am not anti-gun. My husband and I are gun owners, and I strongly support responsible gun ownership. I also believe that the risk associated with assault style weapons and high-capacity magazines puts these types of weapons outside the realm of responsible civilian ownership. I am not alone in this thinking: bans on assault weapons and high-capacity ammunition magazines have an approval rating of over 60 percent in the US, according to Pew research (source: https://www.pewresearch.org/fact-tank/2021/09/13/key-facts-about-americans-and-guns/). Our state has a tragic history of mass shootings, and now Colorado has the opportunity to be a leader in our country in preventing gun violence through legislation. Opponents of this ban will likely threaten you with lawsuits or recalls if this bill passes. Do not let baseless threats deter you from taking action to make our state safer. Passing this legislation will put you on the right side of history. Thank you.
Kathleen Charles For themselves	I am a mother of three, highly concerned about gun violence in this country, especially moving here after raising my kids for eight years in Australia, where we lived free of fear and violence. Owning weapons like these is purely based in fear and feelings of inadequacy. There is no positive benefit to humanity of these weapons. Thank you for your service and consideration of this bill.
Kathleen Wilson For themselves	Thank you for sponsoring this bill. It is an important bill for safeguarding Coloradans. Please get it passed!
Eric Jeffery Against themselves	My name is Eric Jeffery I was born in Denver I grew up along the front range, Denver, Aurora, Boulder, Golden, Monument, Colorado Springs, and now Elizabeth. I graduated East High School, just down the road from where we are I graduated CU Boulder, I am a Buffalo

	I raised 4 children here in Colorado I am a true Colorado Native I am a Jew I grew up attending Temple Emmanuel under Rabbi Steven Foster Israel, October 7th, 2023 – Murder, mayhem, devastation! This important date is not a historic anomaly. Living in good times should not make us blind to what was or what could be. As a Jew, I, now more than ever in my life, need the ability to defend myself, my loved ones, and those around me, unable to defend themselves. For those that say, "that can never happen here," the Israeli's thought the same which is why they had strict gun laws, until October 8th. For those that say, "that can never happen here," I encourage you to remember what FDR did to Japanese citizens in 1942. For those that say, "that can never happen here," I encourage you to review the New York States 2021 proposed legislation Assembly Bill A416 that looked to "remove" cases, contacts, and carriers of communicable diseases. For those that say, "that can never happen here," I encourage you to look ahead as a future administration may come in and say we want to build internment camps, round up, and deport immigrants (Build the Wall and Deport them All). Our founding fathers understood the need to empower citizens for self-defense. The plethora of gun laws proposed by this legislature
--	---

	are anathema to what our founding fathers knew, not all Governments can be trusted. Just because today's government may not round up individuals, we must maintain and follow our founders' intent and allow citizens to easily defend themselves, their loved ones, and those around them unable to defend themselves. Please stop making it more difficult and more expensive for good people to defend themselves and those around them when evil arrives. Thank you for your time and consideration, Eric Jeffery Elizabeth, CO
Todd Hamiel Against himself	" the right of the people to keep and bear Arms, shall not be infringed." This bill would absolutely infringe on my right to own my AR style rifle that I use for home defense. "assault rifles" are responsible for about 4% of all gun related murders. The numbers just don't add up even if this bill wasn't unconstitutional, which it is- and shouldn't be passed.
Laura Boylston For himself	I am writing today to ask you to vote yes on HB24-1292- Prohibit Certain Weapons Used in Mass Shootings. Assault style weapons have been the weapon of choice in the majority of mass shootings our country has suffered over the past two decades. This is not freedom. It is not freedom to fear going to a movie, a place of worship, a school, a parade, a concert. But more and more Americans are increasingly afraid of doing every day things for fear that they will experience a mass shooting. We know that assault weapon bans work. When a federal law was in place prohibiting semiautomatic assault weapons 1994 to 2004, research shows that it reduced the likelihood of mass shooting fatalities by 70%. 70 PER CENT! We are tired of hearing that prohibiting assault weapons will infringe on our freedom. Being afraid to enjoy our actual freedoms for fear of being shot is an infringement on our freedom. I implore you to vote yes.
Richard Mack	My name is Richard Mack, I live in Centennial, CO. Thank you for reading/hearing my testimony today. I absolutely oppose SB24-1292

Against themselves	and I ask that you withdraw your support for SB24-1292 and vote to no. This bill ultimately punishes the larger majority of lawful concealed handgun permit holders and future gun owners. This bill does not address the true issue which stems from the spiritual and mental health of the perpetrators. Those with ill intent will still find ways to obtain weapons through illegal means. Law-abiding citizens, however, will be left defenseless against potential threats to their safety and their families. Instead of infringing on constitutional rights, we should focus on enforcing existing gun laws. Swift and speedy trials with harsh punishments are true deterrents. Instead cases are drawn out and the general public often forgets what crime had been committed. Probably in some cases, the defendant probably has too. You should not punish responsible gun owners for the actions of a few bad actors. It is not the guns, it is the people behind them. Work on solutions that address the mental health of the criminals that are committing these crimes, not the law abiding citizens. Thank you, Richard Mack 153 E Panama Dr Centennial, CO 80121
Nate Rowe Against themselves	I urge you to reconsider this bill and the time spent on it. This bill is a false hope created by fear. Nobody should have to live in fear, however this bill is the wrong way of reaching a goal of reducing harm to others. It's been proven in history that you can't make something go away by banning it. Guns exist and we as a society have to live with them and covering our eyes is the wrong way of doing that. Education through safety and a focus on mental health would go so much further. This bill will not reduce harm to others and as a result will create more demand for more restrictions in the false hope that the next bill will work. It won't. The genie is out of the

	bottle. Quit wasting time trying to ban something and focus on the people, not the object.
Danielle Evinrude Against themselves	More than 480,000 US deaths occur each year attributed to cigarette smoking. There is NO healthy reason to have this product available for use. They are 100% negatively affecting the health of the user and innocent bystanders. Our county hasn't banned them. Firearm related deaths (homicide, suicide, accidents) totaled 48,830 in 2021. Is this country FOR saving human lives? Banning Assault weapons will not prevent the possession and use of such items by criminals. Proper background checks ensure that safety measures have been taken to put guns into the hands of lawful individuals. Passing this bill will ensure that law abiding citizens will pay the price of diminished freedoms, rights, and abilities to protect themselves and their property.
Rhonda Brennan Against themselves	This bill is against the 2nd amendment rights of U.S. citizens. You were elected to uphold our constitution and must then vote against legislation (such as bill HB24-1292) that removes a citizen's rights to bear arms and protect ourselves. It was no accident that this amendment was put in place so long ago. Law abiding citizens that possess guns to protect themselves are not the problem. By the way, the old saying stands true: guns don't kill people; people kill people. You are endangering the lives of citizens by trying to limit their ability to defend themselves. You should consider enforcing laws that prevent illegal possession and keep guns out of the hands of criminals. That is where the problem rests. Law abiding citizens must keep the right to protect themselves, as the law enforcement community has been handcuffed to do so. In addition, our government continues to put us at risk by allowing criminals and terrorists to roam our streets unhindered. A perfect example is releasing such criminals that have attacked our law enforcement officers that were attempting to do their job and shows where our justice system is failing to protect the citizens. VOTE NO!
Adam Ellis	Gun control doesn't work. It doesn't disarm criminals and always works to inhibit good people from defending themselves. Studies

Against themselves	have shown the national "assault weapons" ban of the 1990s had little to no impact. On the other hand, law-abiding citizens use firearms to protect themselves and their families on a regular basis. The Clinton Justice Department in 1997 showed that guns were used about 1.5 million times a year for self-defense. Dr. Kleck's study showed that there were approximately 2.5 million defensive gun uses a year. Finally, even the Center for Disease Control (CDC) conducted a study that showed there were anywhere from 500,000 to 3 million defensive gun uses a year. In addition to the Second Amendment issues, this law would have a chilling affect on small businesses. Many would have to lay off employees, and a number would go out of business altogether. Of course, this would also have a negative affect on tax revenue for Colorado. The average Colorado citizen is already struggling in this difficult economy. Forcing small businesses to close and putting hard-working Colorado citizens out of work in order to virtue-signal you have "done something" is the wrong choice. We don't have a gun problem in this country; we have a heart problem. Gun owners are our neighbors and coworkers, parents and grandparents, brothers and sisters, and they want safe communities as much as anyone, but they understand that more gun control laws like this will not achieve that objective. We need to stop demonizing the tool, and focus our efforts on the root causes of crime/violence in our society. Banning these commonly used firearms won't accomplish anything beyond creating the false public impression they are making the community safer. No neighborhood, no city and no state ever became safer by restricting the rights of law-abiding citizens. Thank you, and God bless Colorado.
Shannon Ketchum Against themselves	This bill is completely unconstitutional. According to the second amendment of the constitution of the United States of America: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." During the Revolutionary War era, "militia" referred to groups of men who banded together to protect their communities, towns, colonies and eventually states, once the United States declared its independence from Great Britain in 1776. We the people have the right to bear arms in order to protect ourselves from enemies, both foreign and domestic.

Jeffrey Oster For themselves	For years I have enjoyed the freedom of hunting in Colorado and have trained to possess a concealed carry license in The State of Colorado. HB24-1292 seeks not to limit me from hunting and/or protecting my person, it seeks to limit that types of firearms and firearm accessories that should be relegated to the military. These weapons have no place in our society. I stand in support of HB24-1292. And thank you Representative Epps for bringing this bill to the floor.
Sean Coblenz Against themselves	I strongly oppose this bill in its entirety. Punishing and disabling law abiding citizens for criminal behavior is not the answer. I am sick and tired of the constant attacks on my ability to defend myself and my family. This needs to end now.
Conner Glenn Against themselves	As a 27 year resident of Colorado and a very concerned citizen, I am writing to express my vehement opposition to the proposed assault weapons ban, HB24-1292, and respectfully request your NO vote on this legislation! As a responsible citizen and advocate for firearm ownership, I know this measure would not only infringe upon our constitutional rights but also will fail to address the root causes of violence in society. The Second Amendment of the United States Constitution grants individuals the right to bear arms. Any attempt to restrict this fundamental right undermines the principles upon which our nation was founded. The government's role should be to protect and uphold these rights, not curtail them. It is critical that you acknowledge that the term "assault weapon" is vague and ambiguous, often used to demonize firearms based on cosmetic features rather than their function or capability. Banning certain types of firearms solely based on arbitrary characteristics does not make our communities safer; instead, it penalizes law-abiding citizens such as myself and does nothing to address the underlying issues contributing to violence. A comprehensive approach to reducing violence should focus on addressing mental health issues, improving access to education and

	economic opportunities, and strengthening law enforcement efforts to combat illegal firearms trafficking. Merely targeting law-abiding gun owners with restrictive legislation is a misguided and ineffective strategy. Banning assault weapons would have severe repercussions for responsible gun owners, including hunters, sport shooters, and collectors, who use these firearms safely and responsibly. Such a ban would unfairly penalize law-abiding citizens for the actions of a few individuals who choose to misuse firearms. Instead of pursuing restrictive measures that infringe upon the Rights of all Coloradans, I urge policymakers to focus on EVIDENCE-BASED solutions that respect OUR Second Amendment while promoting public safety. This includes investing in mental health services, improving background checks, and implementing targeted interventions to prevent firearm-related incidents. I strongly oppose the proposed assault weapons ban and urge you to consider alternative approaches that uphold our constitutional rights while addressing the complex issue of violence in our society. *** VOTE NO ON HB24-1292 *** Thank you for your attention to this matter.
Ben Sye Against themselves	I oppose this bill due to the nature of the ban being overly broad and overreaching in its scope. As well as an infringement on one's 2A rights as there is no mention of the type of "arms" one may own and possess. There are bills in place that already limits and regulates what can and cannot, in which those are also questionable.
Courtney Detert Against themselves	THE 2ND AMENDMENT SHALL NOT BE INFRINGED!!!! DONT LET WE THE PEOPLE DOWN AND MAKE US DEFENSELESS. ESPECIALLY WITH ALL OF THE THINGS HAPPENING AROUND THE WORLD AND AT THE BORDER. THE UNITED STATES IS BECOMING WEAKER AND WEAKER WITH ALL OF THESE STUPID LAWS AGAINST US, THE PEOPLE OF THE UNITED STATES. I HAVE HAD 4 FAMILY MEMBERS SERVE IN THE U.S. MILITARY, IN ALL 4 BRANCHES FROM WW2 UP TO DESERT STORM AND IRAQ, I BELIEVE MY FAMILY MEMBERS DIDNT SERVE AND

	FIGHT FOR OUR COUNTRY JUST TO SEE IF FALL APART IN THE HANDS OF YOUR CORRUPTED AND GREEDY MINDS. IM ASHAMED OF YOU, THE PEOPLE OF CONGRESS AND YOU NEED TO WAKE UP!! ONCE AGAIN, THE 2ND AMENDMENT SHALL NOT BE INFRINGED!
Andrew Trahern Against themselves	Any "laws" preventing the ownership and/or use of fire arms is unconstitutional. Therefore any proposal of a new law or laws Should not be accepted.
Edgar Arellano-Bernal Against themselves	As a fellow resident of Colorado, I urge you to OPPOSE HB24-1292! The bill's broad definition of "assault weapon" bans all semi-automatic rifles including America's most common rifle, the AR-15, along with countless other rifles, pistols, and shotguns that Coloradans use for hunting, target shooting, and self-defense. HB 24-1292 also bans .50 BMG rifles, despite the fact that these rifles are essentially never used in crime. Even worse, the ban extends to common firearm parts and many innocuous components in the definition of "assault weapon" or "rapid-fire trigger activator" (FRT/forced reset trigger). These bans will do nothing to reduce violence and only makes criminals out of the law-abiding citizens of Colorado.
Jeff York Against themselves	I am writing to you today to express my firm opposition to the proposed assault weapon bans. Firstly, it's essential to acknowledge that the majority of homicides in the United States are committed using handguns, not assault weapons. According to the Centers for Disease Control and Prevention (CDC), handguns are consistently the most common type of firearm used in homicides, comprising approximately 64% of all firearm-related murders. Restricting access to assault weapons, therefore, addresses only a fraction of the overall problem. The Department of Justice issued multiple reports stating that the 1994 Federal Assault Weapons Ban (AWB) had no meaningful effect in reducing gun violence. The RAND Corporation issued its own report with the same conclusion. Thus in 2004 the US Congress did not extend the Federal AWB. Furthermore, the effectiveness of assault weapon bans in reducing gun violence is highly questionable. Numerous studies and analyses have shown that such bans have little to no impact on overall crime

	rates. For instance, a comprehensive study conducted by the National Institute of Justice found that the federal assault weapons ban implemented between 1994 and 2004 had no discernible impact on gun violence. Similarly, research published in the Journal of the American Medical Association concluded that the ban's expiration did not lead to an increase in gun homicides or gun crime overall. One of the main reasons why assault weapon bans fail to curb gun violence is their focus on the cosmetic features of firearms rather than their functional characteristics. The term "assault weapon" itself is vague and often arbitrarily defined, leading to confusion and loopholes in legislation. Many firearms categorized as assault weapons are functionally no different from other semi-automatic rifles commonly used for hunting and sporting purposes. Banning certain firearms based on their appearance rather than their lethality does little to address the underlying causes of gun violence. Instead of pursuing ineffective measures like assault weapon bans, we should focus on evidence-based strategies that have been proven to reduce gun violence. This includes stronger prison sentences, improved access to mental health care, and targeted interventions to address the root causes of crime in our communities. Jeff York
Luke Gilginas Against themselves	My name is Luke Gilginas, and I oppose HB24-1292. This bill has many flaws, assumptions, and claims based on opinions. This bill starts out by claiming that "MASS SHOOTINGS ARE A SIGNIFICANT COMPONENT OF THE DISTINCTLY AMERICAN EPIDEMIC OF GUN VIOLENCE" and "THE DEADLIEST MASS SHOOTING INCIDENTS IN THE UNITED STATES INVOLVED THE USE OF ASSAULT WEAPONS OR HIGH-CAPACITY MAGAZINES", both of which statements are false or over stated. Gun crimes and mass shootings happen in many countries. This bill also attempts to overstate "mass shooting" instances by including data from the entire United States. This bill should focus on Colorado data ONLY.

	This bill also makes the claim that "assault weapons" are not suitable for self defense, hunting, or sporting- all of which is false. AR style rifles are excellent home defense tools, and excellent tools for families to defend their homes- and are especially more important to own with the wreckless and dangerous situation the current administration has created with our country being invaded by fighting age males coming over the border undocumented, and bringing us closer than ever to war with other nations. AR style rifles are also very good hunting tools, with cartridges like the 450 Bushmaster and 350 Legend being excellent deer hunting rounds. This bill makes the opinionated assumption that collapsible stocks and detachable magazines make a weapon more dangerous, and specifically calls out events like Columbine and the Aurora Theater shootings- both of which the shooters caused more damage with pump action shotguns. It also fails to mention that high capacity magazines are ALREADY BANNED IN COLORADO. Many Colorado citizens like myself are sick and tired of politicians being able to throw these bills out over and over at random, using events as leverage, using scary keywords and misleading facts to sway public opinion, hoping that any or all of these laws will stick. Your duty is to uphold The Constitution, which states very clearly that our gun rights SHALL NOT BE INFRINGED. My right of self protection and preservation do NOT come from the government. -Luke Gilginas
Michael Singleton Against themselves	Good day, HB 24-1292 is an extremely disingenuously named bill aimed solely as the beginning of the removal of semi automatic weapons from the hands of lawful citizens. There are a multitude of firearms specifically named within this bill which have never been used in a public mass shooting. They are however extremely popular civilian semi automatic as well as non semi automatic firearms. There is a blatant disregard within this bill for the rights of individual citizens while protecting the ability for law enforcement, the military, and for some reason security guards to continue to obtain these weapons. As a citizen, I do not have the funds to obtain personal armed security and therefore I see this as a "guns for me, but not for thee" situation. Law enforcement is at best minutes away when

	needed and there is no guarantee that if needed, law enforcement will actually step in for protection as they are not legally obliged to do so. As citizens, we are our own first line of self defense and therefore should not be restricted to anything less than what our would be protectors are authorized to keep and bear. The law includes restrictions on easy to maneuver, NON concealable firearms such as shotguns with a pistol grip and rifles with an extendable stock. The extendable stock does not decrease the length of the rifle contrary to the lunacy brought forward by advocated for civilian disarmament. It increases the length of the firearm to fit the operators size more adequately. The list also goes on to ban 50 caliber rifles, which to my knowledge have never actually been used in the commission of any crime to date. The legislature continues on to disallow the passing on of these firearms upon death due to making transfer of ownership illegal. In effect, this would require forfeiting the firearm which would amount to illegal taking of property by the government. This is an infringement on not just one, but now two of our constitutionally protected rights. I urge the state to reconsider this unconstitutional bill brought forth by funding from out of state advocacy groups who want nothing else but to completely disarm America. Thank you for your time.
Dion Mosley III Against themselves	This legislation bans almost all of the most common firearms in use by responsible citizens for self defense and sporting purposes. This legislation does not do anything to combat violent criminals or prohibited people from acquiring firearms. This legislation targets only legal gun owners and no one who poses a real threat to society. This legislation should be struck down immediately.
Tom Muckenthaler Against themselves	Proposed bill is totally UNCONSTITUTIONAL! No where in the US or CO Constitutions do We The People give you, the government, PERMISSION to ban firearms that we need for self protection. Your bill would ensure that only criminals and law enforcement would have semi automatic weapons, and would essentially leave law

	abiding citizens defenseless. This could not come at a worse time with sky high crime and millions of illegal aliens in our Nation, and our State. IF you pass this bill, we will fight it using every PEACEFUL means at our disposal to ensure the safety of law abiding Colorado citizens. We will also hold the sponsors of this bill and every legislator who supports it personally responsible for violating the Constitution and any harm that results from this bill. Shame on you!!
Edgar Arellano-Bernal Against themselves	As a fellow resident of Colorado, I urge you to OPPOSE HB24-1292! The bill's broad definition of "assault weapon" bans all semi-automatic rifles including America's most common rifle, the AR-15, along with countless other rifles, pistols, and shotguns that Coloradans use for hunting, target shooting, and self-defense. HB 24-1292 also bans .50 BMG rifles, despite the fact that these rifles are essentially never used in crime. Even worse, the ban extends to common firearm parts and many innocuous components in the definition of "assault weapon" or "rapid-fire trigger activator" (FRT/forced reset trigger). These bans will do nothing to reduce violence and only makes criminals out of the law-abiding citizens of Colorado.
stan goldman Against themselves	bill 1292 prohibiting so-called assault weapons has excessively broad definitions of what is an assault weapon. this bill outlaws many long guns and shot guns and semi-auto firearms that are legitimate means of self defense for older adults such as myself. My home-defense semi-auto pistol with detachable magazines and a foldable stock and a muzzle brake is necessary for me to safely hold this weapon. I need a stock and a pistol grip for accurate shooting. by banning such weapons, this bill turns me into a helpless victim in my own country and prevents me from choosing the firearm that I can use at my age. Living alone in a rural area means that I have to wait half an hour for a sheriff. This bill bans the shotgun I also use for home defense. I do not own an AR-15 or a trigger that turns semi-auto full auto. But I do own two weapons that are banned by this bill. I cannot shoot pistols without specialized grips and stocks because of my age,. Please do not take away my right to defend myself against an immanent threaten to my life
Benjamin Urban Against themselves	Dear Representatives or Committee I am contacting you regarding HB24-1292. As a Colorado native and long time resident I strongly oppose and do not support this bill proposal. This is an infringement of not only my rights and my family's constitutional rights. This bill should not be enacted into law to preserve the fundamental rights of future generations to come.

	Sincerely Ben Urban of Berthoud, Colorado
Marisol Payne Against themselves	To whom it may concern, I am opposed to this bill because it will compromise my right to defend myself. As a woman, veteran, and mother being able to own, carry, purchase, train with, and use firearms helps me be able to keep my children and self safe in these unsafe times. Owning a firearm has kept me alive. I am a domestic violence survivor. My ex tried to kill me. The only reason he didn't was because I was armed. Had I not been, I would not be able to write this testimony today. Banning guns is not going to help crime. Criminals don't care about laws. Please stop trying to take my Constitutional right to bear arms away. I deserve to feel safe and be able to defend myself. Thank you.
Benjamin Urban Against themselves	Dear Representatives I am contacting you regarding HB24-1292. As a Colorado native and long time resident I strongly oppose and do not support this bill proposal. This is an infringement of not only my rights and my family's constitutional rights. This bill should not be enacted into law to preserve the fundamental rights of future generations to come. Sincerely Ben Urban of Berthoud, Colorado
Thomas Saunders Against themselves	I strongly encourage you to vote this bill down. It is an unconstitutional attack on citizens' 2nd amendment rights. The bad actors certainly will not pay any attention to this bill. It will only negatively affect citizens who want to protect themselves against the bad guys.
JASON HALL Against themselves	I am a new resident to CO as of a few years ago. I am a retired Combat Veteran of the U.S. Army. This bill usurps the intention of the 2nd Amendment to the United States Constitution. All Veterans in this Country who have served, protect the Constitution as part of their Oath of Service. Any "law" or "regulation" that takes any of the rights as stated in the U.S. Bill of Rights, is government overreach from a State legislature.

	I appreciate the lawmakers of all 50 of the United States. I also believe that each and every citizen has the inherent right to defend themselves with tools of "lethal force", equivalent to those who are paid by taxes to ENSURE the safety of all citizens. The intent of the 2nd Amendment is to show how a concerned and informed population can defend themselves from assault from those who wish to break the law, and decide to use a weapon in an OFFENSIVE manner. All taxpaying citizens deserve the right to own any "assault style weapon" in a DEFENSIVE manner. To defend their families. To defend themselves from bears and predators in the mountains. I personally do not own any of the weapons listed in this bill. However, I feel that the emotions and feelings of those who have suffered upon gun violence in this country in the last few years are worth mentioning...however a population must remain safe by deterrence of those who decide to use whatever tool they can to do harm to others. Stand firm on the LAWS WE HAVE NOW. Stronger sentences for those who use guns to commit crimes, and harsher punishments for those who don't do proper background checks into WHO is buying those weapons. This bill should be re-written or dismissed. Thank you for your time and consideration of my bi-partisan statement.
Benjamin Urban Against himself	Dear Representative I am contacting you regarding HB24-1292. As a Colorado native and long time resident I strongly oppose and do not support this bill proposal. This is an infringement of not only my rights and my family's constitutional rights. This bill should not be enacted into law to preserve the fundamental rights of future generations to come. Sincerely Ben Urban of Berthoud, Colorado
Alison Whipple Against himself	This Bill is overreaching, takes away my right to defend myself, and goes against the constitution. If multiple attackers come after me, I need the right to be able to fire more than 5 or 6 shots. Semi automatic rifles still require a person to pull the trigger each time you intend to shoot. We should be going after the mentally ill and finding other ways to make our schools and public spaces safer. Why can't we use the same thing the court houses use? When was the last time there was mass shooting there? The right to keep and bear arms is to

	protect against a tyrannical government. That's what our country was founded on.
Dan Smith Against themselves	Time and time again, the democrat members of the Colorado assembly propose bills targeted at lawful gun owners. When will you start targeting the law breakers? A reasonable law going after stolen gun offenders was shot down and this 'scary black gun' banning is put up instead. Look at the data. What are the numbers of legally obtained guns committing crimes, versus stolen guns? you know the truth, yet blind yourself to the facts. I urge all members to vote no on these 'feel good, do nothing' bills.
Ken Jochims Against themselves	As a concerned citizen and lawful owner for over 25 years of the types of weapons that would be banned, I present my testimony against HB24-1292, the proposed assault weapons ban in Colorado. My opposition is grounded in three critical areas: the effectiveness of such bans, constitutional rights, and the lack of supportive data. Firstly, the effectiveness of assault weapons bans in reducing gun violence remains highly contested. Studies, including those by the Office of Justice Programs and the CDC, have not conclusively demonstrated that previous bans significantly reduced gun violence. This lack of evidence raises serious questions about the efficacy of HB24-1292 in achieving its intended goals. Secondly, the Second Amendment of the U.S. Constitution protects the right of the people to keep and bear arms. This proposed ban infringes upon this right by restricting access to certain firearms. The Supreme Court has historically upheld this right, emphasizing that laws infringing upon it must be scrutinized. Lastly, there is a notable absence of supportive data from authoritative sources like the FBI or CDC that validate the effectiveness of assault weapons bans. Without concrete evidence from states that have implemented similar bans, it's challenging to justify the enactment of HB24-1292. In conclusion, while the intention behind HB24-1292 is to enhance public safety, the lack of evidence supporting its effectiveness, combined with concerns over constitutional rights, presents a compelling case against its enactment. Our legislative efforts must be informed by data and respect for individual rights.
Ralph Goble Against themselves	As I read this bill it would virtually ban any gun / rifle that has a removeable magazine. This means every gun / rifle that is use today for recreation, competitive events, and those that legally carry would be in violation of the law of have to purchase a new gun / rifle that is either a single shot or a revolver. Again, those that wish to do harm

	will ignore this and all other laws that seek to remove ones right to self protection.
Douglas Wheeler Questions Only themselves	Going to school, church, a concert should be safe. Prohibiting certain assault weapons is reasonable. It makes zero sense to protect access to assault weapons more than we protect our children. I support HB24-1292
Gary Travis Against themselves	As a fellow resident of Colorado, I urge you to OPPOSE HB24-1292 the semi-automatic weapons ban. The reasons stated for the ban are not supported by factual statistics and most, if not all, weapons listed can be used for self-defense, target practice, hunting and competitions. Semi-automatic rifles like the AR-15 are the most popular rifles in the United States for home protection and defensive skills-based firearm training and marksmanship competitions, and they're increasingly popular among hunters. Banning such rifles will do nothing to stop violence and will only make criminals out of law-abiding citizens. This bill obviously blames the guns when the real solution is to enforce the current laws and prosecute the violators. This bill is a stepping-stone. The next version will ban possession. Thank you. A Colorado voter. Gary Travis
Eddie Patin Against themselves	This gun control bill is unconstitutional and will not stop gun crime. Criminals do not obey the law, and if you make a law banning certain firearms, etc., only law-abiding citizens will be restricted. The more you restrict law-abiding citizens, the bolder criminals will become in committing gun violence, as evidenced by all mass shootings that have attacked 'soft targets'. Oppose this unconstitutional bill and others like it. Gun control does not stop gun crime. Gun control only makes gun violence worse, and also prevents good people from enjoying their gun hobby, protecting themselves adequately, and violates peoples' rights. Anyone supporting this bill will be flagrantly opposing the Constitution and our American way of life. When enough people wake up to this and have had enough, you will be removed from office.
Jason Gerk Against themselves	This bill is unconstitutional, particularly not being able to transfer the items to a family member. This country has a constitution for a reason and anyone that was sworn into adduce swore to uphold the constitution.

Corinne Carpenter For themselves	I graduated from Columbine High School I watched what happened unfold at the theatre in Aurora. Colorado has two jarring, horrific events in its past and has done nothing to ensure that the types of weapons used are never in place again. I watch again and again and again and again these mass shootings unfold. There is absolutely no reason to ever allow that type of firearm in a public place. Those types of firearms are machines designed to inflict the highest casualty rate. Why would we not do everything in our power to protect our communities from mass killing machines? Thank you for your time.
Christopher Koeppel Against themselves	To all whom it may concern , My brief view point on this matter is quick. I oppose this bill for the simple reason that it is goin to make law abiding citizens into criminals. We have a right to bare arms in this county. A right that I signed up for to protect with my life when I joined the navy. The constitution is not limited to assault weapons or semi auto weapons for the simple fact that they themselves when they wrote this legislation were not a fact or life yet. The right is for weapons to defend ourselves from people or things that would do us or our families harm. When you take away those tools from people who use them correctly, all you are doing is opening our doors to others that do NOT follow the rule of law to come and commit harmful acts. Something that I will just not allow to happen. This bill is nothing more than a power grab by a group of people that are frankly not educated enough to make the decision for the greater majority. I do not support this bill in the slightest.
Jesse Montoya Against themselves	i am against these anti gun bills that you are pushing. All you are accomplishing is making it easier for the criminals to to arm themselves, and taking the rights away from the law bidding gun owners. It is a proven fact that more gun laws does not create less crime it creates more crime against people that cant protect them selves.
Roger Cozens Against themselves	Honorable Committee Members, I appreciate your concern about gun crime. Guns, however, are just tools that unfortunately maybe used improperly by humans to cause harm. Guns have been in Colorado long before it was a state. Responsible, moral, citizens have owned guns since the founding of our nation and have not used them to illegally harm others. Cars killed 659 people in Colorado in 2023. Mass shootings killed or injured 76 people in Colorado in 2023. These are tragic and sad

	statistics, but cars and guns are tools used by people. Would it be appropriate to ban cars to save lives? Since these tools require a human to operate them the real issue is with humans. Better driver training laws, harsher penalties to the individuals that miss use these tools would be a better deterrent. Teaching individuals about moral and ethical behavior and seeking help about mental health problems would probably reduce the tragic uses of these tools. Banning the tools will not prevent an immoral, unethical human from obtaining a tool to harm someone or themselves. Fentanyl and other hard drugs are illegal in Colorado, but 522 people died from drug overdoses in 2023 in Colorado. Unfortunately a number of people died by stabbing in Colorado too. Should knives be banned? Please consider that violence is a human issue and not the choice of the tool used in the violence. Respectfully, Roger A. Cozens PS. My great grandfather, Clark Cozens, settled in Littleton, CO in 1864. His brother William Cozens was sheriff in Central City from about 1860 to 1867.
Amy Zwahlen For themselves	This bill is extremely important to me in addressing gun violence prevention in Colorado and I ask for your yes vote.
Ian Estis Against themselves	This is a blatant violation of both the US constitution and Colorado constitution! Also, the Bruen decision already set precedent that you cannot ban types of firearms! Since you obviously need to read them again "The right of no person to keep and bear arms in defense of his home, person, and property, or aid of the civil power when thereto legally summoned, shall be called in question" "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." You took an oath to uphold the constitution and if you can't handle that it's time to resign! This will never hold up in court all you are doing is wasting taxpayer money and putting yourself at risk of recall!
Charles Grandmaison Against themselves	If you think for one moment that this bill will stop the killing of innocent lives then your blind to the facts. The criminal will do whatever it takes and that means, obtaining his or her weapon from sources you have no control over. We the abiding citizen, will put

	down any person who knowingly and willingly intends on killing innocent lives , so again i say. By passing this bill, your hands will carry the innocence blood . We the good citizen law abiders with family will put down any person intent on killing the innocent, as we hear there first shot. We are there to stop the crime with our legally registered concealed carry license. Allowing us to go to competitions on private and government run competitions and training on safe handling in bad situations.
Joao Henriques Against themselves	I strongly oppose this unconstitutional bill HB24-1292. The government's inability to prevent crime is now diverting accountability by going after law obeying citizens in attempt to give the public a false sense of security by attempting to destroy the 2nd amendment.
David Voell Against themselves	President Biden left \$80 billion of AR 15s, semi-automatic hand guns, munitions, body armor, night vision and other weaponry in Afghanistan for terrorists Taliban, ISIS anyone to collect. President Biden has allowed 9 million illegal invaders into the US homeland and no one knows who they are or where they are in Colorado or the US Homeland. Christopher Wray Director of the FBI tonight 3/12/2024 is warning of highly likely terrorist attacks inside the US. And this body of legislators has drafted law to cancel law abiding US citizens' 2nd Amendment rights to defend our person, family and friends. WHAT THE HECK IS THE MATTER WITH YOU? Your proposed legislation does nothing to criminals. All your proposed legislation will do is make millions of law abiding citizens into criminals. None of you were elected to cancel our rights to self-defense with weapons that are less than what terrorists and criminals are using. WHAT THE HECK IS THE MATTER WITH YOU? Do not pass this bill HB24-1292.
jerry blake Against themselves	Millions of Coloradans use the firearms listed in this bill for lawful purposes including recreational shooting, hunting and self-defense. This easily passes the "in common use" test of several Supreme Court decisions going back to Miller. If this bill becomes law, it has no chance of surviving judicial challenge and the only thing democrats will have accomplished is to have further torn the social fabric of our

	community that has already been significantly shredded by extremists. Are the campaign contributions worth it? Further, this bill will not do anything to curb violence in Colorado given that far more people are killed and injured by knives, impact weapons or just fists, as FBI studies have confirmed. Instead, it will strip law-abiding people with the means of self-defense against criminal predators. The features listed in the bill as somehow evil are enhancements of the firearm's safety, usability and accuracy, especially for women and the disabled. This kind of law just makes life easier for violent thugs. It makes no sense that the bill makes the lawful and highly-regulated sale of these firearms illegal when most criminals acquire firearms via theft or the black market, which probably isn't going away anytime soon since the legislature is focusing on the wrong issues. The legal possession of these firearms is not a cause of violence and legislators are being misled by extremists from focusing on the real issues leading to violence. Although I must say that its inevitable defeat in court will add to the growing body of common law against these types of proposals nationwide. So thank you for that. Please vote it down. Best regards.
Anthony Hillerson Against himself	Committee members, Here we are again. It didn't work last time. This is an unconstitutional ban that continues to erode the second amendment rights of law abiding firearm owners, and it will be defeated again. Either here or through the judicial system. Please focus instead on a real solution to the problem of firearm violence. Mental health, polarization, the ACTUAL location of violent crimes - the cities that contain the neighborhoods it's not safe to live in anymore - full of people that scorn laws in any case. This bill does nothing to address the problem. Please address the problem.
Richard Wallin Against himself	A broad measure designed to nullify the 2nd Amendment. The Bill is presented as a solution but to the wrong audience. Those causing the problems are not the law-abiding citizens, who are now being stripped of protections as law-enforcement fades, criminal laws

	weaken and cities are flooded with unsavory elements. This and similar Bills endanger communities just as civil safety erodes. Look at what has happened in gun-free UK where burglaries and home invasions are rampant, home owners are defenceless (by law) and the police have a 90+% unsolved cases record.
Amanda Ranard For themselves	I'm a Colorado resident and a mother of two young children. I strongly support this bill. When "assault weapons" (as defined in the bill) are used in mass shootings, more people are shot and killed than when any other type of weapon is used. Assault weapons are too commonly the weapon of choice in mass shootings, including those that have occurred in schools and grocery stores. These are places that I frequent often with my children, and that I fear going to because of the possibility of one of us being injured, or worse, killed. By prohibiting the use of these weapons, we will all be safer in our daily lives.
Bruce Hoggan Against themselves	I believe a states (colorado) militia to be those citizens of the state (colorado) who are willing to train (so they are "well regulated" in principle and precautions) and safely bear and utilize "Arms" (weapons of all capacity including military grade) because it is our responsibility (those willing to bear and train) to maintain the security of our free state should the higher government attempt to usurp power that is not theirs. I am a veteran and am aware that ALL of veterans to whom I personally know to date are of similar mindset. - Bruce
Randall Stout Against themselves	I am against the ban on weapons. United States residents have the right to bear arms and is protected by the second amendment. Make America great again
Robert Smith Against themselves	I am submitting written testimony against this bill. This measure will not reduce crime, it will not compel dangerous gang members and drug dealers to surrender their arms to law enforcement. This prohibition will give the most dangerous people in society a monopoly on use of lethal force. States that have bans like this in place still have multi casualty events or "mass shootings" as you call them. This bill does not present meaningful solutions to the crime problem in CO like disarming criminals. I am very disappointed with the state government focusing on gun control bills rather than working toward solving problems that Coloradans see everyday like high food prices and homelessness. The state government has also

	reduced penalties for theft and drug possession this emboldening criminals.
sandra wagner Against themselves	I support the Second Amendment and those who believe in the importance of upholding our constitutional rights. This errant bill is in complete violation of those rights. Please vote NO on HB24-1292.
Lukas Goza Against Militia State Armory	This is a direct infringement on our second amendment rights. It will also completely close my business and make the people dependent on this income, homeless. Forcing us to move to another state as a result. You have a duty to protect the United States Constitution, to uphold and abide by the rules set forth upon government by the citizens. Our rights inherently hold all the protection we need to defend ourselves from each other civilly and from a tyrannical government that no longer recognizes the laws upon which it was given power. The last civil war was fought over states rights, as will the next if you continue to push your constitutional infringement campaign. You've lost your sense of direction on how to maintain the rule of law and lead a country to a prosperous future, and justifying it to yourselves by assume yourselves morally correct to do so. Your comforts have rendered you blind to the realities of this world. You claim nobody needs a firearm of this manner to protect themselves, while you actively fund wars against nobody's who need these tools to protect themselves against you. Along side nearly every other government in this world which is actively engaged in conflict and killing nobodies with the tools you want to remove from your lawfully abiding own. Peace comes from the top down. You stop funding and fighting in wars and a new era of peace will ensue. Until governments finally turn away from conflict indefinitely and absolve themselves completely of militant needs. There is no discussion about which you propose in this bill.

