

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred House Bill No. 230
3 entitled “An act relating to implementing mechanisms to reduce suicide”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. FINDINGS

8 The General Assembly finds:

9 (1) Of all the deaths in Vermont involving firearms in 2021, 89% were by
10 suicide and 8% were by homicide.

11 (2) The 2021 suicide rate in Vermont was 20.3 per 100,000 persons,
12 compared to a national rate of 14.3 per 100,00 persons.

13 (3) In 2016, firearms were present in 47% of Vermont homes and in 32%
14 of homes in the United States.

15 (4) Children are 4.4 times more likely to die by suicide in a home with a
16 firearm compared to a home without a firearm.

17 (5) Persons at greatest risk of suicide in Vermont are men, persons living in
18 rural areas, persons with a disability, veterans, and members of the LGBTQ+
19 community.

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

21 § 4024. SECURE FIREARMS STORAGE

1 (a)(1) Prohibition. A person shall not store or keep a firearm within any
2 premises that are under the person’s custody or control if the person knows or
3 reasonably should know that a child or prohibited person is likely to gain
4 access to the firearm unless the person stores or keeps the firearm:

5 (A) separate from ammunition; and

6 (B) in a locked container or equipped with a tamper-resistant
7 mechanical lock or other safety device, properly engaged so as to render the
8 firearm inoperable by any person other than the owner or authorized user.

9 (2) Exceptions. This subsection shall not apply if:

10 (A) the firearm is carried by or under the control of the owner or
11 another lawfully authorized user;

12 (B) a child or prohibited person accesses the firearm as a result of an
13 illegal entry; or

14 (C) a child or prohibited person accesses and uses the firearm during
15 the course of a lawful act of self-defense or defense of another person; or

16 (b) Penalties. A person who violates subsection (a) of this section shall be:

17 (1) fined not more than \$100.00;

18 (2) imprisoned not more than one year or fined not more than \$1,000.00,
19 or both, if a child or prohibited person gains access to the firearm and uses it in
20 the commission of a crime, causes it to discharge, or displays it in a threatening
21 manner;

1 (3) imprisoned not more than five years or fined not more than
2 \$5,000.00, or both, if a child or prohibited person gains access to the firearm
3 and uses it to cause death or serious bodily injury to any person.

4 (c) Charging discretion. If a person who allegedly violates this section is a
5 parent or guardian of a child who gains access to a firearm that is used in an
6 unintentional or self-inflicted shooting that causes death or bodily injury to the
7 child, the impact of the child’s death or injury on the person who committed
8 the alleged violation shall be considered by the State’s Attorney when deciding
9 whether to file criminal charges in the case.

10 (d) Information distribution.

11 (1) At any location where a licensed dealer conducts firearm sales or
12 transfers, the licensed dealer shall conspicuously display a sign containing the
13 information required by subdivision (2) of this subsection in any area where
14 the sales or transfers occur. The sign shall be posted so that it can be easily
15 viewed by persons purchasing or receiving firearms, and the sign shall not be
16 removed, obscured, or rendered illegible. If the location where the sales or
17 transfers occur is the premises listed on the dealer’s federal firearms license, an
18 additional sign shall be placed at or near the entrance to the premises.

19 (2) The sign required by subdivision (1) of this subsection shall be at
20 least eight and one-half inches high by eleven inches wide and shall contain

1 black text at least half an inch high against a white background. The sign shall
2 contain the following text, and no other statements or markings:

3 “WARNING: Access to a firearm in the home significantly increases the
4 risk of suicide, death during domestic violence disputes, and the unintentional
5 death of children, household members, and others. If you or a loved one is
6 experiencing distress or depression, call the 988 Suicide and Crisis hotline or
7 text “VT” to 741741.

8 Vermont law requires gun owners to securely store their firearms
9 separately from ammunition in their homes and other premises under their
10 control if a child or person prohibited from purchasing or possessing firearms
11 is likely to gain access to them. Failure to securely store firearms as required
12 by law may result in criminal prosecution.

