

1 S.169

2 Introduced by Committee on Judiciary

3 Date:

4 Subject: Criminal procedures; firearms

5 Statement of purpose of bill as introduced: This bill proposes several
6 procedures related to firearms.

7 An act relating to firearms procedures

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

9 Sec. 1. 13 V.S.A. § 4021 is amended to read:

10 § 4021. LARGE CAPACITY AMMUNITION FEEDING DEVICES

11 (a) A person shall not manufacture, possess, transfer, offer for sale,
12 purchase, or receive or import into this State a large capacity ammunition
13 feeding device. As used in this subsection, “import” shall not include the
14 transportation back into this State of a large capacity ammunition feeding
15 device by the same person who transported the device out of State if the person
16 possessed the device on or before the effective date of this section.

17 * * *

18 (c)(1) The prohibition on possession of large capacity ammunition feeding
19 devices established by subsection (a) of this section shall not apply to a large

1 capacity ammunition feeding device lawfully possessed on or before the
2 effective date of this section.

3 * * *

4 (d)(1) This section shall not apply to any large capacity ammunition
5 feeding device:

6 * * *

7 (B)(i) transferred to or possessed by a federal law enforcement
8 officer or a law enforcement officer certified as a law enforcement officer by
9 the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. § 2358,
10 for legitimate law enforcement purposes, whether the officer is on or off duty;
11 or

12 (ii) possessed by an out-of-state law enforcement officer in
13 Vermont for legitimate law enforcement purposes as a result of being called
14 into this State to assist a law enforcement officer certified as a law
15 enforcement officer by the Vermont Criminal Justice Training Council
16 pursuant to 20 V.S.A. § 2358;

17 * * *

18 (F)(i) transported by a resident of another state into this State for the
19 exclusive purpose of use in an ~~established~~ organized shooting competition if
20 the device is lawfully possessed under the laws of another state; or

1 (ii) possessed at and used at an organized shooting competition if
2 the device was lawfully possessed on or before April 11, 2018.

3 * * *

4 Sec. 2. 13 V.S.A. § 4019 is amended to read:

5 § 4019. FIREARMS TRANSFERS; BACKGROUND CHECKS

6 (a) As used in this section:

7 * * *

8 (2) “Immediate family member” means a spouse, parent, stepparent,
9 parent in-law, child, stepchild, sibling, stepsibling, sibling in-law, grandparent,
10 step-grandparent, grandchild, step-grandchild, great-grandparent, step-great-
11 grandparent, great-grandchild, and step-great-grandchild.

12 Sec. 3. 13 V.S.A. § 4019a is added to read:

13 § 4019a. HAND GUN TRANSFERS; WAITING PERIOD

14 (a) A person shall not transfer a hand gun to another person until 24 hours
15 after the completion of the background check required by 18 U.S.C. § 922(t) or
16 section 4019 of this title.

17 (b) A person who transfers a hand gun to another person in violation of
18 subsection (a) of this section shall be imprisoned not more than one year or
19 fined not more than \$500.00, or both.

20 (c) This section shall not apply to a hand gun transfer that does not require
21 a background check under 18 U.S.C. § 922(t) or section 4019 of this title.

1 Sec. 4. 13 V.S.A. § 4057 is amended to read:

2 § 4057. PROCEDURE

3 (a) Except as otherwise specified, proceedings commenced under this
4 subchapter shall be in accordance with the Vermont Rules for Family
5 Proceedings and shall be in addition to any other available civil or criminal
6 remedies.

7 * * *

8 (d)(1) For purposes of a petition filed pursuant to this subchapter, a health
9 care provider may notify a law enforcement officer when the provider believes
10 in good faith that disclosure of the information is necessary to prevent or lessen
11 a serious and imminent threat to the health or safety of a person or the public.

12 (2) As used in this subsection:

13 (A) “Health care provider” has the same meaning as in 18 V.S.A.
14 § 9432.

15 (B) “Necessary to prevent or lessen a serious and imminent threat to
16 the health or safety of a person or the public” includes circumstances when the
17 health care provider reasonably believes that the patient poses an extreme risk
18 of causing harm to himself or herself or another person by purchasing,
19 possessing, or receiving a dangerous weapon or by having a dangerous weapon
20 within his or her custody or control.

1 Sec. 5. 13 V.S.A. § 4062 is added to read:

2 § 4062. ANNUAL REPORTING; OFFICE OF COURT ADMINISTRATOR
3 AND AGENCY OF HUMAN SERVICES

4 (a) On or before September 1, 2019 and annually thereafter, the Court
5 Administrator, with the assistance of the Agency of Human Services, shall
6 report data on the use of extreme risk protection orders during the previous
7 year to the Senate and House Committees on Judiciary.

8 (b) The reports required by this section shall include the following data for
9 the previous year:

10 (1) the number of extreme risk protection order petitions filed and the
11 number of orders issued;

12 (2) geographical data indicating the county where the petition was filed;
13 and

14 (3) follow-up information describing whether the order was renewed or
15 terminated pursuant to section 4055 of this title and whether the subject of the
16 order was charged with violating it under section 4058 of this title.

17 (c) The Agency of Human Services shall include in the reports required
18 by this section an analysis of the impact of extreme risk prevention orders on
19 Vermont suicide rates, including any relevant data relied on or utilized by the
20 Agency for purposes of providing the information required by 2017 Acts and
21 Resolves No. 34, An act relating to evaluation of suicide profiles.

1 Sec. 6. REPEAL

2 2018 Acts and Resolves No. 94, Sec. 11 (July 1, 2019 repeal of 13 V.S.A.

3 § 4021(d)(1)(F), relating to transportation into Vermont of large capacity

4 ammunition feeding devices for use in shooting competitions) is repealed.

5 Sec. 7. EFFECTIVE DATE

6 This act shall take effect on passage.