



Amanda King <amanda.king@coleg.gov>

SB26-043 (Chris Magee testimony)

1 message

C Magee <feralcreedxm@hotmail.com>
To: "amanda.king@coleg.gov" <amanda.king@coleg.gov>

Mon, Mar 16, 2026 at 4:08 PM

Hello.

Enclosed is my testimony for Sb26-043. Thank you for trying to rectify this situation.

Committee members. My name is Chris.
I am here today as a Blue Dog Democrat, a Coloradan and someone who like many have become disillusioned by what I have been seeing.

It was news to me that we are now importing gun control laws from other states to make policy. SB26-043 is one of those bills.

When CALIFORNIA introduced the bill 043 was cloned from when a preliminary cost analysis of the bill was instituted it showed just for the database infrastructure alone it would cost 3.2 million and that was not including an annual cost of 800 thousand minimum for maintenance costs. The concerns of financial ramifications alone caused three democrats to vote no in appropriations .043 states that records for sales of barrels must be kept for 5 years. In a state that is already hemorrhaging money can you honestly tell us that this bill won't have any monetary cost to Coloradans. You cannot turn this into law without having to turn the information into a registry which is illegal.

In short don't piss on our heads and tell us it's raining.

In closing I urge you to not only vote no on this bill but I will leave you with some words that echo what many Coloradans are feeling with the politics of this state and the frustrations we feel both Democrat and Republican and Independent alike. There's the one you know and a one you don't. There still both the devil.

Thank you

Sent from my Verizon, Samsung Galaxy smartphone
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NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD FAIRFAX,

VIRGINIA 22030



NRA

March 16, 2026

House State, Civic, Military, & Veterans Affairs
200 East Colfax Avenue
Denver, CO 80203

RE: Senate Bill 26-043 – Record Keeping & Regulation of Sale of Firearm Barrel

Position: OPPOSE

Dear Madam Chairwoman and Committee Members,

On behalf of the National Rifle Association and the thousands of law-abiding sportsmen, sportswomen, and firearm owners across Colorado, I am writing to express our strong opposition to Senate Bill 26-043. This legislation signifies an unprecedented and unwarranted expansion of state regulation over non-serialized firearm components, imposing a significant burden on law-abiding residents while failing to effectively deter criminal activity.

Senate Bill 26-043 aims to subject an inert metallic component—a firearm barrel—to the same regulatory oversight as a serialized firearm by mandating that all sales or transfers be conducted in person through a federally licensed firearms dealer (FFL). This regulation effectively eliminates the private secondary market for replacement parts and prohibits the widespread practice of law-abiding citizens ordering new barrels online for direct shipment to their residence for maintenance or competition purposes.

Perhaps most concerning to our members is the creation of what amounts to a de facto state registry of firearm owners. Under this bill, Federal Firearms Licensees (FFLs) are required to collect and retain for at least five years highly sensitive personal information, including the purchaser's full residential address, telephone number, and government identification number. Furthermore, the dealer must record the specific make, model, and caliber of the firearm for which the barrel is intended. This mandates a permanent paper trail of the specific firearms owned by law-abiding residents of Colorado, simply because they sought to repair or upgrade their own property.

We express our profound concern regarding the vague and overly broad definitions contained within this legislation. By characterizing a "firearm barrel" as any forging, casting, printing, or extrusion that may be "readily completed" into a barrel, the bill potentially exposes hobbyists, machinists, and 3D-printing enthusiasts to the risk of criminal prosecution. An individual could be charged with an unclassified misdemeanor solely for possessing an unaltered component if a prosecutor determines there was an "intent to offer to sell" it without possessing a Federal Firearms License (FFL).

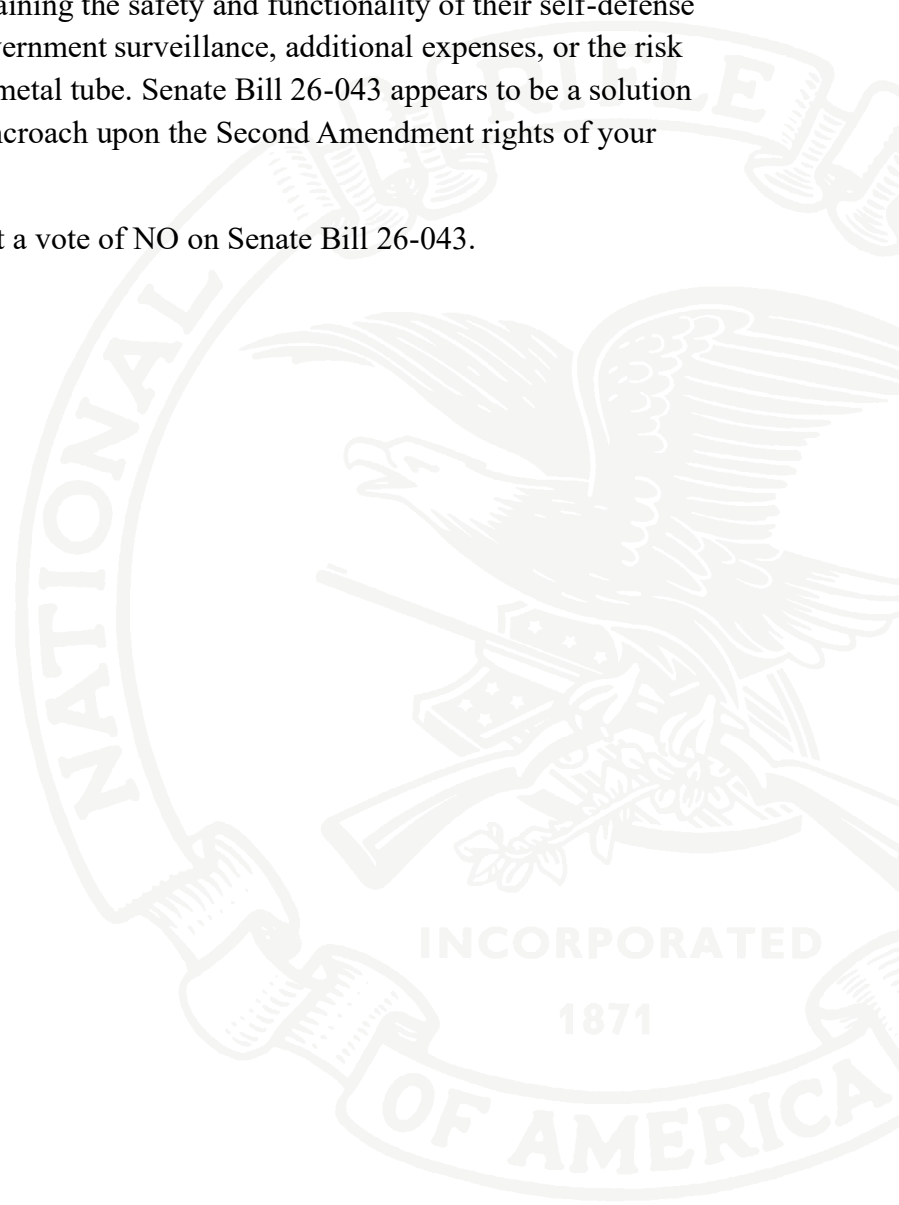
Law-abiding citizens of Colorado utilize replacement barrels for lawful activities on a daily basis, including competitive shooting and maintaining the safety and functionality of their self-defense tools. They should not be subjected to government surveillance, additional expenses, or the risk of incarceration merely for transferring a metal tube. Senate Bill 26-043 appears to be a solution seeking a problem, primarily serving to encroach upon the Second Amendment rights of your constituents.

We respectfully urge the committee to cast a vote of NO on Senate Bill 26-043.

Sincerely,

Kelvin Curtis

Kelvin Curtis
State Director – Colorado
NRA-ILA



Michael Quinlan

3970 Harmony Drive

Colorado Springs, CO 80917

(719) 502-7015

I oppose this bill.

This bill is to require the Colorado bureau of investigation to create a form for federally licensed firearm dealers to record a sale or transfer of a firearm barrel.

https://leg.colorado.gov/bill_files/110968/download

Yet, under the Firearms Owners' Protection Act (FOPA), 1986, Under 18 U.S.C. §926, <https://www.congress.gov/crs-product/IF12057>, the federal government is not allowed to have a "registry of firearms, firearms owners, or firearms transactions."

I guess the Supremacy Clause of the Constitution does not matter to this body!

https://constitution.congress.gov/browse/essay/artVI-C2-1/ALDE_00013395/

But I'll do better!

Under Colorado's own C.R.S. 29-11.7-102 Section 29-11.7-102, not even "a local government, including a law enforcement agency, shall not maintain a list or other form of record or database of: (c) The descriptions, including serial numbers, of firearms purchased, transferred, exchanged, or left for repair or sale on consignment."

https://cbi.colorado.gov/sites/cbi/files/C.R.S.%2029-11.7-102_0.pdf

In closing, what good is it for elected officials to make laws when they do not know anything about the laws they are making?

That's all.

House State, Civic, Military, & Veterans Affairs

03/16/2026 01:30 PM

SB26-043 Record Keeping & Reg of Sale of Firearm Barrel

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Beth DeHaven For themselves	<p>I am testifying in support of SB 26-043. I strongly support this bill because it closes a dangerous loophole in the existing Colorado law that bans ownership of ghost guns. While complete firearms are regulated, barrels are not. This loophole allows individuals to easily bypass regulations and assemble functional, untraceable, 3D-printed weapons, often referred to as "ghost guns."</p> <p>Ghost guns have been involved in high-profile shootings in Colorado, including the 2022 mass shooting at Club Q in Colorado Springs and the 2023 shooting at East High School. In other words, the importance of this bill is obvious to us as Coloradans who care about the safety of our state and our communities.</p> <p>Another benefit is that SB 26-043 has no fiscal note. It will save lives in Colorado with no cost to taxpayers.</p>
edith matesic For themselves	<p>I am a Registered Nurse and have seen the horrific physical and psychological outcomes related to gun violence in the trauma center where I worked.</p> <p>Ghost guns have also been involved in high-profile shootings in Colorado, including the 2022 mass shooting at Club Q in Colorado Springs and the 2023 shooting at East High School.</p> <p>Colorado passed a law regulating ghost guns in 2023 that banned the possession and sale of unserialized guns and the manufacture of certain unserialized gun parts, like frames or receivers. However, the use of 3D printers instead of kits has dramatically increased, once again circumventing most state and federal firearm regulations and requiring new regulations.</p>

	<p>This bill has no fiscal note. It will benefit Colorado’s taxpayers at no cost.</p>
<p>Susan Massa For themselves</p>	<p>I strongly support this bill</p>
<p>June Hyman-Cismoski For themselves</p>	<p>I support gun safety legislation. This bill would regulate the sale or transfer of a firearm barrel. The process would be recorded and handled by a licensed professional. The buyer would have to be at least 18 years of age. These requirements would make the purchase or transfer safer. For these reasons, I ask you to support this bill.</p> <p>Thank you, June Hyman-Cismoski</p>
<p>Craig Bauer Against themselves</p>	<p>This bill is further demonstration of TITLE 18 SS 241 CONSPIRACY AGAINST RIGHTS WHICH CARRIES THE DEATH PENALTY AND ALL PERSONS IN OFFICE SUPPORTING THIS OUTRAGEOUS TREASON CAN BE HELD ACCOUNTABLE AS ACTING IN SELF INTEREST OUTSIDE THEIR CONSTITUTIONAL CONSTRAINTS. ABANDONING THIS COURSE OF ACTION IS YOUR ONLY LEGITIMATE OPTION. AND REMINDER. THE SECOND AMENDMENT IS PRODUCED OF THE INTENT THAT THE POPULATION HAVE THE POWER TO ENFORCE THE CONSTITUTIONAL CONSTRAINTS ONTO THOSE SEEKING POWER OF OFFICE , AND THOSE SAME OFFICER ARE OATH BOUND TO OBEY THE CONSTITUTION WITHOUT CONTEST. ESPECIALLY THIS TYPE OF STRATEGY THAT IS DESIGNED TO PROTECT EPSTEIN JEWISH MOSSAD AIPAC CHILD RAPIST CANNIBALS. THOSE OF YOU WHO WOULD COMMIT THIS TREASON, YOU REPRESENT THIS ABOMINATION OF SEDITION, CHILD RAPE. AND CANNIBALISM.</p>
<p>Evie Hudak For Colorado PTA</p>	<p>Colorado PTA supports SB26-043. PTA supports sensible gun safety and violence prevention policies that will help keep children safe. We have a long history of advocacy for the safety of children and youth, and one of our highest priorities is to protect them from gun violence. Firearms are the leading cause of death for American children and youth. Approximately 3 million American children witness gun violence every year. Beyond the deadly effects of gun</p>

