

1 TO THE HONORABLE SENATE:

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, and to juvenile offenses in the Criminal
5 Division” respectfully reports that it has considered the same and recommends
6 that the bill be amended by striking out all after the enacting clause and
7 inserting in lieu thereof the following:

8 Sec. 1. SHORT TITLE

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

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

11 CHAPTER 85. WEAPONS

12 * * *

13 Subchapter 4. Unserialized Firearms and Firearms Frames and Receivers

14 § 4081. SHORT TITLE

15 ~~This chapter shall be known as the Vermont Ghost Guns Act.~~

16 § 4082. DEFINITIONS

17 As used in this subchapter:

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

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

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

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

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

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

19 (7) “Three-dimensional printer” means a computer-aided manufacturing
20 device capable of producing a three-dimensional object from a three-
21 dimensional digital model through an additive manufacturing process that

1 involves the layering of two-dimensional cross sections formed of a resin or
2 similar material that are fused together to form a three-dimensional object.

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

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) This subsection does not apply to:

16 (A) a federal firearms licensee acting within the scope of the
17 licensee’s license; or

18 (B) temporary possession or transfer of an unfinished frame or
19 receiver for the purpose of having it imprinted with a serial number pursuant to
20 federal law or section 4084 of this title.

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

5 (2) This subsection does not apply to:

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

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

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

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

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

14 (c)(1) A person shall not manufacture a firearm or frame or receiver of a
15 firearm, including by a three-dimensional printer, that is not imprinted with a
16 serial number by a federal firearms licensee pursuant to federal law or section
17 4084 of this title.

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

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

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

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

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

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

10 § 4084. FEDERAL FIREARMS LICENSEES; AUTHORITY TO
11 SERIALIZE FIREARMS, FRAMES, AND RECEIVERS

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

14 (b)(1) A firearm, frame, or receiver serialized pursuant to this section shall
15 be imprinted with a serial number that begins with the licensee's abbreviated
16 federal firearms license number, which is the first three and last five digits of
17 the license number, and is followed by a hyphen that precedes a unique
18 identification number. The serial number shall not be duplicated on any other
19 firearm, frame, or receiver serialized by the licensee and shall be imprinted in a
20 manner that complies with the requirements under federal law for affixing
21 serial numbers to firearms, including that the serial number be at the minimum

1 size and depth and not susceptible to being readily obliterated, altered, or
2 removed.

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

9 (c) Returning a firearm, frame, or receiver to a person after it has been
10 serialized pursuant to federal law or this section constitutes a transfer that
11 requires a background check of the transferee. A federal licensee who
12 serializes a firearm, frame, or receiver pursuant to this section shall conduct a
13 background check on the transferee pursuant to subsection 4019(c) of this title,
14 provided that if the transfer is denied, the licensee shall **surrender deliver** the
15 firearm, frame, or receiver to a law enforcement agency **for disposition OR**
16 **the Department of Public Safety for disposition pursuant to Chapter 145 of**
17 **Title 20 OR to the Bureau of Alcohol, Tobacco, Firearms and Explosives for**
18 **disposition.**

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

1 **Sec. 2. 2018 Acts and Resolves No. 201, Sec. 21, as amended by 2022 Acts**
2 **and Resolves No. 160, Sec. 1, and as further amended by 2023 Acts and**
3 **Resolves No. 23, Sec. 12, is further amended to read:**

4 **Sec. 21. EFFECTIVE DATES**

5 * * *

6 **(d) Secs. 17–19 ~~shall take effect on July 1, 2024~~ are repealed.**

7 **Sec. 3. 2020 Acts and Resolves No. 124, Sec. 12, as amended by 2022 Acts**
8 **and Resolves No. 160, Sec. 2, and as further amended by 2023 Acts and**
9 **Resolves No. 23, Sec. 12, is further amended to read:**

10 **Sec. 12. EFFECTIVE DATES**

11 **(a) Secs. 3 (33 V.S.A. § 5103(c)) and 7 (33 V.S.A. § 5206) ~~shall take effect~~**
12 **~~on July 1, 2024~~ are repealed.**

13 * * *

14 **Sec. 4. 33 V.S.A. § 5201(d) is amended to read:**

15 (d) Any proceeding concerning a child who is alleged to have committed
16 any offense other than those specified in subsection 5204(a) of this title before
17 attaining ~~19~~ 20 years of age shall originate in the Family Division of the
18 Superior Court, provided that jurisdiction may be transferred in accordance
19 with this chapter.

