A BILL FOR AN ACT

101 CONCERNING PROHIBITING LARGE-CAPACITY AMMUNITION 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...
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.

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 A FIXED OR
DETACHABLE MAGAZINE, BOX, DRUM, FEED STRIP, OR SIMILAR DEVICE
CAPABLE OF ACCEPTING, OR THAT CAN BE READILY CONVERTED TO
ACCEPT, MORE THAN TEN ROUNDS OF AMMUNITION OR MORE THAN FIVE
SHOTGUN SHELLS.

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

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

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

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

18-12-302. Large-capacity magazines prohibited - penalties -
exceptions. (1) (a) Except as otherwise provided in this section, on
and after July 1, 2013, a person who sells, transfers, or possesses
a large-capacity magazine commits a class 2 misdemeanor.

(b) A person who violates subsection (1) of this section
after having been convicted of a prior violation of said
subsection (1) commits a class 1 misdemeanor.

(c) A person who violates subsection (1) of this section
commits a class 6 felony if the person possessed a large-capacity
magazine during the commission of a felony or any crime of
violence, as defined in section 18-1.3-406.

(2) (a) A person may possess a large-capacity magazine if
he or she:

(I) Owns the large-capacity magazine on the effective
date of this section; and

(II) Maintains continuous possession of the large-capacity
magazine.

(b) If a person who is alleged to have violated subsection
(1) of this section asserts that he or she is permitted to legally
possess a large-capacity magazine pursuant to paragraph (a) of
this subsection (2), the prosecution has the burden of proof to
refute the assertion.
(3) The offense described in subsection (1) of this section shall not apply to the transfer or possession of a large-capacity magazine that is manufactured for; imported, sold, or transferred to; or possessed by, any of the following:

(a) A department, agency, or political subdivision of the state of Colorado, any other state, or the United States government; or

(b) A law enforcement officer employed by any department, agency, or political subdivision of the state of Colorado, any other state, or the United States government, including but not limited to a law enforcement officer of a campus of an institution of higher education, for use while the officer is on duty or off duty.

18-12-303. Identification markings for large-capacity magazines - rules. (1) A large-capacity magazine that is manufactured in Colorado on or after the effective date of this section 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.

(2) The bureau may promulgate such rules as may be necessary for the implementation of this section, including but not limited to rules requiring a large-capacity magazine that is manufactured on or after the effective date of this section to bear identifying information in addition to the identifying information described in subsection (1) of this section.
(3) A person who manufactures a large-capacity magazine in Colorado in violation of subsection (1) of this section commits a class 2 misdemeanor and shall be punished in accordance with section 18-1.3-501.

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

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