

1 H.230

2 An act relating to implementing mechanisms to reduce suicide and
3 community violence

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

5 Sec. 1. FINDINGS

6 The General Assembly finds:

7 (1) More than 700 Vermont residents died of gunshot wounds in the
8 decade from 2011 to 2020. Eighty-eight percent of these deaths were by
9 suicide.

10 (2) Of all the deaths in Vermont involving firearms in 2021, 89 percent
11 were by suicide and eight percent were by homicide.

12 (3) The 2021 suicide rate by all methods in Vermont was 20.3 per
13 100,000 persons, compared to a national rate of 14.0 per 100,000 persons.
14 Suicide among Vermont men and boys is 50 percent higher than the national
15 average.

16 (4) In 2021, the number of suicides in Vermont was 142, with 83 of
17 them completed by firearm, or 58 percent.

18 (5) According to 2023 data from the Vermont Department of Health, 44
19 percent of Vermont households store at least one firearm in or around the
20 home.

21 (6) Children are 4.4 times more likely to die by suicide in a home with a
22 firearm compared to a home without a firearm.

1 (7) Extreme risk protection orders have proven successful in situations
2 where other protective orders, mental health proceedings, or criminal charges
3 could not address the risk presented. In fiscal year 2022, 18 extreme risk
4 protection order petitions were filed statewide. In at least five of these cases, a
5 temporary or final order was based on a finding that the respondent had
6 “threatened or attempted suicide or serious bodily harm.”

7 (8) Emphasis on the eight percent of firearm deaths by homicide in the
8 State of Vermont does not portray the full impact of Vermont firearms on
9 public safety. Firearms purchased in Vermont and transferred, lawfully or
10 unlawfully, out of state contribute to violent crime in other states, including
11 homicide. A report prepared by the Federal Bureau of Alcohol, Tobacco,
12 Firearms, and Explosives revealed that in 2016, there were 51 traces of
13 firearms involved in a homicide to the State of Vermont.

14 (9) The National Firearms Commerce and Trafficking Assessment
15 (NFCTA): Crime Guns - Volume Two report prepared by the Federal Bureau
16 of Alcohol, Tobacco, Firearms, and Explosives (ATF) revealed that between
17 2017 and 2021, 6,333 firearms that were used in a crime were traced to
18 Vermont. Of the 1,903 firearms that could be traced to a known purchaser,
19 65 percent were recovered from someone other than the purchaser, and
20 64 percent were recovered outside the State of Vermont. Over 750 of these

1 firearms were recovered in our neighboring states of New York,
2 Massachusetts, and New Hampshire.

3 (10) Waiting period laws, which create a buffer between the time of gun
4 purchase and gun acquisition, can help to prevent impulsive acts of gun
5 violence. One study found that waiting period laws that delay the purchase of
6 firearms by a few days can reduce gun homicides by roughly 17 percent.

7 Sec. 2. LEGISLATIVE PURPOSE

8 The purposes of this legislation are to prevent death by suicide by reducing
9 access to operable firearms by children and prohibited persons and to reduce
10 community violence. Although there are many other methods for completing
11 suicide, firearms are unique in their ability to create instantaneous and
12 irreversible outcomes. Nearly every other commonly used method for suicide
13 has a high survivability rate. It is extremely rare for someone to survive a
14 suicide attempt in which a firearm is used. This fact, combined with the high
15 prevalence of firearms in Vermont, is why this method alone is being
16 addressed by this act.

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

18 § 4024. NEGLIGENT FIREARMS STORAGE

19 (a)(1) A person who stores or keeps a firearm within any premises that are
20 under the person's custody or control, and who knows or reasonably should
21 know that a child or prohibited person is likely to gain access to the firearm,

1 shall be:

2 (A) imprisoned not more than one year or fined not more than
3 \$1,000.00, or both, if a child or prohibited person gains access to the firearm
4 and uses it in the commission of a crime or displays it in a threatening manner;
5 or

6 (B) imprisoned not more than five years or fined not more than
7 \$5,000.00, or both, if a child or prohibited person gains access to the firearm
8 and uses it to cause death or serious bodily injury to any person.

9 (2) This subsection shall not apply if:

10 (A) the firearm is carried by or within such close proximity that it can
11 be readily retrieved and used by the owner or another authorized user;

12 (B) a child or prohibited person accesses the firearm as a result of an
13 illegal entry;

14 (C) a child or prohibited person accesses and uses the firearm during
15 the course of a lawful act of self-defense or defense of another person; or

16 (D) the person stores or keeps the firearm in a locked container or
17 equipped with a tamper-resistant mechanical lock or other safety device.

18 (b)(1) At any location where a licensed dealer conducts firearm sales or
19 transfers, the licensed dealer shall conspicuously display a sign containing the
20 information required by subdivision (2) of this subsection in any area where
21 the sales or transfers occur. The sign shall be posted so that it can be easily

1 viewed by persons purchasing or receiving firearms, and the sign shall not be
2 removed, obscured, or rendered illegible. If the location where the sales or
3 transfers occur is the premises listed on the dealer’s federal firearms license, an
4 additional sign shall be placed at or near the entrance to the premises.