20 **Sec. 5. 33 V.S.A. § 5203 is amended to read:**

21 **§ 5203. TRANSFER FROM OTHER COURTS**

1 (a) If it appears to a Criminal Division of the Superior Court that the
2 defendant was under ~~19~~ 20 years of age at the time the offense charged was
3 alleged to have been committed and the offense charged is an offense not
4 specified in subsection 5204(a) of this title, that court shall forthwith transfer
5 the proceeding to the Family Division of the Superior Court under the
6 authority of this chapter, and the minor shall then be considered to be subject
7 to this chapter as a child charged with a delinquent act.

8 * * *

9 (c) If it appears to the State's Attorney that the defendant was under ~~19~~ 20
10 years of age at the time the felony offense charged was alleged to have been
11 committed and the felony charged is not an offense specified in subsection
12 5204(a) of this title, the State's Attorney shall file charges in the Family
13 Division of the Superior Court, pursuant to section 5201 of this title. The
14 Family Division may transfer the proceeding to the Criminal Division pursuant
15 to section 5204 of this title.

16 * * *

17 **Sec. 6. 33 V.S.A. § 5204(a) is amended to read:**

18 § 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR
19 COURT

20 (a) After a petition has been filed alleging delinquency, upon motion of the
21 State's Attorney and after hearing, the Family Division of the Superior Court

1 may transfer jurisdiction of the proceeding to the Criminal Division of the
2 Superior Court if the child had attained 16 years of age but not ~~19~~ 20 years of
3 age at the time the act was alleged to have occurred and the delinquent act set
4 forth in the petition is a felony not specified in subdivisions (1)–(12) of this
5 subsection or if the child had attained 12 years of age but not 14 years of age at
6 the time the act was alleged to have occurred, and if the delinquent act set forth
7 in the petition was any of the following:

8 * * *

9 **Sec. 7. 33 V.S.A. § 5103(c) is amended to read:**

10 (c)(1) Except as otherwise provided by this title and by subdivision (2) of
11 this subsection, jurisdiction over a child shall not be extended beyond the
12 child's 18th birthday.

13 (2)(A) Jurisdiction over a child with a delinquency may be extended
14 until six months beyond the child's:

15 (i) 19th birthday if the child was 16 or 17 years of age when he or
16 she committed the offense; ~~or~~

17 (ii) 20th birthday if the child was 18 years of age when he or she
18 committed the offense; or

19 (iii) 21st birthday if the child was 19 years of age when he or she
20 committed the offense.

21 **Sec. 8. 33 V.S.A. § 5206 is amended to read:**

1 § 5206. CITATION OF 16- TO ~~18-YEAR-OLDS~~ 19-YEAR-OLDS

2 (a)(1) If a child was over 16 years of age and under ~~19~~ 20 years of age at the
3 time the offense was alleged to have been committed and the offense is not
4 specified in subsection (b) of this section, law enforcement shall cite the child
5 to the Family Division of the Superior Court.

6 * * *

7 **Sec. 9. PLAN FOR SECURE PLACEMENTS**

8 On or before September 1, 2024 and December 1, 2024, the Department for
9 Children and Families shall file a status report to the Joint Legislative Justice
10 Oversight Committee, the Senate and House Committees on Judiciary, the
11 House Committee on Corrections and Institutions, the House Committee on
12 Human Services, and the Senate Committee on Health and Welfare describing
13 the progress made toward implementing the requirement of Secs. XX-XX of
14 this act that the Raise the Age initiative take effect on July 1, 2025.

15 **Sec. 10. SENTENCING COMMISSION REPORT**

16 On or before December 15, 2024, the Vermont Sentencing Commission
17 shall report to the Joint Legislative Justice Oversight Committee and the
18 Senate and House Committees on Judiciary on methods to expedite the transfer
19 of cases from the Family Division to the Criminal Division under 33 V.S.A.
20 § 5204 in order to improve justice and efficiency when offenses that

1 commence in the Family Division are determined to be more appropriate for
2 resolution in the Criminal Division.

3 **Sec. 11. EFFECTIVE DATES**

4 (a) Sec. 1 of this Act shall take effect on December 31, 2024.

5 (b) Secs. 2, 3, 10, 11, and this section shall take effect on July 1, 2024.

6 (c) Secs. 4-8 of this Act shall take effect on July 1, 2025/April 1, 2025/??

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13 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE