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H.606

Introduced by Representatives Arsenault of Williston, LaLonde of South  
Burlington, Bishop of Colchester, Campbell of St. Johnsbury,  
Chapin of East Montpelier, Cole of Hartford, Dolan of Essex  
Junction, Garofano of Essex, Goldman of Rockingham,  
Graning of Jericho, Headrick of Burlington, Holcombe of  
Norwich, James of Manchester, Krasnow of South Burlington,  
McCann of Montpelier, Mrowicki of Putney, Olson of  
Starksboro, Pezzo of Colchester, Pouech of Hinesburg,  
Satcowitz of Randolph, Scheu of Middlebury, Sheldon of  
Middlebury, Squirrell of Underhill, Stone of Burlington, and  
Waters Evans of Charlotte

Referred to Committee on

Date:

Subject: Criminal and civil procedures; firearms

Statement of purpose of bill as introduced: This bill proposes to enact the  
following provisions related to firearms: (1) provide that stealing a firearm of  
any value constitutes grand larceny; (2) increase the penalties for second or  
subsequent offenses of firearms possession by prohibited persons; (3) prohibit  
the possession of firearms by persons who have been found by a court to pose  
a danger of harm to themselves or others as the result of a mental illness;

1 (4) prohibit the possession of machine guns and rapid fire devices that permit a  
2 weapon to function as or mimic a machine gun; and (5) permit firearms  
3 industry members to be held liable for damages in public nuisance lawsuits.

~~An act relating to firearms procedures~~

*An act relating to firearms relinquishment and storage procedures*

4 It is hereby enacted by the General Assembly of the State of Vermont:

5 ~~Sec. 1. 15 V.S.A. § 2501 is amended to read:~~

6 § 2501. GRAND LARCENY

7 (a) A person who steals from the actual or constructive possession of  
8 another, other than from his or her person, money, goods, chattels, bank notes,  
9 bonds, promissory notes, bills of exchange or other bills, orders, or certificates,  
10 or a book of accounts for or concerning money, or goods due or to become due  
11 or to be delivered, or a deed or writing containing a conveyance of land, or any  
12 other valuable contract in force, or a receipt, release or defeasance, writ,  
13 process, or public record, shall be imprisoned not more than 10 years or fined  
14 not more than \$5,000.00, or both, if:

15 (1) the money or other property stolen exceeds \$900.00 in value; or

16 (2) the property stolen is a firearm of any value.

17 (b) As used in this section, "firearm" has the same meaning as in section

18 4016 of this title.

1 ~~Sec. 2-13 V.S.A. § 4017 is amended to read:~~

2 § 4017. PERSONS PROHIBITED FROM POSSESSING FIREARMS;

3 CONVICTION OF VIOLENT CRIME

4 (a) A person shall not possess a firearm if the person has been convicted of  
5 a violent crime.

6 (b) A person who violates this section shall:

7 (1) for a first offense, be imprisoned not more than two years or fined  
8 not more than \$1,000.00, or both; or

9 (2) for a second or subsequent offense, be imprisoned not more than  
10 three years or fined not more than \$5,000.00, or both.

11 (c) This section shall not apply to a person who is exempt from federal  
12 firearms restrictions under 18 U.S.C. § 925(c).

13 (d) As used in this section:

14 (1)(A) "Firearm" means:

15 (i) any weapon (including a starter gun) that will or is designed to  
16 or may readily be converted to expel a projectile by the action of an explosive;

17 (ii) the frame or receiver of any such weapon; or

18 (iii) any firearm muffler or firearm silencer.

19 ~~(B) "Firearm" shall not include an antique firearm.~~

1           (2) “Antique firearm” means:

2           (A) Any firearm (including any firearm with a matchlock, flintlock,  
3           percussion cap, or similar type of ignition system) manufactured in or before  
4           1898.

5           (B) Any replica of any firearm described in subdivision (A) of this  
6           subdivision (2) if the replica:

7           (i) is not designed or redesigned for using rimfire or conventional  
8           centerfire fixed ammunition; or

9           (ii) uses rimfire or conventional centerfire fixed ammunition that  
10          is no longer manufactured in the United States and that is not readily available  
11          in the ordinary channels of commercial trade.

12          (C) Any muzzle loading rifle, muzzle loading shotgun, or muzzle  
13          loading pistol that is designed to use black powder or a black powder  
14          substitute and that cannot use fixed ammunition. As used in this subdivision  
15          (C), “antique firearm” shall not include a weapon that incorporates a firearm  
16          frame or receiver, a firearm that is converted into a muzzle loading weapon, or  
17          any muzzle loading weapon that can be readily converted to fire fixed  
18          ammunition by replacing the barrel, bolt, breechblock, or any combination  
19          thereof.

20           (3) “Violent crime” means.

