

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 4
3 entitled “An act relating to reducing crimes of violence associated with
4 juveniles and dangerous weapons” respectfully reports that it has considered
5 the same and recommends that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

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

8 § 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

9 * * *

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

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

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(d) It shall not be a violation of this section if the person who owns or controls the dwelling, building, or structure takes action to address the unlawful activity, including reporting the unlawful activity to law enforcement or initiating eviction proceedings.

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

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

§ 1033. KNOWINGLY OR RECKLESSLY PERMITTING HUMAN

TRAFFICKING OR CARRYING DANGEROUS WEAPON

FIREARM WHILE COMMITTING FELONY IN A DWELLING

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

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

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

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$100,000.00, \$100,000.00, [Fed. \$500,000/\$2,000,000] or both.

1 (c) It shall not be a violation of this section if the person who owns or
2 controls the dwelling, building, or structure takes action to address the
3 unlawful activity, including reporting the unlawful activity to law enforcement
4 or initiating eviction proceedings.

5 (d) As used in this section, “recklessly” means consciously disregarding a
6 substantial and unjustifiable risk.

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

8 § 4024. DEFACING OF FIREARM’S SERIAL NUMBER

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

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

13 (c) As used in this section:

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

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

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

1 (d) Conduct constituting the offense of defacing a firearm’s serial number
2 shall be considered a violent act for the purposes of determining whether a
3 person is eligible for bail under section 7553a of this title.

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

5 § 4025. STRAW PURCHASING OF FIREARMS

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

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

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

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

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

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

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

16 (c) As used in this section, “firearm” has the same meaning as in section
17 4017 of this title.

18 (d) Conduct constituting the offense of straw purchasing of firearms shall
19 be considered a violent act for the purposes of determining whether a person is
20 eligible for bail under section 7553a of this title.

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

1 § 4017a. FUGITIVES FROM JUSTICE; PERSONS SUBJECT TO FINAL
2 RELIEF FROM ABUSE OR STALKING ORDER; PERSONS
3 CHARGED WITH CERTAIN OFFENSES; PROHIBITION ON
4 POSSESSION OF FIREARMS

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

6 (1) is a fugitive from justice;

7 (2) is the subject of a final relief from abuse order issued pursuant to
8 15 V.S.A. § 1104;

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

11 (4) has been charged with:

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

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

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

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

20 (c) As used in this section:

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

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

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

4 § 4005. WHILE COMMITTING A ~~CRIME~~ FELONY

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

9 (b) ~~Conduct constituting the offense of carrying a dangerous or deadly~~
10 ~~weapon~~ Carrying a firearm while committing a felony in violation of this
11 section shall be considered a violent act for the purposes of determining
12 whether a person is eligible for bail under section 7553a of this title.

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

14 § 4020a. POSSESSION OF SEMIAUTOMATIC ASSAULT WEAPONS BY
15 PERSONS UNDER 21 YEARS OF AGE PROHIBITED

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

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

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

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

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

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

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

10 (i) a folding or telescoping stock;

11 (ii) a pistol grip that protrudes conspicuously beneath the action of
12 the weapon;

13 (iii) a thumbhole stock;

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

16 (v) a bayonet mount;

17 (vi) a flash suppressor, muzzle break, muzzle compensator, or
18 threaded barrel designed to accommodate a flash suppressor, muzzle break, or
19 muzzle compensator; or

20 (vii) a grenade launcher;

1 (B) a semiautomatic pistol that has an ability to accept a detachable
2 magazine and has at least one of the following 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) capacity to accept an ammunition magazine that attaches to
8 the pistol outside the pistol grip;

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

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

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

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

17 (C) a semiautomatic shotgun that has at least one of the following
18 features:

19 (i) a folding or telescoping stock;

20 (ii) a thumbhole stock;

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

3 (iv) a fixed magazine capacity in excess of seven rounds; or

4 (v) an ability to accept a detachable magazine.

5 (2) “Semiautomatic assault weapon” does not include:

6 (A) a firearm that:

7 (i) is manually operated by bolt, pump, lever, or slide action;

8 (ii) has been rendered permanently inoperable; or

9 (iii) is an antique firearm as defined in section 4017 of this title;

10 (B) a semiautomatic rifle that cannot accept a detachable magazine
11 that holds more than five rounds of ammunition; or

12 (C) a semiautomatic shotgun that cannot hold more than five rounds
13 of ammunition in a fixed or detachable magazine.

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

15 § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

16 (a) Except as otherwise provided, court and law enforcement reports and
17 files concerning a person subject to the jurisdiction of the court shall be
18 maintained separate from the records and files of other persons. Unless a
19 charge of delinquency is transferred for criminal prosecution under chapter 52
20 of this title or the court otherwise orders in the interests of the child, such
21 records and files shall not be open to public inspection nor their contents

1 disclosed to the public by any person. However, upon a finding that a child is
2 a delinquent child by reason of commission of a delinquent act that would have
3 been a felony if committed by an adult, the court, upon request of the victim,
4 shall make the child's name available to the victim of the delinquent act. If the
5 victim is incompetent or deceased, the child's name shall be released, upon
6 request, to the victim's guardian or next of kin.

7 * * *

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

9 (1) State's Attorneys and all other law enforcement officers in
10 connection with record checks and other legal purposes; and

11 (2) the National Instant Criminal Background Check System in
12 connection with a background check conducted on a person under 21 years of
13 age pursuant to 18 U.S.C. § 922(t)(1)(C) and 34 U.S.C. § 40901(1).

14 * * *

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

16 CHAPTER 209. COMMUNITY SAFETY GRANTS

17 § 4671. COMMUNITY SAFETY GRANT PROGRAM

18 (a) There is established the Community Safety Grant Program to be
19 administered by the Department of Health in consultation with the Department
20 of Public Safety, the Director of Violence Prevention, and the Executive
21 Director of Racial Equity. The Program shall establish a process for a

1 community where there has been an increase in violence associated with illegal
2 drug use, gang activity, or human trafficking to apply for and obtain grants to
3 assist the community with community outreach and intervention, violence
4 prevention, and reducing the demand for illegal drugs. Grants awarded
5 pursuant to this section shall be at the discretion of the Commissioner of
6 Health.

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

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

15 (2) provide a detailed plan for a community program designed to
16 decrease the demand for, and violence associated with, illegal drug use, gang
17 activity, or human trafficking in the community, including specific proposals
18 for how the plan will successfully meet its designated goals; and

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

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

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

6 (1) timelines for application and reapplication;

7 (2) additional application criteria; and

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

9 Sec. 11. APPROPRIATION

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

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

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

17 (2) an amount of the General Fund appropriation made under subsection

18 (a) of this section equal to the total amount of federal grants or legal
19 settlements received by the Program shall be reverted to the General Fund.

20 Sec. 12. EFFECTIVE DATE

21 This act shall take effect on passage.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE