

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:

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

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

4 § 4024. DEFACING OF FIREARM’S SERIAL NUMBER

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

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

9 (c) As used in this section:

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

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

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

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

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

20 § 4025. STRAW PURCHASING OF FIREARMS

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

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

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

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

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

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

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

11 (c) As used in this section, “firearm” has the same meaning as in section
12 4017 of this title.

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

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

17 § 4017a. FUGITIVES FROM JUSTICE; PERSONS SUBJECT TO FINAL
18 RELIEF FROM ABUSE OR STALKING ORDER; PERSONS
19 CHARGED WITH CERTAIN OFFENSES; PROHIBITION ON
20 POSSESSION OF FIREARMS

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

1 (1) is a fugitive from justice;

2 (2) is the subject of a final relief from abuse order issued pursuant to
3 15 V.S.A. § 1104;

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

6 (4) has been charged with:

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

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

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

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

15 (c) As used in this section:

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

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

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

20 § 4005. WHILE COMMITTING A ~~CRIME~~ FELONY

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

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

9 Sec. 8. 13 V.S.A. § 4020 is amended to read:

10 § 4020. SALE OF FIREARMS TO PERSONS UNDER 21 YEARS OF AGE
11 PROHIBITED

12 (a) A person shall not sell a firearm or transfer a semiautomatic assault
13 weapon to a person under 21 years of age. A person who violates this
14 subsection shall be imprisoned for not more than one year or fined not more
15 than \$1,000.00, or both.

16 (b)(1) ~~This~~ Except as provided in subdivision (2) of this subsection, this
17 section shall not apply to:

18 ~~(1)(A)~~ a law enforcement officer;

19 ~~(2)(B)~~ an active or veteran member of the Vermont National Guard, of
20 the National Guard of another state, or of the U.S. Armed Forces;

1 ~~(3)~~(C) a person who provides the seller with a certificate of satisfactory
2 completion of a Vermont hunter safety course or an equivalent hunter safety
3 course that is approved by the Commissioner; or

4 ~~(4)~~(D) a person who provides the seller with a certificate of satisfactory
5 completion of a hunter safety course in another state or a province of Canada
6 that is approved by the Commissioner.

7 (2) The exceptions under subdivisions (1)(C) and (1)(D) of this
8 subsection shall not apply to a person who transfers a semiautomatic assault
9 weapon to a person under 21 years of age in violation of subsection (a) of this
10 section.

11 (c) As used in this section:

12 (1) “Firearm” shall have the same meaning as in subsection 4017(d) of
13 this title.

14 (2) “Law enforcement officer” shall have the same meaning as in
15 subsection 4016(a) of this title.

16 (3) “Commissioner” means the Commissioner of Fish and Wildlife.

17 (4) “Semiautomatic assault weapon” means:

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

20 (i) a folding or telescoping stock;

1 (ii) a pistol grip that protrudes conspicuously beneath the action of
2 the weapon;

3 (iii) a thumbhole stock;

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

6 (v) a bayonet mount;

7 (vi) a flash suppressor, muzzle break, muzzle compensator, or
8 threaded barrel designed to accommodate a flash suppressor, muzzle break, or
9 muzzle compensator; or

10 (vii) a grenade launcher;

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

13 (i) a folding or telescoping stock;

14 (ii) a thumbhole stock;

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

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

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

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

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

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

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

9 (i) a folding or telescoping stock;

10 (ii) a thumbhole stock;

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

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

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

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

16 (A) a firearm that:

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

18 (ii) has been rendered permanently inoperable; or

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

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

1 prevention, and reducing the demand for illegal drugs. Successful grant
2 applicants shall:

3 (1) describe, with corroborating data, how the municipality’s
4 community has been impacted by an increase in violence associated with
5 illegal drug use, gang activity, or human trafficking;

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

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

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

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

17 (1) timelines for application and reapplication;

18 (2) additional application criteria; and

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

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Sec. 14. PLAN FOR SECURE PLACEMENTS

(a) On or before September 1, 2023 and December 1, 2023, the Department for Children and Families shall file a status reports to the Joint Legislative Justice Oversight Committee and the Senate and House Committees on Judiciary describing the progress made toward implementing the requirement of Secs. 12 and 13 of this act that the Raise the Age initiative take effect on July 1, 2024.

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE