

Two States, Same Challenge

Lawmakers in Colorado and Connecticut made tough calls in the wake of mass shootings.

BY LYNN BARTELS

America's divide over gun ownership rights and regulations is not new, but rarely has the debate been so emotional. In the wake of the mass shootings in Colorado and Connecticut in 2012, state legislatures have looked at hundreds of proposals pushed by both sides: from arming schoolteachers and nullifying federal firearms restrictions, for example, to banning high-capacity weapons and holding firearms manufacturers liable for shootings.

Legislators have introduced roughly 2,356 gun bills since shortly after the Newtown, Conn., shootings in which 20 children and six adults were killed in December 2012. In April, an analysis of about 1,500 of the bills by the Sunlight Foundation, which monitors transparency in government, found them to be about evenly split between weakening or strengthening gun restrictions. Last year, only 35 percent of gun bills would have strengthened regulations, according to the Law Center to Prevent Gun Violence.

As of mid-June, approximately 202 of the 2,356 gun-related bills had become law, according to NCSL research. They run the gamut, from New York's limit of seven bullets per magazine to Arkansas' Church Protection Act, giving places of worship the authority to allow guns on their premises.

Lawmakers Respond

Lawmakers in Connecticut and Colorado were forced into addressing gun laws following the movie theater shooting that killed 12 people and injured 58 in Aurora, Colo., in July, and the tragedy at Sandy Hook Elementary School five months later.

Both states passed greater restrictions on guns, but the route each legislature took and the opposition the legislation faced varied greatly, even though both states have Democratic governors and Democratic-controlled legislatures.

Connecticut legislators made sweeping changes in a single bill that many consider one of the strictest in the nation. Among its provisions are an expanded assault weapons ban, a restriction on high-capacity magazines and registration for the purchase of ammunition and all guns.

Lynn Bartels covers the Colorado General Assembly for the Denver Post.

Colorado legislators passed five new guns laws. They're tamer than Connecticut's, but for a Western state, where gun ownership is high and where guns have long been used to hunt and protect property, their passage surprised many. Colorado's new laws limit ammunition magazines to 15 rounds, institute universal background checks for the sale and transfer of weapons, and require gun buyers to pay for background checks, among other things.

Legislative chambers in both states became stages for the national debate. Hearings drew unprecedented crowds, mostly those opposed to any kind of restriction on the right to bear arms. Gun control advocates argued back with facts and figures: 85 Americans die daily from guns—53 of them suicides—a rate that far exceeds most other developed countries.

Supporters of tougher gun laws call them common-sense reforms. "They ensure that law-abiding citizens have full access to guns for all lawful purposes but that criminals do not," says Colorado Senate Majority Leader Morgan Carroll (D). "Weapons in the hands of criminals or the dangerously mentally ill hurt our communities and take away the rights of other citizens to live."

Second Amendment activists viewed the 2012 shootings as evidence the country needs more guns. Had more people been armed in Sandy Hook Elementary School or the Aurora theater, they argued, the killers likely would have been gunned down, either preventing the massacres or at least limiting the carnage. The Newtown and Aurora killers specifically chose a school and a theater because they knew the occupants would be unarmed, many argued.

"It's obvious you're safer when law-abiding people have guns," says Colorado Senator Greg Brophy (R). "Even our sheriffs said the new laws won't make anyone safer."



Senator
Greg Brophy (R)
Colorado



House Minority
Leader Larry
Cafero (R)
Connecticut

What the Laws Do

Connecticut's new gun law:

- ◆ Expands the assault weapons ban
- ◆ Prohibits high-capacity magazines
- ◆ Requires background checks on all firearms sales
- ◆ Mandates registration to purchase ammunition and all guns
- ◆ Increases funding for security and mental health treatment.

