HOUSE BILL 13-1224

HOUSE SPONSORSHIP
Fields,

SENATE SPONSORSHIP
Hodge,

House Committees
Judiciary

Senate Committees
Judiciary

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.

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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, TUBULAR SHOTGUN MAGAZINE THAT HOLDS MORE THAN TWENTY-EIGHT INCHES OF SHOTGUN SHELLS, INCLUDING ANY
EXTENSION DEVICE THAT IS ATTACHED TO THE MAGAZINE AND HOLDS
ADDITIONAL SHOTGUN SHELLS; OR

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

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

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

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

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 COMOpp Commits A CLASS 2 MISDEMEANOR.

(b) ANY 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) ANY PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION
COMOpp 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 PARAGRAPHS (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:

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

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

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

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

(IV) A FOREIGN NATIONAL GOVERNMENT THAT HAS BEEN APPROVED FOR SUCH TRANSFERS BY THE UNITED STATES GOVERNMENT; OR
(V) AN OUT-OF-STATE TRANSFEREE WHO MAY LEGALLY POSSESS
A LARGE-CAPACITY MAGAZINE; OR

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

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

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

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

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 PERMANENT STAMP OR MARKING INDICATING
THAT THE LARGE-CAPACITY MAGAZINE WAS MANUFACTURED OR
ASSEMBLED AFTER THE EFFECTIVE DATE OF THIS SECTION. THE STAMP OR
MARKING 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.