

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, while engaged in the performance of their duties.

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) Is a member of the United States Armed Forces and on-duty;

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

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

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

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

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

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

9 (c) Penalty. Any person convicted of violating this section shall be punishable by a fine not
10 to exceed fifty dollars (\$50.00) for the first offense. Thereafter, a violation of this section shall be
11 subject to the general penalty identified in D.R.M.C. § 1-13(b).

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

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

15 (2) A member of the United States Armed Forces and on-duty;

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

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

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

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

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

28 **Sec. 38-131~~2~~ – 38-145. – Reserved.**

29
30 **Section 2. Article I of Chapter 39 shall be amended by adding the language underlined**
31 **and deleting the language stricken to read as follows:**

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

33 (d) It shall not be an offense under subsection (a) of this section to possess a firearm within

1 any park, parkway, mountain park, or other recreational facility if, at the time of carrying, the person
2 is abiding by all other federal, state, and local laws and the person is:

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

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

8 (2) A member of the United States Armed Forces and on-duty;

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

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

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

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

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

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26
27 COMMITTEE APPROVAL DATE:
28 MAYOR-COUNCIL DATE:
29 PASSED BY THE COUNCIL: _____, 2022
30 _____ - PRESIDENT
31 APPROVED: _____ - MAYOR _____, 2022
32 ATTEST: _____ - CLERK AND RECORDER,
33 EX-OFFICIO CLERK OF THE
34 CITY AND COUNTY OF DENVER

1 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2022; _____, 2022

2 PREPARED BY: Reginald Nubine, Assistant City Attorney

3 DATE: _____, 2022

4 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
5 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
6 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
7 3.2.6 of the Charter.

8 Kristin Bronson, Denver City Attorney

9 BY: _____, Assistant City Attorney DATE: _____, 2022

DRAFT