Colorado's five new guns laws:

- ◆ Limit ammunition magazines to 15 rounds
- ◆ Mandate universal background checks on the sale and transfer of weapons
- ◆ Require gun buyers to pay for background checks
- ◆ Ban certain domestic violence offenders from owning guns
- ◆ Require applicants for concealed-carry permits to demonstrate their competence with a gun in the presence of a certified instructor.

Cooperation in Connecticut

Connecticut's gun bill had strong bipartisan support, including the backing of Senate Minority Leader John McKinney (R), whose district includes Newtown, and House Minority Leader Larry Cafero (R). Leaders from both parties talked about how to respond after the Sandy

Arming school personnel

In 2013, legislators in more than 30 states introduced bills authorizing K-12 school staff to carry firearms. Specifics varied widely—from calling for principals to carry concealed weapons to creating school marshal programs to train teachers, administrators and janitors in gun use. Most of the bills failed. The ones that passed make the following changes:

- ◆ In Alabama, current and retired school employees can now form volunteer emergency security forces, and districts must establish policies addressing the carrying and storing of their weapons.
- ◆ In Arkansas, a church that operates a private school may allow people with concealed-carry permits to carry guns on school property. And, colleges may allow faculty to carry guns on campus if the governing board does not have a policy prohibiting it.
- ◆ In Kansas, school districts may allow employees with concealed-carry permits to carry guns on campus if the district does not have a policy prohibiting it.
- ◆ South Dakota's "school sentinels" law authorizes districts to create, establish and supervise the arming of school employees, hired security personnel or volunteers.
- ◆ Tennessee allows certain school employees to carry a firearm on school grounds if they are licensed, meet certain qualifications, and have written authorization from authorities.
- ◆ The Protection of Texas Children Act permits schools to designate an employee as a marshal who can use a firearm to deal with potential crises.

—Lauren Heintz and Michelle Camacho Liu



PHOTO: CHARLES KRUPA/AP

Connecticut Senate President Donald E. Williams Jr. (D), left, and Senate Minority Leader John McKinney (R) after the gun bill passed with bipartisan support.

Hook Elementary School shootings, says Senate President Donald E. Williams Jr. (D). "It was a remarkable moment in our legislative history in Connecticut. We were able to come together in a bipartisan way and take action on what is arguably the most divisive issue in American politics," Williams says.

Connecticut lawmakers introduced dozens of gun bills; some died on the calendar, others were merged into the 139-page bill that ultimately passed. The legislature held public meetings—including one in Newtown. The Senate vote on the prevailing bill was 26-10, with 20 of 22 Democrats and six of 14 Republicans in support. The House vote was 105-44, with 85 of 99 Democrats and 20 of 52 Republicans in support. One Democrat and one Republican were absent.

Connecticut Senator Andrew Maynard (D), one of the two Democrats opposed to the bill, says he believes emotion overcame logic. "The nature of the crime demanded some sort of action, but we took a knee-jerk approach to it." He says he's not sure the expanded weapons ban and the magazine limits will make Connecticut safer, and was upset to see "thoughtful" hunters and sportsmen who opposed more controls labeled "gun nuts."

Controversy in Colorado

Colorado's battle over gun laws was more partisan than Connecticut's. When Colorado Democrats unveiled their bills, they faced fierce opposition from the GOP, gun rights groups and even some members of the Democratic caucus. Republicans made clear from the beginning they didn't believe in what Colorado Senate Minority Leader Bill Cadman (R) called "meaningless, feel-good legislation."

Democrats drafted their proposals without much GOP input.

The most controversial, sponsored by Senate President John Morse (D), would have held manufacturers, sellers and owners of weapons liable for deaths they caused. Morse eventually withdrew it after delivering a blistering attack on the gun lobby.

Morse, now the subject of a recall attempt over the gun bills, says it was worth it. "If making Colorado safer from gun violence costs me my political career, it is an amazingly small price to pay," he says.

