

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 209  
3 entitled “An act relating to prohibiting unserialized firearms and unserialized  
4 firearms frames and receivers” respectfully reports that it has considered the  
5 same and recommends that the House propose to the Senate that the bill be  
6 amended by striking out all after the enacting clause and inserting in lieu  
7 thereof the following:

8 Sec. 1. 13 V.S.A. chapter 85 is amended to read:

9 CHAPTER 85. WEAPONS

10 \* \* \*

11 Subchapter 4. Unserialized Firearms and Firearms Frames and Receivers

12 § 4081. SHORT TITLE

13 This subchapter shall be known as the “Vermont Ghost Guns Act.”

14 § 4082. DEFINITIONS

15 As used in this subchapter:

16 (1) “Federal firearms licensee” means a federally licensed firearm  
17 dealer, federally licensed firearm importer, and federally licensed firearm  
18 manufacturer.

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

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

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

5           (5) “Fire control component” means a component necessary for the  
6           firearm to initiate, complete, or continue the firing sequence, including any of  
7           the following: hammer, bolt, bolt carrier, breechblock, cylinder, trigger  
8           mechanism, firing pin, striker, or slide rails.

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

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

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

7           (9) “Violent crime” has the same meaning as in section 4017 of this  
8           title.

9           § 4083. UNLAWFUL CONDUCT INVOLVING UNSERIALIZED

10           FIREARMS, FRAMES, AND RECEIVERS

11           (a)(1) A person shall not knowingly possess, ~~transfer, or offer to transfer~~ an  
12           unfinished frame or receiver unless the unfinished frame or receiver has been  
13           imprinted with a serial number by a federal firearms licensee pursuant to  
14           federal law or section 4084 of this title.

15           (2) A person shall not knowingly transfer or offer to transfer an  
16           unfinished frame or receiver unless the unfinished frame or receiver has been  
17           imprinted with a serial number by a federal firearms licensee pursuant to  
18           federal law or section 4084 of this title.

19           (3) This subsection shall not apply to:

20           (A) a federal firearms licensee acting within the scope of the  
21           licensee’s license;

1           (B) temporary possession or transfer of an unfinished frame or  
2           receiver for the purpose of having it imprinted with a serial number pursuant to  
3           federal law or section 4084 of this title; or

4           (C) an unfinished frame or receiver transferred to or possessed by a  
5           law enforcement officer for legitimate law enforcement purposes.

6           (b)(1) A person shall not knowingly possess, transfer, or offer to transfer a  
7           firearm or frame or receiver of a firearm that is not imprinted with a serial  
8           number by a federal firearms licensee pursuant to federal law or section 4084  
9           of this title.

10           (2) A person shall not knowingly transfer or offer to transfer a firearm or  
11           frame or receiver of a firearm that is not imprinted with a serial number by a  
12           federal firearms licensee pursuant to federal law or section 4084 of this title.

13           (3) This subsection shall not apply to:

14           (A) a federal firearms licensee acting within the scope of the  
15           licensee's license;

16           (B) temporary possession or transfer of a firearm or frame or receiver  
17           of a firearm for the purpose of having it imprinted with a serial number  
18           pursuant to federal law or section 4084 of this title;

19           (C) an unserialized frame or receiver transferred to or possessed by a  
20           law enforcement officer for legitimate law enforcement purposes;

21           (D) an antique firearm as defined in subsection 4017(d) of this title;

1           (E) a firearm that has been rendered permanently inoperable; or

2           (F) a firearm that was manufactured before 1968.

3           (c)(1) A person who manufactures a firearm or frame or receiver of a  
4 firearm, including by a three-dimensional printer, shall cause the firearm,  
5 frame, or receiver to be imprinted with a serial number by a federal firearms  
6 licensee pursuant to federal law or section 4084 of this title.

7           (2) This subsection shall not apply to:

8           (A) a federally licensed firearms manufacturer acting within the  
9 scope of the manufacturer's license; or

10           (B) temporary possession or transfer of a firearm or frame or receiver  
11 of a firearm for the purpose of having it imprinted with a serial number  
12 pursuant to federal law or section 4084 of this title.

13           (d)(1) A person who violates subdivision (a)(1) or (b)(1) of this section  
14 shall be:

15           (A) for a first offense, assessed a civil penalty of not more than  
16 \$50.00;

17           (B) for a second offense, assessed a civil penalty of not more than  
18 \$250.00; and

19           (C) for a third or subsequent offense, assessed a civil penalty of not  
20 more than \$500.00.

1           (2) A person who violates subdivision (a)(2), (b)(2), or (c)(1) of this  
2 section shall be:

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

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

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

9           (3) A person who uses carries an unserialized firearm while committing  
10 a violent crime felony, or while committing reckless endangerment in violation  
11 of section 1025 of this title, shall be imprisoned for not more than five years or  
12 fined not more than \$5,000.00, or both.

13           § 4084. FEDERAL FIREARMS LICENSEES; AUTHORITY TO  
14 SERIALIZE FIREARMS, FRAMES, AND RECEIVERS

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

17           (b)(1) A firearm, frame, or receiver serialized pursuant to this section shall  
18 be imprinted with a serial number that begins with the licensee's abbreviated  
19 federal firearms license number, which is the first three and last five digits of  
20 the license number, and is followed by a hyphen that precedes a unique  
21 identification number. The serial number shall not be duplicated on any other

1 firearm, frame, or receiver serialized by the licensee and shall be imprinted in a  
2 manner that complies with the requirements under federal law for affixing  
3 serial numbers to firearms, including that the serial number be at the minimum  
4 size and depth and not susceptible to being readily obliterated, altered, or  
5 removed.

6 (2) A licensee who serializes a firearm, frame, or receiver pursuant to  
7 this section shall make and retain records of the serialization that comply with  
8 the requirements under federal law for the sale of a firearm. In addition to any  
9 record required by federal law, the record shall include the date, name, age,  
10 and residence of any person to whom the item is transferred and the unique  
11 serial number imprinted on the firearm, frame, or receiver.

12 (3) A licensee shall not be deemed a firearms manufacturer solely for  
13 serializing a firearm, frame, or receiver pursuant to this section.

14 (c) Returning a firearm, frame, or receiver to a person after it has been  
15 serialized pursuant to federal law or this section constitutes a transfer that  
16 requires a background check of the transferee. A federal licensee who  
17 serializes a firearm, frame, or receiver pursuant to this section shall conduct a  
18 background check on the transferee pursuant to subsection 4019(c) of this title,  
19 provided that if the transfer is denied, the licensee shall deliver the firearm,  
20 frame, or receiver to a law enforcement agency for disposition. The agency

1 shall provide the licensee with a receipt on agency letterhead for the firearm,  
2 frame, or receiver.

3 (d) A licensee who violates subsection (b) or (c) of this section shall:

4 (1) for a first offense, be fined not more than \$2,500.00; and

5 (2) for a second or subsequent offense, be imprisoned for not more than  
6 one year or fined not more than \$2,500.00, or both.

7 **Sec. 2. 4 V.S.A. § 1102 is amended to read:**

8 **§ 1102. JUDICIAL BUREAU; JURISDICTION**

9 \* \* \*

10 (33) Violations of 13 V.S.A. § 4083(a)(1) or (b)(1) relating to  
11 possessing a firearm, frame or receiver of a firearm, or unfinished frame or  
12 receiver of a firearm that is not imprinted with a serial number.

13 \* \* \*

14 **Sec. 3. 13 V.S.A. § 4019a is amended to read:**

15 **§ 4019A. FIREARMS TRANSFERS; WAITING PERIOD**

16 (a) A person shall not transfer a firearm to another person until 72 hours  
17 after the licensed dealer facilitating the transfer is provided with a unique  
18 identification number for the transfer by the National Instant Criminal  
19 Background Check System (NICS) or seven business days have elapsed since  
20 the dealer contacted NICS to initiate the background check, whichever occurs  
21 first.

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

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

6 (d) As used in this section, “firearm” has the same meaning as in subsection  
7 4017(d) of this title.

8 (e)(1) This section shall not apply to a firearms transfer at a gun show.

9 (2) As used in this subsection, “gun show” means a function sponsored  
10 by:

11 (A) a national, state, or local organization, devoted to the collection,  
12 competitive use, or other sporting use of firearms; or

13 (B) an organization or association that sponsors functions devoted to  
14 the collection, competitive use, or other sporting use of firearms in the  
15 community.

