

1 S.169

2 Introduced by Committee on Judiciary

3 Date: March 19, 2019

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
16 person 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 ~~****~~

(c)(1)(A) The prohibition on possession of large capacity ammunition feeding devices established by subsection (a) of this section shall not apply to a large capacity ammunition feeding device lawfully possessed on or before the effective date of this section or to the transfer by a Vermont resident of a lawfully possessed large capacity ammunition feeding device from one immediate family member to another immediate family member by a lawfully executed will.

(B) As used in this subsection (c), "immediate family member" has the same meaning as in subsection 4019(a) of this title.

* * *

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~~

1 ~~enforcement officer by the Vermont Criminal Justice Training Council~~
2 ~~pursuant to 20 V.S.A. § 2358;~~

(ii) possessed by an out-of-state law enforcement officer in Vermont for legitimate law enforcement purposes.

3 * * *

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

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

7 * * *

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

9 § 4019. FIREARMS TRANSFERS; BACKGROUND CHECKS

10 (a) As used in this section:

11 * * *

12 (2) “Immediate family member” means a spouse, parent, stepparent, parent
13 in-law, child, stepchild, sibling, stepsibling, sibling in-law, *aunt, uncle, niece,*
14 *nephew*, grandparent, step-grandparent, grandchild, step-grandchild, great-
15 grandparent, step-great-grandparent, great-grandchild, and step-great-
16 grandchild.

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

2 § 4019a. HAND GUN TRANSFERS; WAITING PERIOD

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

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

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

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

12 § 4057. PROCEDURE

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

17 * * *

18 (d)(1) For purposes of a petition filed pursuant to this subchapter, a health
19 care provider may notify a law enforcement officer when the provider believes
20 in good faith that disclosure of the information is necessary to prevent or

1 lessen a serious and imminent threat to the health or safety of a person or the
2 public.

3 (2) As used in this subsection:

4 (A) "Health care provider" has the same meaning as in 18 V.S.A.
5 § 9432.

6 (B) "Necessary to prevent or lessen a serious and imminent threat to
7 the health or safety of a person or the public" includes circumstances when the
8 health care provider reasonably believes that the patient poses an extreme risk
9 of causing harm to himself or herself or another person by purchasing,
10 possessing, or receiving a dangerous weapon or by having a dangerous weapon
11 within his or her custody or control.

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

13 § 4062. ANNUAL REPORTING; OFFICE OF COURT ADMINISTRATOR
14 AND AGENCY OF HUMAN SERVICES

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

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

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

1 (2) geographical data indicating the county where the petition was filed;

2 and

3 (3) follow-up information describing whether the order was renewed or

4 terminated pursuant to section 4055 of this title and whether the subject of the

5 order was charged with violating it under section 4058 of this title.

6 (c) The Agency of Human Services shall include in the reports required

7 by this section an analysis of the impact of extreme risk prevention orders on

8 Vermont suicide rates, including any relevant data relied on or utilized by the

9 Agency for purposes of providing the information required by 2017 Acts and

10 Resolves No. 34, An act relating to evaluation of suicide profiles.

11 Sec. 6. REPEAL

12 2018 Acts and Resolves No. 94, Sec. 11 (July 1, 2019 repeal of 13 V.S.A.

13 § 4021(d)(1)(F), relating to transportation into Vermont of large capacity

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

15 Sec. 7. EFFECTIVE DATE

16 This act shall take effect on passage.