13 Posted pursuant to 13 V.S.A. § 4023.”

14 (3) The Department of Health, in consultation with the State Police,
15 shall develop detailed information regarding firearms safety and provide it free
16 of cost to licensed dealers. The information, in English and Spanish, shall
17 include the risks associated with firearms, suicide prevention resources, State
18 laws requiring secure firearms storage, and a summary of provisions related to
19 firearms in 13 V.S.A. chapter 85, including the duties of firearms sellers,
20 purchasers, and possessors. Licensed dealers shall distribute the printed
21 information required by this subsection to all firearms purchasers.

1 (4) The Department of Health and Agency of Education shall develop
2 detailed information regarding firearms safety and annually provide it free of
3 cost to students and parents. The information shall include the risks associated
4 with firearms, suicide prevention resources, state laws requiring secure
5 firearms storage, and the importance of secure storage in protecting minors
6 from accessing firearms. School districts shall annually distribute a pamphlet
7 in English and Spanish containing the information required by this subdivision
8 to all students and their families and shall post the information on the district’s
9 webpage.

10 (e) Definitions. As used in this section:

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

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

14 (3) “Licensed dealer” means a person issued a license as a dealer in
15 firearms pursuant to 18 U.S.C. § 923(a).

16 (4) “Locked container” means a box, case, chest, locker, safe, or other
17 similar receptacle equipped with a tamper-resistant lock.

18 (5) “Prohibited person” means a person who is prohibited from
19 possessing a firearm by state or federal law or by court order.

1 Sec. 3. 13 V.S.A. § 4051 is amended to read:

2 § 4051. DEFINITIONS

3 As used in this subchapter:

4 * * *

5 (7) “Household member” has the same meaning as in 15 V.S.A. § 1101.

6 Sec. 4. 13 V.S.A. § 4052 is amended to read:

7 § 4052. JURISDICTION AND VENUE

8 * * *

9 (c) Proceedings under this chapter shall be commenced in the county where
10 the law enforcement agency is located, the county where the family or
11 household member or the respondent resides, or the county where the events
12 giving rise to the petition occur.

13 Sec. 5. 13 V.S.A. § 4053 is amended to read:

14 § 4053. PETITION FOR EXTREME RISK PROTECTION ORDER

15 (a) A State’s Attorney ~~or~~ the Office of the Attorney General, or a family or
16 household member may file a petition requesting that the court issue an
17 extreme risk protection order prohibiting a person from purchasing, possessing,
18 or receiving a dangerous weapon or having a dangerous weapon within the
19 person’s custody or control. The petitioner shall submit an affidavit in support
20 of the petition.

21 * * *

1 Sec. 6. 13 V.S.A. § 4054 is amended to read:

2 § 4054. EMERGENCY RELIEF; TEMPORARY EX PARTE ORDER

3 (a)(1) A State’s Attorney ~~or~~ the Office of the Attorney General, or a family
4 or household member may file a motion requesting that the court issue an
5 extreme risk protection order ex parte, without notice to the respondent. A law
6 enforcement officer may notify the court that an ex parte extreme risk
7 protection order is being requested pursuant to this section, but the court shall
8 not issue the order until after the motion is submitted.

9 * * *

10 Sec. 7. 13 V.S.A. § 4055 is amended to read:

11 § 4055. TERMINATION AND RENEWAL MOTIONS

12 * * *

13 (b)(1) A State’s Attorney ~~or~~ the Office of the Attorney General, or a
14 family or household member may file a motion requesting that the court renew
15 an extreme risk protection order issued under this section or section 4053 of
16 this title for an additional period of up to six months. The motion shall be
17 accompanied by an affidavit and shall be filed not more than 30 days and not
18 less than 14 days before the expiration date of the order. The motion and
19 affidavit shall comply with the requirements of subsection 4053(c) of this title,
20 and the moving party shall have the burden of proof by clear and convincing
21 evidence.

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Sec. 8. 13 V.S.A. § 4019a is added to read:

§ 4019a. FIREARMS TRANSFERS; WAITING PERIOD

(a) A person shall not transfer a firearm to another person until 72 hours after the completion of the background check required by 18 U.S.C. § 922(s) or section 4019 of this title.

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

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

(d) As used in this section, “firearm” has the same meaning as in subsection 4017(d) of this title.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE