

20240404 EMERSON TESTIMONY HB24-1270 – MAINTAIN LIABILITY INSURANCE  
House Business Affairs & Labor Committee 4/4/2024 1:30

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

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

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

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

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

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

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

---

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

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

<sup>3</sup> <https://www.law.gmu.edu/pubs/papers/ls2106>

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

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

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

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

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

20240308 EMERSON TESTIMONY HB24-1270 – MAINTAIN LIABILITY INSURANCE  
House Business Affairs & Labor Committee 3/14/2024 1:30

My name is Keith Emerson and I represent myself. I am testifying against HB24-1270 which would require homeowners and renters to carry liability insurance. With this bill we again find ourselves in California East, blindly following California Senate Bill No. 8.<sup>1</sup> That bill hasn't gone into effect so no lawsuits have been filed, but they will be. I call on the committee to kill Colorado's version of this bill.

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

Has anyone even called their own insurance company to see how much this might cost or to see if you are already covered?

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

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

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

A later section declares that, basically, poor people don't have to carry this insurance. One would think the indigent would have as great a need for this insurance. Why single out groups that have to carry this

---

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

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

<sup>3</sup> <https://www.law.gmu.edu/pubs/papers/ls2106>

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

burden versus those that don't? And the indigent are required to have gun safes and will likely need to retain a lawyer and go to court to be excused from this insurance obligation. Wow!

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

Please kill this bill. As with so many others passed by this and earlier legislators, it will do nothing to stop gun crimes or even accidental discharges while burdening law-abiding gun owners, of which this state has many in both political parties.



March 2024

**TO:** House Business Affairs and Labor Committee

**RE:** HB1270-- Firearm Liability Insurance Requirement

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, with women being especially vulnerable to violence involving firearms. Along with other measures Colorado has taken to prevent injuries and death from firearms, HB1270 is a common-sense bill. It requires a firearms owner to maintain liability insurance to cover losses or damages to a person, other than the policyholder, who is injured by an accidental or unintentional discharge of the firearm. In certain cases, there is a provision to allow the firearm owner, who cannot get insurance, to have a gun safe or other secure container to store the firearm.

Accidental shootings often involve children, and while nothing can ever truly compensate for the loss of a child, HB 1270 at least provides some compensation to victims and their families.

AAUW of Colorado strongly supports HB 1270 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](mailto: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.*

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

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

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

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

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

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

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

The cities with the most gun laws in this county also have the highest amount of gun crime, gun laws do not work. Locking up people committing crimes works, enforce the laws already on the books and do not over legislate people. Criminals do not, by definition follow the law. The second amendment was written not curtail citizens access to firearms but to prevent governments intrusion on my right and responsibility to protect myself, my family and my fellow countrymen. "Shall not be infringed" is clear.

Colorado does not have a legal gun owner problem; it has a violent criminal problem. Lock criminals up the violence goes down. When someone is caught driving drunk, we don't punish the car manufacture or the distiller, we punish the person. Guns are not the problem criminals are.



Objection 24-1270 requiring gun owner to maintain liability insurance. House Business Affairs & Labor Committee Sidney Patin to: LCS Committees 03/14/2024 04:57 PM

Objection 24-1270 requiring gun owner to maintain liability insurance.  
House Business Affairs & Labor Committee

Requiring liability insurance for gun owners makes no sense. Most home owner policies have insurance coverage for liability of the home owner. The NRA provides liability insurance for injuries or damages caused by negligence. Giving indigents a loophole to avoid having to purchase insurance makes no sense. If anyone should have insurance it is indigents, since they have no assets to pay damages. A liability insurance requirement for gun owners is not the same as automobile liability insurance. Having a gun (or guns) is not a privilege granted by the state, like a driver's license. It is a Constitutional right, and requiring insurance or any payment to exercise a Constitutional right is a violation of the Constitution and especially the 2nd Amendment, because it would infringe upon the right to keep and bear arms. The bill should be rejected.

submitted 3-14-2024  
Sidney L. Patin  
460 Silver Spring Cir.  
Colorado Springs, CO 80919  
Telephone: 719-578-5104  
Email: spatin51@msn.com

Testimony in opposition to: HB24-1270 Firearm Liability Insurance. House Business Affairs Committee

Thank you, Chair and Committee

My name is Robert Edmiston. I am with the Firearms Coalition of Colorado, an NRA-affiliated, all-volunteer, grassroots organization dedicated to the protection of individual rights and public safety. I am a former U.S. Army officer and vocational rehabilitation counselor. I have a master's degree in psychology, counseling, and guidance.

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

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

On Page 7, Line 19, the bill reads:

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

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

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

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

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

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

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

Thank you for your consideration.

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

**March 10, 2024**

**Written Testimony: HB24-1270 Firearm Liability Insurance Requirement**

**Submitted by: Paige Leonard, Boulder**

Thank you Committee Members for reading my testimony in support of **HB24-1270 Firearm Liability Insurance Requirement**.

Passing this bill would provide an additional financial incentive for gun owners to secure their firearms. If firearms are safely stored and gun owners receive training, their insurance premiums would be reduced, but more importantly, safe storage means a drastic reduction in unintentional firearm injuries and death. According to the Colorado Department of Public Health, from 2016-2021, there were 43 unintentional firearm deaths in Colorado. Of these deaths, 11.6% were among children under the age of nine.

Insurance's ability to reduce gun violence by encouraging safe storage and responsible gun ownership is a valuable tool.

We need to pass each and every bill we can to make our communities safer. This bill does not harm responsible gun owners. Instead, this bill encourages a market-based approach to reducing gun violence that does not infringe on the Second Amendment.

You have the opportunity to make Colorado a safer state to live in. Please vote YES on **HB24-1270**. Thank you for your time and commitment to improving the safety of our community.

Thank you Madam Chair and committee members. My name is Jane Dougherty and I am representing myself. I am in support of HB24-1270 Firearm Liability Insurance Requirement.

My reason for supporting this bill is personal. My sister was a gun violence victim. Mary was the brave school psychologist at Sandy Hook that charged towards a disturbed young man armed with an AR-15 assault weapon. Mary died on the lobby floor while trying to protect her school.

Gun owners should be required to purchase gun liability insurance in the event that their guns kill or maim an innocent person resulting from an accidental or unintentional discharge of a firearm. Insurers will be required to make coverage available to homeowners and renters.

Gun rights advocates claim the Second Amendment ensures their right to bear arms. But the second Amendment does not require the public to subsidize gun ownership by paying for the ambulance, police, emergency room technicians, surgeons, and compensation for victims. Many families are left without an income earner like my sister's family was and the loss of health insurance. Victim's families should not have to turn to Go Fund Me for financial help.

Much like automobile insurance, firearm liability insurance will protect victims and their families from financial harm. Firearm owners rather than shooting victims or the public will bear the costs for the economic, emotional and physical damages sustained by others in firearm accidents.

This is a common sense bill. Vote yes to protect victims.

