

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

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

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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.

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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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 TEN ROUNDS OF AMMUNITION OR MORE THAN FIVE  
14 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 TEN ROUNDS OF  
2 AMMUNITION;

3 (II) A .22 CALIBER TUBE AMMUNITION FEEDING DEVICE; OR

4 (III) A TUBULAR MAGAZINE THAT IS CONTAINED IN A  
5 LEVER-ACTION FIREARM.

6 **18-12-302. Large-capacity magazines prohibited - penalties -**  
7 **exceptions.** (1) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON  
8 AND AFTER JULY 1, 2013, A PERSON WHO SELLS, TRANSFERS, OR POSSESSES  
9 A LARGE-CAPACITY MAGAZINE COMMITS A CLASS 2 MISDEMEANOR.

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

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

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

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

21 (II) MAINTAINS CONTINUOUS POSSESSION OF THE LARGE-CAPACITY  
22 MAGAZINE.

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

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

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

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

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

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

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

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

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