

1 S.4

2 Introduced by Senators Sears, Baruth and Campion

3 Referred to Committee on

4 Date:

5 Subject: Juvenile and criminal procedures

6 Statement of purpose of bill as introduced: This bill proposes the following  
7 measures to reduce crimes of violence associated with juveniles and dangerous  
8 weapons:

9 (1) to require that proceedings against persons 14–21 years of age  
10 originate in the Criminal Division of the Superior Court if the person is  
11 charged with human trafficking, trafficking a regulated drug, or carrying a  
12 dangerous weapon while committing a felony;

13 (2) to prohibit a dwelling or building owner from knowingly or  
14 recklessly permitting the premises to be used for human trafficking, selling or  
15 dispensing a regulated drug, or carrying a dangerous weapon while committing  
16 a felony;

17 (3) to prohibit possession of a firearm with a defaced serial number;

18 (4) to prohibit straw purchases of firearms;

19 (5) to prohibit the possession of firearms by fugitives from justice;

20 persons subject to final relief from abuse and stalking orders; and persons

1 charged with human trafficking, trafficking a regulated drug, or carrying a  
2 dangerous weapon while committing a felony;

3 (6) to provide that conduct constituting the offense of carrying a  
4 dangerous or deadly weapon while committing a felony be considered a violent  
5 act for the purposes of determining bail;

6 (7) to prohibit possession of semiautomatic assault weapons by persons  
7 under 21 years of age;

8 (8) to make juvenile case records and files available to the National  
9 Instant Criminal Background Check System for purposes of conducting a  
10 background check when a person under 21 years of age purchases a firearm;  
11 and

12 (9) to establish a grant program permitting communities suffering from  
13 an increase in violence associated with illegal drug use, gang activity, or  
14 human trafficking to obtain financial assistance to support community outreach  
15 and intervention, violence prevention, and reducing the demand for illegal  
16 drugs.

17 An act relating to reducing crimes of violence associated with juveniles and  
18 dangerous weapons

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

2 Sec. 1. 33 V.S.A. § 5201 is amended to read:

3 § 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

4 \* \* \*

5 (c)(1) Any proceeding concerning a child who is alleged to have committed  
6 an act specified in subsection 5204(a) of this title after attaining 14 years of  
7 age, but not 22 years of age, shall originate in the Criminal Division of the  
8 Superior Court, provided that jurisdiction may be transferred in accordance  
9 with this chapter and chapter 52A of this title, unless the State's Attorney files  
10 the charge directly as a youthful offender petition in the Family Division.

11 (2) Any proceeding concerning a child who is alleged to have  
12 committed one of the following acts after attaining 14 years of age, but not 22  
13 years of age, shall originate in the Criminal Division of the Superior Court,  
14 provided that jurisdiction may be transferred in accordance with this chapter  
15 and chapter 52A of this title, unless the State's Attorney files the charge  
16 directly as a youthful offender petition in the Family Division:

17 (A) carrying a dangerous weapon while committing a felony in  
18 violation of 13 V.S.A. § 4005;

19 (B) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,  
20 subchapter 1; or



1 Sec. 3. 13 V.S.A. § 1033 is added to read:

2 § 1033. KNOWINGLY OR RECKLESSLY PERMITTING HUMAN  
3 TRAFFICKING OR CARRYING DANGEROUS WEAPON WHILE  
4 COMMITTING FELONY IN A DWELLING

5 (a) No person shall knowingly or recklessly permit a dwelling, building, or  
6 structure owned by or under the control of the person to be used for the  
7 purpose of:

8 (1) human trafficking or aggravated human trafficking in violation of  
9 section 2652 or 2653 of this title; or

10 (2) carrying a dangerous weapon while committing a felony in violation  
11 of section 4005 of this title.

12 (b) A person who violates this section shall be imprisoned not more than  
13 five years or fined not more than \$100,000.00, or both.

14 (c) As used in this section, “recklessly” means consciously disregarding a  
15 substantial and unjustifiable risk.

16 Sec. 4. 13 V.S.A. § 4024 is added to read:

17 § 4024. DEFACING OF FIREARM’S SERIAL NUMBER

18 (a) A person shall not knowingly possess a firearm that has had the  
19 importer’s or manufacturer’s serial number removed, obliterated, or altered.

20 (b) A person who violates this section shall be imprisoned not more than  
21 five years or fined not more than \$100,000.00, or both.

1        (c) As used in this section:

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

3            (2) “Importer” means any person engaged in the business of importing  
4 or bringing firearms or ammunition into the United States for purposes of sale  
5 or distribution.

6            (3) “Manufacturer” means any person engaged in the business of  
7 manufacturing firearms or ammunition for purposes of sale or distribution.

8        (d) Conduct constituting the offense of defacing a firearm’s serial number  
9 shall be considered a violent act for the purposes of determining bail.