	<p>violence, this exposure impacts our children’s mental and physical health throughout adulthood.</p> <p>PTA believes that our state's leaders must acknowledge and address the ease of access to firearms. In 2025, Colorado PTA supported legislation for requirements on the sale of firearms ammunition. In 2024, PTA supported a bill to require firearms dealers to obtain a permit. In addition, PTA has supported legislation to ensure that there are universal background checks.</p> <p>SB26-043 is a logical extension of those pieces of legislation because it would restrict gun barrel sales to adults who can pass a background check.</p>
<p>Suzanne Kinney For themselves</p>	<p>To Colorado Representatives,</p> <p>I strongly support passage of this bill to protect Coloradoans from gun violence.</p> <p>Regulating professionally manufactured barrels will create a barrier to the illegal production of 3D printed firearms by requiring that anyone who seeks to purchase a firearm barrel must do so in person through a federally licensed firearms dealer and undergoing a background check.</p> <p>Thank you for your consideration.</p> <p>Respectfully submitted, Suzanne Kinney</p>
<p>Joseph Pero Against themselves</p>	<p>I urge you to OPPOSE SB 26-043 in your committee.</p> <p>Senate Bill 26-043 places additional hurdles on firearm dealers that are highly regulated under both Federal and State law, including:</p> <ul style="list-style-type: none"> • Requiring all firearm barrels to be sold or transferred in person through an FFL. Private and online sales are not permitted. • Establishing criminal and civil penalties for possession, transfer, and sale, including civil infractions to misdemeanors. • Creating an age requirement to purchase a barrel.

	<p>â€¢ Mandating FFLs to record all sales and transfers using a form supplied by the Colorado Bureau of Investigations, which must be kept for at least five years. This effectively establishes a permanent registry of firearm owners.</p> <p>Again, I urge you to OPPOSE SB 26-043.</p>
<p>Keith Emerson Against themselves</p>	<p>Often bills start out stating the justification for requiring a new law. This one doesn't, possibly because there isn't one. There was a claim that you couldn't print an unserialized firearm (already illegal in Colorado) without having a barrel as this part takes the most stress. There are other parts equally as stressed, such as the bolt or breech face, yet they are not mentioned here as requiring regulation.</p> <p>Will this bill make Colorado safer? No! Illegal, unserialized, firearms may be showing up more often at crime scenes but they still represent only a tiny fraction of the total guns used in criminal activity.</p> <p>Will this bill enable better tracing of firearms used in crime? No! Barrels do not have a serial number. Even if they did the records, like firearm records, will be kept by the FFL and not readily available to law enforcement. Even the Fiscal Note to the bill claims there is no cost because there will be minimal violations prosecuted under this bill.</p> <p>What the bill does do, and possibly it's primary motive, is to make firearm ownership and maintenance more expensive. With the expense for the FFL's time and the background check, this bill will double or triple the cost of a new barrel. Target shooters have testified that they go through many barrels. Some firearms are made to accommodate other calibers, requiring a different barrel. Some individuals want to change to a barrel with different features, like porting to reduce recoil and increase accuracy. These are the people affected by this bill, not your average criminal.</p>

	<p>This bill has gone far enough. Please kill it here and now.</p>
<p>Keith Amorim Against themselves</p>	<p>I doubt this will ever be read by 11 members of this committee, but if it is, ask yourself this. What problem are you trying to solve? The gun bills that the Democrats are seeking to pass year after year are simply because there is a super majority in the statehouse, which alienates large segments of the public, both left and right leaning, because most people are for gun rights to some degree or another.</p> <p>Each passing year, it becomes harder to live in this state due to the constant infringement not only of gun rights, but also of many others. Maybe that's what they want though. Let's get everyone who doesn't agree with our agenda back to front out of our state so we can keep control of it through the next century.</p> <p>People across all sides of the political spectrum would love to express their 2nd Amendment rights freely and safely. However, creating laws to simply limit access to certain components or firearm components because the sponsor of the bill lost his son to a crazed lunatic is not a reason to strip Constitutional Rights away so freely and carelessly. For one it won't have any effect on mass shooters. For that you need to start with the breakdown of our society and the psychology of the brain. A mass shooter who wants a firearm will get a firearm.</p> <p>The other part of this is the registry. What does the government need with the serial numbers of gun parts if not to eventually confiscate the firearm parts they are tracking when the time comes for them to get enough signatures for that law to pass?</p> <p>Bottom line is this should die in committee and never be proposed again. We have enough gun laws in this state already to keep people safe. Every time one of these laws is proposed it's clearly just the next step on the agenda towards an eventual ban or elimination of FFLs from our state because there won't be any left. For the Democrats on the committee I want you to think about your gun owning constituents who are also very tired of the anti-gun agenda. To the</p>

	<p>3/11 Republicans on the Committee, please actually stand up to your fellow committee members from across the isle and explain to them that what they are doing shouldn't be allowed.</p>
<p>Jerald Just Against themselves</p>	<p>As noted by the Colorado Department of Public Health and Environment, Colorado does not require firearms to be registered, and state law prohibits local governments from keeping records of gun transfers. This bill is nothing more than the government keeping those records by proxy. I'm really not sure why CO insists on passing these laws only to spend tax payer money to defend them in court. I guess when it's not your money, who cares then right? The Feds prohibit it, the State laws prohibit it, yet here we are with Democrats trying to yet again, violate the 2A with this quasi- work around. It's really quite telling what the Democrat party chooses to focus on. If only they spent half as much time supporting immigration enforcement as they do trying to violate actual Americans rights at every turn.</p>
<p>Leif Sigstedt Against themselves</p>	<p>I wish I had the luxury of having the ability to come to these hearings to tell everyone what I think in person. Unfortunately, thanks to the reality of what life has recently become in Colorado, I have to concentrate on working hard to just scrape by, so this testimony is the closest thing I can do. It's sad to see that the people who used to say they wanted "common sense" gun reforms are now trying to mire every aspect of owning and maintaining firearms in an arbitrary and capricious process that could only be intended to prevent law abiding people from exercising their human rights. If that's not it then it's true intention seems to be criminalizing those same law abiding people in as many ways as possible (perhaps it's both). This madness needs to stop. People don't want this hyper regulation, and it serves no moral or just purpose. Please join me in standing in firm opposition to this perversion of our bill of rights. Little by little our state is becoming an authoritarian nightmare that is choosing to erase over a hundred years of our responsible gun culture. I can firmly say that people with diverse and varied beliefs are waking up to the reality of what's going on under the Golden Dome and eventually there will be repercussions. I believe it will be in the form of legislators who supported this type of bill losing their jobs. Vote NO!</p>
<p>Kenneth Bowen Against</p>	<p>Chair and members of the committee, thank you for the opportunity to testify.</p>

themselves	<p>My name is Kenneth Bowen, and I live in Colorado Springs, Colorado.</p> <p>I respectfully ask you to oppose SB26-043.</p> <p>A firearm barrel is a replacement component that cannot function as a firearm on its own. Many responsible gun owners replace barrels for maintenance, safety, or competition shooting.</p> <p>Requiring every barrel sale to go through a licensed dealer creates additional costs and administrative burdens without clear evidence that it will reduce crime.</p> <p>The bill also requires the storage of sensitive personal information for years, creating unnecessary privacy and data-security risks for lawful citizens.</p> <p>In addition, the bill requires FFL dealers to verify that a person purchasing a barrel is not prohibited from possessing a firearm. However, the current CBI background-check system does not appear to be designed for non-firearm component purchases, and the fiscal and technical challenges of creating that capability appear significant. As written, the bill risks imposing a compliance obligation on dealers without providing a practical way to meet it.</p> <p>For these reasons, I respectfully urge the committee to vote no on SB26-043.</p> <p>Thank you for your time and consideration.</p>
Robert Bergstrom	Good Afternoon Chair, and committee members,

<p>Against themselves</p>	<p>I am writing to strongly oppose this bill. How on earth will this do anything to help keep the public safe? 3/4" black pipe is the perfect diameter for 12 ga shells. Do I need a background check to repair plumbing?</p> <p>A barrel is a wear item, with many long range shooters replacing barrels every 1-2k shots...often multiple times in a year.</p> <p>I strongly believe this bill was written by NGO's, not our representatives...so please reject this nonsense, and represent your constituents!</p>
<p>Michael Mensch Against themselves</p>	<p>Bottomline: I oppose SB26-043 Regulation of firearm barrel transfers as written, and I encourage you to do the same.</p> <p>I remain strongly opposed to the bill due to its impractical and unenforceable nature as well as its overly broad definition. However, if you intend to support it, I propose an amendment to narrow its scope and protect law-abiding citizens. I suggest limiting the regulations to barrels for calibers below .24 and lengths shorter than 16 inches. These parameters align with Colorado Parks and Wildlife (CPW) requirements for big game hunting, ensuring that hunters are not unnecessarily burdened.</p> <p>If the primary goal of this bill is to reduce "ghost gun" builds, the restrictions should be focused on the pistol calibers most frequently associated with ghost guns: Per the ATF National Firearms Commerce and Trafficking Assessment (NFCTA) over 83% of all personally manufactured crime guns recovered between 2017-2021 were of pistol calibers, particularly 9mm and .22 Long Rifle for pistols. AR style calibers of .223 and 5.56 accounted for 2% of personally manufactured crime guns recovered. Given that pistols are the most prevalent ghost guns recovered in crimes, a 16-inch barrel length threshold is more than sufficient to cover that category while exempting standard rifles used for sporting and hunting.</p> <p>Thank you for your time and for considering these practical adjustments.</p>
<p>Jesse Giegel Against themselves</p>	<p>You cannot track firearm barrels they are not serialized and a basic maintenance component of any firearm.</p>

