

1 **BY AUTHORITY**

2 ORDINANCE NO.1493
3 SERIES OF 2022

COUNCIL BILL NO. CB21-1493
COMMITTEE OF REFERENCE:
4 SAFETY, HOUSING, EDUCATION & HOMELESSNESS

5
6 **A BILL**

7 **For an ordinance amending chapters 14, 34, 37, 38, and 42 of the Denver Revised**
8 **Municipal Code to restructure the weapons code, properly categorize and clarify**
9 **certain offenses involving minors and non-weapons offenses, prohibit non-**
10 **serialized firearms in the City, and make conforming amendments.**

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

12
13 **Section 1.** Article I of Chapter 34 shall be amended by adding the language underlined and
14 deleting the language stricken to read as follows:

15 **Sec. 34-1. - Defined Terms.**

16 As used in this chapter, the following words and phrases shall have the following meanings:

17 (1) *Gas or mechanically operated gun* means a device that discharges pellets, BB shots, or
18 other projectiles through the force of air pressure, gas pressure, or spring action. The term includes,
19 but is not limited to, any air gun, air pistol, air rifle, gas operated gun, BB gun, pellet gun, or spring
20 gun.

21 (2) The word *Minor*, as used in this chapter, shall mean a natural person under eighteen
22 years of age who has not reached his or her eighteenth birthday.

23
24 **Section 2.** Article III of Chapter 34 shall be amended by adding the language underlined
25 and deleting the language stricken to read as follows:

26 **Sec. 34-46. – Other wrongs to minors.**

27 (f) A The term “weapon”, for purposes of this section, shall have the same meaning as set
28 forth in D.R.M.C. sec. 38-116, as amended. ~~include, but not be limited to, any pistol, revolver, rifle,~~
29 ~~shotgun, machine gun, air gun, gas operated gun, spring gun, sling shot, blackjack, nunchaku, brass~~
30 ~~knuckles, artificial knuckles of any substance whatsoever, or any switchblade knife, gravity knife, or~~
31 ~~any knife having a blade greater than three and one-half (3½) inches in any length, or any explosive~~
32 ~~device, incendiary device or bomb.~~

33 (g) A The term “firearm”, for the purposes of this section, shall have the same meaning as
34 set forth in D.R.M.C. sec. 38-116, as amended. ~~means a pistol, revolver, rifle, shotgun, air gun, gas~~

1 operated gun, or spring gun.

2 **Sec. 34-49. – Reserved Sale of gas or mechanically operated guns to minors.** It shall
3 be unlawful for any person to sell a gas or mechanically operated gun to any minor.

4 **Sec. 34-49~~50~~—34-60. – Reserved.**

5
6 **Section 3.** Article IV of Chapter 34 shall be amended by adding the language underlined and
7 deleting the language stricken to read as follows:

8 **Sec. 34-67 – Purchase, carry, or discharge of gas or mechanically operated guns by**
9 **minors.**

10 (a) It shall be unlawful for any minor to buy, carry on their person, or discharge any gas or
11 mechanically operated gun.

12 (b) It shall be unlawful for the parent, guardian, or other person having legal control or custody
13 of any minor to allow the minor to buy, carry on their person, or discharge any gas or mechanically
14 operated gun.

15 (c) Exception. It shall not be an offense under this section if the minor carried or discharged
16 the gas or mechanically operated gun in a public or private establishment that operates a
17 commercial area for the discharge or other use of gas or mechanically operated guns or other
18 equipment for silhouette, skeet, trap, black powder, target, self-defense, recreational or competitive
19 shooting, or professional training and the minor used the gas or mechanically operated gun as part
20 of a legitimate sporting activity.

21 (d) Affirmative defense. It shall be an affirmative defense to charges brought under this
22 section if, at the time of the offense, the minor carried or discharged a gas or mechanically operated
23 gun and the minor was on or in any residence under circumstances when the gas or mechanically
24 operated gun could be fired, discharged, or operated in such a manner as not to endanger persons
25 or property, and also in such a manner as to prevent the projectile from traversing any grounds or
26 space outside the limits of such residence.

27 **Sec. 34-67~~8~~—34-69. – Reserved.**

28
29 **Section 4.** Division 2 of Article IV of Chapter 38 shall be repealed and reenacted to read as
30 follows:

31 **DIVISION 2. – WEAPONS OFFENSES**

32 **Sec. 38-116. – Defined Terms.**

33 As used in this article, the following words and phrases shall have the following meanings:

1 (1) *Assault weapon* means any of the following firearms:

2 a. Any semiautomatic pistol or centerfire rifle, either of which have a fixed or
3 detachable magazine with a capacity of more than fifteen (15) rounds.

