

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB21-

3 SERIES OF 2021

COMMITTEE OF REFERENCE:

4 SAFETY, HOUSING, EDUCATION & HOMELESSNESS

5 **A BILL**

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

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

11
12 **Section 1.** Article I of Chapter 34 shall be amended by adding the language underlined and
13 deleting the language stricken to read as follows:

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

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

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

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

22
23 **Section 2.** Article III of Chapter 34 shall be amended by adding the language underlined
24 and deleting the language stricken to read as follows:

25 **Sec. 34-49. – Reserved Sale of gas or mechanically operated guns to minors.**

26 (a) It shall be unlawful for any person to sell a gas or mechanically operated gun to any minor.

27 **Sec. 34-4950—34-60. – Reserved.**

28
29 **Section 3.** Article IV of Chapter 34 shall be amended by adding the language underlined and
30 deleting the language stricken to read as follows:

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

33 (a) It shall be unlawful for any minor to buy, carry on their person, or discharge any gas or

1 mechanically operated gun.

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

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

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

17 **Sec. 34-678—34-69. – Reserved.**

18

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

21 **DIVISION 2. – WEAPONS OFFENSES**

22 **Sec. 38-116. – Defined Terms.**

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

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

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

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

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

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

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

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

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

19 (4) *Firearm frame or receiver* means that part of a firearm which is at least partially exposed
20 to the exterior when the complete weapon is assembled and which provides housing or structure
21 designed to hold or integrate any component(s) that initiate, complete, or continue the firing
22 sequence of a weapon that expels a projectile by the action of an explosive. "Firearm frame or
23 receiver" includes any unfinished component of a firearm designed or intended to be used as a
24 frame or receiver and which may be made into a complete firearm frame or receiver through milling
25 or other means.

26 (5) *Firework* has the same meaning as C.R.S. § 24-33.5-2001(5), as amended.

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

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

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

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

4 (9) *Incendiary or explosive device* means a device that is not a firearm and is:

5 a. a firework, explosive bomb, grenade, missile, or similar device;

6 b. an incendiary bomb or grenade, fire bomb, or any similar device which consists of
7 or includes a breakable container including a flammable liquid or compound and a wick composed
8 of any material which, when ignited, is capable of igniting such flammable liquid or compound and
9 can be carried or thrown by one individual acting alone, except kerosene lamps;

10 c. dynamite and all other forms of high explosives, including but not limited to water
11 gel, slurry, military C-4 (plastic explosives), blasting agents to include nitro-carbon-nitrate, and
12 ammonium nitrate and fuel oil mixtures, cast primers and boosters, R.D.X., P.E.T.N., electric and
13 nonelectric blasting caps, exploding cords commonly called detonating cord or det-cord or
14 primacord, picric acid explosives, T.N.T. and T.N.T. mixtures, nitroglycerin and nitroglycerin
15 mixtures; or

16 d. any substances or materials or combinations thereof which have been prepared
17 or altered for use in the creation of an explosive or incendiary device identified in paragraphs a or
18 b above.

19 (10) *Large capacity ammunition feeding device*. A magazine, belt, drum, feed strip, or
20 similar device for a firearm manufactured after September 13, 1994, that has a capacity of, or that
21 can be readily restored or converted to accept, more than 15 rounds of ammunition. The term
22 does not include an attached tubular device designed to accept, and capable of operating only
23 with, .22 caliber rimfire ammunition, or a fixed device for a manually operated firearm, or a fixed
24 device for a firearm listed in 18 U.S.C. 922, appendix A.

25 (11) *Law enforcement officer* means police officers, sheriffs, deputy sheriffs, Colorado State
26 patrol officers, POST certified corrections officers, marshals, deputy marshals, district attorney
27 investigators, Colorado Bureau of Investigation agents, parole or probation officers, or federal law
28 enforcement officers, while engaged in the performance of their official duties or while engaged in
29 off-duty employment.

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

32 (13) *Locking device* means a device which temporarily prevents a firearm from functioning.

33 (14) *Magazine* means a box, drum, or other container that holds and feeds ammunition into

1 a firearm.

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

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

4 (17) *Non-serialized firearm* means a firearm that lacks either a unique serial number
5 engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer, maker, or
6 importer under federal law or markings in accordance with 27 C.F.R. § 479.102, as amended.