1 ~~(A)(i) A listed crime as defined in subdivision 5201(7) of this title~~  
2 other than:  
3 (I) lewd or lascivious conduct as defined in section 2601 of this  
4 title;  
5 (II) recklessly endangering another person as defined in section  
6 1025 of this title;  
7 (III) operating a vehicle under the influence of alcohol or other  
8 substance with either death or serious bodily injury resulting as defined in 23  
9 V.S.A. § 1210(f) and (g);  
10 (IV) careless or negligent operation resulting in serious bodily  
11 injury or death as defined in 23 V.S.A. § 1091(b);  
12 (V) leaving the scene of an accident resulting in serious bodily  
13 injury or death as defined in 23 V.S.A. § 1128(b) or (c); or  
14 (VI) a misdemeanor violation of chapter 28 of this title,  
15 relating to abuse, neglect, and exploitation of vulnerable adults; or  
16 (ii) a comparable offense and sentence in another jurisdiction if  
17 the offense prohibits the person from possessing a firearm under 18 U.S.C.  
18 § 922(g)(1) or 18 U.S.C. § 921(a)(20).  
19 (B) An offense involving sexual exploitation of children in violation  
20 of chapter 64 of this title; or a comparable offense and sentence in another

1 ~~jurisdiction if the offense prohibits the person from possessing a firearm under~~

2 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

3 (C) A violation of 18 V.S.A. § 4231(b)(2), (b)(3), or (c) (selling,  
4 dispensing, or trafficking cocaine); 4232(b)(2) or (b)(3) (selling or dispensing  
5 LSD); 4233(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking heroin);  
6 4234(b)(2) or (b)(3) (selling or dispensing depressants, stimulants, and  
7 narcotics); 4234a(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking  
8 methamphetamine); 4235(c)(2) or (c)(3) (selling or dispensing hallucinogenic  
9 drugs); 4235a(b)(2) or (b)(3) (selling or dispensing Ecstasy), or a comparable  
10 offense and sentence in another jurisdiction if the offense prohibits the person  
11 from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C.  
12 § 921(a)(20).

13 (D) A conviction of possession with intent to distribute a controlled  
14 substance other than cannabis in another jurisdiction if the offense prohibits  
15 the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C.  
16 § 921(a)(20).

17 Sec. 3. 13 V.S.A. § 4017a is amended to read:

18 § 4017a. FUGITIVES FROM JUSTICE; PERSONS SUBJECT TO FINAL  
19 RELIEF FROM ABUSE OR STALKING ORDER; PERSONS  
20 CHARGED WITH CERTAIN OFFENSES; PROHIBITION ON  
21 ~~POSSESSION OF FIREARMS~~

1 ~~(a) A person shall not possess a firearm if the person:~~  
2 (1) is a fugitive from justice;  
3 (2) is the subject of a final relief from abuse order issued pursuant to  
4 15 V.S.A. § 1103;  
5 (3) is the subject of a final order against stalking issued pursuant to  
6 12 V.S.A. § 5133 if the order prohibits the person from possessing a firearm;  
7 ~~or~~  
8 (4) is a person against whom charges are pending for:  
9 (A) carrying a dangerous weapon while committing a felony in  
10 violation of section 4005 of this title;  
11 (B) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,  
12 subchapter 1; or  
13 (C) human trafficking or aggravated human trafficking in violation  
14 of section 2652 or 2653 of this title; or  
15 (5)(A)(i) has been found by the court to be a person in need of treatment  
16 pursuant to section 4822 of this title; or  
17 (ii) has been the subject of a hospitalization order issued by the  
18 court pursuant to 18 V.S.A. § 7617(b)(1) or (2) or a nonhospitalization order  
19 issued by the court pursuant to 18 V.S.A. § 7617(b)(3).

1 ~~(B) This subdivision (5) shall not apply to a person if the Family~~

2 Division grants a petition for relief from firearms disability for the person  
3 pursuant to section 4825 of this title.

4 (b) A person who violates this section shall:

5 (1) for a first offense, be imprisoned not more than two years or fined  
6 not more than \$1,000.00, or both; or

7 (2) for a second or subsequent offense, be imprisoned not more than  
8 three years or fined not more than \$5,000.00, or both.

9 (c) As used in this section:

10 (1) "Firearm" has the same meaning as in section 4017 of this title.

11 (2) "Fugitive from justice" means a person who has fled to avoid  
12 prosecution for a crime or to avoid giving testimony in a criminal proceeding.

13 Sec. 4. 13 V.S.A. § 4022 is amended to read:

14 § 4022. BUMP-FIRE STOCKS; MACHINE GUNS; RAPID-FIRE

15 DEVICES; POSSESSION PROHIBITED

16 (a) As used in this section:

17 (1) ~~"bump fire stock"~~ "Bump-fire stock" means a butt stock designed to  
18 be attached to a semiautomatic firearm and intended to increase the rate of fire  
19 achievable with the firearm to that of a fully automatic firearm by using the  
20 energy from the recoil of the firearm to generate a reciprocating action that  
21 ~~facilitates the repeated activation of the trigger.~~

1 ~~(2) “Auto sear” means a device, other than a bump stock, designed to~~  
2 convert a semi-automatic firearm to shoot more than one shot with a single  
3 pull of the trigger without manual reloading.

4 (3) “Machine gun” means any weapon that shoots, is designed to shoot,  
5 or can be readily restored to shoot automatically more than one shot without  
6 manual reloading, by a single function of the trigger. “Machine gun” also  
7 includes the frame or receiver of any such weapon; any part designed and  
8 intended solely and exclusively, or combination of parts designed and  
9 intended, for use in converting a weapon into a machine gun; and any  
10 combination of parts from which a machine gun can be assembled if the parts  
11 are in the possession or under the control of a person.

12 (4) “Rapid-fire device” means any device, including an auto sear, that  
13 when installed in or attached to a firearm increases the weapon’s rate of fire or  
14 the rate at which the trigger is activated.

15 (b) A person shall not possess a bump-fire stock, machine gun, or rapid-  
16 fire device. A person who violates this subsection shall be imprisoned not  
17 more than one year or fined not more than \$1,000.00, or both.

18 (c) The Department of Public Safety shall develop, promote, and execute a  
19 collection process that permits persons to voluntarily and anonymously  
20 relinquish bump-fire stocks prior to the effective date of this section October 1,  
21 2018.

1 ~~Sec. 5, 13 V.S.A., chapter 85, subchapter 5 is added to read:~~

2 Subchapter 5. Manufacturing, Importing, and Marketing of Firearms; Liability

3 for Public Nuisance

4 § 4091. DEFINITIONS

5 As used in this subchapter:

6 (1) “Deceptive acts or practices” has the same meaning as in 8 V.S.A.

7 § 4724.

8 (2) “False advertising” has the same meaning as in 8 V.S.A. § 4724.

9 (3) “Firearm” has the same meaning as in subsection 4017(d) of this  
10 title.

11 (4) “Firearm accessory” means an accessory or device that is:

12 (A) designed or adapted to be inserted into, affixed onto, or used in  
13 conjunction with a firearm, if the device is marketed or sold to the public; and

14 (B) designed, intended, or able to be used to:

15 (i) increase a firearm’s rate of fire, concealability, magazine  
16 capacity, or destructive capacity; or

17 (ii) to increase a firearm’s stability and handling when the firearm  
18 is repeatedly fired.

19 (5) “Firearm industry member” means a person, company, corporation,  
20 or any other entity or association engaged in the sale, manufacture,

21 distribution, importation, or marketing of firearm-related products in Vermont.

1 ~~(6) “Firearm-related product” means a firearm, ammunition, firearm or~~  
2 ~~ammunition component, or firearm accessory, including an unfinished frame~~  
3 ~~or receiver.~~

4 (7) “Public nuisance” means a condition that injures, endangers, or  
5 threatens to injure or endanger or contributes to the injury or endangerment of  
6 the health, safety, peace, comfort, or convenience of others or otherwise  
7 constitutes a public nuisance under common law.

8 (8) “Reasonable controls” means reasonable procedures, safeguards, and  
9 business practices that are designed to:

10 (A) prevent the sale or distribution of a firearm-related product to a  
11 straw purchaser, firearm trafficker, a person prohibited from possessing a  
12 firearm under state or federal law, or a person who the firearm industry  
13 member has reasonable cause to believe is at substantial risk of using a  
14 firearm-related product to harm themselves or another person;

15 (B) prevent the loss of a firearm-related product or theft of a firearm-  
16 related product from a firearm industry member; and

17 (C) ensure that the firearm industry member:

18 (i) complies with all provisions of state and federal law, and

19 (ii) does not engage in false advertising or engage in deceptive  
20 acts or practices with respect to or otherwise promote the unlawful  
21 manufacture, sale, possession, marketing, or use of a firearm-related product.

1 (9) “Straw purchaser” means a person who conceals or intends to  
2 conceal from another person that the purchase of a firearm-related product is  
3 being made on behalf of a third party. “Straw purchaser” does not include a  
4 bona fide gift to a person who is not prohibited by state or federal law from  
5 possessing a firearm.

6 (10) “Unfinished frame or receiver” has the same meaning as in section  
7 4082 of this title.

8 § 4092. PROHIBITED ACTS

9 (a) A firearm industry member shall not, by conduct unlawful in itself or  
10 unreasonable under all the circumstances, knowingly create, maintain, or  
11 contribute to a public nuisance in Vermont through the sale, manufacture,  
12 importation, or marketing of a firearm-related product.

13 (b) A firearm industry member shall establish and implement reasonable  
14 controls regarding the manufacture, sale, distribution, use, and marketing of  
15 the firearm industry member’s firearm-related products.

16 (c) The Attorney General has the same authority to make rules, conduct  
17 civil investigations, enter into assurances of discontinuance, and bring civil  
18 actions with respect to any alleged violations of this subchapter, and private  
19 parties have the same rights and remedies, as provided under 9 V.S.A. chapter  
20 65, subchapter 1.

1 ~~§ 4092. PUBLIC NUISANCE~~

2 ~~(a) A violation of section 4092 of this title that results in harm to the public~~  
3 ~~is deemed to be a public nuisance.~~

4 ~~(b) The existence of a public nuisance shall not depend on whether the~~  
5 ~~firearms industry member acted with the intent to cause harm to the public.~~

6 Sec. 6. EFFECTIVE DATE

7 ~~This act shall take effect on passage.~~

*Sec. 1. 13 V.S.A. § 2501 is amended to read:*

*§ 2501. GRAND LARCENY*

*(a) A person who steals from the actual or constructive possession of another, other than from his or her person, money, goods, chattels, bank notes, bonds, promissory notes, bills of exchange or other bills, orders, or certificates, or a book of accounts for or concerning money, or goods due or to become due or to be delivered, or a deed or writing containing a conveyance of land, or any other valuable contract in force, or a receipt, release or defeasance, writ, process, or public record, shall be imprisoned not more than 10 years or fined not more than \$5,000.00, or both, if:*

*(1) the money or other property stolen exceeds \$900.00 in value; or*

*(2) the property stolen is a firearm of any value.*

*(b) As used in this section, "firearm" has the same meaning as in section*  
~~*4017 of this title.*~~

~~Sec. 2. 13 V.S.A. § 4017 is amended to read:~~

~~§ 4017. PERSONS PROHIBITED FROM POSSESSING FIREARMS;~~

~~CONVICTION OF VIOLENT CRIME~~

~~(a) A person shall not possess a firearm if the person has been convicted of a violent crime.~~

~~(b) A person who violates this section shall:~~

~~(1) for a first offense, be imprisoned not more than two years or fined not more than \$1,000.00, or both; or~~