House Business Affairs & Labor

04/04/2024 01:30 PM

HB24-1270 Firearm Liability Insurance Requirement

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Linda Magid For themselves	Victims of firearm shootings currently have no recourse for the very real impact of being a gun violence survivor. Firearm insurance helps those harmed by guns at least a chance of getting help recovering. People who use guns irresponsibly should be held accountable. This bill will separate those who use their firearms responsibly and those who don't.
Fiona Macdonald For Students Demand Action	Thank you for the opportunity to testify. My name is Fiona Macdonald. I'm 16 years old, a Junior at East High School, and I'm representing Students Demand Action. I am here today to urge you to pass this bill. This bill, by requiring firearm owners to maintain a liability insurance policy that covers injuries resulting from accidental or unintentional discharge of a firearm, will encourage gun owners to prevent their guns from getting into the hands of children and those who would use them to do harm. Creating this incentive will be safer for gun owners and their families. Households that take actions to prevent easy access to their guns have a 78% lower risk of self-inflicted firearm injuries and an 85% lower risk of unintentional firearm injuries among children and teens as compared to households where there are unsecured guns and ammunition. Frequently, accidental shootings occur when kids find guns and, mistaking them for toys, unintentionally fire them, hurting themselves or someone nearby. Half of non-fatal gunshot injuries in the U.S. are the result of accidental shootings. Requiring liability insurance will ensure gun owners have a financial incentive to prevent accidental shootings. Having an economic incentive to properly secure guns can also have the added side effect of preventing guns from being stolen or used by people who are not the owner. The US Secret Service found that 76% of school shooters acquired their firearm from the home of a parent or close relative. If more guns are properly stored and gun owners have a responsibility to prevent their guns from getting into the wrong hands, it could help prevent those who are planning a school shooting from executing their plans. This bill will help prevent accidental firearm injuries and prevent easy access to guns for those who want to use them to cause violence. Colorado has an opportunity to serve as a laboratory of democracy as this bill is one of the first of its kind across the nation. I urge a yes vote on this bill in order to continue improving our gun violence prevention strategies here in Colorado. Thank you.
Concerned Citizen Against themselves	Members of the House committee, I stand against HB24-1270, which seeks to require liability insurance for firearm owners who are homeowners or renters in the event of a negligent discharge. Due to a character limit, this "petition" has been condensed.

	<p>This bill does two things: provide a mechanism to identify and document firearm owners (a), and to exacerbate punishment of a potential felon (b).</p> <p>(a) Insurance REQUIRES insurree PII, including name, address, SSN, DOB, etc. Requiring firearm owners who own or rent homes/apartments to acquire and prove insurance results in a statewide registry of firearm owners. While C.R.S. 29-11.7-102 prohibits local government from maintaing a firearms database, the law is ambiguous to how it can/would behave towards a "privatized" registry of the same nature.</p> <p>(b) C.R.S. 18-12-107.5 designates a negligent discharge as a class 5 felony, resulting in a punishment of a monetary fine of \$1K-100K and up to 1-8 years of prison, circumstances dependent (CDHS). An additional punishment for not owning insurance with a first-time offense punishment of \$250K-500K is, put lightly, excessive.</p> <p>In the event of a negligent discharge, this bill does not seek to protect the property or its owner, nor does it benefit a victim in the case of a negligent discharge. Instead, it terrorizes citizens with an insurmountable punishment and seeks to punish upstanding-citizens by raising the cost of ownership. As such, I am against this bill. Thank you for your time.</p>
<p>Bryan Goings Against themselves</p>	<p>Hello. I wish to clearly state my opposition towards HB24-1270 (Firearm Liability Insurance requirement). This bill will impose additional financial burden on citizens who choose to own firearms. This bill would create a highly privileged and socially unjust dynamic, resulting in additional financial pressure on lower income Colorado citizens. Whether a firearm is owned for hunting and conservation, personal defense, recreation, or possessing a family firearm heirloom handed down from ancestors, all firearm owners would be burdened financially. Additionally, insurance organizations may choose to not offer firearm coverage, resulting in less choice for the firearms owner and creating upward pressure on insurance premium cost due to the lack of competition. I strongly oppose the financial burdens and socially unjust incentives the result from HB24-1270. I firmly oppose HB24-1270 (Firearm Liability Insurance requirement). Thank you.</p>
<p>Justin Beard Against themselves</p>	<p>I am AGAINST this bill. But please pass it as it will bring so many Boomers, Ducks Unlimited and hunting types out of the woodwork as new political activists you'll need to start holding these public hearings in a warehouse in the future to fit the number of pissed off citizens in. There are a VAST number of 'gun owners' in this state that have a 22 or pump shotgun or bolt action hunting rifle in the closet that don't pay attention to what's going on under the golden-dome because they don't own an 'icky AR' or 'concealed carry' But now they will be required to maintain insurance for a gun they rarely use, and will still most likely not sell.</p> <p>Besides, this bill will anger NON gun owners too once homeowners insurance goes up across the board as insurers will be forced to offer</p>

	<p>coverage to anyone in the state per this bill. This will naturally cause ALL rates to rise.</p> <p>So please, try this stunt and see how it works out for you. :)</p>
Joseph Pero Against themselves	<p>I believe this bill is intended to make life difficult for law-abiding citizens who own guns. The Second Amendment has no language pertaining to the need for a law-abiding citizen of this state &amp; country to carry liability insurance for owning a gun.</p> <p>HB24-1270 is cost-prohibitive to many individuals given how insurance rates have doubled for many of us living in Colorado. It is also unconstitutional!</p> <p>Aside from all this, it will do NOTHING to stop criminals from having a gun. Do any of you really think a criminal gives a hoot about laws? Please cast a "NO" vote on this bill.</p> <p>Sincerely, Joseph Pero Lakewood</p>
Thomas Ross Against themselves	<p>I'm am vehemently against this bill. This bill raises the cost of owning a firearm in the state. This is also a way to stop people from owning firearms because of they can't find insurance to cover them or it is too expensive they would have to give up their firearm. It's ridiculous to think that is even enforceable too. Who is gonna run around and check everyone that owns a firearm if they have insurance. Plus people coming into the state with firearms sure are not gonna know about this law because nobody who is moving into a new state is gonna look at their guns laws. They already have enough things to worry about. This is just another way the government is trying to make firearm ownership even more expensive and hard to do. It classist and will create a monopoly on what companies will even give insurance to the people of Colorado especially because it would be mandatory. Vot NO.</p>
Marc Bergreen Against themselves	<p>I strongly oppose this bill because it adds extra cost to firearm ownership for self protection. The majority of firearm owners are law abiding citizens and this is an unfair tax on our interest in helping to make our community safer. Please oppose this bill.</p>
Derek Adelman Against themselves	<p>Maintaining liability insurance raises the bar to entry to own a firearm, making it more expensive and attempts circumvent the right to bear arms. The right to bear arms does not only apply to those who can afford it, it applies to everyone. I am strongly opposed to this bill and believe it to be unconstitutional on both the state and federal levels.</p>
John Henderson Against themselves	<p>I'm a lifelong Democratic voter who resides in Rep Woodrow's district. I am in absolute opposition to this bill. This is a ham-fisted attempt at preventing lower income Coloradans from exercising their Second Amendment rights. By requiring liability insurance you are only creating an environment where law abiding Coloradans are affected. Criminals won't carry insurance, and so the financial burden of the crime will fall on the lawful. Take the flawed logic that spawned this bill and put it in the trash alongside this garbage legislation. Do better for</p>