4 b. Any semiautomatic shotgun with a folding stock or a magazine capacity of more
5 than six (6) rounds or both.

6 c. Any part or combination of parts designed or intended to convert a firearm into a
7 weapon identified in paragraphs a or b of this subsection (1), if those parts are in the possession or
8 under the control of the same person.

9 d. Any firearm which has been modified to be operable as a weapon identified in
10 paragraphs a or b of this subsection (1).

11 e. Assault weapon does NOT include any of the following: firearms that do not use
12 fixed cartridges; firearms that were in production prior to 1898; manually operated bolt-action, lever-
13 action, and pump-action firearms; single-shot weapons; multiple-barrel weapons; revolvers;
14 semiautomatic weapons for which there is a fixed magazine with capacity of less than fifteen (15)
15 rounds available and which cannot accept a detachable magazine; semiautomatic weapons that
16 use exclusively en bloc clips; semiautomatic weapons in production prior to 1954; rimfire weapons
17 that employ a tubular magazine; firearms that use .22 caliber rimfire ammunition; or any assault
18 weapon which has been modified either to render it permanently inoperable or to permanently make
19 it a device no longer defined as an assault weapon.

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

23 (3) *Firearm* means any handgun, automatic, revolver, pistol, rifle, shotgun, or other
24 instrument or device capable or intended to be capable of expelling a bullet, cartridge, or other
25 projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm
26 muffler or firearm silencer. The term shall include a weapon parts kit that is designed to or may be
27 readily assembled, completed, converted, or restored to expel a projectile by the action of an
28 explosive.

29 (4) *Firearm frame or receiver* means that part of a firearm which is at least partially exposed
30 to the exterior when the complete weapon is assembled and which provides housing or structure
31 designed to hold or integrate any component(s) that initiate, complete, or continue the firing
32 sequence of a weapon that expels a projectile by the action of an explosive. "Firearm frame or
33 receiver" includes any unfinished component of a firearm designed or intended to be used as a

1 frame or receiver and which may be made into a complete firearm frame or receiver through milling
2 or other means.

3 (5) *Firework* has the same meaning as C.R.S. § 24-33.5-2001(5), as amended, except that
4 a firework does not include a permissible firework as defined in C.R.S. § 24-33.5-2001(11), as
5 amended, that was not used or intended to be used for the purpose of causing injury to any person,
6 or damage to property.

7 (6) *Fixed cartridge* means a self-contained unit consisting of the case, primer, propellant
8 charge, and projectile or projectiles.

9 (7) *Fixed magazine* means an ammunition feeding device contained in or permanently
10 attached to a firearm in such a manner that the device cannot be removed with a tool or without
11 disassembly of the firearm action.

12 (8) *Gas or mechanically operated gun* shall have the same meaning as set forth in D.R.M.C.
13 section 34-1, as amended.

14 (9) *Illegal knife* means any instrument with a blade that can be opened or expelled by putting
15 pressure on a button or handle, including, but not limited to, a switchblade, gravity knife, butterfly
16 knife, or ballistic knife.

17 (10) *Incendiary or explosive device* means a device that is not a firearm and is:

- 18 a. A firework, explosive bomb, grenade, missile, or similar device;
- 19 b. An incendiary bomb or grenade, fire bomb, or any similar device which consists of
20 or includes a breakable container including a flammable liquid or compound and a wick composed
21 of any material which, when ignited, is capable of igniting such flammable liquid or compound and
22 can be carried or thrown by one individual acting alone, except kerosene lamps;
- 23 c. Dynamite and all other forms of high explosives, including but not limited to water
24 gel, slurry, military C-4 (plastic explosives), blasting agents to include nitro-carbon-nitrate, and
25 ammonium nitrate and fuel oil mixtures, cast primers and boosters, R.D.X., P.E.T.N., electric and
26 nonelectric blasting caps, exploding cords commonly called detonating cord or det-cord or
27 primacord, picric acid explosives, T.N.T. and T.N.T. mixtures, nitroglycerin and nitroglycerin
28 mixtures; or
- 29 d. Any substance(s) or material(s) or combination(s) thereof which have been
30 prepared or altered for use in the creation of an explosive or incendiary device identified in
31 paragraphs a, b, or c of this subsection (10).

32 (11) *Large capacity ammunition feeding device*. A magazine, belt, drum, feed strip, or
33 similar device for a firearm manufactured after September 13, 1994, that has a capacity of, or that

1 can be readily restored or converted to accept, more than 15 rounds of ammunition. The term
2 does not include an attached tubular device designed to accept, and capable of operating only
3 with, .22 caliber rimfire ammunition, or a fixed device for a manually operated firearm, or a fixed
4 device for a firearm listed in 18 U.S.C. 922, appendix A.

5 (12) *Law enforcement officer* means police officers, sheriffs, deputy sheriffs, Colorado State
6 patrol officers, POST certified corrections officers, marshals, deputy marshals, district attorney
7 investigators, Colorado Bureau of Investigation agents, parole or probation officers, or federal law
8 enforcement officers, while engaged in the performance of their official duties or while engaged in
9 off-duty employment.

10 (13) *Locked container* means a secure container which is enclosed on all sides and locked
11 by a padlock, key lock, combination lock, or similar device.

12 (14) *Locking device* means a device which temporarily prevents a firearm from functioning.

13 (15) *Magazine* means a box, drum, or other container that holds and feeds ammunition into
14 a firearm.

15 (16) *Minor* has the same meaning as set forth in D.R.M.C. section 34-1, as amended.

16 (17) *Motor vehicle* has the same meaning as set forth in D.R.M.C. section 54-1, as amended.

17 (18) *Non-serialized firearm* means a firearm that lacks either a unique serial number
18 engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer, maker, or
19 importer under federal law or markings in accordance with 27 C.F.R. § 479.102, as amended. A
20 non-serialized firearm shall include a firearm where the manufacturer's serial number or other
21 distinguishing number or identification mark has been removed, defaced, altered, or destroyed,
22 except by normal wear and tear.

23 (19) *Noxious substance* means any substance capable of being used as a physiological
24 irritant, including but not limited to OC spray, pepper spray, or mace.

25 (20) *Nunchaku* means an instrument consisting of two (2) or more sticks, clubs, bars, or rods
26 to be used as handles, connected by a rope, cord, wire, or chain in the design of a weapon used in
27 connection with the practice of a system of self-defense such as karate.

28 (21) *Obstruction equipment* means any tool, object, instrument, or other article adapted,
29 designed, or intended to be used for obstructing the public's ability to freely move about on
30 roadways, sidewalks, or any other area to which the public or a substantial group of the public has
31 access or for inhibiting emergency equipment from being moved without impediment or delay. The
32 term shall include, but is not limited to, any sections of pipe or containers filled with or wrapped in
33 weighted material, handcuffs, chains, carabiners, padlocks, or other obstructive devices.

1 (22) *Semiautomatic* means a weapon that employs a magazine and fires a single projectile
2 for each single pull of the trigger, which automatically chambers the next round for firing.

3 (23) *Weapon* means any item, instrument, device, or noxious substance that, in the manner
4 it is used, intended to be used, or threatened to be used, is capable of inflicting bodily harm or
5 physical damage, including, but not limited to, sling shots, blackjacks, nunchaku, gas or
6 mechanically operated guns, brass knuckles or artificial knuckles, illegal knives, knives having a
7 blade greater than three and one-half (3½) inches in length, firearms, assault weapons, non-
8 serialized firearms, and incendiary or explosive devices.

9 **Sec. 38-117. – Unlawful possession of dangerous weapons.**

10 It shall be unlawful for any person, except for a law enforcement officer or a person acting
11 with valid authorization from the city, to possess on their person, in any motor vehicle, or in any
12 structure, any of the following:

13 (a) An illegal knife;

14 (b) A non-serialized firearm;

15 (c) Brass knuckles or artificial knuckles;

16 (d) An incendiary or explosive device;

17 (e) Any obstruction equipment, with the intent to use the object either by itself or in
18 combination with other objects to obstruct the public's ability to freely move about on roadways,
19 sidewalks, or into or out of buildings, or for inhibiting emergency equipment from being moved
20 without impediment or delay; or

21 (f) Any item, weapon, or noxious substance with the intent to use the weapon, item, or
22 noxious substance for the purpose of defeating crowd dispersal measures.

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

24 (a) *Unlawful concealed carry of weapons.* Except as provided in subsections (c) and (d) of
25 this section, it shall be unlawful for any person to wear, carry, or transport any weapon concealed
26 on or about their person.

27 (b) *Unlawful open carry of weapons.* Except as provided in subsection (c) of this section, it
28 shall be unlawful for any person to openly wear, carry, or transport any weapon on or about their
29 person or vehicle.

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

33 (1) A law enforcement officer;

1 (2) Acting with valid authorization from the city;

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

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

8 (d) *Exception for concealed carry permit holders.* It shall not be an offense under subsection
9 (a) of this section if at the time of carrying a handgun, the person holds a valid permit to carry a
10 concealed handgun and the person is carrying the handgun in conformance with any applicable
11 federal, state, or local law, including, but not limited to, the valid issuance of a firearms endorsement
12 on a person's security guard license.

