



# County Sheriffs of Colorado

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## County Sheriffs of Colorado Position Paper on Possible Gun Control Legislation

### *The Second Amendment is not a guideline but rather a right.*

Recently, our country has faced two horrific mass murders at the Century Theatre in Aurora, Colorado, and Sandy Hook Elementary School in Newtown, Connecticut. In the wake of these tragedies, it is understandable that both Colorado and the rest of the nation search for reasons why. With this comes a renewed interest in public safety issues. As law enforcement professionals and elected officials, the 62 County Sheriffs of Colorado welcome this dialogue. However, we do not believe that these tragedies should be used as the backdrop to advance gun control legislation. The County Sheriffs of Colorado (CSOC) represent Colorado's elected Sheriffs. We proudly serve through the gracious will of voters who elect us to be the chief law enforcement officials for our respective counties, deriving our authority from the Colorado Constitution. State statute grants county sheriffs additional responsibilities such as issuing concealed weapons permits.

CSOC is committed to public safety and faithful to our oath to uphold and protect the Constitution of the State of Colorado and the United States Constitution including the Second Amendment.

It was in this spirit of commitment to Colorado residents and our Constitution that the County Sheriffs of Colorado voted at the January meeting in Larimer County to oppose suggested state legislation that may limit Second Amendment rights. It is important to note that this legislation simply is being suggested at this moment.

### **Second Amendment to the United State Constitution**

County Sheriffs of Colorado believe in the Second Amendment of the United States Constitution that guarantees the right of the people to keep and bear arms and that this right shall not be infringed. As our state and country continue to discuss and debate gun control legislation, the position of our founders remains clear. CSOC will not waiver on our defense of the Constitution and will stand to preserve every constituent's right to possess a firearm. We believe the Second Amendment is no less important as the other nine Amendments contained in the Bill of Rights.

Also, gun control does not equate to lower crime rates, which is really what we strive for. Washington D.C. and Chicago, two cities known for their strict gun control laws, have some of the highest rates of violent crime. In fact in Chicago's 2012 homicide rate increased 16 percent over the prior year according to the *New York Times*.

Statistics from Chicago and tragedies like Aurora and Sandy Hook leave many of us shell-shocked with an impression of a gun violence epidemic, Second Amendment expert David Kopel noted in a *Wall Street Journal* article, "the total U.S. homicide rate has fallen by over half since 1980, and the gun homicide rate has fallen along with it. Today, Americans are safer from violent crime, including gun homicide, than they have been at any time since the mid-1960s."

The County Sheriffs of Colorado know first hand that strict gun control laws do not deter criminals from getting firearms illegally and committing crimes. Rather, they hurt law-abiding citizens who may be left unprotected because law enforcement cannot arrive in time to stop a criminal's bullet once he has pulled the trigger.

### **Hasty Reactions to Unfortunate Tragedies**

Our sympathies are with the victims in the Aurora theater shooting and at Sandy Hook. However, the Sheriffs do not believe this is the appropriate time to introduce gun control legislation because decisions likely will be made on emotion rather than reason and that is not in the best interest of Colorado. It is the Sheriffs' opinion that all gun control bills be tabled for at least a year to encourage rational deliberations before any decisions are made.

### **Assault Weapons Ban**

The County Sheriffs Of Colorado oppose a ban on so-called "assault weapons" because of its vague definition. What many call "assault weapons" are actually semi-automatic rifles that operate the same as any other rifle in that they fire one bullet for every one time a trigger is pulled. **Semi-automatic rifles are not machine guns.** They do not spray fire like a machine gun.

The term "assault weapons" often is employed incorrectly to describe an ordinary semi-automatic rifle such as an AR-15, which millions of responsible Americans own without ever harming another person.

The previous federal ban on so-called "assault weapons" was confusing and cosmetic in nature. Guns considered scary such as those with a pistol grip were banned with no regard for actual gun operation.

### **Ban on Private Sales of Firearms**

The County Sheriffs Of Colorado are adamantly opposed to any restriction on a person's right to privately sell firearms to another person. Private sales to friends, neighbors or loved ones would become illegal, effectively turning law-abiding citizens into criminals. Local and state law enforcement do not have the resources to stop private sales of firearms nor to investigate such transactions making this law unenforceable. Forcing citizens to sell firearms through a federal firearms dealer is the first step towards gun registration and a national database of gun owners. There is little support among our constituents for either. It is also contrary to Colorado's longstanding history, tradition and culture of non-registration of firearms.

