A BILL FOR AN ACT

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 2 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 FIFTEEN ROUNDS OF AMMUNITION OR MORE THAN EIGHT 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 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 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 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 LAWFUL 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
NEEDED 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.