13 (e) *Affirmative defenses.*

14 (1) It shall be an affirmative defense to charges brought under subsection (a) or
15 subsection (b) of this section if, at the time of the offense:

16 a. The person is carrying a household knife and there are reasonable grounds
17 for the person having and carrying the knife away from a household; or

18 b. The person is carrying a firearm in a case designed for a firearm for one of
19 the purposes in subsection (e)(2) below

20 (2) It shall be an affirmative defense to charges brought under subsection (b) of this
21 section if, at the time of the offense:

22 a. The person is a collector or dealer licensed pursuant to state or federal law
23 and the person is handling or transporting the weapon for lawful exhibition or sale. If the weapon is
24 a firearm other than a pistol or revolver, the firearm must be unloaded during such handling or
25 transport;

26 b. The person is transporting the weapon to or from a place of sale or repair. If
27 the weapon is a firearm other than a pistol or revolver, the firearm must be unloaded during such
28 transport;

29 c. The person is transporting the weapon while moving personal property from
30 a previous residence to a new residence. If the weapon is a firearm other than a pistol or revolver,
31 the firearm must be unloaded during such transport;

32 d. The person is carrying the weapon for use in a legitimate sporting activity,
33 including, but not limited to, shooting matches, target shooting, or trap or skeet shooting. If the

1 weapon is a firearm other than a pistol or revolver, the firearm must be unloaded during such
2 transport; or

3 e. The person is wearing, carrying, or transporting the weapon in aid of the civil
4 power when thereto legally summoned.

5 (f) *Presumptive evidence of possession of a weapon found in a motor vehicle.*

6 The presence of any weapon in a motor vehicle, other than a public bus, is presumptive evidence
7 that the weapon is in the possession of all the occupants of the motor vehicle at the time any weapon
8 is found, except if the weapon is found:

9 (1) In a taxicab which is being operated for hire by a duly licensed driver, the
10 presumption shall not apply to the driver; or

11 (2) Upon the person of one (1) of the occupants of the vehicle, the presumption shall
12 not apply to the other persons in the motor vehicle.

13 **Sec. 38-119. – Unlawful display or flourishing of weapons.**

14 (a) *Unlawful display or flourishing.* It shall be unlawful for any person, except for a law
15 enforcement officer, to display in a threatening manner, or to flourish, any weapon.

16 (b) *Unlawful display by retailers.* It shall be unlawful for any secondhand dealer, pawnbroker,
17 or person who is engaged in the wholesale or retail sale, rental, or exchange of weapons to display
18 or place on exhibition any weapon in any window or place where the weapon would be visible to
19 the public outside of the store’s premises.

20 **Sec. 38-120. – Unlawful use or discharge of certain weapons.**

21 (a) *Unlawful discharge or use of certain weapons.* Except as provided in subsection (b) of
22 this section, it shall be unlawful for any person to use, deploy, fire, discharge, or detonate any
23 firearm, incendiary or explosive device, gas or mechanically operated gun, sling shot, or any bow
24 made for the purpose of throwing or projecting missiles of any kind.

25 (b) *Exceptions.* It shall not be an offense under this section if at the time of the use,
26 deployment, firing, discharge, or detonation:

27 (1) The person is a law enforcement officer;

28 (2) The person uses the weapon in a public or private establishment that operates a
29 commercial area for the discharge or other use of firearms or other equipment for silhouette, skeet,
30 trap, black powder, target, self-defense, recreational or competitive shooting, or professional
31 training and used the weapon as part of a legitimate sporting activity; or

32 (3) The person uses a firework with valid authorization from the city.

33 (c) *Affirmative defense.* It shall be an affirmative defense to charges brought under this

1 section if, at the time of the use, the person discharges a gas or mechanically operated gun, sling
2 shot, or bow made for the purpose of throwing or projecting missiles and the person is on or in any
3 residence under circumstances when the weapon could be fired, discharged, or operated in such a
4 manner as not to endanger persons or property, and also in such a manner as to prevent the
5 projectile from traversing any grounds or space outside the limits of such residence.

6 **Sec. 38-121. – Assault Weapons.**

7 (a) *Legislative intent.* The city council hereby finds and declares that the use of assault
8 weapons poses a threat to the health, safety, and security of all citizens of the City and County of
9 Denver. Further, the council finds that assault weapons are capable both of a rapid rate of fire as
10 well as of a capacity to fire an inordinately large number of rounds without reloading and are
11 designed primarily for military or antipersonnel use. The city council finds that law enforcement
12 agencies report increased use of assault weapons for criminal activities. This has resulted in a
13 record number of related homicides and injuries to citizens and law enforcement officers. It is,
14 therefore, the intent of the city council to place reasonable and necessary restrictions on the sale
15 and possession of assault weapons while placing no restrictions on the right of citizens to use
16 weapons which are primarily designed and intended for hunting, target practice, and other legitimate
17 sports or recreational activities and the protection of home, person, and property.

