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S.209

Introduced by Senators Sears, Baruth, Campion, Bray, Chittenden, Gulick,  
Harrison, Lyons, McCormack, Watson, Weeks, White and  
Wrenner

Referred to committee on

Date:

Subject: Criminal procedures; firearms; unserialized firearms, frames, and  
receivers

Statement of purpose of bill as introduced: This bill proposes to prohibit the  
possession and transfer of unserialized firearms and unserialized firearms  
frames and receivers, also known as ghost guns. The bill establishes a process  
that permits Federal firearms dealers and licensees to print serial numbers on  
unserialized firearms and unserialized firearms frames and receivers. The bill  
also requires that proceedings against persons 14–21 years of age originate in  
the Criminal Division of the Superior Court if the person is charged with  
human trafficking, trafficking a regulated drug, carrying a firearm while  
committing a felony, or aggravated stalking.

An act relating to prohibiting unserialized firearms and unserialized  
firearms frames and receivers, and to juvenile offenses in the Criminal  
Division

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

2 Sec. 1. SHORT TITLE

3 This act shall be known as the Vermont Ghost Guns Act.

4 Sec. 2. 13 V.S.A. chapter 85 is amended to read:

5 CHAPTER 85. WEAPONS

6 \* \* \*

7 Subchapter 4. Unserialized Firearms and Firearms Frames and Receivers

8 § 4081. DEFINITIONS

9 As used in this subchapter:

10 (1) “Federal firearms licensee” means a federally licensed firearm  
11 dealer, federally licensed firearm importer, and federally licensed firearm  
12 manufacturer.

13 (2) “Federally licensed firearm dealer” means a licensed dealer as  
14 defined in 18 U.S.C. § 921(a)(11).

15 (3) “Federally licensed firearm importer” means a licensed importer as  
16 defined in 18 U.S.C. § 921(a)(9).

17 (4) “Federally licensed firearm manufacturer” means a licensed  
18 manufacturer as defined in 18 U.S.C. § 921(a)(10).

19 (5) “Fire control component” means a component necessary for the  
20 firearm to initiate, complete, or continue the firing sequence, including any of

1 the following: hammer, bolt, bolt carrier, breechblock, cylinder, trigger  
2 mechanism, firing pin, striker, or slide rails.

3 (6) “Frame or receiver of a firearm” means a part of a firearm that, when  
4 the complete firearm is assembled, is visible from the exterior and provides  
5 housing or a structure designed to hold or integrate one or more fire control  
6 components, even if pins or other attachments are required to connect the fire  
7 control components. Any part of a firearm imprinted with a serial number is  
8 presumed to be a frame or receiver of a firearm unless the Federal Bureau of  
9 Alcohol, Tobacco, Firearms and Explosives makes an official determination  
10 otherwise or there is other reliable evidence to the contrary.

11 (7) “Three-dimensional printer” means a computer-aided manufacturing  
12 device capable of producing a three-dimensional object from a three-  
13 dimensional digital model through an additive manufacturing process that  
14 involves the layering of two-dimensional cross sections formed of a resin or  
15 similar material that are fused together to form a three-dimensional object.

16 (8) “Unfinished frame or receiver” means any forging, casting, printing,  
17 extrusion, machined body, or similar article that has reached a stage in  
18 manufacture when it may readily be completed, assembled, or converted to be  
19 used as the frame or receiver of a functional firearm or that is marketed or sold  
20 to the public to become or be used as the frame or receiver of a functional  
21 firearm once completed, assembled, or converted.

1     § 4082. UNLAWFUL CONDUCT INVOLVING UNSERIALIZED  
2             FIREARMS, FRAMES, AND RECEIVERS

3             (a)(1) A person shall not knowingly possess, transfer, or offer to transfer an  
4     unfinished frame or receiver unless the unfinished frame or receiver has been  
5     imprinted with a serial number by a federal firearms licensee pursuant to  
6     federal law or section 4083 of this title.

7             (2) This subsection does not apply to:

8                 (A) a federal firearms licensee acting within the scope of the  
9     licensee's license; or

10                (B) temporary possession or transfer of an unfinished frame or  
11     receiver for the purpose of having it imprinted with a serial number pursuant to  
12     federal law or section 4083 of this title.

13             (b)(1) A person shall not knowingly possess, transfer, or offer to transfer a  
14     firearm or frame or receiver of a firearm that is not imprinted with a serial  
15     number by a federal firearms licensee pursuant to federal law or section 4083  
16     of this title.

