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Matt Arnold written testimony on HB13-1224

2 messages

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To: kevin@kevinlundberg.com, bafolsom@gmail.com

Attached; also copied in body of text.
Thanks for using whatever can be helpful.

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Matt Arnold

Testimony on HB13-1224

"Ammunition Feeding Device" Capacity Limit

Introduction

"Tyranny is defined as that which is legal for the government but illegal for the citizenry." – Thomas Jefferson

Constitutionality

SCOTUS Precedent (1939 Miller Case) established that the 2nd Amendment specifically protects the right to possess weapons "in common use" (by the U.S. military), the equivalent of "ordinary military equipment" issued to individual soldiers (i.e. standard issue military individual weapons).

The Miller ruling also referenced ammunition - and, by inference, "ammunition feeding devices" - as included in the definition of "arms" protected by the 2nd Amendment:

"The possession of arms also implied the possession of ammunition, and the authorities paid quite as much attention to the latter as to the former."

The 2008 Heller held that "the 2nd Amendment protects an individual right to possess a firearm unconnected with service in a militia and to use that arm for traditionally lawful purposes, such as self-defense."

The standard capacity magazines ("ammunition feeding device") for weapons "in common use" as "ordinary military equipment" are 20 or 30 rounds for rifles (M4/M16 or civilian equivalent), 15-20 rounds for pistols (M9 or civilian equivalent). Prohibiting the 'sale, transfer, or possession' of standard-capacity magazines equivalent to those in common use is therefore constitutionally suspect.