18 (b) *Supplemental provisions.* Except as specifically stated herein, the provisions of this
19 section are independent of and supplemental to any other provisions of law, and nothing shall
20 prevent a device defined as an assault weapon in section 38-116(1) from also being regulated under
21 other provisions of law.

22 (c) *Possession of assault weapons unlawful.* It shall be unlawful to carry, store, keep,
23 manufacture, sell, or otherwise possess assault weapons within the City and County of Denver,
24 except that this section shall not apply to:

25 (1) Any federal, state, or local government agency or to any sworn members of said
26 agencies acting within their official capacities.

27 (2) Any person in possession of an assault weapon which is being used as a movie
28 prop for any motion picture or television program which is being filmed in whole or in part within the
29 City and County of Denver if, prior to such use, the police department is notified in advance in writing
30 of the date, time, location, production schedule, and days upon which such use shall take place and
31 the type and serial numbers of the firearms.

32 (d) *Affirmative defense.* It shall be an affirmative defense to charges brought under this
33 section that the transportation of an assault weapon:

1 (1) Is through the city by a nonresident who is in legal possession of an assault
2 weapon; or

3 (2) Is by a person carrying a permit issued under subsection (e) and the transportation
4 is for one of the following purposes:

5 a. In aid of the civil power when thereto legally summoned;

6 b. To a bona fide hunting trip for wild game, or to a legitimate sporting use of
7 such weapon, including shooting matches or target, trap, or skeet shooting. All weapons carried for
8 such purposes shall be unloaded;

9 c. While transporting such weapon to or from a place for sale outside the city
10 or for repair. All weapons carried for such purposes shall be unloaded;

11 d. As a member of the armed forces of a state or of the federal government
12 while engaged in the lawful performance of duty; or

13 e. In conjunction with moving personal property, including such weapon, from
14 an old residence to a new residence. All weapons carried for such purposes shall be unloaded.

15 (e) *Conditional exception.* Any person over the age of twenty-one (21) years who obtained
16 an assault weapon legally prior to November 14, 1989 may obtain a permit to keep, store and
17 possess in their private residence or vehicle said assault weapon only if:

18 (1) Said assault weapon is properly identifiable and contains its original serial number.

19 (2) An application for a permit for each assault weapon was filed with the police
20 department within sixty (60) days of November 14, 1989 pursuant to such procedures as the
21 department established. The application shall contain a description of the firearm that identifies it
22 uniquely, including all identification marks and numbers, the full name, address, date of birth and
23 fingerprints of the owner, the address where such assault weapon will be stored, and such other
24 information as the department may deem appropriate. The place of storage and possession shall
25 not be changed without notification to the police department of the proposed change in location and
26 when said weapon will be transported. The police department may charge a fee for registration not
27 to exceed the actual processing costs.

28 (3) The police department issues a permit which identifies the assault weapon and
29 where it is to be stored.

30 (4) The information required for the registration and permitting of assault weapons
31 shall be treated as confidential and shall not be made available to members of the general public.
32 The council finds that the release of such information would constitute an unwarranted invasion of
33 personal privacy and could endanger the life or safety of persons at the premises where an assault

1 weapon is located. The information on a permit application shall be used by the city only for law
2 enforcement purposes.

3 (f) *Sale or transfer unlawful.* It is unlawful to sell or transfer possession of an assault weapon
4 possessed pursuant to subsection (e) within the City and County of Denver.

5 (g) *Large capacity ammunition feeding device prohibited.* It shall be unlawful to carry, store,
6 or otherwise possess a large capacity ammunition feeding device which can hold or may be modified
7 to hold more than fifteen (15) rounds, except that this subsection shall not apply to:

8 (1) Any federal, state, or local government agency or to any sworn members of said
9 agencies acting within their official capacities.

10 (2) Any person in possession of a large capacity ammunition feeding device which is
11 being used as a movie prop for any motion picture or television program which is being filmed, in
12 whole or in part, within the City and County of Denver if, prior to such use, the police department is
13 notified in advance in writing of the date, time, location, production schedule, and days upon which
14 such use shall take place and the type and serial numbers of the firearms.

