

1 BY AUTHORITY

2 ORDINANCE NO. 17-1400
3 SERIES OF 2017
4

COUNCIL BILL NO. 17-1400
COMMITTEE OF REFERENCE:

5 A BILL
6

7 **For an ordinance amending Section 38-130, D.R.M.C. concerning the regulation of**
8 **assault weapons, banning bump stock firing mechanisms, and conforming the**
9 **maximum capacity of ammunition magazines to state law**
10

11 **WHEREAS**, the City Council of the City and County of Denver (the "City Council") has
12 previously enacted Section 38-130 of Chapter 38 of the Denver Revised Municipal Code,
13 relating to assault weapons, after finding that the use of assault weapons poses a threat to the
14 health, safety, and security of all citizens of the City and County of Denver (the "City"), that
15 assault weapons are capable both of a rapid rate of fire as well as of a capacity to fire an
16 inordinately large number of rounds without reloading and are designed primarily for military or
17 antipersonnel use, and that law enforcement agencies report increased use of assault weapons
18 for criminal activities resulting in a record number of related homicides and injuries to citizens
19 and law enforcement officers;

20 **WHEREAS**, the City Council has found the use of bump stock firing mechanisms allow
21 semi-automatic assault weapons to mimic the firing speed of automatic weapons, that this rapid
22 rate of fire contributed to an inordinate number of deaths and casualties in the October 1, 2017
23 shooting in Las Vegas, Nevada, and that the City could be susceptible to the dangers of bump
24 stock firing mechanisms.

25 **WHEREAS**, the City Council has found that bump stock firing mechanisms are not
26 currently regulated by the federal government or the state government;

27 **WHEREAS**, the City Council has determined that amending and narrowly tailoring the
28 existing assault weapons ordinance to ban bump stock firing mechanisms is in the interest of
29 the public health, safety, and welfare of the City's residents; and

30 **WHEREAS**, the City Council has determined that the existing assault weapons
31 ordinance should be updated based on recent state law changes.
32

33 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

34 **Section 1.** That subsections (b) and (c) of section 38-130 of the Denver Revised Municipal

Code shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

(b) *Definitions.* The following words and phrases, when used in this section, shall have these meanings respectively ascribed to them:

(1) *Assault weapon* shall include all firearms with any of the following characteristics:

a. All semiautomatic action, centerfire rifles with a detachable magazine with a capacity of ~~twenty-one (21) or more~~ than fifteen (15) rounds.

b. All semiautomatic shotguns with a folding stock or a magazine capacity of more than six (6) rounds or both.

c. Reserved.

d. Any firearm which has been modified to be operable as an assault weapon as defined herein.

e. Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including a detachable magazine with a capacity of ~~twenty-one (21) or more~~ than fifteen (15) rounds, or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

(2) *Bump stock* shall mean any device for a pistol, rifle, or shotgun that increases the rate of fire achievable with such weapon by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger.

~~(23)~~ *Fixed cartridge* shall mean that self-contained unit consisting of the case, primer, propellant charge and projectile or projectiles.

~~(34)~~ *Magazine* shall mean a box, drum or other container which holds and feeds ammunition into a semiautomatic rifle, shotgun or pistol.

~~(45)~~ *Pistol* shall mean a weapon originally designed, made and intended to fire a projectile (bullet) from one (1) or more barrels when held in one (1) hand and having:

a. A chamber as an integral part of or permanently aligned with the bore or having a breech-loading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing; and

b. A short stock designed to be gripped by one (1) hand and at an angle to and extending below the line of the bore(s).

~~(56)~~ *Rifle* shall mean a weapon designed or redesigned, made or remade and intended to be fired from the shoulder or hip and designed or redesigned or made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed cartridge.

1 (67) *Semiautomatic* shall mean a weapon which fires a single projectile for each single pull of the
2 trigger which automatically chambers the next round for firing and which employs a magazine.
3 (78) *Shotgun* shall mean a weapon designed or redesigned, made or remade and intended to be
4 fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of
5 the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball
6 shot) or a single projectile for each pull of the trigger and shall include any such weapon which may be
7 readily restored to fire a fixed shotgun shell.

8 (c) *Specific weapons not included.* As used in this section, *assault weapon* does not include
9 any of the following:

10 (1) All weapons that do not use fixed cartridges, all weapons that were in production prior to 1898,
11 all manually operated bolt-action weapons, all lever-action weapons, all slide-action weapons, all
12 single-shot weapons, all multiple-barrel weapons, all revolving-cylinder weapons, all semiautomatic
13 weapons for which there is no fixed magazine with capacity of ~~twenty-one (21)~~ or more than fifteen
14 (15) rounds available, all semiautomatic weapons that use exclusively en bloc clips, all semiautomatic
15 weapons in production prior to 1954 and all rimfire weapons that employ a tubular magazine.

16

17 **Section 2.** That subsections (i) through (k) of section 38-130 of the Denver Revised Municipal
18 Code shall be amended by deleting the language stricken and adding the language underlined, to
19 read as follows:

20 (i) *Specific magazine prohibited.* It shall be unlawful to carry, store or otherwise possess a
21 magazine which will hold or may be modified to hold ~~twenty-one (21)~~ or more than fifteen (15) rounds.

22 (j) *Bump stock prohibited.* It shall be unlawful to sell, carry, store, or otherwise possess a
23 bump stock.

24 (jk) *Penalty.* Any person, firm or corporation who is convicted of violating any provision of this
25 section shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than nine
26 hundred ninety-nine dollars (\$999.00) and a term of incarceration of not less than ten (10) days nor
27 more than one hundred eighty (180) days.

28 (kl) *Violation; disposition.* Upon a conviction of violating any provision of this section, the
29 weapon shall be confiscated and destroyed under section 38-120, disposition of confiscated weapons.

30

31

32 COMMITTEE APPROVAL DATE: _____, 2017.

33 MAYOR-COUNCIL DATE: _____, 2017.

34 PASSED BY THE COUNCIL _____ 2017

1 _____ - PRESIDENT
2 APPROVED: _____ - MAYOR _____ 2017
3 ATTEST: _____ - CLERK AND RECORDER,
4 EX-OFFICIO CLERK OF THE
5 CITY AND COUNTY OF DENVER
6

7 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2017; _____ 2017
8

9 PREPARED BY: _____; DATE: _____
10

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15

16 Kristin M. Bronson
17 City Attorney
18

19 BY: _____, _____ City Attorney
20 DATE: _____
21
22
23