

1 H.447

2 Introduced by Representatives Mrowicki of Putney and Hooper of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; unauthorized military bodies and military
6 training

7 Statement of purpose of bill as introduced: This bill proposes to prohibit
8 unauthorized bodies of persons from associating themselves together as a
9 military unit, to prohibit unauthorized military training for purposes of
10 furthering a civil disorder, and to prohibit the open carrying of semiautomatic
11 assault weapons.

12 An act relating to prohibiting unauthorized military units, unauthorized
13 military training, and open carry of semiautomatic assault weapons

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

15 Sec. 1. 13 V.S.A. chapter 89 is added to read:

16 CHAPTER 89. UNAUTHORIZED MILITARY BODIES AND TRAINING

17 § 4121. UNAUTHORIZED MILITARY BODIES; PARADES

18 (a) No body of persons shall associate themselves together as a military
19 unit or parade or demonstrate in public with firearms.

20 (b) Subsection (a) of this section shall not apply to:

1 (1) the U.S. Armed Forces or the National Guard of any state; or

2 (2) students in educational institutions where military science is taught
3 as a prescribed part of the course of instruction drilling or parading in public
4 under the supervision of their instructors.

5 (c) Subsection (a) of this section shall not be construed to prevent parading
6 in public with swords or firearms by:

7 (1) associations wholly composed of military personnel honorably
8 discharged from the service of the United States; or

9 (2) any other organization authorized by law or by the consent of the
10 Governor to parade in public with firearms or swords.

11 (d) A person who violates this section shall be imprisoned not more than
12 one year or fined not more than \$1,000.00, or both.

13 § 4122. UNAUTHORIZED MILITARY TRAINING

14 (a) A person shall not:

15 (1) teach, train, or demonstrate to any other person the use, application,
16 or making of a firearm, explosive, or incendiary device capable of causing
17 injury or death if the person knows or reasonably should know that the
18 teaching, training, or demonstrating will be unlawfully employed for use in or
19 in furtherance of a civil disorder, riot, or insurrection; or

20 (2) assemble with one or more other persons for the purpose of being
21 taught, trained, or instructed in the use, application, or making of a firearm,

1 explosive, or incendiary device capable of causing injury or death if the person
2 knows or reasonably should know that the teaching, training, or instruction will
3 be unlawfully employed for use in or in furtherance of a civil disorder, riot, or
4 insurrection.

5 (b) This section shall not apply to:

6 (1) conduct engaged in for legitimate law enforcement purposes by a
7 federal law enforcement officer or a law enforcement officer certified as a law
8 enforcement officer by the Vermont Criminal Justice Council pursuant to 20
9 V.S.A. § 2358; or

10 (2) conduct engaged in by the U.S. Armed Forces or the National Guard
11 of any state.

12 (c) A person who violates this section shall be imprisoned not more than
13 five years or fined not more than \$5,000.00, or both.

14 § 4123. DEFINITIONS

15 As used in this chapter:

16 (1) “Civil disorder” means any public disturbance involving acts of
17 violence by an assemblage of two or more persons that causes an immediate
18 danger of or results in damage or injury to the property or person of any other
19 individual.

20 (2) “Explosive” has the same meaning as in subdivision 1603(2) of this
21 title.

1 (3) “Firearm” has the same meaning as in subdivision 4016(a)(3) of this
2 title.

3 (4) “Incendiary device” means a device so constructed that an ignition
4 by fire, friction, concussion, detonation, or other method may produce
5 destructive effects primarily through combustion rather than explosion. The
6 term does not include a manufactured device or article in common use by the
7 general public that is designed to produce combustion for a lawful purpose,
8 including matches, lighters, flares, or devices commercially manufactured
9 primarily for the purpose of illumination, heating, or cooking. The term does
10 not include firearms ammunition.

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

12 § 4024. OPEN CARRY OF SEMIAUTOMATIC ASSAULT WEAPON IN
13 PUBLIC PLACE PROHIBITED

14 (a) A person shall not openly carry a semiautomatic assault weapon in a
15 public place.

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

18 (c) This section shall not apply to any semiautomatic assault weapon that
19 is:

20 (1) possessed by a federal law enforcement officer or a law enforcement
21 officer certified as a law enforcement officer by the Vermont Criminal Justice

1 Council pursuant to 20 V.S.A. § 2358, for legitimate law enforcement
2 purposes, whether the officer is on or off duty;

3 (2) possessed by an active or veteran member of the Vermont National
4 Guard, of the National Guard of another state, or of the U.S. Armed Forces; or

5 (3)(A) unloaded or in an inoperable state; and

6 (B) enclosed in a case, firearm carrying box, or shipping container.

7 (d) As used in this section:

8 (1) “Public place” means any property:

9 (A) owned by the State or a political subdivision of the State, or a
10 municipality, unincorporated town, or gore; and

11 (B) to which the public has access, including highways, streets,
12 sidewalks, parks, and rights-of-way.

13 (2) “Semiautomatic assault weapon” means:

14 (A) a semiautomatic rifle that has an ability to accept a detachable
15 magazine and has at least one of the following features:

16 (i) a folding or telescoping stock;

17 (ii) a pistol grip that protrudes conspicuously beneath the action of
18 the weapon;

19 (iii) a thumbhole stock;

20 (iv) a second handgrip or a protruding grip that can be held by the
21 nontrigger hand;

1 (v) a bayonet mount;

2 (vi) a flash suppressor, muzzle break, muzzle compensator, or
3 threaded barrel designed to accommodate a flash suppressor, muzzle break, or
4 muzzle compensator; or

5 (vii) a grenade launcher;

6 (B) a semiautomatic pistol that has an ability to accept a detachable
7 magazine and has at least one of the following features:

8 (i) a folding or telescoping stock;

9 (ii) a thumbhole stock;

10 (iii) a second handgrip or a protruding grip that can be held by the
11 nontrigger hand;

12 (iv) capacity to accept an ammunition magazine that attaches to
13 the pistol outside the pistol grip;

14 (v) a threaded barrel capable of accepting a barrel extender, flash
15 suppressor, forward handgrip, or silencer;

16 (vi) a shroud that is attached to, or partially or completely
17 encircles, the barrel and that permits the shooter to hold the firearm with the
18 nontrigger hand without being burned;

19 (vii) a manufactured weight of 50 ounces or more when the pistol
20 is unloaded; or

21 (viii) a semiautomatic version of an automatic firearm; or

- 1 (C) a semiautomatic shotgun that has at least one of the following
2 features:
3 (i) a folding or telescoping stock;
4 (ii) a thumbhole stock;
5 (iii) a second handgrip or a protruding grip that can be held by the
6 nontrigger hand;
7 (iv) a fixed magazine capacity in excess of seven rounds; or
8 (v) an ability to accept a detachable magazine.

9 (3) "Semiautomatic assault weapon" does not include:

10 (A) a firearm that:

- 11 (i) is manually operated by bolt, pump, lever, or slide action;
12 (ii) has been rendered permanently inoperable; or
13 (iii) is an antique firearm as defined in section 4017 of this title;

14 (B) a semiautomatic rifle that cannot accept a detachable magazine
15 that holds more than five rounds of ammunition; or

16 (C) a semiautomatic shotgun that cannot hold more than five rounds
17 of ammunition in a fixed or detachable magazine.

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on passage.