10        Sec. 5. 13 V.S.A. § 4025 is added to read:

11        § 4025. STRAW PURCHASING OF FIREARMS

12            (a) A person shall not purchase a firearm for, on behalf of, or at the request  
13 or demand of another person if the purchaser knows or reasonably should  
14 know that the other person:

15            (1) is prohibited by state or federal law from possessing a firearm;

16            (2) intends to carry the firearm while committing a felony; or

17            (3) intends to transfer the firearm to another person who:

18            (A) is prohibited by state or federal law from possessing a firearm; or

19            (B) intends to carry the firearm while committing a felony.

20            (b) A person who violates this section shall be imprisoned not more than  
21 five years or fined not more than \$100,000.00, or both.

1        (c) As used in this section, “firearm” has the same meaning as in section  
2        4017 of this title.

3        (d) Conduct constituting the offense of straw purchasing of firearms shall  
4        be considered a violent act for the purposes of determining bail.

5        Sec. 6. 13 V.S.A. § 4017a is added to read:

6        § 4017a. FUGITIVES FROM JUSTICE; PERSONS SUBJECT TO FINAL  
7                RELIEF FROM ABUSE OR STALKING ORDER; PERSONS  
8                CHARGED WITH CERTAIN OFFENSES; PROHIBITION ON  
9                POSSESSION OF FIREARMS

10       (a) A person shall not possess a firearm if the person:

11           (1) is a fugitive from justice;

12           (2) is the subject of a final relief from abuse order issued pursuant to  
13        15 V.S.A. § 1104;

14           (3) is the subject of a final order against stalking issued pursuant to 12  
15        V.S.A. § 5133; or

16           (4) has been charged with:

17                (A) carrying a dangerous weapon while committing a felony in  
18        violation of section 4005 of this title;

19                (B) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,  
20        subchapter 1; or

1           (C) human trafficking or aggravated human trafficking in violation of  
2           section 2652 or 2653 of this title.

3           (b) A person who violates this section shall be imprisoned not more than  
4           two years or fined not more than \$1,000.00, or both.

5           (c) As used in this section:

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

7           (2) “Fugitive from justice” means a person who has fled to avoid  
8           prosecution for a crime or to avoid giving testimony in a criminal proceeding.

9           Sec. 7. 13 V.S.A. § 4005 is amended to read:

10          § 4005. WHILE COMMITTING A ~~CRIME~~ FELONY

11          (a) Except as otherwise provided in 18 V.S.A. § 4253, a person who carries  
12          a dangerous or deadly weapon, openly or concealed, while committing a felony  
13          shall be imprisoned not more than five years or fined not more than \$500.00,  
14          or both.

15          (b) Conduct constituting the offense of carrying a dangerous or deadly  
16          weapon while committing a felony shall be considered a violent act for the  
17          purposes of determining bail.

18          Sec. 8. 13 V.S.A. § 4020a is added to read

19          § 4020a. POSSESSION OF SEMIAUTOMATIC ASSAULT WEAPONS BY

20                           PERSONS UNDER 21 YEARS OF AGE PROHIBITED



1       (a) A person under 21 years of age shall not possess a semiautomatic  
2 assault weapon.

3       (b) A person who violates this section shall be imprisoned for not more  
4 than one year or fined not more than \$500.00, or both.

5       (c) This section shall not apply to any semiautomatic assault weapon  
6 possessed by:

7           (1) a federal law enforcement officer or a law enforcement officer  
8 certified as a law enforcement officer by the Vermont Criminal Justice Council  
9 pursuant to 20 V.S.A. § 2358, for legitimate law enforcement purposes,  
10 whether the officer is on or off duty; or

11           (2) an active or veteran member of the Vermont National Guard, of the  
12 National Guard of another state, or of the U.S. Armed Forces.

13       (d)(1) As used in this section, “semiautomatic assault weapon” means:

14           (A) a semiautomatic rifle that has an ability to accept a detachable  
15 magazine and has at least one of the following features:

16                   (i) a folding or telescoping stock;

17                   (ii) a pistol grip that protrudes conspicuously beneath the action of  
18 the weapon;

19                   (iii) a thumbhole stock;

20                   (iv) a second handgrip or a protruding grip that can be held by the  
21 nontrigger hand;

1                   (v) a bayonet mount;

2                   (vi) a flash suppressor, muzzle break, muzzle compensator, or  
3 threaded barrel designed to accommodate a flash suppressor, muzzle break, or  
4 muzzle compensator; or

5                   (vii) a grenade launcher;

6                   (B) a semiautomatic pistol that has an ability to accept a detachable  
7 magazine and has at least one of the following features:

8                   (i) a folding or telescoping stock;

9                   (ii) a thumbhole stock;

10                  (iii) a second handgrip or a protruding grip that can be held by the  
11 nontrigger hand;

12                  (iv) capacity to accept an ammunition magazine that attaches to  
13 the pistol outside the pistol grip;

14                  (v) a threaded barrel capable of accepting a barrel extender, flash  
15 suppressor, forward handgrip, or silencer;

16                  (vi) a shroud that is attached to, or partially or completely  
17 encircles, the barrel and that permits the shooter to hold the firearm with the  
18 nontrigger hand without being burned;

19                  (vii) a manufactured weight of 50 ounces or more when the pistol  
20 is unloaded; or

21                  (viii) a semiautomatic version of an automatic firearm; or

- 1           (C) a semiautomatic shotgun that has at least one of the following  
2 features:  
3           (i) a folding or telescoping stock;  
4           (ii) a thumbhole stock;  
5           (iii) a second handgrip or a protruding grip that can be held by the  
6 nontrigger hand;  
7           (iv) a fixed magazine capacity in excess of seven rounds; or  
8           (v) an ability to accept a detachable magazine.