15 (3) It shall be an affirmative defense to charges brought under this section that the
16 transportation of a large capacity ammunition feeding device:

17 a. Is through the city by a nonresident who is in legal possession of the large
18 capacity ammunition feeding device; or

19 b. Is by a person carrying a permit issued under subsection (e) and the
20 transportation is for one of the following purposes:

21 i. In aid of the civil power when thereto legally summoned;

22 ii. To a bona fide hunting trip for wild game, or to a legitimate sporting
23 use of such large capacity ammunition feeding device, including shooting matches or target, trap,
24 or skeet shooting;

25 iii. Is to or from a place for sale outside the city;

26 iv. As a member of the armed forces of a state or of the federal
27 government while engaged in the lawful performance of duty;

28 v. In conjunction with moving personal property, including such large
29 capacity ammunition feeding device, from an old residence to a new residence.

30 (h) *Bump stock prohibited.* It shall be unlawful to sell, carry, store, or otherwise possess a
31 bump stock.

32 (i) *Penalty.* In addition to the penalty identified in section 38-128, any person convicted of
33 violating this section shall be punished by a term of incarceration of not less than ten (10) days.

1 (j) *Violation; disposition.* Upon a conviction of violating any provision of this section, the
2 weapon shall be confiscated and destroyed under section 38-128.

3 **Sec. 38-122. – Unlawful throwing of projectiles and missiles.**

4 It shall be unlawful for any person to throw any stone, projectile, or other missile upon or at
5 any vehicle, building, or other public or private property, or at a person in any public place.

6 **Sec. 38-123. – Unlawful manufacture of certain weapons.**

7 It shall be unlawful for any person, except for a law enforcement officer or a person with valid
8 authorization from the city, state, or federal government, to build, construct, manufacture, or
9 assemble any non-serialized firearm or any incendiary or explosive device.

10 **Sec. 38-124. – Unlawful sale of certain weapons.**

11 (a) *Unlawful sale of certain weapons.* It shall be unlawful for any person, except for a law
12 enforcement officer acting pursuant to their official capacity, to sell the following weapons:

13 (1) Any illegal knife;

14 (2) Any incendiary or explosive device, except fireworks as permitted in C.R.S. § 24-
15 33.5-2002, as amended; or

16 (3) Any non-serialized firearm.

17 (b) *Unlawful to sell weapons to intoxicated customers.* It shall be unlawful for any person to
18 sell, loan, or furnish any weapon to any person under the influence of alcohol, marijuana, or any
19 illegal drug.

20 **Sec. 38-125. – Record keeping related to the sale or transfer of firearms.**

21 (a) *Photo identification – required.* Every person engaged in the retail sale, rental, or
22 exchange of firearms shall require the person receiving the firearm to furnish at least one (1) form
23 of photo identification, such as a driver's license or other valid government-issued photo
24 identification, prior to receiving the firearm.

25 (b) *Record retention.* Every person engaged in the retail sale, rental, or exchange of firearms
26 shall keep a record of each firearm sold, rented, or exchanged. The record must be made at the
27 time of the transaction and must include:

28 (1) The name, age, address, and occupation of the person to whom such weapon is
29 sold, rented, or exchanged;

30 (2) The make, caliber if any, and finish of the weapon and, if applicable, the weapon's
31 serial number;

32 (3) The date of the sale, rental, or exchange;

33 (4) The name of the employee or other person making the sale, rental, or exchange;

1 and

2 (5) A description of each form of identification furnished by the person receiving the
3 firearm, together with any identification number appearing on the form, such as a driver's license
4 number or other valid government-issued identification number.

5 (c) *Inspection of records.* Such records shall at all times be open to inspection by the manager
6 of safety or a duly authorized agent, or by any law enforcement officer.

7 **Sec. 38-126. – Unlawful purchase of weapons.**

8 It shall be unlawful for any person who purchases, rents, or exchanges any firearm, except
9 for a law enforcement officer, to give a false or fictitious name, or any other false, fraudulent, or
10 incorrect information to the person from whom such firearm is purchased, rented, or exchanged.

11 **Sec. 38-127. – Unlawful storage of firearms.**

12 (a) *Unlawful storage of firearms.* It shall be unlawful for any person to possess or store any
13 firearm within or upon any premises over which that person has an ownership interest, custody, or
14 control, in such a manner that the person knows or should know that a minor may gain possession
15 of the firearm and the minor obtains possession of the firearm.

16 (b) *Affirmative defenses.* It shall be an affirmative defense to charges brought under this
17 section if, at the time of the offense:

18 (1) The minor obtains the firearm as a result of an illegal entry onto the premises; or

19 (2) The firearm is kept in a locked container, access to which is not available to a
20 minor; or

21 (3) The firearm is equipped with, and has in place, a locking device, to which the
22 means of removal is not available to a minor; or

23 (4) The minor obtains the firearm in a lawful act of self-defense, or defense of the
24 minor's home or property; or

25 (5) The minor obtained the firearm while being legally summoned to the aid of a law
26 enforcement officer, a member of the United States armed forces, or the Colorado National Guard
27 in the performance of their duties.

