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Introduced by Representatives Donovan of Burlington, Cole of Burlington,  
Krowinski of Burlington, McCormack of Burlington,  
O’Sullivan of Burlington, Pearson of Burlington, Rachelson of  
Burlington, Ram of Burlington, and Sullivan of Burlington

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; City of Burlington;  
amendment; firearm, ammunition, or deadly or dangerous weapon;  
probable cause; domestic abuse; police confiscation or seizure

Statement of purpose of bill as introduced: This bill proposes to approve an  
amendment to the charter of the City of Burlington that would allow police to  
confiscate or seize a deadly or dangerous weapon from an alleged abuser when  
a police officer has probable cause to believe that a person has been the victim  
of domestic abuse.

An act relating to approval of an amendment to the charter of the City of  
Burlington regarding police confiscation or seizure of deadly or dangerous  
weapons

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

1      Sec. 1. CHARTER AMENDMENT APPROVAL

2             The General Assembly approves the amendment to the charter of the City  
3             of Burlington as set forth in this act. Proposals of amendment were approved  
4             by the voters on March 4, 2014.

5      Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

6                                    CHAPTER 3. CITY OF BURLINGTON

7                                    \* \* \*

8                                    ARTICLE 99. GENERAL WEAPONS REQUIREMENTS

9             § 511. POLICE CONFISCATION OR SEIZURE DURING INCIDENT

10            (a) Notwithstanding the provisions of 24 V.S.A. §§ 2291(8) and 2295, the  
11            City of Burlington is authorized to regulate the possession and control of  
12            firearms as set forth in this section.

13            (b) Whenever, within the City of Burlington, a police officer has probable  
14            cause to believe that a person has been the victim of domestic abuse, as defined  
15            in 15 V.S.A. chapter 21, the officer may confiscate any firearm, ammunition,  
16            or deadly or dangerous weapon, as defined in 13 V.S.A. § 4016, in the  
17            immediate control or possession of the person alleged to be the abuser.

18            (c) A person whose property has been confiscated may request its return,  
19            and the police shall return the property within five days of receiving the  
20            request, except in the following circumstances:

1           (1) if the property is being held as evidence for a legal proceeding  
2           connected with the domestic violence complaint; or

3           (2) if after a hearing, a court order is issued denying the request or  
4           prohibiting the owner from possessing such property.

5           (d) A person who fails to turn over a weapon in the immediate control or  
6           possession of an alleged abuser when requested by a police officer pursuant to  
7           subsection (b) of this section may be subject to the following penalties:

8           (1)(A) A criminal offense punishable by a fine of not more than  
9           \$1,000.00 or imprisonment for not more than 90 days, or both; or

10           (B) A civil ordinance violation punishable by a fine of not less than  
11           \$200.00 and not more than \$500.00.

12           (2) Upon probable cause that a person committed the violation described  
13           in this subsection, a law enforcement officer may seize the weapon involved in  
14           the violation.

15           (A) The person from whom the weapon is seized, or the owner of the  
16           weapon, if different from the person from whom the weapon is seized, may  
17           appeal the forfeiture of the weapon within 30 days of the seizure to the Civil  
18           Division of the Superior Court pursuant to 12 V.S.A. chapter 102 and Rule 74  
19           of the Vermont Rules of Civil Procedure.

20           (B) In any appeal, the burden of proof shall rest upon the City to  
21           establish the violation by a preponderance of the evidence.

1           (C) If the City fails to establish the required burden of proof, the  
2           weapon shall be returned to the person from whom it was seized.

3           (D) If no appeal is taken within 30 days or if the City prevails in the  
4           Superior Court proceedings, the weapon so seized shall become the property of  
5           the City.

6           Sec. 3. EFFECTIVE DATE

7           This act shall take effect on passage.