



**COLORADO**

January 30, 2015

Representative Klingenschmitt  
Colorado House of Representatives

Re: HB 15-1127, Concerning Reducing Civil Liability for Businesses that Permit the Carrying of Concealed Handguns

Dear Representative Klingenschmitt:

This letter is to inform you the Colorado Chapter of the National Federation of Independent Business (NFIB/CO) has taken a position of SUPPORT on HB 15-1127.

The hat of fortune teller is not one of the many hats worn by the owner of a business. To be held liable for the actions of a third party without having any prior knowledge or indication of a harmful situation is about to take place is unjust. Owners face the threat of lawsuits each and every day they unlock the doors to their business. It does not make sense for public policy makers to increase those threats and make it more difficult for businesses to survive.

NFIB/CO SUPPORTS HB 15-1127.

Sincerely,

A handwritten signature in black ink, appearing to read "A.F. Tony Gagliardi", is written over a horizontal line. The signature is fluid and cursive in style.

A.F. Tony Gagliardi

# Federal judge rules Aurora theater shooting was foreseeable

By John Ingold, *The Denver Post*, 08/16/2014

The owner of the Aurora movie theater that was the site of a deadly 2012 attack could have reasonably enough foreseen the danger of such an attack to be held liable for it, a federal judge ruled Friday.

Noting "the grim history of mass shootings and mass killings that have occurred in more recent times," U.S. District Court Judge R. Brooke Jackson ruled that Cinemark — owner of the Century Aurora 16 theater — could have predicted that movie patrons might be targeted for an attack. Jackson's ruling allows 20 lawsuits filed by survivors of the attack or relatives of those killed to proceed toward trial.

"Although theaters had theretofore been spared a mass shooting incident, the patrons of a movie theater are, perhaps even more than students in a school or shoppers in a mall, 'sitting ducks,'" Jackson wrote.

Jackson's ruling does not decide the lawsuits' ultimate question: Did Cinemark do enough to try to prevent the shooting? The lawsuits argue Cinemark should have had extra security measures in place to discourage the attack and to stop it more quickly once it began.

Instead, Jackson's ruling denies what is known as a "motion for summary judgment" filed by Cinemark. Similar to a previously denied motion, the theater chain had argued that the lawsuits should be dismissed because the attack was "legally unforeseeable."

The trial is set for February.

## Column: 'Gun-free zones' never gun free

I thought as well of a snowy December day in 2007 when a gunman murdered missionaries and church-goers in Arvada and Colorado Springs. As in the hours following those tragic days, much remains unknown about the murders and the man who committed them; soon we will know more than we ever would have wanted.

Likewise, as occurred following those tragedies, yesterday, even before my flight landed on the East Coast, there were declarations by some, including New York City's Mayor Michael Bloomberg, that guns, gun-ownership and Second Amendment rights are the reasons for these tragedies.

I write this in the darkness of Saturday's early morning hours knowing that, because the organization I lead defends the rights of law-abiding citizens to exercise their federal and state constitutional rights to keep and bear arms and, if they qualify, to carry concealed weapons, we will be described as part of this alleged "national problem." Such accusations ignore, not only that gun rights are supported overwhelmingly by the American people, but also that the Supreme Court of the United States affirmed those rights in two landmark rulings in 2008 and 2010. (In the latter case, Justice Alito cited to our brief.)

