

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_

COUNCIL BILL NO. CB22-

3 SERIES OF 2022

COMMITTEE OF REFERENCE:

4 SAFETY, HOUSING, EDUCATION & HOMELESSNESS

5 **A BILL**

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

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

11  
12 **Section 1.** Division 2 of Article IV of Chapter 38 shall be amended by adding the language  
13 underlined and deleting the language stricken to read as follows:

14 **Sec. 38-116. – Defined terms.**

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

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

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

25 (1) A law enforcement officer;

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

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

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

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

1 firearm being transported must be unloaded during such transport.

2 **Sec. 38-128. – Penalties.**

3 (a) Unless provided for otherwise, in addition to any other penalty imposed, a person  
4 convicted of violating this division shall pay a fine of at least the following amounts if the weapon  
5 involved is a firearm, gas or mechanically operated gun, or dangerous weapon identified in section  
6 38-117:

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

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

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

15 (c) Penalties. Upon an admission or finding or judgment of guilt or liability by default or  
16 otherwise, a violator of this section shall be subject to the following maximum penalties:

17 (1) First violation: .....\$50.00.

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

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

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

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

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

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

1           (1) The person is carrying the firearm for use in a legitimate sporting activity, including,  
2 but not limited to, shooting matches, target shooting, or trap or skeet shooting. The firearm must be  
3 unloaded and carried in a case designed for a firearm when not being used during the sporting  
4 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           **Sec. 38-1342 – 38-145. – Reserved.**

8  
9           **Section 2. Article I of Chapter 39 shall be amended by adding the language underlined**  
10 **and deleting the language stricken to read as follows:**

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

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

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

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

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

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

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

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

32           (1) 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. The firearm

1 must be unloaded and carried in a case designed for a firearm when not being used during the  
2 sporting activity; or

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

5  
6  
7  
8  
9  
10  
11  
12  
13  
14

COMMITTEE APPROVAL DATE:  
MAYOR-COUNCIL DATE:  
PASSED BY THE COUNCIL: \_\_\_\_\_, 2022

\_\_\_\_\_- PRESIDENT  
APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2022

ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2022; \_\_\_\_\_, 2022

PREPARED BY: Reginald Nubine, Assistant City Attorney

DATE: \_\_\_\_\_, 2022

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

Kristin Bronson, Denver City Attorney

BY: \_\_\_\_\_, Assistant City Attorney      DATE: \_\_\_\_\_, 2022