	The people of this country are disgusted. A very large majority do not hope to see any of you re-elected. It shows that none of you joined the government to be subservient to the bill of rights, the constitution, or the ideals in which it was intended to protect. Resign, Thank you
Justin Beard Against himself	Columbine - The mass shooting that destroys the assault weapons ban works myth. Deaths: 15 (including both perpetrators) Injured: 24 (21 by gunfire) Shooters list of weapons: Intratec TEC-9 iHi-Point 995 Carbine Savage 67H pump-action shotgun Stevens 311D double barreled sawed-off shotgun 99 explosives 4 knives NO AR15s. NO AK47S. None of it. They used illegally modified weapons and home made explosives. 15 deaths occurred despite the feel good measure of the assault weapons ban. Banning these so called Assault Weapons (which by the wording of the bill would ban ALL semi-automatic rifles with removable magazines, even the classic Ruger 10-22) will not reduce crime. I OPPOSE this bill.
Devin Wu	Dear Colorado House Judiciary,

Against themselves	As a United States Marine Corps veteran, Colorado native lifelong resident, responsible gun owner and a current private security contractor protecting federal government and businesses sites in Fort Collins, Longmont, and Westminster, I am writing to express my strong opposition to the proposed Assault Weapon Ban bill HB24-1292. I am deeply invested in both our Second Amendment rights for all Colorado citizens. Throughout my career as a security contractor and as a Marine, I have witnessed firsthand the importance of firearms for self-defense and protection. Responsible gun ownership is not only a right but also the right defend one from deadly violence. Any legislation affecting firearms respects the rights of law-abiding citizens. But instead all legislation proposed at the moment is ignoring the real sources of violence in our communities. Firearm training not only instills confidence and proficiency in handling firearms but also emphasizes the importance of situational awareness, de-escalation techniques, and adherence to legal and ethical standards. By equipping individuals with the necessary skills and knowledge, firearm training contributes to a safer and more secure environment for all. This bill does not nothing to reinforce that to citizens. It's crucial to understand that assault weapon bans often target firearms based on cosmetic features. These bans typically focus on features such as pistol grips, stocks, and muzzle devices which have no bearing on a firearm's lethality or its potential for misuse. Banning firearms based on arbitrary cosmetic features does little to address the root causes of gun violence in Colorado communities. Moreover, the data from various sources, including independent research organizations, show that "assault" weapons are used in only a small fraction of crimes involving firearms. According to a report from the Bureau of Justice Statistics, less than 1% of all firearm-related homicides in the United States involve rifles of any kind. This statistic illustrates that the focus on "assault" weapons is disproportionate to their actual role in violent crime. In conclusion, consider the limitations and ineffectiveness of assault weapon bans. As responsible legislators, it's essential to prioritize policies that address the underlying issues contributing to gun violence. I hope you will take these considerations and oppose this legislation.
-------------------------------	---

HARRISON LE Against themselves	Dear House Judiciary Committee, As a Colorado native currently residing in Westminster, lifelong resident, responsible gun owner, outdoorsman, and active proponent of firearm safety and education. I am writing to express my strong opposition to the proposed Assault Weapon Ban bill HB24-1292. I am deeply invested in both our Second Amendment rights and ensuring evidence-based policymaking. One concerning aspect of HB24-1292 is its potential impact on responsible gun owners' ability to maintain and repair their firearms. The bill's provisions could make it impossible for individuals to perform basic maintenance and repairs on their firearms themselves. This is an apparent attack on the less fortunate who are unable to protect themselves against criminals in their time of need. As someone that promotes firearm safety and education his whole life, whether it was hunting, self-defense, or just educating the broader community. These laws harm the average citizen from obtaining the best needs of self-defense. These firearms allow the disabled, elderly, or those who targets of violence to adequately hold their ground. As we know the police are not obligated to save or protect you. Moreover, the data from various sources, including independent research organizations such as the RAND Corporation and the Cato Institute, show that assault weapons are used in only a small fraction of crimes involving firearms. According to a report from the Bureau of Justice Statistics, less than 1% of all firearm-related homicides in the United States involve rifles of any kind. This statistic illustrates that the focus on assault weapons is disproportionate to their actual role in violent crime. In conclusion, I urge you to consider the limitations and ineffectiveness of assault weapon bans before supporting HB24-1292. As responsible legislators, it's essential to prioritize policies that are grounded in facts and that address the underlying issues contributing to gun violence. I hope you will take these considerations into account and oppose this misguided legislation. Thank you for your attention to this matter. Sincerely, Harrison Le
--	--

Justin Standefer Against himself	"Amdt2.4 Heller and Individual Right to Firearms" "Supreme Court applied the Second Amendment, as newly interpreted, to the contested D.C. firearm regulations and concluded that they were unconstitutional.³³ First, the Court declared that possessing weapons for self-defense is central to the Second Amendment right, yet D.C.'s handgun ban prohibited an entire class of 'arms' that is overwhelmingly chosen by American society for that lawful purpose.³⁴ Moreover, the handgun prohibition extended into the home, where, the Court added, the need for defense of self, family, and property is most acute.³⁵ Additionally, the requirement that firearms in the home be kept inoperable is unconstitutional because, the Court concluded, that requirement makes it impossible for citizens to use them for the core lawful purpose of self-defense.³⁶ Thus, the Court ruled that D.C.'s handgun ban could not survive under any level of scrutiny that a court typically would apply to a constitutional challenge of an enumerated right.³⁷"
Jessica Rhody Against himself	Mass shootings are tragic events that cause trauma to the communities that experience one. I am an LGBT individual whom lives in Colorado Springs and disproportionately face the threat of events like the Club Q shooting more than other demographics. Despite this fact, the data shows that deaths inflicted by the misuse of the types of firearms described in this bill are more rare than the number of deaths caused by hands and feet. It is important towards the efforts of preserving our natural human rights that we not use sensational statistical anomalies in curtailing the protections against threats such as democide which has claimed dramatically more lives historically. Our founders saw this right to be so important as to enumerate it as the second right right after freedom of speech and assembly. The right to arms to include military style weapons is made clear by the constitution, the federalist papers and the language of the time. There is no lawful interpretation of the constitution juxtaposed with historical precedent that allows the existence of this bill. It is an infringement upon human rights that protect vulnerable demographics such as those of us whom are LGBT.
Patrick Rhody	Mass shootings, while tragic, are anomalies. We cannot allow a sensational event drastically alter our right to self defense by means

Against themselves	of Draconian measures. The cities with the strictest gun control measures, have the highest rates of gun violence. More people are killed by "hands and feet" than "assault weapons" full stop. Are criminals that want to do crime for their own benefit really going to consider this new law as a deterrent? No where in the US Constitution, did the founding fathers make exemptions for particular weapons to be controlled. The second amendment also states, "shall NOT be infringed" clear as day. You might think that this bill isn't going to allow confiscation of weapons, but it effectively does by disallowing the transfer of firearms between parties. That means you either keep your guns that you have forever, or turn them in for disposal. If this bill goes through, it will serve little more than just turning law abiding citizens into criminals. It will be challenged in federal courts, and it will be overturned.
Richard Molitor Against themselves	There is nothing new under the sun. Ever since the fall of Adam in the garden, men have sought to kill each other. It shows up time and time again in history. Every weapon you can think of has been used to carry out murder. HB24-1292 seeks to ban certain types of weapons. This is extremely dangerous because a man who wants to kill another man will not abide by the rules. The weapons this bill seeks to ban are quite literally any semi automatic rifle with a magazine. This bill will vastly reduce the ability for law abiding citizens to exercise their second amendment rights to defend themselves and their families. No mass shooting of any kind has ever been carried out by a law abiding NRA member. No mass shooting had ever been carried out by a law abiding, responsible gun owner. Evil people exist, and some of them carry out mass shootings. Colorado needs more law abiding citizens who own weapons- even semi automatic weapons - to defend the safe spaces of our communities. If law enforcement can carry them, then law abiding American citizens can carry them. "A well regulated Militia, being necessary to

	the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Bad people will get their hands on these weapons whether they are banned or not. Colorado citizens have the right to defend themselves against the evil that tries to harm them.
Ken Tozer Against themselves	I strongly oppose House Judiciary HB24-1292 (Assault Weapons Ban). Gun bans are a clear infringement of both the U.S. and Colorado Constitution and have shown to have no effect on crime rates, but rather pointlessly turns countless law-abiding citizens into criminals for simply owning a firearm with features arbitrarily deemed "scary". The United State Supreme Courts' recent Bruen decision bars legislative bodies from enacting such gun control based on the removal of intermediate scrutiny.
Edgar Martinez Questions Only themselves	HB24-1292 is extremely out of touch with Colorado and our citizens needs, in a time when our citizens need protection the most, instead of fighting the sources of crime and the socio economic factors that lead to them, this bill just wants to ban all common use weapons under a disingenuous term and devious definitions. This is simply a semi-auto firearms ban, the same firearms used by law abiding citizens all over the state. Much like all the other proposed "gun control" bills this session, this only serves to handicap those who choose to follow the law and infringe on our natural born right to self defense. At a time where these tyrannical and malicious laws are being defeated in higher courts time and time again, not holding up to scrutiny under our Constitution.
craig wright Against themselves	I am not going to write a lengthy missive about why you should oppose this bill, but please oppose it.

Christopher Aubrecht Against themselves	People of the committee, I want to say that I am strongly against this bill as it goes against the 2nd amendment. It limits law-abiding citizens to choose how they protect themselves. Action should be aimed at the criminals that use weapons in a crime and not limit those innocent people that wish to carry out their 2nd amendment right. If this is passed, know that I will vote against any person that votes for this. Thank you. Respectfully Chris Aubrecht, longtime resident and veteran.
Kevin Cooper Against themselves	All of these anti-gun laws are excessive and seem to only prohibit the law-abiding citizen of his/her 2A rights. If you want to fix gun crimes, ENFORCE the law and PROSECUTE the Criminals. If a person commits a felony crime with a gun...hold them responsible for it with a 15-20 mandatory prison sentence with no early release, no good behavior BS. They need to spend every minute of their sentence. Over time, the word would spread that there is no early release and we would see less gun crimes. We need to enforce laws or why even have them. Making more laws that don't get enforced is ridiculous.
Joshua Torres Against themselves	My name is Joshua Torres, I am a Colorado native and I am against prohibiting owning any type of guns as it is our 2nd amendment right and that is a violation of our constitution. My entire family has served this country and fought for our freedoms and our constitution to keep our rights. I do not agree with this bill of banning our guns.
Steven Do Against themselves	Dear House Judiciary Committee, As a Colorado native currently residing in Westminster, lifelong resident, responsible gun owner, outdoorsman, and active proponent of firearm safety and education. I am writing to express my strong opposition to the proposed Assault Weapon Ban bill HB24-1292. I am deeply invested in both our Second Amendment rights and ensuring evidence-based policymaking. One concerning aspect of HB24-1292 is its potential impact on responsible gun owners' ability to maintain and repair their firearms. The bill's provisions could make it impossible for individuals to perform basic maintenance and repairs on their firearms themselves. This is an apparent attack on the less fortunate who are unable to protect themselves against criminals in their time of need. As someone that promotes firearm safety and education his whole life, whether it was hunting, self-defense, or just educating the broader community. These laws harm the average citizen from obtaining the best needs of self-defense. These firearms allow the disabled, elderly, or those who are targets of violence to adequately hold

	their ground. As we know the police are not obligated to save or protect you. Moreover, the data from various sources, including independent research organizations such as the RAND Corporation and the Cato Institute, show that assault weapons are used in only a small fraction of crimes involving firearms. According to a report from the Bureau of Justice Statistics, less than 1% of all firearm-related homicides in the United States involve rifles of any kind. This statistic illustrates that the focus on assault weapons is disproportionate to their actual role in violent crime. In conclusion, I urge you to consider the limitations and ineffectiveness of assault weapon bans before supporting HB24-1292. As responsible legislators, it's essential to prioritize policies that are grounded in facts and that address the underlying issues contributing to gun violence. I hope you will take these considerations into account and oppose this misguided legislation. Thank you for your attention to this matter. Sincerely, Steven Do
Cody Vanden Brink Against themselves	This house bill (24-1292) is unconstitutional and a direct attack on our second amendment right as citizens of Colorado. I demand that this bill be nullified on the standing that it violates our rights set forth in the constitution.
Allen Samuels Against themselves	I am 68 years old and grew up in a small town. Hunting and guns were a big part of my life. Many farm boys carried guns in the truck to school. There was never a problem with mass shootings. What has changed? I grew up with strong convictions regarding Faith, Family and Country. And there lies the problem. To many kids of today have been raised with no faith (Godless), no family unity and no pride of country. This all leads to hopelessness and no respect for human life. Rep Hernandez and Epps, you've heard the saying that insanity is continuing to do the same thing and expecting different results. This is exactly what your bill is doing. Not only is it unconstitutional but results will be the same. I lived through the Clinton Assault Weapons Ban and there were no positive results in reduction of mass shootings. Work on legislation that changes peoples hearts and drop your attempt to ban assault weapons. BTW, any object that can assault is an assault weapon. Sincerely,

	Allen Samuels
Trever Landess Against themselves	The fact that this is even being proposed is a disgrace to Colorado and the United States. It goes against the constitution of the United States of America. "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Trying to restrict what type of firearms we the people keep and bear is an absolute infringement. Everyone in the Colorado state government swore an oath to protect and abide by the constitution of the United States of America. Everyone that has proposed this unconstitutional bill should immediately resign or be immediately removed from office. You have broken your oath to Colorado and to the United States. We the people will not let this stand!
Christopher Olson Against themselves	My name is Christopher J. Olson, I regret not being present to testify in person, But I appreciate the time you take to read this and hear my voice. I'll keep this short so you can move on with your day. I demand this committee up hold their oath to constitution of Colorado citizens and vote no on this bill. We live in strange uncertain times, and taking rights and property of people under the guise of safety is only going to invigorate criminals to take advantage of vulnerable people. And with police being understaffed, lacking morale, and with a lack of training is only going to invigorate these morally depraved people further, not to mention even with police presence it depends of the bravery and motivation of the officers, which seems to be 50-50 that they will do their duty. More than 400 million guns exist in America today, they aren't going anywhere. More than 50,000 gun laws exist between the state and local level, we are beyond common sense at this point. Though I don't know a solution to the help lost souls that commit such an act, I do know a better solution is allowing Brave Coloradans to defend themselves when such moments are thrust upon them to protect their family and neighbors. Vote no on Bill HB24-1292
David Braucht Against themselves	To whom it may concern, I would like to oppose this house bill/measure as it stands to impact only law abiding citizens (a common trend in EVERY piece of recent firearm legislature.) Punishing the whole class for the actions of the few is ridiculous institutionalization, and last time I checked this isn't the 5th grade. Murder is already illegal regardless of the tool used to commit the murder, murder is already illegal. This is a clear agenda of disarmament, and has nothing to do with our safety. This is infringement at the highest level, and the 1994 assault weapons ban

	did nothing to lower gun violence but create more interest in owning them. I have been a law abiding citizen for 39 years so I could be a legal, responsible, and safe firearms owner with the sole interest of defending myself, my family, and others. Historically there have been a multitude of tools used in the killing of people in masse from vehicles to pistols to Molotov cocktails to a makeshift spear. There were more killings committed with knives, and blunt objects than assault weapons and firearms in 2023. Mental health is a bigger fish that needs to be fried vs punishing law abiding citizens for the actions of the few. These mass killings 9/10 times have happened in gun free zones, and the only people that follow that law are law abiders like myself. If we employ armed guards to defend bags of money with firearms why aren't we guarding a more precious resource (children) with the same dilligence?
richard koeppel Against frugal firearms	For one, this would effectively decrease my business by 70%. Thanks for supporting small businesses :(. Second, they Type or operation or feature of a firearm is NOT the problem. The problem is, that criminals that use a firearm (which is a tool) and commit a crime are not swiftly and severally punished. In fact they are shown all over the media, and it goes to court for years and it is not a deterrent for others, so they do the same thing. Banning firearms in the state will not stop anything, because a criminal will just steal one in this state or another and continue to bad things.
Jett Salomonson Against themselves	bill is blatantly unconstitutional, the Supreme Court said in New York State Rifle & Pistol Association v. Bruen that unless you can find a historical analog during the writing and establishing of the constitution backing up weapons bans they are unconstitutional. also, have fun trying to enforce it with gutted police forces that can barely keep violent crimes from happening because you gutted the police department's budgets to give to the hundreds of thousands of illegals that you insist on having here. all in all, have fun voting on a paper tiger bill that will never be enforced outside of the Denver city limits.
Bruce Baker Against themselves	Chairperson and Honorable Members: As a long time supporter (publicly shown in my many letters to the editor) of a Woman's sole Right to make decisions concerning her reproductive choices (a position I know many of you share) I implore you to reject HS24-1292. Passage of this bill would do little to reduce the harm inflicted upon our Society by these specific firearms. It will cause a monstrous harm

	to tens of thousands of decent, honest, productive, and valuable individuals in our Society. I am one of the people you will hurt. Please, do not hurt me. The First harm to me is the complete disrespect of the importance and value of people, like myself, to our Society. I find this harm similar to the disrespect of restricting a woman control over her body. Just like respecting a woman's choices, my choices of gun ownership must be respected. The next harm is the economic impact this law will have. I will lose more than a thousand dollars, regardless of any grandfather clauses you may include. When extended to all the owners of these firearms and the businesses reliant on the trade, economic losses will be hundreds of millions of dollars. While there are many other harms I could list, the worst is how this will undermine the Public's respect for Our Nation of Laws. Rulings by the US Supreme Court, selective prosecutions by DAs and the abuse of discretion given to law enforcers have already seriously damaged our respect for the Law. Passing this law will not reverse that destructive trend.
JOHN McKINNON Against themselves	I am writing to urge the defeat of this ill proposed legislation. From my reading of the proposed legislation, it is overly broad in scope and it only will criminalize current legal ownership of nearly all firearms. It does nothing to protect current legal ownership of such firearms, and as written will not contribute in any significant way to public safety. The RIGHT to bear arms is a legal constitutionally protected right. There are currently more than sufficient enacted laws that protect public safety and legal ownership of firearms. This is excessive overreach and is totally unnecessary. Thank You
Thomas Jedlicka Against themselves	When a committee, dedicated to the JUDICIARY, disregards the JUCIDIAL ruling of the Bruen case, it deserves to be called out. Every supporter of this bill should be embarrassed by the fact this bill has even hit a committee. There are multiple federal cases on this subject that are getting destroyed and remanded by the courts, directing compliance to Bruen. This is a waste of time and energy that can be spent elsewhere. You each took an oath to support the constitution, which takes precedence over your political affiliations or anti-gun positions. This bill is not only in conflict with Bruen and Heller but

	does not comply with the 2nd and TENTH amendments (which determines what states can and cannot do). I highly suggest qualified immunity protections be removed in order for an honest debate about firearms to be conducted. There needs to be repercussions for each supporter of this bill WHEN this is found unconstitutional. If you prevent your residents from being able to exercise their federally protected rights, you EACH deserve prison time for the amount of time your residents are prevented from exercising any rights (or at a min, be open to civil liability). Your anti-gun positions are pathetic and so is the lack of visibility in other judicial cases going on post-Bruen. All sponsors of this bill have lost my vote for the remainder of your political careers. You have an obligation to comply with the constitution. The tenth amendment provides that "the powers not delegated to the United States by the constitution, NOR PROHIBITED BY IT to the States" (you know, the: "shall not be infringed" part), "are reserved to the states, respectively, or to the people". Per Heller, arms that are in common use are protected, including those that fall under these idiotic AWB definitions; Per Bruen, SCOTUS stated "There are two steps in the Bruen framework. First, ...determine whether "the 2nd Amendment's plain text covers an individual's conduct." Second, the gov bears the burden to show that the regulation "is consistent with the Nation's historical tradition of firearm regulation."" – Ruling No. 20-843. This is not in compliance with the historical tradition of firearm regulation nor current federal law. Do your job and read the JUDICIAL ruling and stop this incompetence. Your pissed off constituent, resident, engineer, and firearms professional, safe firearms handling advocate, and observer of incompetent government representatives, -Tom
--	---

Lee Roten Against themselves	Hi, I have been a resident of Colorado my entire life. I was born and raised here. From the time I was small I could remember Colorado as the kind of place where folks could go from city life, to the freedom of the wilderness in just a matter of thirty minutes. I love this place and will continue to call it home. Firstly, I would like to address the purpose provided by this bill. The bill states that its purpose is to prevent mass shootings. Unfortunately, we all know that Colorado is no stranger to mass shootings. Every reasonable person wants to put a stop to their fellow Coloradans being hurt and killed by the whims of sick and evil people. This bill does not prevent sick and evil people from harming others, and in fact, many of the bills introduced by anti-rights law makers will empower the perpetrators of these gruesome crimes. If we look to examples where "assault weapons" have been banned. Murder and crime rates have not been reduced, they've increased. This is because criminals are emboldened by defenseless people. This is why "gun free" zones with little to no security are typically chosen by perpetrators of mass murder. This bill aims to create an entire state of defenseless people, and It's crazy to think this is the solution our legislators have proposed. I understand it's difficult sometimes to look at secondary and tertiary consequences, but it's time to remove feelings and start looking at facts and logic. Criminals don't care about laws, they will continue to proceed with or without the government's permission, and we the people will be left to suffer. This is exactly why our constitution, and specifically the second amendment, was written. I would like to remind legislators that they swore an oath to this supreme law of the land, and that our rights are not tokens to be gifted and taken away at law makers discretion. Our amendments are the foundation to our success as a free people and empower the people, not the government. How are we supposed to be empowered if our legislators keep eroding our most foundational rights? This states needs leaders who listen to their constituents and uphold their promises and oaths.
Lee Roten Against	Hi, I have been a resident of Colorado my entire life. I was born and raised here. From the time I was small I could remember Colorado as the kind of place where folks could go from city life, to the freedom

themselves	of the wilderness in just a matter of thirty minutes. I love this place and will continue to call it home. I would like to address the purpose provided by this bill. The bill states that its purpose is to prevent mass shootings. Unfortunately, we all know that Colorado is no stranger to mass shootings. Every reasonable person wants to put a stop to their fellow Coloradans being hurt and killed by the whims of sick and evil people. This bill does not prevent sick and evil people from harming others, and in fact, many of the bills introduced by anti-rights law makers will empower the perpetrators of these gruesome crimes. If we look to examples where "assault weapons" have been banned. Murder and crime rates have not been reduced, they've increased. This is because criminals are emboldened by defenseless people. This is why "gun free" zones with little to no security are typically chosen by perpetrators of mass murder. This bill aims to create an entire state of defenseless people, and It's crazy to think this is the solution our legislators have proposed. I understand it's difficult sometimes to look at secondary and tertiary consequences, but it's time to remove feelings and start looking at facts and logic. Criminals don't care about laws, they will continue to proceed with or without the government's permission, and we the people will be left to suffer. This is exactly why our constitution, and specifically the second amendment, was written. I would like to remind legislators that they swore an oath to this supreme law of the land, and that our rights are not tokens to be gifted and taken away at law makers discretion. Our amendments are the foundation to our success as a free people and empower the people, not the government. How are we supposed to be empowered if our legislators keep eroding our most foundational rights? This states needs leaders who listen to their constituents and uphold their promises and oaths.
Todd Evinrude Against themselves	It is our 2nd amendment right to bare arms This ban would only affect the law abiding citizens of Colorado who are not the people involved in mass shootings. The criminals are still going to get their guns and commit their crimes. All this is going to do is assure the criminals that there will be no citizen around with a firearm to stop their crime spree's and shootings and will leave law abiding citizens unable to defend themselves. We hear about shootings all the time in

	the media but never hear about the times shooters have been stopped and innocent lives saved from hero's that have had a weapon on them. DO NOT DISARM THE LAW ABIDING CITIZENS OF COLORADO!!!
Joseph Pero Against themselves	As a Colorado pseudo-free, law-abiding citizen, I strongly urge you to OPPOSE HB24-1292, the semi-automatic weapons ban. Semi-automatic rifles, like the AR-15, are the most popular rifles in the United States for home protection, and they're increasingly popular among hunters. Banning such rifles will do nothing to stop criminals intent on violence. As we learned early on in life, criminals do not follow laws! This egregious bill will only make criminals out of law-abiding citizens. Thank you.
Laura Jensen Against themselves	This bill MUST NOT PASS! It is a clear infringement of the Second Amendment and will only prevent law-abiding citizens from being able to defend themselves, as criminals don't follow laws. This bill would ban almost all commonly used semi-automatic firearms, decimate our rights, and force 90% of gun shops in our state to close down, and leave us vulnerable to attack. The average person can't afford private security like these politicians can. We have to be our own defense, and this bill would do nothing but create more victims.
Joshua Riddle Against themselves	Do the people that came up with this Stupidity think criminals think "On No! I cant use this (Insert weapon of choice) to murder people! Its an illegal weapon!" This "Bill" is in direct violation of the 2nd Amendment no questions. This is beyond Infringement. I'm sure many of you have forgotten history as you are repeating it. So I will give some examples. In 1588 Shogun Hideyoshi decreed that farmers (commoners) will be disarmed of their swords. Guarantying the Samurai (State Police, Gestapo) a monopoly on weapons. Its much harder to resist the Political Elites if you cant protect yourself from the State Police (Gestapo). England in 1775 tried to confiscate privately owned firearms for "Safety". By the way, that was the birth of America for those tyrants that don't know.

	Hitler and Stalin both confiscated privately owned as firearms their first executive order. You know, those things only a dictator rules by. the same ones Biden made 98 of in the first 10 days. Will you force your body guards to only use a .22 cal firearm? of course not. You are all too important. Your families are more important. We all can die in the streets for all you care. As long as you and yours are safe. You are punishing the people that are not committing crimes and bathing in the blood of the innocents that criminals are bleeding on the streets and your response is to attack the ones not doing the crime. Then you try and make excuses for the ones killing people saying its because the guns made them do it. Chicago, Dallas, New York, and Southern California. These places have the highest murder rates and yet gun control laws have done nothing to even slow down the killings. This is a direct violation of the 2nd Amendment. When the Constitution, something many of you need to read, was written all Firearms where military grade. Yes even Automatics (1718 Puckle Gun). This "Bill" is treasonous and all those who vote in favor should be removed from office for failing to uphold the constitution. I await your Gestapo red flag laws to come for all of use whom you hate some much.
Terry Manwaring Against themselves	I am a recently retired Captain of Special Investigations Section of the Jefferson County Sheriff's Office and Reserve US Marshal. My assignment included oversight of my deputies and officers assigned to Undercover SIU, FBI Safe Streets, DEA, US Marshal FLAG, JTTF, West Metro Drug Task Force, and JCSO Cheeto Unit. I was the SWAT Commander in charge of the overall tactical units response to Columbine HS tragedy. After 40 plus years of law enforcement service I am well aware of the workings of the criminal element. The criminal doesn't care about gun laws, it doesn't stop them from committing crimes, look at Chicago, New York, and California, jurisdictions with the most restrictive guns laws. The crime rate is staggering. I am

	strictly opposed to the ban of weapons, it just doesn't work and only penalizes the law abiding citizen. You must first attack the mental health crisis, gang violence, and drug addiction to solve our shooting problem. The criminal element will continue to flourish on shooting crimes even with this ban. You're not solving anything other making criminals out of the citizens that obey the laws. I adamantly oppose this bill!
Hayden Morris Against himself	To whom it may concern, I am a lifetime Colorado resident, and have exercised my 2nd amendment since I turned 18. I grew up in Castle Rock but currently live in Colorado Springs. While going to high school in Castle Rock, I took place in multiple active shooter drills, at Daniel C Oakes high school. Every time we did this, the men who responded were carrying assault rifles, semi automatic handguns, and bolt action long guns. This is the appropriate response to violence, right? Well, what happens when those police officers don't arrive in time? What happens when a person is left defenseless in the face of evil? They are murdered. While I don't advocate that classrooms have long guns stored in each one, it seems silly to not allow handguns? And our state government wants to extend that helplessness beyond the classroom. Fentanyl and methamphetamine are scheduled drugs, meaning that they are illegal. I want you to think about what our cities look like right now. They are littered with these drugs, and their victims. Why on Earth, would you think that making these firearms illegal, is going to make them go away? When things are outlawed, the black market latches on to whatever it is, and floods the streets with these items. You are creating another market, that will allow criminals to get richer than they already are. The thinking behind this bill is juvenile at best, and speaks volumes to the privilege that its authors must enjoy. Most anyone on the street doesn't have chauffeurs, a nice government pension, or armed bodyguards. You know who does? The people who write and pass these bills. I'd also like for you folks to look into the statistics that are behind these mass shootings. Most of them are committed with pistols, and are the direct result of gang violence, domestic violence, etc. Instead of continually attacking this issue in the same manner, why not address the root issues? There is clearly a mental health problem in this great state, and great country. Do we really want to take away

	innocent people's right to protection, while waiting to see in what diabolical manner, these sick individuals can exercise their violent thoughts? Are we going to outlaw cars next? We've all seen videos of people plowing through crowds. Thank you, and please think of the less privileged before you try to draft another one of these disaster bills next year. -Hayden Morris
Randall Densmore Against themselves	I write to oppose the absurd HB24-1292. Your redefinition of assault weapon insults your intelligence and mine. Most modern home defense and personal weapons are semi-automatic pistols and rifles. You must NOT disarm the entire law-abiding population, and you CAN NOT disarm criminals. All you can do is give criminals free reign over us, while allowing the government to remain heavily armed. The founders did not intend for us to be defenseless against armed criminals nor against a government that becomes oppressive and totalitarian. Attempting to pass legislation like this shows that you are taking steps toward totalitarianism, which requires disarming the public. Please come to your senses and stop trying to give criminals the upper hand in our society. You let tens of thousands of illegal migrants move into our state, many of them criminals, and at the same time you act to disarm citizens so we can't defend ourselves against intruders who think nothing of doing us harm at a time when other democratic policies have pushed interest rates up enough to effectively trap us in our Colorado homes until we can afford to move. Wake up! With respect, R. Densmore
Jeff Baker Against themselves	I strongly oppose the mistitled so-called Assault Weapons ban. It is my 2nd Amendment Right to Keep and Bear arms that are in common use in the United States of America. All of you took an oath to uphold The Constitution of the United States and the Bill of Rights. This is the most basic function of your jobs. If you cannot do this simple task, you should not be representing We the People. The "gun" is the only instrument, that when used to do evil things, gets blamed when it is the Human Being that has taken the actions. There are more than enough laws on owning Weapons. Often these "mass

	shootings" are committed by criminals who couldn't lawfully own a firearm, and people known to law enforcement. No laws will affect criminals as they do not obey them. This bill will only affect lawful abiding gun owners, the majority of which will never commit any crimes.
Deborah Gold Against themselves	I am against this bill. This will eliminate almost all self-defense guns used by law-abiding citizens to protect themselves in their homes and in public. This is a direct violation of the 2nd amendment of the United States and should NOT be passed. Criminals should be prosecuted when they break the law. Criminals will continue to break laws, carry weapons and commit crime. More laws will not stop the criminal that is already breaking the current laws. Law-abiding citizens should NOT be denied their rights.
Gerald Shook Against themselves	My apologies for not being able to attend in person. I would urge everyone on this committee to vote NO on this bill. It is unconstitutional and violates both the 5th and 2nd Amendment. This will eventually be overturned in the supreme court, but only after costing Coloradoans millions of state tax dollars fighting in the court of law. As a gun owner, hunter, and veteran I find this legislation despicable. The definition of an "assault weapon" is so broad that almost EVERY gun would be classified as an "assault weapon", and this is not true. It already takes a class 3 license to own a true "assault weapon". The people that wrote this do not understand guns, or if they do are trying to ban guns not stop shootings. This would ban almost all hunting rifles, about half of all shotguns, and all pistols other than revolvers. This is an unjust law to every hunter, sportsman, or gun owning Coloradan that just wants to protect themselves. This law prohibits the transfer of said weapons so that when I personally die, I will not be able to pass on our family heirlooms to my children. Guns that have been passed on in my family for generations will have to be destroyed. This violates the 5th Amendment, and therefore is unconstitutional. Lastly, almost all of these shootings have taken place in gun free zones, but criminals do not follow laws. I was in the Boulder store the day before the shooting. Had the shooter come in on the day I was there he would have been met by a law-abiding Coloradan with a legal concealed weapon that would have put a stop to the shooting with less life lost, but under this law that weapon would be illegal to

	purchase. That weapon is a very common and an often-carried semi-automatic pistol. Had we had armed teachers or security gaurds at Columbine there would have been less life lost. Had the movie theater in Aurora NOT been a "gun free zone" a law-abiding citizen may had been armed and able to stop that tragedy with less life lost, but alas, law-abiding citizens adhere to "gun free zones" and it's sad that the criminal did not. Stop trying to punish law-abiding citizens for the acts of mentally unstable people and criminals, most of whom were on some form of anti-depressants or anti-psychotic drugs. PLEASE VOTE NO for public safeties sake, so good people can continue to purchase and protect those who choose not to carry.
Shawn Flint Against themselves	Hello I am against the bill HR24-1292. As a person working in the industry you will be cutting people off from an income that helps them provid for their famlies. Also taking away the ability for law-abiding people to protect themselves. If you are so dead set on passing this bill then you need to include Law inforcement / Military and your security. They will no longer need the weapons themselves if we can not have them.
Mark Rinker Against themselves	I am AGAINST this bill. Once again we are doing nothing more than punishing those who carry legally. There is no criminal in the world that is going to follow any law telling them they cannot have or buy weapons. They will always have means to obtain weapons despite any ridiculous law put in place that only punishes good people. Then the criminals will know the good people are not armed and cant shoot back to protect those around us. What a smart idea! I Oppose this terrible bill!
Dublin Bond Against themselves	This "Assault Weapons Ban" is a gross overreach of power and a blatant attempt to infringe on Coloradoans constitutional rights. This bill will do nothing to stop gun violence, instead it would adversely create more victims. Colorada already has mandated a three-day waiting period when buying a firearm. This waiting period was passed even after seeing it directly result in the death of Carol Bowne. A 39-year-old New Jersey resident who attempted to buy a firearm for protection against her ex-boyfriend. This waiting period costed Carol Bowne her life. We've seen this same lie of " stricter gun control will make you safe" play out in Chicago, Baltimore, Los Angeles. This list goes on and on. The only people this proposed law will hurt is law-abiding citizens. This law will do nothing but turn law-abiding citizens into criminals. I hope the leaders that were appointed by the people of this once great state listen their constituents. Failure to do so will not only criminalize already law-abiding citizens, rip away a constitutional right, it will also cost innocent people their lives. I am a professional firefighter who knows first-hand how long the response

	of police and EMS is. I also know first-hand how precious minutes are when someone's life is at stake. Restricting people ability to protect themselves will result in innocent lives lost.
Beau Ranieri Against themselves	I understand and lament the horror of the mass shootings that Colorado has experienced in recent years, and am saddened by those who have experienced the loss of a family member or friend, However, banning assault weapons will not prevent this from happening again. The individuals who perform these heinous acts are mentally ill criminals. They do not have the capacity to observe a new law, and are set on committing a crime. Therefore, they will not blanch from committing other crimes to achieve this goal, such as obtaining a weapon illegally even if there are new laws in place. Since an overwhelming majority of rifle owners in Colorado have and will not committed a mass shooting, the only real effect of this bill would be to take firearms out of the hands of citizens who want to protect their family and friends, and would use said weapons to actually put a stop to a mass shooter if one was in their vicinity. A ban is not the way to solve this. We need to have stricter mental evaluation when purchasing a rifle, so that those who would use it for good are not affected. We need to have those who are upstanding citizens be able to purchase and own these firearms, so that they could stop the criminals who would not abide by any new bill anyways, and protect their family and friends from experiencing the same horror that so many others have.
Christina Magee Against themselves	Committee members. I rise in opposition to this bill which fraudulently was put forth in the name of stopping gun violence. The same bill that was defeated last session and even Governor Polis who is a Democrat just like many of you has stated he believes this is not the approach needed. I am a child of the world. I came here from Southern Africa To start a new life and I've call this country my home for many decades. We don't have the same rights as the United States Constitution guarantees. One of those is the right to defend one's self. This ban on so called assault weapons is a far cry from the federal ban signed in the 90s. It doesn't just ban assault weapons but many shotguns and handguns including weapons like the Glock 43. A 6 round capacity weapon that is a regular weapon of choice for self defense and its capacity is legal under Colorado's magazine ban. A far cry from the AR15 and Ak47 this discussion started out to be

	about. Call it what it is. A misguided attempt to ban nearly all semi automatic weapons . We need to address the issue of gun violence but using legislative power time and time again to not punish the criminals but in fact only the law abiding shows the public at large this simply a "I'm Banning these because I don't like them." Approach. Not an actual solution. I urge you to vote no and let's look at real ways to stop gun violence. Thank you for your time.
Neil Amsberry Against themselves	I'm a law-abiding citizen, engineer, and Colorado resident that lives in the Littleton area. I strongly oppose this bill HB24-1292 trying to take away all law-abiding Coloradans constitutional rights. This is a step too far in trying to criminalize ordinary Coloradans. My belief is this will only harm law-abiding citizens and that bad actors/criminals will still have access to the weapons that are trying to be prohibited. This will do harm to many Coloradans including individuals and businesses and will discourage people from wanting to relocate to or stay in a state that wants to criminalize its citizens and take away their constitutional rights. Even if this law does make it through and is signed by the governor, it would become a costly endeavor in the courts and will most likely be struck down by the US supreme court, but will upset every gun owning Coloradan in the process. I have voted for democrats for over a decade, but I will switch my vote to the party that promises not to take away our rights and freedoms, if this bill or the other bills that plan to making it harder for law-abiding Coloradans to exercise their rights and freedom.
Thomas Ross Against themselves	Hi whom ever is tasked with reading all the testimony this person gets. If it's actually her reading this I would be very surprised. Anyways I'm writing you to encourage you to vote down the bill HB24-1292. This bill would restrict citizens ability to protect themselves. Especially people in low income areas where incidents of self defense happen more often. It would also infringe upon the 2nd amendment because of the restrictions on what people can use to defend themselves against the government and anyone else that would seek to do harm to them. Now I know you think that these "assault weapons" (which they technically aren't if you actually did research on them from a non biased source) are responsible for more deaths of people BUT they aren't. According to FBI statistics more people are killed with hands and knives than these weapons. The next

	highest one being handguns. If this bill goes into affect it won't do anything except make it harder for law abiding citizens to defend themselves. Criminals don't obey laws that's why they are well....criminals. This bill wont prevent the criminals from getting them because well....the don't obey laws. This bill just gives the government more power over it's law abiding citizens and doesn't do anything to protect them. I doubt anyone is gonna read this but if someone does I hope they vote this bill down for the sake of the people in this state so they have the ability to defend themselves themselves against the government and other people. Personal liberty and the ability to enforce it should always lie with the people and not the government These firearms give the people the people that liberty. From Thomas R
David Braucht Against themselves	To whom it may concern. I oppose this measure as a responsible, legal, and safe firearm owner with 2nd amendment rights that shall not be infringed. It has become quite clear that my rights, as well as the rights of others are and have been under attack for some time, and the united states government doesn't value a free state nor does it value the constitution that was designed to ensure a free state for the people. In the 2nd amendment the words "SHALL NOT BE INFRINGED" are used, and this bill is clearly infringing on my rights. There is no definition of what arms I am given the right to bear, and it's not up to the government that I employ with my tax dollars as public servants, not oppressors to decide, pick, or choose how or what I'm allowed to defend myself, my family, and my hard earned possessions with (including ar15's). This is not fair to me or the American people as I've followed the rules my entire life in order to exercise my right to bear arms, and all this will do is make me a criminal. We the people are tired of living with the childish mentality that the actions of the few should impact the actions of the majority. This is not grade school where we are all to be punished as a whole because one student didn't obey the rules. Historically when leaders disarmed the public IN EVERY SITUATION it was followed by the mass killing of its people, and genocide. Here is a list of them... Adolph Hitler, Fidel Castro, Qadaffi, Stalin, Armin, Mao, Pol Pot, and Kim jong-il. We aren't born with natural methods of self defense like lets say a scorpion or even a feline with a stinger, or claws so we had to invent our own measure of self defense which is now trying to be taken from us. Should we go around removing the stingers, fangs, claws, and teeth of beings that

	were born with natural methods of self defense? Should we declaw all cats, remove the claws from bears, and defang all snakes? Absolutely not. I refuse to leave my security in the hands of the public servants i employ with my tax dollars that do nothing but show up AFTER people have died... Please oppose this measure as it only stands to hurt the American law abiding public.
Russell Dare Against themselves	This bill would be horrible for the people of Colorado. As a Coloradan we urge you to vote NO and end this now. This proposed law would target the most common use firearms used by more than 3 million Coloradans. They intend to label millions of people "criminals" just for continuing to build the most common use firearms and transferring them to family members. The supreme court decisions (Bruen, Caetano) would present the state with an unwinnable legal situation if it were to pass that would cost taxpayers millions of dollars when the state is already behind in infrastructure projects and school improvements. Superior, Louisville, Boulder, and Boulder County already has the court blocking their AWB because it's likely to be ruled unconstitutional. The last time the state pursued gun control it was met with mass non-compliance, and 80% of counties becoming Second Amendment Sanctuaries. A law of this nature is sure to push that number to 90%. A law this wide reaching (it goes way farther than even California dared) would push the already divided people of the state even farther from each other. The legislature should focus on unity and reconciliation between the people of Denver/Boulder and the rest of the state, not on hate and division. The beginning/justification of the bill is littered with disinformation which shows the attempt at passing it a bad faith effort by the bill sponsors. They even reference Columbine which happened in the middle of the federal assault weapons ban which the FBI said failed to affect violent crime in any measurable way. The amount of disinformation shows the bill authors wrote it with either intentional malice or ignorance. Neither option reflects positively on those

	authors or the state legislators as a whole (regardless of party affiliation).
Stephanie Musick Against themselves	Representatives, Please accept this as my written testimony in strong opposition to this proposed legislation. The people of Colorado recognize the source of the language in this unconstitutional bill. (We are keenly aware of the influence of activists from Michael Bloomberg's "Gun Control Inc." organizations.) The entirety of the proposed restrictions and infringements contained in this bill are blatantly unconstitutional. For your reference: Article II, section 13 of the Colorado Constitution states, "The right of no person to keep and bear arms in defense of his home, person, and property, or aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons." Second Amendment to the U.S. Constitution: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." District of Columbia v. Heller, S.C.O.T.U.S., circa 2008 The Heller case in which the U.S. Supreme Court held (5–4) that the Second Amendment guarantees an individual right to possess firearms independent of service in a state militia and to use firearms for traditionally lawful purposes, including self-defense within the home. Heller additionally established a "common use test" that defined what arms may or may not be regulated by government. The majority opinion advises that arms that are in common use for lawful purposes, including self defense, are protected by the Second

	Amendment and may not be banned. The majority opinion advised that government may have an interest in regulating arms that are both dangerous AND unusual, (this is a conjunctive test and must contain both standards to be valid). Semi automatic rifles, modern sporting rifles, or "assault weapons" as the civilian disarmament agenda likes to refer to them, are the most popular, most owned and lawfully used rifles in the United States. Conservatively there are over 28 million semi automatic rifles legally owned by Americans. By virtue of this statistical fact semi automatic rifles easily meet the standard of "in common use for lawful purposes." Incidentally, rifles, of all types, are used in less than 4% of all violent crime. (FBI Uniform Crime Report) Sincerely, Stephanie Musick
Madeleine Davis For themselves	Mr. Chair Weissman, members of the committee thank you for the opportunity to write to you today. My name is Madeleine Davis, and I am a Master of Public Health student at the Colorado School of Public Health. I am writing in support of House Bill 24-1292, Prohibit Certain Weapons Used in Mass Shootings. Growing up in Colorado school shootings and mass shootings have been a part of our history. I was born in Denver, Colorado, and was a student in the Denver Public School System from the time I entered Kindergarten to when I graduated from George Washington High School. Although I wasn't born yet, the shootings at Chuck E. Cheese and Columbine High School in the 1990s were still very present in my life. I spent every school year as a child practicing lockdowns in case of a school shooting. My brother is now an elementary school teacher at DPS. He practices those same drills with the students he teaches. He shouldn't have to be afraid to go to work every morning and students shouldn't have to be afraid either. In 2012 when I was in 6th grade there was the shooting at the Aurora movie theater and then again at Arapahoe High School. These hit a lot closer to home when I understood the gravity of the situation. I had been to that movie theater; I knew people who went to Arapahoe

	High School. When I was in high school, our school had to go into lockdown because a woman obsessed with the Columbine shooting had traveled to Colorado and threatened schools in the area. Later that year, my friend on my soccer team was a student at the STEM school in Highlands Ranch where another school shooting occurred. Unfortunately, these aren't the only mass shootings that have happened in Colorado. The Colorado Department of Public Health and Environment reported that there have been 61 mass shootings in Colorado in the last 10 years with 328 people shot. School should be a safe place, grocery stores should be a safe place, movie theaters should be a safe place. I believe this bill is an important step in making these places safer for Coloradoans. I urge you to vote in support of passing HB24-1292. Thank you for your time and consideration.
Calvin Mauger Against himself	I am writing to you in order to urge you to vote against HB24-1292. This bill is a direct attack against the Constitutional Rights of Colorado citizens. This bill would ban many firearms used for hunting and many firearms used for home protection. It is easy to see that the people who wrote this bill just want to take away all guns if they could. They included many firearm attachments that do nothing to change the function of the firearm but now it is illegal. Such as certain grips mentioned in the bill. This legislation would do nothing to prevent crime. Criminals do not obey laws. That is why they are called criminals. This would just take firearms out of the hands of law abiding citizens. It would prevent people from protecting themselves and could actually make people a victim of crime. We must unite and say enough is enough. When a Right is taken away it is never returned. Remember we are CITIZENS NOT SERFS!
Zayne Becker Against himself	This bill is a clear and concise infringement on the rights of Americans. The language of HB24-1292 is egregious. The language of this bill relates almost every single firearm manufactured and distributed in the past 100 years as falling under the criteria of an assault weapon, and now being outlawed. Following suit to this, the bill makes it a point to rip guns from their owners. Family heirlooms

	unless transferred to a younger person in a family would be lost with their owner. Making our firearms untransferrable is distasteful in itself. Let's forget about the clear and concise infringements that this bill is, for a moment and begin to focus on another large issue this bill creates. The money lost due to dismantling this widespread industry would be astronomic. All 1,634 registered ffl locations in Colorado would struggle because the language of this bill constitutes the vast majority of their stock as assault weapons. This includes, from my personal experience in my family; an early 1900s semi automatic shotgun. Our family heirloom would be outlawed and barred from sale or purchase or even transfer to family member in our once great state if this were to go through. The misinformation with firearms has lead to this bill being displayed before our eyes. The misinformation and the clear and concise infringements need to stop. I hope that common sense and American values of freedom, liberty, and happiness are taken into account when the bill reaches your desk. Regards, Zayne Becker
Sandra Ramlet Against themselves	Written Testimony Gun Law Proposed Legislation To the House Judiciary Committee - I respectfully submit to you that HB24-1292 is unconstitutional and bad for Coloradans, both gun owners and non-gun owners. For the past four years, as a retirement-age woman, I have struck up an interest in firearms. I have studied and trained the use of handguns and rifles. I have met many conscientious and capable gun owners, and have become knowledgeable and extremely safety-conscious myself. It is people like me — ordinary, hard-working citizens, who know how to carry, use and store firearms. This law, HB24-1292, will arbitrarily and greatly restrict the use of guns by law-abiding citizens. The law will make impotent the well-trained citizens who now quietly stand between law-abiding Coloradoans and criminals.

	Criminals will not abide by HB24-1292. They will ignore it and capitalize on how it immobilizes the citizenry. Statistics clearly show that armed citizens often "take out" criminal types, making the world a safer place. Remember the old saying, "If guns are outlawed, only outlaws will have guns." It's true. Don't disarm your God-fearing, law-abiding citizenry. We have elected you to look out for our safety. This bill does the opposite. Vote no.
Michael Heredia Against themselves	As a law abiding citizen of the United States, a veteran of 29 years active duty service in the US Army, a competitive marksman and a hunter, I find this bill to be nothing more than a deliberate attack upon the Second Amendment, my rights to defend myself and my family. Its spurious assertions are nothing more than window dressing for this egregious attempt to disarm honest citizen under the guise of preventing "gun violence." To illustrate my point that this bill is an exercise in hypocritical virtue signaling designed to strip Americans of the ability to defend themselves in the face of rising crime I cite the 2021 National Firearms Survey by William English, PhD of Georgetown University, July 13, 2021. This online survey was administered to a representative sample of approximately fifty-four thousand U.S. residents aged 18 and over, and it identified 16,708 gun owners who were, in turn, asked in-depth questions about their ownership and their use of firearms, including defensive uses of firearms. 48.0% of gun owners have owned magazines that hold over 10 rounds, and 30.2% of gun owners – totaling about 24.6 million individuals – have owned an AR 15 style rifle. Handguns are the most common firearm employed for self-defense (used in 65.9% of defensive incidents), and in most defensive incidents (81.9%) no shot was fired. Your bill will make illegal virtually all handguns (females constitute 42.2% of handgun owners) and the AR rifles owned by 24.6 million Americans. These numbers alone refute your assertion that these weapons have no use for self-defense, hunting and sporting. Furthermore, US DOJ statistics (1995) state little information exists about the use of assault weapons in crime with less than 1% of criminals using them. This directly refutes your assertion that "assault weapons" are disproportionately used in shootings. Your bill is an emotionally driven effort to disarm Americans, is not driven by statistical science and will only harm the innocent. It should be immediately dropped.
Kris Bohling Against	Dear Committee members,

themselves	I strongly oppose both the spirit and intent of HB24-1292 and want to be clear in being 100% against this bill. Our laws in Colorado regarding firearms are more the adequate, we do not need more laws. What we need is to find solutions to the items truly impacting the root causes. Where are your proposed bills against social media bullies, where are your laws helping and providing better mental health care? Where is your push to return increased funding for health and exercise to our society to help with the overall well-being of our population? This is not an issue about in adamant tools, this is a larger issue about the mental health of our society. I urge you with all the weight of my opinion as your constituent to vote against this bill and focus your time and energy on more impactful objectives. Regards, Kris Bohling
Mark Westfall Against themselves	As illegal immigrants are being able to cross our country's borders in droves. Politicians in the state are more concerned with disarming law abiding citizens. With crime rising year after year, you're deciding to attack citizens who acquired firearms through all the right channels. People who passed background checks and haven't committed any felonies. These weapons protect you while you seek to remove them from our homes. This is how we protect our families and our loved ones. Why are our politicians more concerned with the rights of criminals than the rights of hard-working Americans? You will never take away people's firearms, this is simply another ploy to divide and conquer. Thank you.
Lori Landess Against themselves	The United States of America was founded as a Republic. For the People and by the People. We have a Bill of Rights and a Constitution that was written to protect this very issue you are trying to take away. We have a right to bear arms to protect our families, our property and our fellow Americans. It is clear in the Constitution, it is also clear that our government CANNOT take that right away. This bill should be opposed and completely put to rest. It is NOT constitutional and we as fellow Americans will fight to keep that right. Vote against the bill.
Richard Wallin Against themselves	This is a direct assault on the 2nd Amendment. A "feel-good" political statement that will do little or nothing for the safety of law-abiding citizens. The perpetrators of crime are unaffected by such laws and will welcome the disarming of their victims. This Bill is either incredibly naive or purposely detrimental to the rights of citizens.

Shawn Veatch Against themselves	Good day committee members, hope you're all well. My name is Shawn and I reside in Canon City. I'm a Father of 2, a Husband and a small business owner. I'm a Gunsmith by profession. I opened my shop in August of 2021. I'm an 07 Federal Firearm Licensee. I'd be there in person but unfortunately I'm a little under the weather at the moment so I want to express my opposition on bill HB-24 1292 in written testimony. This bill if passed will have a profound impact on my business, my families lives, on all law abiding citizens and their families lives. Banning all firearms with detachable magazines is not going to stop the next mass shooting from taking place but it will in fact prohibit a law abiding citizen from being able to respond to the threat and defend their loved ones. Making innocent law abiding citizens an easier target is certainly not the way to stop mass shooters from committing their heinous attacks. I hope that all committee members can truly look at this bill and see just how unconstitutional this law is and the effects it will have on all of us as citizens. This isn't a left vs right issue it's a being able to defend vs not being allowed to defend bill/law. Please make the right mental choice when voting on this bill. I appreciate all of your time and thank you for allowing me to give my testimony. Take care and stay safe.
Tanner Smith Against themselves	There is zero consistency in this bill. A muzzle brake doesn't make a firearm more dangerous. How are you going to propose banning a .22 caliber pistol with the threaded barrel, but not a desert eagle that fires a much larger round. There's so much ignorance surrounding this bill. I absolutely oppose restricting the rights of Colorado citizens.
Anthony Daiss Against themselves	This proposal is a violation of our 2nd amendment rights. It goes much too far as to ban basic pistol weapons used in a person's right for simple home and self defense. This law would not prevent crime, only open more Coloradans to become victims of crime. Criminals will continue to illegally obtain these weapons, while hard working, law abiding citizens are left at the mercy of criminals or the availability of police. Police themselves have become stretched so thin that their response to a criminal causing violence may not be soon enough before many citizens are injured or killed. Whereas a law abiding, legally gun carrying citizen can intervene and stop the threat and save lives. This bill nearly mirrors what has been done before in California and as a result has not curbed crime or gun violence there. Lastly, this bill infringes on our right to pass down our family heirloom legally purchased weapons to our children. Instead over generations, it will turn Colorado into a gun free state for law abiding citizens, leaving only criminals and law enforcement with access to self defense weapons. Please work with your citizens, find

	responsible solutions to make our communities safer, as this proposal is not a viable solution. Thank you.
scooter sund Against themselves	It is our constitutional right to bear arms, be they muskets, pistols, hunting rifles, etc. Most mass murders are performed with pistols, not hunting rifles. You should be banning pharmaceutical drugs because EVERY SINGLE mass murder and school shooting was performed by someone using pharmaceutical drugs. The device used is NOT the issue, the issue is the mental state of the shooter and all of those shooters were on physically altering drugs at the time of shooting. Look it up. VOTE NO.
Kameron Bain Against themselves	Dear Members of the House, I am writing to express my deep concern regarding the proposed bill to ban semi-automatic firearms for law-abiding citizens. As a responsible gun owner and a staunch supporter of our Second Amendment rights, I strongly oppose this misguided legislation. It is essential to recognize that additional laws targeting law-abiding citizens do little to inhibit crime. Criminals, by definition, do not adhere to laws; therefore, imposing further restrictions on law-abiding citizens only serves to penalize those who respect the law. Moreover, such measures threaten to erode our fundamental Second Amendment right to bear arms and protect ourselves and our families from potential threats. Banning semi-automatic firearms for law-abiding citizens not only fails to address the root causes of crime but also undermines our ability to defend ourselves effectively. Semi-automatic firearms are commonly used for self-defense purposes, and depriving law-abiding citizens of this essential tool would leave them vulnerable to would-be attackers. Instead of targeting law-abiding citizens, I urge lawmakers to focus on addressing the underlying issues contributing to crime, such as mental health issues, poverty, and lack of access to education and opportunities. Furthermore, enforcing existing laws more effectively and investing in community-based initiatives aimed at crime prevention would yield more significant and long-lasting results.

	In conclusion, I implore you to reconsider this proposed legislation and uphold our Second Amendment rights. Let us work together to find comprehensive solutions that enhance public safety while preserving our constitutional freedoms. Sincerely, Kameron Bain
ROBERT TRAUGER Against themselves	This will not stop anything but good law abiding citizens from owning what is God given. Criminals will never abide by anything you pass. You call Denver a sanctuary city, and then try to take Law Abiding Americans God Given Rights. SHAME ON YOU for even thinking of such a thing. If you would actually punish Criminals and quit suspending the death penalty. Also do something about mental health. Guns do not kill people. People kill people.
Kameron Bain Against themselves	Dear Members of the House, I am writing to express my strong opposition to the proposed bill that seeks to regulate the manufacture, transfer, and ownership of so-called "assault weapons." As a law-abiding citizen and a firm believer in the Second Amendment, I believe that such legislation unfairly penalizes responsible gun owners and imposes unnecessary restrictions on our constitutional freedoms. The bill's definition of "assault weapon" and its prohibitions on manufacturing, importing, purchasing, selling, offering to sell, or transferring ownership of these firearms unjustly target law-abiding citizens while doing little to prevent criminals from obtaining and using firearms for illicit purposes. It is essential to recognize that individuals who are intent on breaking the law will not be deterred by additional regulations; instead, these measures only serve to punish those who wish to exercise their Second Amendment rights responsibly. Furthermore, the hefty penalties imposed by this bill—\$250,000 for a first-time violation and \$500,000 for subsequent violations—are disproportionate and unjust. Such exorbitant fines unfairly burden individuals and businesses, including licensed firearms manufacturers and dealers, who contribute to our economy and adhere to existing laws and regulations.

	Additionally, the exemptions outlined in the bill are insufficient to address the concerns raised by its broad scope. While certain entities, such as law enforcement agencies and federal agencies, are exempted from the prohibitions, the bill fails to acknowledge the rights of law-abiding citizens to own and possess firearms for self-defense, sporting purposes, and other lawful activities. Instead of imposing further restrictions on law-abiding citizens and businesses, I urge lawmakers to focus on addressing the root causes of violence and implementing comprehensive solutions that prioritize public safety without infringing upon our constitutional rights. This includes strengthening mental health services, improving access to education and opportunities, and enhancing enforcement of existing laws to prevent firearms from falling into the hands of criminals. In conclusion, I respectfully urge you to oppose this bill and to uphold our Second Amendment rights. Let us work together to find effective and equitable solutions that enhance public safety while preserving our constitutional freedoms. Sincerely, Kameron Bain
Jordan Adamson Against themselves	All these bills that have come up and are trying to be passed is an outright violation of rights of United States citizens and the citizens of Colorado. Why do you think it's a good idea to prohibit the sell of a majority of firearms to law abiding citizens? If so and so wants to train their son or daughter safe firearm etiquette and wants to use certain devices that suppress the sound of the firearm being used so he or she can protect there hearing then that is their choice and right too. You're acting like it's a privilege to own a firearm and not a right, but it is a right.
Bryan Higginson Against themselves	I think banning a semi automatic rifle or handgun will be counter productive to the real issue at hand. This is A clear violation of constitutional rights. If you want actual change, do better at mental health checks, education and awareness. Do better.
April Higginson Against themselves	I think banning a semi automatic rifle or handgun will be counter productive to the real issue at hand. This is A clear violation of constitutional rights. If you want actual change, do better at mental health checks, education and awareness. Do better.

Joe McGovern Against themselves	I am not able to take off work to be there in person however enough is enough. I am asking you to please stop reducing and removing my ability to protect myself, my family and my neighborhood. And as this is a constitutional right I don't even see how this is legal. I am expecting this will fall on deaf ears as anyone who thinks this will solve the underlying issues is delusional. An inanimate object on it's own cannot do any harm. An individual however, can cause great harm and damage with a variety of objects. I just ask again, say no. This is ridiculous and will only put law abiding citizen at an even greater risk.
Lynn Johns Against themselves	By limiting the availability of certain legal firearms, will only intensify the situation. There is absolutely nothing about the listed weapons that make them more lethal then any others. It is well known the tool is not the culprit, it is the person using the tool. It is an assault on law abiding citizens, to handicap them on what they can use for sport and protection. This law would make certain, that the people with evil intent will be the only ones with these weapons. Take a look at the states with the most encumbering gun laws, then look at the victim's. How about spending on family values, value of human life, morals, integrity. That will do far more then gun control ever will. Take the guns, they will use a bat, a machete, explosives, cars, etc....
Jamie Lightner Against themselves	Enough with the taking of rights granted by our creator and cemented by the Constitutions of the US and Colorado! Our 2A right is not up for questioning. It is an undeniable right confirmed by many courts of the land.
Ashley Braun Against themselves	I am extremely against measures that prevent law abiding citizens from upgrading their own property how they see fit. This ban will do absolutely nothing when it comes to the mental health crisis/epidemic of crime that is the cause of mass shootings. Rifles that have detachable magazines, Barrel Shrouds, Pistol grips, Adjustable stocks, and Flash suppressors are found in many homes across Colorado and are not used to "assault" people. They are simply used for sporting and for recreational range time. The people that are purchasing firearms with intent to assault other human beings are getting these rifles/ upgrading their existing firearms ILLEGALLY anyways. This prohibition is simply unconstitutional, and

	the way that "assault rifle" is defined in these terms is honestly loose and weak. I do not believe this is a solution to anything, and frankly it seems like something that is based in pure emotion and fear, and lacks logical thinking. This is not the way to prevent or reduce mass shootings. Please consider my opinion on opposing this matter.
Evie Hudak For Colorado PTA	Colorado PTA strongly supports House Bill 1292. We have testified several times this year and in past years about our history of advocacy for the safety of children and youth and our highest priority to protect them from gun violence. At PTA, we believe that no parent should fear for the safety of their child every time they leave home, but the reality is that over 6 in 10 parents today report worrying about school violence. Every year, an estimated 3 million American children witness gun violence, impacting their ability to learn and thrive. Beyond the deadly effects of gun violence, this exposure impacts our children's mental and physical health throughout adulthood. PTA supports the passage of laws that ban assault weapons. Since the federal ban on assault weapons expired 20 years ago, the ease of access to these weapons has led again and again to horrific tragedies in schools and communities across the country. We are sick and tired of our children, teachers, and innocent community members being gunned down by weapons of war. We are, as civil rights activist Fannie Lou Hamer once said, sick and tired of being sick and tired. We are happy to see this legislation, but we are sad that it is needed.
mark troe Against themselves	I Would like to submit my testimony in opposition to bill hb24-1292. My opposition is based on the Heller decision that says firearms in common use cannot be banned, This is neither "dangerous and unusual" weapon because there are 30,000,000+ that I've been sold in the United States, Also, in the Bruin decision, there is no similar Historical law during the founding of our country. So Attempting the banning of weapons that are not "dangerous and unusual" that we know will ultimately be struck down in the courts, we know The constitution says my rights were granted to me by my creator, And my second amendment right is not his second class right I know of no other rights where I need permission to enjoy them. So I oppose this in any other amendments, that infringe on my second amendment constitutional right to keep and bear arms in anyway.

Gil Kover Against themselves	I am against banning any weapons.
Christopher Daiss Against themselves	This bill is disappointingly too broad surrounding the context of weapons that it intends to encompass and ban from gun owners. Therefore, the bills poses as an unconstitutional means to remove such weapons of which are commonly utilized to defend one's self along with his/her own family. Ultimately, it should be refined to not prohibit handguns and shotguns in a category coining them as a defined semi-automatic weapon.
Travis Rea Against themselves	Hello my name is Travis Rea Jr, I would like to testify against Bill Number HB24-1292. This Bill is suggesting to ban a majority of guns in the state of Colorado. I am against this bill as this bill stands as a threat to the American Citizens Constitutional Rights. This Bill is treason against the United States Of America and aims to disarm its citizens against future threats or a future tyrannical government. This Bill is also a waste of time , resources, and money. Those 3 huge factors would be better used in firearm education being required in all Colorado schools for better gun safety, handling, and knowledge. This bill will also put hundreds of Coloradan businesses out of business which will cripple the Colorado economy. I believe rejecting this Bill Number HB24-1292 is necessary as well restoring the faith in the people. Thank you for your time House Judiciary
Daniel Upham Against themselves	As a proud American citizen, born and raised in Nashua, New Hampshire (18 yrs), graduated with a BS in Education from the University of Wyoming (4 yrs) and an MBA from National University in San Diego, California. and resided in California, for 40+ years. Not to mention my 9 1/2 years as an Officer in the United States Marine Corp. I have now been driven from California in 2021 because of serious abuses and selective interpretations of the Constitution of the United States. We moved here in search of the freedom we have earned. We relocated to Colorado, 2 + years ago. We believed that our memories of past time in Colorado, memories and experiences that built on the American value system. These are cherished ideals

	respected around the world. and must be cherished! I believed that my wife and I could once again live in a free and open society committed to our US Constitution, the rule of law so we now reside in Castle Rock, CO. We have been misled! Lawmakers here are truly intent on solving the serious problem of gun violence, ignoring a time-tested deterrent method "use a gun for illegal and deadly actions you go to jail and throw away the keys". Seems folks here are intent on taking the easy way out, like so many other community leaders across America. Solving this issue by removing our right to protect and defend our families and our country from evil, limiting policing, removing appropriate methods/laws for timely and effective due process, applying laws that do not deter illegal and deadly terror, destroying our border laws and defense mechanisms, destroying our election and representation mechanisms. >STOP THE INSANITY! >STOP THE DESTRUCTION OF THIS GREAT NATION! >STOP THE CORRUPTION OF THE RULE OF LAW! >LIVE UP TO YOUR CONSTITUTIONAL OATH! >RESTORE CONTROLLED ELECTION PROCESSES! >SIMPLY RESTORE OUR CIVIL SOCIETY OR STEP DOWN, IMMEDIATELY! PLEASE discard this and all the other freedom killing bills authored by clearly evil INTENTIONS. SOLVE THE PROBLEM, LEGALLY.
J Smith Against themselves	HB24-1292 definition of an assault weapon is overly broad to the point where its resulting impact does not match its intention. Additionally, claims regarding the predicted success the ban would have at mitigating mass crime are not backed by the postures of any other country. Assault weapons are not banned in other countries yet they do not have nearly the same rates of mass murder. Logically, it is

	not the weapon's fault but rather mental health resources and education around gun safety.
Stephen Watson Against themselves	I am very much against this bill as it is a clear taking of constitutional and civil rights along with the following points: 1: The legislative declaration is full of false statements, emotional language and emotional calls to action that do not belong in the body of law for the state of Colorado. The authors of this bill need to act and write as though they are legislators and not activists. Get your facts straight and act like you belong in your job. Some specific points (not a complete list but enough to cast doubt on the entire premise of this bill): Section (b) provides a list of forms of gun death types and states "assault weapons" are a preeminent factor. The bill will not change availability of any weapon type to agents of the state. "Assault weapons" as defined in the bill are not used in a large percentage of suicides or interpersonal violence and are a tiny portion of accidental deaths. Why does section (b) exist in this bill? Section (h) (2) (a) "Assault weapons are not suitable for self defense and are not well-suited for hunting, sporting or any other purpose than mass killing". This is all false. If these weapons are ideal for offensive use, how are they ill suited for defensive use? Semi automatic rifles are very well suited for hunting and there are sports that specifically involve shooting semi automatic rifles. The irrational mindset of the authors can likely best be summed up with one excerpt and one question. The excerpt: (e) WELL-KNOWN PLACES THAT SHOULD HAVE ONLY EVER BEEN KNOWN AS SITES SAFE FOR JOY, LEARNING, COMMERCE, AND CARE ARE INSTEAD FOREVER ASSOCIATED WITH TRAGEDY OF MASS SHOOTINGS PERPETRATED BY WEAPONS WHICH SHOULD NEVER HAVE BEEN AVAILABLE FOR USE And the question: How exactly were mass shooting perpetrated by a weapon? Actions are perpetrated by people, not objects. This is an indicator of the thought process of the authors and is a good illustration of why we have a democratic republic. The people of the state can vote someone like this into office but it's up to the rest of the legislative body to keep them in check and this is exactly what must happen now. This bill needs to be tossed out immediately and the energies of the authors and supporters directed toward real solutions.

Zachery Olson Against themselves	This bill is in violation of the 2nd amendment and hurts those that do not have the physical means to defend themselves, those with disabilities, females and seniors will be impacted the most and anyone that votes for this bill will affirm that they consider those groups are lesser and do not deserve to defend themselves and should just be subject to the crimes of those that are stronger. I'm strongly opposed to this bill as everyone has the right to defend themselves.
Isaac Chase Against Guns For Everyone	Greetings to the Committee, My name is Isaac Chase. I am a Colorado native and a Firearms Instructor located in Colorado Springs. I write in opposition of the proposed "Assault weapons ban" before this committee. The weapons that this bill intends to limit will not be hard to acquire for criminals and those with ill intent. There are many ways to circumvent firearms legislation if someone does not care about laws and consequences, which by definition, includes criminals. Law abiding citizens however, the people in our state who make good faith efforts to know and follow the increasingly burdensome and complicated laws of this state, would now be restricted from owning items that should be rightfully theirs to own. The crimes that this law is intended to stop, which is stated in the bill to be "mass shootings", are tragic events. But they will not be stopped with legislation like this. This bill will only have one major impact on this state, to reduce access to firearms for responsible, law abiding citizens. All legislation should have a clear and measurable and positive outcome for the citizens. This bill will not provide such an outcome. This legislation will be unjustifiably restrictive for the citizens of Colorado. I urge you to consider the true impact of this legislation and vote NO. Thank you for your time.

	Isaac Chase
Tim Knabenshue Against himself	This bill is an assault on our 2nd amendment rights. The bill does not do anything to prevent crimes from taking place. This bill does not keep criminals from getting guns and committing crimes. This bill just makes it more difficult for law abiding citizens from getting guns to defend themselves. I would advise to vote against this bill.
Earl Perry Against himself	This bill would criminalize semi-automatic firearms, the most popular, common firearms in the state - used for competition, hunting, and self-defense. In addition to making criminals of erstwhile law-abiding citizens, it clearly will fail constitutional scrutiny, wasting state money on defending an indefensible infringement on constitutional rights.
Ben Sye Against himself	I oppose HB24-1292 as it's an infringement on my 2nd Amendment rights. As well as potentially put many local gun shops out of business. We need to do better and not constantly punish law abiding citizens!
Sterling Iowa Against himself	I am against this bill because it clearly going against the 2nd Amendment. I believe the 2nd Amendment was signed and ratified in order to protect the people from the government. If the US government is the only entity legally allowed to have AR15s, and AKs, who will check them when they overstep, or when there is a coup? The US is not immune from coups and takeovers, we have several protections in place, but the People need to stay vigilant! Furthermore, there are several sports that use AR platforms and other "assault rifle" platforms to conduct their competitions. Three gun shoots, and precision distance shooting use several different platforms this bill has defined as illegal.
Lee Arnett Against himself	Dear Committee Members, Do not ban my 9 mm semi-automatic handgun! I am a tax paying worker, a fisherman, a hunter, a family man, and I have never been arrested in my entire 67-year life. Apparently, you want to ban the handgun I carry for self-protection when I am out in the woods among the mountain lions, bears, and soon to be wolves. I depend on this weapon to protect my wife and family when we go out on dates or go about our regular business of life. As a grandfather I have a duty to protect my family, including my numerous grandchildren

	and my aged wife. As a senior citizen I cannot depend on my fighting skills to protect my wife when we go out on dates. I also depend on this handgun for home protection. Police protection is not timely. It is only a help after the fact if I am victimized by a criminal. I am a concealed-carry license holder, and thus have passed a rigorous review of my character. I am not a threat to the community, and therefore my handgun is not a threat, but rather a tool and an asset.
Terry Browning Against themselves	As a resident and voter in the state of Colorado I am against the entirety of HB24-1292. Punishing law abiding citizens rather than prosecuting criminals is not the answer. AR15s and similar firearms are common use in the United States. It's time to stop soft on crime policies and protect the Constitutional guarantees of all Coloradoans. Thank you for your time, Terry Browning
Gary LaDue Against themselves	I wish to register strong opposition to HB24-1292. Even as a staunchly liberal voter, I believe this bill does not address the things that we should be addressing as a society to limit mass shootings. Additionally, I believe that the liberal members of the state legislature should spend their time on addressing things that help all members of the state, like mental health care funding, increasing worker's rights, and addressing the housing costs, instead of ostracizing a large portion of the state's residents; who's support is needed in these larger battles. Colorado has a rich history of firearm ownership, and it is not incompatible with a center-left government, especially if you're willing to address the underlying issues of the problem instead of legislating reactionary measures. Lastly, the only type of amendment to this bill to make it truly fair, would be to remove the exemption for law enforcement officers. Why should every member of the police force, the instrument of the government, have firearms that it's citizens are not allowed to have?

	The original interpretation of the 2nd amendment was to give citizens the ability to resist government oppression, and in today's world, police officers are the largest representation of government oppression, especially if you are a person of color or a member of a minority group. It would, however, make sense for the Colorado national guard to keep the weapons, since they would, ideally, only be deployed in response to a massive threat or emergency. Either make amend the bill to make it truly fair in the eyes of the 2nd amendment, by banning the same weapons for police, or remove this bill from consideration as it does nothing to address the real issues we face as a society.
Paul Rieger Amend themselves	Dear Representative Hernandez and all members of House. My name is Paul Rieger. I am a decorated service member with 15 years of service with multiple deployments behind me, a father and a competitive shooter. I was the designated marksman for my company and a seasoned range safety officer with a zero incident and causality record. I hold 2 bachelor/s degrees in business management and in healthcare administration and am working on my Master's in nursing while working full time. over the last 20 years I have been employed and asked to utilize firearms in a safe manner. As a CCW permit holder with years of education, training, and active response, I can tell first-hand that banning a weapon does not stop someone from obtaining it and inflicting pain and suffering on the innocent. Limiting, restricting, and passing more controls over firearms and imparting more legislation on the law-abiding citizens of our sates does nothing for solving the main problem and we see that in major over-populated cities with high crime rates. it only opens us up to a larger threat and we can see evidence of this in cities like Chicago. The 6 states in the US with the most restrictive gun laws are also the states with the top 6 death rates when firearms are involved. the passing of this bill will only empower criminals and diminish citizens' rights and ability to protect themselves and feel safe. The AR is a platform that utilized numerous different calibers of ammunition, numerous types of accessories, is made by numerous different companies, and unless modified in a way that is already illegal, can only fire a single round with a single pull of the trigger. A car can be seen in much the same way with limitations that hold it legal but with numerous accessories, numerous sizes of engines,

	transmissions, manufactures and modifications that, while not appealing, are legal. Continuing to restrict our rights and take away our freedoms makes felons out of law-abiding citizens and further inhibits our abilities to trust that our elected government officials will look out for our best interests and support and defend our rights and freedoms. I encourage you to find alternatives to your desired outcome which is, or should be, to reduce the number of gun related incidents. Instead of targeting those of us that follow the law, instead turn your sights on those that continue to break the law again and again. Respectfully submitted. Ssg (ret) Paul Rieger
ROD STRAUB Questions Only themselves	I am adamantly opposed to HR24-1292, "Assault Weapons" Ban Bill. It would adversely impact the rights of nearly every legal gun owner in CO. There are at least a million plus gun owners in the state & 99.999% are all law abiding, responsible, & legal gun owners. I've read this Bill three (3) times & it's apparent to me that the provisions of this Bill are constitutionally questionable; especially, Amendments II, IV, V, & VIII of the U.S. Constitution. This Bill is excessive, legislative overreach with the ultimate goal of severely, restricting gun ownership, imposing excessive fines, and restricting gun ownership to only the very wealthy. Other Bills in the 2024 session target restrictive gun registration ,excessive fines, excessive taxation of gun purchase/ownership & ammo purchasing. This is Colorado, not Europe!!!!!! Colorado is a western mountain state with traditional American values that include gun ownership for hunting, shooting sports, and self-protection. This Bill & the other gun control Bills proposed in this 2024 Legislative Session must be defeated!!!!!! If these Bills are passed, only the non-law abiding & criminals will have guns. They don't care how

	they acquire/use guns no matter how many restrictive laws are passed!!!! I'd be happy to discuss my comments with any State Senator or Representative willing to listen & learn from a credible source of information about guns & gun laws. I live in Loveland, CO & am a Colonel, U.S. Army, Retired. I was trained & used many of the weapons this Bill lists. I'm 100% combat disabled (Vietnam). I served 31 yrs. & am in the Infantry OCS Hall of Fame. Only the Top 1% of Commissioned Officers are selected. ROD STRAUB, Colonel, USA, Retired
John Henderson Against themselves	Colorado is a state with a long history of upholding the Second Amendment. Farmers, ranchers, hunters and guides, trap and target shooters, and run of the mill gun owners make up a considerable portion of the population here, not to mention the tax and tourism revenue brought in by the ability to enjoy all that associated activities the state has to offer. This bill is an egregious overstep that will demonize the aforementioned population; in fact, it already has. By even suggesting a ban on the most commonly owned firearms, you and your associates have attacked many Coloradans unfairly. This bill must be relegated to the legislative garbage bin. It will not pass constitutional muster, but will alienate a massive portion of Coloradans, and ultimately, it will not deter a single criminal from obtaining or using a semi automatic firearm during a crime. These sorts of laws unfairly target the law-abiding. History and data have shown the ineffectiveness of feature-based gun bans. In actuality, killing by knife attack or bare hands is much more common than by so called "assault weapon". The semi-automatic firearms being attacked in this bill are so commonly owned and used in legal circumstances that in 2019 the sale of such "ar-15 styled rifles" outnumbered the national sales of Ford-F150 trucks. Now, I know you -the bill sponsors - are willfully ignoring the numbers and facts, but its safe to say that the vast majority of firearm owners in Colorado are law-abiding; and I guarantee you they would

	like to continue to exercise their Second Amendment rights without the legislative body micromanaging what they can and cannot own. It is disappointing and disheartening to see this group of public servants attack the constitutionally protected rights of its citizens via copy & pasted bill written by an anti-gun lobbying group. Discard this bill and show the citizens of Colorado that you are interested in protecting their rights, instead of stripping them away.
Karen Chapman For themselves	Our law enforcement officers are outgunned every single day because weapons of war designed for nothing but mass killing are in the hands of untrained civilians. The proposed bill carefully defines "assault weapon" and prohibits a person from manufacturing, importing, purchasing, selling, offering to sell, or transferring ownership of an assault weapon. The bill also prohibits rapid-fire trigger activators. The bill prescribes meaningful penalties and provides appropriate exceptions. Please act to approve this bill to protect our law enforcement officers and families from murderous weapons of war that have no purpose under the Second Amendment other than mass death. Thank you for your consideration.
Cameron Ontiveros Against Rocky Mountain Gun Owners	19 years old and live alone and I would not be able to defend myself
Kelly Hegarty Against themselves	Dear House Judiciary Committee Members, Please Vote "NO" on House Bill 24-1292: PROHIBITIONS ON CERTAIN FIREARMS USED IN PUBLIC MASS SHOOTINGS. This bill bans the manufacturing, importing, purchasing, selling, offering to sell, or transferring ownership of so called "assault weapons" and includes in this definition AK and AR platforms and all their variants.

