

House State, Civic, Military, & Veterans Affairs

02/06/2023 01:30 PM

HB23-1044 Second Amendment Preservation Act

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Rionda Osman</p> <p>Against</p> <p>League of Women Voters of Colorado</p>	<p>Written testimony submitted to the State, Civic, Veterans, and Military Affairs Committee</p> <p>In opposition to HB23-1044 Second Amendment Preservation Act</p> <p>Submitted by Rionda Osman, Boulder CO</p> <p>HB23-1044 Concerning enacting the ‘Second Amendment Preservation Act’, and, in connection therewith, prohibiting enforcement of Federal laws that infringe on the right to bear arms</p> <p>This bill presents two issues that contradict existing Colorado law and the US Constitution’s Supremacy Clause (Article VI, Paragraph 2). If enacted, this bill would negate most of Colorado’s laws concerning firearms. If enacted, this bill would upset Colorado’s relationship to the Federal government.</p> <p>This nation and Colorado are grappling with astonishing gun violence. The so-called infringements listed in this bill counter the statutes of Colorado and of some Colorado cities to register and require background checks on purchases and transfers and restrict the presence of firearms in some locations. The Extreme Risk Protection Orders recently passed could also be hamstrung under the guise of preventing the removal of firearms.</p> <p>The second issue concerns the primacy of Federal laws and the duty of states and all agencies to observe Federal law. Additionally, if this bill were to become law, former Federal employees would not be eligible for employment by the State or by political subdivisions.</p> <p>The League of Women Voters of Colorado has registered a stance of ‘Strongly Oppose’ toward this bill.</p>

	<p>I urge you to reject this bill in the interests of the health and safety of Colorado’s citizens and to preserve the position of Colorado within the federation of states.</p> <p>Sincerely,</p> <p>Rionda Osman, 2 February 2023</p>
<p>Sophia Shiroff</p> <p>Against</p> <p>Students demand action</p>	<p>Hello Chair and committee,</p> <p>My name is Sophia Shiroff and I am a Junior at Denver East High School and part of leadership for the Students Demand Action club at my school, advocating against the gun violence that affects our community every day. Earlier this year, my high school was put in lockdown during my 6th-period class, Orchestra, because of the threat of a student armed with a gun. My fellow classmates and I were in lockdown in our classroom for around an hour. I remember being absolutely terrified, huddling on the carpet next to the wall and as far away from the door as possible. My generation knows all too well the danger of gun violence as we’ve woken up to a new mass shooting throughout our educational careers. Sandy Hook when I was in elementary school, Stoneman Douglass in middle school, and Uvalde in High school, to name a few. Luckily, that threat at my school was unfounded and the SWAT team safely evacuated all East students, but that day could’ve ended much worse.</p> <p>Students Demand Action opposes House Bill 23-1044, the nullification bill because the bill would make it illegal for Colorado employees protecting our state to enforce the federal gun laws that keep all Coloradans, including students safe. This bill is vague and would inhibit the enforcement of gun laws in our state by creating uncertainty as to what state officials are prohibited from helping to enforce. Furthermore, the US Supreme Court has held that states cannot nullify federal law and would be likely to reject this law for that reason.</p> <p>Thank you for your time.</p>
<p>Cory Isaacson</p> <p>For</p> <p>themselves</p>	<p>I am not a gun owner, but fully believe in the right to bear arms as protected by the 2nd amendment to our constitution. This right was added to prohibit government intrusion, and of course for self protection, long ago by very wise men.</p> <p>I am of course horrified by the mass shootings, but instead of restricting weapons I believe the focus should be on the massive drug use (recreational, illegal and psychiatric) in our society. We have now made it</p>

