

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0810.01 Richard Sweetman x4333

HOUSE BILL 13-1224

HOUSE SPONSORSHIP

Fields,

SENATE SPONSORSHIP

Hodge,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING LARGE-CAPACITY AMMUNITION**
102 **MAGAZINES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill prohibits the sale, transfer, or possession of an ammunition feeding device that is capable of accepting, or that can be readily converted to accept, more than 10 rounds of ammunition or more than 5 shotgun shells (large-capacity magazine). A person may possess a large-capacity magazine if he or she owns the large-capacity magazine

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

on the effective date of the bill and maintains continuous possession of the large-capacity magazine.

A person who sells, transfers, or possesses a large-capacity magazine in violation of the new provision commits a class 2 misdemeanor.

A large-capacity magazine that is manufactured in Colorado on or after the effective date of the bill must include a serial number and the date upon which the large-capacity magazine was manufactured or assembled. The serial number and date must be legibly and conspicuously engraved or cast upon the outer surface of the large-capacity magazine. The Colorado bureau of investigation may promulgate rules that may require a large-capacity magazine that is manufactured on or after the effective date of the bill to bear identifying information in addition to the serial number and date of assembly.

A person who manufactures a large-capacity magazine in Colorado in violation of the new provision commits a class 2 misdemeanor.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article
3 12 of title 18 as follows:

4 **PART 3**

5 **LARGE-CAPACITY AMMUNITION MAGAZINES**

6 **18-12-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "BUREAU" MEANS THE COLORADO BUREAU OF INVESTIGATION
9 CREATED AND EXISTING PURSUANT TO SECTION 24-33.5-401, C.R.S.

10 (2) (a) "LARGE-CAPACITY MAGAZINE" MEANS A FIXED OR
11 DETACHABLE MAGAZINE, BOX, DRUM, FEED STRIP, OR SIMILAR DEVICE
12 CAPABLE OF ACCEPTING, OR THAT CAN BE READILY CONVERTED TO
13 ACCEPT, MORE THAN FIFTEEN ROUNDS OF AMMUNITION OR MORE THAN
14 EIGHT SHOTGUN SHELLS.

15 (b) "LARGE-CAPACITY MAGAZINE" DOES NOT MEAN:

16 (I) A FEEDING DEVICE THAT HAS BEEN PERMANENTLY ALTERED SO

1 THAT IT CANNOT ACCOMMODATE MORE THAN FIFTEEN ROUNDS OF
2 AMMUNITION;

3 (II) AN ATTACHED TUBULAR DEVICE DESIGNED TO ACCEPT, AND
4 CAPABLE OF OPERATING ONLY WITH, .22 CALIBER RIMFIRE AMMUNITION;
5 OR

6 (III) A TUBULAR MAGAZINE THAT IS CONTAINED IN A
7 LEVER-ACTION FIREARM.

8 **18-12-302. Large-capacity magazines prohibited - penalties -**
9 **exceptions.** (1) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON
10 AND AFTER JULY 1, 2013, A PERSON WHO SELLS, TRANSFERS, OR POSSESSES
11 A LARGE-CAPACITY MAGAZINE COMMITS A CLASS 2 MISDEMEANOR.

12 (b) ANY PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION
13 AFTER HAVING BEEN CONVICTED OF A PRIOR VIOLATION OF SAID
14 SUBSECTION (1) COMMITS A CLASS 1 MISDEMEANOR.

15 (c) ANY PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION
16 COMMITS A CLASS 6 FELONY IF THE PERSON POSSESSED A LARGE-CAPACITY
17 MAGAZINE DURING THE COMMISSION OF A FELONY OR ANY CRIME OF
18 VIOLENCE, AS DEFINED IN SECTION 18-1.3-406.

19 (2) (a) A PERSON MAY POSSESS A LARGE-CAPACITY MAGAZINE IF
20 HE OR SHE:

21 (I) OWNS THE LARGE-CAPACITY MAGAZINE ON THE EFFECTIVE
22 DATE OF THIS SECTION; AND

23 (II) MAINTAINS CONTINUOUS POSSESSION OF THE LARGE-CAPACITY
24 MAGAZINE.

25 (b) IF A PERSON WHO IS ALLEGED TO HAVE VIOLATED SUBSECTION
26 (1) OF THIS SECTION ASSERTS THAT HE OR SHE IS PERMITTED TO LEGALLY
27 POSSESS A LARGE-CAPACITY MAGAZINE PURSUANT TO PARAGRAPH (a) OF

1 THIS SUBSECTION (2), THE PROSECUTION HAS THE BURDEN OF PROOF TO
2 REFUTE THE ASSERTION.

3 (3) THE OFFENSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION
4 SHALL NOT APPLY TO THE TRANSFER OR POSSESSION OF A
5 LARGE-CAPACITY MAGAZINE THAT IS MANUFACTURED FOR; IMPORTED,
6 SOLD, OR TRANSFERRED TO; OR POSSESSED BY, ANY OF THE FOLLOWING:

7 (a) A DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION OF THE
8 STATE OF COLORADO, ANY OTHER STATE, OR THE UNITED STATES
9 GOVERNMENT; OR

10 (b) A LAW ENFORCEMENT OFFICER EMPLOYED BY ANY
11 DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION OF THE STATE OF
12 COLORADO, ANY OTHER STATE, OR THE UNITED STATES GOVERNMENT,
13 INCLUDING BUT NOT LIMITED TO A LAW ENFORCEMENT OFFICER OF A
14 CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION, FOR LAWFUL USE
15 WHILE THE OFFICER IS ON DUTY OR OFF DUTY.

16 **18-12-303. Identification markings for large-capacity**
17 **magazines - rules.** (1) A LARGE-CAPACITY MAGAZINE THAT IS
18 MANUFACTURED IN COLORADO ON OR AFTER THE EFFECTIVE DATE OF THIS
19 SECTION MUST INCLUDE A SERIAL NUMBER AND THE DATE UPON WHICH
20 THE LARGE-CAPACITY MAGAZINE WAS MANUFACTURED OR ASSEMBLED.
21 THE SERIAL NUMBER AND DATE MUST BE LEGIBLY AND CONSPICUOUSLY
22 ENGRAVED OR CAST UPON THE OUTER SURFACE OF THE LARGE-CAPACITY
23 MAGAZINE.

24 (2) THE BUREAU MAY PROMULGATE SUCH RULES AS MAY BE
25 NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING BUT
26 NOT LIMITED TO RULES REQUIRING A LARGE-CAPACITY MAGAZINE THAT IS
27 MANUFACTURED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION TO

1 BEAR IDENTIFYING INFORMATION IN ADDITION TO THE IDENTIFYING
2 INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

3 (3) A PERSON WHO MANUFACTURES A LARGE-CAPACITY MAGAZINE
4 IN COLORADO IN VIOLATION OF SUBSECTION (1) OF THIS SECTION COMMITS
5 A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED IN ACCORDANCE WITH
6 SECTION 18-1.3-501.

7 **SECTION 2. Effective date.** This act takes effect July 1, 2013.

8 **SECTION 3. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.