	your constituents. Don't punish them financially for exercising their constitutionally protected rights.
Russell Dare Against themselves	<p>Insurance companies are refusing to insure many homes in Colorado due to increases in natural disasters. This proposed law would further push insurance companies to not insure homes in Colorado. This would affect EVERYONE in Colorado, not just gun owners.</p> <p>There is no requirement in the bill that insurance companies offer anything like reasonable or competitive rates. We've seen record increases in insurance rates across all categories in the past year.</p> <p>This law in other states is already being challenged in court and it's not looking good for those states. Don't willingly bring financial ruin to Colorado by passing laws that will lose in court.</p>
DAVID SWASCHNIG Against themselves	I am writing to urge you to oppose this shamefully racist bill. This is not only a clearly unconstitutional bill but also directly targets minorities and low income individuals, as this is who will be disproportionately affected by this requirement. This is clearly an attempt to target minorities and those who already struggle with financial burdens and should be opposed without question. Thank you for your consideration in this matter and for doing the right thing to fight against racism.
Carrie Farberow For themselves	I'm writing to express my support for requiring firearm liability insurance. Given the inherent danger of firearms, it seems unreasonable that liability is not already required. There are approximately 27,000 unintentional firearm injuries and 500 unintentional firearm deaths per year in the U.S - certainly those injured deserve to be ensured some financial recourse for the traumatic impacts and debilitating outcomes. Furthermore, it's reasonable to anticipate that an outcome of this requirement will be a reduction in unintentional firearm injuries due to broader safe storage. As a parent, I can ask my child's friends parent's about gun ownership and safe storage of guns prior to my child entering their home, but this kind of requirement would go so much farther than I can as an individual parent in strongly encouraging safe storage of guns and thereby protecting us all, including children. This bill does not harm responsible gun owners. Surely, there will be costs for insurance - but we accept such costs for driving a car (which is easily argued to be much more of a necessity than owning a firearm).
Michael Lidmila Against themselves	Once again you are pushing laws that the criminal will simply laugh at, pass laws that are directed at them and not me.
Paul Mandal Against themselves	I do not believe that a person should have to pay a private company to exercise a constitutionally protected right.
Ava Flanell Against themselves	Requiring gun owner liability insurance is another deliberate attempt to drive the cost of ownership up and deprive the common citizen of their constitutionally protected right to defend themselves. Under existing

	<p>law, a person is already liable if they misuse a firearm. This bill aims to put an undue financial burden on every firearm owner as a deliberate deterrent from their lawful right to protect themselves. A clear violation of the 2nd Amendment by trying to make their constitutionally protected right unaffordable.</p> <p>Another factor that is troubling in this bill is that it will lead to a stealthy back-door gun registration. Insurance companies will require the make, model, and serial number of firearms in order to provide liability insurance. There is zero doubt in today's highly politicized environment that they will freely share that information with government agencies without cause.</p> <p>Federal and local agencies have repeatedly been caught in recent years tracking purchases and flagging people for political views with zero evidence of criminal conduct by requesting data from banks. If you don't believe me, I suggest you read the reports directly from the House Judiciary committee. A March 6 report this year titled Financial Surveillance in the United States from the Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government details widespread instances of financial institutions flagging Americans to be investigated purely by ideological, political, and religious themed purchases without warrants or even any suspicion of criminal activity. Further, it details a web portal where federal agencies share details instructing private companies how to flag customers by their purchases at places like Cabelas, Bass Pro, purchase of a Bible, firearms, and other conservative themes. Financial institutions have freely flagged their customers in this manner without any justification. There is no doubt insurance companies will provide firearms data in the same manner and it will be abused by government agencies.</p> <p>Finally, the law is completely unenforceable. Only someone who has an incident with a firearm and is asked for their "insurance" would be trackable and subject to the fines detailed in the bill for failing to get insurance.</p>
<p>Claire Lucas For themselves</p>	<p>Thank you to the committee members for letting me submit my testimony in writing. My name is Claire Lucas. I am testifying on behalf of myself.</p> <p>My daughter was a student at Park County High School in Bailey, CO. Seventeen years ago there was a hostage situation at my daughter's school. As a parent, I lived through a nightmare all afternoon waiting to learn if my daughter was alive or dead. Before that afternoon was over the hostage taker shot one student in the head as she tried to escape. He killed her.</p>

	<p>When violent acts occur in our communities, the incident has a ripple effect. Not only are the people immediately impacted by the event traumatized, but also their friends, family members, and the greater community, who feel pain, loss and a sense of insecurity. No longer do they feel safe going to school, going to the grocery store or being in large crowds. The trauma of that day haunts the entire community for years.</p> <p>The hostage taker owned 11 firearms, four which were recovered on or around the school grounds after the incident. Had this bill been in effect it might have deterred the hostage taker from owning an arsenal of weapons because the cost of insurance would likely increase as more weapons were purchased.</p> <p>Liability insurance will increase costs associate with obtaining and owning a firearm for people whose weapons are deemed a higher risk of being used in a crime, making it less likely for those individuals to own firearms.</p> <p>Liability insurance is meant to cover negligent acts (not intentional ones). It pays the victim(s) for pain and suffering, injury, property damage and lost income.</p> <p>The need for this bill is based on the countless victims without financial remedy for their injuries and mental health needs from these accidents. This bill makes sure a financial instrument is available for all victims' ability to heal from such trauma.</p> <p>Passing this commonsense gun law which encourages safe storage and responsible gun ownership is a valuable tool toward making our communities safer.</p> <p>I ask you to support House Bill 24-1270. Thank you.</p>
<p>Heesoo Chung Against themselves</p>	<p>I am voter represented by House Representative Leslie Herod. I strongly encourage you to abandon this proposed bill and vote NO on its moving forward.</p> <p>The proposed firearm liability insurance bill raises serious constitutional and equity concerns. It violates the Second Amendment by imposing an financial burden on the right to keep and bear arms, a move unsupported by historical precedent and challenged by Supreme Court rulings in Heller, McDonald, and Bruen. The bill's requirement mirrors issues in Murdock v. Pennsylvania and Shuttlesworth v. Birmingham, where the Supreme Court struck down fees attached to the exercise of constitutional rights, asserting that a fee cannot be used to regulate a fundamental right.</p> <p>Moreover, the bill creates a financial barrier reminiscent of unconstitutional poll taxes, thereby risking disenfranchisement of disadvantaged citizens who can not afford the time nor monies required</p>