<p>Aaron Lewis Against themselves</p>	<p>Do not pass this bill.</p>
<p>Jeany Rush Against themselves</p>	<p>TO: HOUSE, STATE, CIVIC, MIL. VETS. AFFAIRS 3-16-26 TO: SENATE COM.ON STATE, VETRANS & MILITARY AFFAIRS RE: SB26-043 RECD. KEEPING & REGU./ SALE OF FIREARM BARRELLS SPONSORS: SULLIVAN, FROELICH, BROWN FROM: JEANY RUSH, COLORADO CONSTITUENT 2-10-26 VOTE: NO I OBJECT</p> <p>Yet another attack on the 2nd Amendment, the constitutional right to have, own, firearms. Now moving onto parts, with OR WITHOUT the purchase of a firearm, so you can impede any activity of firearms. WRONG!</p> <p>Unlawful sale, possession, with intent to sell now an unclassified misdemeanor. How much more nitpicking are you planning ? Now you expect a federally licensed firearm dealer to record this sale or transfer on state/federal law subject WHAT?</p> <p>You are setting up Colorado Bureau of Investigation to create a form for federally licensed firearm dealers to record same.? YOU™RE continuously setting up of REGISTRIES! Another targeting of lawful weapons owners.</p> <p>Your vendetta ON guns has gone from the sublime to the ridiculous. There are perhaps 100 Million lawful gun owners, who have saved hundreds of thousands of lives, while the shootings you all use for your reason to stop gun ownership, numbers in thousands, done all by criminals, drug addicts not by the millions of LEGAL gun owners. Many lawful citizens working in situations where they may be exposed to danger, have HAD more than required training to protect themselves, their families & neighbors. This alone saves lives, much more than FEAR/PUNISHMENT OF THE LAWFUL WEAPONS OWNERS! My 2nd amendment constitutional rights should not constantly attacked.</p>

	<p>The numbers of lives saved by lawful gun owners is so very much greater than this non-stop unreasonable WITCHHUNT YOU ARE CONDUCTING!</p> <p>You stating in your bill that this does not include a permanently attached barrel is quite insane! Your attack on the commerce of the entire industry is totally a planned attack on the 2nd amendment/ SHALL NOT INFRINGE DOES NOT MEAN A THING TO YOU! .</p> <p>We all understand there are personal losses, events that create a deep hurt to those who suffered directly from shootings. PUNISH Tens of Millions lawful people because of acts of mentally ILL?</p> <p>HAD THERE BEEN 1 LAWFUL GUN OWNER IN MOST OF THESE SITUATIONS/SHOOTINGS, MANY IF NOT ALL LIVES WOULD HAVE BEEN SAVED, AND THIS IS THE REAL ISSUE!</p> <p>YOUR ABUSE OF THE SAFETY CLAUSE HERE IS FURTHER PROOF OF YOUR "GOD COMPLEX" AS A BODY, WITH HIDDEN AGENDAS/STOP PUBLIC VOTE ON THIS</p>
<p>Sean Villard Against themselves</p>	<p>At what point, if any, will democrats in the legislature stop their assault on the rights of law abiding citizens? Every year it is an outright barrage of infringements on our civil liberties.</p> <p>Don't get me wrong, I hold no illusions that anyone on the left side of the aisle will be swayed by any testimony against this, or any other anti second amendment bill. That's not how our elected officials act.</p> <p>I can only hope that they care about the obvious financial costs associated with passing and defending this ridiculous bill when it gets challenged in court. In addition to violating our rights, you are wasting our time and tax dollars.</p>
<p>Bennett Rutledge Against themselves</p>	<p>"A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."</p> <p>A YES on SB26-043 would make you an oathbroken renegade, and would constitute voluntary abandonment of your job.</p>

<p>Scott Nelson</p> <p>Against themselves</p>	<p>My name is Scott, and I am a resident of Colorado. I am writing to urge you to vote against the proposed bill that seeks to limit the sale of firearm barrels and impose additional restrictions on acquiring these items.</p> <p>First and foremost, this bill raises significant concerns regarding our Second Amendment rights. The right to bear arms is a fundamental part of American liberty, and imposing restrictions on firearm components, such as barrels, risks infringing upon those rights. Responsible citizens should not be penalized for seeking to own and properly maintain their firearms.</p> <p>Moreover, I believe this bill disproportionately affects law-abiding citizens rather than addressing the genuine issues related to firearm misuse. By placing hurdles in front of responsible gun owners, we run the risk of driving those who follow the law to navigate a convoluted and confusing process. Instead of effectively preventing crime, this bill mainly complicates the lives of those who are already committed to safety and legality.</p> <p>The bureaucratic burden introduced by this bill cannot be overlooked. The additional layers of paperwork and processes add unnecessary complexity, which could discourage potential first-time gun owners from acquiring arms. Small businesses that specialize in firearm sales may also suffer from reduced consumer interest due to these restrictions, ultimately impacting local economies.</p> <p>Furthermore, limiting the sale of firearm barrels will not effectively curb crime or violence in our communities. Empirical evidence suggests that the overwhelming majority of firearm-related incidents involve illegal firearms. Instead of focusing on responsible ownership, this bill shifts attention away from more effective measures for ensuring community safety, such as mental health resources and crime prevention programs.</p> <p>As a responsible gun owner, I believe in the importance of safety and education surrounding firearms. The additional restrictions proposed in this bill do not contribute to a safer community but instead create barriers for those of us who follow the law. I have always supported measures that prioritize responsible gun ownership and ensure public safety, yet this bill seems to miss the mark.</p>
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	<p>In conclusion, I strongly urge you to reconsider and vote against this bill. It is essential to find solutions that enhance safety without infringing on the rights of citizens who responsibly own firearms. Thank you for your time and</p>
<p>Benjamin Hanson Against themselves</p>	<p>My concerns are practical and public-safety focused:</p> <ul style="list-style-type: none"> â€¢ Lawful maintenance burden: Barrels are common replacement parts for wear, repair, and lawful upgrades. An in-person FFL mandate makes routine maintenance more expensive and harderâ€”especially for rural Coloradans and those with limited access to dealers. â€¢ Privacy and data security: The bill expands sensitive record keeping (identity and contact information) tied to a non-serialized component, increasing the risk of misuse or breach with unclear public-safety benefit. â€¢ Overbroad/ambiguous definition: The bill defines â€œfirearm barrelâ€” broadly, including items that may â€œreadily be completedâ€” or are marketed as barrels. That ambiguity invites confusion for hobbyists, small businesses, and responsible owners and risks inconsistent enforcement. â€¢ New crimes, minimal projected impact: The fiscal note anticipates minimal state revenue and minimal state workload, no appropriation, and a minimal number of violations. If expected violations and fiscal impacts are minimal, itâ€™s hard to justify creating new crimes and a new compliance and record keeping regime for law-abiding Coloradans. â€¢ This additional overhead and expense will put small family owned FFLs out of business, further eroding Colorado's business climate. <p>I support public safety and enforcement against violent crime. I respectfully ask you to oppose SB26-043 and focus efforts on measures that target criminals without expanding burdens and sensitive record keeping on responsible citizens.</p>

**Testimony in opposition to: SB26-043 Record Keeping and Regulation of Sale of
Firearm Barrel
The Firearms Coalition of Colorado
PO Box 1454, Englewood, CO 80150-1454**

Thank you, Chair and Committee.

My name is Robert Edmiston. I am with the Firearms Coalition of Colorado an NRA-affiliated, all-volunteer, grassroots organization dedicated to the protection of individual rights and public safety.

I am a former U.S. Army Officer and Vocational Rehabilitation Counselor. I have a Master's Degree in Psychology, Counseling and Guidance.

I am writing in opposition to the measure under consideration. No matter how well-intentioned the honorable legislators who support this bill may be, this measure is one more impediment to the exercise of 2nd Amendment rights for the citizens of Colorado. It is one more headache for lawful gun owners. It is one more fee, one more form, and one more reason not to possess or attempt to possess a firearm, or even repair or modify a firearm that is already in the possession of an honest citizen.

The bill also imposes an additional administrative burden on already overloaded small firearms dealers, who, if the legislation passes, will now have one more set of books to keep subject to audit from the Colorado State gun police, as well as their usual paperwork from the BATFE. It is one more reason for a small Federal/State Firearms Licensee to close up shop or move out of state.

While apparently directed at the fearful, haunting specter of "ghost guns," this legislation will have little to no effect on the behavior of criminals, while creating unnecessary complications for target shooters, hunters, and citizens interested in their natural right to armed self-defense against crime, terrorism, tyranny, and genocide. The bill also creates another source of data that a possible, less honorable future government could use as a springboard for the confiscation of currently-owned firearms

Want to save money by using a smaller caliber barrel insert in your large caliber pistol? Fill out another form. Pay a fee. Show up on another potentially illegal database. Want to buy a firearm that may utilize a number of different barrels? See above.

No doubt the honorable legislators in the Weimar Republic in pre-World War Two Germany did not foresee that their well-intentioned gun control laws would be later used by Hitler to disarm the victims of the Holocaust. Every "ethnic cleansing," racial oppression, or genocide in history has benefited from some form of weapons control inflicted upon the oppressed population.

We believe that the honorable legislators who are supporting this bill would do well to think hard about the politician that they most fear and distrust. Then, they might consider that every time they pass another gun control law, they are coming one step closer to potentially giving this person, or his or her cronies, an absolute monopoly on the use of armed force.

We urge a "No" vote on this proposal.

Thank you for your consideration.

Robert Edmiston
Volunteer Lobbyist
The Firearms Coalition of Colorado
PO Box 1454, Englewood, CO 80150-1454



SPECIAL REPORT

JANUARY 2019

NCJ 251776

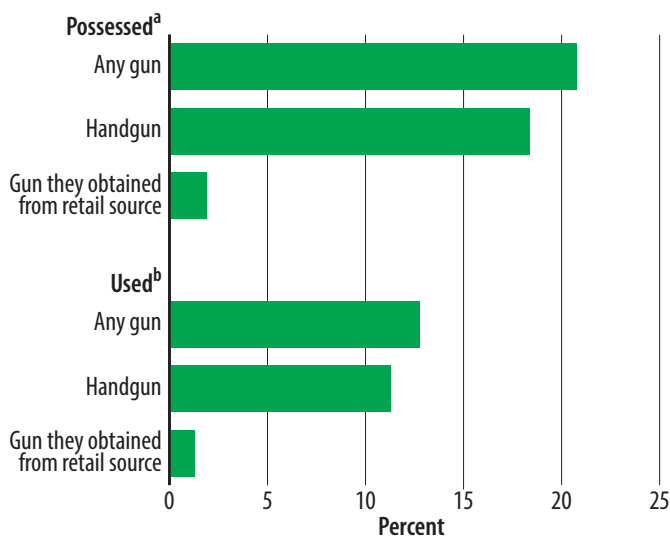
Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016

Mariel Alper, Ph.D., and Lauren Glaze, BJS Statisticians

Based on the 2016 Survey of Prison Inmates (SPI), about 1 in 5 (21%) of all state and federal prisoners reported that they had possessed or carried a firearm when they committed the offense for which they were serving time in prison (figure 1). More than 1 in 8 (13%) of all prisoners had used a firearm by showing, pointing, or discharging it during the offense for which they were imprisoned. Fewer than 1 in 50 (less than 2%) of all prisoners had obtained a firearm from a retail source and possessed, carried, or used it during the offense for which they were imprisoned.

An estimated 287,400 prisoners had possessed a firearm during their offense. Among these, more than half (56%) had either stolen it (6%), found it at the scene of the crime (7%), or obtained it off the street or from the underground market (43%). Most of the remainder (25%) had obtained it from a family member or friend, or as a gift. Seven percent had purchased it under their own name from a licensed firearm dealer.

FIGURE 1
Percent of all state and federal prisoners who had possessed or used a firearm during their offense, 2016



Note: See appendix table 1 for standard errors.
^aIncludes prisoners who carried or possessed a firearm during the offense.
^bIncludes prisoners who showed, pointed, or discharged a firearm during the offense.
Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

HIGHLIGHTS

- About 21% of state and 20% of federal prisoners said they possessed a gun during their offense, while 79% of state and 80% of federal prisoners did not.
- About 29% of state and 36% of federal prisoners serving time for a violent offense possessed a gun during the offense.
- About 1.3% of prisoners obtained a gun from a retail source and used it during their offense.
- Handguns were the most common type of firearm possessed by state and federal prisoners (18% each); 11% of all prisoners used a handgun.
- Among prisoners who possessed a gun during their offense, 90% did not obtain it from a retail source.
- Among prisoners who possessed a firearm during their offense, 0.8% obtained it at a gun show.
- About 1 in 5 state and federal prisoners who possessed a firearm during their offense obtained it with the intent to use it during the crime.
- Among state prisoners who possessed a gun during their offense, 27% killed someone with it, another 12% injured someone, 7% fired the gun but did not injure anyone, and 54% did not fire it.
- State prisoners with no military service were more likely to possess a gun during their offense (21%) than prisoners who had served in the military (16%).