	Semi-automatic rifles like the AR-15 are the most popular rifles in the United States for home protection, defensive skills-based firearm training, marksmanship competitions, and they're increasingly popular among hunters. This bill will not reduce mass shootings and crime. Anti-gun lawmakers in Colorado claim this bill will stop mass shootings, yet numerous studies have been conducted regarding the use and subsequent bans of semi-automatic rifles and the results show there are no discernible effects on violent crime or homicide rates. Criminals do not follow the law. What this bill will do is affect the sales, revenue, and jobs within a majority of our law-abiding Colorado gun shops. Forcing many of these tax paying businesses to shut down. The hunting and recreational shooting sports industry is a large contributor to the Colorado tax revenue. According to the Sportsmen Alliance 2021 economic impact report, the hunting industry contributed over \$5.4 BILLION to our state and local taxes. This bill is not reducing mass shootings or crime; criminals do not follow the law. This bill is simply infringing on the rights of law-abiding gun shops and owners. Your Republican AND Democrat constituents (all lawful gun owners) are tired of this continued assault on our gun laws. Regardless of your party affiliation, I urge you to vote "NO" on this bill.
John Hotchkiss Against Red Bear Gun Brokers	House Judiciary Committee, thank you for giving me the opportunity to submit testimony and comments concerning this hearing. I will keep my comments brief, as I'm sure you are receiving a number of testimonies at this time. I have owned and operated a small gun store in Colorado Springs since 2008. We specialize in consigning guns for individuals who are either beneficiaries of a will, or older customers who have become

	too old to use their firearms any longer. Not only do we profit from these sales, but the families of the collectors benefit. If this bill is enacted, you will be denying these families they're right to dispose of property and to turn it into funds that they can use for the things they need. With inflation at still a very high rate, every family can use a boost of income these days. Many of the beneficiaries of these sale funds are on a fixed income, either through welfare, or social security and retirement funds. These are not wealthy families, otherwise they would be retaining their firearms. It is my hope that you will consider this detrimental financial aspect of what this bill will cause and choose end it's progress. Thank you for your time, John Hotchkiss
Thai Van Against themselves	House Judiciary, I normally do not involve myself in politics but upon hearing of your assault weapons ban, I felt compel to write this to you guys. America has a written constitution that the provides clear instructions on how to run the government. It was not meant to be ignored. The second amendment protects the people's right to bear arms and I expect that our politicians who work for us to understand and follow the constitution. I have lived here for years and have seen crime explode in my beautiful state of Colorado with little to no help from the state to lowering the crime. Instead of protecting us(actual citizens) you seem to have plenty of time to come up with new ways to restrict us and prevent us from protecting our families. This is disgusting and unacceptable. None of your bans have ever saved anyone. In instead, it puts innocent law abiding citizens at risk. As none of the criminals ever followed your rules anyways. Hence they are CRIMINALS!!!

	Always REMEMBER that you guys work for us. This bill does not service in the people's benefit and needs to die. I will not allow our state to go down the path of other failed states like California.
Kristen Molsness For themselves	Dear Chairperson and Members of the Judiciary Committee, I am a mom in Lakewood, CO, and I support HB24-1292 Prohibit Certain Weapons Used in Mass Shootings. My child goes to daycare where active shooter drills take place. Can you imagine? Our country now lives in fear of mass shootings and it doesn't have to. No other country in the world experiences mass shootings like we do in the United States. Prohibiting these assault-style weapons is just one step in solving our gun violence problem, what the American Medical Association has called a "public health crisis." Assault-style weapons were designed for use on the battlefield, to kill many people in a short amount of time. This in no way seems necessary to have in people's homes, in our community, where children are able to access these dangerous weapons. Laws are put into place to keep people safe, and this is a common-sense way to keep Coloradans safe. According to Everytown, states with assault weapons prohibitions are associated with a lower likelihood of an active shooter event, and ten states already prohibit assault weapons, setting an important precedent that makes it easier for Colorado to follow suit. Everytown also notes that all of the existing state-level restrictions on assault weapons are currently in effect and enforceable, in spite of the gun lobby's numerous attempts to get courts to strike them down. This gives us confidence that state-level bans are defensible and constitutional. I hope you will join me in supporting HB24-1292 and vote yes to protect the people of Colorado. Thanks, Kristen Molsness

Cody Schuck Against themselves	I unfortunately couldn't be present today to testify in person. I find this bill that you are trying to push down our throats disgusting. The Constitution of the United States of America is the document to which every member elected swore to protect. The Constitution for those of you who have never read it, and the other half of you who just want to burn it, Clearly states, the second amendment shall not be infringed. The key words shall not, are obviously too big to be understood by some members in elected office. Fortunately I did attend a charter school and I know what those words mean. Let me break it down for those of you who went to a regular public education. The word shall according to entries in the dictionary mean, An order, promise, requirement, or obligation. And the word not means In no way; to no degree. Used to express negation, denial, refusal, or prohibition. The last word I would like to break down for you is infringe. To transgress or exceed the limits of; violate. So in simple english means, It is required that in no way that the right to bear arms is to be violated. There's a saying that I found to be really truthful. If guns kill people then spoons make people fat and pencils misspell words and cars drive drunk. I don't see your legislation banning all automobiles because hundreds of people die every year just in this state alone by the scary things called automobiles. More people die because of cars than they do of guns. But we all know why you're attacking guns. You Communists who are sponsoring this bill and are going along with this bill hate America and what it stands for. Your goal is to tear this country down following your religion of communism and socialism. You don't want the average person to have a way to protect themselves from a tyrannical government. You don't even want people to be able to support themselves, you want everybody to grovel at the feet of the Democrat party and yes some of you Republicans as well. I just want to live my life under a small government and live the American dream. A dream which you Communists are trying to destroy. One of the things that is part of the American dream is the second amendment which protects the first amendment, and the first protects the second. Please read the Constitution and follow it. Don't pass this bill.
Peter Hubbard Against Homeland Gunsmithing LLC	Against this bill This bill restricts our rights per the 2nd Amendment and the following attests. I am a gun shop owner and on Jan 1st 2023 a person had a handgun sent to my shop for background check and transfer. The person failed the BG check. I purchased the gun and put into my inventory. In or around September of 2023 ATF contacted me

	and requested information about this same person as far back as 1 1/2 years. I only had the one Background check of which this person had failed. This person was arrested and charged for murder of two people. This case is one of thousands that proves that if a person wants to kill people they can get a gun illegally. Taking away guns of law abiding citizens will not keep guns from people such as this.
Gary Gates Against themselves	I object to this bill. I have owned one of these firearms for self defense for more than 30 years. It has helped keep my family safe from abuse after my daughters ex husband threatened to kill my wife and I if our daughter divorced him. Criminals would not pay any attention to the law it would only penalize legal owners of these firearms.
Timothy Wunder Against themselves	To whom it may concern, I am a longtime hunter, fisherman, outdoorsman, gun owner, and supporter of the 2nd amendment to the constitution of the United States. As a free citizen of the U.S., I am completely appalled by the House Bill 24-1292 proposition. A state has absolutely no right to strip it's citizens of human rights that are assured at the federal level. If the only argument for this bill is that it is intended to preserve human rights and lives then it is nothing more than a self-contradicting threat to freedoms that it's citizens have rightfully claimed since the founding of our state (and our entire country.) Semi-automatic firearms are not, in fact, assault weapons. For law-abiding citizens, they are tools used for hunting, recreation, and most importantly SELF DEFENSE. Banning legal activities will not deter criminals from pursuing them now that they are "illegal." Semi automatic weapons and ammunition magazines will be purchased across state lines, illegally transferred with other owners, and easily bought on the black market. Stealing a lawful citizen's ability to defend themselves with the proper tools, in their own homes, is a crime in itself. No state (nor federal) leaders have the right to violate the constitutional rights of US citizens in order to "protect" the lives of others. I'm not a trained attorney or legislator, and neither are 99% of law abiding gun owners in Colorado. If all we have are our words and our vote then we deserve to be heard as loudly as those standing within the hearing itself. I pray that you all make the true RIGHT decision and strike this bill down so that it never surfaces again.
Daniel Foster Against themselves	Most of the guns you have listed are the type that many women and homeowners use for self protection and should not be banned. I have a pistol my father-in-law obtained while fighting in WW2 and gave to me before he died. It is included in your list. You want to make me a felon because I will not give this gun to you?

Hung Ngo Against themselves	Dear House Judicial, I am writing this testimony to inform you that my family and I are against this Bill. The constitution clearly states that the right to their arm shall not be infringed. The bill that you are proposing goes against our very constitution. It takes away the right to defend my family against criminals and it puts me in a vulnerable position. I would like to remind you that politicians like you work for the people. This bill is not for the people and it needs to die. I do not want Colorado to end up like California, New York, Chicago, where crime is rampant and the people have lost their rights to protect themselves.
Charles Khoury Against themselves	Hello All, This is only the second time i have ever written in a testimony. The first time I did was a year ago when there was another gun ban bill on the table. I cannot overstate how much I dislike this bill. The name itself implies that there will still be mass shootings but its just going to change what kind of gun it's with? We have a mental health epidemic, a migrant crisis, and a homelessness problem and the government of Colorado wants to restrict how we can protect ourselves. This has nothing to do with stopping mass shootings and everything to do with disarming the population which is unconstitutional. I am all for making sure bad people do not get guns but this does nothing to prohibit that, it just makes normal law abiding citizens more vulnerable.
Jerome Johnson Against themselves	I'm against this bill in its entirety. We don't need more ineffective guns laws that are difficult to enforce. This bill takes rights away from law abiding citizens. If the laws already in effect are enforced properly there is no reason for the AWB. Also some of the descriptions can include hunting rifles. Don't make law abiding citizens criminals. Do not vote for this bill.
Justin Beard Against themselves	I OPPOSE this bill! AWB's have been proven NOT to work. Perfect example is the '94-2004 Federal ban. The gov itself didn't renew the ban because it was shown to be ineffective. And your updated version will do no better, BUT it will sure harm the law abiding citizens in this state while not doing anything to stem the actions of REAL bad guys. Most mass shootings in this country are committed with pistols anyway. But I suppose you'll be coming for them next...

Nate Jaramillo Against themselves	Hello my name is nate and I am opposed this bill, this bill goes against the constitution completely taking away anyone's chance at being able to have self protection. The world is getting harder and more dangerous we release criminals with a slap on the wrist, there is a huge migrant issue who have already been proven of committing crimes and murders. The idea of taking away american citizens access to tools in the case of an emergency is a horrible idea. Look at the war on drugs and sex trafficking there is laws for it yet nothing has stopped those issues from going on in the world. As the world gets scarier and worse our government seems to think that disarming Americans to the point where we become cattle is blatantly being shown and is showing us Americans that unless we are part of the elite who are protected by armed security 24/7 that our lives are meaningless and not worth protecting. The constitution and all its rights are protected by the 2nd. How soon before freedom of speech is next it's already shown being controlled by social medias and the news when will trampling on our rights end. The fact of the matter is you will never be able to appease multiple peoples opinions or views and there will always be bad people out in the world who will commit crimes regardless of what they have access to or regardless of any laws. Criminals are a criminal for a reason laws mean nothing to them. Citizens should have access to defensive tools to protect them and their loved ones if this ban were to pass the crime in colorado would sky rocket and the state would lose plenty of its residents as this crosses a line most people will not accept. States that have already implemented similar unconstitutional bills are already dealing with crime and influx of people leaving the states. This would have a very negative affect on the state of Colorado as a whole. We have to look at the bigger picture here and realize the weapons are not the problem they aren't gonna get up and perform crimes on their own they are a tool and someone is behind it performing these actions. We need to look at the true problem and that is how lenient we are with the justice system and mental health issues people need that support and criminals need to stay locked up or people with always feel unsafe
Carl Murski Against themselves	Honorable Members of the Committee, I oppose further gun control measures. The Second Amendment guarantees our right to bear arms, essential for self-defense and safeguarding against tyranny. Most gun owners are law-abiding citizens, and restrictive laws disproportionately harm them. Instead of ineffective restrictions, we need holistic approaches addressing root causes of violence. history has shown that stringent gun control measures often have the consequence of disarming law-abiding

	citizens and emboldening criminals who obtain firearms through illicit means. Restrictive gun laws only serve to create a false sense of security while leaving ordinary citizens vulnerable to predatory individuals who have no regard for the law. I urge you to prioritize upholding the Second Amendment and protecting the rights of law-abiding citizens.
James Konzak Against themselves	I unwaveringly oppose HB24-1292. It is an unconstitutional violation of Colorado citizens' fundamental right to self-defense, turning law abiding citizens into criminals and making them enormously more vulnerable to real criminals. This bill is tyranny, plain and simple, and must not be passed.
Keith Emerson Against themselves	BH24-1292 "CONCERNING PROHIBITIONS ON CERTAIN FIREARMS USED IN PUBLIC MASS SHOOTINGS" Testimony of Keith Emerson, retired and representing myself, March 19,2024 Well, you've probably received enough testimony by now so I won't go into all the half (or selective) claimed truths listed in the Declaration. An example would be that the statement about the cartridge being designed for "maximizing catastrophic injury" is ridiculous. Just ask a hunter. The Everytown or Giffords people really should do a better job rather than recycling some of their propaganda from the 1990s. The City of Denver already has a ban on "assault weapons" (a term invented to strike fear into the hearts of those who dislike firearms). While originally written with a laundry list, like the one, in the 1990s era bill, it was whittled down by the courts to something like "a centerfire semi-auto rifle where the owner possesses a magazine holding more than 15 rounds". It was easy for courts to see that things like folding stock or a bayonet mount had nothing to do with anything. In the Miller v. Bonta case, California's latest attempt to outlaw sale of what they consider "assault weapons" has once again been ruled unconstitutional (more unconstitutional?) and the case is slow-walking its way back up the appeals court chain. I'm sure that this bill, Colorado's version of the California law, will also be found unconstitutional.

	Just some quick items in the definitions that are on the verge of humorous. • A centerfire 50 caliber rifle is singled out. Although while I've heard of one thief shooting at a police car I don't recall any mass shootings that used such a caliber. • Threaded barrels are often used for sound suppressors. I only recall one mass shooting where a suppressor was used and that was incidental to the shooting. In general, and as I understand has been discovered by European hunters, suppressors are a good way to help preserve your hearing. And no, they don't make a centerfire cartridge noiseless. • Items like a muzzle brake and pistol grip stocks are used by hunters and other members of the public because they can aid in accuracy, which is a good thing for most people shooting firearms. I could go on but I'll stop there. Please throttle this turkey now before a lot of money has to be spent reversing this latest Colorado legislature virtue signaling.
Shawn Herrin Against themselves	My name is Shawn Herrin, I live in Colorado and I oppose this bill. While many will argue that banning assault weapons is a solution to curb gun violence, Such bans are not effective. Firstly, let's consider the Federal Assault Weapons Ban that was in place in the United States until 2004. The DOJ found that the ban had little impact on the number of victims in mass killing scenarios, and that the use of assault weapons in crime was rare even before the ban. Mass shootings constitute only a small fraction of overall gun-related deaths. The FBI releases data every year in their uniform crime report that directly contradicts many of these emotion based attacks on our rights. It's easy to look up and I suggest that you do rather than basing your opinion on bought and paid for anti-gun organizations that skew meanings to fit their agendas. Secondly, criminals don't care about laws. Mass killers don't care about laws. These laws penalize and restrict law abiding gun owners, not criminals.

	We need to focus on actual solutions. Such as addressing mental health. According to the National Alliance on Mental Illness, one in five adults in the United States experiences mental illness each year. Many of these individuals do not receive the help they need due to lack of resources, societal stigma, or other barriers to care. Additionally, this bill will criminalize responsible voluntary safe storage of these guns from organizations such as Holdmyguns.org. I understand the feeling that something needs to be done every time we see the acts of deranged lunatics splashed across the media and while assault weapons bans might seem like a logical solution to gun violence, evidence has shown that they are not as effective as you may hope. It's time to shift our focus towards addressing mental health issues which are often at the core of violent behavior. By doing this and making schools safer, we can create a better Colorado. I urge you to remember your duty to Colorado's citizens. It's decidedly not the guns. Thank you.
Keven Drobnitch Against themselves	Hi I want to voice my opposition against this bill to prohibit certain weapons bill. The idea of restricting law abiding citizens rights even more is sickening. Assault weapons are not the problem with mass shootings or killings. This bill will only take away rights from law abiding citizens it will not stop or prevent people from mass killings. I have seen many stories in other countries where mass killings still take place using knives or vehicles or any other means. You are here to represent the people in your state and they do not want this to happen. The idea of this bill will drive more and more people out of this state until you turn Colorado into another broken California.
Benjamin Moise Against themselves	Please reject this from proceeding. Outlawing certain firearm types will only leave the outlaws with firearms. This bill is an extreme over reach and encompass firearms that have never been before classified as an "assault weapon". Please focus on mental health issues, educating children about firearms safety and identifying red flags seen from their peers. Alleviate poverty and desperation and then you will see a decrease in violence. Banning firearms turns tax payers into criminals. Please oppose this bill and consider alternatives.

Ransom Sitz Amend themselves	Hello, I think the bill should be amended in the following ways: 1) Police and security companies should NOT be exempt. They should have to live by the same rules as everyone else. 2) Strike out line 23 on page 8 - a pistol does not become an "assault weapon" by having a threaded barrel. 3) Remove any mentions of .50 caliber rifles. Why should a .50 caliber bolt action rifle be banned? What will you do when they come out with .499 caliber rifles? Thank you
Paul Mandal Against themselves	I do not believe that the this law is consistent with the 2nd Amendment to the U.S. Constitution. I do not believe that this law would make anyone safer. I do not think it will survive any legal challenges. Essentially I think this is a waste of time and political capital.
Michael Koenig Against themselves	Prohibit Certain Weapons Used in Mass Shootings. That is the name of the bill being presented. In the state of Colorado I do not think all of the firearms listed have been used in this manner. This looks more like a blanket or guessing game of manufacture names, models, and types of firearms more than actual facts. That aside this bill does not affect criminals nor stop criminal activity. The only people affected are law abiding citizens that purchase firearms through the proper channels per the ATF. The ATF which governs and background checks all firearms transactions in the USA is and should be in charge of what is legal or not, that is their job. I would ask you to remember that you are to represent the people of Colorado not a party side. That is your job. As a Colorado based firearms store I can assure you that more that 25-30% of sales in our store are with one party side and the other party yes does represent more. But that is the point, the people represent both party sides and you too should be representing the people of Colorado in the same manner. I finish with this - "My people are being destroyed for lack of knowledge" Hosea 4:6 Thanks for your time.
Jeany Rush Against	TO: JUDICIARY COMMITTEE, HOUSE

themselves	RE: HB24-1292 PROHIBIT CERTAIN WEAPONS USED IN MASS SHOOTINGS 3-19-24 FROM: JEANY RUSH, CONCERNED CONSTITUENT, COLORADO SPRINGS VOTE: NO NO This bill violates our constitution on many levels. "Shall not infringe" for one. The right to bear and keep arms is another place this infringes. You are making public policies for the right to own this property, but also adding penalties of large dollar amounts, again without the proper rights. Your public infringement policies are harming our safety in our communities. You keep assuming the law abiding weapons owners are at fault for the crimes committed by true criminals. Even if any of the listed weapons in your bill were used in any crimes, it was always by criminals, who will always get what they want. You are punishing the masses of law-abiding citizens. That is wrong. Yet you are not stopping the criminals from coming into our communities. You are interfering in commerce, and our rights as citizens by our constitution. The application of this bill in the time frame you put, is also troubling. Every gun bill you all are putting forth does not make common sense, and is just another infringement of our rights as law abiding citizens of what used to be a free nation. Your now over 600 bills is obscene at the very least, unconstitutional at the most. NO on this!
Ryan Padwe Against themselves	Representative Hernandez and committee members, I'll keep this short, though the gravity of the subject matter demands a more verbose response. Firearms are a largely unknown and misunderstood subject matter, for the most part. Ironically, in a society in which we praise education, the general public seems to lack not only general knowledge, but also of the inner workings of many of the things in their ever day lives, IE: cars. To use cars as a parallel: a better understanding of driving and the enforcement of vehicle law should make our roads safer. If your goal is to make our society a safer place, banning specific types of firearms is at best treatment of a symptom. But, worse, a violation of one's right to protect themselves and those around them. Another irony in a society so seemingly focused on safety, especially for women. Firearms were in fact invented to be an equalizer, and so serve those who may be weaker much more than they do the strong. Removing

	the right of law abiding citizens to properly protect not only themselves, but their fellow citizens, neither makes our society safer for the individual; or deters the criminal from taking advantage of a lesser armed populous. Given the above, I propose the following: that instead of banning a specific type of car/firearm, that we first enforce the education of vehicular/firearm safety. I beleive individuals who look to enforce a point of view or policy on their constituents should possess an above average knowledge of the subject matter. So I do have several questions for you, and all of those listening to these proceedings: Can you in good faith represent to your constituents that you understand the repercussions of the bill better than they? Can you in good faith deprive your constituents of their ability to defend themselves or others around them? If so, please explain why. Can you in good faith represent that you understand firearms better than your constituents? If so, please explain your qualifications. Do you think that the premise' proposed in this bill will make our state, and our country, a safer place. If so, why? Thank you for your time and consideration.
Hung Tran Against themselves	As a law abiding citizen, loving husband, father of two beautiful children, and a native of Colorado, I adamantly oppose this bill which not only infringes upon our second amendment but severely endangers the safety and wellbeing of my family. This bill will only make criminals out of law abiding citizens, create defenseless victims of violent crimes, and will only embolden criminals to victimize unarmed citizens. I implore you to listen to your constituents.
Ricky Owens Against themselves	I would like to oppose myself in an "assault weapon" ban for the reason as you are not only taking away the people's 2nd amendment right but also taking away from people's dinner tables. I use a rifle to hunt animals and provide for my family in an economy where I can barely afford to provide for my family as it is. Also removing firearms from our way of life isn't going to reduce mass shooting but increase them because now there will be now law biding citizens that cannot protect themselves in the unfortunate event of a shooting. What this bill does is strip away our rights as American citizens but also teach our next generation, that our government that will not protect us and won't let us protect ourselves. It's a shame they're America you are

	trying to make and it's a disgrace to put something in motion to strip us of our own 2nd amendment written by our founding fathers. Also there's a black market of firearms it's over the globe and even where you cannot purchase firearms legally, there's still criminals that will find a way to get a firearm because they know there won't be anyone to stop them, and that's the scary thing I fear for my children and wife. Sincerely, every law abiding 2nd amendment law abiding citizen.
Cheyenne Larson Against themselves	I am writing to express my deep concerns regarding the gun law currently under review for approval. As a concerned citizen and staunch advocate for constitutional rights, I firmly believe that the proposed legislation violates our Second Amendment rights and is therefore unconstitutional. The Second Amendment of the United States Constitution guarantees the right of the people to keep and bear arms. This fundamental right is essential for the protection of individual liberties and serves as a bulwark against tyranny. Any attempt to infringe upon this right undermines the very foundation of our democracy. The proposed gun law imposes unjustifiable restrictions on law-abiding citizens, making it unduly burdensome for them to exercise their Second Amendment rights. Furthermore, the law fails to address the root causes of gun violence and instead targets responsible gun owners who pose no threat to public safety. It is imperative that our legislators uphold the principles enshrined in the Constitution and refrain from passing laws that encroach upon our fundamental rights. Instead of restricting lawful gun ownership, our efforts should be focused on addressing the underlying issues such as mental health, poverty, and access to education. I urge you to reject the proposed gun law and uphold the sanctity of our constitutional rights. Our freedoms are not negotiable, and any attempt to curtail them must be met with steadfast resistance. Thank you for considering my testimony on this important matter. Sincerely,

	Cheyenne Larson
Wesley Scott Against themselves	To the Colorado General Assembly, Banning any type of firearm is unconstitutional and completely counterproductive. It does not reduce crime rates but increases them (I.e. Chicago, NYC, etc). Rather, bills of this nature are part of a greater concealed effort to disarm the people of Colorado. Populous disarmaments historically have produced strict government tyranny and mass losses of human lives (I.e., Nazi concentration camps, Russian gulags, etc). Please recognize the constitutional limits of your authority to not infringe on the right to keep and bear arms.
George Khoury Against themselves	Hi, I am not a gun lover but a concerned citizen. Firstly this infringes on our right to bear arms quite clearly. I think this pushes our country closer to a civil war and will still not solve the issue at hand. How about better background checks? Longer waiting period to get a weapon? Security guards and metal detectors in public places? I think by banning weapons we will need to rewrite the constitution since this blatantly violates the 2nd amendment. I will be moving if this law is passed.
Miguel David None themselves	. This does nothing to prevent criminals and illegal gun activities and affects only law abiding citizens and the legal use of guns and personal defense. The attack on our second amendment needs to stop and this bill needs to be abandoned.
Law Bayer Against themselves	This bill does nothing favorable for the law abiding citizens. It's only favorable to those people who are intent to break the law and possibly intend to do harm to others. Instead of manipulating the law to continue in the course to eventually ban firearms altogether, the state of Colorado should side with law enforcement officials to ensure that those who break the laws, should receive higher sentences for their firearms related crimes. Thanks, Lawrence Bayer
Phil Palm Against themselves	Thank you for reading this testimony. I would like to express my opposition to the assault weapons ban, in that I do not feel it addresses the problems with violence that we have experienced. Making these weapons illegal will only make several law abiding

	citizens in the state law breakers. I remember vividly the summer of 2020 in which our laws became helpful suggestions and violence took the lives of several people and destroyed property. Our southern border is also porous at best, and although most of these people crossing our border are not malicious, there are scores of people crossing over who are here to harm us. The police are here to protect us, but cannot be everywhere, nor can they immediately help when we're faced with serious danger. Very few people can afford or are entitled to their own security detail. I'm asking that we be permitted to keep and maintain the tools we have to defend ourselves. Thank you again for allowing me to submit this written testimony.
Nicholas Kirton Against themselves	I oppose House Bill 24-1292. I firmly believe that the violent crime we experience is a mental health issue and not a firearms issue. This bill is one of many that will leave us defenseless and will not help at reducing violent crimes. This bill will only protect the privileged and leave all others vulnerable to having their rights violated. Thank you, Nicholas Kirton
Thomas M Saunders Against themselves	I encourage you to vote against this proposed legislation. It will turn law-abiding citizen firearm owners into criminals by outlawing common firearms already in their possession. The outlaws will not pay any attention to the new law, just like they don't comply with all the existing laws like robbery, burglary, assault, murder, etc. It is a blatant attack on the Second Amendment.
Steve Hilfers Against themselves	Committee Members: Please reject this proposed bill. This bill in effect outlaws almost all semi-automatic weapons. If passed this bill will have no effect on violent crime. Anyone that wants to commit these violent acts will be

	utterly unconcerned with any law to the contrary. If it is your ultimate intent to ban all firearms, then you should remember that the US Supreme Court has reaffirmed the 2nd amendment. This bill is likely unconstitutional and would also be entirely ineffective except to make thousands and thousands of law abiding citizens, such as myself, criminals. Please reject this bill.
Orlando Juarez Against themselves	Hello my name is Orlando and I'm 28 years old born and raised in Colorado. I am here because this new bill is ridiculous and terrible for all of Colorado, It's truly disgusting what you guys are doing, and wanting Colorado to be an unsafe state.
Nick Manderscheid None themselves	To whom this concerns, More people die or are injured on a daily basis from handguns than AR type of guns. We are taking the wrong approach here as banning AR guns is not the solution. If American people actually feared the consequences for their actions, less crime would take place. Our judicial system is an embarrassment when it comes to holding people accountable. Go back to the drawing board and take better approach at this. Defunding the police also adds fuel to the fire! Thanks, Your local law abiding citizen
John Gorrell Against themselves	I vehemently oppose HB24-1292 based on the following grounds: 1) This is in clear opposition to the Second Amendment; 2) The FBI study of the 1994-2004 AW ban (similar to the proposed ban) outlined zero impact of the ban at that time; 3) Absent confiscation (which you clearly know will not work) this "ban" will have zero impact in terms of "removing AWs from the street"; 4) Based on Bruen, this legislation will be repealed, but at significant cost to taxpayers. All of this points to a waste of taxpayer dollars. Considering the multiple, other concurrent anti-gun proposals currently under consideration, it's clear that this initiative in no way targets an

	improvement in public safety, but is a politically-biased effort to strip law-abiding citizens of their Constitutional rights.
John Harmer Against themselves	Good Afternoon, My name is John Harmer. I am a USMC veteran who moved to the State of Colorado three years ago. I have loved this state so far and was thinking that this would be where I stay for the rest of my life. When I moved to this state one of the main considerations that I had was can I legally possess the firearms that I own. Had this bill been in place I would not have moved to this state. As an independent voter I find myself voting for the candidate who's views best represent me. No one is ever going to embody everything that I want in a candidate as my views do not fit within the standard two party mode. I vote in every election that I can whether it be a municipal election or a primary and have voted for Democrats, Republicans and Libertarians. When I lived in Nashville I voted for several democrats who supported our second amendment rights. Second amendment rights are my second highest legislative priority after the economy. The largest growing populations of firearm owners in this country are minorities. Women, African American and the LGBTQ community all have been growing at the fastest rates due to their need for protection in the uncertain times that our country has been in. This bill would strip the ability of these groups to protect themselves from the myriad of threats that exist in this world. I ask you to please vote no on this bill. If this bill passes I will be moved towards supporting right wing politicians who I disagree with on most issues. Please see that this isn't a single party issue. This is an American issue. Sincerely,

	John Harmer
Jeffrey Lurch Against themselves	House Bill 24-1292 is unconstitutional at the US level and does not represent the will of the people. Vote no.
Karen Saunders Against themselves	This bill is written too broadly and includes pistols that women like myself use for protection. I have a conceal carry permit, and have taken many classes and practice every week to be a responsible gun owner. The constitution gives us the right to bear arms and protect ourselves and I believe this bill is unconstitutional as written. All pistols except for revolvers have magazines. Semiautomatic means one bullet comes out of the gun every time the trigger is pulled. Semiautomatic pistols are not assault weapons. They are common handguns used for self defense. With the homeless and drug addicts roaming the parking lot where I shop for groceries, I do not feel safe without my pistol.
Phu Pham Against themselves	I want to testify against the bill as this is an infringement on our second amendment right to keep and bear arms. The law will only infringe against responsible gun owners who follow the laws but plays no deterrence against criminals and evildoers who will proceed to skirt the law and continue to commit atrocious acts. Banning the weapon will only make it harder for citizens in the state to obtain and practice their rights, but evildoers will continue to obtain illegal weapons and commit heinous acts with it w/no observance to the law. This is a short sighted bill that will not curve violence in the state but only infringe on coloradans who follows the law.
Robert Glenn Against themselves	As a 27 year resident of Colorado and a very concerned citizen, I am writing to express my vehement opposition to the proposed assault weapons ban, HB24-1292, and respectfully request your NO vote on this legislation! As a responsible citizen and advocate for firearm ownership, I know this measure would not only infringe upon our constitutional rights but also will fail to address the root causes of violence in society. The Second Amendment of the United States Constitution grants individuals the right to bear arms. Any attempt to restrict this fundamental right undermines the principles upon which our nation

	was founded. The government's role should be to protect and uphold these rights, not curtail them. It is critical that you acknowledge that the term "assault weapon" is vague and ambiguous, often used to demonize firearms based on cosmetic features rather than their function or capability. Banning certain types of firearms solely based on arbitrary characteristics does not make our communities safer; instead, it penalizes law-abiding citizens such as myself and does nothing to address the underlying issues contributing to violence. A comprehensive approach to reducing violence should focus on addressing mental health issues, improving access to education and economic opportunities, and strengthening law enforcement efforts to combat illegal firearms trafficking. Merely targeting law-abiding gun owners with restrictive legislation is a misguided and ineffective strategy. Banning assault weapons would have severe repercussions for responsible gun owners, including hunters, sport shooters, and collectors, who use these firearms safely and responsibly. Such a ban would unfairly penalize law-abiding citizens for the actions of a few individuals who choose to misuse firearms. Instead of pursuing restrictive measures that infringe upon the Rights of all Coloradans, I urge policymakers to focus on EVIDENCE-BASED solutions that respect OUR Second Amendment while promoting public safety. This includes investing in mental health services, improving background checks, and implementing targeted interventions to prevent firearm-related incidents. I strongly oppose the proposed assault weapons ban and urge you to consider alternative approaches that uphold our constitutional rights while addressing the complex issue of violence in our society. *** VOTE NO ON HB24-1292 *** Thank you for your attention to this matter.
Danielle Nau For	Hello,

themselves	I am writing in support of HB24-1292 to prohibit assault weapons. Guns are the leading cause of death of children in the United States and enough is enough! I am a mother of 3 young children who attend daycare and will be attending Denver Public Schools starting this fall. Everyday I drop them off worrying about a potential active shooter entering their school. I'm dreading the day I have to explain to my oldest daughter, Harper, what an active shooter drill is when she starts kindergarten. This is not normal but sadly we continue to fail to ACT to protect our children. Additionally, my husband is a high school teacher at Aurora Public Schools. I worry everyday for his safety. His school has had several lockdowns with his safety in jeopardy. I also worry about him being the first teacher to step in the line of fire to save his students. Mothers in Colorado are fed up with lack of action and politicians being in the pockets of the NRA. It's time to demand change and it starts with supporting this bill. Thank you for your time and consideration. Danielle Nau
Michael Lidmila Against themselves	This law is aimed squarely at lawful citizens, it has already been ruled unlawful by the supreme court.
Mark DeCesaris For themselves	We voted for you to represent our district and spoke to you on the phone within this past year regarding aspects of gun control. I am in total support of this bill and hope Colorado and yourself as a Senator and family man, do the right thing to reduce mass shootings in Colorado. Sincerely,

	Mark J DeCesaris Silverthorne, Co
Matthew Melcher Against themselves	Hello, This bill represents an unacceptable infringement of the 2nd amendment right to bear arms. As one specific example, it would outlaw not only AR and AK type rifles (which I understand the desire to outlaw), but also many very small concealed carry pistols that are used by law-abiding citizens for self-defense after going through extensive background checks and fingerprinting. These concealed pistols often have threaded barrels and almost always have detachable magazines, features which would make them illegal to buy/sell/transfer under this bill. For this reason, first among many, I strongly oppose this bill.
Tom Whitmore Against themselves	Rep. Epps is a disgrace and embarrassment to the Colorado House of representatives. Please vote against this bill. Or we will see you in court!
Travis Villiacana Against themselves	I am coming here again for the second time to voice my opinion on banning of certain types of firearms. It doesn't matter the type. For the second time in a row I am against this bill and any bill in the future that bans people from buying, owning, and using firearms. We have a human right to defend ourselves and our families.
Elizabeth Jackson For themselves	I am sending a written testimony in full support of HB24-1292. As a mother of two children, I am deeply concerned with the availability of assault weapons in our communities. The number one killer of children nation-wide is gun violence. We MUST do something to protect our future. This bill will help us move our country in the right direction. PLEASE support this important bill. --From a concerned mother
Sheila Wheeler For	Thank you to the sponsors for bringing this bill. I am a mom, daughter, sister, nonprofit worker, community advocate and commercial loan officer. I strongly ask the committee to vote yes.

themselves	Prohibiting the purchase of these firearms is a common sense, vital component to the tapestry of gun violence prevention actions needed to stem the violence, death and destruction caused by the proliferation of guns. Please take action now to vote yes. Thank you.
Roger Cook Against themselves	I am a war veteran and understand the need to protect your family. Al-Qaeda hacked the DOD system while I was serving in Afghanistan. Our chain of command put out a report that Al-Qaeda said "They have all our military's names, and will hunt us all down and kill us and our families no matter where we are in the world." Now we have open borders to let them in. So my house needs serious protection because of my government. Banning any firearms is taking tools away from not only war veterans like myself, but law abiding citizens that can help them protect their families from a home invasion. Crime is on the rise because you're waisting your time going after the innocent, instead of having more harsh punishments for the active criminals. Stop waisting the tax payers money going after the innocent.
Charles Cooper Against themselves	I am unable to testify in person. I strongly appose this bill. I stand in opposition of this bill. This is against the constitution. Why would a bill be put into place to negatively affect law abiding citizens? Enforce laws against criminals.
Corey Strang Against themselves	You face free men here. Unlike the slaves you have imported from South America, the Chinese nationals and various Muslim terrorists who really don't want to die for you. We are not intimidated by your arrogant communist ideas. I already own many of the weapons listed in this bill, If I was the problem, you would know. That is not a threat, but a statement of fact. Stop brainwashing people and setting them loose on helpless unarmed people and then pushing unconstitutional bills in the name of public safety. We are not falling for it. I will not be giving up any firearms. I have nothing to lose. We are sick of paying taxes to you Godless Marxist, Pedophiles and homosexuals. Don't step on snake
Josh Bo Against themselves	I write as somebody that is primarily left leaning with most things but this is something I am very opposed to. I have a story about a time when somebody very close to me was in danger in their own home. I have a trans girlfriend. About two years ago before I had moved in with her she woke up to some loud banging on her apartment door at around 2am. She hears them yelling "let us in" and "we know what you are". She sees them look in through her windows as well. So she calls 911. While she's on the phone with them she texts me that there are men at her door and she is terrified. I grab my holster, handgun

	and a flashlight and race over. I show up maybe 10 minutes later and I see them still there so I shine my flashlight in the direction and yelled and they ran the other direction in the distance but I couldn't see much about them. It took the Colorado Springs police department another 40 minutes for one guy to get there to take our statements and the entire time the cop there just acted like he wanted nothing to do with us and tried gaslighting us that we imagined it. The next day we went and got her a handgun and she took some lessons with it and I moved in shortly after. Fast forward to about a year ago and there was a domestic dispute upstairs from us. We heard the door above us just being banged and banged with a man screaming to let him in and threatening the woman inside with violence. I sat by the door with a handgun waiting to hear if the door got kicked down while my girlfriend called the police. Eventually the yelling and banging stopped and he ran off but as I was walking my dog half an hour or longer afterwards a cop finally showed up and asked if I was the man banging on the door. So I took my dog inside and gave a statement to what I heard before he talked to the lady upstairs. About two weeks later we got a call saying that the man had been arrested, which is great, but is this who we are supposed to rely on to defend us? The police take forever to show up and when they actually do they may just gas light you to not do any paperwork. The largest group of new gun owners the last few years are minority groups, whether they are LGBT+ or a person of color, and if this bill passes it will only harm them. I would love to live in a state that doesn't make me decide between voting for my rights for healthcare and the right to defend myself. Thank you for your time.
Zach Angelillo Against himself	Dear representatives, This bill is a disgrace to our state and directly conflicts with our constitutional right to bear arms. While it is easy to blame firearms- inanimate objects incapable of violence without a human user- this is not the answer to the issues we face as a society. We must address the root causes of violence and hold those that perpetrate these crimes responsible, not infringe upon the rights on law abiding citizens that exercise their right to defend themselves. We have seen in countless cases that violent offenders who use firearms- in the sweeping, vast majority of cases- have acquired these firearms outside of the scope of the current law. By implementing extreme limitations and harsh laws on law abiding citizens, violent crime will continue unabashed, as firearms in illegal hands and circulating through illegal channels will not be impacted. This will only result in higher instances of crime on people that are barred from defending themselves. This- and other "gun control" bills- completely miss the mark. We need to focus on protecting our 2nd amendment right to self-defense and punishing those AFTER a crime has been committed,

	not before. I- and countless other Coloradans- demand that the representatives we have elected respect our rights to self defense and work thoroughly to attack the root causes of the violence that perpetuates in our society.
Robert Reed Against themselves	The type of firearms specified in this bill account for less than .1% of all weapons used to commit crimes in the U.S. . This bill not only abridges the personal property rights of the approximately 800,000 law abiding citizens of Colorado who responsibly own, hunt with and effectively defend themselves and families with firearms but it opens the doors to illegal trade and arming of criminals in essence leaving the citizenry vulnerable to attack. This bill does nothing to address deaths caused by gangs and drug cartels in our state but instead punishes the law abiding. As with alcohol prohibition, criminals do not obey the law and will smuggle, illegally transport and sell them to the lawless, exponentially increasing the likelihood of their use in violent crime. This law will create an extremely lucrative black market, catering to gangs and other criminal enterprises.
Robert Reed Against themselves	The type of firearms specified in this bill account for less than .1% of all weapons used to commit crimes in the U.S. . This bill not only abridges the personal property rights of the approximately 800,000 law abiding citizens of Colorado who responsibly own, hunt with and effectively defend themselves and families with firearms but it opens the doors to illegal trade and arming of criminals in essence leaving the citizenry vulnerable to attack. This bill does nothing to address deaths caused by gangs and drug cartels in our state but instead punishes the law abiding. As with alcohol prohibition, criminals do not obey the law and will smuggle, illegally transport and sell them to the lawless, exponentially increasing the likelihood of their use in violent crime. This law will create an extremely lucrative black market, catering to gangs and other criminal enterprises.
Michael Morrissey Against themselves	I would like to start by saying that all of the loss of life caused in shooting at schools, movie theaters, clubs and churches has been tragic. These events should never have happened. However they all occurred not because of the access to a certain type of firearm but because of the lack of morals that is being pushed on our society today. Rather than focus on helping those that are struggling by coming along side them government and medicine has sought to fix these issues by throwing money and prescriptions at the issues. While there is a time and place for that support it should never have been the default solution.