	<p>to petition a court for an exclusion order. The bill goes against principles set forth in Harper v. Virginia, transforming the constitutional right into a privilege for the financially capable.</p> <p>Additionally, by criminalizing gun ownership for those unable achieve the insurance requirement, the bill may infringe upon rights under Section 242 of Title 18, which protects against the deprivation of rights under color of law. This proposed bill also increases illegal firearm possession and will exacerbate enforcement inequalities, disproportionately affecting marginalized communities.</p> <p>The proposed bill also sets a concerning precedent for the conditional exercise of other constitutional rights. If the government can impose financial prerequisites on the Second Amendment, it could theoretically impose similar conditions on other rights, such as the freedoms of speech, press, or religion. This leads to a scenario where only the wealthy or those deemed "low-risk" by subjective standards have full access to their constitutional rights, undermining the very foundation of equality under the law.</p> <p>While public safety is crucial, it should not be pursued at the expense of fundamental rights. Legislation must be carefully balanced to ensure it does not infringe on constitutional guarantees or disproportionately burden those less financially able.</p> <p>For these, and many other reasons, I encourage you to abandon this proposed bill and vote NO on its moving forward. Thank you.</p>
<p>David Braucht Against themselves</p>	<p>My name is David Braucht and i oppose this measure. This is a blatant attack on a constitutional right that will end up being inadvertently infringement on the right to bear arms. It clearly denies people that arent in a financial position of positivity to defend themselves or their families due to the financial burden that will come with this measure. People who would not be able to afford insurance will be denied of an individual right ruled by the supreme court in 2008. Why does it seem that government interest only goes to serve banks, insurance companies, and corporations?</p> <p>Please oppose hb24-1270</p>
<p>craig wright Against themselves</p>	<p>This bill is an extreme attack on our right to bear arms, disproportionately impacts the poor, and must be opposed.</p>
<p>Missy Espinoza Against themselves</p>	<p>Vote NO. This bill is completely unnecessary and unconstitutional. I am too poor to afford another bill. I'm barely getting by. VOTE NO. I will be watching for your votes. I will let everyone I know know how you vote.</p>
<p>Robert Glenn Against</p>	<p>As a longtime resident of Windsor, Colorado, as well as a precinct committee person, I am writing to express my vehement opposition to</p>

<p>Weld County GOP</p>	<p>HB24-1270, proposed legislation that would require ALL individuals who legally and constitutionally own firearms to obtain state-mandated insurance. As a Citizen of Colorado in the United States of America, I find this bill extremely troubling and recognize that it represents an egregious infringement on our fundamental freedoms.</p> <p>The notion of mandating insurance for law-abiding firearm owners is not only impractical but also discriminatory and punitive in nature, and is blatantly Unconstitutional. Such a requirement would disproportionately burden responsible gun owners, many of whom own firearms because they either ARE or fear they will be victims of violence. They rely on firearms for self-defense and that of their families. It is unconscionable to penalize individuals exercising their constitutional rights by imposing financial obligations that serve no legitimate public safety purpose. recreational shooting, and hunting purposes. Punishing responsible gun owners with onerous insurance requirements does nothing to enhance public safety and only serves to undermine our cherished constitutional freedoms.</p> <p>Insurance companies may well choose to deny insurance. This bill does absolutely nothing to address THIS problem. Likewise, the availability and affordability of firearm insurance policies may vary widely, disproportionately impacting low-income individuals and marginalized communities. This could effectively price out law-abiding citizens from exercising their constitutional rights, creating yet another barrier to firearm ownership that disproportionately affects those most in need of self-defense.</p> <p>Moreover, the enforcement of a mandatory insurance requirement would place an undue burden on law enforcement agencies and further strain already limited resources. Rather than diverting valuable time and resources towards enforcing burdensome insurance mandates, law enforcement should be focused on addressing real threats to public safety and combating violent crime in our communities.</p> <p>I urge you to vote NO ON HB24-1270 and so oppose this misguided bill mandating state insurance for firearm owners. Instead, recognize and uphold the constitutional rights of law-abiding citizens that are enshrined in our Constitution.</p>
<p>Michelle Gillilan Against themselves</p>	<p>I am a legal gun owner, hunter, and FFL holder, meat processing facility owner, and firearms dealer in Colorado. This requirement of liability insurance is another burden on the legal and peaceful gun owners in this state. My entire livelihood is at stake and my ability to stay in this state. Legal gun owners are protected by the constitution to prevent the government, state or federal, from imposing legislation that infringers on their right to legally own firearms. It is none of the states business how many guns I own, nor should I be required to have insurance specifically for them. We simply can't afford more cost. This will be</p>

	<p>impossible to enforce, and will drive more of our legal gun owners to be forced to either leave the state they love, or run the risk of not following the law. Many of the business owners in this state are in the same boat we are, when you lose the tax paying citizens, your state goes bankrupt. As I watch the legislation being thrown at us, against everything I believe, I feel strongly that at some point you will lose the income producing folks who founded this state. You can and are legislating yourselves to a bankrupt state government. You know this is unconstitutional, you must look at your entire state and represent those who live here. We don't want this and we are fed up with the liberal out of touch representing rayon we have.</p>
<p>Richard Mack Against themselves</p>	<p>My name is Richard Mack, I live in Centennial, CO. Thank you for reading/hearing my testimony today. I am absolutely opposed to this bill and I ask that you withdraw your support for HB24-1270 and vote to no.</p> <p>The DMV and County Clerks can't even track uninsured motorist! How is it expected that the State can track uninsured gun owners. This puts undue hardship on gun owner to purchase insurance.</p> <p>This would also create a gun registry which is prohibited per CRS 29-11.7-102.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Thank you, Richard Mack 153 E Panama Dr Centennial, CO 80121</p>

<p>Lee Arnett Against themselves</p>	<p>This bill is just mean. It aims to financially penalize law abiding hunters and sport shooters like me and many members of my family. It is conceived to punish and harm people like me.</p>
<p>Mari Arnett Against themselves</p>	<p>I know you are just trying to take away our firearms by making us buy insurance. This is just a financial method to make firearms unaffordable, and to turn ordinary citizens into criminals. And doesn't this sound similar to ACA trying to force everyone to buy health insurance. That didn't fly. The state of Colorado will be looking at big bills to fight this in court.</p>
<p>Huey Laugesen Against Colorado State Shooting Association</p>	<p>My name is Huey Laugesen. I am the executive director of the Colorado State Shooting Association (the official state association of the NRA). I submit this testimony in strong opposition to House Bill 24-1270 on behalf of our members across all 64 of Colorado's counties.</p> <p>Requiring every gun owner to maintain liability insurance is yet another infringement on the Second Amendment rights of the citizens of Colorado. It will increase the already crippling financial burden of exercising our Second Amendment rights. Low-income Coloradans will be priced out of the ability to keep and bear arms.</p> <p>The Colorado State Shooting Association and all of our members urge you to oppose this bill.</p>
<p>John Hutchins Against themselves</p>	<p>Dear Committee</p> <p>This goes against our constitution. This in no way shape or form tackles anything to do with criminal activity. This only targets legal good abiding citizens. This is just putting more control and pressure on legal firearm owners, and hurts those who have low income, but want to protect themselves/ and or their family. That criminal who bought a stolen firearm at half price is not going to have to care about insurance. He knows his firearm is stolen and knows if he were to go sell it or take it to a gunsmith they would call the police in him. Now you're only targeting legal firearm owners by forcing us, doesn't matter how much we make a year, forcing us to have to pay more is absurd. Not to mention risk being dropped by our insurance entirely all because we own a tool. So you can say it's like a penalty, A mark just like the Jewish folks in Nazi germany forced to wear a star. This is forcing us to have insurance and to register them. This is not Nazi germany or Soviet Russia, this is America. This will not stop criminals. No criminal on this planet is going to ever get insurance coverage on a firearm he intends to use in an illegal manner/ activity, but the Mothers and fathers who make just enough to feed there children. Who live in a unsafe community around drugs, car thefts, gang violence. You basically made a right a commodity. Your charging people just because they own something you do not like or want them too, and for that, you penalize them into paying something they don't need. That tool is not going to go off by itself. Blame the man/ women behind it. Not the tool. Have a great day, god bless.</p>