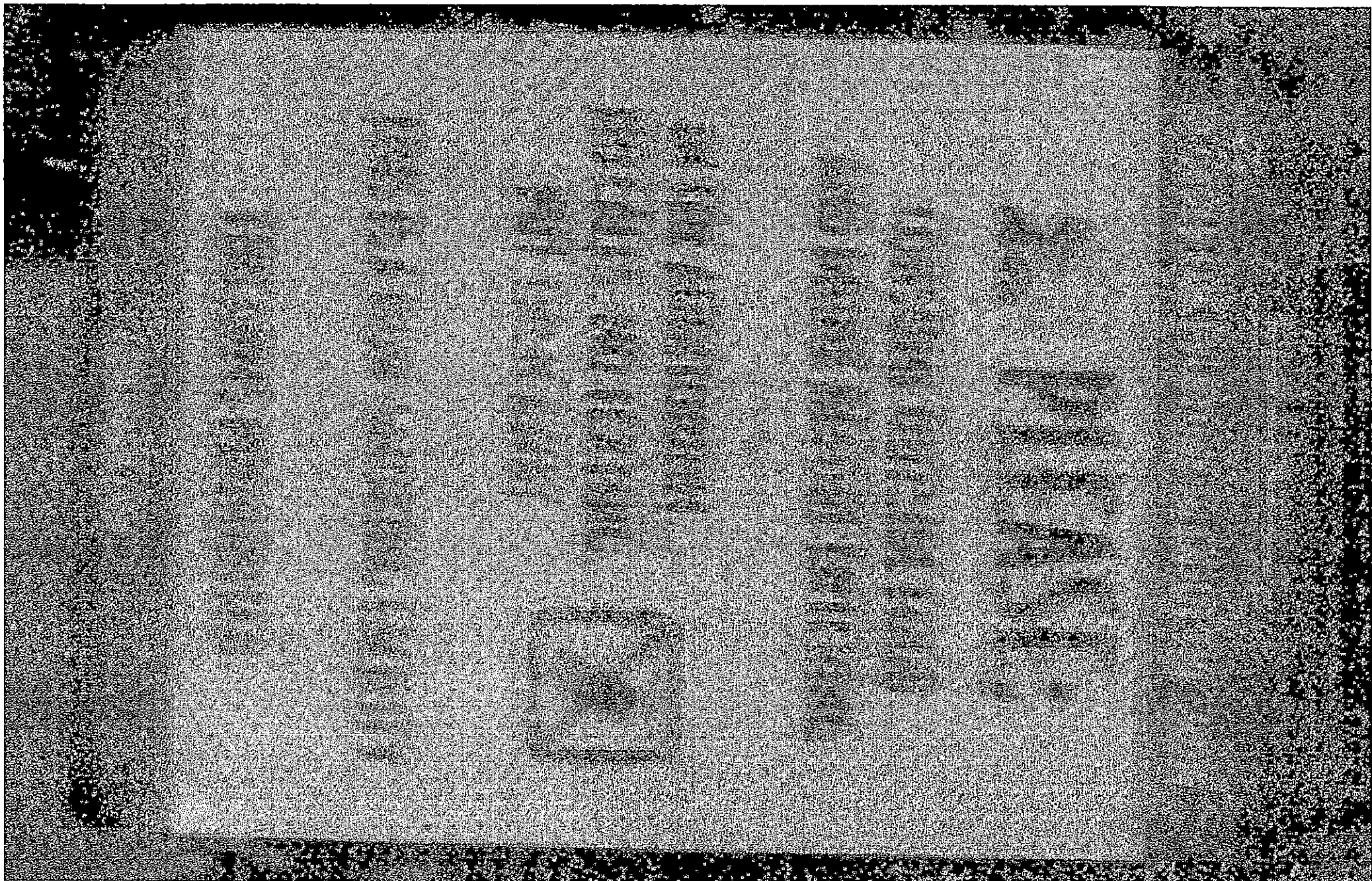
Furthermore, earlier this year, in a case we brought on behalf of Students for Concealed Carry on Campus and three Colorado students, a unanimous Colorado Supreme Court upheld the Colorado Concealed Carry Act, which allows those who qualify to carry firearms throughout Colorado — with four specific exceptions: locations prohibited by federal law, K-12 schools, public buildings with metal detectors and private property. The court overruled attempts by the University of Colorado to set its own policies and bar concealed

7 carry weapons and the exercise of Second Amendment rights on its campuses.

