

MEMORANDUM

TO: House State, Civic, Military and Veterans Committee
FROM: Colorado Ceasefire Legislative Action, Anne McGihon
DATE: March 20, 2023

Need for 3 amendments to SB23-169, 21+

Current Colorado Law has no minimum age on purchase of either handguns or long guns

- Limitations of 21 for handguns and 18 for long guns are back-doored in through the federal background check law and Colorado's being a universal background check state.

Current Colorado law has no minimum age on possession of a long gun.

Current Colorado law has a minimum age of 18 for possession of a handgun with these exceptions for under 18:

- in attendance at a hunter's safety course or firearm safety course,
- target shooting at range or legal area for firearm discharge,
- competition or performance,
- hunting or trapping with a valid license,
- traveling to above activities with unloaded firearm; and
- under 18 and on family property with permission,
- under 18 and in home and used in self-defense

Current Hunting statutes (C.R.S §33-6-107) requirements:

- C.R.S §33-6-107(3.5) Under 16 with a youth license – must be accompanied and in voice and hearing distance of someone who is 18 years of age and has a valid hunter education certificate. The word “mentor” is not used in the current statute.
- C.R.S §33-6-107(4) Between ages of 12-15 hunting big game must be accompanied and in voice and hearing distance of someone who is 18 years of age and has a valid hunter education certificate. Again, the word “mentor” is not in used in the statute.
- The statute (C.R.S §33-6-107) repeatedly uses the term “hunter education certificate,” but DPW uses the phrase “hunter education card,” which is what is referred to in SB23-169. The terms seem interchangeable.

SB23-169 requires age 21 for purchase, and then adds some more exceptions to possession, several of which are contradictory.

AMENDMENT 1: Delete page 5, lines 24-27 in the Reengrossed Bill.

At 18-12-108.5(2)(a), *page 4, lines 4-6*, exceptions similar to current law are set forth, “TEMPORARILY POSSESSING A FIREARM.” (The TEMPORARY is new and good language.)

-However, the exception for “Hunting or trapping pursuant to a valid license,” (2)(a)(IV) is totally overridden by the further exception at 18-12-108.5(2)(d), *page 5, lines 24-27*, which allows anyone less than 21 years of age who has been issued a hunter education card to be in possession of a firearm. **This exception does not require that the person be hunting.**

- To obtain a valid license for large game, a person must be at least age 12 and have obtained a hunter education card.

-(2)(d) WEAKENS current law, as current law requires that the person must have a hunting license.

The Problem: One obtains a hunter education card through Parks and Wildlife by successfully completing a hunter education course.

-DPW has no minimum age to take a hunter education course, but they recommend that students be at least 11. That is only a recommendation.

-As long as the student can read, write, comprehend the course and pass the written examination, they can receive a hunter education card. They do need to shoot a gun at the range, but there is no required proficiency for receiving a hunter education card.

-Therefore, under (2)(d) there is NO MINIMUM AGE LIMIT for possession of a handgun or a long gun assault rifle.

-Moreover, (2)(d) totally overrides the "TEMPORARY" possession provided in (2)(a)(IV), page 4, lines 4-6 and (2)(a)(IV.5) page 4, line 27 through page 5, line 4.

AMENDMENT 2: (2)(a)(IV.5) is substantially similar to (2)(a)(IV) and should be deleted.

By (2)(a)(IV) people with hunting licenses will have the temporary ability to hunt or trap with a license. (2)(a)(IV.5) seems redundant. Was this an error? Should it read "HUNTING WITH A VALID APPRENTICE HUNTING CERTIFICATE" instead of "HUNTING WITH A VALID HUNTING LICENSE?"

-Apprentice Hunting Certificates allow someone without a hunting education card to go hunting with a qualified mentor. Because these Apprentice Hunting Certificates are available to those as young as 10 years of age, we'd actually prefer removing the entire (2)(a)(IV.5). Please note (above) that hunting statutes already require mentors for young people while hunting.

AMENDMENT 3 (if no Amendment 2): Sentence structure in exemption in (2)(a)(IV.5) is confusing.

The text reads: "HUNTING WITH A VALID HUNTING LICENSE AND ACCOMPANIED BY A MENTOR, AS DEFINED BY THE PARKS AND WILDLIFE COMMISSION, WHO HAS A VERIFIED HUNTER EDUCATION CARD, AS REQUIRED BY ARTICLE 4 OF TITLE 33, OR RULES PROMULGATED BY THE PARKS AND WILDLIFE COMMISSION; OR

-Who is the "WHO" referring to? In a survey we conducted of 16 people, including lawyers, there were 3 different interpretations.

-Multiple people were confused by the modifier phrase "as defined by the parks and wildlife commission." If that phrase were removed and restated later in the sentence, then it is clearer that the MENTOR is the "who."