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H.313

Introduced by Representative Hooper of Burlington

Referred to Committee on

Date:

Subject: Public safety; criminal procedures; firearms licensing

Statement of purpose of bill as introduced: This bill proposes to establish a semiautomatic firearms licensing system in Vermont that requires a person to obtain a license from the Department of Public Safety before purchasing a semiautomatic firearm.

An act relating to requiring a license to purchase a semiautomatic firearm

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

Sec. 1. 20 V.S.A. chapter 147 is added to read:

CHAPTER 147. LICENSE FOR PURCHASE OF SEMIAUTOMATIC

FIREARMS

§ 2311. SEMIAUTOMATIC FIREARMS LICENSING AUTHORITY

The Department of Public Safety shall have authority to issue a license for a person to purchase a semiautomatic firearm. The Department shall issue licenses for persons to purchase semiautomatic firearms consistent with the requirements of this chapter.

1 § 2312. APPLICATION PROCEDURE; ISSUANCE

2 (a) A person may apply to the Department for a license to purchase a
3 semiautomatic firearm on a form approved by the Department. The
4 application shall include:

5 (1) a full physical description of the applicant;

6 (2) full information concerning the applicant's criminal record and
7 relevant information concerning the applicant's mental health history; and

8 (3) a set of the applicant's fingerprints.

9 (b) The Department shall request from the Vermont Crime Information
10 Center, and the Center shall provide in response to the request, a copy of a
11 fingerprint-based Vermont criminal history record, out-of-state criminal
12 history record, and criminal history record from the Federal Bureau of
13 Investigation for each license applicant. A request made under this subsection
14 shall be accompanied by a release signed by the applicant on a form provided
15 by the Vermont Crime Information Center, a set of the person's fingerprints,
16 and a fee established by the Vermont Crime Information Center that shall
17 reflect the cost of obtaining the record. The fee shall be paid by the applicant.

18 (c) Within 90 days after an application for a license to purchase a
19 semiautomatic firearm is filed, the Department shall:

20 (1) approve the application and issue a license to purchase a
21 semiautomatic firearm;

1 (2) issue a temporary eligibility certificate, which shall be valid until the
2 Department approves or denies the application; or

3 (3) deny the application and notify the applicant in writing of the reason
4 for the denial.

5 (d) The Department shall issue a license to purchase a semiautomatic
6 firearm to an applicant unless it determines that the applicant:

7 (1) is prohibited from possessing a firearm under 13 V.S.A. § 4017, 18
8 U.S.C. § 922, or any other provision of State or federal law;

9 (2) has not successfully completed a firearms safety training course
10 approved by the Commissioner;

11 (3) is the subject of an extreme risk protection order issued pursuant to
12 13 V.S.A. § 4053;

13 (4) is the subject of a final relief from abuse order issued pursuant to
14 15 V.S.A. § 1104; or

15 (5) is the subject of a final order against stalking issued pursuant to 12
16 V.S.A. § 5133.

17 (e) A license to purchase a semiautomatic firearm issued under this section
18 shall be signed by the license holder and shall include:

19 (1) an identification number;

20 (2) the name, address, place and date of birth, height, weight, and eye
21 color of the license holder; and

1 (3) a full-face photograph of the license holder.

2 (f) A license to purchase a semiautomatic firearm issued under this section
3 shall be valid for two years after the date of issuance and may be renewed
4 pursuant to section 2313 of this title.

5 (g) A person holding a license issued under this section shall notify the
6 Department within two business days of any change in the person's address.
7 The notification shall include the person's old and new address.

8 § 2313. LICENSE FEE; EXPIRATION AND RENEWAL

9 (a) The Department shall collect a fee of \$35.00 from each applicant for a
10 license issued pursuant to section 2312 of this title or a renewal of a license
11 issued pursuant to this section. Fees collected pursuant to this subsection shall
12 be deposited in the General Fund and appropriated to the Department for
13 purposes of supporting the semiautomatic firearms licensing program
14 established by this chapter.

15 (b) A license issued pursuant to section 2312 of this title or a renewal of a
16 license issued pursuant to this section shall expire two years after the date of
17 issuance.

18 (c) The Department shall provide written notice to the license holder at
19 least 90 days before the license expires. The notice shall include an
20 application form for renewal of the license. An application for renewal of a
21 license shall serve as a temporary license, which shall be valid until the

1 Department approves or denies the renewal application. An application for
2 renewal of a license shall be subject to the same application and issuance
3 requirements as an original application for a license under section 2312 of this
4 title.

5 § 2314. REVOCATION

6 (a) The Department shall revoke a license to purchase semiautomatic
7 firearms issued under subsection 2312(c) of this title upon the occurrence of
8 any event that would have disqualified the holder from being issued the license
9 under subsection 2312(d) of this title. The Department shall immediately
10 provide written notice of the revocation to the license holder.

11 (b) A license holder who fails to return the holder's license after receiving
12 written notice of the license's revocation from the Department shall be
13 imprisoned not more 30 days and fined not more than \$500.00, or both.

14 § 2315. DEFINITIONS

15 As used in this chapter:

16 (1) "Department" means the Department of Public Safety.

17 (2) "License" means a license to purchase a firearm issued pursuant to
18 this chapter.

19 (3) "Semiautomatic firearm" means a firearm that utilizes a portion of
20 the energy of the firing cartridge to extract the fired cartridge case and chamber

1 the next round, and that requires a separate pull of the trigger to fire each
2 cartridge.

3 Sec. 2. 13 V.S.A. § 4024 is added to read:

4 § 4024. PURCHASE AND SALE OF SEMIAUTOMATIC FIREARMS TO
5 UNLICENSED PERSONS PROHIBITED

6 (a)(1) A person shall not purchase a semiautomatic firearm from another
7 person if the sale requires a background check under section 4019 of this title
8 or federal law unless the purchaser presents to the seller a license to purchase
9 semiautomatic firearms issued to the person pursuant to 20 V.S.A. § 2312.

10 (2) A person shall not sell a semiautomatic firearm to another person if
11 the sale requires a background check under section 4019 of this title or federal
12 law unless the purchaser presents to the seller a license to purchase
13 semiautomatic firearms issued to the person pursuant to 20 V.S.A. § 2312.

14 (b) A person who violates this section shall be imprisoned for not more
15 than one year or fined not more than \$1,000.00, or both.

16 (c) As used in this section, “semiautomatic firearm” has the same meaning
17 as in 20 V.S.A. § 2315(3).

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on July 1, 2024.