

**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**

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**HOUSE SPONSORSHIP**

**Fields,**

**SENATE SPONSORSHIP**

**Hodge,**

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**House Committees**  
Judiciary

**Senate Committees**  
Judiciary

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**A BILL FOR AN ACT**

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

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**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.*

HOUSE  
3rd Reading Unamended  
February 18, 2013

HOUSE  
Amended 2nd Reading  
February 15, 2013

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.

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

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

PART 3

LARGE-CAPACITY AMMUNITION MAGAZINES

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

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

(2) (a) "LARGE-CAPACITY MAGAZINE MEANS:

(I) A FIXED OR DETACHABLE MAGAZINE, BOX, DRUM, FEED STRIP, OR SIMILAR DEVICE CAPABLE OF ACCEPTING, OR THAT IS DESIGNED TO BE READILY CONVERTED TO ACCEPT, MORE THAN FIFTEEN ROUNDS OF AMMUNITION;

(II) A FIXED MAGAZINE OR SIMILAR DEVICE THAT IS CAPABLE OF ACCEPTING MORE THAN EIGHT SHOTGUN SHELLS; OR

1           (III) A DETACHABLE MAGAZINE, TUBE, BOX, DRUM, FEED STRIP, OR  
2           SIMILAR DEVICE THAT IS CAPABLE OF ACCEPTING MORE THAN EIGHT  
3           SHOTGUN SHELLS WHEN COMBINED WITH A FIXED MAGAZINE.

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

5           (I) A FEEDING DEVICE THAT HAS BEEN PERMANENTLY ALTERED SO  
6           THAT IT CANNOT ACCOMMODATE MORE THAN FIFTEEN ROUNDS OF  
7           AMMUNITION;

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

11          (III) A TUBULAR MAGAZINE THAT IS CONTAINED IN A  
12          LEVER-ACTION FIREARM.

13           **18-12-302. Large-capacity magazines prohibited - penalties -**  
14           **exceptions.** (1) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON  
15           AND AFTER JULY 1, 2013, A PERSON WHO SELLS, TRANSFERS, OR POSSESSES  
16           A LARGE-CAPACITY MAGAZINE COMMITS A CLASS 2 MISDEMEANOR.

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

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

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

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

1 (II) MAINTAINS CONTINUOUS POSSESSION OF THE LARGE-CAPACITY  
2 MAGAZINE.

3 (b) IF A PERSON WHO IS ALLEGED TO HAVE VIOLATED SUBSECTION  
4 (1) OF THIS SECTION ASSERTS THAT HE OR SHE IS PERMITTED TO LEGALLY  
5 POSSESS A LARGE-CAPACITY MAGAZINE PURSUANT TO PARAGRAPH (a) OF  
6 THIS SUBSECTION (2), THE PROSECUTION HAS THE BURDEN OF PROOF TO  
7 REFUTE THE ASSERTION.

8 (3) THE OFFENSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
9 SHALL NOT APPLY TO:

10 (a) AN ENTITY, OR ANY EMPLOYEE THEREOF ENGAGED IN HIS OR  
11 HER EMPLOYMENT DUTIES, THAT MANUFACTURES LARGE-CAPACITY  
12 MAGAZINES WITHIN COLORADO EXCLUSIVELY FOR TRANSFER TO, OR ANY  
13 LICENSED GUN DEALER, AS DEFINED IN SECTION 12-26.1-106 (6), C.R.S.,  
14 OR ANY EMPLOYEE THEREOF ENGAGED IN HIS OR HER OFFICIAL  
15 EMPLOYMENT DUTIES, THAT SELLS LARGE-CAPACITY MAGAZINES  
16 EXCLUSIVELY TO:

17 (I) A BRANCH OF THE ARMED FORCES OF THE UNITED STATES;

18 (II) A DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION OF THE  
19 STATE OF COLORADO, OR OF ANY OTHER STATE, OR OF THE UNITED  
20 STATES GOVERNMENT;

21 (III) A FIREARMS RETAILER FOR THE PURPOSE OF FIREARMS SALES  
22 CONDUCTED OUTSIDE THE STATE;

23 (IV) A FOREIGN NATIONAL GOVERNMENT THAT HAS BEEN  
24 APPROVED FOR SUCH TRANSFERS BY THE UNITED STATES GOVERNMENT;

25 OR

26 (V) AN OUT-OF-STATE TRANSFEREE WHO MAY LEGALLY POSSESS  
27 A LARGE-CAPACITY MAGAZINE; OR

1 (b) AN EMPLOYEE OF ANY OF THE FOLLOWING AGENCIES WHO  
2 BEARS A FIREARM IN THE COURSE OF HIS OR HER OFFICIAL DUTIES:

3 (I) A BRANCH OF THE ARMED FORCES OF THE UNITED STATES; OR

4 (II) A DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION OF THE  
5 STATE OF COLORADO, OR OF ANY OTHER STATE, OR OF THE UNITED  
6 STATES GOVERNMENT; OR

7 (c) A PERSON WHO POSSESSES THE MAGAZINE FOR THE SOLE  
8 PURPOSE OF TRANSPORTING THE MAGAZINE TO AN OUT-OF-STATE ENTITY  
9 ON BEHALF OF A MANUFACTURER OF LARGE-CAPACITY MAGAZINES WITHIN  
10 COLORADO.

11 **18-12-303. Identification markings for large-capacity**  
12 **magazines - rules.** (1) A LARGE-CAPACITY MAGAZINE THAT IS  
13 MANUFACTURED IN COLORADO ON OR AFTER THE EFFECTIVE DATE OF THIS  
14 SECTION MUST INCLUDE A PERMANENT STAMP OR MARKING INDICATING  
15 THAT THE LARGE-CAPACITY MAGAZINE WAS MANUFACTURED OR  
16 ASSEMBLED AFTER THE EFFECTIVE DATE OF THIS SECTION. THE STAMP OR  
17 MARKING MUST BE LEGIBLY AND CONSPICUOUSLY ENGRAVED OR CAST  
18 UPON THE OUTER SURFACE OF THE LARGE-CAPACITY MAGAZINE.

19 (2) THE BUREAU MAY PROMULGATE SUCH RULES AS MAY BE  
20 NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING BUT  
21 NOT LIMITED TO RULES REQUIRING A LARGE-CAPACITY MAGAZINE THAT IS  
22 MANUFACTURED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION TO  
23 BEAR IDENTIFYING INFORMATION IN ADDITION TO THE IDENTIFYING  
24 INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

25 (3) A PERSON WHO MANUFACTURES A LARGE-CAPACITY MAGAZINE  
26 IN COLORADO IN VIOLATION OF SUBSECTION (1) OF THIS SECTION COMMITS  
27 A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED IN ACCORDANCE WITH

1 SECTION 18-1.3-501.

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

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