Statistics in this report are based on self-reported data collected through face-to-face interviews with a national sample of state and federal prisoners in the 2016 SPI. (See *Methodology*.)

The 2016 SPI data collection was conducted from January through October 2016. The SPI was formerly known as the Survey of Inmates in State and Federal Correctional Facilities (SISFCF). The Bureau of Justice Statistics (BJS) has periodically conducted the

survey since the 1970s, with the most recent iteration fielded in 2004. The survey collects information from prisoners on a variety of topics, including firearm possession during the crime for which a prisoner was serving time and how the firearm was used during the crime. It also collects information on the method, source, and process that prisoners used to obtain the firearm. (See appendix 1, *Questions related to firearms in the Survey of Prison Inmates, 2016*.)

Terms and definitions

- **Firearm** – a weapon that uses gunpowder to shoot a bullet. Primary types are handguns, rifles, and shotguns:¹
 - **Handgun** – a firearm which has a short stock and is designed to be held and fired by the use of a single hand.
 - **Rifle** – a firearm intended to be fired from the shoulder and designed to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.
 - **Shotgun** – a firearm intended to be fired from the shoulder and designed to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger.
- **Firearm possession** – carrying or possessing at least one firearm when the offense for which prisoners were serving a sentence was committed.
- **Firearm use** – showing a firearm to or pointing a firearm at anyone or discharging a firearm during the offense for which a prisoner was serving time.
- **Source of the firearm** – from where and how prisoners reported obtaining the firearm they possessed during the crime for which they were imprisoned—
 - **Purchased or traded from a retail source** – includes a gun shop or store, pawn shop, flea market, or gun show.
 - **Gun shop or store** – a business establishment that sells firearms in an open shopping format.
 - **Pawn shop** – a business that offers secured loans to customers, with personal property used as collateral. This personal property is sold to the public if the loan is not repaid.
 - **Flea market** – a market that rents space to individuals to sell or barter merchandise.
 - **Gun show** – a temporary market where licensed dealers and unlicensed sellers can rent tables or booths to sell firearms.
 - **Obtained from an individual** – includes purchasing, trading, renting, or borrowing from a family or friend. Also includes when the firearm was gifted to or purchased for the person.
 - **Off the street or underground market** – illegal sources of firearms that include markets for stolen goods, middlemen for stolen goods, criminals or criminal enterprises, or individuals or groups involved in sales of illegal drugs.
 - **Theft** – includes stealing the firearm during a burglary or from a retail source, family member, friend, or another source.
 - **Other sources** – includes a firearm that a prisoner obtained or found at the location of the crime, including one that belonged to a victim or that someone else brought to the location of the crime. This category also includes sources for which there were few responses, such as for guns bought online, and other sources that did not fit into one of the existing categories. This also includes instances where there was not enough information to categorize the source, such as when a firearm was purchased from an unknown source or obtained from another person by an unknown method.

¹The definitions of types of firearms in this section were taken from 18 U.S.C. § 921 (2009). They have been edited for length.

Controlling-offense characteristics

About 29% of state and 36% of federal prisoners serving a sentence for a violent offense in 2016 possessed a firearm during the crime (table 1). About a quarter of state (23%) and federal (25%) prisoners serving time for a violent offense used a firearm during the crime. “Firearm use” is defined in this report as showing, pointing, or discharging a firearm during the offense for which a prisoner was serving a sentence.

Among prisoners serving time for homicide, more than 2 in 5 (44%) state prisoners and more than 1 in 3 (36%) federal prisoners had possessed a firearm during

the crime. About 37% of state and 28% of federal prisoners serving time for homicide used a firearm during the homicide.

Among those serving time for robbery, more than 2 in 5 state prisoners (43%) and federal prisoners (46%) possessed a firearm during the offense, and nearly a third of state (31%) and federal (32%) prisoners used a firearm during the robbery. Firearm possession was less common among state prisoners serving a sentence for rape or sexual assault (2%). Less than 1% of state prisoners serving time for rape or sexual assault used a firearm in the commission of their crime.

TABLE 1

Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of controlling offense, 2016

Controlling offense ^a	Estimated number of state prisoners ^b	Percent of state prisoners who—		Estimated number of federal prisoners ^b	Percent of federal prisoners who—	
		Possessed a firearm ^b	Used a firearm ^c		Possessed a firearm ^b	Used a firearm ^c
Total	1,211,200	20.9%	13.9%	170,400	20.0%	5.0%
Violent*	667,300	29.1%	23.0%	20,900	36.2%	25.3%
Homicide ^d	191,400	43.6	37.2	3,800	35.9	28.4
Rape/sexual assault	144,800	2.0	0.8	2,400	:	:
Robbery	149,600	43.3	31.5	10,700	46.3	32.1
Assault	149,400	25.0	20.6	2,900	29.0	18.1
Other violent ^e	32,200	17.0	12.6	1,200	34.1	:
Property	186,100	4.9% †	2.0% †	12,000	2.6% †	:
Burglary	88,100	6.7	3.2	300	:	:
Other property ^f	98,000	3.3	1.0	11,800	2.4	:
Drug	180,800	8.4% †	0.8% †	80,500	12.3% †	0.6% †
Trafficking ^g	130,500	9.4	0.9	72,300	12.9	0.7
Possession	45,900	6.1	:	3,500	:	:
Other/unspecified drug	4,300	:	:	4,700	:	:
Public order	158,300	21.5% †	5.6% †	52,900	30.2%	5.3% †
Weapons ^h	43,800	67.2	15.7	22,200	66.9	11.3
Other public order ⁱ	114,400	4.0	1.7	30,700	3.6	:
Other	3,900	:	:	1,800	:	:
Unknown	14,900	4.3% †	:	2,200	:	:

Note: See appendix table 2 for standard errors.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level across main categories, and no testing was done on subcategories (e.g., homicide).

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aSee *Methodology* for information on how controlling offense was measured.

^bExcludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession. Includes prisoners who were missing responses on firearm use.

^cExcludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession, and an additional 0.6% of state prisoners and 0.7% of federal prisoners who were missing responses on firearm use.

^dIncludes murder and both negligent and non-negligent manslaughter.

^eIncludes kidnapping, blackmail, extortion, hit-and-run driving with bodily injury, child abuse, and criminal endangerment.

^fIncludes larceny, theft, motor vehicle theft, arson, fraud, stolen property, destruction of property, vandalism, hit-and-run driving with no bodily injury, criminal tampering, trespassing, entering without breaking, and possession of burglary tools.

^gIncludes possession with intent to distribute.

^hIncludes being armed while committing a crime; possession of ammunition, concealed weapons, firearms and explosive devices; selling or trafficking weapons; and other weapons offenses. Among federal prisoners, weapons offense include violations of federal firearms and explosives.

ⁱIncludes commercialized vice, immigration crimes, DUI, violations of probation/parole, and other public-order offenses.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

State and federal prisoners serving time for a violent offense were much more likely to have possessed a firearm during the offense (29% state, 36% federal) than prisoners serving time for a property (5% state, 3% federal) or drug (8% state, 12% federal) offense. Among prisoners serving time for a public-order offense, about 1 in 5 (21%) state prisoners and nearly 1 in 3 (30%) federal prisoners reported that they possessed a firearm during the crime, and about 1 in 20 reported they had used it. About two-thirds of state and federal prisoners sentenced for a weapons offense said they possessed a firearm during the crime.²

²In addition to prisoners serving a sentence in state or federal prison in 2016 who possessed a firearm during the offense, weapons offenses include prisoners who were convicted of trafficking firearms but did not possess them at the time of the offense and prisoners who were convicted of a weapons offense that did not involve a firearm.

Extent of firearm use among prisoners during the crime

State and federal prisoners in 2016 who had possessed a firearm during their offense were about equally likely to report that they had obtained the firearm with the intent to use it during the offense (19% state, 20% federal) (table 2). However, state prisoners (68%) who possessed a firearm were more than 2.5 times as likely as federal prisoners (26%) who possessed a firearm to have used it during the crime.

Nearly half of state prisoners (46%) serving a sentence for a crime during which they possessed a firearm discharged the firearm when they committed the crime, compared to 12% of federal prisoners. Among state prisoners who possessed a firearm during their offense, 27% killed a victim with the firearm and another 12% injured or shot a victim but did not kill him or her. Federal prisoners who possessed a firearm when they committed their offense were much less likely to have killed (4%) or injured (2%) a victim with the firearm than state prisoners.

TABLE 2

Among state and federal prisoners who possessed a firearm during the offense for which they were serving time, extent of firearm use, 2016

Firearm use	State prisoners*	Federal prisoners	State prisoners		Federal prisoners	
			Violent offense*	Non-violent offense ^a	Violent offense*	Non-violent offense ^a
Total	100%	100%	100%	100%	100%	100%
Obtained firearm because planned to use in controlling offense^b						
Yes	19.3%	19.7%	17.7%	24.6% †	26.4%	18.0%
No	80.7	80.3	82.3	75.4 †	73.6	82.1
Used firearm^c						
Discharged	68.0%	25.9% †	81.0%	24.8% †	72.5%	12.9% †
Killed victim	46.5%	11.9% †	55.9%	15.4% †	27.3%	7.5% †
Injured/shot victim but did not kill victim	27.1	4.1 †	35.0	:	16.5	:
Discharged firearm but did not shoot anyone	12.4	2.2 †	14.5	5.3 †	:	:
Did not discharge ^d	7.0	5.6	6.4	9.0	5.7	5.4
Did not use firearm	21.5%	14.0% †	25.2%	9.4% †	45.3%	5.4% †
Did not use firearm	32.0%	74.1% †	19.0%	75.2% †	27.5%	87.1% †
Estimated number of prisoners who possessed a firearm (with valid data) ^e	245,400	32,900	187,800	57,000	7,200	25,600

Note: Percentages are based on data reported on firearm possession, use, and controlling offense. Excludes 3.1% of state prisoners and 3.5% of federal prisoners who possessed a firearm during the offense and were missing responses on firearm use and 0.3% of state prisoners and 0.7% of federal prisoners who possessed a firearm and were missing a controlling offense. The sum of violent offense and non-violent offense does not equal the total number of state and federal prisoners who possessed a firearm in this table due to an estimated 600 state and 100 federal prisoners whose offense type was unknown. See appendix table 3 for standard errors.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aIncludes property, drug, public order, and other non-violent offenses.

^bPercentages are based on the 246,200 state and 32,600 federal prisoners who reported they carried or possessed a firearm and whether they obtained a firearm to use during the offense.

^cIncludes prisoners who showed a firearm to anyone, pointed a firearm at anyone, or discharged the firearm during the offense.

^dIncludes prisoners who showed or pointed a firearm at anyone during the offense but did not discharge it.

