

H.580

Introduced by Representatives Waite-Simpson of Essex, Clarkson of  
Woodstock, Deen of Westminster, Edwards of Brattleboro,  
Evans of Essex, French of Shrewsbury, Heath of Westford,  
Jerman of Essex, Marek of Newfane, Mrowicki of Putney,  
Myers of Essex, Ram of Burlington, Till of Jericho, Wizowaty  
of Burlington and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Crimes and criminal procedure; weapons; firearms; minors; safe  
storage

Statement of purpose: This bill proposes a number of measures to encourage  
the safe storage of firearms. This bill proposes to:

(1) require that information on safe firearm storage practices be distributed  
by pawnbrokers and retail merchants when selling firearms, by pediatricians  
during at least one well-child visit, by a mental health provider serving a child  
diagnosed with depression, by the school comprehensive health education  
program, and by the hunter safety course and the mentored hunting program;

(2) increase the fine for the offense of furnishing a firearm to a child;

(3) prohibit children who are adjudicated delinquent, convicted of certain  
criminal offenses, or participating in the diversion program from possessing

1 firearms during the child's term of probation or during the diversion  
2 contract; and

3 (4) require a warning about the risks of unsafe firearm storage to be  
4 displayed at every point of purchase of a firearm or transfer of ownership of a  
5 firearm.

6 An act relating to the safe storage of a firearm

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

8 \* \* \* Crimes \* \* \*

9 Sec. 1. 13 V.S.A. § 4007 is amended to read:

10 § 4007. FURNISHING FIREARMS TO CHILDREN

11 A person, firm, or corporation, other than a parent or guardian, who sells or  
12 furnishes to a minor under the age of 16 years a firearm or other dangerous  
13 weapon or ammunition for firearms shall be fined not more than ~~\$50.00~~  
14 \$1,000.00 nor less than \$10.00. This section shall not apply to an instructor or  
15 teacher who furnishes firearms to pupils for instruction and drill.

16 Sec. 2. 13 V.S.A. § 4008 is amended to read:

17 § 4008. POSSESSION OF FIREARMS BY CHILDREN

18 (a) A ~~child~~ minor under the age of 16 years shall not, without the consent  
19 of his or her parents or guardian, have in his or her possession or control a  
20 pistol or revolver constructed or designed for the use of gunpowder or other

1 explosive substance with leaden ball or shot. A child who violates a provision  
2 of this section shall be deemed a delinquent child under the provisions of  
3 33 V.S.A. chapter 52 of Title 33.

4 (b)(1) No minor under the age of 16 years who is adjudicated delinquent  
5 shall possess or control a firearm during the minor's term of probation.

6 (2) No minor 16 or 17 years of age shall possess or control a firearm  
7 during probation if:

8 (A) the minor is convicted in the criminal division of the superior  
9 court of an offense specified in 33 V.S.A. § 5204; or

10 (B) the minor is convicted of a second or subsequent criminal offense  
11 involving drugs or alcohol.

12 (3)(A) A parent or guardian of a minor who is prohibited from  
13 possessing a firearm by subdivision (1) or (2) of this subsection shall be guilty  
14 of negligent storage of a firearm if:

15 (i) the parent or guardian keeps a loaded firearm within any  
16 premises that are under the parent's or guardian's custody or control;

17 (ii) the parent or guardian knows or reasonably should know that a  
18 child is likely to gain access to the firearm without the permission of the  
19 child's parent or guardian; and

20 (iii) a child obtains access to the firearm and uses it to cause death  
21 or serious bodily injury to any person.

1           (B) A parent or guardian who violates subdivision (A) of this  
2           subdivision (3) shall be fined not more than \$10,000.00.

3           (C) This subdivision (3) shall not apply to a parent or guardian who  
4           takes reasonable steps to secure the firearm.

5       Sec. 3. 3 V.S.A. § 163(c)(10) is added to read:

6           (10) All diversion contracts shall prohibit a minor charged with a  
7           delinquent or criminal offense from possessing or controlling a firearm until  
8           the minor successfully completes the contract.

9                               \* \* \* Sale of Firearms \* \* \*

10       Sec. 4. 13 V.S.A. § 4006 is amended to read:

11       § 4006. RECORD OF FIREARM SALES; LIST OF APPROVED FIREARM  
12           SAFETY DEVICES

13       (a) All pawnbrokers and retail merchants dealing in firearms shall keep a  
14       record book in which they shall record the sale by them of all revolvers and  
15       pistols, and the purchase by them of all secondhand revolvers and pistols.  
16       Such record shall include the date of the transaction, the marks of identification  
17       of the firearm, including the manufacturer's name, the caliber, model, and  
18       manufacturer's number of the firearm, the name, address, birthplace,  
19       occupation, age, height, weight, and color of eyes and hair of the purchaser or  
20       seller. Such purchaser or seller shall sign his or her name to the record and the  
21       pawnbroker or merchant shall preserve such record book for six years after the

1 date of last entry and shall permit all enforcement officers to inspect the same  
2 at all reasonable times. A person, partnership or corporation who violates a  
3 provision of this section shall be fined not more than \$100.00.

4 (b) All pawnbrokers and retail merchants dealing in firearms shall make  
5 available a list of approved firearm storage safety devices, including gun lock  
6 programs, to the purchaser at the time of purchase.

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

8 § 4017. SAFE FIREARM STORAGE WARNING

9 The following warning shall be clearly displayed at every point of purchase  
10 of a firearm and to every transferee during the transfer of ownership of a  
11 firearm: ALL FIREARMS SHOULD BE UNLOADED AND LOCKED  
12 USING AN APPROVED FIREARMS SAFETY DEVICE. UNSAFE GUN  
13 STORAGE INCREASES THE RISK OF GUN-RELATED INJURIES AND  
14 DEATHS IN CHILDREN AND TEENAGERS.

15 \* \* \* Conservation and development \* \* \*

16 Sec. 6. 10 V.S.A. § 4254(c) is amended to read:

17 (c) The commissioner shall provide for a course of basic instruction in the  
18 safe handling of firearms, safe firearm storage practices, survival training and  
19 first aid training, and a course in bow hunter education. The course of basic  
20 instruction shall include distribution of a brochure on the benefits of safe  
21 firearm storage. For this purpose, the commissioner may cooperate with any

1 reputable association, organization, or agency, and he or she may designate  
2 any person found by him or her to be competent to give such instruction. A  
3 person satisfactorily completing the course of instruction shall receive from the  
4 instructor a certificate in evidence thereof. No fee shall be charged for a  
5 course of instruction provided under this subsection.

6 Sec. 7. 10 V.S.A. § 4256(c) is amended to read:

7 (c) At the time of licensing, the department shall provide each mentored  
8 hunter a document to explain the details of the mentored hunting license  
9 program and to educate the mentored hunter about hunting safety and  
10 responsibility. The document shall provide information on the practice of safe  
11 firearm storage. The applicant shall certify, according to department  
12 procedure, that he or she has read the document. The department shall provide  
13 copies of this document to all locations authorized to sell licenses pursuant to  
14 subsection 4254(e) of this title.

15 \* \* \* Health \* \* \*

16 Sec. 8. 16 V.S.A. § 131(3) is amended to read:

17 (3) Safety, including first aid, disaster prevention ~~and~~, accident  
18 prevention, and safe firearm storage;

19 Sec. 9. YOUTH RISK BEHAVIOR SURVEY

20 The youth risk behavior survey sponsored by the department of health shall  
21 include a question pertaining to gun storage in the home.

1       Sec. 10. DISSEMINATION OF GUN STORAGE SAFETY

2                   INFORMATION; RULEMAKING

3           (a) The agency of human services and the board of medical practice shall  
4           adopt rules to provide for the transmission of safe firearm storage information  
5           by pediatricians. The rules shall require that a pamphlet be distributed by a  
6           pediatrician to a child and to a parent or guardian during at least one well-child  
7           visit before the child's fifth birthday.

8           (b) The office of professional regulation shall adopt rules to provide for the  
9           transmission of safe firearm storage information by mental health providers.  
10          The rules shall require that a pamphlet be distributed by a mental health  
11          provider, including mental health counselors and psychologists, to the parent  
12          or guardian of a child diagnosed with depression.

13       Sec. 11. EFFECTIVE DATE

14          This act shall take effect on July 1, 2012.