Law-abiding citizens own firearms for a variety of reasons including self-protection, hunting, competition, or recreation, but their reasons are their own. They do not owe an explanation to government. County Sheriffs of Colorado believe government – whether state or federal – does not have the right to know who owns a firearm or for what reason when used for lawful and peaceful purposes.

### **Ban on High Capacity Magazines**

Law enforcement officers carry high capacity magazines because there are times when 10 rounds might not be enough to end the threat. County Sheriffs of Colorado believe the same should hold true for civilians who wish to defend themselves, especially if attacked by multiple assailants.

Recently a young mother in Georgia, defending herself and her two children, needed all six bullets in her .38 caliber handgun to stop one intruder. She hit him five times and still he was able to get in his car and drive away. Fortunately the young mother prevailed. Had there been more than one assailant, the outcome may not have been the same because she would have been out of ammunition.

Also, we know that in high-pressure, high-adrenaline situations, people may not be as accurate with their shots. Thus they may need more ammunition to neutralize a threat. When seconds matter, County Sheriffs of Colorado do not want to deny a law-abiding citizen the ability to defend himself and his family based on an arbitrary limit on how many bullets should be in one magazine clip.

## **Ban on Bulk Purchases of Ammunition**

Federal law already prohibits the following:

- Possession of ammunition by convicted felons
- Controlled substance users
- Anyone subject to a domestic violence restraining order
- The sale or transfer of long gun ammunition to anyone under the age of 18
- Handgun ammunition to anyone under the age of 21

The County Sheriffs of Colorado agree with the Major County Sheriffs Association in their letter to Vice President Joseph R. Biden when they stated, “we are not confident such restrictions would have an impact as even if you can’t buy in bulk, you can still buy multiple boxes of smaller quantities.”

Buying ammunition in large quantities does not equate to mass murder. Recreational shooters often will go through several thousand rounds in a month and never hurt another human being. Since ammunition can be expensive, buying in bulk is a way to reduce cost. Reducing the ability to purchase in bulk is just another way to hurt law-abiding citizens.

## **Mandatory Entry into a Statewide Database for Concealed Carry Permit Holders**

County Sheriffs of Colorado oppose any mandate for a statewide database for concealed carry permit holders. Concealed carry records are local records belonging to the individual Sheriff and should not be entered into a statewide system.

A permit holder must attend a firearms training course, be fingerprinted and pass background checks both locally and nationally before the County Sheriff issues the permit. Local voters trust us with that authority and we take that responsibility very seriously. Law abiding citizens should not be punished for following the law by being entered into a state-mandated database.

## **Mental Health**

All members of CSOC were deeply saddened by the shocking events at Sandy Hook and Aurora but are also under the belief that the proposed gun control actions treats the symptoms and not the over-arching core problem of mental illness.

Like many, CSOC recognizes that severe mental illness, and not gun control, is at the core in dealing with individuals who turn violent against our children, family, friends, and communities. Suggestions for mandatory reporting requirements by mental health groups possibly create more problems than solutions. This recognition turns us to explore

avenues for better funding for screening, treatment, education, and additional government supported mental health facilities; not gun control.

Over the last half century in the United States there has been a continued escalation of turning from institutional care for our mentally ill citizens to a more community-based support system also known as deinstitutionalization. Many studies have shown that this "deinstitutionalization" is a major cause for the increased contact of people with mental illness and the criminal justice system. In Colorado the largest mental health treatment facilities are the county jails and state prisons.

The question should not be what type of gun does a person who is severely mentally ill possess but rather why is that person walking around freely in the first place? To quote once more from the Major Sheriff's Association letter to Vice President Biden "There is a strong link between untreated mental illness and the increased risk of committing violent acts, including homicide...Included in the report is a study of violent crime statistics and trends—comparing them to the number of psychiatric beds available; they found a correlation:

**When individuals with severe mental illness receive appropriate and effective treatment, their risk of committing violent acts is no greater than that of the general population. When they do not receive treatment, multiple studies have found their risk of violent behavior, including homicides, to be significantly elevated".**

To suggest that taking away constitutionally protected freedoms from our law abiding citizens through gun control would somehow alleviate, remediate, or eliminate the threat from violent mentally ill individuals misses the point that the lack of mental health funding, treatment, education, and facility support are the root causes of the existing problem and the pertinent areas that should be addressed.

### **Conclusion**

The County Sheriffs of Colorado welcome open, honest, and deliberative dialogue on all public safety issues. At the same time, we urge our state elected officials not to make decisions during this grieving period because it would likely lead to policies that are unenforceable and possibly unconstitutional, while punishing law abiding citizens and doing nothing to reduce violent crime.

Fred McFee