	Every shooting that has occurred has had 1 glaring thing in common. The act that they performed was in and of itself illegal. If someone is in the mental state to shoot up a church they have already set their sights on bypassing the law so what would stop them from breaking this law and obtaining a gun illegally? On top of this one of the main reasons why assault weapon bans fail to curb gun violence is their focus on the cosmetic features of firearms rather than their functional characteristics. The term "assault weapon" itself is vague and often arbitrarily defined, leading to confusion and loopholes in legislation. Many firearms categorized as assault weapons are functionally no different from other semi-automatic rifles commonly used for hunting and sporting purposes. Banning certain firearms based on their appearance rather than their lethality does little to address the underlying causes of gun violence. I urge you to protect the rights of the law abiding citizens to be able to defend ourselves and our families from those wishing to do harm. This bill would only make it easier for those wishing harm to be able to cause it.
SAM JOHNSON Against themselves	Misguided legislation that promotes a one sided biased view, fails to address reality, attacks lawful firearm owners, buyers, manufacturers and resellers, violates protected constitutional rights and further divides this country by not applying the law equally to all individuals. This biased piece of legislation as notated by the term "assault weapon" is nothing more than an attempt to gain notoriety and push for the creation a defenseless society.
Cary Anderson Against themselves	This bill is insane. Its harm in the guise of help. Its against the laws that are fundamental to our nation and to our people. The 2A isn't about hunting. Its about keeping liberty and allowing our other amendments to be in place. Its not the 1st Amendment. Its the 2nd. It there to ensure the stability of a nation. The stability of our community. The right is a right. It is necessary. I know. You want to think of the children and so do I. Which is why I'm against creating areas of unprotected children with no where to run. A little armed security goes a long way. The sponsors of this bill revel in the blood of those children. Criminals won't obey this law.

	And in effect they'll make us like those children they want to protect. Dead and bloody in places we should be safe. The sponsors of this bill should feel shame. Shame at wanting to destroy our nation and harm our community. The worst crime in cities is in places that have laws like these. The facts are there for anyone to see. Don't make Colorado as crime ridden as California or Illinois. Denver doesn't need to be the new Chicago. Don't vote for this. Keep us safe. Remember that our nation is predicated on the RIGHT to keep and bear arms. Not just the ones you think are good for hunting. If you want to help the children, vote for school lunches and mental health access. Go do some good. But do not vote for this. This is evil. This is harm in the guise of help. We don't need to be crime ridden like every other state that passes laws like this. Have some sense and have some courage to stand up to anyone bullying you into voting for this. Just say no to HB24-1292!
Eric Jeffery Against themselves	My name is Eric Jeffery I was born in Denver I grew up along the front range, Denver, Aurora, Boulder, Golden, Monument, Colorado Springs, and now Elizabeth. I graduated East High School, just down the road from where we are I graduated CU Boulder, I am a Buffalo I raised 4 children here in Colorado I am a true Colorado Native I am a Jew I grew up attending Temple Emmanuel under Rabbi Steven Foster

	Israel, October 7th, 2023 – Murder, mayhem, devastation! This important date is not a historic anomaly. Living in good times should not make us blind to what was or what could be. As a Jew, I, now more than ever in my life, need the ability to defend myself, my loved ones, and those around me, unable to defend themselves. For those that say, "that can never happen here," the Israeli's thought the same which is why they had strict gun laws, until October 8th. For those that say, "that can never happen here," I encourage you to remember what FDR did to Japanese citizens in 1942. For those that say, "that can never happen here," I encourage you to review the New York States 2021 proposed legislation Assembly Bill A416 that looked to "remove" cases, contacts, and carriers of communicable diseases. For those that say, "that can never happen here," I encourage you to look ahead as a future administration may come in and say we want to build internment camps, round up, and deport immigrants (Build the Wall and Deport them All). Our founding fathers understood the need to empower citizens for self-defense. The plethora of gun laws proposed by this legislature are anathema to what our founding fathers knew, not all Governments can be trusted. Just because today's government may not round up individuals, we must maintain and follow our founders' intent and allow citizens to easily defend themselves, their loved ones, and those around them unable to defend themselves. Please stop making it more difficult and more expensive for good people to defend themselves and those around them when evil arrives.
--	---

	Sincerely, Eric Jeffery Elizabeth, CO
Douglas Liles Against themselves	As a certified firearms instructor I oppose HB24-1292. I have instructed hundreds of young men and women in the safe use of firearms, including scouts, Civil Air Patrol and prospective cadet candidates for military service academies. In particular, my female students have appreciated the fact that they could learn the semi-automatic AR-15 pattern rifle prior to basic training in a safe environment. The experience helped them gain skills and confidence to competently complete their intense and difficult training. The familiarity aided their success in future military careers. It is unfair to female candidates who have no opportunity to gain exposure to their 2nd amendment rights through civilian avenues. The military does not spend a significant amount of time training on riflery. Notably these cadets, were nominated by then Congressman Jared Polis. Without a civilian marksmanship program, there is no opportunity for these young people to gain training in preparation for their service. Firearm ownership is a right, not a privilege.
Josue Carames Against themselves	Opposition to HB24-1292 Constitutional Concerns: The Second Amendment ensures the right to bear arms. HB24-1292, categorizing many semi-automatic firearms as "assault weapons," raises constitutional issues, likely infringing on rights protected by the Supreme Court in <i>District of Columbia v. Heller</i> and <i>McDonald v. City of Chicago</i>. Legislators should uphold the Constitution rather than impose broad, potentially unconstitutional restrictions. Efficacy and Enforcement Challenges: Evidence on the impact of assault weapon bans on reducing gun violence is inconclusive. The federal ban (1994-2004) showed insufficient results on its effectiveness against gun crime and mass shootings. This legislation may overlook the complexity of gun violence's root causes, focusing too narrowly on the tools used rather than on the individual's agency

	in committing violence. Additionally, the definition of "assault weapons" in HB24-1292 could lead to enforcement difficulties, as firearms can be modified to comply, making the law hard to enforce among law-abiding citizens and ineffective against those bluntly ignoring the law. Impact on Law-Abiding Citizens: HB24-1292 could disproportionately affect responsible gun owners, who use their firearms for self-defense, hunting, and sport. The large majority of gun owners are law-abiding citizens not involved in criminal activities. A more targeted approach, focusing on criminal behavior rather than specific firearm types, would likely be more effective in reducing gun violence. By addressing the complexities of gun violence through targeted interventions and improved enforcement of existing laws, rather than broad, ineffective bans, we can protect constitutional rights while striving for a safer society.
Derrick Richard Against himself	Dear House Judiciary Committee, Since you didn't seem to learn from last year's testimonies, I'll reiterate once again that the people of Colorado will not stand for such unconstitutional and blatantly unethical legislation. None of these propositions would do anything to stop mass shooters or other violence. I could spend hours arguing with statistics, historical context, constitutional language, previous legal precedence, or any manner of logic, but you simply do not care. You force legislation from an emotional and knee-jerk reaction standpoint. You are only depriving otherwise law abiding citizens from exercising their rights. I have a feeling that you'll ram this legislation down our throats regardless. I have some hopes that higher courts will eventually rule this all unconstitutional; however, just know that the people will not comply with this, nor will we tolerate it. Stack up or go kick rocks 🤖
Maxwell Ames Against himself	My name is Max Ames and I am a registered democrat, high school teacher, and I bought a gun in 2023 for the first time. I grew up shooting all sorts of guns with my parents and brother. As a child, I took hunter's safety, and was lucky enough to have friends who took me duck hunting and trap shooting as well.

	I enjoy the practical aspects of gun ownership in a hunting application, and as a constitutional right as well. As so many people on the other side of the aisle say: the second amendment isn't about hunting. The "assault rifle ban" proposed is making the case that it isn't about personal protection when it bans all modern aspects of guns: detachable mags, threaded barrels, ergonomic grips, etc. I think democrats and republicans should be working together for common sense gun laws, and not the reactionary dissolving of gun control. There are serious loopholes to be accounted for, like super safeties, FRT's, printable and untraceable lowers for AR's, and unregistered pistol braces that skirt the NFA. I shoot at local ranges with my friends (also democrats from Englewood and Lakewood) and we all agree that increasing ammo taxes and banning modern guns does nothing to improve the problems with gun violence. There are parts of hb 24-1292 that I agree with, namely the rapid fire trigger modifications. It makes no sense to propose a good idea like that one in a sweeping ban of all modern rifles. The definition of assault rifle it proposes is inaccurate, and the fact that it wouldn't immediately ban ownership, just prohibit transfer during/after the owner's life is ridiculous. What is that going to solve any time soon? And how soon will the supreme court be hearing about this and granting RMGO and other gun rights groups a slam dunk injunction against our dem's laws? The recent magazine ban was simple and easy to enforce. It's a good start. No gun shops follow the rules but if there was an ounce of interest by law enforcement, it could be done. These hb's will have RMGO and other gun rights groups suing endlessly and make all of us blue gun owners cringe at how out of touch our leaders are when they draft unconstitutional and sweeping measures such as these. Our party stands up for every human right against opposition on the right, except for this right. Why? Thank you for your time and consideration.
Janet Chapple Against	I am strongly opposed to this bill. Often times citizens and legislatures make erroneous assumptions about the weapons that are so called "assault weapons". This bill and the restrictions included in it

themselves	would make many law-abiding citizens with handguns, currently lawfully possessed under their 2nd Amendment rights, into criminals overnight. I propose that if regular citizens were shown photos of many of the guns that would be banned under this bill, such as Smith & Wesson Shield, Glock 19, Sig P320, among others, they would absolutely not pick them out as "assault weapons". Even the AK47 and the AR15 are weapons used for hunting that would be outlawed. Bottom line, the criminals don't abide by the existing laws, so why do you think that adding more laws will make the criminals follow them? Thank you, Janet Chapple
Maxwell Hayes Against themselves	It is no surprise the democrats party wishes to destroy America, and this bill is in fact an attack on America, and all freedom loving people. The democrats have allies like George Soros pay suicide shooters to prey on American people, these Soros suicide shooters use gun free zones, and democrats to disarm citizens so they may easily kill more Americans. The democrats have put untold numbers of criminals, and terrorists into America and wish to disarm Americans so their terrorists and criminals can have an easier time killing Americans. This bill isn't about protecting any one, it is about killing American people and the country that has for so long stood for freedom, and equality. This bill proves the Colorado government is corrupt and anti American. The Colorado government is a threat to the constitutional Republic that is America. If this bill passes the Colorado government will show without a doubt that not only do they commit election interference by illegally removing people from the ballot, but also commit treason to the constitution as they attempt to just wipe the 2nd amendment out of existence. If this bill is to pass then the democrats admit to destroying America, and have declared war on the people. We will fight back
Steven Thatcher Against themselves	HB 24-1292 is nothing more than a political stunt from the party in power to satisfy a checkbox on their re-election resumes. It is a sham of a Bill built on Leftist talking point lies told over and over again to demonize firearms and their owners without any semblance of objective data to back their ignorant claims. The Leftist attack on the "assault rifle" platform and semi-automatic "assault weapons" is a partisan political tactic designed for the eventual confiscation of all firearms from the American population. This Bill does nothing to stop future mass shootings, but instead places the blame of the actions of murders on tens of thousands of law-abiding gun owners in CO.

	VOTE NO. STRONGLY AGAINST
Timothy Dyer Against themselves	Subject: Oppose HB24-1292! As a fellow resident of Colorado, I urge you to OPPOSE HB24-1292! This and other "gun control" legislation will do nothing to stop criminal behavior and infringes on the constitutional rights of law-abiding citizens of Colorado.
Trevor Mendoza Against themselves	My name is Trevor Mendoza and I was born and raised in Greeley, Colorado. With the exception of work related work related travels and a semester abroad, I have lived in this wonderful state my entire life. Being from an area surrounded by agriculture with an upbringing celebrating God, family, friends and our country, I was raised and have trained with and around many of the firearms listed in this bill. I feel that this bill is truly encroaching on our freedoms in more ways than one. It is true that these mass shootings are horrendous but I believe that this is a mental health issue and not a gun issue. I was raised shooting guns from a young age and many of my fondest memories with friends and family members were while at the range, training, and being out hunting. Gun safety was instilled by my parents and even my grandparents. During my up-bringing, I was also taught right from wrong though and this bill is wrong in so many ways. It is concerning that instead of fixing a mental health issue, our community believes that banning a "tool" will solve all of the problems at hand. It scares me that this bill will limit my ability to share many of these fond memories with loved ones and friends, not to mention stopping me from protecting the ones I care about and enjoying the freedoms that I currently have. I think an emphasis should be put on why these terrible atrocities are happening and not what "tool" is being used. Mental health, drugs, depression and lack of a good upbringing are some of the topics that come to mind. When these issues are running as rampant as they are, yes, there will be problems with or without an "assault weapons" ban. Additionally, I feel that this bill only limits the law-biding citizens and will not correct the issues at hand. People that want to commit crimes and cause chaos don't care about the legalities and it seems to me

	that this bill is further limiting good people from being able to do the right thing. The state I have loved for over thirty two years seems to be falling apart at the seams and my opinion is that it starts at the top. Let's start by correcting the issues starting in the schools and in the streets. Let's move forward to a stronger community and stand up for our rights. Let's work together and love one another. But I don't think that any of that will start with a ban on firearms. I strongly oppose HB24-1292 and hope all that are in attendance will do the same.
Bao Nguyen Against themselves	Hi, my name is Bao and I'm a Coloradan since 1989 when I moved to the United States along with my parents from Vietnam. We're naturalized citizens who have grown with Colorado and come from very little. Since then, not only have we come to succeed, my parents as business owners, and myself as a software engineer who served in our military over 10 years ago. I am qualified to have an opinion on this subject, for various reasons. I have extensive training in various weapons, have a family that I deeply care for, and a country that respect and work hard to be a part of. I was a child during the Columbine tragedy and I've shopped at the King Soopers in Boulder along Table Mesa when I was a university student at Boulder, and now I live in Aurora where we also had an infamous mass shooting at the local movie theater. It would seem that with my experiences in Colorado, I would be for the bill but I am not. There is no bill that could have prevented these tragedies. In 1999, we had a nationwide assault weapons ban. This included high capacity magazines, and still Columbine happened. Perhaps its not easy to understand this, but this bill will not save lives. Many other states have implemented weapons bans similar to the one proposed, such as California, yet if weapons bans or other forms of gun control worked, we should expect improvements of some way. I do not mean to cherry pick statistics, but I can reliably point out that the ATF recovered 56,262 guns in California in 2022 (https://www.atf.gov/resource-center/firearms-trace-data-california-2022). In 2014, 34890 guns were recovered in California, as reported by the ATF (https://www.atf.gov/file/89641/download). Now it would be disingenuous of me to suggest why more firearms are being

	recovered than ever with these weapons bans, but I cannot claim to be an expert. I however, can claim to what the ban would mean to me. I, like many others, mean to do good in this world. Part of that is protecting my family and doing my best to provide the best life I can for everyone around me. This bill would only hurt my ability to do so, as it prevents many others like myself from choosing the most effective firearms available to protect my family. I do mean this quite seriously, and implore you to think about how best to protect your family.
Steve Atkinson Against themselves	Advocating for the absolute right to bear arms. Unregulated gun control is crucial for self-defense, deterring tyranny, historical precedent, equality, and liberty preservation. It ensures individuals can defend against rising crime rates and oppressive governments. By upholding this right, marginalized communities gain equal footing in self-protection. History shows disarmed populations often face tyranny. In essence, safeguarding this right reaffirms individual autonomy and limits government overreach, essential for a free society.
Zach Omar Against themselves	This bill violates the rights of many law abiding honest citizens. It violates the 5th amendment which expressly prohibits the government from taking property from citizens. By not allowing someone to pass their property to family upon their passing this bill is in violation of the 5th amendment. This bill creates a disparity of force by banning items for civilians and then stating that the ban doesn't apply to police and military which is a violation of the second amendment. the features list for banning criteria is extremely arbitrary. It takes away features that can aide in safety, such as foregrips that can help with accuracy. A threaded barrel as a feature is only a positive as it can host a suppressor which is something that will help preserve hearing. Law abiding citizens will not be allowed to take part in many shooting sports if this passes. It is a clear infringement of citizens rights and is unconstitutional.

	Working in a local gun store there was only 1 occurrence where I felt that an individual posed a threat where I was uncomfortable selling him a firearm. I asked the owner how to deny him a sale and he said to put a background check into CBI and he said those type never pass the check. Sure enough he was denied. The point being law abiding citizens do not purchase things illegally and making them illegal only makes them criminals. Our current system works very well to keep criminals from getting weapons. Please don't pass this bill.
Stephanie Hordan Against themselves	This is completely unconstitutional and extremely dangerous for the citizens of Colorado! The right to bear arms is to PROTECT one's self from others. Bad guys with guns will ALWAYS be taken out by a GOOD guy with one! It is unacceptable to treat good guys as bad guys! There will be so many law suits if this passes! To ban assault weapons means you are taking safety away from Americans! A pistol for example will never compete with a long barrel gun. So many situations can attest to the importance of utilizing a long barrel against another long barrel. Just as much as a knife will never win in a pistol match! This again, comes down to safety of one's self and/ or family/ community! Banning these weapons will NEVER and I mean NEVER FIX THE SOCIETAL MENTAL HEALTH ISSUES! What we need to do is address the person behind the gun! The gun doesn't just go off, there is someone operating it. We need to redirect this conversation towards the mentally ill population who decide to take out their emotions on killing other for their selfish reasons! This is absolutely ridiculous and I can't believe this is even a CONVERSATION! Let alone something that a judge can consider anything other than this being UNCONSTITUTIONAL!!!!!!!
Kevin Roush Against themselves	To all concerned, Once again, we have a proposal that violates our 2nd amendment rights. This law will only impact law abiding taxpayers and will have no impact on criminal activity whatsoever. Some of our representatives forget that they work for all of us. I would challenge our representatives to leave the echo chambers they live in and talk to a

	wider range of the people, not just the sycophants they surround themselves with who will only tell them what they want to hear. This bill is so badly written it's almost comical. One of the paragraphs tacitly states that gun control laws are worthless but we're going to do it anyway. Mindless. Nobody wants mass shooting or gun violence of any kind and the laws you put forth don't solve anything. I wish even one of you were brave enough to step forward and say "This isn't working, we have to change it up". Fund mental health care, hold people who allow these things to happen accountable. Stop punishing decent tax paying citizens for the actions of a very very few. Why do you target a type of firearm that is used in such a small percentage of firearm crime. It makes no sense. The 10 year federal ban on so called "assault" weapons had no impact whatsoever on overall gun crime according to the FBI. The "assault" weapon ban in Australia has been a complete failure with many mass killings since the ban according to an article in Newsweek. The Australian government simply lies and changes what constitutes a mass shooting. It's pathetic and sad. You can fix this. Stop with the political grandstanding and laziness. Adding another gun control law to the thousands of other useless gun control laws will do nothing. Think critically not emotionally please. I know this is long winded and I apologize. I am just tired of being restricted and blamed for things when I have never broken the law. Respectfully yours Kevin Roush
Hesham Youssef Against himself	I am posing this bill based on the facts. All the bills in the past that have assault weapons have not in anyway reduced the rate of mass shootings. Also, this bill covers a very wide range of weapons that myself as a historical weapons. Gun collector will be severely affected as well as many of my good friends.. Laws are not going to stop criminals from having weapons. It will only deprive good people from having them to defend themselves, or for legitimate collector hobby. Thank you,

	Hesham youssef DDS, DMSc. Asst. prof. Surgical Dentistry University of Colorado Anschutz school of Dentistry
Haley Brown For themselves	In 2022, in Uvalde, Texas, an 18-year-old shot his grandmother before driving to Robb Elementary School to continue his rampage. Armed with a Daniel Defense AR-15-style rifle he purchased days after his 18th birthday and 30-round magazines, he shot 38 people, 21 fatally inside classrooms. It is safe to say that his ability to inflict so much damage, so quickly, was due in large part to his use of a high-powered weapon. Research indicates that over twice as many people are killed when mass shootings involve an assault weapon and/or a high-capacity magazine (Everytown for Gun Safety, https://everytownresearch.org/mass-shootings-in-america/). In 2026, my daughter will go to kindergarten in the Boulder Valley School District. I will send her inside the doors of a school, everyday, with an expectation of safety. But the truth is, I can't have that expectation of safety in the United States at this time. I live in a town in Colorado, already impacted by a mass shooting. I remember getting the news of what was happening at King Soupers and quickly checking in with my family members and friends to make sure they were okay. Many community members' friends and family were not okay, and Boulder is still healing from this tragedy. This bill, by prohibiting certain weapons used in mass shootings, will bring us closer to an America that has safe classrooms and supermarkets. Researchers estimate that if the federal law prohibiting assault weapons and high-capacity magazines was in effect from 2005 through 2019, it would have prevented 30 mass shootings that resulted in 1,478 people shot and killed or wounded (Post et al., JMIR Public Health and Surveillance, 2021). We have the opportunity to take a stand and continue to show that Colorado prioritizes smart and sensible gun legislation. Please pass HB24-1292 to prohibit certain weapons and rapid-fire trigger activators. Thank you.
Rhonda Lynn	Gun used in war should not be allowed to be purchased by untrained civilians in a public setting. This is the position by many who have

For themselves	served in the military and in war settings. It's unsafe to allow these weapons to be purchased by untrained civilians. Similar to bombs or javelin missiles which are not allowed to be purchase or acquired, these weapons that cause mass death should not be allowed in a civilian public setting. It's just common sense.
David Bishop Against themselves	Dear Committee members As a law abiding citizen I urge you to please vote against HB24-1292 as this bill only affects fellow Colorado citizens like myself. It is a known fact that criminals who would attempt to or would commit innocent murder will not be deterred by this proposed law. Only those of us who strive to be law-abiding citizens will feel this punishment from our legislators. Please do not take away an effective tool that citizens depend on to protect our families and homes. Thank you for your service and consideration of my request, David Bishop
William Marshall Against themselves	Voting No on HB24-1292 is the best course of action. Vote No on HB24-1292. HB24-1292 is poorly written, low quality, and of questionable constitutionality. The only laws restricting gun ownership that have a high level of evidence behind them are child-access prevention laws, which have been shown to reduce firearm suicide, unintentional self-injuries/death, and homicides among young people. Colorado already has safe storage laws. Additionally, Rep. Tom Sullivan argued the bill would save fewer lives than other policies, while fueling the purchase of weapons by ban-panicked buyers. HB24-1292 only punishes legal, law abiding gun owners, and prospective gun owners that want to defend themselves with the equipment they deem necessary. Furthermore, it is an erosion of rights for the next generation. Colorado legislators need to focus on higher quality bills to fight gun violence. Please vote No on HB24-1292. Thank you,

	William Marshall
Miguel David Against themselves	Please stop this bill from happening. This is nothing more than an attack on the Second Amendment and those who exercise their rights under it. This bill does nothing to prevent crime, and only target law-abiding gun owners by making it more difficult to defend themselves against criminals.
Chris Byrne Against themselves	I am writing to say I am in 100% opposition to this bill. It goes against every citizen's constitutional rights as an American. There are already so many laws on the books to cover all aspects of misuse of a weapon creating more does nothing to stop further crime. The only thing I see this doing is creating more felons out of average citizens who would never use their weapons to injure innocent citizens. I strongly urge everyone to vote NO on this ridiculous over reach of the second amendment. Thank you. Chris Byrne.
Gus Mircos Against themselves	How foolish it is to work to disarm lawful gun owners when the crime rates in this state are soaring due to horrible policy making. Even in the text of this bill, it's obvious that this legislation is not driven by logic, but emotion, referring to "Hyper Masculine" gun traits, as if masculinity is the cause of gun violence. The authors of this bill clearly have no idea how firearms operate, and what they are used for. No legitimate sporting purpose? So purpose in self defense? Not well suited, you say. Why then do our peace officers and military carry them or their analogues? Why then, is the AR one of the most common guns found at ranges, if it's not suitable for sport shooting? You must know these things, and if not, your incompetence is evident. At best this shows your ignorance, at worst it shows you are complacent in removing the rights of Coloradoans as quality of life in our once great state continues to decline every day due to this chamber's horrible policy making.
Jonathan Oestreicher Against themselves	I understand that your intentions are good and to save lives. Mass shootings are one of the, or even the worst thing in this country right now and something needs to be done. But I don't think this is the way. The true nature of the issue lies in mental health, not the tools used to do harm. If one wants to harm other people, they'll find a way with or without semi automatic firearms. Please do not push this legislation through and use collective punishment in order to try to stop a few. One of the reasons I moved to this country is because of the high level of self defense rights, which is unmatched in the world. This is

	even my work professionally here in Colorado. I urge you to please drop this bill. Respectfully,
Jimmy Hart Against themselves	HB24-1292 will do nothing to prevent those who have evil intent to commit murder from doing so. Many studies have shown that laws do not keep those bent on murder from carrying out their evil deeds. They are going to commit murder so breaking a few more laws is no deterrent. Any one who listens to the evening news will hear time and again how some convicted felon has been arrested for possession of a firearm, this is just another law they will ignore. This bill is clearly unconstitutional and will only penalize the law abiding. There are millions of firearms in the state of Colorado, to think that this bill will prevent anyone who wants to commit a crime from obtaining one is the height of delusion. I ask in the strongest possible terms that the committee vote against moving this bill forward.
Robert Strle Against themselves	This bill will be a patent infringement on Americans right to self-defense, as outlined in the 2nd Amendment of the Constitution of The United States of America. Your proposed law will turn millions of law-abiding Colorado citizens into felons. Your proposed legislation would ban the most commonly used rifles, pistols & shotguns possessed by millions of Coloradans currently and is blatant assault on the "Right to bear arms" and personal defense. This proposed law is insanity and must be immediately dropped. Robert J. Strle 8326 Liverpool Drive

	Littleton, CO 80127 303-886-3370 bstrle@msn.com
Nicholas Trujillo Against himself	Mass shootings happen because there is evil and sickness in this world. Consistently, we shift the blame from deranged lunatics to the inanimate object they used to carry out such filth. One could argue they would have found other ways to cause mass destruction and death like many have before them, despite the legality or illegality of other methods and weapons used. As law abiding Americans, we have the right to defend and protect ourselves from this filth. These types of bills aim to disarm American families and put at risk our ability to preserve and protect life from violent threats. These types of bills give criminals the advantage while leaving families and individuals in harms way and seeks to make criminals out of good, and honest Americans. An "assault" weapons ban is NOT the answer to senseless violence. This bill will only hurt good people and allow criminals and lunatics to thrive. This bill is unlawful, unconstitutional, and un-American.
Mark Micono Against himself	I am opposed to this proposed legislation. Sincerely, Mark Micono Elizabeth, Colorado 80107
Jonathan Witt Against himself	"Shall not be infringed" is not a suggestion. The state is attempting to punish law-abiding citizens with an aggregious, unconstitutional prohibition that will do nothing to thwart violent crime. Meanwhile, repeat violent offenders are let out on PR and fail to show for trial. The long guns you're attempting to restrict are used in a minuscule number of criminal shootings, yet you won't take any steps to address the real source of violent shootings: address the mental health crisis taking place in our cities and neighborhoods. Make resources available to people struggling with addiction and suicidal ideation. Punish criminals for breaking laws and endangering our families. Enforce the existing background check and straw purchase laws. THAT would have an actual impact on gun violence. But instead, you grandstand about "doing something", when in reality there are much easier, less complicated ways to address violent crime. Prosecute criminals. Don't let violent criminals out while they await trial. Do away with gun free zones that criminals ignore and provide

	funding for armed guards at our schools. That would be "Doing something".
Randolph Torres Against themselves	House Judiciary and present individuals, Long has the ownership of weapons in America been common place; be that for hunting, sport, competition and most importantly defense. Since the inception of this great nation has the right and pride of owning a firearm been an unalienable right. As we now face ever growing forms of control and restriction in regards to firearms, firearm accessories, and firearm related products we have not seen a reduction in gun related crime, if anything we have seen a growth. What that tells me is control is not the solution. What this country has greatly neglected is the contributing factors that drive someone to violence; if you take away firearms violence does not magically stop, humans by nature are violent creatures and we have been since the dawn of time. We fight and kill for very insignificant things at times. In various other countries we have seen as gun control grows violent crimes of other natures increase whether by knife or other device, so control is not the answer. I have been an avid user of firearms for sport and survival since I was a child and never have I used one to harm another. I have been a student of violence since I was a child, studying self defense in the forms of boxing and martial arts yet I've never used them to bully another into submission. The concerns that need to be addressed and where I urge this committee to focus its attention is on the individual and not on the tool. We have a massive mental health crisis in this country, especially in young people. The human race has never been more connected than we are now with the internet, yet people feel more distant and lonely than ever before. As a result of our environment, stressful lives and lack of necessary care and direction; people have fallen into a cycle of anxiety, depression, resentment, and much more. It is these factors along with others such as poor education, lack of physical drive, poor nutrition, lack of parenting and strong support groups that lead to the violence in individuals. It is these concerns that need to be addressed with utmost importance if we have any hope of reducing the level of violence in this country. Taking away the tools will never stop the violence. At the end of the day people still have

	two hands and a capacity for great evil. Address the issue within the hearts and minds of the people.
Ralph Goble Against themselves	I am against this bill as it would make illegal most / all of the commonality used semi-auto guns / rifles in use today. This bill would disarm the average citizen and only those who disobey the laws (criminals) would have weapons and our right to self defense would be eliminated. Do not remove our God given right to self defense.
James Rose Against themselves	I oppose the proposed ban of weapons used in mass shootings. This is an extreme measure that is poorly conceived. As usual for gun control policies, the gun-wielding criminals are the problem, not the guns, per se. The large number of guns that would be prohibited would penalize a very large number of lawful Colorado gun owners. It is not the case that the prohibited guns are used mostly for mass shootings. Rather, the frequency with which these guns are so used is infinitesimally small compared to their lawful uses, namely personal protection or hunting. Blindly banning currently legal guns would mostly penalize law abiding gun owners. Women own AR-15 style guns because they have low recoil and being easier to shoot accurately than handguns, are a preferred choice for home and personal protection. Semiautomatic handguns afford a greater degree of protection, one of the the greatest reasons for their being owned than slower shooting, lower capacity firearms. Banning these guns in Colorado would have little effect on their availability. These guns exist in vast numbers and the ease with which they are unlawfully obtained, even by illegal immigrants, makes the probability remote that banning them would keep them out of a murderers hands. I would predict that a large number of current lawful owners of semiautomatic guns would be very reluctant to relinquish them, viewing such coercion as unconstitutional. Mandatory surrender or confiscation of guns is being attempted in Canada, but has stalled due to citizen and local government resistance and a forecasted cost of \$1 billion Canadian for a mere 100,000 guns. In Colorado, how would such a ban be enforced? Would swat teams search house by house for guns? Would people be properly remunerated for the taking of their property? Proper remuneration would cost many millions of dollars. Ultimately, law abiding citizens would be disarmed and criminals would not. It would be a political nightmare for the party responsible for confiscation-forced disarmament.

Jorge Silva Against themselves	I am against this bill as it stops law abiding citizens from exercising their 2nd ammendment right. As a veteran I believe this restricts all the freedoms I fought for.
Noah Dungey Against themselves	Committee members, If not for having surgery today, I would be testifying in person. I urge the committee to vote against HB24-1292, as it is a direct violation of Coloradan's 2nd Amendment Rights and their civil right to self defense.
Tony Johnson Against themselves	The proposed assault weapons ban may not effectively address the root causes of crime. Historical data from the FBI's Crime Data Explorer (FBI CDE) and the Federal Reserve Economic Data (FRED) suggests a correlation between economic factors, like inflation rates, and crime rates. For example, in the lead-up to the 1990 recession, the CPI was consistently between 4.2-5.9% from 1985 into the summer of 1990 (FRBATL 2024). Following the recession, the period of economic growth in the 1990s resulted in a declining CPI, ranging from 5.5% immediately after the recession to 2.1% by late 1999 (FRBATL 2024). The US violent crime rate increased from ~560/100,000 in 1985 to ~730-760/100,000 in the run-up to the 1990-1991 recession, then decreased to about 506/100,000 in 2000 (FBI CDE). Similarly, as the CPI broke 3% in the early 2000s coinciding with the dot-com bubble (FRBATL 2024), Colorado's crime rates increased from 334-396/100,000 from 2000-2006 (FBI CDE). Historical data suggests that overall violent crime, especially in Colorado, follows trends in FRED CPI, suggesting that the Federal Assault Weapons ban may not have influenced the decrease in violent crime, but rather reflects overall economic outlooks. Recent data shows Colorado's violent crime rate above the national average by ~90-110/100,000 for the last two years (FBI CDE). The largest relative increases in Colorado are in aggravated assaults, which increased by ~50/100,000 in 2021 and ~80/100,000 in 2022.

	In 2022, the median violent crime event in Colorado involved an offender victimizing someone in a residence home using "personal weapons" (body parts). Homicides in 2022 within Colorado primarily occurred with handguns, with 187/322 reported events. "Firearm" homicides occurred at 43/322, suggesting that even if all "firearm" homicides involved assault weapons, the rate would be lower than homicides involving "personal weapons" plus "knife/cutting instrument" homicides at about 76/322 (FBI CDE). It is imperative to reconsider the effectiveness of an assault weapons ban as a means of reducing crime. Such legislation may restrict the rights of law-abiding citizens without addressing the underlying issues driving criminal behavior. Instead, focus should shift towards strategies targeting illegal firearm acquisition and circulation, along with promoting responsible firearm ownership and safe storage practices.
Alan Son Against themselves	My testimony is written to advocate against the proposed HB24-1292. Handguns remain the primary weapon of choice in homicides and violent crimes, not assault weapons. According to the FBI's Uniform Crime Reporting (UCR) Database, 62% of homicides in 2019 were committed with a handgun, compared to 4% with a rifle. This trend is consistent with historical data, as the US Bureau of Justice's 'Guns Used in Crime' report shows that 57% of all murders in 1993 were committed with handguns, while only 3% were committed with rifles. Despite this data, HB24-1292 supports the claim that assault weapons are the primary factor in gun violence. However, assault weapons are not a 'preeminent factor in the devastating crisis of gun fatalities,' as supported by the FBI's UCR database. To effectively address the primary component of gun deaths, logical legislation would target handguns rather than rifles or assault weapons, which this bill does not do. It willfully ignores this fact, as the topic of handguns is completely omitted from Section 1. Another misconception pushed by the bill is the concept of mass shootings and their relation to gun violence. The FBI does not use the term 'mass shooting,' as its definition is not concrete in news and legislation. This bill lacks a formal definition, leading to vagueness in a problem that requires clarity. The formal term used by the FBI is an 'active shooter incident,' which requires specific criteria for

	classification. This classification further distinguishes 'mass killing' events from 'active shooter incidents,' with the former requiring three or more killings in a single incident. In 2019, there were 28 active shooter incidents, with 12 classified as mass killings. These incidents resulted in 247 casualties, including 97 deaths and 150 wounded. When comparing this data with the 2019 UCR Database, we see that the 97 deaths represent a small percentage of the nationwide total homicide count of 13,927, at less than one percent. Therefore, it is disingenuous to use the symptom of mass shootings as a focal point to solve the present epidemic of gun violence. In conclusion, the bill's fixation on assault weapons and mass shootings is misleading, as data shows that the root causes of gun violence lie elsewhere. With the Second Amendment in mind, we cannot afford to pass laws that do not effectively reduce the risks of gun violence. The State of Colorado requires evidence based solutions to effectively combat this issue.
Steven Dean Against themselves	Testimony of Steven A. Dean March 19, 2024 Colorado House Judiciary Committee Testimony Against HB24-1292 Good afternoon Chairman and members of the Committee. Thank you for the opportunity to speak with you today. My name is Steven Dean, I have been a citizen of Colorado for 23 years and have lived in Douglas County for 15 years. I am an aerospace engineer, father, husband, youth leader, and precinct committee person. I am here today to testify in opposition to HB24-1292 which seeks to deny the law-abiding citizens of our state access to the most effective tools for self-defense: semi-automatic firearms, particularly SA rifles. Coloradoans and Americans in general enjoy a high standard of living and very good benefits from our employer and publicly funded benefits. Since the late 19th century every year on the 1st Monday in September we remember the struggle that common men and

	women waged against wealth, power, and greed. That struggle was not waged with only kind words, it was often waged with firearms and at times against the US military. Infamously, Colorado played a part of that dark history April 20, 1914 in Ludlow, near Trinidad. On that day 19 men, women, and children from the mine tent-colony were killed by mine employees and Colorado National Guard. It was part of a year-long armed conflict between workers and the coal mine company. This legislation would strip away the tools that the common man must use to defend himself. Colorado is also infamously known for the Sand Creek Massacre in 1864 when the Union Army murdered hundreds of Cheyenne and Arapahoe Native Americans. Like Wounded Knee in Wyoming, stark examples of what government armies will do to the defenseless. We must not pretend that history will not repeat. As above, there are numerous examples of government use of force to take advantage of those who were not as powerful. Clearly, the common man in order to defend himself MUST have access to the most modern and effective means of self-defense. This need to secure balance between the people and the government is the reason for the 2nd Amendment to the US Constitution. This legislation is a violation of that decree and must not advance. Thank you for your consideration.
Justin Fahnstock Against themselves	I commend the sponsors of this Bill for the desire to protect the safety of the public. However, I cannot agree that restriction and practical elimination of the 2nd Amendment is the proper way to accomplish the intent. Those states that heavily restrict and eliminate firearms ownership, as this HB proposes, have the highest rates of crime. Additionally, the bill proposes to eliminate ownership of the best arms for citizen self defense. Let us consider the statement of the founding fathers, "Those who would trade liberty for safety will achieve neither." I respectfully stand in opposition to HB24-1292.