~~(2) for a second or subsequent offense, be imprisoned not more than three years or fined not more than \$5,000.00, or both.~~

~~(c) This section shall not apply to a person who is exempt from federal firearms restrictions under 18 U.S.C. § 925(c).~~

~~(d) As used in this section:~~

~~(1)(A) "Firearm" means:~~

~~(i) any weapon (including a starter gun) that will or is designed to or may readily be converted to expel a projectile by the action of an explosive;~~

~~(ii) the frame or receiver of any such weapon; or~~

~~(iii) any firearm muffler or firearm silencer.~~

~~(B) "Firearm" shall does not include an antique firearm.~~

*(2) "Antique firearm" means:*

*(A) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898.*

*(B) Any replica of any firearm described in subdivision (A) of this subdivision (2) if the replica:*

*(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or*

*(ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade.*

*(C) Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol that is designed to use black powder or a black powder substitute and that cannot use fixed ammunition. As used in this subdivision (C), "antique firearm" shall does not include a weapon that incorporates a firearm frame or receiver; a firearm that is converted into a muzzle loading weapon, or any muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.*

~~(3) "Violent crime" means:~~

~~(A)(i) A listed crime as defined in subdivision 5301(7) of this title other than:~~

~~(I) lewd or lascivious conduct as defined in section 2601 of this title;~~

~~(II) recklessly endangering another person as defined in section 1025 of this title;~~

~~(III) operating a vehicle under the influence of alcohol or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(f) and (g);~~

~~(IV) careless or negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1021(b);~~

~~(V) leaving the scene of an accident resulting in serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c); or~~

~~(VI) a misdemeanor violation of chapter 28 of this title, relating to abuse, neglect, and exploitation of vulnerable adults; or~~

~~(ii) a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).~~

~~(B) An offense involving sexual exploitation of children in violation of chapter 64 of this title, or a comparable offense and sentence in another~~

~~jurisdiction if the offense prohibits the person from possessing a firearm under  
18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).~~

~~(C) A violation of 18 V.S.A. § 4231(b)(2), (b)(3), or (c) (selling,  
dispensing, or trafficking cocaine); 4232(b)(2) or (b)(3) (selling or dispensing  
LSD); 4233(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking heroin);  
4234(b)(2) or (b)(3) (selling or dispensing depressants, stimulants, and  
narcotics); 4234a(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking  
methamphetamine); 4235(c)(2) or (c)(3) (selling or dispensing hallucinogenic  
drugs); 4235a(b)(2) or (b)(3) (selling or dispensing Ecstasy), or a comparable  
offense and sentence in another jurisdiction if the offense prohibits the person  
from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C.  
§ 921(a)(20).~~

~~(D) A conviction of possession with intent to distribute a controlled  
substance other than cannabis in another jurisdiction if the offense prohibits  
the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C.  
§ 921(a)(20).~~

~~Sec. 3. 13 V.S.A. § 4017a is amended to read:~~

~~§ 4017a. FUGITIVES FROM JUSTICE; PERSONS SUBJECT TO FINAL  
RELIEF FROM ABUSE OR STALKING ORDER; PERSONS  
CHARGED WITH CERTAIN OFFENSES; PROHIBITION ON  
POSSESSION OF FIREARMS~~

~~(a) A person shall not possess a firearm if the person:~~

- ~~(1) is a fugitive from justice;~~
- ~~(2) is the subject of a final relief from abuse order issued pursuant to 15 V.S.A. § 1103;~~
- ~~(3) is the subject of a final order against stalking issued pursuant to 12 V.S.A. § 5133 if the order prohibits the person from possessing a firearm; or~~
- ~~(4) is a person against whom charges are pending for:~~
  - ~~(A) carrying a dangerous weapon while committing a felony in violation of section 4005 of this title;~~
  - ~~(B) trafficking a regulated drug in violation of 18 V.S.A. chapter 84, subchapter 1; or~~
  - ~~(C) human trafficking or aggravated human trafficking in violation of section 2652 or 2653 of this title; or~~
- ~~(5)(A)(i) has been found by the court to be a person in need of treatment pursuant to section 4822 of this title and:~~
  - ~~(I) not guilty by reason of insanity of a violent crime as defined in section 4017 of this title; or~~
  - ~~(II) incompetent to stand trial for an offense listed in subdivision (7) of this subsection (a).~~

~~(ii) is the subject of a commitment order issued by the court pursuant to section 4822 of this title and the offense charged was not a violent crime; or~~

~~(iii) is the subject of a hospitalization order issued by the court pursuant to 18 V.S.A. § 7617(b)(1) or (2) or a nonhospitalization order issued by the court pursuant to 18 V.S.A. § 7617(b)(3).~~

~~(B) Subdivision (A) of this subdivision (5) shall not apply to a person if the Family Division grants a petition for relief from firearms disability for the person pursuant to section 4825 of this title.~~

~~(b) A person who violates this section shall:~~

~~(1) for a first offense, be imprisoned not more than two years or fined not more than \$1,000.00, or both; or~~

~~(2) for a second or subsequent offense, be imprisoned not more than three years or fined not more than \$5,000.00, or both.~~

~~(c) As used in this section:~~

~~(1) "Firearm" has the same meaning as in section 4017 of this title.~~

~~(2) "Fugitive from justice" means a person who has fled:~~

~~(A) to avoid prosecution for a crime Vermont criminal offense or for an offense that would be a crime if committed in Vermont; or~~