Terry Browning Against themselves	I oppose this item on the grounds it creates a backdoor registration of owners and their property.
Ronnie Franks Against themselves	I am against House Bill 2470-1270 Firearms Liability Insurance. This is not necessary and is only being proposed to create a registry of gun owners. Do something to stop gun violence like making crimes committed with gun a felony with a mandatory prison sentence instead of attacking legal gun owners.
Kenneth Walter Against themselves	<p>HB24-1270 would create a burden on an American citizen, a Colorado resident, for simply exercising the federally given and State given right to own a firearm. Further, insurance companies would require documentation of not only who they were insuring for but also what they are insuring, which would create a gun registry, which is illegal. Finally, the insurance company could use firearm ownership as a reason to deny other insurance policies not related to firearms with no basis other than firearm ownership as the reason.</p> <p>For these and other reasons, I am against this bill.</p> <p>Sincerely,</p> <p>Kenneth Adam Walter</p>
Leif Sigstedt Against themselves	I urge you not to go down this path by passing this liability insurance requirement bill. Among many other problems I see with this, it will act to disproportionately affect lower-earning and otherwise impoverished people's ability to exercise their right to protect themselves. This is nothing more than a backdoor carry ban that will likely price people out of the ability to carry a firearm while (most likely) creating an illegal gun registry in the process since the insurance companies will probably want to know about every specific firearm that a person owns before covering them. Insurance companies could also use this as a way to raise rates or deny otherwise qualifying people coverage. It could even someday lead to a total ban if the insurance companies were convinced to not cover anyone at all who possessed firearms. This is unconstitutional and goes against the historical traditions of our country as well as our state. This must never come into law. Vote no on HB-24-1270 for the sake of everyone in our great state of Colorado.
Michelle Gillilan Against themselves	I am writing today to urge a no vote on this bill. Legal gun owners...the only ones who would even comply with this, are not the folks out there creating crimes. This insurance requirement is just a legislative way to make it more difficult for innocent law abiding citizens to have firearms. I am an avid outdoorswomen, hunter, gun owner, FFL holder, and business owner of multiple business's in this state. My very livelihood relies on hunting. Folks are not going to Ben come here to recreate with the ridiculous laws I see being thrown at us. As a law abiding citizen, it

	<p>is concerning to me that crime and violence statistics are pointed at me. There will be no viable way to enforce this, only adding to the states overly inflated budget and debt we have. Put the burden on the criminals, not us.</p>
<p>Roger Cozens Against themselves</p>	<p>Honorable members of the Business Affairs and Labor Committee, I respectfully and strongly disagree that requiring liability insurance for gun owners will have any impact on illegal gun use. Individuals who commit crimes with guns pay no attention to laws regarding acquiring them or illegally using them. This type of legislation punishes honest law abiding citizens who own guns as hunters, collectors, and for shooting sports. Please create strong legislation to punish those who use guns illegally and in criminal activity not those who would never even consider using these tools in a crime or to harm someone. Please create legislation to teach morality and ethics in schools and legislation to help treat people with mental illnesses to reduce the illegal use of guns. Thank you for your intelligent consideration. Best regards, Roger Cozens</p>
<p>Gary Travis Against themselves</p>	<p>Dear Representatives, As a Colorado voter I urge you to vote against Hb24-1270. This bill places a financial burden on the constitutional rights of gun owners. It also creates a de facto system of gun registration. Gary Travis</p>
<p>Dale Ennis Against themselves</p>	<p>Please stop wasting millions of taxpayer dollars on useless and irresponsible democratic socialist national agenda issues and focus on addressing the needs of the people who voted you into office. This is Orwellian legislation that only deepens the divide in our fragile society and accomplishes absolutely nothing to reduce crime in any way. Who ever introduced this should be tarred and feathered and chased out of town.</p>
<p>Calvin Mauger Against themselves</p>	<p>The Second Amendment gives citizens of the USA the right to keep and bear arms. It is a right that we have had since the forming of our country. It is outrageous that the government, well to be honest just one side of the government is doing all they can to crush these rights. They know that once a right is taken away it takes much much more work to get that right back.</p> <p>This legislation is no doubt against the law. It is not Constitutional to make every single person who wanted to exercise a right pay for something like liability insurance. How would you feel if you needed to have free speech insurance in case you insulted someone. Do you truly think the criminals, the ones who are carrying illegal guns that they are prohibited from having, will purchase this liability insurance? Give me a break. Of course not. This bill targets law-abiding citizens. Making them pay to have a right.</p>

	<p>This legislation is a waste of taxpayer time and money. If it is irresponsibly passed it will waste the time of courts and eventually be expunged as unconstitutional. We have to band together and reject legislation like this. We are CITIZENS NOT SERFS.</p>
<p>Mark Ziebart Against themselves</p>	<p>What an egregious attack on firearms owners. There are no statistics that warrant a need for such insurance. Moreover, do you really think that criminals who aren't supposed to have guns in the first place will obey such an inane conceived law? And what about individuals who own a gun for self-protection, have never broken any law, and yet haven't the means to afford such insurance? I have a 90-year-old female friend who lives alone and owns a gun for self-protection. She's on a fixed income and could in no way afford to purchase extra insurance.</p> <p>Do you think all the illegal aliens who, according to a federal judge, can now possess firearms are going to purchase this insurance? Or will the state or federal government just subsidize their need like they do everything else?</p> <p>This is a blatant and low attack on gun owners, as well as being unconstitutional.</p>
<p>Maxwell Hayes Against themselves</p>	<p>So the criminal government in Colorado wants to penalize the law abiding citizen. What this state needs is a bill to hold politicians liable for the crime admirer they commit. The same Colorado government that illegally removes people from elections (election interference), and is actively involved in human trafficking, and the sex trade wants to treat Americans like a piggy bank, because one of their family members is an insurance salesman. The revolution needs to start to clean America of the traitors and treasonous politician. Viva LA Revolution</p>
<p>Bryan Severson Against themselves</p>	<p>I, Bryan Severson, am against this law and my representative will not listen to my voice and my opinion on this subject of law. This law is in direct violation of my constitutional rights given to us by the overseeing Declaration of Independence. This is government interference into our personal lives that our forefathers fought so many years ago.</p>
<p>Maxwell Hayes Against themselves</p>	<p>The Colorado government is nothing but corruption, and anti American. The Colorado government needs to be shut down defund Colorado</p>
<p>Jeany Rush Against themselves</p>	<p>TO: HOUSE BUSINESS AFFAIRS &amp; LABOR COMMITTEE RE: HB24-1270 FIREARM LIABILITY INSURANCE REQUIREMENTS 4-4-24 FROM: JEANY RUSH COLORADO SPRINGS CONCERNED CONSTITUENT VOTE: NO NO NO</p> <p>Once again I am moved to ask, have we suspended the US constitution? Have we suspended the 2nd amendment? Clearly with bills like this there is only one purpose! The purpose is to disarm law abiding citizens, while allowing illegal invaders not only into our nation, but giving them access to our constitutional rights. This</p>