Michele Whitted For themselves	AR stands for Armalite Rifle the first manufacturer of the AR-10 and then AR-15, which were made for the military. Colt started selling the AR-15 to the public in 1964. Advertisement said "Now you can buy a hot combat rifle for sport." More manufacturers got involved in 1977, developing their own semi-automatic weapons for civilians. Military assault weapons are fully automatic (doesn't stop firing until you let go of the trigger) and are highly regulated. Civilian assault weapons are semi-automatic (have to compress the trigger to fire). The other assault weapon features outlined in these bans increase a semi-automatic weapon's lethality and are not merely "cosmetic," as gun groups often argue. They can make the gun more accurate, concealable, and increase fire rates. Such as: A pistol grip (makes it easier to fire with one hand); Forward grip (control front of weapon better); folding stock (extend and contract to make it easier to conceal); barrel shroud (gripping surface for non-dominate hand to avoid burns by the barrel and provide more control); threaded barrel (allowing flash suppressors, muzzle brakes or compensators, and silencers which eliminate muzzle flash and dampen sound). The bill is very specific in listing the firearm models and equipment that would be banned, which addresses the gun lobby's objections to past language that hasn't been specific enough.
Joy Davidson Against themselves	Thank you for taking the time to consider my testimony. I am writing to submit testimony against the "Assault Weapons Ban". The AR-15 Rifle, which is what is commonly thought of when discussing "assault weapons", due to people thinking AR stands for assault rifle. This is not accurate because it actually stands for the brand name, Armalite Rifle. This bill also seeks to ban many other common semi-automatic pistols that responsible gun-owners, such as myself, have purchased and trained to use in order to defend ourselves and others should the need arise. As a responsible gun owner, I resent being the target of much of this "gun control" legislation. Responsible gun owners are not the problem any more than people who responsibly drive cars are responsible for the behavior of those who choose to drink and drive. My gun itself is also not the problem. It is the laziest thing on the planet, surpassing even the dirty dishes in the sink. Those dirty dishes have never up and jumped in the dishwasher and my pistol has never up and randomly fired itself. The problem is the criminals who fire the guns.

	I dare you to hold the real criminals responsible!
DAVID SWASCHNIG Against themselves	I am writing to strongly oppose HB24-1292. This bill will do nothing more than infringe upon law abiding citizens rights. Colorado has enacted multiple gun control laws in the past several years yet despite this we have some of the worst crime in the nation. Several other states have passed similar legislation to this and the evidence shows there has been no improvement in crime, in particular violent crime. This reasonably shows that laws like this do not prevent criminals from committing crimes and only hurts honest law abiding citizens and the sanctity of our constitution. I am urging you to stand with your constituent's rights and our constitution and vote against this bill. Thank you for your consideration in this matter.
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 Heller and Bruen (and more, like Caetano, and McDonald, etc.). A lawyer from a recent lawsuit against a similar state weapons ban said it better than I ever could. Here is what they said and it applies not just to their current unconstitutional ban but this potential one facing Colorado: About the Bruen test and the Heller "common use" test: "This is a simple case. In New York State Rifle & Pistol Ass'n, Inc. v. Bruen, the Court set forth a two-part test for reviewing Second Amendment challenges: (1) Is the plaintiff's proposed conduct covered by the plain text? (2) If so, can the government demonstrate that its law is consistent with the Nation's history and tradition of firearms regulation? In this case, Plaintiffs easily meet step one because the banned weapons are bearable arms, and their desire to keep and bear them is covered by the plain text. But it is impossible for the Commonwealth to carry its burden under step two. Tens of millions of the banned weapons are possessed by law-abiding citizens for lawful purposes.

	In D.C. v. Heller, the Court held there is no tradition of banning weapons in common use. Therefore, the Statutes are categorially unconstitutional." Capen v. Campbell Also: "Millions of US citizens own tens of millions of the weapons this will ban ("common use"). Under the Supreme Court's precedents, 'that is all that is needed for citizens to have a right under the Second Amendment to keep such weapons. Friedmen v. City of Highland Park In conclusion, this example is a blueprint for exactly why these (and pretty much any type of) weapons bans 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. 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. 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).
Marshall Holmes Against himself	Prohibition of firearms does not stop violent criminals, it emboldens them. This proposal bans virtually every common firearm, including those most often used for defensive purposes. The second amendment is clear in regards to the people's right to defend themselves, shall not be infringed.
Dee KAISER Against himself	HB24-1292 would prevent women from purchasing a firearm. There has been a 77% increase in female gun ownership because the continuing rising crime rate puts women at the most risk of being robbed, raped, or assaulted. Colorado women have a Second Amendment right to defend themselves. Additionally, with the legislatures and Polis's reluctance to return this state to enforcing common sense laws plus welcoming a plethora of unvetted and

	undocumented illegal immigrants, self-protection for all is a necessity. Let's also not forget that police arriving within 3 to 7 minutes is not going to stop a determined and most often, repeat criminal who has only been encouraged to continue his criminal profession by not being held accountable for crimes committed
Reedy LASH Against themselves	I STRONGLY OPPOSE HR24-1292. This is nothing more than Gun Control, meant to infringe upon the 2A Rights of law abiding citizens exercising their 2A Constitutional Rights. This bill DOES NOTHING to stop criminals from owning or possessing semi-automatic weapons. The last few years the Democrats in this state seem to have nothing better to do than infringe / harass lawful gun owners. Your bills that have been passed the last few years have DONE NOTHING to stop juveniles from getting firearms and shooting people in public places or at schools like East High, explain that to me. The US Supreme Court has sided with gun owners, but you all don't seem to care, it is all ABOUT CONTROL to you.
Jason Lewis Against themselves	To the honorable members of the Colorado Legislature, I am writing to express my firm opposition to HB24-1292. This bill will only take away rights from law-abiding citizens and will fail to address the root cause of violent crimes, which are poverty, mental health issues, and the breakdown of family structures and close-knit communities. Please, instead of penalizing law abiding citizens, focus on improving mental health and wellness access. Focus on systemic changes to help raise people out of poverty. Focus on ways to bring people together, not push people further apart, which is all this bill will accomplish. If you <i>*actually*</i> want to see change in violent crimes, address the underlying reasons why people commit them in the first place, not the tools they rarely commit them with. Lastly, although this is small compared to people's mental wellness, I ask that you please consider the massive detrimental impact this will have on the economy of Colorado. Hundreds of small business will likely close, and Colorado will see a significant outflux of people leaving to go to states where their constitutional rights are upheld. Thank you for your time.
Miles Little Against themselves	Any legislation that seeks to collectively punish peaceful and responsible gun owning American citizens is constitutionally offensive and is unacceptable in a free society. The lawlessness of a few people should never negate the constitutional rights of the many law abiding

	citizens. On top of infringing on our rights this bill would also cause a major loss of revenue for the state by the lack of sales tax generated through firearms and ammunition purchases as well as business taxes. If your goal is to make this country safer, then you should focus more of your efforts toward better access and awareness to mental health resource's.
James Pendleton Against themselves	As a third generation resident of Colorado, it concerns me that bills such as HB24-1292 even has made it this far in the process. As I review the wording of the bill I find it offensive that the structure is based on what I call media hype and sensationalism of the tragic events listed In the beginning of bill. I am not dismissing the pain and suffering the families of the victims are going through. I too recently felt the suffering of friends who are the uncle and aunt of the young couple that was murdered in a bar in Elkhorn Wisconsin, the family is not asking for more gun control but justice. What I am opposed to is that the sponsors are playing on the heartstrings of the uniformed public with total disregard to the constitutional rights of the legal gun owners in the state of Colorado. In my opinion I feel that we should resolve the root cause of the problem with mental health treatment, and train people to look at and for warning signs that were ignored in each of these tragic events. To further attack legal gun owners with more bans, higher fees and taxes will do nothing to solve the problem it only restricts the proud people of Colorado who legally own, carry and protect our families with our right guaranteed by the 2nd amendment. God Bless America and the State of Colorado. Respectively
Mark Kaiser Against themselves	The 2nd amendment was not intended to guarantee your safety. It was intended to guarantee your ability to fight back. In Colorado, you will soon see these rights attacked and if polis ,weiser, Sullivan and their lockstep minions have their way, you will see severe limitations put on any rights you now have to obtain, own, and keep any weapon that you might use to defend you and your loved ones. Additionally look for them to work on your 1st amendment freedoms to limit your criticism of their actions and efforts to defeat their continued power grabs. Add to this their complete ignorance that even a three to seven minute response time by law enforcement will be an eternity when the lunatic that is bent on causing harm to as many innocents as possible using a gun, knife or any other weapon in a so called gun free zone because they know there will not be any armed resistance of any form. But in the socialistic world, the damage will only be considered insignificant, rather it will be seen as just another step in the far left

	agenda of total control of the masses while letting the criminals have their way with the great unwashed. Common sense tells you that criminals see gun free zones as opportunities. Criminals don't fear signs, they don't fear laws, they only fear severe punishment for their misdeeds. However, polis weiser and the far lefts agenda is little more than to further water down the penalties for crimes, continually looking for ways to make the criminal the victim, and the victim the criminal.
Benjamin Harrigan Against themselves	I, like many other Coloradans, am opposed to this bill. It violates our constitutional rights and has been proven nationally by the federal assault weapon ban in 1994 to do nothing for preventing crimes. Going after the same bills after they have been shut down year after year is harassment. I wish you would use your time and our resources to pursue useful ways to combat these acts of violence instead of attacking our rights.
Adrian Dalmy Against themselves	Hello. I am writing today in opposition for the proposed HB24-1292. This proposal is an egregious overreach and direct violation of our Second Amendment right. While I understand the intent to legislate peace into our State this would do quite the opposite. This bill would eliminate the ability for good law abiding citizens from protecting themselves, their family, and their freedom. Criminals do not follow the laws, why would we think they'd follow this one too. This would be the equivalent of banning all vehicles to prevent DUIs. It's not the appropriate way to accomplish peace for our state. Furthermore, the economic impact to our state is extreme and would cause multiple businesses to close doors, hurting our sales tax revenue, increasing unemployment and socially pushing for more division when we should be trying to come together as one. This bill needs to be shut down immediately!
Linda Johnston Against themselves	Attention: House Judiciary Committee: I have been in CO for 40 years and I love my state, especially the way it was!

	I am very disappointed to see the changes that are occurring in our states with 1) Gun Control 2) Immigration 3) Closed doors with Government meetings. I am asking you NOT to pass more laws to take away our constitutional right to BEAR ARMS. Many deaths could have been avoided if people were able to defend their own lives. Your bills will only allow the NON REGISTERED AND ILLEGALS TO CARRY AND USE GUNS. I know you do not want this either. Protect our constitution and good people of Colorado.
Nicholas Skalisky Against themselves	My name is Nick, I'm on the life safety team at my church in Colorado Springs. We had a situation in which a woman high on meth threatened to kill someone with an 8-10" Bowie knife. If this bill was law, I wouldn't have had access to the firearm I carried at on that day, diminishing my capability of defending the people of that church - including children, which this bill claims to advocate for - against a lawbreaker who was threatening, and could have used, deadly force. Justify this difference: you might say I could have another pistol without the threaded barrel, but A) that's a superficial line and a slippery slope: i.e. why wouldn't you want to ban the non-tactical version, which does essentially the same task, once you have banned the tactical version? B) the statistics do not support the supposition that the firearm is more dangerous because of the threaded barrel. What is the difference in a half inch length that is threaded, to make it more dangerous? Another problem: "Assault weapon" is a nebulous, vague term that can be redefined to fit someone's opinion in a moment. Firearms being predicated with "assault" as an adjective, falsely implies the firearm will be primarily used to "assault. A far more accurate term would be "sporting rifle" or "self-defense pistol". Why isn't the term "Self-defense pistol" used, except that it doesn't the anti 2nd amendment narrative?
Sean Smith Against themselves	I Sean Smith am writing this committee to voice my opposition to this bill. I like many Coloradans am concerned about gun violence in our state , and I agree that we need to do more to protect our communities from violent criminals. With that said HB24-1292 is nothing more then a sensationalized attempt to reintroduce the last years failed assault weapons ban by exploiting the fears of the people of Colorado. This fact should be clear by the deceptive naming of this bill "Prohibit Certain Weapons Used in Mass Shooting" that it is

	nothing more than a Trojan Horse to undermine the will of the people to pass unconstitutional gun legislation. To infringe upon the rights of law abiding citizens in the name of public safety will not only do nothing to reduce crime but will certainly amplify it.
Aidan Duncan Against themselves	The second amendment was written explicitly to protect the most capable military grade assault weapons available. When the second amendment was written the musket was the assault rifle of the era. The founders intended for citizens to own military grade assault weapons. The state lacks the authority to infringe on this right. The proposed bill exceeds the authority of the state. Those who proposed this bill acknowledge that military grade assault weapons such as the AR15 and AK47 are the most effective weapons available therefore they admit to attempting to deprive citizens of the most effective class of weapons available. The only conceivable reason to deprive citizens of the most effective means for self defense available is to make citizens easier to kill. If our leaders pass a tyrannical bill that makes citizens easier to kill then citizens have no choice but to assume our leaders have malicious intentions and must prepare accordingly.
John Howard Against themselves	This bill is a direct violation of the 2nd amendment to the constitution. It serves only to disarm people who have yet to break the law. If passed, this will be met and defeated in court. When politicians disarm free citizens, they cease to be free. You need to decide if you're arrogant enough to believe that you have power over American citizens and that you can disregard the constitution.
Christa Palmer For themselves	My name is Christa Palmer and I am writing to support this bill. I am the mother of a school shooting survivor. While some may feel that the second amendment covers all bans, but the phrase "well regulated" has largely been ignored. Mass shootings are causing massive amounts of trauma and assault weapons are a strong contributor to this issue. I am so grateful that the gun used during the school shooting my child experienced.
Michael Evans Against themselves	As an African American, this bill to ban weapons to protect myself from a government who formally enslaved my ancestors is OPPRESSIVE and RACIST! I will do everything in my power to make sure you don't strip my right away and never serve another day in politics for failing you oath to the constitution!
Kevin Anderson Against	HB 1292 would severely restrict the self defense rights of law abiding Coloradans and at time when life in the state includes realities of

themselves	increased crime, soft on crime policies, understaffed departments and long police response and 911 hold times. It is known that hard core armed criminals and criminal gangs have crossed the porous borders into the interior of the country. Legislators should be expanding the right of citizens to self protect themselves and innocents at a time when the police are more than minutes away.
Daniel Crandall Against themselves	I strongly oppose this bill as it is in obvious violation of the Constitution of the United States. Since you don't feel you have the ability to alter the amendment to the constitution you are trying to go around and pick apart any piece of it you can. So called assault weapons are a euphemism as all weapons can be used in assault. The epidemic of gun violence is an epidemic of violence stemming from a culture without a defined morality, giving rise to "everyone doing what is right in their own eyes". That guns are used in violent crime is an extension of the evil doer says nothing about the morality of the tool itself. I have had to use guns for good purposes in my life, and the good use of weapons is far more common than believed. If you succeed in banning "assault" weapons, all you've done is remove them from good people living in the state and you will be responsible for the evil that is perpetrated against them because they had their weapons removed. Armed gangs from other countries who came across the border are currently engaged in organized criminal activity, terrorizing neighborhoods and cities across the nation, where did they get their weapons? Before addressing symptoms why don't you do something about addressing fatherless homes, this alone would solve far more violent crime than removing every single firearm in the state.
Samantha Lorentzen Against themselves	I am against the prohibition of certain weapons, this is unfair to the rest of us and goes against our second amendment
Ian Hummel Against themselves	HB24-1292 "Prohibit Certain Weapons Used in Mass Shootings" represents a gross violation of the basic civil rights of all Coloradans. It is outside the scope of the state government's authority to enact or enforce, and, in addition to being an illegal overreach at its core, would make tens of thousands of law-abiding Coloradans felons overnight with its provision banning the very possession of certain

	firearms accessories. I urge the members of this committee to respect the dignity and civil rights of those they were elected to represent and vote against this unconscionable violation of not just the Colorado state constitution, but the United States constitution itself.
Susan Hill Against themselves	HB24-1292 "Prohibit Certain Weapons Used in Mass Shootings" represents a gross violation of the basic civil rights of all Coloradans. It is outside the scope of the state government's authority to enact or enforce, and, in addition to being an illegal overreach at its core, would make tens of thousands of law-abiding Coloradans felons overnight with its provision banning the very possession of certain firearms accessories. I urge the members of this committee to respect the dignity and civil rights of those they were elected to represent and vote against this unconscionable violation of not just the Colorado state constitution, but the United States constitution itself.
Jonathan Hummel Against themselves	HB24-1292 "Prohibit Certain Weapons Used in Mass Shootings" represents a gross violation of the basic civil rights of all Coloradans. It is outside the scope of the state government's authority to enact or enforce, and, in addition to being an illegal overreach at its core, would make tens of thousands of law-abiding Coloradans felons overnight with its provision banning the very possession of certain firearms accessories. I urge the members of this committee to respect the dignity and civil rights of those they were elected to represent and vote against this unconscionable violation of not just the Colorado state constitution, but the United States constitution itself.
Kyle Babcock Against themselves	Ladies and gentlemen of the committee, good afternoon. As a victim of violent crime, I come here today to oppose this bill, and ask why the Coloradan constituency and their safety at large continue to be betrayed by duplicitous decision-making and ignorance-based testimony against legal, responsible firearms owners. If it were the guns, as the sponsors of this bill stated earlier, this bill would outright ban ownership - which it does not. It cannot. It is the person with their finger on the trigger. This bill makes an unsafe people even less safe by harassing those who responsibly partake in their Second Amendment rights, rather than truly pursuing an end to shootings, as Boulder, which had an assault weapons ban at the time of the King Soopers building, shows. It is telling that there is no more talk of compromise, as there never was compromise to begin with. Instead, what rights and goods we

	will surrender and when will now be dictated to us if legislation such as the bills before us today are passed. Thank you.
Jackson Howard Against themselves	My name is Jackson Howard, and I am testifying against this bill. I am a resident of Colorado Springs, and am a student at the University of Colorado Colorado Springs. This bill directly targets the law abiding, free citizens of Colorado, and no one else. This bill breaches the second amendment of our constitution, by removing what is to be nearly ninety percent of retail firearms, that are our God given right to own and use. As a student at UCCS, my life has been threatened in recent times with the murders earlier this year in our campus apartments, and with the club shooting that happened last year, just 5 minutes away from my residence. I believe that if firearms are stripped from the students and citizens surrounding the UCCS campus, the dangers of gun crime and mass shootings in our lecture halls and homes will increase. I have grown up in the middle of this debate, and can not see any reasoning in which this bill would lessen the gun crime in Colorado. Although I am not of age to carry a concealed handgun, I am trained in, and have experience with such firearms, as well as AR-15 type rifles. I can be trusted with such responsibility, because I am mentally healthy, and have experienced the proper instruction to handle said firearms. Unfortunately, most mass shootings are conducted by individuals with previous mental health related issues, that are not properly handled. I believe that such mental health issues are the true root problem in our state, and that if proper precautions are taken to keep unhealthy individuals from obtaining firearms, gun crime and mass shootings will decrease greatly. Thank you
Nicholas Rosenthal Against themselves	HB24-1292 "Prohibit Certain Weapons Used in Mass Shootings" represents a gross violation of the basic civil rights of all Coloradans. It is outside the scope of the state government's authority to enact or enforce, and, in addition to being an illegal overreach at its core, would make tens of thousands of law-abiding Coloradans felons overnight with its provision banning the very possession of certain firearms accessories. I urge the members of this committee to respect the dignity and civil rights of those they were elected to represent and vote against this unconscionable violation of not just the Colorado state constitution, but the United States constitution itself. Remember your oaths and don't become transgressors.
Spencer Crouch Against	The right to own firearms is enshrined in our federal Constitution's 2nd Amendment. There is no limitation to what types of firearms can

themselves	be owned by the people, and certainly no expectation that the government can have AR-15 style rifles while the people cannot. Stop using news-worthy tragedies to execute political motives. AR-15 style rifles are not a major driver of deaths or deaths by firearms. If you look at firearm deaths, and then remove gang violence and suicides (which are almost exclusively handgun related), there are very few remaining deaths (statistically). There is zero chance that this proposed law stands up to the US Supreme Court post-Bruen. The State of Colorado will waste MILLIONS of taxpayer dollars defending an unconstitutional law, and the State will certainly lose.
Eman Tibin Against themselves	HB24-1292 "Prohibit Certain Weapons Used in Mass Shootings" represents a gross violation of the basic civil rights of all Coloradans. It is outside the scope of the state government's authority to enact or enforce, and, in addition to being an illegal overreach at its core, would make tens of thousands of law-abiding Coloradans felons overnight with its provision banning the very possession of certain firearms accessories. I urge the members of this committee to respect the dignity and civil rights of those they were elected to represent and vote against this unconscionable violation of not just the Colorado state constitution, but the United States constitution itself.
Brad Kaelin Against themselves	Members of the Committee, As I have listened to the witnesses this morning, I hear one recurring theme....FEAR. I have a CCL and carry everyday. Why? Because I do not want to be a victim without any recourse. My decision to carry is only reinforced by the number of illegal aliens that are being allowed to invade our country. No doubt, you have heard the old adage, "When seconds count, the police are just minutes away." This sentiment was echoed by the testimony of the Sheriffs of Colorado this afternoon. I have had extensive training. I know the reason for the vast majority of all illegal activity in this nation. Contrary to popular opinion, the human race is NOT intrinsically GOOD. We are fallen. God's own Son Jesus Christ gave the diagnosis: Mar 7:20 And He said, "Whatever comes from [the heart of] a man, that is what defiles and dishonors him. Mar 7:21 For from within, [that is] out the heart of men, come base and malevolent thoughts and schemes, acts of sexual immorality, thefts, murders, adulteries,

	Mar 7:22 acts of greed and covetousness, wickedness, deceit, unrestrained conduct, envy and jealousy, slander and profanity, arrogance and self-righteousness and foolishness (poor judgment). Mar 7:23 All these evil things [schemes and desires] come from within and defile and dishonor the man." I would tell you that not one of us has not fallen into, at least, one of those categories. There is only one remedy for the wicked heart of mankind and that is total surrender to the Lord Jesus Christ. You cannot LEGISLATE this diagnosis out of the human heart. All you can do is legislate the extent of punishment for getting caught. In answer to one of the questions asked by one of the committee members: What will cause more damage or death? 1. TNT 2. Ford F-150 3. AR-15 4. Hand Grenade The real answer would be: HUMANS As for house bill 24-1292, I am opposed to it. Why? Because you are endeavoring to take away from me the ability to protect my family and the church in which I am part of the security team. I am a sheepdog protecting the things I love. Brad Kaelin Aurora, Co.
Gabriel Cox Against himself	The bill being discussed today is, as many have probably said already today, unconstitutional. I understand the rationale behind the bill, and I do believe it comes from a good place, but to completely take away the ability of the common man to protect himself is at its very base is evil. Instead of stopping any shootings it will instead bring a crack down on law abiding people who only wish to enjoy their freedoms as guaranteed by the 2nd Amendment. The fact that law enforcement and military are exempt from this bill is also giving the government a monopoly on violence. I personally served in the Marine Corps for 4 years in the state of California and their assault weapons ban has done absolutely nothing to curb the gun violence in their state, instead it has taken away the ability of everyday people to stop violence against them from criminals who have no qualms with breaking the law. I hope the committee and the representatives

	of Colorado realise that this ban will only hurt the constituents and law abiding free people of Colorado.
Mike Stern Against themselves	An assessment study commissioned by the Department of Justice in 2004 found no evidence that the ban had had any effect on gun violence and concluded that "should it be renewed, the ban's effects on gun violence are likely to be small at best and perhaps too small for reliable measurement."" In fact, You're more likely to be stabbed, strangled, or beaten to death with bare hands than killed by someone with a rifle. Moreover, violent ideologues will not be deterred from their paths of destruction by minor inconveniences such as gun laws. In fact those cities with the toughest gun laws have the highest murder rates. 1. Mass shootings with assault weapons constitute a fraction of a percent of gun violence. 2. Studies find no evidence assault weapon bans reduce homicide rates. A subsequent Department of Justice study found no evidence that the ban had had any effect on gun violence (1994-2004 "assault weapon" ban). 3. Australia doesn't prove gun control works. A 2016 JAMA study on the matter found no statistically significant change in the trend of the country's firearm homicide rate following the law's passage. The authors also noted that the decline in firearm suicides post-ban could not clearly be attributed to gun control since non-firearm suicides fell by an even greater magnitude. 4. There is inconclusive evidence of assault weapons bans on mass shootings. Last year, the RAND Corporation released an extensive scientific analysis of available evidence on gun control measures and how they relate to various crime outcomes. Regarding the effect of assault weapons bans on mass shootings, they determined the evidence was "inconclusive." In Conclusion "The studies, data, and examination of the available evidence by scholars suggest that assault weapons bans or buybacks will have little if any effect on rates of violent crime and gun violence. There seems to be no relationship between these gun control measures and reductions in firearm homicide or suicide, and there doesn't appear to be any clear evidence they reduce mass shootings." Sources:

	https://fee.org/articles/the-federal-government-s-own-study-concluded-its-ban-on-assault-weapons-didnt-reduce-gun-violence/ https://fee.org/articles/banning-assault-weapons-will-not-save-lives/ https://fee.org/articles/studies-find-no-evidence-that-assault-weapon-bans-reduce-homicide-rates/
Ashley Stern Against themselves	"There is also little evidence that these weapons bans have worked in the past. (From 1994 to 2004) Commissioned by the Department of Justice in 2004 found no evidence that the ban had had any effect on gun violence and concluded that "should it be renewed, the ban's effects on gun violence are likely to be small at best and perhaps too small for reliable measurement."" In fact, You're more likely to be stabbed, strangled, or beaten to death with bare hands than killed by someone with a rifle. Moreover, violent ideologues will not be deterred from their paths of destruction by minor inconveniences such as gun laws. In fact those cities with the toughest gun laws have the highest murder rates. 1. Mass shootings with assault weapons constitute a fraction of a percent of gun violence. 2. Studies find no evidence assault weapon bans reduce homicide rates. A subsequent Department of Justice study found no evidence that the ban had had any effect on gun violence (1994-2004 "assault weapon" ban). 3. Australia doesn't prove gun control works. A 2016 JAMA study on the matter found no statistically significant change in the trend of the country's firearm homicide rate following the law's passage. The authors also noted that the decline in firearm suicides post-ban could not clearly be attributed to gun control since non-firearm suicides fell by an even greater magnitude. 4. There is inconclusive evidence of assault weapons bans on mass shootings. Last year, the RAND Corporation released an extensive scientific analysis of available evidence on gun control measures and how they relate to various crime outcomes. Regarding the effect of assault weapons bans on mass shootings, they determined the evidence was "inconclusive." In Conclusion "The studies, data, and examination of the available evidence by scholars suggest that assault weapons bans or buybacks will have little if any effect on rates of violent crime and gun violence. There

	seems to be no relationship between these gun control measures and reductions in firearm homicide or suicide, and there doesn't appear to be any clear evidence they reduce mass shootings." Sources: https://fee.org/articles/the-federal-government-s-own-study-concluded-its-ban-on-assault-weapons-didnt-reduce-gun-violence/ https://fee.org/articles/banning-assault-weapons-will-not-save-lives/ https://fee.org/articles/studies-find-no-evidence-that-assault-weapon-bans-reduce-homicide-rates/
Daniel Bell Against themselves	I am firmly against this bill and do not support it in any capacity. The only result of this will be criminalizing lawful citizens whole infringing on their constitutional right that has been affirmed by the courts of this land. This does absolutely nothing to address the real problem Colorado faces, which is a mental health crisis. Those that wish to do harm upon society will continue to do so now with the ability to conduct evil upon an unarmed populace.
Cora Stern Against themselves	"There is also little evidence that these weapons bans have worked in the past. (From 1994 to 2004) Commissioned by the Department of Justice in 2004 found no evidence that the ban had had any effect on gun violence and concluded that "should it be renewed, the ban's effects on gun violence are likely to be small at best and perhaps too small for reliable measurement."" In fact, You're more likely to be stabbed, strangled, or beaten to death with bare hands than killed by someone with a rifle. Moreover, violent ideologues will not be deterred from their paths of destruction by minor inconveniences such as gun laws. In fact those cities with the toughest gun laws have the highest murder rates. 1. Mass shootings with assault weapons constitute a fraction of a percent of gun violence. 2. Studies find no evidence assault weapon bans reduce homicide rates. A subsequent Department of Justice study found no evidence that the ban had had any effect on gun violence (1994-2004 "assault weapon" ban). 3. Australia doesn't prove gun control works. A 2016 JAMA study on the matter found no statistically significant change in the trend of the country's firearm homicide rate following the law's passage. The

	authors also noted that the decline in firearm suicides post-ban could not clearly be attributed to gun control since non-firearm suicides fell by an even greater magnitude. 4. There is inconclusive evidence of assault weapons bans on mass shootings. Last year, the RAND Corporation released an extensive scientific analysis of available evidence on gun control measures and how they relate to various crime outcomes. Regarding the effect of assault weapons bans on mass shootings, they determined the evidence was "inconclusive." In Conclusion "The studies, data, and examination of the available evidence by scholars suggest that assault weapons bans or buybacks will have little if any effect on rates of violent crime and gun violence. There seems to be no relationship between these gun control measures and reductions in firearm homicide or suicide, and there doesn't appear to be any clear evidence they reduce mass shootings." Sources: https://fee.org/articles/the-federal-government-s-own-study-concluded-its-ban-on-assault-weapons-didnt-reduce-gun-violence/ https://fee.org/articles/banning-assault-weapons-will-not-save-lives/ https://fee.org/articles/studies-find-no-evidence-that-assault-weapon-bans-reduce-homicide-rates/
Colin Stern Against himself	"There is also little evidence that these weapons bans have worked in the past. (From 1994 to 2004) Commissioned by the Department of Justice in 2004 found no evidence that the ban had had any effect on gun violence and concluded that "should it be renewed, the ban's effects on gun violence are likely to be small at best and perhaps too small for reliable measurement."" In fact, You're more likely to be stabbed, strangled, or beaten to death with bare hands than killed by someone with a rifle. Moreover, violent ideologues will not be deterred from their paths of destruction by minor inconveniences such as gun laws. In fact those cities with the toughest gun laws have the highest murder rates. 1. Mass shootings with assault weapons constitute a fraction of a percent of gun violence.

	2. Studies find no evidence assault weapon bans reduce homicide rates. A subsequent Department of Justice study found no evidence that the ban had had any effect on gun violence (1994-2004 "assault weapon" ban). 3. Australia doesn't prove gun control works. A 2016 JAMA study on the matter found no statistically significant change in the trend of the country's firearm homicide rate following the law's passage. The authors also noted that the decline in firearm suicides post-ban could not clearly be attributed to gun control since non-firearm suicides fell by an even greater magnitude. 4. There is inconclusive evidence of assault weapons bans on mass shootings. Last year, the RAND Corporation released an extensive scientific analysis of available evidence on gun control measures and how they relate to various crime outcomes. Regarding the effect of assault weapons bans on mass shootings, they determined the evidence was "inconclusive." In Conclusion "The studies, data, and examination of the available evidence by scholars suggest that assault weapons bans or buybacks will have little if any effect on rates of violent crime and gun violence. There seems to be no relationship between these gun control measures and reductions in firearm homicide or suicide, and there doesn't appear to be any clear evidence they reduce mass shootings." Sources: https://fee.org/articles/the-federal-government-s-own-study-concluded-its-ban-on-assault-weapons-didnt-reduce-gun-violence/ https://fee.org/articles/banning-assault-weapons-will-not-save-lives/ https://fee.org/articles/studies-find-no-evidence-that-assault-weapon-bans-reduce-homicide-rates/
Andrew Stern Against himself	"There is also little evidence that these weapons bans have worked in the past. (From 1994 to 2004) Commissioned by the Department of Justice in 2004 found no evidence that the ban had had any effect on gun violence and concluded that "should it be renewed, the ban's effects on gun violence are likely to be small at best and perhaps too small for reliable measurement."" In fact, You're more likely to be stabbed, strangled, or beaten to death with bare hands than killed by someone with a rifle.

	Moreover, violent ideologues will not be deterred from their paths of destruction by minor inconveniences such as gun laws. In fact those cities with the toughest gun laws have the highest murder rates. 1. Mass shootings with assault weapons constitute a fraction of a percent of gun violence. 2. Studies find no evidence assault weapon bans reduce homicide rates. A subsequent Department of Justice study found no evidence that the ban had had any effect on gun violence (1994-2004 "assault weapon" ban). 3. Australia doesn't prove gun control works. A 2016 JAMA study on the matter found no statistically significant change in the trend of the country's firearm homicide rate following the law's passage. The authors also noted that the decline in firearm suicides post-ban could not clearly be attributed to gun control since non-firearm suicides fell by an even greater magnitude. 4. There is inconclusive evidence of assault weapons bans on mass shootings. Last year, the RAND Corporation released an extensive scientific analysis of available evidence on gun control measures and how they relate to various crime outcomes. Regarding the effect of assault weapons bans on mass shootings, they determined the evidence was "inconclusive." In Conclusion "The studies, data, and examination of the available evidence by scholars suggest that assault weapons bans or buybacks will have little if any effect on rates of violent crime and gun violence. There seems to be no relationship between these gun control measures and reductions in firearm homicide or suicide, and there doesn't appear to be any clear evidence they reduce mass shootings." Sources: https://fee.org/articles/the-federal-government-s-own-study-concluded-its-ban-on-assault-weapons-didnt-reduce-gun-violence/ https://fee.org/articles/banning-assault-weapons-will-not-save-lives/ https://fee.org/articles/studies-find-no-evidence-that-assault-weapon-bans-reduce-homicide-rates/
Nathan Smith Against	This initiative is unconstitutional and un-American. We have a god given right to defend ourselves, much like Elk having antlers. We cannot rely on others to protect us 24/7, we are our own first

themselves	responders. Consider the negative effects this will have on our state and nation if this passes. Alternatives are needed to attend to the mental health crisis. Sincerely.
Richard Mack Against themselves	My name is Richard Mack, I live in Centennial, CO. Thank you for reading/hearing my testimony today. I absolutely oppose HB24-1292 and I ask that you withdraw your support for HB24-1292 and vote to no. This bill ultimately punishes the larger majority of lawful concealed handgun permit holders and future gun owners. This bill does not address the true issue which stems from the spiritual and mental health of the perpetrators. Those with ill intent will still find ways to obtain weapons through illegal means. Law-abiding citizens, however, will be left defenseless against potential threats to their safety and their families. Instead of infringing on constitutional rights, we should focus on enforcing existing gun laws. Swift and speedy trials with harsh punishments are true deterrents. Instead cases are drawn out and the general public often forgets what crime had been committed. Probably in some cases, the defendant probably has too. You should not punish responsible gun owners for the actions of a few bad actors. It is not the guns, it is the people behind them. Work on solutions that address the mental health of the criminals that are committing these crimes, not the law abiding citizens. Thank you, Richard Mack 153 E Panama Dr Centennial, CO 80121
Emily Suyat	Thank you to the Chair and committee members for allowing me to testify in support of this bill. My name is Emily Suyat and I support

For themselves	HB24-1292. I don't think that civilians should have access to weapons that would allow one person to kill 61 people and injure 413 in the span of less than 30 minutes, as happened in Las Vegas. Thank you to the legislators who search for—and vote for— real solutions to our gun violence epidemic.
Rob Menna Against themselves	This bill is obviously unconstitutional. It is overbroad in its definitions, rendering the majority of firearms in America illegal in Colorado by using the fear mongering descriptor "assault". It will then result in doubly unconstitutional takings of personal property, by rendering illegal the transfer of property upon death of the owner. This bill is, more importantly, founded upon a nonsensical fallacy: that "interpersonal violence" - crime - can be legislated away. Anyone with common sense knows that criminals don't obey laws. This is irrefutable. Indeed definitional. This law will only force law-abiding citizens to surrender weapons with which they could have defended themselves, against the criminals this bill empowers.
Andre Nischan Against themselves	You are all a bunch of jackbooted fascists. You only want to disarm the citizens of Colorado so that nothing will stop your tyranny. We all know you could not get away with more restrictions during the covid era due to an armed populace. For sure your rhetoric during this time period would have had mass arrests a reality. Britain took our arms away to guarantee a monopoly of violence against the subjects of the King. We as free citizens, given our rights from God not government, will never accept your tyranny. You are cowards for wanting to disarm us.