~~(B) to avoid giving testimony in a criminal proceeding.~~

~~Sec. 4-13 K.S. 4-§ 4022 is amended to read:~~

~~§ 4022. BUMP-FIRE STOCKS; MACHINE GUNS; POSSESSION~~

~~PROHIBITED~~

~~(a) As used in this section,:~~

~~(1) “bump-fire stock” “Bump-fire stock” means a butt stock designed to be attached to a semi-automatic firearm and intended to increase the rate of fire achievable with the firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate a reciprocating action that facilitates the repeated activation of the trigger.~~

~~(2) “Machine gun” means any weapon that shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot without manual reloading, by a single function of the trigger. The term also includes the frame or receiver of any such weapon; any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun; and any combination of parts from which a machine gun can be assembled if the parts are in the possession or under the control of a person. The term does not include any weapon or other item that is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or that is otherwise not subject to that registration requirement.~~

~~(b) A person shall not possess a bump fire stock or a machine gun. A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.~~

~~(c) The Department of Public Safety shall develop, promote, and execute a collection process that permits persons to voluntarily and anonymously relinquish bump-fire stocks prior to the effective date of this section October 1, 2018.~~

*Sec. 5. EFFECTIVE DATE*

~~This act shall take effect on passage.~~

*Sec. 1. 20 V.S.A. § 2307 is amended to read:*

*§ 2307. FIREARMS RELINQUISHED PURSUANT TO RELIEF FROM  
ABUSE ORDER OR EXTREME RISK PROTECTION ORDER;  
STORAGE; FEES; RETURN*

*(a) Definitions. As used in this section:*

*(1) “Federally licensed firearms dealer” means a licensed importer, licensed manufacturer, or licensed dealer required to conduct national instant criminal background checks under 18 U.S.C. § 922(t).*

*(2) “Firearm” shall ~~have~~ has the same meaning as in 18 U.S.C. § 921(a)(3).*

*(3) “Law enforcement agency” means the Vermont State Police, a municipal police department, or a sheriff’s department.*

(4) “Third party” means a person other than a cooperating law enforcement agency or an approved federally licensed firearms dealer.

(b) Relinquishment.

(1) A person who is required to relinquish firearms, ~~ammunition,~~ or other weapons in the person’s possession by a court order issued under 15 V.S.A. chapter 21 (abuse prevention); 13 V.S.A. chapter 85, subchapter 2 (extreme risk protection orders); or any other provision of law consistent with 18 U.S.C. § 922(g)(8) shall, ~~unless the court orders an alternative relinquishment pursuant to subdivision (2) of this subsection,~~ upon service of the order immediately relinquish the firearms, ~~ammunition,~~ or weapons to a cooperating law enforcement agency or an approved federally licensed firearms dealer. As used in this subdivision, “person” means anyone who meets the definition of “intimate partner” under 18 U.S.C. § 921(a)(32) or who qualifies as a family or household member under 15 V.S.A. § 1101, or any person who is subject to an extreme risk protection order. The court may order an alternative relinquishment to a third party if after a hearing the court finds that the alternative relinquishment adequately protects the safety of the protected parties.

(2)(A) ~~The court may order that the person relinquish the firearms, ammunition, or other weapons to a person other than a cooperating law enforcement agency or an approved federally licensed firearms dealer unless~~

~~the court finds that relinquishment to the other person will not adequately protect the safety of the victim.~~

(i) Firearms shall not be held by a third party unless approved by the court using the process set forth in this subdivision (2).

(ii) A final relief from abuse hearing under 15 V.S.A. § 1103 or an extreme risk protection order hearing under 13 V.S.A. § 4053 shall not be continued solely for the purpose of approval of a third party. If the court is unable to accommodate hearing from the proposed third party at the hearing or if the defendant is not prepared to present the third party, the defendant may file a motion using a form approved by the court administrator to request a hearing at a later date on whether the proposed third party should be permitted to hold surrendered firearms.

(iii) To be considered as a third party eligible to hold surrendered firearms, the third party shall agree to undergo a background check through the National Instant Criminal Background Check System (NICS) to verify that the person is legally permitted to have a firearm. The background check required by this subdivision (iii) shall be provided to the court.

~~(B) A person to whom firearms, ammunition, or other weapons are relinquished pursuant to subdivision (2)(A) of this subsection (b)~~ The proposed third party shall execute an affidavit on a form approved by the Court Administrator stating that the person:

(i) *acknowledges receipt of the firearms,~~ammunition,~~ or other weapons;*

(ii) *assumes responsibility for storage of the firearms,~~ammunition,~~ or other weapons until further order of the court, and specifies the manner in which ~~he or she~~ the person will provide secure storage of such items;*

(iii) *is not prohibited from owning or possessing firearms under State or federal law; and*

(iv) *understands the obligations and requirements of the court order, including the potential for the person to be subject to civil contempt proceedings pursuant to subdivision ~~(2)(C)~~ of this subsection subdivision (b)(2) if the person permits the firearms,~~ammunition,~~ or other weapons to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so.*

(C) *A person to whom firearms,~~ammunition,~~ or other weapons are relinquished pursuant to subdivision ~~(2)(A)~~ of this subsection ~~(b)~~ third party shall be subject to civil contempt proceedings under 12 V.S.A. chapter 5 if the person permits the firearms,~~ammunition,~~ or other weapons to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so. In the event that the person required to relinquish the firearms,~~ammunition,~~ or other weapons or any other person not*

*authorized by law to possess the relinquished items obtains access to, possession of, or use of a relinquished item, all relinquished items shall be immediately transferred to the possession of a law enforcement agency or approved federally licensed firearms dealer pursuant to subdivision (1) of this subsection (b).*

*(c) Obligation to catalogue; evidentiary firearms excluded. A law enforcement agency or an approved federally licensed firearms dealer that takes possession of a firearm,~~ammunition,~~ or other weapon pursuant to subdivision (b)(1) of this section shall photograph, catalogue, and store the item in accordance with standards and guidelines established by the Department of Public Safety pursuant to ~~subdivision (i)(3)~~ subsection (k) of this section. A firearm,~~ammunition,~~ or other weapon shall not be taken into possession pursuant to this section if it is being or may be used as evidence in a pending criminal matter.*

*(d) Acknowledgement form. A defendant who is required to relinquish firearms pursuant to a court order issued under 15 V.S.A. chapter 21 (abuse prevention); 13 V.S.A. chapter 85, subchapter 2 (extreme risk protection orders), or any other provision of law consistent with 18 U.S.C. § 922(g)(8) shall complete a form approved by the court administrator acknowledging that surrender has occurred and documenting the holder of the firearms. The form*

shall be filed with the court or law enforcement, or both, as directed by the court order.

(e) Fees.

(1) A law enforcement agency that stores firearms,~~ammunition,~~ or weapons pursuant to subdivision (b)(1) of this section may charge the owner a reasonable storage fee, not to exceed:

(A) \$200.00 for the first firearm or weapon, and \$50.00 for each additional firearm or weapon for up to 15 months, prorated on the number of months the items are stored; and

(B) \$50.00 per firearm or weapon per year for each year or part thereof thereafter.

(2) A federally licensed firearms dealer that stores firearms,~~ammunition,~~ or weapons pursuant to subdivision (b)(1) of this section may charge the owner a storage fee that is reasonably related to the expenses it incurs in the administration of this section. Any federally licensed firearm dealer that certifies compliance under this section shall provide a copy of its fee schedule to the ~~court~~ Department of Public Safety upon request.

(3) Fees permitted by this subsection shall not begin to accrue until after the court issues a final relief from abuse order pursuant to 15 V.S.A. § 1103 or a final extreme risk protection order pursuant to 13 V.S.A. § 4053.

~~(e)(f) Sale. Nothing in this section shall be construed to prohibit the lawful sale of firearms or other items.~~

~~(f) A final relief from abuse order issued pursuant to 15 V.S.A. § 1103 requiring a person to relinquish firearms, ammunition, or other weapons shall direct the law enforcement agency, approved federally licensed firearms dealer, or other person in possession of the items under subsection (b) of this section to release them to the owner upon expiration of the order if all applicable fees have been paid.~~

~~(g) Law enforcement storage of firearms with a federally licensed firearms dealer.~~

~~(1) Law enforcement agencies that do not have the capacity to store firearms or do not elect to store nonevidentiary firearms may store nonevidentiary firearms relinquished to them pursuant to a relief from abuse order, an extreme risk protection order, or any other provision of law consistent with 18 U.S.C. § 922(g)(8) with a federally licensed firearms dealer, provided that the agency provides timely notice to the person surrendering the firearm of the transfer. The notice shall include the following information:~~

~~(A) The contact information for the federally licensed firearms dealer, including the dealer's name, phone number, and current address.~~

~~(B) It is the defendant's responsibility to keep the federally licensed firearms dealer informed of any address changes.~~

(C) The costs of the storage fees that the defendant will be responsible for paying.

(D) If the defendant fails to retrieve the firearms within 90 days after being eligible for release, the defendant forfeits ownership of the firearms and the firearms may be sold and all proceeds retained by the federally licensed firearms dealer or law enforcement agency that provided storage.

(E) Information about how to file a request with the court to have a third party provide storage.

(F) The eligibility requirements that a proposed third party is required to meet to hold firearms.

(2) The notice required by subdivision (1) of this subsection may be provided by the federally licensed firearms dealer to the defendant directly, provided that the dealer or law enforcement agency, or both, keeps a record to document that notice was provided.

(3) Law enforcement agencies that store nonevidentiary firearms with a federally licensed firearms dealer shall provide the dealer with:

(A) the name of the owner of the firearms;

(B) contact information for the owner to include name, date of birth, phone number, and current address;

(C) docket information about the court order requiring firearms surrender; and

(D) if requested by the dealer, information about any changes to the court order.

(4) Federally licensed firearms dealers shall not be used to store firearms relinquished pursuant to a temporary relief from abuse order issued pursuant to 15 V.S.A. § 1104 or a temporary extreme risk protection order issued pursuant to 13 V.S.A. § 4054 unless the defendant consents to have the dealer hold the firearms and agrees to pay storage fees that accrue while the temporary order is in effect.

(h) Victim notification of release of firearms. Prior to releasing firearms under this section, law enforcement agencies shall make reasonable efforts to provide notice to the plaintiff at least 24 hours in advance before the firearms are released unless the plaintiff is present in court when the court order requiring relinquishment is dismissed and is orally informed on the record that firearms will be released.

(i) Release of firearms.

