

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) More than 700 Vermont residents died of gunshot wounds in the decade**
10 **from 2011 to 2020. 88% of these deaths were suicides.**

11 **(2) Of all the deaths in Vermont involving firearms in 2021, 89% were by**
12 **suicide and 8% were by homicide.**

13 **(3) The 2021 suicide rate by all methods in Vermont was 20.3 per 100,000**
14 **persons, compared to a national rate of 14.3 per 100,00 persons. Suicide**
15 **among Vermont men and boys is 50% higher than the national average**

16 **(4) In 2021 the number of suicides in Vermont was 142, with 83 of them**
17 **committed by firearm, or 58%.**

18 **(5) Rand Corporation research estimates that in 2016 firearms were present**
19 **in 47% of Vermont homes and in 32% of homes in the United States.**

20 **(6) Children are 4.4 times more likely to die by suicide in a home with a**
21 **firearm compared to a home without a firearm.**

1 (7) Persons at greatest risk of suicide in Vermont are men, persons living in
2 rural areas, persons with a disability, veterans, and members of the LGBTQ+
3 community.

4 **Sec. 2. LEGISLATIVE PURPOSE**

5 The purpose of this legislation is to prevent death by suicide by reducing
6 access to lethal means of firearms. Although there are many other methods for
7 committing suicide, firearms are unique in their ability to create instantaneous
8 and irreversible outcomes. Nearly every other commonly used method for
9 suicide has a high survivability rate. It is extremely rare for someone to survive
10 a suicide attempt in which a firearm is used. This fact, combined with the high
11 prevalence of firearms in Vermont, is why this method alone is being
12 addressed by this bill.

13 Sec. 3. 13 V.S.A. § 4024 is added to read:

14 § 4024. SECURE FIREARMS STORAGE

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

19 (A) separate from ammunition; and

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

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

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

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

9 (C) a child or prohibited person accesses and uses the firearm during
10 the course of a lawful act of self-defense or defense of another person.

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

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

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

17 (3) imprisoned not more than five years or fined not more than
18 \$5,000.00, or both, if a child or prohibited person gains access to the firearm
19 and uses it to cause death or ~~serious bodily~~ injury to any person.

20 (c) Charging discretion. If a person who allegedly violates this section is a
21 parent or guardian of a child who gains access to a firearm that is used in an

1 unintentional or self-inflicted shooting that causes death or **bodily** injury to the
2 child, the impact of the child’s death or injury on the person who committed
3 the alleged violation shall be considered by the State’s Attorney when deciding
4 whether to file criminal charges in the case.

5 (d) Information distribution.

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

14 (2) The sign required by subdivision (1) of this subsection shall be at
15 least eight and one-half inches high by eleven inches wide and shall contain
16 black text at least half an inch high against a white background. The sign shall
17 contain the following text, and no other statements or markings:

18 “WARNING: Access to a firearm in the home significantly increases the
19 risk of suicide, death during domestic violence disputes, and the unintentional
20 death of children, household members, and others. If you or a loved one is

1 experiencing distress or depression, call the 988 Suicide and Crisis hotline or
2 text “VT” to 741741.

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

8 Posted pursuant to 13 V.S.A. § 4024.”

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

17 (4) The Department of Health and Agency of Education shall develop
18 detailed information regarding firearms safety and annually provide it free of
19 cost to students and parents. The information shall include the risks associated
20 with firearms, suicide prevention resources, state laws requiring secure
21 firearms storage, and the importance of secure storage in protecting minors

1 from accessing firearms. School districts shall annually distribute a pamphlet
2 in English and Spanish containing the information required by this subdivision
3 to all students and their families and shall post the information on the district's
4 webpage.

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

6 (1) "Child" means a person under 18 years of age.

7 (2) "Firearm" has the same meaning as in subsection 4017(d) of this
8 title.

9 (3) "Injury" means a harmful effect on an individual's health, including
10 the individual's mental, emotional, or physical health, or a combination of
11 these.

12 (4) "Licensed dealer" means a person issued a license as a dealer in
13 firearms pursuant to 18 U.S.C. § 923(a).

14 (5) "Locked container" means a box, case, chest, locker, safe, or other
15 similar receptacle equipped with a tamper-resistant lock.

16 (6) "Prohibited person" means a person who is prohibited from
17 possessing a firearm by state or federal law or by court order.

18 Sec. 4. 13 V.S.A. § 4051 is amended to read:

19 § 4051. DEFINITIONS

20 As used in this subchapter:

21 * * *

1 extreme risk protection order ex parte, without notice to the respondent. A law
2 enforcement officer may notify the court that an ex parte extreme risk
3 protection order is being requested pursuant to this section, but the court shall
4 not issue the order until after the motion is submitted.

5 * * *

6 Sec. 8. 13 V.S.A. § 4055 is amended to read:

7 § 4055. TERMINATION AND RENEWAL MOTIONS

8 * * *

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

18 * * *

19 Sec. 9. 13 V.S.A. § 4019a is added to read:

20 § 4019a. FIREARMS TRANSFERS; WAITING PERIOD

1 (a) A person shall not transfer a firearm to another person until 72/48 hours
2 after the completion of the background check required by 18 U.S.C. § 922(s)
3 or section 4019 of this title.

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

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

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

11 Sec. 10. EFFECTIVE DATE

12 This act shall take effect on passage.

13

14

15 (Committee vote: _____)

16

17

Representative _____

18

FOR THE COMMITTEE