Andrew Trahern Against themselves	Anything to infringe our rights to have and carry firearms shall not be tolerated let alone made into law. This is an overreach by government.
Martin Tylicki Against themselves	Hello, I am writing in today to oppose HB 24-1292 and ask for it to be voted down. This bill is overly vague and as many people testified today will ban the vast majority of modern firearms currently for sale today. Many people have already spoken about how it punishes law-abiding citizens and reduces their capacity to defend themselves so I won't repeat these points. I want to focus more on one particular part of the bill which shows the writers don't understand (or aren't being honest about) the scope of firearms which would be affected. One of the items qualifying a firearm as an assault weapon is a "shroud attached to the barrel, or that partially or completely encircles the barrel..." and this is the item I wish to focus on. Based on this it would seem that any semi-automatic rifle with a detachable magazine and a stock that allows a user to hold the rifle under the barrel would also be qualified as an assault weapon. I cannot think of a single modern day semi-automatic rifle that doesn't use a detachable magazine and has something over the barrel allowing the user to grip it with their non-trigger hand since this is standard rifle shooting technique. Essentially this would be a semi-automatic rifle ban and the bill text needs to reflect this if we are to have an honest discussion on what the potential consequences are. I believe this shows how the bill is attempting to ban much more than just the ARs and AKs it claims are the danger that need to be removed from society. This bill is dishonest about its intentions and scope and should not be made into law. Thank you for your time, Martin
Steven Lahvic	Members,

Against themselves	I am testifying today to oppose HB24-1292. This bill is yet again, one of many, not intended to reduce crime but to slowly chisel away citizens right to defend oneself against crime. This horrific bill will make criminals out of law abiding citizens who have the God given right to protect themselves and their families against the negative elements that permeate our society. I suggest instead that the sponsors of this bill create legislation to enact "Broken Windows" policies for DA's to follow and allow law enforcement to conduct "stop and frisk" (read Terry v Ohio) when reasonable. Those policies will make us safer. I am an Army veteran with 12 years active duty, including combat deployment, and I have NEVER seen an AR-15 on the battlefield. "Assault" weapons these are not. Regards, Steven Lahvic
Jacob Watson Against themselves	My name is Jacob Watson, I am a United States Marine Corps veteran and a firearms instructor. This bill will create more victims and ignores the constitution. The 2nd amendment is not about hunting, it is a recognition and a protection of people's God given right to resist against unjust force of any kind. The 2nd amendment protects military arms. Any and all gun control is unconstitutional, including the national firearms act and the gun control act, and I believe that any court that correctly upholds the findings in Bruen will come to the same conclusion. We all care about protecting children, friends, family, and our fellow citizens. The best way to do that is to be prepared to be our own first responders. That means having firearms and the associated gear, training with them regularly, and being willing and prepared to use them in defense of innocent life. This bill does nothing to protect anyone and will leave good people less able to protect themselves.
Jonathan Nau For themselves	As an educator and a parent, I am constantly reminded of the impact assault weapons have on our school communities and society as a whole. Just in this past month, at the school I work at, we had to have a lockdown practice as if there was a live threat on campus. My daughter also had to have a live shooter practice at her school, however she is just 4 years old and goes to a daycare. I believe it is beyond time to ban the use of guns in this country. By prohibiting certain guns used in mass shooting, is a significant step in the right direction forward on this goal. These weapons were never intended to be in the hands of civilians. These ASSAULT weapons were not meant for self-defense. The right to keep and bear arms was not formed to have individuals dictate who can live and who can die.

	It was formed to help protect states and civilians rights against the tyranny of a national government on their freedom. I stand in support of prohibiting such weapons so that students and all civilians don't have to fear going into public spaces during their everyday lives. Thank you
Anthony Panza Against himself	Hello, I am testifying this bill as it is a direct violation of the 2nd amendment stated in the US Constitution. I am of the opinion that it is an overstep for any state or federal government to ban items like such as it would make thousands of Coloradans felons almost overnight. Sporting rifles sometimes used in mass shootings have a wide variety of purposes beyond the unfortunate mass shootings. As the document states "assault" weapons like the AR15 are not sold or advertised as weapons only intended to cause harm to human beings. These weapons can be used for small game hunting, target shooting, competition shooting and more sport shooting events. Not to mention these items are used by many as self defense tools and protective devices. If police and peace officers are allowed to carry said items, the US public should allowed to posses these items to prevent a tyrannical government from taking power over the people it is meant to SERVE not CONTROL.
Nathan Hochhalter For himself	Hello, members of the committee, Thank you for hearing our testimonies today, I know it will be a long day for all of you but we all appreciate the democratic process you are leading. My name is Nathan Hochhalter and I am writing to urge your support of HB23-1230. I am a Navy Veteran, a mass shooting survivor, a gun owner with a variety of firearms, and my mom also died by suicide from a gun. I have handled many different types of firearms both in a military capacity and as a civilian gun owner, I don't believe that weapons, that are similar to the weapons I used during my service are necessary to protect my freedoms and I don't believe that regular citizens should have access to these types of firearms that are meant for war. I understand that an AR-15 and other similar variants are not the same as an M-16, but the main purpose of both is; that they are extremely effective at neutralizing human life. Yes, they can be used for other functions such as hunting, self-defense, and sporting, but many other options exist that work just as effectively. We're trading kids' lives for people's hobbies and I don't think it is right. Thank you,

	Nathan Hochhalter
Thomas Wilson For themselves	Good morning distinguished members of the House Judiciary Committee, I am writing today to support Prohibiting Certain Weapons Used in Mass Shootings. It is time to recognize and accept the research completed years ago: Mass shooting fatalities were 70% less likely to occur from 1994 to 2004, when the federal prohibition on assault weapons and high-capacity magazines were in effect, than during the 13 years studied before and after the prohibition. An assault weapons ban would save lives here in Colorado. Please push this significant legislation through, and have this ban on assault weapons save lives in our great State. Thank you, Thomas Wilson
Ryan Absher Against themselves	To those who oppose the right to defend, I'm writing in regards of HB24-1292. This bill only places law-abiding citizens at risk while placing no harsher punishments to criminals. If this bill passes it not only goes the oath you took upon becoming a representative, the oath you swore to protect, but necessarily goes against a right that free citizens are entitled to. The bill you presented is full of emotion and contains language that screams inexperience and is full of misinformation to those who aren't aware. A firearm takes mental training and no firearm is readily available to be shot without practice and takes years to control recoil. The statement found in the recent bill is misleading as no firearm accepts little experience to attain maximum accuracy. Shrouded coverings that circle the barrel are not dangerous. Threaded barrels are not dangerous. Folding/telescoping stocks are not dangerous. None of the listed items pose any threat and nor do they make a firearm "more fatal"; it is the person that makes the weapon dangerous. There is no defined term for 'assault weapon'. But may I ask, can you

	define what an "assault weapon" is without describing a firearm? Also, AR does not stand for 'assault rifle', see company, Armalite Rifle Co. What these people did is terrible but to ban firearms to the future law-abiding, self preserving citizen is cruel and dangerous. A society disarmed is no longer a society than they are slaves. By supporting this bill you are allowing the government and law enforcement to be weaponized while simultaneously disarming the right to bear arms by the people. If we've learned anything from recent events, it's that police officers are not obligated to protect citizens in times of violence and death. By ultimately banning firearms, you will further place the people you represent in a position that disallows them to protect their life and life of others. Signed, Ryan Absher.
Jonathan Hummel Against themselves	HB24-1292 "Prohibit Certain Weapons Used in Mass Shootings" represents a gross violation of the basic civil rights of all Coloradans. It is outside the scope of the state government's authority to enact or enforce, and, in addition to being an illegal overreach at its core, would make tens of thousands of law-abiding Coloradans felons overnight with its provision banning the very possession of certain firearms accessories. I urge the members of this committee to respect the dignity and civil rights of those they were elected to represent and vote against this unconscionable violation of not just the Colorado state constitution, but the United States constitution itself. The introduction of this bill and the other "proposed anti-second amendment bills is a violation of the authors' oath of office. They directly fly in the face of the recent Supreme Court rulings.
Heidi Wilbur For themselves	My name is Heidi Wilbur and I am testifying in favor of House Bill 24-1292. I am a resident of Denver, CO (House District 7). Restricting access to assault weapons enhances public safety by minimizing the potential for mass shootings and reducing the lethality of criminal activities. I support this bill and encourage you to pass it for the safety of our communities.
Brian Muhm Against themselves	I stand in opposition of this bill as it is an infringement on my 2nd amendment rights. We need to approach the issue of public violence in a way that actually impacts the core issue without punishing the public majority of citizens that are law abiding and non violent. This bill shares many similarities with so called assault weapons bans

	passed in other states that have had minimal impact if any in stopping crime. Sincerely, Brian Muhm
Phillip Escobedo Against themselves	I am writing to express my firm opposition to the proposed assault weapon bans. I understand the desire to address gun violence I believe that such bans are misguided and ultimately ineffective in achieving their goals. The following arguments are supported by factual evidence and logical reasoning. It's essential to acknowledge that the majority of homicides in the United States are committed using handguns, not assault weapons. According to the (CDC), handguns are consistently the most common type of firearm used in homicides, comprising approximately 64% of all firearm-related murders. Restricting access to assault weapons, addresses only a fraction of the problem. The effectiveness of assault weapon bans in reducing gun violence is highly questionable. Numerous studies and analyses have shown that such bans have little to no impact on overall crime rates. A comprehensive study conducted by the National Institute of Justice found that the federal assault weapons ban implemented between 1994 and 2004 had no discernible impact on gun violence. Research published in the Journal of the American Medical Association concluded that the ban's expiration did not lead to an increase in gun homicides or gun crime overall. One of reason why assault weapon bans fail to curb gun violence is the focus on the cosmetic features of firearms rather than their functional characteristics. The term "assault weapon" is vague and often arbitrarily defined, leading to confusion and loopholes in legislation. Many firearms categorized as assault weapons are functionally no different from other semi-automatic rifles commonly used for hunting and sporting purposes. Banning certain firearms based on their appearance rather than their lethality does little to address the causes of gun violence. Instead of pursuing ineffective measures like assault weapon bans, the focus on evidence-based strategies that have been proven to reduce gun violence. This includes stronger prison sentences, improved access to mental health care, and targeted interventions to address causes of crime. In conclusion, I urge you to oppose the 2024 Colorado Assault Weapon ban and instead advocate for solutions that are grounded in data and logic. Focusing on strategies that address the causes of gun violence and respecting the rights of

	responsible gun owners, lets work together to create safer communities.
Jacob Archuleta Against themselves	I would like to ask why the solution to a problem caused by an extreme minority of people is to exact punishment on a majority of people. I could point to studies showing that any average person is more likely to die to a lightning strike or on their morning commute than die due to gun violence, but the simple fact of the matter is that a shooting is still considered a tragedy in this country because it is a rare occurrence. A shooting does not come about as a spur-of-the-moment idea, and a mass shooter is not looking to do what they do and make a getaway attempt. It is an attempt at suicide. So with this in mind, the question is again, why are law-abiding people who own guns or wish to own guns whether for recreation or protection, punished for an attempted suicide that hasn't happened yet? Why is nothing being done to get these unhealthy people the help they need as opposed to engaging in this quixotic charge year after year? I am a registered Democrat who lives in a rural area. I am also a gun owner. I hear increasingly alarming rhetoric from fringe political groups about people I care about whom I fear will be left out in the cold if a ban like this passes. Every year I see the party I've hitched my wagon to engage in something that I find not only meaningless, but deeply harmful. This is to say, although I want my party to do good, I cannot in good faith vote for people who will only deflect the answers I asked earlier. Thank you for your consideration Jacob Archuleta
Maureen Lahvic Against themselves	Dear Members, I am testifying today to oppose HB24-1292. As a woman and a sexual assault survivor I rely on certain resources and abilities to provide for my safety. This bill will remove those tools and increase my chances of becoming re victimized. Vote NO to HB24-1292. Sincerely, Maureen Lahvic

Cara Goman For themselves	To Whom it may concern: I am wholeheartedly FOR this bill. I am a parent of three young children, one of whom started kindergarten this year. When meeting other parents of in-coming kindergarteners, one of our first conversation topics was often: how safe is the school building? How thick is the glass at the entrance? How often do they conduct lock down drills? We should be chatting about backpacks and soccer practice — not whether or not a shooter will hurt our children at school. I believe this bill is one necessary step in the right direction. Our community does not need these types of weapons in circulation. Thank you for your consideration.
Aaron Shore Against themselves	I have lived in Colorado majority of my life to include my time in the Army, in that time Coloradans have faced attack after attack after attack on our 2nd amendment rights. This bill will leave future firearm owners unable to purchase the tools they need to be able to defend themselves. Just having a firearm on me has saved me on two accounts without even having discharge it. The people of this state are fed up with these grabs year after year that continue fail.
Caroline White Against themselves	I, a resident of El Paso county, oppose this radical gun ban bill. I don't believe the government should be allowed to have guns that the citizens aren't legally able to possess. We need to maintain our rights as American citizens, rather than lose more and more freedoms in the name of public safety and an extremely radical gun bill that will only affect law abiding citizens, not criminals. This bill is misleading on so many levels, and will not stop a mass shooting. If someone wants to obtain a gun, and can't do so legally, he/she will find a way illegally (just look at the illegal drug trade for example, and the history of mass shootings). It is also misleading because the bill suggests banning guns on the basis of cosmetic features such as a barrel shroud or pistol grip, for example. A cosmetic feature does not affect lethality and is silly to be included in this bill. It is a plot to ban as many guns as possible, stripping citizens of their rights.

	In addition to being misleading, it is also extremely radical. The penalties in the bill state a quarter of a million dollar fine for the first offense and a half a million dollars for the second? That is INSANE. Overall this bill doesn't make sense and that's because it is a radical guise. The true purpose is a long game to abolish the 2nd amendment. This proposed bill is unconstitutional and should not pass. Vote no on HB24-1292. Protect our rights as Americans. Allow me, as a woman, to choose how I protect myself instead of seeking to limit my rights and expose me to potential danger. Thank you for taking the time to read my thoughts, Caroline
Doug Keys Against themselves	As a life long resident and 2nd generation native of the state. I urge you to follow the Constitution as written and preserve our 2nd amendment rights. If this passes, current firearms owners will be treated as criminal and be subject to fines and imprisonment for doing nothing but exercise a constitution al right. Then when you die the passing on of heirlooms will be curtailed. Which amounts to state sponsored theft of personal property. This leaves very little recourse for citizens and will force them to make the decision of staying in the state they love and giving up their rights, or moving to somewhere that respects their rights. Maybe that is the reason for this bill. To force people who don't agree with the sponsors to be driven from their home to allow the further degradation of rights and quality of life we once knew here.
Lisa Keys Against themselves	I'm a law abiding Colorado native that doesn't agree this alteration of the Constitution to strip away the citizens rights and clamp down on ridiculous fines that is next to impossible of paying & feel like it is now the governments goal is to push citizens out & away
Logan Thiessen Against themselves	HB24-1292 serves as a removal of protections rather than a provision of protection. I completely disagree with the premise of this bill brought forth in section 2a on page 4 lines 14-17. These weapons are not for the purpose of mass killing. The features of these firearms is simply for

	ease of use. That ease of use is important to my small family. I can rest assured knowing that if I am not home and am working my wife can bring to bear the force necessary to stop a threat. She is able to use these firearms because of the grips, because it has a heat shield, and a large detachable magazine means that with no intervention she is capable of protecting our home and child for as long as it takes for a law enforcement response. She doesn't have to submit to burglary, rape, or murder at the hands of a much stronger or drug induced attacker. In essence she is as strong as the most "hyper masculine" (the language in the bill) individual who would seek to do our family harm. Why would you want to deprive others of that same protection? Additionally, law enforcement is being stretched more and more each day and response times are growing. In 2020 I saw the unthinkable of riots in our streets around this capital. Many building still bear the scars of that summer. Law enforcement response times were maximized due to the riots and this assembly would have us citizens who have called Colorado home for the entirety of my life left to the whims and justice of a mob. And for the record I didn't see the point of these types of weapons until that summer. That is when my government failed me of its basic functions. To protect the innocent and punish the wrong doer. This is what this bill does. It subjugates the average citizen to tyranny whether intentional or not. It says that because of the actions of a few evil people we lose our "privilege" to self defense... it's a right enshrined in the constitution. Each right in the bill of rights is attributable to the individual and the 2nd is no different. This bill is not the way to stop the epidemic of loss of life due to evil men and women... there will always be evil men and women. Sincerely, Logan Thiessen
William Hanes Against themselves	I am a retired law enforcement officer with over 30 years of service. I am totally OPPOSED to HB24-1292. This bill will do nothing to stop criminals and mentally ill from carrying out their evil deeds. At best, it is well-intentioned but naive. Realistically, it is just another thinly disguised ploy to strip 2nd Amendment rights from law-abiding

	Coloradans. The strong enforcement of criminal law (including reinstatement of the death penalty,) and increased funding for mental health care, are the answers to stop mass shootings. Don't rob law-abiding citizens of their Constitution Rights! Vote NO on HB24-1292!
Scott Pennington Against himself	Oppose this unconstitutional infringement on the human right of self defense. Firearms save lives. As evidence of that fact, there are armed individuals that provide you security, and it is right that they do so. The lives of individual citizens are as valuable as lawmakers lives. The problem is the hearts of those that would do harm, and this bill doesn't address that issue.
Greg Trough Against himself	.Besides anti 2nd Amendment, factories can just rename these to get around your bill. We can simply buy them from another state. No member likely cannot identify any of the named firearms that were used in a "mass "shooting. The bill is destined to be reversed in the Supreme Court and make Colorado General Assembly ,again, look foolish. Go after the bad guys, not firearms.
Meneka Hecox For East Students Demand Action Chapter	Dear Chair Weissman and Vice Chair Bacon and Judiciary Committee Members. My name is Meneka Hecox and I am the Community Engagement Co-Lead for East High School Students Demand Action. I am here today to urge you to pass the HB24-1292 assault weapons ban. The last time I sat in this room, talking into this mic was for the last Assault weapons ban bill. The one that didn't pass. About 3,000 people have already been shot and killed in 2024. I am here today, yet again, to share my story, because once clearly was not enough. February 13th Luis Garcia was shot at the end of the esplanade by 17th. Only feet away from my school, me and hundreds of other students and staff. He was sent to the hospital and sat on life support for days. He died on March 1st, 2023. East couldn't catch a break. Not even a month after 2 deans were shot, and this time the gun was in the building. The deans survived but Austin Lyle didnt, he died by suicide that same day. These events do not entail the many other things I have experienced surrounding Assault weapons. Not to mention the SWATTING and the Carla Madison shooting. All these events have one specific thing in common they all include the dangers of Assault weapons. This is why I am here. No matter how many SRO's or metal detectors, or locks you put in a school the students will still be in danger. People are dying by the minute because this bill has not been passed. Passing this bill will not save everything but it will dramatically change the lives of many students. The uncertainty that comes with going to school, the risks I take every single day, simply to get an education is disturbing. If I am

	being completely honest as of right now, I am scared that I won't make it to college, and if I do, will I graduate, gain my degree, will my dreams ever come true? I am infuriated, sad, angry, and mad that my government can not and will not protect me. I have lost my hope in the possibility of change. There will be no future generation to step into your shoes if they're all dead. Pass this bill please, so that I can have the life I dreamed of. The life my parents dreamed of. Pass this bill for all the kids whose dreams will never come true. By passing this bill you can be part of the solution. Not only have assault weapons corrupted schools but they have corrupted entire neighborhoods. Pass HB24-1292 now to spare the lives of more innocent children. Pass this bill to save me.
Paul Homberger Against themselves	I would first like to thank you for your willingness to serve as a representative for the people of Colorado. As an educator in our public school system, I understand the importance of educating, representing, and serving our community. Last year, I wrote an e-mail to you asking you to vote against the bill, HB23-1230 Prohibit Assault Weapons in Colorado. I was relieved that the bill was voted down and that you, the legislators, listened to the tens of thousands of emails, phone calls, and letters that were sent to you asking you to not support this bill. I had pride at the end of the legislative session that our representative government listened to the public. This year, I see that a similar bill, HB24-1292 Prohibit Certain Weapons Used in Mass Shootings, was introduced for consideration. I am disappointed to see the introduction of this bill. I respectfully ask that you vote no on this very similar bill. Last year, the legislature passed several bills pertaining to public safety and gun ownership. I ask that you allow more time to pass to gather data to see if those bills/laws are enough to have the desired effect on gun violence before dedicating time, resources, and energy into vilifying and punishing responsible gun owners with continuing to pass additional bills. Instead, put your energy and resources into addressing those individuals that would harm others regardless of the type of violence they choose. Propose bills that will help individuals that struggle with

	bullying, social acceptance, financial opportunity, hate, isolation, suicidal ideation, early childhood trauma, online addiction, and abuse whether physical, sexual, or emotional. We all need to be proactive and help our fellow Coloradoans before they decide to use any weapon illegally. I respectfully ask that you do not punish responsible gun owners. Instead, focus on helping those who need our support and help. Therefore, I ask that you vote no.
Matt Durnford Against himself	The very concept our founders had when designing the framework of our government and our country was to escape tyrannical governments and to prevent them from ever taking roots in our country through a democratic republic, not a true democracy. Inalienable rights enshrined in our constitution being life, liberty, and the pursuit of happiness. Along with those inalienable rights, they drafted the bill of rights to allow individual liberties of citizens. The mere premise that legislators in the state of Colorado believe they can regulate and restrict the rights given to us by God and our founders is a fallacy. The second amendment protects and guarantees the other amendments will be upheld. Shall not be infringed means no regulation or restriction. Instead of criminalizing law abiding firearms owners, our society needs to shift focus towards mental health aid and having a two parent nuclear family with love and support. Put fathers back in children's lives and watch what happens naturally. "A WELL REGULATED MILITIA BEING NECESSARY TO THE SECURITY OF A FREE STATE, THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS SHALL NOT BE INFRINGED."
Robert Farrow Against himself	Good afternoon and thank you for the opportunity to voice my opposition to this unconstitutional and unwarranted legislation, HB 24-1292. I am a native Coloradoan We have all seen the results of atrocities committed upon innocent persons by deranged individuals and we can all agree that these horrific events need to be put to a stop. However placing the blame for these events on mechanical objects is not the answer. We do not have a "Gun Violence" problem in this nation, we have a societal problem. We have a segment of society that feels the only way to be heard, to be relevant and the only way to deal with their angers and frustrations is via acts violence be it committed with a hammer, a knife or a firearm.

	HB 24-1292 will not prevent any act of violence or crime no matter what the proponents may write, quote or say. Those with intent of causing harm to others or committing a crime will disobey law, reason and morality. All what HB 24-1292 will accomplish is to negatively affect the billion dollar+ hunting, sporting and retail industry in this state and the most law abiding and respectful segment of our broken society. You will accomplish nothing with passage of clearly unconstitutional legislation. In closing: Attempting to control and change human behavior by controlling a mechanical object is nothing more than an exercise in futility, ignorance and most importantly- arrogance. Thank You R Farrow
Joseph Wilkey Against themselves	I am against this. You will only hurt Colorado. You made an Oath to Uphold the Constitution of the United States of America. ALL OF IT. Not what you agree with. If you are for this, you should remove yourself from office immediately. "The right of the people to keep and bear arms shall not be infringed! That is exactly what you are doing. It's disgusting and you will cause more harm in Colorado
Patricia Lewis For themselves	As a family member of a gun violence victim I know the devastating effects of a gunshot. A death due to gun violence is a horrific thought also think of the survivors who are left with debilitating injuries for life. Children are the future and our most precious gift and yet we do not properly protect them in schools. I do not want armed teachers in the classroom! Teachers wear too many "hats" as it is. Security guards with their handguns are no match for SEM- automatic weapons. I personally am intimidated when I am in a crowd or shopping center, I constantly look for exits. My life has shrunk because I am afraid to go places where I or my family might be an easy target. I think any law that keeps guns out of the hands of unstable or criminals is a deterrent and a step in the right direction. And nobody needs a semi-automatic weapon for protection or hunting. I SUPPORT HOUSE BILL 1292.

Hunter Peden Against themselves	Hello, I would like to submit my written testimony against this bill. While I understand the intentions behind it's supporters that they believe it will help save lives, I do not believe it will accomplish that goal. Unfortunately, as we have seen repeatedly in this nation, those who intent to harm others will choose to do so, regardless of what laws stand in place to prevent them from doing so. We have seen evidence of this directly in this great state when the Columbine shooting happened in 1999 while the national assault weapons ban was in place. As I see it, the only thing this bill would accomplish in practice is the erosion of the 2nd amendment rights of honest, law-abiding citizens by preventing access to commonly owned firearms that many choose to purchase for self-defense and sporting purposes. For these reasons, I do not believe this bill should be passed as it fails to address how it would actually prevent any harm being done and significantly restricts the rights of good citizens in this state. I hope these words reach you and help you to make the right decision in this. Thank you for your time and consideration. Hunter Peden
Samuel Urquhart Against themselves	I would like to express my firm opposition to HB24-1292 as it is a clear infringement of both the U.S. and Colorado Constitution. The Second Amendment of the U.S. Constitution clearly states, "the right of the people to keep and bear Arms, shall not be infringed" and Article II, § 13 of the Colorado Constitution states, "The right of no person to keep and bear arms in defense of his home, person and property... shall be called into question;". I understand that mass shootings are a problem and need to be addressed. Taking away the rights of law abiding citizens who only seek to defend themselves and their families is not the way to stop mass shootings. HB24-1292 is not only an infringement on our constitutional rights but also a misguided attempt at solving the problem of mass shootings. A more reasonable approach to solving mass shooting is starting by

	recognizing that many happen in gun free zones by very mentally ill people and in many cases obtained the firearm(s) used illegally. A tool should not be blamed for its users action. There are already increasingly more stringent rules on obtaining a firearm in colorado, we should see how some of these new laws, such as the waiting period after purchase, work before taking such drastic action. There are other more effective ways to enact "gun control" without stripping the rights of law abiding citizens. Increasing gun safety education and encouraging the lawful bearing of arms would have a great impact on reducing mass shootings. HB24-1292 aims to arbitrarily define "assault weapon" and irresponsibly ban these "weapons". By banning all semi-automatic rifles capable of excepting a detachable magazine and has a pistol grip or threaded barrel would strip colorado citizens of their right to defend themselves. With the broad and arbitrary definition of "assault weapon" this bill will ban many of the common arms that are available and affordable to colorado citizens, and that are most suited for self defense. Without many of the modern firerms outlined in this bill colorado citizens will be defenseless againts a tyranical government, among many other threats, nonetheless, this bill outlines that these prohibitions do not apply to any "government officer or agent". This bill is a direct violation of the us and colorado Constitutions and does not solve the prblems it aims to. Please stand with me in strong opposition to HB24-1292
Taylor Caron Against themselves	HB24-1292 is deeply flawed and should be canned. The preponderance of semi-auto rifles in civilian hands means this bill will take decades before having even a shred of the hopes-for effect, possibly forcing one or two troubled individuals to choose a different gun to inact mass murder, at the same time forcing untold numbers of honest citizens to choose less effective means to defend their homes. Separately the inclusion of threaded barrels on pistols shows this bill as just another obvious attempt at sling crap on the wall to see what sticks. The use of a threaded barrel for assault by firearm is statistically non-existent. However it is very commonly used to reduce muzzle rise for better performance. The heart of this bill is to deny citizens excellent tools for self defense in exchange for a statistically rare counter benefit of dubious effect. It will no doubt be contested and likely waste years and untold dollars fighting its way through the courts. Should this pass it will decidedly lose the party votes, in exchange for nothing. Thank you for letting this die right here.
michael ponder Against	Hello,

themselves	I am writing to oppose this overly aggressive bill banning the sale and purchase of semi automatic firearms in the state of colorado. Besides being completely unconstitutional in every way possible, it will put your tax paying citizens lives in danger. By removing practical and useful lines of defense against the many dangers we face in this failing state, you out us at risk. The criminals on our streets, some being bussed here by the thousands, are armed and are not going to follow your laws like us tax paying law abiding citizens. The streets of colorado are littered with gang members and drug addicts. Denver has fallen almost. Don't hand these evil people the key to taking over. In many cases one of the main deterrents to violent criminals and rapists is that every home could be armed to protect itself. What do you think will happened if that threat is mitigated? What is gonna happen when only the evil people who ignore laws know that they have the advantage when walking through our parks, in our neighborhoods or potentially into a school? These laws will never prevent bad people from harming others; there are always ways to get guns or to use other methods. This law will just prevent citizens from protecting themselves. This is just a politically motivated maneuver that does not have our citizens' safety in mind at all. Quiet the opposite. There are migrants, some as young as 16, already on our streets with high caliber ar-15's and worse that they brought with them or acquired illegally. These are the people hurting others and would completely bypass this bill. I oppose this bill and standup for my constitutional rights to defend myself and my country against evil and tyranny.
Conner Glenn Against themselves	As a 27 year resident of Colorado and a very concerned citizen, I am writing to express my vehement opposition to the proposed assault weapons ban, HB24-1292, and respectfully request your NO vote on this legislation! As a responsible citizen and advocate for firearm ownership, I know this measure would not only infringe upon our constitutional rights but also will fail to address the root causes of violence in society.

	The Second Amendment of the United States Constitution grants individuals the right to bear arms. Any attempt to restrict this fundamental right undermines the principles upon which our nation was founded. The government's role should be to protect and uphold these rights, not curtail them. It is critical that you acknowledge that the term "assault weapon" is vague and ambiguous, often used to demonize firearms based on cosmetic features rather than their function or capability. Banning certain types of firearms solely based on arbitrary characteristics does not make our communities safer; instead, it penalizes law-abiding citizens such as myself and does nothing to address the underlying issues contributing to violence. A comprehensive approach to reducing violence should focus on addressing mental health issues, improving access to education and economic opportunities, and strengthening law enforcement efforts to combat illegal firearms trafficking. Merely targeting law-abiding gun owners with restrictive legislation is a misguided and ineffective strategy. Banning assault weapons would have severe repercussions for responsible gun owners, including hunters, sport shooters, and collectors, who use these firearms safely and responsibly. Such a ban would unfairly penalize law-abiding citizens for the actions of a few individuals who choose to misuse firearms. Instead of pursuing restrictive measures that infringe upon the Rights of all Coloradans, I urge policymakers to focus on EVIDENCE-BASED solutions that respect OUR Second Amendment while promoting public safety. This includes investing in mental health services, improving background checks, and implementing targeted interventions to prevent firearm-related incidents. I strongly oppose the proposed assault weapons ban and urge you to consider alternative approaches that uphold our constitutional rights while addressing the complex issue of violence in our society. *** VOTE NO ON HB24-1292 *** Thank you for your attention to this matter.
--	---

Duane Harclerode Against themselves	I am against HB 24-1292. First, this represents a clear violation of the 2nd amendment rights. Second, this bill would do nothing to stop the gun violence issues that you present as the reason for the bill. Third, so called assault weapons do provide utility in terms of sport shooting use, hunting applications and for home defense. This bill only serves to further restrict the 2nd amendment right of law abiding citizens and will do nothing to stop the criminals who are intent on committing such violence.
Terry Sandmeier Against themselves	Dear members of the House Committee, I am born and raised in Colorado and lived here my entire life. I opposed this bill as it does not represent the value and rights as a citizen of Colorado and the United States. This bill would restrict my right to protect myself, my family and would encroach upon my constitutional right to bear arms. This bill is too general to address certain firearms in question and restricts a broad number of firearms. In though of some of the recent instances of "mass shootings" I would need to have a firearm of being able to provide multiple rounds, being able to fired in a timely matter to be able to adequately protect myself and my family during an active gun situation. I want my daughters to have the ability to protect themselves from potential attackers and dangerous situation that we are increasingly finding in Colorado. The crime in Colorado has risen drastically and imposing laws onto law abiding citizens only favors the people who are breaking the law and shooting people and are committing other crimes. I whole heartedly oppose this bill. Please do not take away my rights as a law abiding citizen of Colorado and the United States to be able to protect myself and own a firearm.. Sincerely Terry Sandmeier
Kevin Abriam Against themselves	I sat in the back third row all day today, 03/19/2024 09:00 - 16:00, wishing I chose to provide testimony. This was my first time experiencing this and at short notice with a busy life, I felt this was important enough to show up. What I learned from today is a lack of an important topic not really covered. There were mentions of these banned objects at time of death. The outcome was always around the consequences of fees and or minority hardships. What was not covered was the time honored tradition of Colorado family tradition. Colorado has a rooted tradition of heritage and respected family

	growth. Even the 2013 expanded background check included this respected heritage by allowing passing of firearms to family without background check. America in general, has always respected the collectible nature of firearms as an invested asset to pass forward. Even I as a Colorado native, rooted in this heritage, work hard to build assets into our family trust which includes valuable firearms to be passed onto my children as assets. This bill impacts 80% of those assets and deems them invalid. That is just my small collection and cannot imagine the impact on your donors with similar assets in their dynasty trusts. I'm sure I am not the only one concerned about this as all Coloradans, whether native, long term or recent migrants see this as a loss of this Colorado heritage. Trust me, all Coloradans know of this heritage, as passed from other locals and one of many reasons we live in Colorado in the first place. I ask you vote no on this bill to respect Colorado's rooted family heritage. Sincerely, Kevin W. Abriam
Christopher MacDonald Against himself	I am a pro-gun Democrat living in Broomfield Colorado, and I oppose this legislation.
Leslie OBrien For himself	Dear Colorado House Judiciary Representatives- I am writing today in support of HB24-1292 Prohibit Certain Weapons Used in Mass Shootings. We have a gun violence problem in our country. While the Second Amendment is a Constitutional right allowing citizens to possess firearms, public safety should be priority #1. Since 2015, over 19,000 people have been shot and wounded or killed in a mass shooting*. In 2022 alone, over 600 people were killed, with over 2,700 wounded. Both the number of mass shooting incidents and the number of people shot in them have increased since 2015, reaching a high of 686 mass shooting incidents in 2021.

	A firearm is inherently lethal. Whether you are using a firearm for hunting, home and self protection or as a hobby, you know that if the gun is loaded and discharged in the direction of an animal, another person or object, the bullet could kill/destroy whatever is in its path. That is one bullet. If you have an assault weapon and high capacity magazine, the devastation is exponentially greater. In mass shootings where the shooter used an assault weapon, nearly six times as many people are shot; more than twice as many people are killed; and 23 times as many people are wounded as compared to incidents where the shooter did not use an assault rifle. By Prohibiting Certain Weapons Used in Mass Shootings, you are saving lives. It is not an infringement on peoples' second amendment rights. It is reenforcing our country's certain unalienable rights of Life, Liberty and the Pursuit of Happiness. Keep these Rights in mind when voting in Support of HB24-1292 Prohibit Certain Weapons Used in Mass Shootings. Thank you for your consideration and support of HB24-1292. Sincerely, Leslie O'Brien Broomfield, CO * We now define a mass shooting as any incident in which four or more people are shot and wounded or killed, excluding the shooter.
Sarah Randow For themselves	I am a resident of Louisville, Colorado, and I am writing in support of HB24-1292. My creative, lively, joyful daughter constantly talks about how excited she is to begin kindergarten this August. With each day that passes, I become more fearful of her safety at school. As a speech pathologist who formerly worked in public schools, I dread the days when she will participate in active shooter drills and feel the fear I have seen on small children's faces during these experiences. My biggest wish as a parent is to protect her - as is the wish of all parents. Disallowing the purchase of assault weapons is a step towards ensuring the safety of our schools and our communities. According to research from Everytown, over 19,000 people have been shot and wounded or killed in a mass shooting since 2015. In 2022 alone, over 600 people were killed, with over 2,700 wounded. We

	owe it to our children to provide them with a safe childhood. Please vote yes on HB24-1292. Thank you, Sarah Randow
Keith Rahn Against themselves	I am a resident of the Central Park neighborhood in Denver, the area where Mayor Johnston has relocated many homeless, several of which are criminals. We have a notable increase in crime, including a double homicide this past Saturday at one of the Mayor's new housing facilities. This morning I learned of a man on the other side of town who had his door kicked in at his home. These are only 2 recent cases among many others we face in our own backyards across the state. As much as I'd like to rely on police to keep me safe, they cannot respond as quickly as I can defend on my own. HB24-1292 includes definitions common to self-defense firearms, including those that are the target of this bill. We do not live in a boxing ring where our opponents fight by the rules. We live in a society where criminals are criminals because they commit crime. Inhibiting law abiding citizens from which tool they can use to defend themselves is at best irresponsible of our leaders to impose upon us. The man whose door was kicked in was worried more about just stopping the criminal, not what features his firearm isn't allowed to have. I am also hunter in Colorado. Various hunting scenarios call for different firearms. It is often said that the Armalite Rifle model 15 (this is what AR-15 actually means) is not used in hunting but I assure you they are. Things like vertical grip or thumbhole stock for safer aim, muzzle break for safer control, folding stock for safe carrying, barrel shroud to prevent burns, and other features, are common in hunting arms. Most of mine have those things and some do have detachable magazines and are semi-auto. I do not practice militia-like skills with these, they are dedicated only to legal hunting. Our US Constitution give us the right to keep and bear arms. It does not say which arms we cannot bear or what features it can't have. It simply says the right to keep and bear arms shall not be infringed.

	Those last 4 words are especially important for a sworn legislator to uphold. There are already laws against gun violence, murder, theft and using a gun in a crime. New laws don't stop criminals. The definition of the term is self-evident. HB24-1292 only restricts the virtuous from their given rights. I provide consulting services in 28 states across the US but pay income taxes Colorado. I pay countless on licenses, fees, property taxes, and so on. I implore you to consider the impact HB24-1292 will have on where I choose to spend my dollars.
Kevin Thompson Against themselves	Respectfully, HB24-1292 is misguided and over-reaching. It may even be found to be unconstitutional in its attempt for a sweeping ban on firearms that are "in common use" today. It's introductory verbiage contains vague statements (e.g., what is "State violence"?, and the assertion that "ASSAULT WEAPONS REMAIN A PREEMINENT FACTOR IN THE DEVASTATING CRISIS OF GUN FATALITIES" is demonstrably false according to hard data). Moreover, the definition of "mass shootings" used seems assuredly the one that includes elements of gang warfare. I remind the committee members of this provision in Colorado's constitution, Article 11, section 13: "Right to bear arms. The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons." While the bill declares the firearms thereby banned to be unsuitable for defense, sporting, or hunting, many owners thereof would disagree on the basis of real-life experience. AR-10 rifles, for instance, would be perfectly legal and effective in Colorado for big-game hunting, and I myself have seen hunters carrying such. I urge you all to recall to mind that the citizens of Colorado have a God-given right to defend themselves and their loved ones, and remove this bill from consideration. Kevin Thompson
Drake Hammond Against themselves	I am a Colorado native. I love my state, and I plan on living peacefully here for all my years. I will not allow my rights to defend myself and my family be taken from me: this bill denies those rights and only benefits criminals. This bill also puts in harms way thousands of small business owners who operate in Colorado and threatens to destroy

	their livelihood. The weapons described in this bill that you wish to ban could not be in more common use. This bill is not trying to protect people. This bill is aimed to take away people's ability to protect themselves. The police are not there to protect us in our times of need. I will fight to maintain my ability to protect myself. Whether this bill passes or not I will make my voice heard in all upcoming elections. I hope the members of this committee and all legislators of this beautiful state recognize that this bill and the other gun control measures do not represent the will of the people or Colorado.
Devin Lorentzen Against themselves	Fundamentally, this bill is a massive infringement on my rights. The constitution states "shall not be infringed". Every law restricting our ability to bear arms is infringing our rights. This is unacceptable. The Bruen decision should have set enough precedent to understand that these laws are unconstitutional. This bill should not be passed whatsoever.
Jonathan Ort For themselves	Semi-automatic guns are weapons of war. They have no place in our communities. As the son of a gun violence survivor, I implore the Judiciary Committee to pass this bill. As someone who has been affected by mass shootings in Colorado more than once, I implore the Judiciary Committee to pass this bill. As a seminary student, I implore the Judiciary Committee to pass this bill. Coloradans deserve to live in peace and safety. Banning semi-automatic weapons could not be more urgent or important.
Susan Enfield For themselves	Dear Chair Weissman and Committee Members, I am writing in support of HB24-1292, Prohibit Certain Weapons Used in Mass Shootings. According to a 2018 study, firearms with high-capacity magazines account for 22-36% of guns used in crimes, with some estimates greater than 40% for cases involving serious violence, including homicides of law enforcement officers. We must do all we can to stem the surge of gun violence in our state and our country. This bill, when enacted into law, will be an important step toward that goal. Please vote "Yes" on HB24-1292.