^eIncludes prisoners who reported they carried or possessed a firearm. Excludes prisoners who were missing responses on firearm possession or use. For violent offense and non-violent offense, also excludes prisoners who were missing a controlling offense.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Among prisoners who possessed a firearm during a violent offense, a large majority of both state (81%) and federal (73%) prisoners used the firearm during the offense, far more than the percentages for non-violent offenders (25% state, 13% federal). More than half (56%) of state prisoners serving time for a violent offense who possessed a firearm during the crime discharged it, compared to fewer than a sixth (15%) of non-violent offenders in state prison who possessed a firearm. Violent offenders (27%) in federal prison who possessed a firearm during the crime were about 3.5 times as likely to discharge it as non-violent offenders (8%). Among state prisoners who had possessed a firearm during their offense, however, non-violent offenders (25%) were more likely than violent offenders (18%) to have planned to use the firearm during the offense.

Type of firearm possessed by prisoners during offense

Handguns were by far the most common type of firearm possessed or used by prisoners during the crime for which they were sentenced. About 18% of all state and federal prisoners in 2016 reported that they had possessed a handgun during the crime for which they were serving a sentence (table 3). Two percent or fewer possessed a rifle or a shotgun. Twelve percent of state and 5% of federal prisoners used a handgun during their offense. Most state (79%) and federal (80%) prisoners did not possess any type of firearm during the crime for which they were imprisoned.

TABLE 3
Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of firearm, 2016

Type of firearm	Percent of prisoners who possessed a firearm			Percent of prisoners who used a firearm ^a		
	All prisoners	State*	Federal	All prisoners	State*	Federal
Total	100%	100%	100%	100%	100%	100%
Firearm ^b	20.8%	20.9%	20.0%	12.8%	13.9%	5.0% †
Handgun	18.4	18.4	18.3	11.2	12.2	4.6
Rifle	1.5	1.4	2.0 †	0.8	0.8	0.4 †
Shotgun	1.6	1.6	1.7	1.1	1.2	0.4 †
No firearm	79.2%	79.1%	80.0%	87.2%	86.1%	95.0%
Estimated number of prisoners (with valid data) ^c	1,378,200	1,208,100	170,100	1,378,200	1,208,100	170,100

Note: Details on type of firearm may not sum to totals because prisoners could report more than one type of firearm. Percentages exclude missing data. Excludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession during the offense and an additional 0.3% of state prisoners and 0.2% of federal prisoners who were missing responses on type of firearm. See appendix table 4 for standard errors.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

^aPercentages exclude 0.6% of state prisoners and 0.7% of federal prisoners who were missing responses on firearm use.

^bIncludes prisoners who reported a type of firearm that did not fit into one of the existing categories and those who did not provide enough information to categorize the type of firearm. About 0.1% of state prisoners and 0.2% of federal prisoners reported another type of firearm or did not report enough information to specify the type of firearm.

^cExcludes prisoners who were missing responses on firearm possession or type of firearm. Counts are weighted to totals from the 2015 National Prisoner Statistics Program; see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Demographic characteristics

Male prisoners were more likely than female prisoners to have possessed a firearm during their crime. About a fifth of male state and federal prisoners serving a sentence in 2016 possessed a firearm during the crime (table 4). Males in state prisons in 2016 were about 2.5 times as likely (22%) as females in state prisons (9%) to have possessed a firearm during the crime for which they were imprisoned. In federal prisons, males (21%) were about three times as likely as females (7%) to have possessed a firearm during their crime. Almost

3 in 10 (29%) black prisoners serving a sentence in state prison in 2016 possessed a firearm during their crime. White (12%) and Hispanic (21%) state prisoners were less likely to have possessed a firearm during their crime. Similarly, white (17%) and Hispanic (13%) federal prisoners serving a sentence in 2016 were less likely to have possessed a firearm during the crime than black (29%) federal prisoners. State prisoners who served in the military were less likely to have possessed a firearm during their crime (16%) than state prisoners who had not served in the military (21%).

TABLE 4
Firearm possession among state and federal prisoners during the offense for which they were serving time, by demographic characteristics, 2016

Demographic characteristic	State		Federal	
	Number of prisoners	Percent of prisoners who possessed a firearm during the offense	Number of prisoners	Percent of prisoners who possessed a firearm during the offense
Sex				
Male*	1,124,200	21.8%	159,800	20.9%
Female	87,000	9.5 †	10,600	6.6 †
Race/Hispanic origin^a				
White	383,300	12.4% †	35,400	16.6% †
Black*	401,500	29.4	53,800	29.2
Hispanic	247,200	21.5 †	62,600	12.6 †
American Indian/Alaska Native	17,200	14.8 †	2,800	23.8
Asian/Native Hawaiian/Other Pacific Islander	10,700	22.8	2,600	:
Two or more races	133,100	19.1 †	10,900	29.3
Age at time of survey				
18–24*	123,800	31.7%	8,200	30.1%
25–34	389,100	24.4 †	47,700	27.4
35–44	318,800	19.3 †	58,800	19.0 †
45–54	224,800	14.6 †	36,700	14.1 †
55 or older	154,800	16.0 †	19,000	12.2 †
Marital status				
Married*	168,500	16.7%	36,800	14.4%
Widowed/widowed	34,300	18.3	3,100	21.7
Separated	58,300	12.7 †	9,600	12.8
Divorced	233,300	14.5	30,900	15.2
Never married	715,900	24.8 †	90,000	24.6 †
Education^b				
Less than high school*	750,500	23.1%	94,900	22.7%
High school graduate	273,700	19.6 †	36,500	19.4
Some college	133,900	14.7 †	23,100	18.8
College degree or more	43,600	11.0 †	12,700	6.3 †
Citizenship				
U.S. citizen*	1,156,800	21.0%	127,500	24.2%
Non-U.S. citizen	53,100	18.5	42,400	7.2 †
Military service				
Yes*	95,200	15.6%	9,200	15.9%
No	1,115,900	21.4 †	161,200	20.3

Note: Percentages and counts exclude missing data. Excludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession during the offense. Details for counts may not sum to totals due to missing data. See appendix table 5 for standard errors.

*Comparison group.

†Difference with comparison group is significant at the 95% confidence level.

:

^aExcludes persons of Hispanic/Latino origin, unless specified.

^bBased on highest year of education completed.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

In general, the likelihood of state and federal prisoners having possessed a firearm during their crime decreased with age. Firearm possession among state prisoners ages 18 to 24 (32%) in 2016 was more common than among older prisoners. Federal prisoners ages 18 to 24 (30%) were more likely to possess a firearm than those age 35 or older (16%, not shown in table).

The difference in firearm possession between U.S. citizens (21%) and non-citizens (18%) in state prisons in 2016 was not statistically significant. Among federal prisoners serving a sentence in 2016, firearm possession was more than three times as high among U.S. citizens (24%) as non-citizens (7%).

Method, source, and process used to obtain the firearm

Among prisoners who possessed a firearm when they committed the offense for which they were imprisoned and who reported the source from which they obtained it, the most common source (43%) was off-the-street or the underground market (table 5). Another 7% of state and 5% of federal prisoners stole the firearm, and 7% of state and 8% of federal prisoners reported that they obtained the firearm at the location of the crime.

TABLE 5

Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, sources and methods used to obtain a firearm, 2016

Source and method to obtain firearm	All prisoners	State	Federal
Purchased/traded at retail source	10.1%	9.7%	13.7%
Gun shop/store	7.5	7.2	9.6
Pawn shop	1.6	1.5	2.2
Flea market	0.4	:	:
Gun show	0.8	0.8	1.4
Obtained from individual	25.3%	26.0%	20.5%
Purchased/traded from family/friend	8.0	7.9	9.1
Rented/borrowed from family/friend	6.5	7.0	3.0
Gift/purchased for prisoner	10.8	11.2	8.4
Off the street/underground market^a	43.2%	43.2%	42.9%
Theft^b 6.4% Total	6.4%	6.6%	4.7%
From burglary	1.5	1.5	:
From retail source	0.2	:	:
From family/friend	1.6	1.8	:
Unspecified theft ^c	3.1	3.3	1.8
Other source	17.4%	17.1%	20.1%
Found at location of crime/victim	6.9	6.7	7.9
Brought by someone else	4.6	4.7	3.6
Other ^d	5.9	5.6	8.5
Multiple sources^e	2.5%	2.6%	2.0%
Estimated number of prisoners who possessed a firearm, excluding prisoners who did not report source^f	256,400	227,100	29,300

Note: Prisoners were asked to report all sources and methods of obtaining any firearm they possessed during the offense, so details may not sum to totals. Each source is included in this table when multiple sources were reported. See *Methodology*. Percentages exclude missing data. Excludes 10.3% of state prisoners and 14.1% of federal prisoners who possessed a firearm during the offense and were missing responses on either source or method of obtaining the firearm. These prisoners were excluded either because they did not provide a valid response or they did not receive the questions due to providing an open-ended response to the previous question about type of weapon. See appendix table 6 for standard errors.

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aIllegal sources of firearms that include markets for stolen goods, middlemen for stolen goods, criminals or criminal enterprises, or individuals or groups involved in sales of illegal drugs.

^bExcludes theft from victim.

^cIncludes theft where the source could not be identified and theft other than from a burglary, retail location, family, or friend.

^dIncluded if no source specified in the table was reported. Includes sources that did not fit into one of the existing categories, sources for which there were few responses such as bought online, or if there was not enough information to categorize the source. Examples of other sources include bought from an unknown source or obtained from a friend by an unknown method.

^eIncludes prisoners who reported multiple sources or methods that fit into more than one of the categories. Each reported source is included in the categories above.

^fIncludes prisoners who reported they carried or possessed a firearm and prisoners who reported a source or method.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Among prisoners who possessed a firearm during the offense for which they were imprisoned, 7% of state and 10% of federal prisoners serving a sentence in 2016 bought or traded for the firearm from a gun shop or gun store. About 1% bought or traded for the firearm at a gun show. About a quarter (26%) of state prisoners and about a fifth (21%) of federal prisoners obtained a firearm that they possessed during their offense from an individual in a non-retail setting, such as a friend or family member.

Prisoners who reported that they had purchased or traded a firearm at a retail source were asked if they had obtained the firearm from a licensed dealer or private seller. Among prisoners who had possessed a firearm during the offense for which they were serving time, 8% of state and 11% of federal prisoners had purchased it from or traded with a licensed firearm dealer at a retail source (table 6).

Prisoners who reported that they had purchased a firearm from a licensed firearm dealer at a retail source were further asked whether they bought the firearm under their own name and whether they knew a background check was conducted. Among those who had possessed a firearm during the offense for which they were imprisoned, 7% of state and 8% of federal prisoners had purchased it under their own name from a licensed firearm dealer at a retail source, while approximately 1% of state and 2% of federal prisoners had purchased a firearm from a licensed dealer at a retail source but did not purchase it under their own name (not shown in table).

Among all prisoners who purchased or traded a firearm from a licensed firearm dealer at a retail source (8.2%), the majority reported that a background check was conducted (6.7%).

TABLE 6

Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, processes used to obtain a firearm, 2016

Process to obtain firearm	All prisoners	State	Federal
Total	100%	100%	100%
Not purchased or traded at retail source	89.9%	90.3%	86.3%
Purchased or traded at retail source^a	10.1%	9.7%	13.7%
Licensed firearm dealer at retail source	8.2	7.9	10.9
Purchased under own name ^b	6.9	6.8	8.4
Background check was reportedly conducted ^c	6.7	6.3	9.4
Private seller at retail source ^d	1.2	1.1	2.3
Unknown ^e	0.7	0.8	:
Estimated number of prisoners who possessed a firearm (with valid data)^f	256,400	227,100	29,300

Note: Percentages exclude missing data. Excludes 10.3% of state prisoners and 14.1% of federal prisoners who possessed a firearm during the offense and were missing responses on source or method of obtaining the firearm. See appendix table 7 for standard errors.

