

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB22-0401

SERIES OF 2022

COMMITTEE OF REFERENCE:

SAFETY, HOUSING, EDUCATION & HOMELESSNESS

A BILL

For an ordinance amending the weapons and missiles division of the offenses chapter of the Denver Revised Municipal Code and the parks and recreation chapter of the Denver Revised Municipal Code to prohibit firearms in city-owned or leased buildings and city parks.

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

Section 1. Division 2 of Article IV of Chapter 38 shall be amended by adding the language underlined and deleting the language stricken to read as follows:

Sec. 38-116. – Defined terms.

(12) *Law enforcement officer* means police officers, sheriffs, deputy sheriffs, Colorado State patrol officers, POST certified corrections officers, marshals, deputy marshals, district attorney investigators, Colorado Bureau of Investigation agents, parole or probation officers, or federal law enforcement officers, while engaged in the performance of their official duties or while engaged in off-duty employment. The term “law enforcement officer” also includes peace officers described in part 1 of article 2.5 of title 16, C.R.S., as amended.

Sec. 38-118. – Unlawful carrying of weapons.

(c) *Exceptions.* It shall not be an offense under either subsection (a) or subsection (b) of this section if, at the time of carrying, the person is abiding by all other federal, state, and local laws and is:

(1) A law enforcement officer;

(2) An active-duty member of the United States Armed Forces, while engaged in the performance of their duties;

~~(23)~~ Acting with valid authorization from the city;

~~(34)~~ In their own dwelling, place of business, or on property owned or under their control; or

~~(45)~~ Transporting the weapon while travelling within a private automobile or other private means of conveyance for the purposes of hunting or the lawful protection of such person or their property, or another person or that person's property. Except for pistols and revolvers, any

firearm being transported must be unloaded during such transport.

Sec. 38-128. – Penalties.

(a) Unless otherwise provided, in addition to any other penalty imposed, a person convicted of violating this division shall pay a fine of at least the following amounts if the weapon involved is a firearm, gas or mechanically operated gun, or dangerous weapon identified in section 38-117:

Sec. 38-131. – Firearms prohibited in city-owned or leased buildings where posted.

(a) Unlawful to carry firearms in city-owned or leased buildings. Except as provided in subsection (d) below, it shall be unlawful for any person to carry any firearm within any building or portion of a building that the city owns or leases, as well as any building or portion of the building leased to the city.

(b) Definitions. For purposes of this section, “lease” shall mean any agreement, permit, contract, license, easement, or other instrument and amendment thereto whereby an entity conveys or grants the use, management, operation or control of all or a portion of real property to another.

(c) Exceptions. It shall not be an offense under this section if, at the time of carrying, the person is abiding by all other federal, state, and local laws and the person is:

(1) A law enforcement officer, as defined in 38-116, as amended;

(2) An active-duty member of the United States Armed Forces and acting in performance of their duties;

(3) Licensed by the city as a security guard with a firearms endorsement and acting in performance of their duties; or

(4) Acting with valid authorization to carry a weapon at a Denver Police Department or Denver Sheriff Department shooting range.

(5) Transporting the weapon while travelling within a private automobile or other private means of conveyance for the purposes of hunting or the lawful protection of such person or their property, or another person or that person's property. Except for pistols and revolvers, any firearm being transported must be unloaded during such transport.

(d) Affirmative defenses. It shall be an affirmative defense to this section if, at the time of carrying:

(1) The person is carrying the firearm for use in a legitimate sporting activity, including, but not limited to, shooting matches, target shooting, or trap or skeet shooting. The firearm must be unloaded and carried in a case designed for a firearm when not being used during the sporting activity; or

(2) The person is wearing, carrying, or transporting the firearm in aid of the civil power

1 when thereto legally summoned.

2 (e) Penalties. Any violation of this section by a person holding a valid permit to carry a conceal
3 handgun issued pursuant to C.R.S. sec. 18-12-214, as amended, is hereby declared to be a non-
4 criminal violation and, upon an admission or finding or judgment of guilt or liability by default or
5 otherwise, the person shall be subject to the following maximum penalties:

6 (1) First violation:\$50.00.

7 (2) Second and subsequent violations:\$999.00.

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9 **Sec. 38-1312 – 38-145. – Reserved.**

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11 **Section 2. Article I of Chapter 39 shall be amended by adding the language underlined**
12 **and deleting the language stricken to read as follows:**

13 **Sec. 39-9. – Firearms; weapons; hunting.**

14 (d) It shall not be an offense under subsection (a) of this section to possess a firearm within
15 any park, parkway, mountain park, or other recreational facility if, at the time of carrying, the person
16 is abiding by all other federal, state, and local laws and the person is:

17 ~~(1) The firearm involved was a handgun and the person holds a valid permit or a~~
18 ~~temporary emergency permit to carry a concealed handgun issued pursuant to state law and is~~
19 ~~otherwise carrying the handgun in conformance with any applicable state or local law and is not~~
20 ~~engaged in any unlawful use of the firearm; or~~

21 (1) A law enforcement officer, as defined in 38-116, as amended;

22 (2) An active-duty member of the United States Armed Forces and acting in
23 performance of their duties;

24 (3) Acting with valid authorization from the city, including but not limited to a person
25 licensed by the city as a security guard with a firearms endorsement; or

26 ~~(24) The person is e~~Carrying the firearm within a private automobile or other private
27 means of conveyance for hunting or for lawful protection of such person's or another person's
28 person or property, and the person is otherwise lawfully in possession of the weapon and is not
29 engaging in any unlawful use of the firearm, including hunting in a park, parkway, mountain park or
30 other recreational facility. If the weapon is a firearm being transported for hunting, it shall be
31 unloaded while being carried within the private automobile or other private means of conveyance.

32 (e) It shall be an affirmative defense to charges brought under subsection (a) of this section
33 if, at the time of carrying:

1 (1) The person is carrying the weapon for use in a legitimate sporting activity,
2 including, but not limited to, shooting matches, target shooting, or trap or skeet shooting. The firearm
3 must be unloaded and carried in a case designed for a firearm when not being used during the
4 sporting activity; or

5 (2) The person is wearing, carrying, or transporting the firearm in aid of the civil power
6 when thereto legally summoned.

7 (f) Penalties. Any violation of subsection (a) by a person holding a valid permit to carry a
8 conceal handgun issued pursuant to C.R.S. sec. 18-12-214, as amended, is hereby declared to be
9 a non-criminal violation and, upon an admission or finding or judgment of guilt or liability by default
10 or otherwise, the person shall be subject to the following maximum penalties:

11 (1) First violation:\$50.00.

12 (2) Second and subsequent violations:\$999.00.

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15 COMMITTEE APPROVAL DATE: April 27, 2022

16 MAYOR-COUNCIL DATE: May 3, 2022

17 PASSED BY THE COUNCIL: _____

18 _____ - PRESIDENT

19 APPROVED: _____ - MAYOR _____

20 ATTEST: _____ - CLERK AND RECORDER,
21 EX-OFFICIO CLERK OF THE
22 CITY AND COUNTY OF DENVER

23 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

24 PREPARED BY: Reginald Nubine, Assistant City Attorney DATE: _____

25 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
26 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
27 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
28 3.2.6 of the Charter.

29 Kristin Bronson, Denver City Attorney

30 BY: _____, Assistant City Attorney DATE: _____