5 (2) The sign required by subdivision (1) of this subsection shall be at
6 least eight and one-half inches high by 11 inches wide and shall contain black
7 text at least half an inch high against a white background. The sign shall
8 contain the following text and no other statements or markings:

9 “WARNING: Access to a firearm in the home significantly increases
10 the risk of suicide; death during domestic violence disputes; and the
11 unintentional death of children, household members, and others. If you or a
12 loved one is experiencing distress or depression, call the 988 Suicide and Crisis
13 hotline or text “VT” to 741741.

14 Failure to securely store firearms may result in criminal prosecution. It
15 is important that the owner of a firearm seek firearm safety instructions from a
16 certified firearms instructor and keep firearms secured from unauthorized use.

17 Posted pursuant to 13 V.S.A. § 4024.”

18 (c) As used in this section:

19 (1) “Authorized user” means a person 18 years of age or older who is
20 not a prohibited person and who has been authorized to carry or use the firearm
21 by the owner.

1 under this section. Notice of the hearing shall be served pursuant to section
2 4056 of this title concurrently with the petition and any ex parte order issued
3 under section 4054 of this title.

4 (2) If a petition is filed by a family or household member under this
5 section, the court shall transmit a copy of the petition to the State's Attorney of
6 the county where the petition was filed, along with all supporting documents
7 and the notice of the initial status conference or hearing.

8 * * *

9 Sec. 6. 13 V.S.A. § 4054 is amended to read:

10 § 4054. EMERGENCY RELIEF; TEMPORARY EX PARTE ORDER

11 (a)(1) A State's Attorney ~~of~~ the Office of the Attorney General, or a family
12 or household member may file a motion requesting that the court issue an
13 extreme risk protection order ex parte, without notice to the respondent. A law
14 enforcement officer may notify the court that an ex parte extreme risk
15 protection order is being requested pursuant to this section, but the court shall
16 not issue the order until after the motion is submitted.

17 * * *

18 (b)(1)(A) The court shall grant the motion and issue a temporary ex parte
19 extreme risk protection order if it finds by a preponderance of the evidence, or
20 by clear and convincing evidence if the petition was filed by a family or
21 household member, that at the time the order is requested the respondent poses

1 an imminent and extreme risk of causing harm to ~~himself or herself~~ themselves
2 or another person by purchasing, possessing, or receiving a dangerous weapon
3 or by having a dangerous weapon within the respondent's custody or control.
4 The petitioner shall cause a copy of the order to be served on the respondent
5 pursuant to section 4056 of this title, and the court shall deliver a copy to the
6 holding station.

7 (B) If a motion is filed by a family or household member under this
8 section and the court has issued an ex parte order, the court shall transmit a
9 copy of the motion to the State's Attorney of the county where the petition was
10 filed, along with all supporting documents and the notice of the initial status
11 conference or hearing.

12 * * *

13 Sec. 7. 13 V.S.A. § 4019a is added to read:

14 § 4019a. FIREARMS TRANSFERS; WAITING PERIOD

15 (a) A person shall not transfer a firearm to another person until 72 hours
16 after the licensed dealer facilitating the transfer is provided with a unique
17 identification number for the transfer by the National Instant Criminal
18 Background Check System (NICS) or seven business days have elapsed since
19 the dealer contacted NICS to initiate the background check, whichever occurs
20 first.

21 (b) A person who transfers a firearm to another person in violation of

1 subsection (a) of this section shall be imprisoned not more than one year or
2 fined not more than \$500.00, or both.

3 (c) This section shall not apply to a firearm transfer that does not require a
4 background check under 18 U.S.C. § 922(t) or section 4019 of this title.

5 (d) As used in this section, “firearm” has the same meaning as in
6 subsection 4017(d) of this title.

7 (e)(1) This section shall not apply to a firearms transfer at a gun show.

8 (2) As used in this subsection, “gun show” means a function sponsored
9 by:

10 (A) a national, state, or local organization, devoted to the collection,
11 competitive use, or other sporting use of firearms; or

12 (B) an organization or association that sponsors functions devoted to
13 the collection, competitive use, or other sporting use of firearms in the
14 community.

15 (3) This subsection shall be repealed on July 1, 2024.

16 Sec. 8. SEVERABILITY

17 As set forth in 1 V.S.A. § 215, the provisions of this act are severable, and if
18 a court finds any provision of this act to be invalid, or if any application of this
19 act to any person or circumstance is invalid, the invalidity shall not affect other
20 provisions or applications that can be given effect without the invalid provision
21 or application.

1 Sec. 9. EFFECTIVE DATE

2 This act shall take effect on July 1, 2023.