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aIncludes prisoners who purchased or traded from a retail source, including a retail store, pawn shop, flea market, or gun show.

^bIncludes prisoners who purchased from a retail source, including a retail store, pawn shop, flea market, or gun show. Excludes prisoners who traded for a firearm from a retail source.

^cIncludes prisoners who purchased from a retail source, including a retail store, pawn shop, flea market, or gun show. Excludes prisoners who traded for a firearm from a retail source and prisoners who reported that a background check was not conducted or who were unaware as to whether one was conducted.

^dExcludes private sellers other than at a retail source.

^eIncludes prisoners who purchased or traded a firearm from a retail source and were missing responses on whether a firearm was purchased or traded from a licensed firearm dealer or a private seller at a retail source.

^fIncludes prisoners who reported they carried or possessed a firearm and prisoners who reported a source or method.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Use and source of firearms among all state and federal prisoners

About 1% of all state and federal prisoners used a firearm during the offense that they obtained from a retail source (table 7). About 2% of prisoners possessed a firearm that they obtained from a retail source, including a retail store, pawn shop, flea market, or gun show.

Thirteen percent of all state and federal prisoners used a firearm during the offense for which they were serving time in 2016.

TABLE 7

Firearm possession and use among all state and federal prisoners during the offense for which they were serving time, by type of controlling offense and source, 2016

Controlling offense ^a	Percent of state and federal prisoners who—		Percent of state and federal prisoners who—	
	Possessed a firearm ^b	Possessed a firearm that they obtained from a retail source ^c	Used a firearm ^d	Used a firearm that they obtained from a retail source ^e
Total	20.8%	1.9%	12.8%	1.3%
Violent*	29.3%	2.8%	23.1%	2.3%
Homicide ^f	43.5	5.9	37.0	5.2
Robbery	43.5	1.8	31.5	1.3
Property	4.8% †	0.5% †	1.9% †	:
Drug	9.6% †	1.0% †	0.8% †	0.1% †
Public order	23.6% †	1.7% †	5.5% †	0.6% †

Note: Percentages exclude missing data. Excludes 2.8% of prisoners who were missing responses on firearm possession during the offense and 1.2% of prisoners who had a valid response to firearm possession but were missing a controlling offense. Retail source includes purchasing or trading the firearm from a retail store, pawn shop, flea market, or gun show. Use includes prisoners who showed a firearm to anyone, pointed a firearm at anyone, or discharged a firearm during the controlling offense. See appendix table 8 for standard errors.

*Comparison group.

† Difference with comparison group is significant at the 95% confidence level across main categories, and no testing was done on subcategories (e.g., homicide).

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aSee *Methodology* for more information on how controlling offense was measured.

^bIncludes state and federal prisoners who reported a valid response to firearm possession.

^cIncludes state and federal prisoners who reported a valid response to firearm possession and source.

^dIncludes state and federal prisoners who reported a valid response to firearm possession and use.

^eIncludes state and federal prisoners who reported a valid response to firearm possession, source, and use.

^fIncludes murder and both non-negligent and negligent manslaughter.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Methodology

Survey of Prison Inmates

The findings in this report are primarily based on data collected through the 2016 Survey of Prison Inmates (SPI). The SPI is a periodic, cross-sectional survey of the state and sentenced federal prison populations. Its primary objective is to produce national statistics of the state and sentenced federal prison populations across a variety of domains, including—but not limited to—demographic characteristics, current offense and sentence, incident characteristics, firearm possession and sources, criminal history, socioeconomic characteristics, family background, drug and alcohol use and treatment, mental and physical health and treatment, and facility programs and rule violations. RTI International served as BJS’s data collection agent for the 2016 SPI under a cooperative agreement (award no. 2011-MU-MU-K070). From January through October 2016, data were collected through face-to-face interviews with prisoners using computer-assisted personal interviewing (CAPI).

Prior iterations of the SPI were known as the Survey of Inmates in State and Federal Correctional Facilities (SISFCF), which was renamed with the 2016 implementation. The first survey of state prisoners was fielded in 1974 and thereafter in 1979, 1986, 1991, 1997, and 2004. The first survey of federal prisoners was fielded in 1991, along with the survey of state prisoners, and since then both surveys have been conducted at the same time using the same questionnaire and administration.

The target population for the 2016 SPI was prisoners ages 18 and older who were held in a state prison or had a sentence to federal prison in the United States during 2016. Similar to prior iterations, the 2016 survey was a stratified two-stage sample design in which prisons were selected in the first stage and prisoners within sampled facilities were selected in the second stage. The SPI sample was selected from a universe of 2,001 unique prisons (1,808 state and 193 federal) that were either enumerated in the 2012 Census of State and Federal Adult Correctional Facilities or had opened between the completion of the census and July 2014 when the SPI sample of prisons was selected. A total of 364 prisons (306 state and 58 federal) participated in the 2016 survey out of the 385 selected (324 state and 61 federal) for interviewing. The first-stage response rate (i.e., the response rate among selected prisons) was 98.4% (98.1% among

state prisons and 100% among federal prisons).³ A total of 24,848 prisoners participated (20,064 state and 4,784 federal) in the 2016 SPI based on a sample of 37,058 prisoners (30,348 state and 6,710 federal). The second-stage response rate (i.e., the response rate among selected prisoners) was 70.0% (69.3% among state prisoners and 72.8% among federal prisoners).⁴

Responses from interviewed prisoners in the 2016 SPI were weighted to provide national estimates. Each interviewed prisoner was assigned an initial weight corresponding to the inverse of the probability of selection within each sampled prison. A series of adjustment factors were applied to the initial weight to minimize potential bias due to non-response and to provide national estimates.

For more information on the 2016 SPI methodology, see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

Standard errors and tests of significance

When national estimates are derived from a sample, as with the SPI, caution must be used when comparing one estimate to another or when comparing estimates between years. Although one estimate may be larger than another, estimates based on a sample rather than a complete enumeration of the population have some degree of sampling error. The sampling error of an estimate depends on several factors, including the size of the estimate, the number of completed interviews, and the intracluster correlation of the outcome within prisons. When the sampling error around an estimate is taken into account, estimates that appear different may not be statistically different. One measure of the sampling error associated with an estimate is the standard error. The standard error may vary from one estimate to the next. Standard errors in this report were estimated using Taylor Series Linearization to account for the complex design of the SPI in producing the variance estimates.

³A total of 15 prisons (12 state and 3 federal) that were sampled were deemed ineligible for the 2016 SPI. For more information, see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

⁴There were 10,661 sampled prisoners who were eligible for the survey but did not participate. Another 1,549 sampled prisoners were deemed ineligible for the survey. For more information, see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

Readers may use the estimates and standard errors of the estimates provided in this report to generate a 95% confidence interval around the estimates as a measure of the margin of error. Typically, multiplying the standard error by 1.96 and then adding or subtracting the result from the estimate produces the confidence interval. This interval expresses the range of values with which the true population parameter is expected to fall 95% of the time if the same method is used to select different samples.

For small samples and estimates close to 0%, the use of the standard error to construct the 95% confidence interval may not be reliable. Therefore, caution should be used when interpreting the estimates. Caution should also be used if constructing a 95% confidence interval, which would include zero in these cases, because the estimate may not be distinguishable from zero.

The standard errors have been used to compare estimates of firearm possession during the offense, firearm use during the crime, and type of firearm possessed. They have also been used to compare firearm possession among selected groups of prisoners that have been defined by demographic characteristics and controlling offense. To facilitate the analysis, rather than provide the detailed estimates for every standard error, differences in the estimates for subgroups in the relevant tables in this report have been tested and notated for significance at the 95% level of confidence. Readers should reference the tables for testing on specific findings. Unless otherwise noted, findings described in this report as higher, lower, or different passed a test at the 0.05 level of statistical significance (95% confidence level).

Measurement of firearm possession and source

The 2016 SPI was restricted to prisoners age 18 or older at the time of the survey. Firearms analyses in this report were restricted to state and federal prisoners who were sentenced or state prisoners who were convicted but were awaiting sentencing. This report excludes prisoners who were awaiting trial (i.e., unconvicted) or a revocation hearing or who were held for other reasons. Unconvicted prisoners, such as those awaiting trial or being held for other reasons like safekeeping or a civil commitment, were excluded from this report because they were not asked questions about firearm possession to protect against self-incrimination. (See appendix 1, *Questions related to firearms in the Survey of Prison Inmates, 2016*.) Of

the estimated 1,421,700 state and federal prisoners in 2016, an estimated 287,400 were armed with a firearm, 1,094,200 were not armed with a firearm, 23,800 did not know or refused to answer the question, and 16,300 were not asked the question because they were not convicted or they stopped the interview before responding to the question.⁵

To determine whether prisoners possessed a firearm at the time of the offense for which they were serving time in prison, respondents were first asked whether they had carried, possessed, or used a weapon when the controlling offense occurred. Respondents could report that they carried, possessed, or used a firearm or another weapon such as a toy or BB gun, knife, other sharp object, or blunt object. Weapons other than firearms, including toy and BB guns, were excluded from this report. Multiple weapons and firearms could be reported by respondents.

Of the respondents who were asked about possessing a firearm during the offense for which they were imprisoned, about 3.0% of state and 1.7% of federal prisoners in 2016 were missing responses on firearm possession. These prisoners were excluded from the analyses in this report. All prisoners who reported they carried, possessed, or used a firearm during the offense were asked whether they had obtained the firearm because they were planning to carry, possess, or use it during the offense. They were also asked whether they showed, pointed, or fired the firearm during the offense. Respondents who reported that they fired the firearm were also asked whether they shot anyone and, if so, whether anyone they shot had died. Of the respondents who possessed a firearm during the offense, about 3.1% of state and 3.5% of federal prisoners in 2016 were missing responses on how they used the firearm. These prisoners were excluded from the analyses in figure 1, tables 1 through 3, and table 7.

To measure the type of firearm possessed by prisoners, respondents were asked whether they had carried, possessed, or used a handgun, rifle, shotgun, or some other type of firearm during the offense for which they were imprisoned. About 0.3% of state prisoners and 0.2% of federal prisoners in 2016 were missing responses on the type of firearm that they possessed. These prisoners, along with prisoners who were missing a response on firearm possession, were excluded from the analyses in table 3.

⁵The SPI sample was weighted to the state and federal prison populations that were eligible to be sampled in the survey. See *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

To measure the source and method of obtaining the firearm possessed by prisoners during their crime, two separate questions were asked in the survey. The first question asked how the prisoners obtained the firearm, and multiple responses could be reported in the 2016 SPI. Possible responses included stole it, rented it, borrowed it from or were holding it for somebody, traded something for it, bought it, someone bought it for them, someone gave it as a gift, found it or it was at the location where the offense occurred, it was brought by someone else, or other. If respondents specified an “other” method of obtaining the firearm, then the field interviewers entered the respondents’ answers into a text field. These responses originally reported as “other” were coded to one of the existing response categories if possible.

The second question asked where prisoners obtained the firearm, and multiple responses could be reported in the 2016 SPI. Respondents received this question if they reported that they stole, rented, borrowed from or were holding for somebody, traded something for, or bought the firearm. Possible responses included gun shop or gun store; pawn shop; flea market; gun show; from a victim, family member, or friend; from a fence (a middleman for stolen goods) or underground market; off the street or from a drug dealer; in a burglary; online or the internet; or other. Fewer than 1% of state and federal prisoners reported obtaining a firearm online. These responses were included in table 5 in the “other” category due to the small number of sample cases. If respondents specified an “other” source of obtaining a firearm, then the field interviewers entered the respondents’ answers into a text field. Responses originally reported as “other” were coded to one of the existing response categories if possible.