(1) A law enforcement agency, an approved federally licensed firearms dealer, or any other person that takes possession of firearms, ~~ammunition,~~ or weapons for storage purposes pursuant to this section shall not release the items to the owner without a court order unless the items are to be sold pursuant to subdivision (2)(A) of this subsection. If a court orders the release of firearms, ~~ammunition,~~ or weapons stored under this section, the law

*enforcement agency or firearms dealer in possession of the items shall make them available to the owner within ~~three business days of receipt of the order and in a manner consistent with federal law~~ 72 hours after completion of a background check through the National Instant Criminal Background Check System (NICS). The Supreme Court may promulgate rules under 12 V.S.A. § 1 for judicial proceedings under this subsection.*

*(2)(A)(i) If the owner fails to retrieve the firearm,~~ammunition,~~ or weapon and pay the applicable storage fee within 90 days ~~of following~~ the court order releasing the items, the firearm,~~ammunition,~~ or weapon may be sold for fair market value. Title to the items shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership, except that the Vermont State Police shall follow the procedure described in section 2305 of this title.*

*(ii) The law enforcement agency or approved firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. In no event shall the sale occur until after the court issues a final relief from abuse order pursuant to 15 V.S.A. § 1103 or a final extreme risk protection order pursuant to 13 V.S.A. § 4053.*

*(iii) As used in this subdivision (2)(A), “reasonable effort” ~~shall mean~~ means notice shall be served as provided for by Rule 4 of the Vermont Rules of Civil Procedure.*

~~(B) Proceeds from the sale of a firearm, ammunition, or weapon pursuant to subdivision (A) of this subdivision (2) shall be apportioned as follows:~~

~~(i) unpaid storage fees and associated costs, including the costs of sale and of locating and serving the owner, shall be paid to the law enforcement agency or firearms dealer that incurred the cost; and~~

~~(ii) any proceeds remaining after payment is made to the law enforcement agency or firearms dealer pursuant to subdivision (i) of this subdivision (2)(B) shall be paid to the original owner. If firearms eligible for release are not claimed by the owner, the federally licensed firearms dealer or law enforcement agency storing the firearms shall provide a certified letter to the owner's last known address. If the firearms are not claimed within 90 days after notice by certified letter, the firearms may be sold by the dealer or law enforcement agency and the dealer or law enforcement agency may retain all proceeds from the sale.~~

~~(h)(j) Immunity.~~

~~(1) A federally licensed firearms dealer or law enforcement agency that stores firearms in accordance with this section shall be immune from:~~

~~(A) civil or criminal liability for the sale of firearms, provided that notice is provided as required by subsection (g) of this section; and~~

*(B) civil or criminal liability for any damage or deterioration of firearms,~~ammunition~~, or weapons stored or transported pursuant to subsection (c) of this section.*

*(2) This subsection shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency or federally licensed firearms dealer.*

*(i)(k) Department of Public Safety. The Department of Public Safety shall be responsible for the implementation and establishment of standards and guidelines to carry out this section. To carry out this responsibility, the Department shall:*

*(1) Establish minimum standards to be a qualified storage location and maintain a list of qualified storage locations, including:*

*(A) federally licensed firearms dealers that annually certify compliance with the Department's standards to receive firearms,~~ammunition~~, or other weapons pursuant to subdivision (b)(2) of this section; and*

*(B) cooperating law enforcement agencies.*

*(2) Adopt a policy that encourages and supports federally licensed firearms dealers to provide storage for prohibited persons.*

*(3) Establish a fee schedule consistent with the fees established in this section for the storage of firearms and other weapons by law enforcement agencies pursuant to this section.*

*(3)(4) Establish standards and guidelines to provide for the storage of firearms, ~~ammunition~~, and other weapons pursuant to this section by law enforcement agencies. Such guidelines shall provide that:*

*(A) with the consent of the law enforcement agency taking possession of a firearm, ~~ammunition~~, or weapon under this section, an owner may provide a storage container for the storage of such relinquished items;*

*(B) the law enforcement agency that takes possession of the firearm, ~~ammunition~~, or weapon may provide a storage container for the relinquished item or items at an additional fee; and*

*(C) the law enforcement agency that takes possession of the firearm, ~~ammunition~~, or weapon shall present the owner with a receipt at the time of relinquishment that includes the serial number and identifying characteristics of the firearm, ~~ammunition~~, or weapon and record the receipt of the item or items in a log to be established by the Department.*

*(4)(5) Report on January 15, 2015, and annually thereafter to the House and Senate Committees on Judiciary on the status of the program. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.*

*Sec. 2. 20 V.S.A. § 2308 is added to read:*

§ 2308. STATEWIDE MODEL POLICY PROHIBITING FIREARMS

ACCESS BY PROHIBITED PERSONS

(a) On or before December 30, 2026, the Department of Public Safety shall direct the Law Enforcement Advisory Board (LEAB) to adopt a statewide model law enforcement policy addressing firearms access by persons who are prohibited from possessing firearms pursuant to relief from abuse orders, extreme risk protection orders, or other legal prohibitions. The policy shall create a legal, safe, and fair process, including necessary forms and delineated roles and responsibilities, for law enforcement agencies interacting with federally licensed firearms dealers that are storing firearms for prohibited persons. The policy shall address the following:

(1) legal removal of firearms from the scene of a domestic violence incident;

(2) steps for inquiry and lawful removal of firearms by law enforcement when serving protective orders;

(3) a process for notifying the plaintiff about service and relinquishment, appropriate handling, and storage of firearms;

(4) procedures for storage of firearms with federally licensed firearms dealers and third parties, including informing the defendant about the option of third-party storage; and

(5) methods of data collection about the number and type of firearms surrendered, including descriptions of the firearms.

(b) On or before June 30, 2027, every state, county, and municipal law enforcement agency shall adopt a model firearms surrender policy that includes each component of the LEAB model. If an agency has not adopted a policy on or before June 30, 2027, the agency shall be deemed to have adopted, and shall follow and enforce, the LEAB model.