	<p>is a violation of our rights, "shall not infringe" But worse, when it comes to commerce, forcing a product, that actually does not even exist in reality is one more interference. This would impact peoples current insurance policies, which have already doubled in the last three years of tyranny! Trying to force people to comply to more marxist garbage, which harms your society, your nation, is one more offense of this all! This would make people reconfigure their insurance policies already in place, causing much more liability trauma to their purses. Worse, we already carry insurance for weapon carrying. It is clear, you all either do not understand, or are doing it on purpose to disarm the very people who would protect you and your families in an emergency. This is just SICK! WRONG! UNCONSTITUTIONAL! I OBJECT!</p>
<p>Mike Drabing Against themselves</p>	<p>Requiring liability insurance for gun owners is ABSOLUTELY INSANE! Not to mention it's probably unconstitutional as well. What's next? Requiring insurance for sharp objects in our garages? The pianos teetering in our third story windows? The nasty chemicals we store under our sinks?</p> <p>This is just another avenue to chip away at the Second Amendment and the freedoms of Americans. Don't you all pay enough in insurance premiums without gun ownership? Any one of you happy with your current (and ever-increasing) premiums for your: Health; Home; Auto, etc.?</p> <p>This bill is RIDICULOUS!</p> <p>Vote NO!!!!</p>
<p>Derek Adelman Against themselves</p>	<p>If you care about 2A rights, or at the very least maintaining your seat, you will vote no on HB24-1292 and HB24-1270 (and all the gun control bills for that matter). These bills are unconstitutional and remove Americans' right to defend themselves, not just from criminals, but from YOU. The Government. Spend your time and our resources that you use so carelessly on the immigration and homeless crisis, not on trying to criminalize lawful citizens by removing their right to bear arms. What you are doing is the same as California and look at what a mess they are in. Gas is through the roof, people are being attacked by the homeless and thieves (which they cannot stop either BY LAW or because they don't have a way to defend themselves ie FIREARMS—see postscript), illegal immigrants, feces cover the streets (I've seen this in Denver too many times), and they only clean it up when Xi Jinping THE COMMUNIST DICTATOR comes to town. Be better than California. Be better than that communist idealist Newsom who locks up his "subjects" while he goes to have dinner at the French Laundry. Be better to the people you represent, for your power only comes from OUR consent. And we can take it away. And we will. Vote no on HB24-1292 and HB24-1270!!</p>
<p>Pat Rottschaefer For</p>	<p>Hi, my name is Pat Rottschaefer and my words are my own.</p>

<p>themselves</p>	<p>I urge you to vote yes on HB24-1270 Firearm Liability Insurance Requirement. Frequently in hearings on gun violence prevention bills you hear of the horrible consequences when someone dies as a result of a shooting. But often people do not die - they survive. However, they survive with terrible scars, wounds, damage that leaves them needing expensive medical care, rehabilitation care, etc. Many times the victim of the shooting does not have the monetary resources to pay for these items and they are left on their own to manage. Requiring Liability Insurance could reduce some of the financial strain resulting from a shooting.</p> <p>Yes, requiring Liability Insurance would mean an expense to the gun owner. This is no different from requiring car owners to have car insurance in the event an accident leaves someone else injured. This is no different from requiring home owners to have insurance in the event someone is injured on their property.</p> <p>Please vote yes on this common sense legislation.</p>
<p>Nancy Von Minden Against themselves</p>	<p>This bill makes gun ownership especially onerous for law-abiding low-income citizens, especially minorities. People of color who live in high crime areas will not be able to afford liability insurance to protect themselves from armed criminals who will not bother to follow any laws restricting gun rights, including and especially a requirement to carry liability insurance. It is a shame that the state of Colorado is seeking to discriminate against law-abiding poor and minority communities who only want to protect themselves against those who do not follow gun laws. Racism is never a sound idea, and making minorities more vulnerable to serious bodily injury or death is even worse.</p>
<p>Brother Grimes Against themselves</p>	<p>Good Afternoon, The idea that citizens of the United States of America are required to pay for insurance to have a firearm in their personal home is outright harassment and a invasion on privacy. The bill states "The bill permits a person who was denied firearm liability insurance by 2 or more insurers or a person who is indigent and cannot afford the insurance to petition a court for an order declaring that the person is excused from the firearm liability insurance requirement. The court shall issue the order if it finds that the person is likely to behave prudently and safely in the storage, carrying, and use of a firearm and that the person has a gun safe or other secure container to store the firearm." This is a wrong infringement on privacy as it a process of showing that someone cannot afford the insurance or is denied insurance thus must then show that our guns are safely stored. This is probing and harassment of law abiding Americans. The other danger to this program is now the Government when corrupt can look at insurance files and know all the house hold that have guns. There is great danger when a tyrannical government know of each citizen that has a gun. That is what we call gun control and ultimately the government will not care what the citizen have to say when the government has control of the guns.</p>

	<p>Every time a gun control bill is passed our country becomes more dangerous in two ways. One it takes guns away from law abiding citizens that keep our communities safe. Two it gives the government more power and from history we know that all governments become corrupt with the more power that it has, we are not the exception. Once a right is lost it can be almost impossible to get back. Our beloved Colorado seems to have the agenda of consistently attempting to take guns away from our law abiding citizens in a round about way. If this agenda continues to be pushed, image what our country will be in 10-20-50 years from now, government ran, corrupt and without freedom to protect each, completely relying on the government for all. God Bless You</p>
<p>Glenn Massarotti Against themselves</p>	<p>I vehemently oppose requiring liability insurance for ownership of firearms. One should not have to purchase a third party service to exercise their rights.</p>
<p>Michael Stanevich Against themselves</p>	<p>I am writing to voice my strong opposition to HB24-1270. There is nothing at all right about this bill. To impose a mandatory Liability Insurance upon law abiding gun owners is not an additional insurance policy, but rather a tool to be used by fascist, communist, and dictatorial governments that gives law enforcement the authority to demand, "Show me your papers," at will. We must protect our rights and freedoms and must not allow Colorado, or the United States, to fall into one of the aforementioned forms of government and strike this bill down, here and now.</p>
<p>Soloman Stanton Against themselves</p>	<p>Gun ownership is a right not a privilege. As such, this is an unconstitutional requirement that will disadvantage lawful gun owners of modest means.</p>
<p>Loren Perlan Against themselves</p>	<p>I strongly oppose this Bill as it violates the Second Amendment to the US Constitution by infringing on the rights to keep and bear arms. It also unjustly burdens and discriminates against people of lower income by mandating that they acquire additional insurance and lose their right to own a firearm if they cannot get insurance. This Bill may very well cause tens of thousands if not hundreds of thousands of people not to be able to have home insurance if the insurance company decides not to insure due to this new requirement. The amounts of insurance are also undefined, and with people on the fragile edge of poverty due to our economic climate, may push them into homelessness among other horrible things.</p>
<p>William Marshall Against themselves</p>	<p>Vote No on HB24-1270</p> <p>HB24-1270 seeks to punish lawful for the criminal acts of others. Now state lawmakers want to add more costs to the law-abiding for firearm ownership to pay for the criminal acts of others. This bill seeks to solve a nonexistent problem — uncompensated damages incurred by firearms — as a cover for its true aim of creating another hurdle to legal gun ownership. HB24-1270 is an overreaching gun-control policy, it will</p>