The responses from these two questions were used to create the source and method categories in figure 1 and tables 5 through 7. Approximately 10.3% of state and 14.1% of federal prisoners in 2016 who possessed a firearm during the offense for which they were serving a sentence were missing responses on source or method of obtaining the firearm. These prisoners were excluded from figure 1 and tables 5 through 7.

Prisoners who reported purchasing or trading a firearm from a retail source (gun shop or gun store, pawn shop, flea market, or gun show) were asked if they purchased or traded it from a licensed firearm dealer or a private seller. Prisoners who reported they purchased a firearm from a retail source were further asked whether they bought the firearm under their own name and whether the seller did a firearm purchase background check before selling them the firearm. About 1% of the respondents who possessed a firearm during the offense purchased or traded it from a retail source and were missing responses on whether they bought the firearm from a licensed dealer or private seller. About 1% of respondents who possessed a firearm during the offense purchased it from a retail source and were missing responses on whether the firearm was purchased under their own name or whether a background check was conducted.

Measurement of controlling offense

The way controlling offense was measured through the 2016 SPI, and reflected in this report, varies by sentence status and the number of offenses of prisoners:

- For sentenced prisoners and those awaiting sentencing with one offense, that offense is the controlling offense.
- For sentenced prisoners with multiple offenses and sentences, the controlling offense is the one with the longest sentence.
- For sentenced prisoners with multiple offenses and one sentence and those awaiting sentencing with multiple offenses, the controlling offense is the most serious offense. For this report, violent offenses are considered most serious, followed by property, drug, public-order, and all other offenses.

For prisoners who were convicted but awaiting sentencing, the controlling offense is the most serious offense.

Appendix 1. Questions related to firearms in the Survey of Prison Inmates, 2016

This appendix includes the questions from the 2016 SPI that were used to measure the firearms' constructs in this report. Text that appears in capital letters in the questions was not read out loud to respondents. That text reflects programming instructions for the CAPI instrument, instructions to field interviewers who conducted the interviews, or response options that were not read out loud to respondents but were coded by the field interviewers during the interviews.

Questions

CJ39. (ASK IF RESPONDENT REPORTED BEING SENTENCED IN CJ1 OR CJ3 OR IF RESPONDENT REPORTED HE/SHE WAS AWAITING SENTENCING IN CJH2A.) Did you carry, possess, or use a weapon when the (INSERT CONTROLLING OFFENSE) occurred?

- YES
- NO (SKIP TO NEXT SECTION)

CJH1. How many weapons did you carry, possess, or use when the (INSERT CONTROLLING OFFENSE) occurred?

- ONE
- TWO OR MORE

CJH2. What (INSERT "kind of weapon was it?" OR "kinds of weapons were they?") CHECK ALL THAT APPLY.

- FIREARM
- TOY OR BB GUN (INCLUDE FAKE OR REPLICA GUNS)
- KNIFE
- OTHER SHARP OBJECT (SCISSORS, ICE PICK, AX, ETC.)
- BLUNT OBJECT (ROCK, CLUB, BLACKJACK, ETC.)
- ANOTHER WEAPON
 - What kinds of weapons were they?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH3. (ASK IF RESPONDENT REPORTED "FIREARM" IN CJH2.) How many firearms did you carry, possess, or use when the (INSERT CONTROLLING OFFENSE) occurred?

- ENTER NUMBER OF FIREARMS

CJH4. (ASK IF RESPONDENT REPORTED "FIREARM" IN CJH2.) What (INSERT "type of firearm was it?" OR "types of firearms were they?") CHECK ALL THAT APPLY.

- A HANDGUN
- A RIFLE
- A SHOTGUN
- SOME OTHER TYPE OF FIREARM
 - What type of firearm?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH5. (ASK IF RESPONDENT REPORTED "FIREARM" IN CJH2.) How did you obtain the (INSERT "firearm" OR "firearms") that you carried, possessed, or used during the (INSERT CONTROLLING OFFENSE)? Any others? CHECK ALL THAT APPLY.

- STOLE IT (GO TO CJH6)
- RENTED IT (GO TO CJH6)
- BORROWED FROM OR WAS HOLDING FOR SOMEBODY (GO TO CJH6)
- TRADED SOMETHING FOR IT (GO TO CJH6)
- BOUGHT IT (GO TO CJH6)
- SOMEONE BOUGHT IT FOR ME (GO TO CJH7)
- SOMEONE GAVE IT TO ME AS A GIFT (GO TO CJH9)
- FOUND IT/WAS AT LOCATION WHERE OFFENSE OCCURRED (GO TO CJH9)
- WAS BROUGHT BY SOMEONE ELSE (GO TO CJH9)
- OTHER
 - How did you obtain the firearm that you carried, possessed, or used during the offense?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH6. (ASK IF RESPONDENT REPORTED "FIREARM" IN CJH2 AND REPORTED IN CJH5 HE/SHE "STOLE IT", "RENTED IT", "BORROWED FROM OR WAS HOLDING FOR SOMEBODY", "TRADED SOMETHING FOR IT", OR "BOUGHT IT") Where did you obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)? CHECK ALL THAT APPLY.

- GUN SHOP OR GUN STORE (GO TO CJH6A)
- PAWN SHOP (GO TO CJH6A)
- FLEA MARKET (GO TO CJH6A)
- GUN SHOW (GO TO CJH6A)
- FROM THE VICTIM(S) (GO TO CJH9)
- FROM A FAMILY MEMBER (GO TO CJH9)
- FROM A FRIEND (GO TO CJH9)
- FROM A FENCE/BLACK MARKET SOURCE (GO TO CJH9)
- OFF THE STREET/FROM A DRUG DEALER (GO TO CJH9)
- IN A BURGLARY (GO TO CJH9)
- ONLINE/THE INTERNET (GO TO CJH9)
- OTHER
 - Where did you obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

Continued on next page

Appendix 1. Questions related to firearms in the Survey of Prison Inmates, 2016 (continued)

CJH6a. (ASK IF RESPONDENT REPORTED IN CJH6 THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) When you obtained the (INSERT TYPE OF FIREARM REPORTED IN CJH4) was it from a licensed firearm dealer or a private seller?

- LICENSED FIREARM DEALER
- PRIVATE SELLER

CJH6b. (ASK IF RESPONDENT REPORTED IN CJH5 THAT HE/SHE “BOUGHT IT” AND IN CJH6 REPORTED THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) Did you buy the (INSERT TYPE OF FIREARM REPORTED IN CJH4) under your own name?

- YES
- NO
- NO PAPERWORK WAS REQUIRED

CJH6c. (ASK IF RESPONDENT REPORTED IN CJH5 THAT HE/SHE “BOUGHT IT” AND REPORTED IN CJH6 THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) Did the seller do a firearm purchase background check before selling you the gun?

- YES
- NO

CJH6d. (ASK IF RESPONDENT REPORTED IN CJH5 THAT HE/SHE “BOUGHT IT” AND REPORTED IN CJH6 THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) Did you buy the (INSERT TYPE OF FIREARM REPORTED IN CJH4) directly or did someone else buy it for you?

- INMATE BOUGHT
- SOMEONE ELSE BOUGHT

CJH7. (ASK IF RESPONDENT REPORTED “SOMEONE ELSE BOUGHT IT FOR ME” IN CJH5.) Where did that person obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)?

- GUN SHOP OR GUN STORE
- PAWN SHOP
- FLEA MARKET
- GUN SHOW
- FROM THE VICTIM(S)
- FROM A FAMILY MEMBER
- FROM A FRIEND
- FROM A FENCE/BLACK MARKET SOURCE

- OFF THE STREET/FROM A DRUG DEALER
- IN A BURGLARY
- ONLINE/THE INTERNET
- OTHER
 - Where did that person obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH8. (ASK IF RESPONDENT REPORTED “SOMEONE ELSE BOUGHT IT FOR ME” IN CJH5.) Why did someone else obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4) for you? CHECK ALL THAT APPLY.

- COULD NOT TRAVEL TO WHERE THE SELLER WAS
- NOT ALLOWED BECAUSE TOO YOUNG
- NOT ALLOWED BECAUSE OF CRIMINAL RECORD
- THEY COULD GET IT MORE QUICKLY OR EASILY
- DID NOT WANT TO BE LINKED TO FIREARM PURCHASE
- OTHER
 - Why did someone else obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4) for you?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH9. Did you get the (INSERT TYPE OF FIREARM REPORTED IN CJH4) because you were **planning** to carry, possess, or use it during the (INSERT CONTROLLING OFFENSE)?

- YES
- NO

CJH10. Did you show or point (INSERT “the firearm” OR “any of the firearms”) at anyone during the (INSERT CONTROLLING OFFENSE)?

- YES
- NO

CJH11. Did you fire (INSERT “the firearm” OR “any of the firearms”) during the (INSERT CONTROLLING OFFENSE)?

- YES
- NO (SKIP TO NEXT SECTION)

CJH12. Did you shoot anyone?

- YES
- NO (SKIP TO NEXT SECTION)

CJH13. Did anyone you shot die?

- YES
- NO

APPENDIX TABLE 1**Standard errors for figure 1: Percent of all state and federal inmates who had possessed or used a firearm during their offense, 2016**

Characteristic	Possessed	Used
Any gun	0.64%	0.51%
Handgun	0.59	0.46
Gun they obtained from retail source	0.13	0.12

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 2**Standard errors for table 1: Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of controlling offense, 2016**

Controlling offense	Estimated number of state prisoners	Percent of state prisoners who—		Estimated number of federal prisoners	Percent of federal prisoners who—	
		Possessed a firearm	Used a firearm		Possessed a firearm	Used a firearm
Total	31,100	0.69%	0.57%	8,300	1.76%	0.71%
Violent	22,400	0.90%	0.73%	2,700	2.87%	2.83%
Homicide	10,900	1.16	1.12	700	6.53	4.75
Rape/sexual assault	9,900	0.36	0.22	600	:	:
Robbery	6,700	1.32	1.28	1,600	3.73	3.80
Assault	5,900	1.34	1.24	700	5.15	4.52
Other violent	2,100	2.03	1.73	300	8.42	:
Property	7,800	0.53%	0.32%	2,000	0.83%	:
Burglary	3,900	0.80	0.54	100	:	:
Other property	5,800	0.58	0.33	2,000	0.81	:
Drug	11,400	0.68%	0.20%	5,400	0.87%	0.21%
Trafficking	9,700	0.83	0.24	5,000	0.88	0.21
Possession	3,400	1.06	:	600	:	:
Other/unspecified drug	700	:	:	600	:	:
Public order	8,400	1.35%	0.58%	3,600	3.55%	0.88%
Weapons	3,000	2.02	1.70	2,700	2.02	1.60
Other public order	7,200	0.70	0.42	3,800	0.89	:
Other	600	:	:	300	:	:
Unknown	1,400	1.61%	:	400	:	:

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 3

Standard errors for table 2: Among state and federal prisoners who possessed a firearm during the offense for which they were serving time, extent of firearm use, 2016

Firearm use	State prisoners	Federal prisoners	State prisoners		Federal prisoners	
			Violent offense	Non-violent offense	Violent offense	Non-violent offense
Obtained firearm because planned to use in controlling offense						
Yes	0.81%	1.57%	0.81%	2.00%	4.01%	1.88%
No	0.81	1.57	0.81	2.00	4.01	1.88
Used firearm	1.11%	1.92%	0.85%	1.83%	3.86%	1.57%
Discharged	1.34%	1.17%	1.36%	1.47%	3.58%	1.14%
Killed victim	1.28	0.75	1.40	:	2.49	:
Injured/shot victim but did not kill victim	0.73	0.55	0.86	0.89	:	:
Discharged firearm but did not shoot anyone	0.47	0.98	0.51	1.17	2.16	1.02
Did not discharge	0.97%	1.60%	1.21%	1.24%	4.99%	0.87%
Did not use firearm	1.11%	1.92%	0.85%	1.83%	3.86%	1.57%
Estimated number of prisoners who possessed a firearm (with valid data)	10,100	3,100	9,200	3,400	1,200	2,200