- 9           (2) "Semiautomatic assault weapon" does not include:  
10           (A) a firearm that:  
11           (i) is manually operated by bolt, pump, lever, or slide action;  
12           (ii) has been rendered permanently inoperable; or  
13           (iii) is an antique firearm as defined in section 4017 of this title;  
14           (B) a semiautomatic rifle that cannot accept a detachable magazine  
15 that holds more than five rounds of ammunition; or  
16           (C) a semiautomatic shotgun that cannot hold more than five rounds  
17 of ammunition in a fixed or detachable magazine.

18       Sec. 9. 33 V.S.A. § 5117 is amended to read:

19       § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

- 20           (a) Except as otherwise provided, court and law enforcement reports and  
21 files concerning a person subject to the jurisdiction of the court shall be

1 maintained separate from the records and files of other persons. Unless a  
2 charge of delinquency is transferred for criminal prosecution under chapter 52  
3 of this title or the court otherwise orders in the interests of the child, such  
4 records and files shall not be open to public inspection nor their contents  
5 disclosed to the public by any person. However, upon a finding that a child is  
6 a delinquent child by reason of commission of a delinquent act that would have  
7 been a felony if committed by an adult, the court, upon request of the victim,  
8 shall make the child's name available to the victim of the delinquent act. If the  
9 victim is incompetent or deceased, the child's name shall be released, upon  
10 request, to the victim's guardian or next of kin.

11 \* \* \*

12 (d) Such records and files shall be available to:

- 13 (1) State's Attorneys and all other law enforcement officers in  
14 connection with record checks and other legal purposes; and  
15 (2) the National Instant Criminal Background Check System in  
16 connection with a background check conducted on a person under 21 years of  
17 age pursuant to 18 U.S.C. § 922(t)(1)(C) and 34 U.S.C. § 40901(l).

18 \* \* \*

19 Sec. 10. 20 V.S.A. chapter 209 is added to read:

20 CHAPTER 209. COMMUNITY SAFETY GRANTS

21 § 4671. COMMUNITY SAFETY GRANT PROGRAM

1       (a) There is established the Community Safety Grant Program to be  
2       administered by the Department of Health in consultation with the Department  
3       of Public Safety, the Director of Violence Prevention, and the Executive  
4       Director of Racial Equity. The Program shall establish a process for a  
5       community where there has been an increase in violence associated with illegal  
6       drug use, gang activity, or human trafficking to apply for and obtain grants to  
7       assist the community with community outreach and intervention, violence  
8       prevention, and reducing the demand for illegal drugs. Grants awarded  
9       pursuant to this section shall be at the discretion of the Commissioner of  
10       Health.

11       (b) A municipality may submit an application for the Community Safety  
12       Grant to the Commissioner of Health. Grants awarded under this section shall  
13       be for the purpose of community outreach and intervention, violence  
14       prevention, and reducing the demand for illegal drugs. Successful grant  
15       applicants shall:

16               (1) describe, with corroborating data, how the municipality's  
17       community has been impacted by an increase in violence associated with  
18       illegal drug use, gang activity, or human trafficking;

19               (2) provide a detailed plan for a community program designed to  
20       decrease the demand for, and violence associated with, illegal drug use, gang

1 activity, or human trafficking in the community, including specific proposals  
2 for how the plan will successfully meet its designated goals; and

3 (3) document the personnel needs for the program, including required  
4 staff, anticipated duties, work hours, and any specialized training necessary.

5 (c) Awards granted by the Commissioner under this section shall be  
6 provided directly to the applying municipality.

7 (d) Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt rules  
8 necessary to administer the Grant Program established in this section. Rules  
9 shall address:

10 (1) timelines for application and reapplication;

11 (2) additional application criteria; and

12 (3) procedures for review of grant expenditures and program evaluation.

13 Sec. 11. APPROPRIATION

14 (a) The sum of \$10,000,000.00 is appropriated from the General Fund to  
15 the Department of Health in fiscal year 2024 for the purpose of supporting the  
16 Community Safety Grant Program established by 20 V.S.A. § 4671.

17 (b) If funding is available for the Community Safety Grant Program from  
18 federal grants or legal settlements related to drug use or criminal activity:

19 (1) such federal or settlement funds shall be utilized first for the  
20 Program; and

1           (2) an amount of the General Fund appropriation made under subsection  
2           (a) of this section equal to the total amount of federal grants or legal  
3           settlements received by the Program shall be reverted to the General Fund.

4           Sec. 12. EFFECTIVE DATE

5           This act shall take effect on passage.