17             (2) This subsection does not apply to:

18                 (A) a federal firearms licensee acting within the scope of the  
19     licensee's license; or

1           (B) temporary possession or transfer of a firearm or frame or receiver  
2           of a firearm for the purpose of having it imprinted with a serial number  
3           pursuant to federal law or section 4083 of this title;

4           (C) an antique firearm as defined in subsection 4017(d) of this title;

5           (D) a firearm that has been rendered permanently inoperable; or

6           (E) a firearm that was manufactured before 1968.

7           (c)(1) A person shall not manufacture a firearm or frame or receiver of a  
8           firearm, including by a three-dimensional printer, that is not imprinted with a  
9           serial number by a federal firearms licensee pursuant to federal law or section  
10           4083 of this title.

11           (2) This section shall not apply to a federally licensed firearms  
12           manufacturer acting within the scope of the manufacturer's license.

13           (d)(1) A person who violates this section shall be:

14           (A) for a first offense imprisoned for not more than one year or fined  
15           not more than \$500.00, or both;

16           (B) for a second offense imprisoned for not more than two years or  
17           fined not more than \$1,000.00, or both; and

18           (C) for a third or subsequent offense imprisoned for not more than  
19           three years or fined not more than \$2,000.00, or both.

1           (2) A person who possesses an unserialized firearm in violation of this  
2           section while committing a felony shall be imprisoned for not more than five  
3           years or fined not more than \$5,000.00, or both.

4           § 4083. FEDERAL FIREARMS LICENSEES; AUTHORITY TO  
5           SERIALIZE FIREARMS, FRAMES, AND RECEIVERS

6           (a) A federal firearms licensee may imprint a serial number on an  
7           unserialized firearm or frame or receiver of a firearm pursuant to this section.

8           (b)(1) A firearm, frame, or receiver serialized pursuant to this section shall  
9           be imprinted with a serial number that begins with the licensee's abbreviated  
10           federal firearms license number, which is the first three and last five digits of  
11           the license number, and is followed by a hyphen that precedes a unique  
12           identification number. The serial number shall not be duplicated on any other  
13           firearm, frame, or receiver serialized by the licensee and shall be imprinted in a  
14           manner that complies with the requirements under federal law for affixing  
15           serial numbers to firearms, including that the serial number be at the minimum  
16           size and depth and not susceptible to being readily obliterated, altered, or  
17           removed.

18           (2) A licensee who serializes a firearm, frame, or receiver pursuant to  
19           this section shall make and retain records of the serialization that comply with  
20           the requirements under federal law for the sale of a firearm. In addition to any  
21           record required by federal law, the record shall include the date, name, age,

1 and residence of any person to whom the item is transferred and the unique  
2 serial number imprinted on the firearm, frame, or receiver.

3 (c) Returning a firearm, frame, or receiver to a person after it has been  
4 serialized pursuant to federal law or this section constitutes a transfer that  
5 requires a background check of the transferee. A federal licensee who  
6 serializes a firearm, frame, or receiver pursuant to this section shall conduct a  
7 background check on the transferee pursuant to subsection 4019(c) of this title,  
8 provided that if the transfer is denied, the licensee shall surrender the firearm,  
9 frame, or receiver to a law enforcement agency.

10 (d) A licensee who violates subsection (b) or (c) of this section shall be  
11 imprisoned for not more than one year or fined not more than \$500.00, or both.

12 Sec. 3. 33 V.S.A. § 5204 is amended to read:

13 § 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR  
14 COURT

15 (a) After a petition has been filed alleging delinquency, upon motion of the  
16 State's Attorney and after hearing, the Family Division of the Superior Court  
17 may transfer jurisdiction of the proceeding to the Criminal Division of the  
18 Superior Court if the child had attained 16 years of age but not 19 years of age  
19 at the time the act was alleged to have occurred and the delinquent act set forth  
20 in the petition is a felony not specified in subdivisions (1)–(12) of this  
21 subsection or if the child had attained 12 years of age but not 14 years of age at

1 the time the act was alleged to have occurred, and if the delinquent act set forth  
2 in the petition was any of the following:

3 \* \* \*

4 (11) aggravated sexual assault as defined in 13 V.S.A. § 3253 and  
5 aggravated sexual assault of a child as defined in 13 V.S.A. § 3253a or an  
6 attempt to commit either of those offenses; ~~or~~

7 (12) burglary into an occupied dwelling as defined in 13 V.S.A.  
8 § 1201(c) or an attempt to commit that offense;

9 (13) carrying a firearm while committing a felony in violation of  
10 13 V.S.A. § 4005;

11 (14) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,  
12 subchapter 1;

13 (15) human trafficking or aggravated human trafficking in violation of  
14 13 V.S.A. § 2652 or 2653; or

15 (16) aggravated stalking as defined in 13 V.S.A. § 1063(a)(3).

16 Sec. 4. EFFECTIVE DATE

17 This act shall take effect on January 1, 2024.