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H.151

Introduced by Representatives Mrowicki of Putney, Donovan of Burlington,
Burke of Brattleboro, Copeland-Hanzas of Bradford, Deen of
Westminster, Gonzalez of Winooski, Head of South Burlington,
Macaig of Williston, Masland of Thetford, McCullough of
Williston, O’Sullivan of Burlington, Stevens of Waterbury, Till
of Jericho, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Crimes and criminal procedures; firearms; background checks

Statement of purpose of bill as introduced: This bill proposes to require that a
background check be conducted on the proposed transferee before a firearm
may be transferred unless the transfer is between immediate family members,
by or to a law enforcement agency, or by or to a law enforcement officer or
member of the U.S. Armed Forces acting within the course of his or her
official duties.

An act relating to requiring background checks for the transfer of firearms

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

2 Sec. 1. 13 V.S.A. § 4019 is added to read:

3 § 4019. FIREARMS TRANSFERS; BACKGROUND CHECKS

4 (a) As used in this section:

5 (1) “Firearm” shall have the same meaning as in subdivision 4016(a)(3)
6 of this title.

7 (2) “Immediate family member” means a spouse, parent, stepparent,
8 child, stepchild, sibling, stepsibling, grandparent, or grandchild.

9 (3) “Law enforcement officer” shall have the same meaning as in
10 subdivision 4016(a)(4) of this title.

11 (4) “Licensed dealer” means a person issued a license as a dealer in
12 firearms pursuant to 18 U.S.C. § 923(a).

13 (5) “Proposed transferee” means an unlicensed person to whom a
14 proposed transferor intends to transfer a firearm.

15 (6) “Proposed transferor” means an unlicensed person who intends to
16 transfer a firearm to another unlicensed person.

17 (7)(A) “Transfer” means to transfer a firearm by means of sale, trade,
18 loan, lease, or gift.

19 (B) “Transfer” shall not include the temporary provision of a firearm
20 to a transferee if the transferor has no reason to believe the transferee is

1 prohibited from possessing a firearm or intends to use the firearm in the
2 commission of a crime, and the provision occurs:

3 (i) at a shooting range, shooting gallery, or other area designed for
4 the purpose of target shooting, for use during target practice or a firearms
5 safety or training course;

6 (ii) while hunting, fishing, target shooting, or trapping;

7 (iii) while the transferee is in the continuous presence of the
8 transferor;

9 (iv) for repair, service, or modification to a transferee who is in
10 the business of repairing, servicing, or modifying firearms; or

11 (v) under circumstances where it is reasonable to believe that the
12 transfer is necessary to prevent imminent death or serious bodily to any person.

13 (8) "Unlicensed person" means a person who has not been issued a
14 license as a dealer, importer, or manufacturer in firearms pursuant to 18 U.S.C.
15 § 923(a).

16 (b)(1) Except as provided in subsection (e) of this section, an unlicensed
17 person shall not transfer a firearm to another unlicensed person unless:

18 (A) the proposed transferor and the proposed transferee physically
19 appear together with the firearm before a licensed dealer and request that the
20 license dealer facilitate the transfer; and

1 (B) the licensed dealer agrees to facilitate the transfer and determines
2 that the proposed transferee is not prohibited by State or federal law from
3 purchasing or possessing the firearm.

4 (2) A person shall not, in connection with the transfer or attempted
5 transfer of a firearm pursuant to this section, knowingly make a false statement
6 or exhibit a false identification intended to deceive a licensed dealer with
7 respect to any fact material to the transfer.

8 (c)(1) A licensed dealer who agrees to facilitate a firearm transfer pursuant
9 to this section shall comply with all requirements of State and federal law and
10 shall, unless otherwise expressly provided in this section, conduct the transfer
11 in the same manner as the licensed dealer would if selling the firearm from his
12 or her own inventory.

13 (2) A licensed dealer shall return the firearm to the proposed transferor
14 and decline to continue facilitating the transfer if the dealer determines that the
15 proposed transferee is prohibited by federal or State law from purchasing or
16 possessing the firearm.

17 (3) A licensed dealer may charge a reasonable fee to facilitate a firearm
18 transfer between a proposed transferor and a proposed transferee pursuant to
19 this section.

20 (d)(1) An unlicensed person who transfers a firearm to another unlicensed
21 person in violation of subdivision (b)(1) of this section shall:

1 (A) for a first offense, be imprisoned not more than one year or fined
2 not more than \$500.00, or both;

3 (B) for a second or subsequent offense, be imprisoned not more than
4 five years or fined not more than \$1,000.00, or both.

5 (2) A person who violates subdivision (b)(2) of this section shall:

6 (A) for a first offense, be imprisoned not more than one year or fined
7 not more than \$500.00, or both;

8 (B) for a second or subsequent offense, be imprisoned not more than
9 five years or fined not more than \$1,000.00, or both.

10 (e) This section shall not apply to:

11 (1) the transfer of a firearm by or to a law enforcement agency;

12 (2) the transfer of a firearm by or to a law enforcement officer or
13 member of the U.S. Armed Forces acting within the course of his or her
14 official duties; or

15 (3) the transfer of a firearm from one immediate family member to
16 another immediate family member.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on July 1, 2017.