: Not calculated. Too few cases to provide a reliable estimate or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 4

Standard errors for table 3: Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of firearm, 2016

Type of firearm	Percent of prisoners who possessed a firearm			Percent of prisoners who used a firearm		
	All prisoners	State	Federal	All prisoners	State	Federal
Firearm	0.64	0.69%	1.76%	0.51	0.57%	0.71%
Handgun	0.59	0.64	1.63	0.46	0.51	0.67
Rifle	0.10	0.10	0.28	0.07	0.08	0.13
Shotgun	0.11	0.12	0.22	0.09	0.10	0.09
No firearm	0.64	0.69	1.76	0.51	0.57	0.71
Estimated number of prisoners (with valid data)	32,100	31,000	8,300	32,100	31,000	8,300

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 5

Standard errors for table 4: Firearm possession among state and federal prisoners during the offense for which they were serving time, by demographic characteristics, 2016

Demographic characteristic	State		Federal	
	Number of prisoners	Percent of prisoners who possessed a firearm during the offense	Number of prisoners	Percent of prisoners who possessed a firearm during the offense
Sex				
Male	30,700	0.74%	8,200	1.88%
Female	5,200	0.96	1,300	1.00
Race/Hispanic origin				
White	16,500	0.64%	3,900	2.28%
Black	16,200	0.91	5,600	2.02
Hispanic	12,400	1.26	8,000	1.70
American Indian/Alaska Native	2,500	2.94	800	5.18
Asian/Native Hawaiian/Other Pacific Islander	1,600	4.69	600	:
Two or more races	5,000	1.19	1,200	3.50
Age at time of survey				
18–24	8,200	1.71%	1,000	5.69%
25–34	13,700	1.00	3,200	2.57
35–44	9,500	0.94	3,400	1.68
45–54	9,100	0.76	2,400	1.68
55 or older	7,700	1.02	2,200	2.02
Marital status				
Married	6,300	1.06%	3,100	1.77%
Widowed/widowed	2,000	2.10	400	5.93
Separated	2,700	1.34	1,200	3.11
Divorced	10,600	0.97	2,200	1.58
Never married	20,100	0.81	5,800	2.10
Education				
Less than high school	21,500	0.83%	6,000	2.18%
High school graduate	8,500	0.88	2,100	1.69
Some college	5,000	0.96	2,000	2.08
College degree or more	2,500	1.43	2,000	1.83
Citizenship				
U.S. citizen	30,000	0.69%	10,700	1.87%
Non-U.S. citizen	3,700	2.04	9,500	1.09
Military service				
Yes	4,800	1.07%	1,200	2.98%
No	28,700	0.72	8,200	1.80

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 6

Standard errors for table 5: Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, sources and methods used to obtain a firearm, 2016

Source and method to obtain firearm	All prisoners	State	Federal
Purchased/traded at retail source	0.66%	0.70%	2.07%
Gun shop/store	0.54	0.56	1.87
Pawn shop	0.27	0.29	0.62
Flea market	0.13	:	:
Gun show	0.16	0.17	0.44
Obtained from individual	0.87%	0.94%	2.02%
Purchased/traded from family/friend	0.59	0.65	1.27
Rented/borrowed from family/friend	0.47	0.52	0.54
Gift/purchased for prisoner	0.69	0.75	1.40
Off the street/underground market	1.07%	1.13%	3.26%
Theft	0.48%	0.53%	0.79%
From burglary	0.22	0.24	:
From retail source	0.07	:	:
From family/friend	0.26	0.29	:
Unspecified theft	0.31	0.34	0.53
Other source	0.78%	0.85%	1.80%
Found at location of crime/victim	0.50	0.53	1.31
Brought by someone else	0.45	0.49	0.87
Other	0.51	0.55	1.40
Multiple sources	0.27%	0.29%	0.50%
Estimated number of prisoners who possessed a firearm, excluding prisoners who did not report source	9,900	9,500	2,800

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 7

Standard errors for table 6: Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, processes used to obtain a firearm, 2016

Process to obtain firearm	All prisoners	State	Federal
Not purchased or traded at retail source	0.66%	0.70%	2.07%
Purchased or traded at retail source	0.66%	0.70%	2.07%
Licensed firearm dealer at retail source	0.60	0.63	2.08
Purchased under own name	0.54	0.57	1.89
Backgroundcheck was reportedly conducted	0.54	0.56	1.93
Private seller at retail source	0.19	0.20	0.63
Unknown	0.21	0.24	:
Estimated number of prisoners who possessed a firearm (with valid data)	9,900	9,500	2,800

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

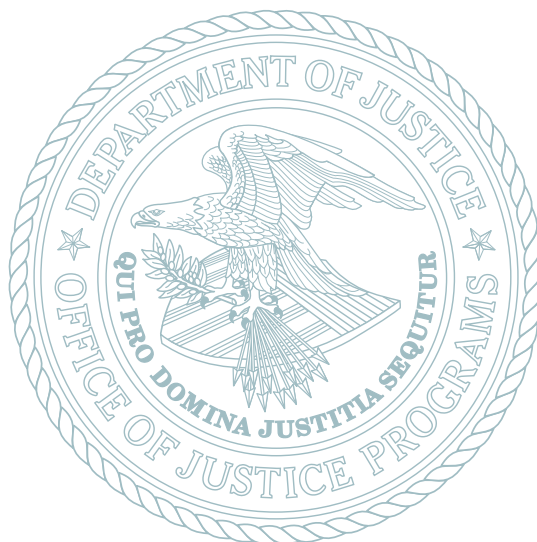
APPENDIX TABLE 8

Standard errors for table 7: Firearm possession and use among all state and federal prisoners during the offense for which they were serving time, by type of controlling offense and source, 2016

Controlling offense	Percent of state and federal prisoners who—		Percent of state and federal prisoners who—	
	Possessed a firearm	Possessed a firearm that they obtained from a retail source	Used a firearm	Used a firearm that they obtained from a retail source
Total	0.64%	0.13%	0.51%	0.12%
Violent	0.88%	0.23%	0.72%	0.21%
Homicide	1.14	0.63	1.10	0.62
Robbery	1.25	0.29	1.22	0.25
Property	0.50%	0.15%	0.30%	:
Drug	0.52%	0.17%	0.15%	0.04%
Public order	1.35%	0.27%	0.48%	0.17%

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Jeffrey H. Anderson is the director.

This report was written by Mariel Alper and Lauren Glaze of BJS. Mariel Alper conducted statistical analyses. Marcus Berzofsky and John Bunker of RTI International provided statistical review. Danielle Kaeble, Laura Maruschak, Todd Minton, and Stephanie Mueller verified the report. Lauren Glaze was the BJS project manager for the 2016 Survey of Prison Inmates.

Eric Hendrixson and Jill Thomas edited the report. Tina Dorsey and Morgan Young produced the report.

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Chair and Members of the Committee,

My name is Jeffrey Schottler. I am a Colorado resident, a retired Army Lieutenant Colonel, and someone who takes the oath to support and defend the Constitution very seriously. I appreciate the opportunity to submit testimony regarding Senate Bill 26-043.

I respectfully urge this committee to oppose SB26-043 for several reasons: Its constitutional implications, the legal and liability burdens it places on licensed firearm dealers, and the unnecessary cost and bureaucratic obstacles it creates for law-abiding citizens attempting to exercise a fundamental constitutional right.

Constitutional Concerns

The Second Amendment to the United States Constitution protects the right of law-abiding citizens to keep and bear arms. In recent years, the Supreme Court has clarified the legal standard governing firearm regulation, most notably in the 2022 *New York State Rifle & Pistol Association v. Bruen* decision. The Court held that firearm regulations must be consistent with the Nation's historical tradition of firearm regulation.

SB26-043 imposes additional procedural barriers on the acquisition or transfer of firearms that have no clear historical analogue. Rather than targeting criminal misuse of firearms, the bill instead regulates the process by which lawful citizens exercise a constitutional right.

While the state may regulate commerce in firearms to some degree, policies that substantially burden the ability of ordinary citizens to obtain firearms, maintain or fix firearms, for lawful purposes raise serious constitutional questions. Increasing costs, adding procedural steps, and creating uncertainty in the transfer process risks crossing that constitutional line.

Is the State willing to continue to defend unconstitutional laws in the courts? Defending infringements on our Rights in the court is not a proper role of government let alone a proper use of tax dollars.

Lack of a Verifiable Background Check Mechanism

Another major problem with SB26-043 is that it effectively requires federally licensed firearm dealers (FFLs) to rely on representations from private individuals rather than an objective verification system. The National Instant Criminal Background Check System (NICS) is the federal mechanism used by licensed dealers to determine whether a buyer is prohibited from possessing firearms. However, NICS is not designed to verify the status of third-party individuals in the way contemplated by this bill.

As a result, the bill places the burden on FFLs to trust that a private party is not a prohibited person, despite the fact that there is no reliable method available through NICS to confirm that status. This places firearm dealers in an impossible position where they are expected to comply with a requirement they cannot independently verify.

Interaction with Colorado's 2024 Firearm Liability Law

This problem becomes even more severe when considered alongside Colorado's firearm industry liability law passed in 2024.

Under that law, firearm manufacturers and dealers can face significant legal exposure for alleged violations related to firearm transactions. SB26-043 increases the ambiguity and uncertainty around those transactions, placing licensed dealers at greater risk of civil liability even when they attempt to follow the law.

In practical terms, the state is asking FFLs to assume legal risk for circumstances that may be entirely outside their control. Many small firearm retailers operate on thin margins and cannot afford the potential legal exposure

that could arise from these situations making it appear as the intent of this bill is to shut down small firearm retailers.

Increased Costs for Law-Abiding Citizens

SB26-043 will also increase the cost of exercising a constitutional right. Firearm dealers cannot reasonably be expected to perform additional compliance procedures for free. As a result, consumers will almost certainly face new transfer or compliance fees imposed by dealers attempting to offset their increased administrative burden.

This cost increase comes on top of the **6.5% excise tax recently imposed on firearms and ammunition purchases in Colorado**. The cumulative effect of these policies is to steadily raise the cost of lawful firearm ownership.

When government policies intentionally or unintentionally increase the financial burden associated with exercising a constitutional right, it risks creating a system where only those with sufficient financial means can effectively exercise that right.

Unnecessary Burdens on Law-Abiding Citizens

Finally, SB26-043 adds another layer of inconvenience and administrative complexity for individuals who are already complying with existing laws.

Law-abiding citizens already undergo background checks when purchasing firearms through licensed dealers. Creating additional procedural requirements does little to address criminal behavior, because individuals intent on committing crimes typically do not obtain firearms through lawful retail channels.

Instead, the bill primarily impacts responsible gun owners who are attempting to follow the law.

Conclusion

SB26-043 creates constitutional concerns, places firearm dealers in a legally precarious position, increases costs for law-abiding citizens, and adds unnecessary barriers to the exercise of a fundamental right.

For these reasons, I respectfully urge the committee to reject SB26-043.

Thank you for your time and consideration.

Respectfully submitted,

Jeffrey L. Schottler, CFA, LTC, U.S. Army (Ret.)
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