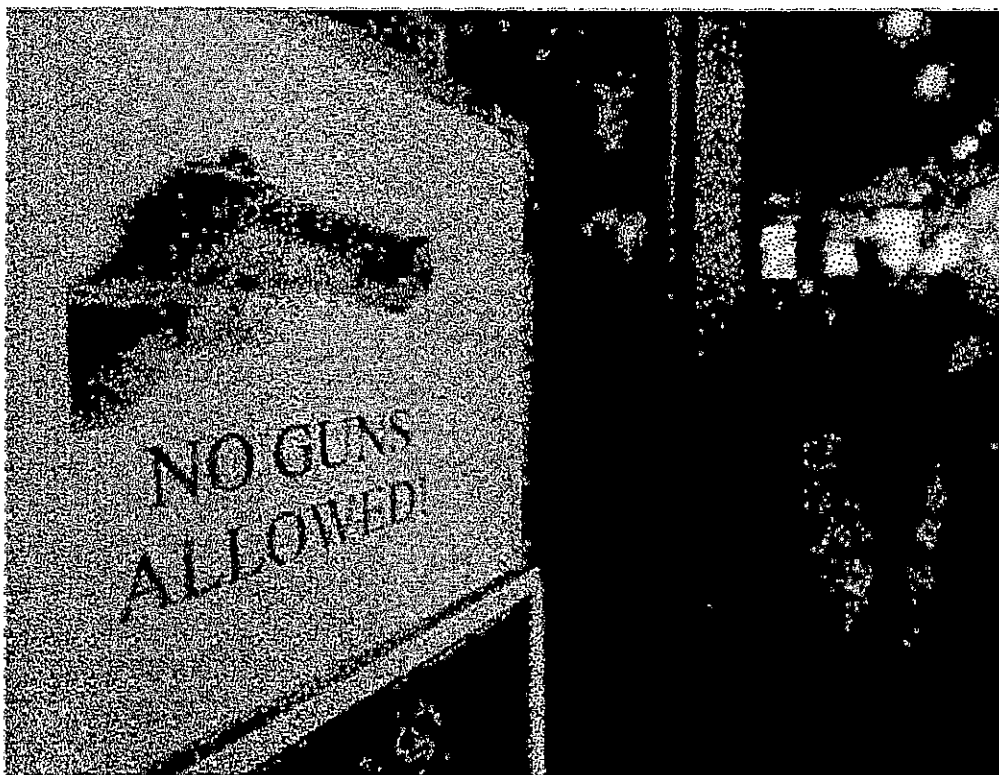
It appears that Cinemark Holdings Inc., owner of the theater where these murders took place exercises its rights as an owner of private property in Colorado to bar those who hold concealed carry permits from exercising their rights in its theaters. As a result, law-abiding citizens, including owners of concealed carry permits, who were in the theater that dreadful night were unarmed and thus unable to defend themselves and their fellow movie-goers from the murderous attack visited upon them.

Opponents of the Second Amendment and concealed carry laws call the areas created by Cinemark's decision "gun-free zones." They are not. As we discovered to our great horror in the early morning hours of July 20 and as we have discovered in the past, they are free only of the guns owned by law-abiding citizens.

*William Perry Pendley, an attorney, is president of Mountain States Legal Foundation.*