Those opposed to the legislation feared it was only the beginning of an eventual total government ban on personal gun ownership. "This is step one," said Colorado Senator Brophy. A frustrated Colorado Senate Minority Leader Cadman accused supporters of the bills of being controlled by outsiders, including New York Mayor Michael Bloomberg and his group, Mayors Against Illegal Guns. He displayed a New York flag in the Senate Republican Office in protest. (New York was the first state to pass stricter gun laws following the Connecticut shootings.)

Gun ownership for many in the Rocky Mountain state is such a cherished value that after the bills passed, some rural residents even threatened to secede.

Of the five bills that became law, only the one limiting online concealed-carry training received any GOP support, with five of 43 Republicans in both chambers voting for it. Colorado Senate



Senate President
John Morse (D)
Colorado



KATHRYN SCOTT OSLER/THE DENVER POST

Colorado Senate Majority Leader Morgan Carroll (D), left, and Senate Minority Leader Bill Cadman (R) found little to agree upon in Colorado's new gun laws.

Majority Leader Carroll says Democrats were proud they “were able to get done what Congress couldn’t get done.”

After Colorado Governor John Hickenlooper (D) signed the bills, all but 10 of Colorado’s 64 county sheriffs joined in a federal lawsuit seeking to block them, arguing two of the laws violate the constitutional right to bear arms. Connecticut Governor Dannel Malloy (D) is facing a similar suit.

The laws also could cost the states revenue if manufacturers of weapons and weapons accessories based in Colorado and Connecticut move to other states, as a few have threatened.

Blue State, Purple State

Governors Hickenlooper and Malloy talked after their tragedies and as their legislatures geared up. “As [Malloy] described what Connecticut was considering, I would say, ‘Boy, that would never fly in Colorado,’” Hickenlooper says. “They were much more aggressive than a Western state would be, but if you look at their demographics, they’re a blue, blue, blue state.”

In contrast, Colorado voters are almost equally divided among Republicans, Democrats and unaffiliated. “Republicans rule,” read the headline in the Rocky Mountain News after the 2002 election. But only two years later, Democrats picked up a U.S. Senate seat, a U.S. House seat and control of both chambers of the legislature, a feat the party had not achieved since 1960. The state has remained purple in recent years. In 2010, the GOP knocked off two Democratic incumbents in the U.S. House and today, Republicans serve as attorney general, treasurer and secretary of state.

In Connecticut, Democrats hold every congressional seat and every statewide constitutional office. And although Connecticut

is the home of the trade association for the firearms industry and several prominent gun makers, including Colt’s Manufacturing, Stag Arms and Sturm, Ruger and Co., a Quinnipiac University poll taken in March showed broad support for tougher gun laws there—even among Republicans.

House Minority Leader Cafero told the Hartford Courant that a Republican presence at the negotiating table helped stop some of the stricter gun control measures Democrats initially sought, including limits on the number of guns people could own and steep taxes on ammunition. “I felt I had an obligation to make sure there was a balance between the safety of the public ... and the protection of Second Amendment and law-abiding gun owners,” Cafero says.

For Colorado Representative Rhonda Fields of Aurora, passage of the gun laws was a personal victory. She lost her son and his fiancé to gun violence in 2005. Because of her activism in the case, she was appointed to a vacancy in the Colorado House of Representatives. She subsequently was elected to the seat and now represents the Aurora district where the recent theater shootings occurred. Fields sponsored three of the five gun bills that became law but says she was unprepared for the anger the legislation spawned.

“I had no idea the Capitol would be stormed ... that people would circle the Capitol for hours honking their horns.” She received a series of threatening, racist emails that led to an arrest, a new home security system and state trooper presence when she is at the Capitol. Although Fields is still fearful, she says she has no regrets about the legislation.

“Doing nothing,” she says, “is not an answer.” But for gun rights activists, what lawmakers in Colorado and Connecticut did isn’t the answer either.



Representative Rhonda Fields (D) Colorado