Sec. 3. 13 V.S.A. § 4059 is amended to read:

§ 4059. RELINQUISHMENT, STORAGE, AND RETURN OF  
DANGEROUS WEAPONS

(a) A person who is required to relinquish a dangerous weapon other than a firearm in the person's possession, custody, or control by an extreme risk protection order issued under section 4053, 4054, or 4055 of this title shall upon service of the order immediately relinquish the dangerous weapon to a cooperating law enforcement agency. The law enforcement agency shall transfer the weapon to the Bureau of Alcohol, Tobacco, Firearms and Explosives for proper disposition.

~~(b)(1) A person who is required to relinquish a firearm in the person's possession, custody, or control by an extreme risk protection order issued under section 4053, 4054, or 4055 of this title shall, unless the court orders an alternative relinquishment pursuant to subdivision (2) of this subsection, upon~~

~~service of the order immediately relinquish the firearm to a cooperating law enforcement agency or an approved federally licensed firearms dealer relinquish the firearm pursuant to the procedures required by 20 V.S.A. § 2307.~~

~~(2)(A) The court may order that the person relinquish a firearm to a person other than a cooperating law enforcement agency or an approved federally licensed firearms dealer unless the court finds that relinquishment to the other person will not adequately protect the safety of any person.~~

~~(B) A person to whom a firearm is relinquished pursuant to subdivision (A) of this subdivision (2) shall execute an affidavit on a form approved by the Court Administrator stating that the person:~~

~~(i) acknowledges receipt of the firearm;~~

~~(ii) assumes responsibility for storage of the firearm until further order of the court and specifies the manner in which he or she will provide secure storage;~~

~~(iii) is not prohibited from owning or possessing firearms under State or federal law; and~~

~~(iv) understands the obligations and requirements of the court order, including the potential for the person to be subject to civil contempt proceedings pursuant to subdivision (C) of this subdivision (2) if the person permits the firearm to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so.~~

~~(C) A person to whom a firearm is relinquished pursuant to subdivision (A) of this subdivision (2) shall be subject to civil contempt proceedings under 12 V.S.A. chapter 5 if the person permits the firearm to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so. In the event that the person required to relinquish the firearm or any other person not authorized by law to possess the relinquished item obtains access to, possession of, or use of a relinquished item, all relinquished items shall be immediately transferred to the possession of a law enforcement agency or approved federally licensed firearms dealer pursuant to subdivision (b)(1) of this section.~~

~~(c) A law enforcement agency or an approved federally licensed firearms dealer that takes possession of a firearm pursuant to subdivision (b)(1) of this section shall photograph, catalogue, and store the item in accordance with standards and guidelines established by the Department of Public Safety pursuant to 20 V.S.A. § 2307(i)(3). [Repealed.]~~

~~(d) Nothing in this section shall be construed to prohibit the lawful sale of firearms or other items. [Repealed.]~~

~~(e) An extreme risk protection order issued pursuant to section 4053 of this title or renewed pursuant to section 4055 of this title shall direct the law enforcement agency, approved federally licensed firearms dealer, or other~~

~~person in possession of a firearm under subsection (b) of this section to release it to the owner upon expiration of the order. [Repealed.]~~

~~(f)(1) A law enforcement agency, an approved federally licensed firearms dealer, or any other person who takes possession of a firearm for storage purposes pursuant to this section shall not release it to the owner without a court order unless the firearm is to be sold pursuant to subdivision (2)(A) of this subsection. If a court orders the release of a firearm stored under this section, the law enforcement agency or firearms dealer in possession of the firearm shall make it available to the owner within three business days after receipt of the order and in a manner consistent with federal law.~~

~~(2)(A)(i) If the owner fails to retrieve the firearm within 90 days after the court order releasing it, the firearm may be sold for fair market value. Title to the firearm shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership, except that the Vermont State Police shall follow the procedure described in 20 V.S.A. § 2305.~~

~~(ii) The law enforcement agency or firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. In no event shall the sale occur until after the court issues a final extreme risk protection order pursuant to section 4053 of this title.~~

~~(iii) As used in this subdivision (2)(A), “reasonable effort” shall mean notice shall be served as provided for by Rule 4 of the Vermont Rules of Civil Procedure.~~

~~(B) Proceeds from the sale of a firearm pursuant to subdivision (A) of this subdivision (2) shall be apportioned as follows:~~

~~(i) associated costs, including the costs of sale and of locating and serving the owner, shall be paid to the law enforcement agency or firearms dealer that incurred the cost; and~~

~~(ii) any proceeds remaining after payment is made to the law enforcement agency or firearms dealer pursuant to subdivision (i) of this subdivision (2)(B) shall be paid to the original owner. [Repealed.]~~

~~(g) A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of a firearm stored or transported pursuant to this section. This subsection shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency. [Repealed.]~~

~~(h) This section shall be implemented consistent with the standards and guidelines established by the Department of Public Safety under 20 V.S.A. § 2307(i). [Repealed.]~~

*(i) Notwithstanding any other provision of this chapter:*

*(1) A dangerous weapon shall not be returned to the respondent if the respondent's possession of the weapon would be prohibited by state or federal law.*

*(2) A dangerous weapon shall not be taken into possession pursuant to this section if it is being or may be used as evidence in a pending criminal matter.*

*Sec. 4. EFFECTIVE DATE*

*This act shall take effect on July 1, 2026.*