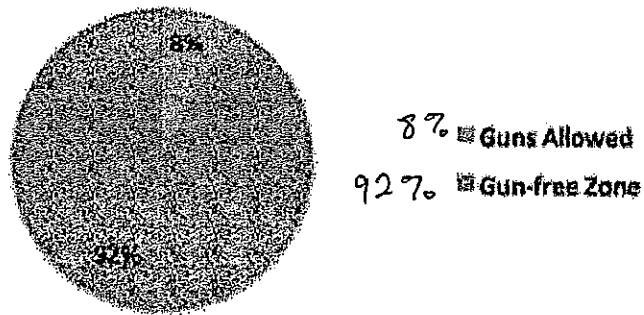


# REPORT: 92 PERCENT OF MASS SHOOTINGS SINCE 2009 OCCURRED IN GUN-FREE ZONES

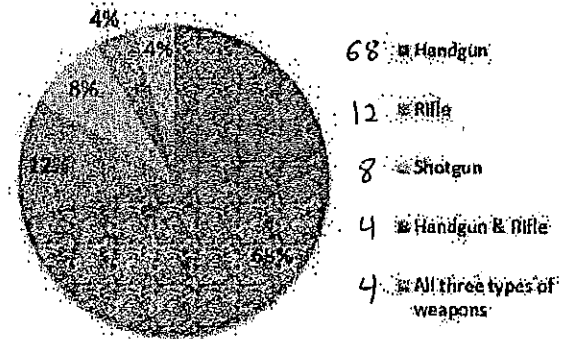


**On October 9, the Crime Prevention Research Center (CPRC) released a revised report showing that 92% of mass public shootings between January 2009 and July 2014 took place in gun-free zones.**

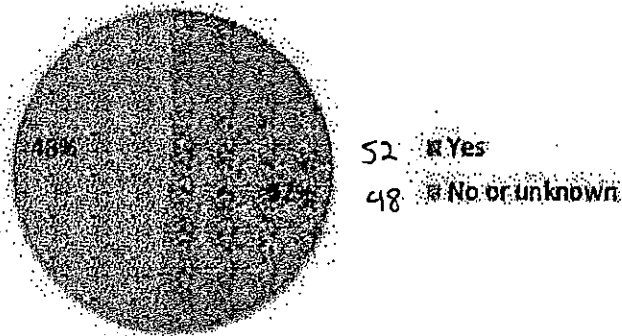
**Figure 4a: Mass Public Shootings in Gun-free zones 2009 through July 2014**



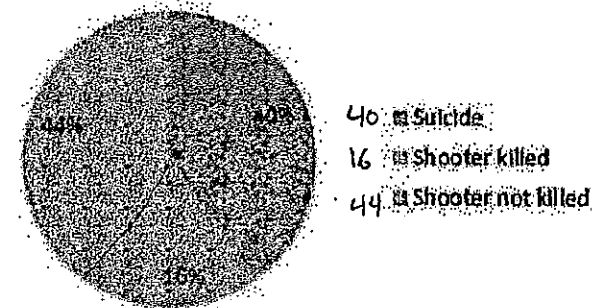
**Figure 3: Weapons used in Mass Public Shootings**



**Figure 5: Mental illness diagnosed before Mass Public Shootings**



**Figure 7: Did the shooter die in the Mass Public Shooting?**



Source: <http://crimepreventionresearchcenter.org/wp-content/uploads/2014/10/CPRC-Mass-Shooting-Analysis-Bloomberg2.pdf>

## **HOW LAW ABIDING ARE CONCEALED CARRY WEAPONS PERMIT HOLDERS?**

**Consider the two large states at the front of the current debate, Florida and Texas: Both states provide easy web access to detailed records of permit holders. During over two decades, from October 1, 1987 to May 31, 2014, Florida has issued permits to more than 2.64 million people, with the average person holding a permit for more than a decade. Few, 168 (about 0.006%), have had their permits revoked For any type of firearms related violation, the most common being accidentally carrying a concealed handgun into a gun free zone such as a school or an airport, not threats or acts of violence. It is an annual rate of 0.0002 percent.**