	<p>have no real impact in reducing violence involving guns. It's driven by dogma, not data.</p> <p>Vote No on HB24-1270.</p> <p>Thank you, William</p>
--	--

Dear Committee,

Oppose HB24-1270 Mandated Firearm Insurance. This proposed legislation is basically a poll tax put on firearm owners. This will hurt people of color and those who are being abused by the systematic laws put in place to remove their rights just like poll taxes. The current state legislative body claims to be apart of the solution and bringing equality to Colorado but this will only bring Colorado citizens a Jim Crow style law that punishes them for a constitutional right. This proposed legislation also gets the analogous history incorrect. During the 1800's these surety bonds were used for those engaged in business practices not individual citizens. This is very sad that this current legislative body would try to re-write and use history to enact a Jim Crow style law. Oppose HB24-1270

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

Colorado House Business Affairs Committee  
Apr. 4, 2024

By David Kopel  
Research Director  
Independence Institute  
727 East 16<sup>th</sup> Ave.  
Denver, Colo. 80203  
303-279-6536  
[david@i2i.org](mailto:david@i2i.org)

## Summary

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

## Liberal Democrats of yore versus regressive attitudes today

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

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

## Justice Thurgood Marshall

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

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

---

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

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

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

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

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

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

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

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

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

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

## “Show me your papers”

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

---

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

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

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

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

---

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

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

---

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

1968	199,312	102,302,251	0.51	2,394	527	54,492	1.20	0.97
1969	201,298	107,111,820	0.53	2,309	455	54,089	1.15	0.84
1970	203,798.7	111,917,733	0.55	2,406	506	53,803	1.18	0.94
1971	206,817.5	116,928,781	0.57	2,360	481	53,835	1.14	0.89
1972	209,274.9	122,304,980	0.58	2,442	554	53,700	1.17	1.03
1973	211,349.2	128,016,673	0.61	2,618	541	53,450	1.24	1.01
1974	213,333.6	134,587,281	0.63	2,513	532	53,163	1.18	1.00
1975	215,456.6	139,915,125	0.65	2,380	495	52,895	1.10	0.94
1976	217,553.9	145,650,789	0.67	2,059	428	52,605	0.95	0.81
1977	219,760.9	150,748,000	0.69	1,982	392	52,325	0.90	0.75
1978	222,098.2	156,164,518	0.70	1,806	349	52,060	0.81	0.67
1979	224,568.6	161,888,861	0.72	2,004	372	51,523	0.89	0.72
1980	227,224.7	167,681,587	0.74	1,955	316	51,369	0.86	0.62
1981	229,465.7	173,262,755	0.76	1,871	298	51,275	0.82	0.58
1982	231,664.4	178,218,890	0.77	1,756	279	51,367	0.76	0.54
1983	233,792.0	182,273,263	0.78	1,695	243	51,458	0.73	0.47
1984	235,824.9	186,683,867	0.79	1,668	287	51,580	0.71	0.56
1985	237,923.7	190,658,136	0.80	1,649	278	51,616	0.69	0.54
1986	240,132.8	194,182,072	0.81	1,452	234	51,592	0.60	0.45
1987	242,288.9	198,526,508	0.82	1,440	247	51,965	0.59	0.48
1988	244,499.0	203,306,821	0.83	1,501	277	52,604	0.61	0.53
1989	246,819.2	208,489,609	0.84	1,489	273	53,405	0.60	0.51
1990	249,438.7	212,823,547	0.85	1,416	236	54,065	0.57	0.44
1991	252,127.4	216,695,946	0.86	1,441	227	55,352	0.57	0.41
1992	254,994.5	222,067,343	0.87	1,409	216	56,297	0.55	0.38
1993	257,746.1	228,660,966	0.89	1,521	205	57,203	0.59	0.36
1994	260,289.2	235,604,001	0.91	1,356	185	57,918	0.52	0.32
1995	262,764.9	240,599,526	0.92	1,225	181	58,380	0.47	0.31
1996	265,189.8	245,003,546	0.92	1,134	138	58,850	0.43	0.23
1997	267,743.6	249,261,384	0.93	981	142	59,217	0.37	0.24
1998	270,248.0	253,771,440	0.94	866	121	59,659	0.32	0.20
1999	272,690.8	258,490,668	0.95	824	88	59,955	0.30	0.15
2000	281,421.9	263,208,364	0.94	776	86	60,301	0.28	0.14
2001	285,317.6	267,335,304	0.94	802	72	60,566	0.28	0.12
2002	287,973.9	272,180,680	0.95	762	60	60,764	0.26	0.10
2003	290,809.8	276,813,674	0.95	730	56	60,911	0.25	0.09
2004	293,655.4	281,683,638	0.96	649	63	61,012	0.22	0.10
2005	296,507.1	286,837,125	0.97	789	75	60,953	0.27	0.12

2006	299,398.5	292,555,450	0.98	642	54	61,023	0.21	0.08
2007	301,621.2	299,017,274	0.99	613	65	61,295	0.20	0.11
2008	304,059.7	305,894,116	1.01	592	62	61,570	0.19	0.10
2009	307,006.6	314,862,296	1.03	554	48	61,883	0.18	0.08
2010	308,745.5	322,919,506	1.05	606	62	61,201	0.20	0.10
2011	311,556.8	332,416,908	1.07	591	74	61,168	0.19	0.12
2012	313,830.9	345,552,564	1.08	548	58	61,113	0.17	0.09
2013	315,993.7	361,543,774	1.10	505	69	61,067	0.16	0.11
2014	318,301.0	373,798,736	1.17	461	49	61,053	0.14	0.08
2015	320,635.2	386,743,952	1.20	489	48	60,999	0.15	0.08
2016	322,941.3	403,002,346	1.25	495	74	60,997	0.15	0.12
2017	324,985.5	415,334,094	1.28	486	62	60,968	0.15	0.10
2018	326,687.5	428,138,336	1.31	458	54	60,820	0.14	0.09

## Constitutional law and statutory precedents

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

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

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

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

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

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

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

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

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

One contemporary court has upheld a San Jose, California, law partly similar to HB24-1270. The court agreed that the surety statutes were good enough for analogy to a modern universal insurance mandate.<sup>11</sup> To the San Jose court, there was not a crucial legal difference between an old law punishing people who had been acting dangerously versus a modern law punishing everyone.