	Thanks you for the opportunity to testify in support of this important issue.
Derek Mansanarez Against himself	Unfortunately I do not have a lot of time to write this. However I plead with you to not punish us law abiding citizens with more gun laws that the criminals do not follow. They did not follow the gun laws you put in place in 2000 they did not follow the gun laws you put in place in 2010 and they will not follow the gun laws that you put in place today. This bill is direct infringement on our second amendment rights and I absolutely believe in the Constitution and Bill of Rights to my core. Again I beg you not to pass this bill and weaken the stance of law abiding citizens while simultaneously empowering the criminals and evil souls of this world who would not follow this law and prey on those who do. I am strongly against this bill and I regeasy beg and plead that you do not pass it and infringe on our Constitution any further. Thank you for your time.
Janet Pritchett Against himself	This bill will not reduce mass shootings. Prior similar bills were approved and studied for years and showed there was no reduction in shootings. When will you people figure out that mentally ill and violent people who misuse guns are NOT going to follow any law you create. A focus on mental illness and policing would be far more effective.
Jeffrey Ballenski Against himself	As a lifetime Colorado resident, I am adamantly opposed to this legislation. It is a violation of the text, history, and tradition of the US Constitution and the Colorado Constitution. Further, it will prevent law-abiding, good Coloradans from protect themselves and their families. Well-publicized studies have estimated 500,000 to 3 million defensive gun uses per year in the United States. This vastly out paces the 20,958 firearm homicides in 2021. While every murder is tragic, we know the vast majority of these are committed with illegal handguns. Banning different, legally owned guns is the wrong solution. Further, this law bans far broader categories of guns than those it purports to address. For example, I'm unaware of any mass shootings involving 50 caliber rifles, yet they are specifically banned. I will continue to actively advocate, vote, donate, and join legal action to protect and defend the second amendment.
John Jones Against himself	Hello all, My name is John Jones and I am a veteran of our U.S Army and U.S Army Reserve. I spent 10 years serving our country and I swore an oath to defend our country and our citizens rights from all enemies,

	foreign and domestic. Our ability to protect those rights stems from our 2nd amendment and our ability to use them without infringement. Due to the Bruen response this new supposed bill would neuter our choice on how we as law abiding citizens to defend our life,family and property. We as law abiding citizens do not deserve to be pushed due to the actions of criminals. The police and military should not be the only ones with these capabilities to overwhelm our populace. This will severely inhibit our ability to defend our God given rights and once those are taken there is no reason why our governing forces won't start working to take the rest of them. An infringement on the 2nd Amendment sets the precedent that our other rights are up to interpretation and those will be altered after. Please do not inhibit our ability to defend our rights, families and property with this bill. It will turn law abiding citizens into criminals and leave us without adequate protection. If our government has the ability to have the weapons that are described in this law then the citizens should be able to be armed just as equally if not better. Thank you for your time. John Jones
Shane Roberts None themselves	I am writing to express my strong opposition to House Bill 24-1292, titled "Prohibit Certain Weapons Used in Mass Shootings." While the title of the bill may sound noble and well-intentioned, I believe it is misleading and fails to address the root causes of gun violence effectively. First and foremost, I must emphasize that HB24-1292 is blatantly unconstitutional under the recent Bruen decision. For example, a federal judge in Colorado granted an emergency TRO application and enjoined the assault weapons ban in Superior. Therefore, pushing forward with this bill not only undermines our constitutional rights, but also wastes taxpayer money on legislation that is destined to be struck down by the courts. Furthermore, research conducted by the CDC and FBI in 2019 has shed light on the fact that it is not the type of guns that are legal, but rather who has access to them, that is linked to murder rates. This comprehensive study underscores the importance of addressing the

	underlying factors contributing to gun violence, rather than implementing blanket bans on specific firearms. HB24-1292 will not stop murders, and the data proves it. It is deeply concerning that the proponents of this bill have shown little regard for addressing the real causes of gun violence. Just recently, on June 13, 2023, during the Denver Nuggets Championship celebration, a tragic mass shooting occurred. Despite this horrific event, those responsible were granted a mere \$10,000 bond, reflecting a systemic failure in our criminal justice system to hold gun criminals accountable. One of those suspects, who is charged with 4 counts of attempted murder, is wandering around free as of 1/6/24. If the proponents of HB24-1292 genuinely cared about human life and public safety, they would be advocating for harsher penalties for gun criminals and higher bonds for those who have committed gun crimes. Instead of targeting law-abiding gun owners and infringing upon their rights to self-defense, I urge you to focus on enacting policies that address the root causes of gun violence (criminals having guns, not law-abiding citizens) and hold criminals accountable for their actions. It is imperative that we work together to ensure the safety and well-being of all citizens without sacrificing our constitutional rights. Thank you for considering my perspective on this matter. I urge you to oppose HB24-1292 and instead prioritize effective solutions to address gun violence in our communities.
Clay McNab Against himself	Unconstitutional trash.
Pamela Poll Against himself	This bill represents the Democrat Party's ongoing obsession with dissolving the Second Amendment in order to disarm citizens. At a time when the Democrat Party is allowing unchecked illegal entry of migrants into our country who are murdering, raping, beating up police, trafficking children and deadly drugs, you want to disarm citizens. The Democrat Party has also made it essentially legal to steal in Colorado if the item's value is under \$2000 while at the same time passing a bill to remove police immunity causing an exodus of law

	enforcement from our cities. I don't blame them. Colorado is becoming a dystopian nightmare to live in. Why do Democrats believe that taking away my gun will stop mass shootings? Your party has created an environment that encourages crime. I guarantee you that the next mass shooting or terror attack will happen because of your party's lawlessness and disregard for human rights. Governments that evolve into tyrannies must disarm citizens first. The Democrat Party does not respect the Constitution. This bill is a big FU to American citizens by a political party that has turned on its own Constitution. My husband and I will leave Colorado for a free state before we comply will your attempt to disarm us.
Erik Kreider Against himself	The Second Amendment was not crafted to guarantee the rights of citizens to hunt or use firearms for sporting purposes. The Second, is so, explicitly to balance the power of the people against an overreaching, freedom-infringing, authoritarian government. The Second Amendment of the Bill of Rights acts as a warning to politicians who seek to legislate oppression. Prohibition of the citizenry from ownership of weapons that can provide a measure of balance to the power of the military is a direct and historically substantiated prerequisite of systemic oppression. Citizen access to semi-automatic weapons is a key component in balancing the power of the people against despots in government. Politicians who seek to solve social ills should propose legislation against the misuse of such instruments, not outright prohibition, which history consistently demonstrates never works where the criminal mind is involved. This and other related gun-prohibition bills that are created by firearm illiterate politicians are liberty infringing gambits extracted directly from the authoritarian's handbook and will not be tolerated by citizen patriots who value the United States Constitution and it's Bill of Rights.
Bret Harper Against himself	I want to believe that some of the legislators putting this bill forward have good intentions. The problem is that they believe they can legislate evil out of existence, but that is simply naive as human nature is capable of significant evil and no amount of legislation will ever remedy that. While their intentions may be rooted in a desire to

	help, the means they provide are only punishing law abiding citizens and taking away freedoms. Along with well-intended people there are legislators that I believe have no regard for the rights or freedoms that our forefathers fought for, and their sole intent is to remove our ability to defend ourselves as a people. It has been proven time and time again that once a freedom has been taken, we will never get it back. This is intolerable. The safe spaces bill if passed would make it illegal for anyone to carry a firearm (among other places) in church, including trained safety teams. This would eliminate their ability to respond to active shooting with commensurate force, and it would be extremely problematic given the pressure on police departments ability to respond with short-sighted "defund the police" attitudes and polices. This legislation is setting up a more likely scenario for a mentally unstable person to attack houses of worship. This is a bad bill and needs to be voted against!
Tiffany Taylor Against themselves	A "well-regulated" militia simply means that the processes for activating, training, and deploying the militia should be efficient and orderly, and that the militia itself should be capable of effectively executing battlefield operations. In other words, it didn't mean the state was restricting the militia rather that the militia was prepared to do its duty. The Second Amendment, ratified in 1791, to allow the creation of civilian forces that can counteract a tyrannical government, and to bring constitutional balance by distributing the power of the sword equally among the people, the states, and the government. Colorado is ranked at the very bottom when it comes to mental illness and access to mental health care according to Mental Health America for 2023. In fact, 3 in 10 Coloradans are in need of mental health or substance use disorder care (1.5 million). 91% of mass shootings happen before police arrive. In many situations, bystanders are unable to run or hide like they are taught. This committee ignores the fact that placing armed guards or willing trained teachers in schools could save many lives. According to national center for education Statistics show MOST SCHOOL gaurds ARE UNARMED. ELEMENTARY SCHOOLS ARE LOWEST PRECENTAGE FOR ARMED gaurds. Gun free zones make schools and other places a target leaving our children vulnerable. Yet these legislators want to ban school officers and armed gaurds. Also

	banning the manufacturing, selling, or transferring of semi-automatic firearms within families would violate both the Second Amendment rights of individuals and their property rights, while also undermining the important role of families in passing down traditions and values, including responsible firearm ownership. I demand a No vote on HB24-1292.
Amos Struthers Against themselves	My name is Amos Struthers and I am against the proposed prohibition of "assault style weapons". As a father I appreciate the sentiment to protect vulnerable populations from harm, but I do not believe that encroaching on plainly defined rights outlined in the same documents that protect speech, religion and autonomy is the right approach. As a Japanese American I believe that removing our rights to bear arms in common use is a counter productive use of taxpayer money, nor does it follow the ethical values that we have enshrined within our state and national cultures. As a competitive shooter i do not see the practicality in prohibiting these types of weapons, as the guns aren't as point and click as people believe. Additionally the FBI crime statistics suggests that handguns are the most commonly used weapons in gun crime, and that you are more likely to be killed by a police officer than in a mass shooting. In conclusion, the rights protected under the constitution are not yours to prohibit, especially when existing precedents and case law support the repeal of bans already established in other states. This will at best be a huge waste of money for the tax payers with little to no effect on actual crime or safety. Thank you for your consideration have a nice day.
Briston Brown Against themselves	I highly oppose this bill! This bill to ban "assault weapons" will do nothing to curb any crime or stop any death. This bill will only impact law abiding and responsible gun owners of Colorado from exercising their second amendment rights. This ban is already viewed unconstitutional and does not fit under the New York Rifle & Pistol Association, Inc v. Bruen decision as this ban does not fit our country's text, history, and tradition on firearm regulation.
Caden Kahle Against themselves	A "well-regulated" militia simply means that the processes for activating, training, and deploying the militia should be efficient and orderly, and that the militia itself should be capable of effectively executing battlefield operations. In other words, it didn't mean the

	state was restricting the militia rather than that the militia was prepared to do its duty. The Second Amendment, ratified in 1791, to allow the creation of civilian forces that can counteract a tyrannical government, and to bring constitutional balance by distributing the power of the sword equally among the people, the states, and the government. I think we are losing that balance. The 2008 case <i>District of Columbia v. Heller</i>, the Supreme Court held that the "Second Amendment also protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense. AR-15's are the most commonly used rifles in marksmanship competitions, training and home defense." Minimal restrictions on law-abiding gun owners ensure that individuals have adequate means for self-defense. This bill would ban many commonly used self-defense weapons, including handguns, shotguns, and .50 caliber, which is criminally insignificant and are not used in mass shootings. As well as define semi-automatic weapons as assault weapons for Colorado, frankly semi-automatic guns are NOT assault weapons. By U.S. Army definition a semi-automatic weapon is not an assault weapon. 91% of mass shootings happen before police arrive. In many situations, bystanders are unable to run or hide like they are taught. This committee ignores the fact that placing armed guards or willing trained teachers in schools could save many lives. Statistics show MOST SCHOOL guards ARE UNARMED. ELEMENTARY SCHOOLS ARE LOWEST PERCENTAGE FOR ARMED guards. Gun-free zones make schools and other places a target, leaving our children vulnerable.
Sarah Zabel For Moms Demand Action	Hello. Thank you committee for allowing me to speak today. My name is Sarah Zabel and I am a mother and former teacher living in Superior, Colorado. I commend our state's leadership for working together to create bill HB24-1292. It is progressive and this ban on assault weapons in our state will save lives.

	History shows that when death rates rise, the government analyzes and acts in order to preserve the safety of the American citizens. Seat belts in cars, speed limits on highways, taxes on cigarettes, and TSA security are merely a few examples. According to Pew Research, Gun murders rose 23% before the pandemic and they have continued to climb every year since then. As you know, and will continue to hear today, guns are now the leading cause of death in children in our nation. We cannot turn our back on this upward trend. We must act. I'm not trying to infringe on hunter's hobbies. Humor me if you will, but if hunters need an assault rifle to hunt, they aren't that good of a hunter. I'm not trying to hurt small business owners; I would like to think these owners would support the moral reasoning behind the removal of one product from their shelves. I am not trying impact veterans or current military members; their service is noble and revered. What I am trying to impact is our society's perverse obsession and justification of the 2nd ammendment our Founding Fathers created almost 250 years ago. It was written in a different time for a different reason. Times have changed and evolved. Gun ownership as collectibles, hobby, and personal safety is understandable. Gun manufacturing and ownership that allows events such as the Las Vegas Massacre, the Kansas City Super Bowl shooting, and Sandy Hook to occur is not. Committee, the rhetoric and mindset of Americans in our post-pandemic world can seem worrisome at times. Sadly, hate has been the motivator behind most mass shootings. HB24-1292 takes steps in the right direction to save lives and promote responsible gun ownership. Thank you.
Pamela Brown Against themselves	This ban on "assault weapons" is highly unconstitutional and does not meet the text, history, and tradition of firearms in the New York Rifle & Pistol Association, Inc v. Bruen decision. This is only a feel good law that does nothing to stop criminals and mass shooters but greatly hurts and strips the rights of Colorado citizens to keep and bear arms. I oppose this ban!
Jordan Rutherford Against themselves	HB24-1292 is un-constitutional. It directly violates the 2nd amendment. It will Not decrease crime. It will help the criminals by decreasing law abiding citizens' access to firearms to defend their family. The average home invasion involves

	3-5 armed men. The days of a single shot or revolver being adequate to save your family from being robbed, raped, and murdered are gone. Open borders have flooded the land with known criminals-men that hate Americans. Law enforcement cannot protect you or your family, as they have minimum of 5-10,000 people to protect. Following disarmament of the people rape, armed robber, and murder dramatically increases. To confirm this look at California, New York and Australia following their 'gun control' enactment. Skip the fake news- look at Tucker Carlson and real news reports. American women and children are being raped and murdered in increasing numbers. Americans need to be armed to defend ourselves and our families. Hernandez is inappropriately using tragedy to push his Marxist agenda. This foolish bill would increase the risk to citizens, not decrease it. The citizens of Colorado do NOT want disarmament. The citizens of the United States do not want disarmament. If you vote for this to pass, how will you feel if yours is the next unfortunate family victimized by an illegal immigrant that is a known murderer released by an open border policy?
Doug Seaver Against themselves	I am writing today to voice my opposition to Colorado HB 24-1292. This bill is unquestionably unconstitutional with the Constitution of the United States. The second amendment clearly states "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." The argument against this bill SHOULD stop there. If the authors and supporters of this bill truly had the best interest of Coloradans they wouldn't consider bringing this bill forward. The reality is is that the author's and supporters of this bill don't have the people that they represent interests in mind at all. The author's and supporters are acting in the exact same manner that totalitarian dictators have throughout time. They want the citizens to be unarmed. This is evident throughout the bill with the emotion and bias that they have injected into it; with the draconian first-time penalty of \$250,000 and \$500,000 for each violation thereafter. With the exceptions to this bill that only benefit the state, with the absurd claim in section 2 (a) based in fantasy that guns "are not suitable for self defense and are not well-suited for hunting, sporting, or any other purpose than mass killing." This is a wild assertion that is not based in reality but rather zealous hatred for the citizens these people represent. If it were true that these guns are not suitable for self defense, why is it that these

	exact guns are used by the police, which this bill exempts, for that very reason? The answer is because these authors want Coloradans disarmed. This bill is a manifestation of the totalitarian Marxist ideals the author's and supporters of this bill espouse. Vladimir Lenin is quoted that, "One man with a gun can control 100 without one." If this bill is passed by the house and signed by the governor, Colorado will turn into another hell scape created by these ideologies.
Gina Hochhalter For themselves	Testimony in Support of HB24-1292 Good afternoon, Committee Members, My name is Gina Hochhalter. I am representing myself in support of HB24-1292. Thank you for being willing to listen to testimony on this crucial, and no-doubt divisive bill about prohibiting certain types of weapons that are typically used in mass shootings. I could tell you about the long-term psychological and emotional impact of gun violence, specifically mass shootings; that I have seen over my 15 years as a licensed mental health professional here in Colorado. I could also share with you the profound impact I have witnessed a mass shooting has on communities and families, as my husband is a Columbine survivor. Since I am fortunate enough to be able to sit here today, I want to use my voice to ask those in power, such as yourselves; to please consider voting for this bill. I'd like to use the remainder of my time to say SOME of the names & ages of those whose lives have been taken by weapons that this very bill seeks to prohibit. This list is already horrifically long—you will need to cut me off at time. This is an opportunity to do something to prevent it from getting even longer. Thank you. Alyssa Alhadeff, 14 Scott Beigel, 35 Martin Duque Anguiano, 14 Nicholas Dworet, 17

	Aaron Feis, 37
	Jaime Guttenberg, 14
	Chris Hixon, 49
	Luke Hoyer, 15
	Cara Loughran, 14
	Gina Montalto, 14
	Alaina Petty, 14
	Joaquin Oliver, 17
	Meadow Pollack, 18
	Helena Ramsay, 17
	Alex Schachter, 14
	Carmen Schentrup, 16
	Peter Wang, 15
	Makenna Lee Elrod, 10
	Layla Salazar, 11
	Maranda Mathis, 11
	Nevaeh Bravo, 10
	Jose Manuel Flores Jr., 10
	Xavier Lopez, 10
	Tess Marie Mata, 10
	Rojelio Torres, 10
	Eliahna "Ellie" Amyah Garcia, 9
	Eliahna A. Torres, 10
	Annabell Guadalupe Rodriguez, 10
	Jackie Cazares, 9
	Uziyah Garcia. 10
	Jayce Carmelo Lue-vanos, 10
	Maite Yuleana Rodriguez, 10
	Jailah Nicole Silguero, 10
	Irma Garcia, 48
	Eva Mireles, 44
	Amerie Jo Garza, 10

	Alexandria "Lexi" Aniyah Rubio, 10 Alithia Ramirez, 10
Samuel Alexander Against themselves	As a citizen of Colorado I strongly oppose this legislation, and ask that members of the committee uphold their oaths to protect and defend the Constitution of the United States, as well as that of our state constitution to protect the naturally given rights of the citizenry to possess firearms without infringement from state or federal government. Such laws are not only abhorrent to a sensible reading of the Constitution, but target law abiding citizens with no regard for the reckless nature in which criminals will disregard such laws to begin with. This same legislation was defeated in committee last year for good reason. The citizens of this state are no beholden to the immoral and illegal actions of a few bad actors who, in great detail seem to suffer from untreated mental health issues, and it is a tyrannical action to impose the government's will upon lawful citizens whose right are no issued by the government, but are naturally occurring. Thank you for your time.
Francia Abel For themselves	Dear Judiciary Committee Members, I urge you to pass bill HB24-1292. I am a mother of school age children and healthcare worker. For far too long, we have allowed people with bad intentions to easily amass weapons that rapidly maim and kill large numbers of people. As a mother, I live in constant fear that my children will not come home from school that day. As a healthcare worker, I see the horrible effects of gun violence everyday, not only for victims and survivors, but their families as well. You as committee members and representatives of the all people have the opportunity and duty to pass laws that help protect your constituents. Please pass bill HB24-1292.
Jimmy Schloss Against themselves	The assault weapons ban proposal will not work in reducing homicides. Advocates who claim this is "common sense" legislation don't understand the data and have other intentions. Put simply, the intention of this bill is to outlaw a mass category of guns that responsible and law-abiding Coloradans possess.

	Mass shootings, including those with hand guns represent 0.24% of homicides in the US. Mass shootings resulting in homicide with "assault weapons" only represent 0.17% of all homicides in the US (2007 – 2017, FBI). Practically speaking, 99.999% of owners of "assault weapons" in the US do not commit homicide or homicide from mass shootings. Past studies have shown that the assault weapons ban in the United States (1994 – 2004) did not decrease homicide rates. Please note the following: - o A Department of Justice Study found no evidence the ban had any effect on gun violence; should it be renewed its effects would likely be small or even too small for a reliable measurement (Woods and Roth, 2004) - o The Journal of General Internal Medicine study found no statistically significant relationship between assault weapons ban or large capacity magazine bans (Siegel et al., 2019; https://link.springer.com/article/10.1007/s11606-019-04922-x). This bill seeks to outlaw weapons that have never even been used in any mass shooting not only in Colorado but in the United States. HB24-1292 seeks to outlaw the sale and transfer of 0.50 caliber rifles although this weapon has never been used in a single mass shooting in Colorado or abroad in the United States. Lastly, the bill fails to address to root cause of mass shootings which is undeniably mental illness. I believe the root cause of mass shootings ultimately lie with a mental health crisis in the United States and is something that both political parties must work together to address. In the meantime, I am in favor of adding armed security and police in schools in Colorado as well as allowing teachers to use their concealed carry in schools. Mass shooters in Colorado and abroad in the United States have selected soft targets / gun-free zones and these deterrents would serve to prevent these shootings.
--	--

	Punishing law-abiding citizens makes no sense and we have a right to own firearms including these "assault weapons" under our God-given rights under the 2nd Amendment. Thank you, Jimmy Schloss
Matthew Vandiver Against themselves	Having served 15 years in law-enforcement, my experience has overwhelmingly been that the current gun laws in Colorado have done nothing to stem the tide of criminal activity involving firearms. Criminals by definition do not follow laws, and do not use firearms personally purchased at the gun store to commit the overwhelming majority of crimes committed with firearms. Criminals violate firearms laws by stealing, or otherwise illegally acquiring firearms to use in the commission of their crimes. Colorado has already had an assault weapons ban, and evidence has proven that there was no reduction in violent crimes or mass shootings when this law was previously in effect. There's no evidence suggesting that another assault weapons ban will create a different result, and will only punish the law abiding Citizen. It has been my experience in law enforcement that the mental health crisis is increasing at a massive rate, and the state of Colorado has abysmal resources to treat those issues. Mental health is the cause of mass shootings and with poor services, legalizing drug use, and ineffective prosecution of current laws, we have created a society more prone to mass shootings.
Tyler Burgett Against themselves	I oppose this bill and I would ask that you do not proceed with this blatant second amendment infringement. This bill is simply unconstitutional and similar bills have been struck down all across the country. Please do not waste our state's budget in court on a bill that

	will do nothing to keep people safe and will only squander our tax payers resources. The name of this bill is a fine piece of scaremongering. At a time when this state has moved to stifle the police, and loosen penalties on criminals, it is shameful that you would propose a bill like this that would make criminals out of lawful gun owners, and remove the tools that they have for protecting their families and communities.
Evan Fuller Against themselves	My name is Evan Fuller and I'm from boulder, Colorado. I am y this bill in semi auto firearms. This bill and it's entirety is against the citizens of the state of Colorado and the constitution of the United States of America. We aren't banning other constitutional rights, only the second amendment. Punishing your constituents because of the illegal actions of criminals. This bill is being pushed by out of state influence and money and going against law abiding citizens like myself. A ban against the constitution affects every community that you politicians pretend to care about. This discrimination against 2nd amendment rights is plain as day, an assault of people right to defend themselves. Women, elderly, black community, Hispanic community, gays, trans, queer, non binary,asians,all immigrants, hunters, sportsman, citizens vacationing, veterans, disabled veterans, and the Poor community's will all have thier rights taken away. Why isn't there legislation against mass murder I ask, because law abiding citizens don't commit crimes. This bill leaves people defenseless against the crime that plagues our cities, that you politicians refuse to do anything about. Criminals don't follow the laws. This bill helps criminals and violent attackers continue to destroy Colorado. Lastly, I lived 1000 feet from the king soopers shooting. There was nothing stopping that killer from coming across to my neighborhood and continuing his assault, except for my ability to defend myself with my legally owned firearm, which under thus bill would be banned, and I as a tax paying citizen of Colorado would be defenseless. We cannot afford to hire security guards for protection like you politicians can. Thank you for your time.
Joseph Clark Against themselves	Banning these weapons based on broad generalized categories is unconstitutional. Limiting a citizen's ability to defend themselves at a time when crime is increasing is the wrong answer, and it will be challenged in court, ultimately wasting state resources and tax payer dollars.
Robert Smith Against themselves	I am testifying against this bill because I believe it is unconstitutional and will not withstand the legal precedent established by the Supreme Court in the Bruen decision. It is a cut and paste copy of the assault weapon bans in place in California and Washington. In my opinion this is very lazy tactic of the bill authors. This bill is being sold

	as a solution to public safety issues, in my opinion this ban will make Colorado much less safe. According to recent data crime has risen 59% since 2013 when radical gun restrictions started to pass through the state legislature. This ban includes an arbitrary list of features that the bill author believes makes the firearms more lethal. In fact banning the features makes them less accurate and more likely to result in collateral damage and unintended casualties. Many representatives are concerned about law enforcement actions and having a monopoly on lethal force by exempting them they are getting exactly that. This bill will also not disarm dangerous gang members like crips and surenos giving them a monopoly on lethal force as well. Thank you for your time,
Bryce Taylor Against themselves	This will prevent me from purchasing a weapon to defend myself and my family. I appose this.
Logan Hoese Against themselves	I would like to respectfully oppose this bill. I strongly believe that the people need to be able to protect themselves, their families, as well as their fellow citizens. This is a direct violation of our constitutional rights. Thank you for your time.
James Durden Against themselves	Greetings Chair and committee; my name is James Durden and appreciate the opportunity to speak to you today. Today I rise in opposition to 24-1292. This bill is a blatant attempt to ban all weapons that have semi-automatic technology, criminalize common weapons and the law abiding citizens that own them. Semi-automatic technology is extremely important to people with disabilities.

	This technology gives handicap persons the ability to put forth a formidable defense in opposition to a deadly force. I heard a statistic during Colorado's 2013 gun control debates: When you hear an intruder you have a 26% chance you're dealing with a single intruder; 43% chance you're dealing with two. Leaving a 31% chance you're dealing with more than 2 intruders. The big picture is you have a 74% chance you're dealing with 2 or more intruders in your home and you're going to need a semi-automatic technology to properly address this threat, protect yourself and your loved ones. This bill is a clear threat to the Second Amendment, our freedom and our ability to mount a formidable defense should evil or tyranny arrive at our door. Please vote no on 24-1292 Sincerely, James K Durden 5272 Rustler Trail Parker, CO 80134-5249
Joshua Bode Against himself	To Members of the Colorado Legislature, I am writing to express my opposition to HB24-1292, which seeks to ban what it deems "assault weapons" in Colorado. As a law-abiding citizen, veteran, husband, and father, I firmly believe that such a measure is not only misguided but also poses a serious threat to the fundamental freedoms and safety of our communities. First and foremost, the right to keep and bear arms is enshrined in the 2nd Amendment of the Constitution. In order to uphold the promise that this right shall not be infringed upon, the government must allow firearms in common usage to be made, transferred, possessed, and carried by law-abiding citizens. A vote for this bill violates your oath to uphold the Constitution.

	Moreover, the term "assault weapon" itself is a misnomer intended to evoke fear and misconceptions about firearms that are commonly owned and responsibly used by millions of law-abiding citizens for self-defense, sporting, and collecting. Contrary to statements in this bill, these firearms are no more dangerous than any other type of firearm. They also account for a very small percentage of homicides. Rifles as a whole only account for 2.3% of homicides, much less than the 10.3% caused by knives or 4.1% caused by knives. In fact, history has shown us that firearm bans have either no effect or cause an increase in violent crime. This legislation does nothing but harm law-abiding gun owners and businesses, endanger those it is intended to protect, and emboldens dangerous criminals. Beyond the ineffectiveness and harm that would be inflicted on Coloradans, this bill will also face inevitable legal challenges. Instead of tax payer resources going towards real solutions to real problems, they will be spent fighting to keep this unconstitutional bill alive. I ask that you be responsible with the resources entrusted to you and do not spend millions of dollars fighting against your own citizens. In conclusion, I strongly ask you to reject HB24-1292 and any other misguided attempts to restrict the rights of law-abiding citizens to keep and bear arms. I urge you to focus on evidence-based solutions that address the root causes of violence while respecting the rights of law-abiding citizens. Please do not spend countless tax dollars voting for an unconstitutional bill that would require millions of tax payer dollars to defend in court and serves no purpose but to harm law-abiding citizens. Thank you for hearing my testimony.
Hunter Cayll Against himself	House Judiciary and present individuals, Long has the ownership of weapons in America been common place; be that for hunting, sport, competition and most importantly defense. Since the inception of this great nation has the right and pride of owning a firearm been an unalienable right. As we now face ever growing forms of control and restriction in regards to firearms, firearm accessories, and firearm related products we have not seen a

	reduction in gun related crime, if anything we have seen a growth. What that tells me is control is not the solution. What this country has greatly neglected is the contributing factors that drive someone to violence; if you take away firearms violence does not magically stop, humans by nature are violent creatures and we have been since the dawn of time. We fight and kill for very insignificant things at times. In various other countries we have seen as gun control grows violent crimes of other natures increase whether by knife or other device, so control is not the answer. The concerns that need to be addressed and where I urge this committee to focus its attention is on the individual and not on the tool. We have a massive mental health crisis in this country, especially in young people. The human race has never been more connected than we are now with the internet, yet people feel more distant and lonely than ever before. As a result of our environment, stressful lives and lack of necessary care and direction; people have fallen into a cycle of anxiety, depression, resentment, and much more. It is these factors along with others such as poor education, lack of physical drive, poor nutrition, lack of parenting and strong support groups that lead to the violence in individuals. It is these concerns that need to be addressed with utmost importance if we have any hope of reducing the level of violence in this country. Taking away the tools will never stop the violence. At the end of the day people still have two hands and a capacity for great evil. Without guns, individuals will only turn to other devices, everything in the world today can become a weapon if you know how to use it. Address the concerns within the hearts and minds of the people. That is the only way you will ever reduce unnecessary violence.
Joel Cinnamon Against themselves	As a responsible gun owner and advocate for Second Amendment rights, I believe that banning weapons used in mass shootings is not the solution to addressing gun violence. Such bans are not only a violation of our second amendment rights, but also unfairly punish law-abiding citizens and do not address the root causes of mass shootings. Instead, we should focus on implementing comprehensive solutions that address mental health issues, improve access to education and support services, and strengthen enforcement of existing laws to keep firearms out of the hands of dangerous individuals. Banning certain weapons will not eliminate the threat of mass violence, but rather undermine the fundamental rights of law-

	abiding citizens. Furthermore, using California as an example, if this weapons ban is passed it will likely have a negative effect on crime in our state. According to the LA Times, In 2020, homicides using firearms increased by 40.6% and assaults with firearms went up by 29% from the previous year, according to a Times analysis of Department of Justice data.
Brian Barrows Against themselves	Greetings! I am a Veteran Homeowner in district 7 of 20 years. I oppose this bill because it's not helpful to the true problem. More restrictions on firearms only hurt the honest law-abiding citizens. In addition, these restrictions of outlawing certain features on firearms is arbitrary and not helpful to the true problem. This analogy sums up HB24-1292: The Bill is just a band aid placed on festering wound of mental health problems in our society. HB24-1292 is not addressing the real problem. Criminals and the mentally ill will always find access to tools they want to carry out their crimes. One major way to prevent mass shootings is to address the mental health issues and gang violence afflicting our people and not attack the rights of its citizens. Thank you for your consideration. Brian Barrows
Darrell Dinges Against themselves	I am opposed to banning many semi-automatic firearms which are currently owned legally by Colorado residents. Why should people residing in Colorado have less Second Amendment rights than people living in adjacent states like Arizona, Nebraska, Oklahoma, Utah, Wyoming and Kansas. Firearms like the AR-15 have been available public purchase since the 1960s. We should be addressing, why shooting of multiple victims have increased in frequency., rather than attacking legal firearm ownership.
ROD STRAUB Against themselves	I am adamantly opposed to HR24-1292, "Assault Weapons" Ban Bill. It would adversely impact the rights of nearly every legal gun owner in CO. There are at least a million plus gun owners in the state & 99.999% are all law abiding, responsible, & legal gun owners. I've read this Bill three (3) times & it's apparent to me that the provisions of this Bill are constitutionally questionable; especially,

	Amendments II, IV, V, & VIII of the U.S. Constitution. This Bill is excessive, legislative overreach with the ultimate goal of severely, restricting gun ownership, imposing excessive fines, and restricting gun ownership to only the very wealthy. Other Bills in the 2024 session target restrictive gun registration, excessive fines, excessive taxation of gun purchase/ownership & ammo purchasing. This is Colorado, not Europe!!!!!! Colorado is a western mountain state with traditional American values that include gun ownership for hunting, shooting sports, and self-protection. This Bill & the other gun control Bills proposed in this 2024 Legislative Session must be defeated!!!!!! If these Bills are passed, only the non-law abiding & criminals will have guns. They don't care how they acquire/use guns no matter how many restrictive laws are passed!!!!!! I'd be happy to discuss my comments with any State Senator or Representative willing to listen & learn from a credible source of information about guns & gun laws. I live in Loveland, CO & am a Colonel, U.S. Army, Retired. I was trained & used many of the weapons this Bill lists. I'm 100% combat disabled (Vietnam). I served 31 yrs. & am in the Infantry OCS Hall of Fame. Only the Top 1% of Commisioned Officers are selected. ROD STRAUB, Colonel, USA, Retired
Jeremy Mullen Against himself	As a survivor of a mass shooting, I was at Columbine high School and was told by the CBI days after that my group of friends were targeted to die, I strongly oppose this bill. This bill will do nothing to stop mass shootings, It will however take away constitutional rights of law abiding citizens and potentially stop citizens from stopping mass shootings of they have the opportunity. We do not have a gun problem in the world We have a mental health problem. And until we

	combat mental health, both on the aspects of treating it and diagnosing it we will continue to have the range people using whatever means of weapons to hurt others. As a health care worker I see mental health issues every day swept under the rug. These people will do whatever they can until we can help them, and these are the people who are doing acts of mass violence. It's not the gun that causes it It's the mental health issues. Let's do better mental health checks for people buying guns rather than stopping normal sane people from having them. Thank you for listening and please don't take away constitutional rights based off of nonfacts and unlawful laws.
--	---

**March 12, 2024
Steve Levine
832 E. Longsdale Drive
Pueblo West, CO 81007
719-547-0993**

Senate committee:

My name is Steve Levine, I am a US Army retiree and Vietnam veteran. I am also a firearm owner who loves to target shot. I love to hunt and did many years when I retired in Colorado in 1992 but Agent Orange prostate cancer prevents that now.

I came to retire with my family in Colorado because of the mountains and freedom to practice my 2nd Amendment rights. I have a concealed carry permit but rarely use it. I am a volunteer with the Pueblo police and Sherrif's office.

I feel living in the state now I don't recognize it or the country I served for over 20 years. I sincerely feel that had I had a crystal ball and seen what my state turned into the past few years I would have retired in another FREE state like Wyoming or Idaho.

I fought for my country in war and peace but I feel it and the state are becoming a totalitarian system. The Constitution is my personal bible and we as a state and nation are destroying it with unconstitutional edits/laws that are basically wrong. I will not comply with unconstitutional laws and local law enforcement will not either and we are sworn to defend the Constitution against all enemies foreign and domestic. We have enough problems with foreign and do not need domestic.

I therefore ask that you respect the rights of law-abiding citizens as the criminals will ignore your laws.

**Sincerely,
Steve Levine
Sergeant First Class
United States Army, Retired**

Why is the second amendment always on the chopping block, every time there is a horrific and tragic shooting by a CRIMINAL PSYCHOPATH. Us law abiding citizens are tired of our CONSTITUTIONAL RIGHTS, the 2ND AMENDMENT, ALWAYS being thrown out the window like yesterday's dirty bath water. I am completely dumbfounded as to how this, along with all the other B.S. laws you are trying to pass, and laws that have already passed, will do anything to change the behavior of the CRIMINAL PSYCHOPATHS! They already do not abide by the law; this is obvious as to the acts they commit. Why should I have consequences for the MENTALLY ILL. The mental health crisis in our state and nation MUST be addressed first and foremost. This is how violence of all kinds can be solved. Attack the underlying problem, MENTAL HEALTH. Banning firearms is not the solution nor will it solve the problem. I am, have been, and always will be a RESPONSIBLE LAW ABIDING gun owner. As a Marine Corps Veteran, former Law Enforcement Officer, I swore to defend the constitution, which includes the 2ND AMENDMENT. You took an oath to do more or less the same, minus signing a blank check for your life, and most of our ELECTED OFFICIALS, who are supposed to have the interests of those you serve, myself and many others, in mind, refuse to support the law abiding citizens of our state and continue to tear apart our CONSTITUTIONAL RIGHTS, particularly the 2ND AMENDMENT. Shame on you! The only thing these absurd laws are going to do is to make LAW ABIDING citizens criminals, and prevent the LAW ABIDING from defending ourselves, families and loved ones. The criminals already do not abide by the law and will continue to break the law and obtain firearms illegally through the black market, theft and any means necessary to wreak havoc on our society. Look at the opioid crisis, opioids are illegal as is meth, cocaine etc. The criminals still obtain those drugs, even though there are laws that criminalize the possession, manufacturing and distribution.

To put this into another perspective, the way I see it, why don't we start banning Chevy, Ford, Honda, Toyota and Dodge vehicles because they are involved in the most fatal traffic accidents (according to Title Max). Most of which are caused by impaired or distracted driving. With that being said how many of you would just bow down and part with your vehicle, just because someone else drove impaired and distracted and caused an accident. YOU WILL BE PUNISHED! I am sure that would not sit well with most of you. Then again considering many of you support these unconstitutional laws maybe that does not bother you, however, it bothers me deeply. The only goal that will be accomplished is making the law-abiding criminals.

I am asking you to please use some common sense and DO NOT strip our CONSTITUTIONAL RIGHTS away from those of us who are law abiding and have and will continue to defend our constitution and our way of life. Many great men and women have paid the ultimate sacrifice defending the constitution. Let's not negate the efforts of the men and women who have, are and will continue to defend our constitution and the American way of life.

Sincerely,

A concerned Colorado and United States citizen, father and husband.