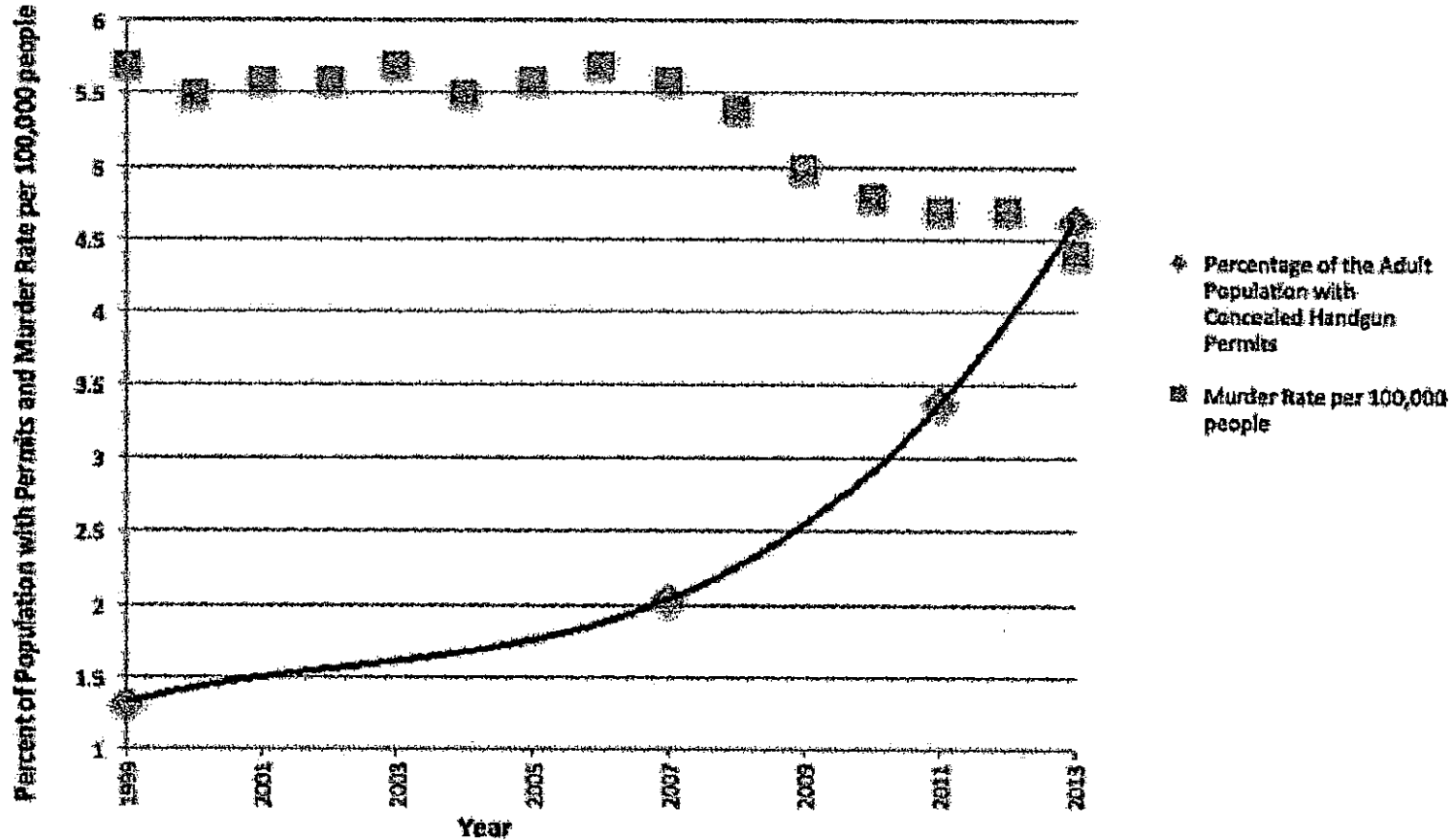
**The already low revocation rate has been declining over time. Over the last 77 months from January 2008 through May 2014, just permits have been revoked for firearms related violations. With an average of about 875,000 active permit holders per year during those years, the annual revocation rate for firearms related violations is 0.00007 percent, 7 one hundred thousandths of one percentage point.**

**For all revocations, the annual rate in Florida is 0.012 percent. The numbers are similarly low in Texas. In 2012, the latest year that crime data are available, there were 584,850 active license holders. Out of these, 120 were convicted of either a misdemeanor or a felony, a rate of 0.021 percent, with only a few of these crimes involving a gun.**

**Source: <http://crimepreventionresearchcenter.org/wp-content/uploads/2014/07/Concealed-Carry-Permit-Holders-Across-the-United-States.pdf>**



## Murder Rates have fallen as the Percentage of the Adult Population with Permitted Concealed Handguns has increased



Source: <http://crimepreventionresearchcenter.org/wp-content/uploads/2014/07/Concealed-Carry-Permit-Holders-Across-the-United-States.pdf>