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

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

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

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

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

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

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

30 (a) An illegal knife;

31 (b) A non-serialized firearm;

32 (c) brass knuckles or artificial knuckles;

33 (d) An incendiary or explosive device, except a permissible firework as defined in C.R.S. §

1 24-33.5-2001(11) that was not used or intended to be used for the purpose of causing injury to any
2 person, or damage to property;

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

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

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

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

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

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

18 (1) A law enforcement officer;

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

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

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

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

31 (e) *Affirmative defenses.*

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

1 a. the person is carrying a household knife and there is reasonable grounds for
2 the person having and carrying the knife away from a household; or

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

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

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

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

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

17 d. The person is carrying the weapon for use in a legitimate sporting activity,
18 including but not limited to shooting matches, target shooting, or trap or skeet shooting. If the
19 weapon is a firearm other than a pistol or revolver, the firearm must be unloaded during such
20 transport; or

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

23 (f) *Penalties.*

24 (1) In addition to any other penalty imposed, a person convicted of violating this
25 section shall pay a fine of at least the following amounts if the weapon involved is firearm, gas or
26 mechanically operated gun, or incendiary or explosive device:

27 a. First offense: \$500.00.

28 b. Second offense within 5 years: \$750.00.

29 c. Third and subsequent offenses: \$999.00.

30 (2) Any sentence imposed for violation of this section shall run consecutively and not
31 concurrently with any sentence for any other offense, if the weapon involved is a firearm, gas or
32 mechanically operated gun, or incendiary or explosive device.

33 (g) *Presumptive evidence of possession of weapon found in a motor vehicle.*

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

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

6 (2) Upon the person of one (1) of the occupants of the vehicle.

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

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

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

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

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

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

21 (1) The person is a law enforcement officer; or

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

26 (c) *Affirmative defense.* It shall be an affirmative defense to charges brought under this
27 section if, at the time of the offense, the person discharges a gas or mechanically operated gun,
28 sling shot, or bow made for the purpose of throwing or projecting missiles and the person is on or
29 in any residence under circumstances when the weapon could be fired, discharged, or operated in
30 such a manner as not to endanger persons or property, and also in such a manner as to prevent
31 the projectile from traversing any grounds or space outside the limits of such residence.

32 **Sec. 38-121. – Assault Weapons.**

33 (a) *Legislative intent.* The city council hereby finds and declares that the use of assault

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

11 (b) *Supplemental provisions.* Except as specifically stated herein, the provisions of this
12 section are independent of and supplemental to any other provisions of law, and nothing shall
13 prevent a device defined as an assault weapon in section 34-1 from also being regulated under
14 other provisions of law.

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

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

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

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

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

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

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

32 b. To a bona fide hunting trip for wild game, or to a legitimate sporting use of
33 such weapon, including shooting matches or target, trap, or skeet shooting. All weapons carried for

1 such purposes shall be unloaded;

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

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

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

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

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

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

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

23 (4) The information required for the registration and permitting of assault weapons
24 shall be treated as confidential and shall not be made available to members of the general public.
25 The council finds that the release of such information would constitute an unwarranted invasion of
26 personal privacy and could endanger the life or safety of persons at the premises where an assault
27 weapon is located. The information on a permit application shall be used by the city only for law
28 enforcement purposes.

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

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

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

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

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

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

12 b. Is by a person carrying a permit issued under subsection (e) and the
13 transportation is for one (1) of the following purposes:

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

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

18 iii. While transporting such large capacity ammunition feeding device to
19 or from a place for sale outside the city;

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

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

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

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

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

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

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

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

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

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

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

- 10 (1) Any illegal knife;
11 (2) Any incendiary or explosive device; or
12 (3) Any non-serialized firearm.

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

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

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

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

- 24 (1) The name, age, address, and occupation of the person to whom such weapon is
25 sold, rented, or exchanged;
26 (2) The make, caliber if any, and finish of the weapon and, if applicable, the weapon's
27 serial number;
28 (3) The date of the sale, rental, or exchange;
29 (4) The name of the employee or other person making the sale, rental, or exchange;

30 and

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

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

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

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

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

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

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

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

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

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

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

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

24 **Sec. 38-128. – Weapon confiscation, forfeiture, and destruction.**

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

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

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

7 **Sec. 38-129. – Permit to carry a concealed handgun.**

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

10 **Sec. 38-130—38-145. – Reserved.**

11
12 **Section 5.** Division 1 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. 38-100. – ~~Reserved~~Panhandling.**

15 (a) Definitions. For the purpose of this section:

16 (1) Aggressive panhandling shall mean:

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

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

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

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

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

29 (2) Soliciting or Panhandling for purposes of this section are interchangeable terms
30 and mean any solicitation made in person requesting an immediate donation of money. Purchase
31 of an item for an amount far exceeding its value, under circumstances where a reasonable person
32 would understand that the purchase is in substance a donation, is a donation for the purpose of this
33 section. Panhandling does not include passively standing or sitting with a sign or other indication

1 that one is seeking donations, without addressing any solicitation to any specific person other than
2 in response to an inquiry by that person.

