

1 H.203

2 Introduced by Representatives LaLonde of South Burlington, Ancel of Calais,
3 and Pugh of South Burlington

4 Referred to Committee on

5 Date:

6 Subject: Crimes; firearms; negligent storage

7 Statement of purpose of bill as introduced: This bill proposes to prohibit
8 keeping a firearm on premises that are under a person's immediate possession
9 or control if the person knows or reasonably should know that a child or person
10 barred from possessing a firearm may gain access to the firearm.

11 An act relating to negligent storage of firearms

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

13 Sec. 1. 13 V.S.A. § 4023 is added to read:

14 § 4023. NEGLIGENCE STORAGE OF A FIREARM

15 (a) A person is guilty of negligent storage of a firearm if:

16 (1) the person keeps a firearm within any premises that are under the
17 person's custody or control; and

18 (2) the person knows or reasonably should know that:

19 (A) a child may gain access to the firearm; or

20 (B) access to the firearm may be gained by a person who is barred

1 from possessing the firearm by section 4017 of this title or by 18 U.S.C § 922.

2 (b) A person who violates this section shall be:

3 (1) imprisoned not more than one year or fined not more than \$500.00,

4 or both; or

5 (2) imprisoned not more than two years or fined not more than

6 \$1,000.00, or both, if a child or person barred from possessing a firearm

7 obtains access to the firearm and uses it to cause death or serious bodily injury

8 to any person.

9 (c) This section shall not apply if:

10 (1) The child or person barred from possessing a firearm obtains the

11 firearm as a result of an illegal entry into any premises by any person.

12 (2) The firearm is kept in a locked container or in a location that a

13 reasonable person would believe to be secure, or is locked with a locking

14 device that renders the firearm inoperable.

15 (3) The child or person barred from possessing a firearm obtains or

16 discharges the firearm during the course of a lawful act of self-defense or

17 defense of another person.

18 (4) A reasonable person would not expect a child or a person barred

19 from possessing a firearm to be present on the premises where the firearm was

20 obtained.

21 (5) The firearm is in the person's immediate possession or control.

1 (d) As used in this section:

2 (1) “Child” means a person under 18 years of age.

3 (2) “Firearm” has the same meaning as in subsection 4017(d) of this
4 title.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on passage.