

Written testimony on SB25-003

Colorado Senate State Affairs Committee
Jan. 28, 2025

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Summary

- If enacted, SB25-003 would be the first firearms prohibition law in the history of Colorado.
- The bill constitutes, by far, the most sweeping, extreme ban on rifles in any U.S. jurisdiction, ever.
- The bill is a very large step towards Mrs. Gabrielle Giffords' stated objective for her organization: "No More Guns. Gone."¹
- The bill is designed to reduce gun safety by eliminating the safest mechanism for unloading or clearing jams in long guns.
- The bill further reduces safety by outlawing handguns that are best-designed to reduce recoil. More recoil means less accuracy, which means less effective self-defense,

¹ Philip Elliott, *No More Guns. Gone: Why Gabby Giffords Isn't Giving Up*, TIME, Apr. 26, 2023, <https://time.com/6274979/gabby-giffords-gun-control>.

and more danger of stray shots.

I. The Rifle Ban

A. Firearms Safety

For all types of long guns, detachable box magazines are superior for safety because they make unloading the gun simple.

Safe unloading is always important and is especially important if the user must clear a jam.

To unload a firearm with a box magazine, the user simply presses a button or lever to release and remove the magazine. If there is a round in the firing chamber, the user then cycles the action one time to eject that round.

In contrast, most pump action or lever action long guns store their ammunition in integral tubular magazines. To unload, the user must cycle every round into the firing chamber and then eject it. This is less safe than an unloading method that does not require repeatedly bringing fresh rounds into the firing chamber.

If there is a jam in the firing chamber, then unloading the firearm by cycling rounds through the action may be impossible.

Semiautomatic rifles that have integral, nondetachable magazines suffer the same problem. Some of these magazines may have removable floorplates, but the floorplate may be difficult to remove if it is affixed with a screw or pin. Even if the floorplate is easily removable, such as with a button, the user will have to disassemble the magazine by first removing the magazine's internal spring and the follower before the user can remove the ammunition. (In a magazine, the ammunition rests on a follower, and the follower is pushed by a spring that sits on the base of the magazine.) Then, the user will have to reassemble the empty magazine, introducing the risk of

improper reassembly that could cause an accident.

In short, the ban on detachable magazines for firearms degrades firearms safety.

B. The Scope of the Ban

Below are photos of some of the many rifles that would be banned by SB25-003. These types of rifles are virtually never used in violent crimes of any type. Prohibiting them has no connection with public safety.



Remington Model 740/742 Woodmaster



1982 Remington (U.S.) Model Four Semiautomatic Detachable Magazine Rifle



Benelli R1



1970 Heckler & Koch Model 300 Semi-automatic Detachable Magazine Rifle



1965 Heckler & Koch Model 770 Semi-automatic Detachable Magazine Rifle



Browning High Power Semi-Automatic Rifle



BAR MK 3 – OVIX



BAR Mark III

II. The Handgun Ban

The handgun ban is not as sweeping as the long gun ban. But it is quite irrational. The bill does not ban handguns based on their caliber, firepower, or size. The banned handguns fire slightly slower than the ones that are not (yet) banned. The banned handguns have lower recoil, which makes them safer and more accurate.

Below is one of the guns that would be banned.



Magnum Research Desert Eagle, .357 caliber. The rails on the top and bottom are for attaching a scope or flashlight.

Why is this gun banned, while more powerful semiautomatic handguns, in larger calibers are not?

The difference, according to SB25-003, is the internal recoil system of the gun. I will explain the mechanical issues below. The bottom line is that the internal recoil system that SB25-003 bans is better at reducing the recoil felt by the user. The less the recoil, the more accurate the gun. Thus, SB25-003 is contrary to gun safety, because it forces citizens to use higher recoil, less accurate handguns.

Technical explanation

Every firearm is powered by a gunpowder explosion. As the gunpowder burns, expanding gas pushes the bullet out of the firing chamber, through the barrel, and out the muzzle.

By Newton's Third Law of Motion, for every action there is an equal and opposite reaction.² The gunpowder explosion creates a certain amount for forward energy, which propels the bullet forward. That same explosion also creates an exactly equal amount of backward energy, which is felt by the firearm user as recoil. Recoil is unpleasant and makes the firearm harder to control.

A semiautomatic firearm mitigates the recoil problem. Some of the backwards recoil is diverted to perform a mechanical operation. The recoil energy moves the slide backwards. On most pistols, such as the one pictured above, the slide is the top part of the gun. As the slide moves backwards, it compresses a recoil spring. Then, when the spring is fully compressed, the slide moves forward, returning to its original position. On the way forward, the slide scoops up a fresh round of ammunition from the magazine and loads it into the firing chamber.

In this manner, the amount of recoil energy that is felt by the user is reduced by the amount of energy that was expended in moving the slide and compressing the recoil spring.³ The majority of semiautomatic handguns operate this way.

A more sophisticated use of recoil is the gas blowback system, which SB25-003 outlaws. In gas blowback, as the expanding gunpowder gas moves forward through the barrel, some of the gas is diverted into a small hole in the side of barrel. From that small hole, the diverted gas travels backwards. The pressure of that backwards-moving gas is used to compress the recoil spring and perform the semiautomatic action.

² In the original: "Lex III: Actioni contrariam semper et æqualem esse reactionem: sive corporum duorum actiones in se mutuo semper esse æquales et in partes contrarias dirigi." Isaac Newton, *Philosophiæ Naturalis Principia Mathematica* Book I, Section II, Axioms or Laws of Motion, Law III (1687). Or in English: "Law III: To every action there is always opposed an equal reaction: or the mutual actions of two bodies upon each other are always equal, and directed to contrary parts."

³ This is a simplified explanation.

Gas blowback is superior to the simple recoil system in reducing felt recoil by the user. For this reason, it is safer. The more the recoil, the less accurate the gun, other things being equal. When recoil is reduced, a firearm is more pleasant to shoot, and hence firearms users are likely to practice more, which further improves safety. Gas blowback guns operate very slightly slower than simpler recoil guns.

III. Looking Ahead

The modus operandi of the gun prohibition lobbies has always that today's exceptions to convince credulous legislators or citizens to accept limited new restrictions later become "loopholes" to be eliminated.

For example, advocates of the 2000 law on gun show sales by private individuals (persons who only sell a few guns per year, and therefore cannot qualify for a Federal Firearms License) vigorously explained that the bill did not apply to ordinary private sales, such as an individual selling a gun to her friend in a hunting club.

Then in 2013, the fact that the gun show bill was only about gun shows was claimed to be a "loophole" that must be closed. The general assembly passed a bill that outlawed all private sales. The bill even outlawed giving your gun to a neighbor for safe storage while you go away for a three week vacation.

The same years, the magazine ban was promoted by Bloomberg "Everytown" lobby and similar groups—which are also lobbying for SB25-003—because it did not ban any guns.

When 55 Sheriffs and many other plaintiffs filed a federal lawsuit over the magazine ban,⁴ the ultimate result was the Tenth Circuit deciding that no plaintiff had standing on any issue. Along the way, the Colorado Attorney General, with the

⁴ I represented the Sheriffs.

support of the same lobbies that had promoted the magazine ban and now SB25-003, claimed that the magazine ban would succeed.⁵

Now, those same lobbies are claiming that the magazine ban is a failure, and so the solution is a vast ban on rifles.

For the gun prevention lobbies, nothing succeeds like failure. In Colorado, homicide and other violent crime are now far above the levels when those lobbies captured our state government in 2013.

In the future, it is likely that the continuing failure of legislation aimed at the law-abiding will aggravate Colorado's violent crime problem. The lobbies will be back to close the "loopholes" of their prior laws: to confiscate grandfathered magazines, as in New Jersey and Rhode Island. And to ban and confiscate more long guns and more handguns.

The gun prevention lobbies today use their focus group tested phrase of "preventing gun violence." If you read their statistics closely, you will see that they define "gun violence" to include justifiable self-defense against violent felony attackers. SB25-003 is culture war prosecuted through criminal law. It is not public safety legislation.

⁵ For example, an expert witness for the Attorney General said that the magazine ban would work because Colorado's population centers are remote from our state's borders.