16 (3) This subsection shall be repealed on ~~July 1, 2024~~ July 1, 2025.

17 (f) This subsection shall not apply to the return of a firearm, frame, or  
18 receiver to a person by a licensed dealer after the dealer has serialized it  
19 pursuant to federal law or section 4084 of this title if the dealer returns the  
20 firearm, frame, or receiver to the same person from whom it was received.

1 Sec. 4. 13 V.S.A. § 4027 is added to read:

2 § 4027. POLLING PLACES; FIREARMS WEAPONS PROHIBITED

3 (a)(1) A person shall not knowingly possess a firearm or a dangerous or  
4 deadly weapon at a polling place, or on the walks and driveways leading to a  
5 building in which a polling place is located, on an election day or an early  
6 voting day.

7 (2) The provisions of subdivision (1) of this subsection shall apply to the  
8 town clerk's office during any period of early or absentee voting.

9 (b) A person who violates this section shall be imprisoned not more than  
10 one year or fined not more than \$1,000.00, or both.

11 (c) This section shall not apply to:

12 (1) firearms carried for legitimate law enforcement purposes by a  
13 federal law enforcement officer or a law enforcement officer certified as a law  
14 enforcement officer by the Vermont Criminal Justice Council pursuant to  
15 20 V.S.A. § 2358; or

16 (2) firearms carried by a person while performing the person's official  
17 duties as an employee of the United States; a department or agency of the  
18 United States; a state; or a department, agency, or political subdivision of a  
19 state, if the person is authorized to carry a firearm as part of the person's  
20 official duties.

1 (d) Notice of the provisions of this section shall be posted conspicuously at  
2 each public entrance to each polling place.

3 (e) As used in this section:

4 (1) “Dangerous or deadly weapon” has the same meaning as in section  
5 4016 of this title.

6 (2) “Early voting day” means a day on which a board of civil authority  
7 has voted to permit early voting pursuant to 17 V.S.A. § 2546b.

8 (3) “Firearm” has the same meaning as in section 4017 of this title.

9 (4) “Polling place” means a place that a municipality has designated to  
10 the Secretary of State as a polling place pursuant to 17 V.S.A. § 2502(f).

11 Sec. 5. 17 V.S.A. § 2510 is added to read:

12 § 2510. POLLING PLACES; WEAPONS PROHIBITED

13 (a)(1) A person shall not knowingly possess a firearm or a dangerous or  
14 deadly weapon at a polling place, or on the walks and driveways leading to a  
15 building in which a polling place is located, on an election day or an early  
16 voting day.

17 (2) The provisions of subdivision (1) of this subsection shall apply to the  
18 town clerk’s office during any period of early or absentee voting.

19 (b) This section shall not apply to:

20 (1) firearms carried for legitimate law enforcement purposes by a  
21 federal law enforcement officer or a law enforcement officer certified as a law

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

3 (2) firearms carried by a person while performing the person’s official  
4 duties as an employee of the United States; a department or agency of the  
5 United States; a state; or a department, agency, or political subdivision of a  
6 state, if the person is authorized to carry a firearm as part of the person’s  
7 official duties.

8 (c) Notice of the provisions of this section shall be posted conspicuously at  
9 each public entrance to each polling place.

10 (d) As used in this section:

11 (1) “Dangerous or deadly weapon” has the same meaning as in 13  
12 V.S.A. § 4016.

13 (2) “Early voting day” means a day on which a board of civil authority  
14 has voted to permit early voting pursuant to section 2546b of this title.

15 (3) “Firearm” has the same meaning as in section 13 V.S.A. § 4017.

16 (4) “Polling place” means a place that a municipality has designated to  
17 the Secretary of State as a polling place pursuant to subsection 2502(f) of this  
18 title.

19 Sec. 6. EFFECTIVE DATES

20 (a) Secs. 1 and 2 of this act shall take effect on December 31, 2024.

21 (b) Secs. 3, 4, 5, and this section shall take effect on passage.

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4 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

6

Representative \_\_\_\_\_

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FOR THE COMMITTEE