	<p>"legal" for people to possess and use hallucinogenic drugs, legal marijuana has introduced many new young people and adults alike to drug abuse. I have a friend who never took a drug in their lives until they tried "legal" marijuana, it slowed them down, made them less productive and was very harmful.</p> <p>If you look behind every "mass shooting" in virtually every case the person was drugged. Otherwise how could any human being even consider such an act? Often these are prescribed drugs -- but just the same they are mind-altering and lead to violence, hallucinations, and suicidal behavior.</p> <p>In all my life until about 25 years ago these incidents never occurred -- not even once. Yet there were plenty of guns. If you study the upward trend of drug use in our society over the same period, there is a direct correlation between that and mass shootings.</p> <p>Definitely we need to protect the rights of responsible citizens to protect themselves. And also let us focus on helping those on drugs to get off of them, that would lead to a much better and safer society. Guns don't kill people, it is people out of their right mind who do it. Even criminals are typically driven by drug use and the sale of drugs, this is the core issue we face -- more so in Colorado than in most other states.</p> <p>I urge you to pass this bill, and put the focus on the real cause of this horrible tragedy that our society is facing.</p>
<p>Carol Callicotte-Belmon Against themselves</p>	<p>My name is Carol Callicotte-Belmon. I am a Louisville, Colorado resident and a Moms Demand Action for Gun Sense in America volunteer.</p> <p>I am writing in opposition to House Bill 1044. In a country where gun violence is a public health crisis, where guns are the #1 killer of children, and in a state where a large majority would like to see more laws regulating the use and sale of guns, it makes absolutely no sense that such a bill is being introduced. We have all the evidence we need that good gun laws make us safer, and that places with fewer gun laws have higher rates of gun homicide and suicide. This bill, seeking to prohibit the enforcement of gun laws, is irresponsible and dangerous.</p> <p>One of the issues with this bill is its lack of clarity as to what federal laws cannot be enforced by public officers and employees of Colorado. The bill's</p>

	<p>vague language would inhibit the enforcement of all gun laws by creating uncertainty as to what federal firearm laws and regulations local officials are prohibited from helping to enforce.</p> <p>HB 1044 would likely prevent even the most basic law enforcement cooperation between state and federal entities, potentially preventing Colorado law enforcement’s participation in federal-state joint task forces and interfering with a broad range of criminal investigations. State laws that prohibit state and local law enforcement from cooperating with federal law enforcement are a danger to public safety, particularly in the context of gun trafficking and other federal gun crimes that federal, state and local officials frequently cooperate to enforce.</p> <p>The United States Supreme Court has held that states cannot nullify federal law and would likely reject any state law that follows that model today as unconstitutional. After passing a similar law in Missouri, the state has been embroiled in several costly lawsuits challenging the law- including one filed by 60 Missouri police chiefs.</p> <p>I urge you to vote against this bill.</p> <p>Thank You.</p>
<p>James Miles For themselves</p>	<p>I am fully in support of this proposed legislation. I do not believe that the Federal Government has the right to obtain and place into any database any information regarding my ownership of a legally obtained firearm. The State of Colorado has regulations that describe who is permitted to purchase firearms in the State. This in itself is an infringement of my Second Amendment Rights, in my view. To have the Federal Government go further and require a Federal Level database of the ownership, type and ownership status is the worst type of infringement and serves no purpose for law abiding citizens other than to facilitate identification and confiscation of such firearms sometime in the future. I AM TOTALLY OPPOSED TO IT!</p> <p>Respectfully, Jim Miles</p>
<p>Diana Bara For</p>	<p>I support HB23-1044 and the preservation of the Second Amendment. “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” A well-</p>

<p>themselves</p>	<p>regulated Militia is not the same as the National Guard. The National Guard serves a dual role in the U.S. military by serving the community and its country. Most of the time, it's under the control of individual states. However, the president can activate the National Guard and place it under federal control. The Founding Fathers mistrusted standing armies because central governments are prone to use armies to oppress people. Anti-Federalist argued that federal control over the militia would take away the state's principal means of defense against federal oppression and usurpation. A militia is a military force that is raised from the civil population. It can be used to supplement a regular army or the National Guard in an emergency.</p> <p>History repeats itself. In 1911 in Turkey guns were restricted resulting in a half million Armenians who were unable to defend themselves were ethnically exterminated. In 1935 Communist China established gun control and 50 million political dissidents were arrested and killed. In 1938, Hitler used gun control to render the Jewish population defenseless sending them to concentration camps. In 1941, just days before the Pearl Harbor attack, congress reaffirmed the Second Amendment rights and prohibited gun registration. In 1970 Uganda established gun control and from 1970-1979, 300,000 Christians were killed by the dictatorial government. Gun control does not save lives. Citizens have the right to defend themselves and bear arms when the government is not protecting them.</p>
<p>William Locke For themselves</p>	<p>I am in favor of protecting the right to own all legal firearms, including so-called "assault rifles" and so-called "high capacity magazines." I will resist any government attempt to deprive me of my 2nd Amendment rights. I do not believe that the State of Colorado should enforce any law that infringes on my 2nd Amendment rights. I urge the government to stop attacking citizens who exercise their fundamental right to own, transport, carry, and use firearms.</p>
<p>Richard Miller For themselves</p>	<p>RE: HD23-1044 Second Amendment Preservation Act</p> <p>Dear Committee Members,</p> <p>As you are aware, the Bill of Rights was adopted on December 15, 1791. The Right to Keep and Bear Arms was the Second Amendment, second only to our precious right to Freedom of Speech and Freedom of the Press. Subsequent Supreme Court cases have ruled that these rights apply at the State level as well.</p>

	<p>The citizens of our State and country find ourselves in an environment of steeply rising violent crime and severely underfunded Law Enforcement budgets.</p> <p>Please vote for HB23-1044 (Second Amendment Preservation Act) and HR23-1050 (Protection of Business from Unlawful Entry Act) so that the citizens of the state of Colorado can enjoy their Constitutional Rights to protect their lives and those of their friends and families.</p> <p>Thank you for your consideration of this important legislation.</p> <p>Richard A Miller Monument, CO</p>
<p>Stephen Kellums For themselves</p>	<p>I am 100% for the preservation of the Second Amendment which would prohibit the enforcement of Federal laws that infringe on my right to keep and bear arms.</p> <p>Colorado shall remain a free State! The Fourteenth Amendment also applies in that the Federal Government shall not deprive citizens of a free state of life, liberty or property without the due process of law.</p> <p>I consider any infringement on the Second Amendment to be unconstitutional.</p>
<p>Don Caughlin For themselves</p>	<p>Please vote for HB23-1044 (Second Amendment Preservation Act) and HR23-1050 (Protection of Business from Unlawful Entry Act) so that the citizens of the state of Colorado can enjoy their Constitutional Rights to protect their lives and those of their friends and families.</p>
<p>Eric Jeffery For themselves</p>	<p>John Lott and Gary Kleck have proven over and over again for nearly 30 years that more guns equal less crime. Colorado has SUBSTANTIALLY violated the 2nd Amendment of the US Constitution. It's imperative that Colorado REVERSE what has happened to the detriment of victims and legal gun owners. The 2nd Amendment Preservation Act and Protection of Business from Unlawful Entry legislation begin fixing the damage caused by Colorado Legislatures. I was born and raised in Colorado. I am a NATIVE. I've seen my state constantly taking away my rights. Take this opportunity to reverse the trend.</p>

	<p>Eric Jeffery Elizabeth, CO</p>
<p>Steve Hilfers For themselves</p>	<p>This is asking that members of this committee please support this bill, especially those reps from EL Paso County.</p> <p>This is exactly what our state and federal constitutions say. Its a sad commentary to think that any of our elected reps would not support this bill.</p>
<p>Karen Bandhauer Against themselves</p>	<p>Hello Chair and members of the committee. My name is Karen Bandhauer. I am a Colorado resident who lives in Fort Collins, a daughter of a police officer, and I have been personally impacted by gun violence. I'm also a volunteer for Moms Demand Action. Moms Demand Action is a grassroots movement that respect the Second Amendment while also protecting Americans from gun violence.</p> <p>I am writing in opposition to House Bill 1044, a dangerous bill that would make it illegal in Colorado for any public officer or employee of the state, including state and local law enforcement officers, to assist with the enforcement of federal gun laws that help keep our state safe.</p> <p>One of the issues with this bill is its lack of clarity as to what federal law cannot be enforced by public officers and employees of Colorado. The bill's vague language would inhibit the enforcement of all gun laws by creating uncertainty as to what federal firearm laws and regulations local officials are prohibited from helping to enforce.</p> <p>HB 1044 would likely prevent even the most basic law enforcement cooperation between state and federal entities, potentially preventing Colorado law enforcement's participation in federal-state joint task forces and interfering with a broad range of criminal investigations. State laws that prohibit state and local law enforcement from cooperating with federal law enforcement are a danger to public safety, particularly in the context of gun trafficking and other federal gun crimes that federal, state and local officials frequently cooperate to enforce.</p>

	<p>The United States Supreme Court has held that states cannot nullify federal law and would likely reject any state law that follows that model today. After passing a similar law in Missouri, the state has been embroiled in several costly lawsuits challenging the law- including one filed by 60 Missouri police chiefs.</p> <p>As a former federal employee, I understand the critical importance of federal, state, and local cooperation on matters that keep our communities safe. I urge you to vote against this bill.</p> <p>Thank You.</p> <p>Karen Bandhauer</p>
<p>Charles Hillerson For themselves</p>	<p>Based on the recent positions of the Federal ATF, Colorado citizens need HB23-1044 to protect their Second Amendment Right.</p>