28 **Sec. 38-128. – Penalties.**

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

32 (1) First offense: \$500.00.

33 (2) Second offense within 5 years: \$750.00.

1 (3) Third and subsequent offenses: \$999.00.

2 (b) Any sentence imposed for violation of this division shall run consecutively, and not
3 concurrently, with any sentence for any other offense, if the weapon involved is a firearm, gas or
4 mechanically operated gun, or dangerous weapon identified in section 38-117.

5 **Sec. 38-129. – Weapon confiscation, forfeiture, and destruction.**

6 (a) *Weapon confiscation.* It shall be the duty of every police officer, upon making any arrest
7 and taking any weapon(s) from an offender, to deliver the weapon(s) to the custody of the chief of
8 police, or a duly authorized agent, to be held until the final determination of the prosecution for the
9 offense.

10 (b) *Weapon forfeiture.* In addition to any other penalty imposed, any person convicted of any
11 violation of this division may be required to forfeit to the city any weapon implicated by the conviction.
12 In addition to any other penalty imposed, a person convicted of violating this division with an illegal
13 knife or non-serialized firearm shall be required to forfeit the illegal knife or non-serialized firearm to
14 the city.

15 (c) *Weapon destruction.* Any weapon forfeited pursuant to this section shall remain in the
16 custody of the chief of police, or a duly authorized agent, until such weapon is destroyed. The chief
17 of police, or a duly authorized agent, shall, on January 31 of each year, account to the presiding
18 judge of the county court for all weapons confiscated and ordered forfeited during the previous year;
19 and the presiding judge shall order all weapons so confiscated and ordered forfeited to be
20 destroyed, and shall certify that the weapons are destroyed.

21 **Sec. 38-130. – Permit to carry a concealed handgun.**

22 The manager of safety or the manager's designee is authorized to issue permits for the
23 carrying of concealed handguns in accordance with standards and procedures set forth in state law.

24 **Sec. 38-131—38-145. – Reserved.**

25
26 **Section 5.** Division 1 of Article IV of Chapter 38 shall be amended by adding the language
27 underlined and deleting the language stricken to read as follows:

28 **Sec. 38-100. – ReservedPanhandling.**

29 (a) Definitions. As used in this section, the following words and phrases shall have the
30 following meanings:

31 (1) Aggressive panhandling means:

32 a. Intentionally touching or causing physical contact with another person
33 without that person's consent in the course of soliciting;

1 b. Intentionally blocking or interfering with the safe or free passage of a
2 pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle
3 operator to take evasive action to avoid physical contact;

4 c. Using violent or threatening gestures toward a person solicited;

5 d. Using profane or abusive language which is likely to provoke an
6 immediate violent reaction from the person being solicited;

7 e. Approaching or following a person for solicitation as part of a group of
8 two (2) or more persons, in a manner and with conduct, words, or gestures intended or likely to
9 cause a reasonable person to fear imminent bodily harm or damage to or loss of property or
10 otherwise to be intimidated into giving money or other thing of value.

11 (2) *Soliciting or Panhandling* for purposes of this section are interchangeable terms
12 and mean any solicitation made in person requesting an immediate donation of money. Purchase
13 of an item for an amount far exceeding its value, under circumstances where a reasonable person
14 would understand that the purchase is in substance a donation, is a donation for the purpose of this
15 section. Panhandling does not include passively standing or sitting with a sign or other indication
16 that one is seeking donations, without addressing any solicitation to any specific person other than
17 in response to an inquiry by that person.

18 (3) *Public place* shall mean a place to which the public or a substantial group of
19 persons has access, including, but not limited to, any street, sidewalk, highway, parking lot, plaza,
20 transportation facility, school, place of amusement, park, or playground.

21 (b) *Prohibited acts.* It shall be unlawful for any person to:

22 (1) Engage in aggressive panhandling in any public place.

23 (2) Panhandle on private or residential property after having been asked to leave
24 or refrain from panhandling by the owner or other person lawfully in possession of such property.

25 (3) Solicit from any operator or occupant of a motor vehicle on a public street in
26 exchange for blocking, occupying, or reserving a public parking space, or directing the operator or
27 occupant to a public parking space.