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

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

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

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

---

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

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

03/13/24

To:

Please oppose HB-24-1270.

This bill will burden law-abiding citizens with unnecessary expense. Requiring gun owners to carry insurance against the rare occurrence of an accidental or unintended discharge is an overreach of governmental authority, infringing on the Second Amendment as well as the Fourth Amendment's protection of the people to be secure in their persons, houses, papers and effects against unreasonable searches by requiring a photo or other evidence of possession of a gun safe and its location to obtain a reduced premium. House insurance premiums have doubled in many areas in Colorado and this bill will unnecessarily increase them as well. Safe storage of firearms is already required in Colorado and is a primary method of preventing injury from accidental discharges by children and unauthorized adults. Because of the rare occurrence of accidental or unintended discharge injury or death, ( 2% to 0.8% of all firearm injuries and deaths) there is no current threat to the preservation of the public peace, health or safety. Also the surety bonds of the 1830's would be returned after six months whereas this bill's insurance requirement would go on for as many years as a gun owner lives in Colorado.

Please oppose HB-24-1270

Thank You

Kenneth Buttrey

970-903-1007 , 553 Rainbow Drive Pagosa Springs, CO 81147

Dear Committee Members,

My name is Bradley Abell, and I strongly encourage you to abandon this proposed bill and vote NO on HB24-1270 moving forward.

The proposed firearm liability insurance bill raises serious constitutional and equity concerns. It violates the Second Amendment by imposing a financial burden on the right to keep and bear arms, a move unsupported by historical precedent and challenged by Supreme Court rulings in *Heller*, *McDonald*, and *Bruen*. The bill's requirement mirrors issues in *Murdock v. Pennsylvania* and *Shuttlesworth v. Birmingham*, where the Supreme Court struck down fees attached to the exercise of constitutional rights, asserting that a fee cannot be used to regulate a fundamental right.

Moreover, the bill creates a financial barrier reminiscent of unconstitutional poll taxes, thereby risking disenfranchisement of disadvantaged citizens who cannot afford the time or financial resources required to petition a court for an exclusion order. The proposed approach contravenes principles set forth in *Harper v. Virginia*, transforming the constitutional right into a privilege for the financially capable.

Additionally, by criminalizing gun ownership for those unable to achieve the insurance requirement, the bill may infringe upon rights under Section 242 of Title 18, which protects against the deprivation of rights under color of law. This proposed bill also increases illegal firearm possession and will exacerbate enforcement inequalities, disproportionately affecting marginalized communities.

Which brings us to the issue of underwriting standards, and a few pertinent questions:

1. Will African Americans have to pay more money if they want to exercise their second amendment rights?
2. Will Latinos have to pay more money if they want to exercise their second amendment rights?
3. Will people who graduated from college, and have W2 employment be able to pay less?
4. Will people who live in high crime neighborhoods have to pay more?

While public safety is crucial, it should not be pursued at the expense of fundamental rights. Legislation must be carefully balanced to ensure it does not infringe on constitutional guarantees or disproportionately burden those less financially able.

Actions of a few should not affect the many. The [CDC](#) estimates that each year, around 88 thousand people die as a result of alcohol overuse, to the point that "1 in 10 deaths among working-age adults" stems from alcohol abuse. 88 thousand deaths from over consumption, plus a little more than 10,000 yearly dying in DUI fatalities, [CDC data for 2013](#), which also disproportionately kill the young.

Alcohol is also massively implicated in campus rape and sexual abuse, from [Bureau of Justice Statistics](#), about half (47% in the study) of sexual assaults reported (already a smaller number of likely assaults) involved alcohol - used to subdue a victim, or embolden an assailant. [Other studies cited by the National Institute of Justice](#) in this review find a strong correlation between alcohol abuse and domestic violence. From abuse mortality, to rapes, to domestic violence, alcohol consumption leads to nearly a hundred thousand deaths and rapes and beatings of innocent people year year in the United States, when we know that plenty of the non-fatal crimes and abuses perpetrated by alcohol abusers go unreported.

So

Should people who want to purchase alcohol for storage in their home, or at a bar/restaurant not just have to show an ID, but proof of insurance? After all - - - anyone who drives a car (and we know how [lethal those are - NHTSA](#); 30 thousand fatal crashes killing 33 thousand people in 2012 alone) on public motorways *has* to carry insurance..

On top of IDs, maybe, background checks at bars and restaurants (we could even get the same BATFE involved), liability insurance mandatory to renew, etc. Simply add on 15-30 dollars each time you want to go

out for each drink you want to buy. After all; it's for the greater good and your safety, just in case you're a rapist or a drunk driver.

Obviously, no, no we shouldn't, because the overwhelming majority of the dozens of millions, potentially hundreds of millions of Americans who responsibly consume alcohol each year, (often each week), aren't rapists, aren't domestic abusers and aren't drunk drivers. A mandatory insurance scheme of liability coverage for the actions of committing those kinds of crimes isn't necessary because the vast, vast majority *simply do not ever commit those crimes at all*.

I would imagine most people reading this drink alcohol, and have most members of their family/friends as people who drink alcohol.

I would further imagine almost all of you here (and your friends and family), aren't rapists. Aren't domestic abusers. Aren't drunk drivers.

And I would be very sorry if part of your existence and freedom under the law were to be lumped in with that sort of crowd, instead of being respected for the responsible people you are.

Does car insurance do much to promote *safer* driving?

On this count; perhaps if a private firm offers rewards for people who meet markers of responsibility (a high GPA and an indication you're a married family man can actually get you lower rates, as well as proof that you don't drive that much) - - - but what would liability insurance do for firearms owners? And the incidence of these accidents?

From the University of Utah School of Medicine [citing CDC](#), there were about 600 accidental gun deaths in 2010. The national count of accidental deaths is actually increasing, but the all time high [set in 1969, NBC News](#) is about 116 thousand (2013 data from CDC says about 100k for that year).

Let's say 2023 has a wild high of 1000 accidental gun deaths and 5000 accidental firearms injuries, and a stunning low of 90,000 accidental deaths. We'd still have just one percent of nationwide accidental deaths coming from firearms, in a nation of 100 million gun owners and some 300+ million guns.

The numbers, even when you exaggerate them to provide "worse case" scenarios, really don't seem that convincing to me. Simply: **the majority of firearms owners never commit firearms crime or have firearms accidents. Either an insurance system like this would treat all individuals as components of the aggregate, and create actual financial discrepancy in the material ability to exercise a Constitutional right on the basis of race, and class, or it will be on a made up schedule of risk and liability, and simply exist as a cash grab and secondary permitting/registration system barring a Constitutional right.** For these, and many other reasons, I encourage you to abandon this proposed bill and vote NO on its moving forward.

Sincerely,

Bradley Abell and fellow Coloradans