

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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.*

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.

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:

5 (a) AN ENTITY, OR ANY EMPLOYEE THEREOF ENGAGED IN HIS OR
6 HER EMPLOYMENT DUTIES, THAT MANUFACTURES LARGE-CAPACITY
7 MAGAZINES WITHIN COLORADO EXCLUSIVELY FOR TRANSFER TO:

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

9 (II) A DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION OF THE
10 STATE OF COLORADO, OR OF ANY OTHER STATE, OR OF THE UNITED
11 STATES GOVERNMENT;

12 (III) A FIREARMS RETAILER FOR THE PURPOSE OF FIREARMS SALES
13 CONDUCTED OUTSIDE THE STATE;

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

16 OR

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

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

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

22 (II) A DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION OF THE
23 STATE OF COLORADO, OR OF ANY OTHER STATE, OR OF THE UNITED
24 STATES GOVERNMENT; OR

25 (c) A PERSON WHO POSSESSES THE MAGAZINE FOR THE SOLE
26 PURPOSE OF TRANSPORTING THE MAGAZINE TO AN OUT-OF-STATE ENTITY
27 ON BEHALF OF AN ENTITY DESCRIBED BY THIS SUBSECTION (3).

1 **18-12-303. Identification markings for large-capacity**
2 **magazines - rules.** (1) A LARGE-CAPACITY MAGAZINE THAT IS
3 MANUFACTURED IN COLORADO ON OR AFTER THE EFFECTIVE DATE OF THIS
4 SECTION MUST INCLUDE A SERIAL NUMBER AND THE DATE UPON WHICH
5 THE LARGE-CAPACITY MAGAZINE WAS MANUFACTURED OR ASSEMBLED.
6 THE SERIAL NUMBER AND DATE MUST BE LEGIBLY AND CONSPICUOUSLY
7 ENGRAVED OR CAST UPON THE OUTER SURFACE OF THE LARGE-CAPACITY
8 MAGAZINE.

9 (2) THE BUREAU MAY PROMULGATE SUCH RULES AS MAY BE
10 NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING BUT
11 NOT LIMITED TO RULES REQUIRING A LARGE-CAPACITY MAGAZINE THAT IS
12 MANUFACTURED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION TO
13 BEAR IDENTIFYING INFORMATION IN ADDITION TO THE IDENTIFYING
14 INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

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

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

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