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

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

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

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

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

13
14 **Section 6.** Article IV of Chapter 38 shall be amended by adding the language underlined
15 and deleting the language stricken as follows:

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

17 (a) *Generally.* It shall be unlawful for any person to disturb or tend to disturb the peace of
18 another person or persons ~~others~~ by violent, tumultuous, offensive or obstreperous conduct or by
19 loud or unusual noises or by unseemly, profane, obscene or offensive language calculated to
20 provoke a breach of the peace or for any person to permit any such conduct in any house or upon
21 any premises owned or possessed by such person or under their management or control, when
22 within such person's power to prevent, so that another person or persons ~~others~~ in the vicinity are
23 or may be disturbed thereby.

24
25 **Section 7.** Article II of Chapter 38 shall be amended by adding the language underlined and
26 deleting the language stricken as follows:

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

28 (a) It shall be unlawful for any person to violate any provision of a court order ~~commit any of~~
29 ~~the following acts if the act is prohibited by valid written order issued by any court of record within~~
30 ~~the United States of America, including Indian tribal courts, which restrains and enjoins any~~
31 ~~person from contacting in any manner, threatening, beating, striking, or assaulting any other~~
32 ~~person or which requires a person to leave certain premises, or refrain from entering or remaining~~
33 ~~on such premises or any specified area or for such person to fail to perform any act unrelated to~~

1 child custody or parenting time mandated by such an order, after such person has been
2 personally served with any such order or otherwise acquired from the court actual knowledge of
3 the contents of any such order.

4
5 **Section 8.** Article IV of Chapter 14 shall be amended by adding the language underlined
6 and deleting the language stricken to read as follows:

7 **Sec. 14-92. - Reserved. ~~Presumptive evidence of possession of firearm found in a~~**
8 **~~motor vehicle.~~**

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

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

14 (2) ~~—If the firearm is found upon the person of one (1) of the occupants of the~~
15 ~~vehicle.~~

16 (b) ~~—For purposes of this section, "motor vehicle" means any self-propelled vehicle which~~
17 ~~is designed primarily for travel on the public highways and is generally and commonly used to~~
18 ~~transport persons and/or property over the public highways, but the term does not include vehicles~~
19 ~~moved solely by human power or used exclusively upon stationary rails or tracks.~~

20
21 **Section 9.** Article II of Chapter 37 shall be amended by adding the language underlined and
22 deleting the language stricken to read as follows:

23 **Sec. 37-50. - Definitions.**

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

29 8. Unlawful discharge, possession, carrying, flourishing, concealment, storage, use,
30 or sale of firearms, knives, ~~and/or~~ assault weapons, ~~dangerous~~ weapons, incendiary device, or
31 defaced firearms, Denver Revised Municipal Code sections 38-117, 38-118, 38-119, 38-120, 38-
32 121, 38-123, and 38-1242, ~~and 38-130~~, and C.R.S. Sections 18-12-102, 18-12-103, 18-12-105, 18-
33 12-105.5, 18-12-106, 18-12-108, 18-12-108.5, ~~or any offense relating to incendiary~~

1 ~~devices, section 38-126, Denver Revised Municipal Code and C.R.S. section 18-12-109;~~

2
3 **Section 10.** Article III of Chapter 42 shall be amended by adding the language underlined
4 and deleting the language stricken to read as follows:

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

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

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

8
9
10
11 COMMITTEE APPROVAL DATE:

12 MAYOR-COUNCIL DATE:

13 PASSED BY THE COUNCIL: _____, 2021

14 _____ - PRESIDENT

15 APPROVED: _____ - MAYOR _____, 2021

16 ATTEST: _____ - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER

19 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2021; _____, 2021

20 PREPARED BY: Erica N. Rogers, Assistant City Attorney

21 DATE: _____, 2021

22 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
23 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
24 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
25 3.2.6 of the Charter.

26 Kristin Bronson, Denver City Attorney

27 BY: _____, Assistant City Attorney DATE: _____, 2021