28
29 **Section 6.** Article IV of Chapter 38 shall be amended by adding the language underlined
30 and deleting the language stricken as follows:

31 **Sec. 38-89. – Disturbance of the peace.**

32 (a) *Generally.* It shall be unlawful for any person to disturb or tend to disturb the peace of
33 another person or persons ~~ethers~~ by violent, tumultuous, offensive or obstreperous conduct or by

1 loud or unusual noises or by unseemly, profane, obscene or offensive language calculated to
2 provoke a breach of the peace or for any person to permit any such conduct in any house or upon
3 any premises owned or possessed by such person or under their management or control, when
4 within such person's power to prevent, so that another person or persons ~~others~~ in the vicinity are
5 or may be disturbed thereby.

6
7 **Section 7.** Article II of Chapter 38 shall be amended by adding the language underlined and
8 deleting the language stricken as follows:

9 **Sec. 38-43. – Violation of court orders.**

10 (a) It shall be unlawful for any person to violate any provision of a court order ~~commit any of~~
11 ~~the following acts if the act is prohibited by valid written order~~ issued by any court of record within
12 the United States of America, including Indian tribal courts, ~~which restrains and enjoins any~~
13 ~~person from contacting in any manner, threatening, beating, striking, or assaulting any other~~
14 ~~person or which requires a person to leave certain premises, or refrain from entering or remaining~~
15 ~~on such premises or any specified area~~ or for such person to fail to perform any act unrelated to
16 child custody or parenting time mandated by such an order, after such person has been
17 personally served with any such order or otherwise acquired from the court actual knowledge of
18 the contents of any such order.

19
20 **Section 8.** Article IV of Chapter 14 shall be amended by adding the language underlined
21 and deleting the language stricken to read as follows:

22 **Sec. 14-92. – Reserved. ~~Presumptive evidence of possession of firearm found in a~~**
23 **~~motor vehicle.~~**

24 (a) ~~The presence of any firearm in a motor vehicle other than a public bus is~~
25 ~~presumptive evidence that the firearm is in the possession of all the occupants of the motor~~
26 ~~vehicle at the time any firearm is found, except under the following circumstances:~~

27 (1) ~~If the firearm is found in a taxicab which is being operated for hire by a duly~~
28 ~~licensed driver, the presumption shall not apply to the driver; or~~

29 (2) ~~If the firearm is found upon the person of one (1) of the occupants of the~~
30 ~~vehicle.~~

31 (b) ~~For purposes of this section, "motor vehicle" means any self-propelled vehicle which~~
32 ~~is designed primarily for travel on the public highways and is generally and commonly used to~~

1 transport persons and/or property over the public highways, but the term does not include vehicles
2 moved solely by human power or used exclusively upon stationary rails or tracks.

3
4 **Section 9.** Article II of Chapter 37 shall be amended by adding the language underlined and
5 deleting the language stricken to read as follows:

6 **Sec. 37-50. - Definitions.**

7 (c) *Public nuisance (1)*: Any parcel of real property, personal property, or motor vehicle on or
8 in which any of the following illegal activity occurs, or which is used to commit, conduct, promote,
9 facilitate, or aid the commission of or flight from any of the following activities. For purposes of this
10 section, the illegal activity shall have the same definition as that contained in the Colorado Revised
11 Statute (C.R.S.), as amended, or the Denver Revised Municipal Code (D.R.M.C.), as amended:

12 8. Unlawful discharge, possession, carrying, flourishing, concealment, storage, use,
13 or sale of firearms, knives, ~~and/or~~ assault weapons, ~~dangerous weapons,~~ incendiary or explosive
14 devices, or defaced firearms, Denver Revised Municipal Code sections 38-117, 38-118, 38-119, 38-
15 120, 38-121, 38-123, and 38-1242, and ~~38-130,~~ and C.R.S. Sections 18-12-102, 18-12-103, 18-12-
16 105, 18-12-105.5, 18-12-106, 18-12-108, 18-12-108.5, ~~or any offense relating to incendiary~~
17 ~~devices, section 38-126, Denver Revised Municipal Code and C.R.S. section 18-12-109;~~

18
19 **Section 10.** Article III of Chapter 42 shall be amended by adding the language underlined
20 and deleting the language stricken to read as follows:

21 **Sec. 42-85. - Disposal of property.**

22 (e) Weapons shall be disposed of as follows:

23 (1) Weapons taken from offenders may be forfeited as provided in section 38-1280;

24
25
26 [BALANCE OF PAGE INTENTIONALLY LEFT BLANK]
27

1 COMMITTEE APPROVAL DATE: December 8, 2022

2 MAYOR-COUNCIL DATE: December 14, 2022

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

10 PREPARED BY: Erica N. Rogers, Assistant City Attorney DATE: December 16, 2022

11 Pursuant to section 13-9, 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 Kristin Bronson, Denver City Attorney

16 BY: _____, Assistant City Attorney DATE: _____