

1 S.32

2 Introduced by Senator Baruth

3 Referred to Committee on

4 Date:

5 Subject: Crimes; weapons; possession of semiautomatic assault weapons and
6 large capacity ammunition feeding devices

7 Statement of purpose: This bill proposes to prohibit the manufacture,
8 possession, or transfer of semiautomatic assault weapons and large capacity
9 ammunition feeding devices; and to make it a crime for a person to negligently
10 leave a firearm accessible to a child.

11 An act relating to semiautomatic assault weapons and large capacity
12 ammunition feeding devices

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

14 Sec. 1. 13 V.S.A. § 4017 is added to read

15 § 4017. SEMIAUTOMATIC ASSAULT WEAPONS

16 (a) A person shall not manufacture, possess, or transfer 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.

1 (c) This section shall not apply to the possession or transfer of any
2 semiautomatic assault weapon otherwise lawfully possessed on the effective
3 date of this act.

4 (d) This section shall not apply to:

5 (1) any of the firearms, or replicas or duplicates of the firearms,
6 specified in subdivision (f)(5) of this section, as these firearms were
7 manufactured on the effective date of this act;

8 (2) any firearm that:

9 (A) is manually operated by bolt, pump, lever, or slide action;

10 (B) has been rendered permanently inoperable; or

11 (C) is an antique firearm;

12 (3) any semiautomatic rifle that cannot accept a detachable magazine
13 that holds more than five rounds of ammunition; or

14 (4) any semiautomatic shotgun that cannot hold more than five rounds
15 of ammunition in a fixed or detachable magazine.

16 (e) This section shall not apply to a semiautomatic assault weapon:

17 (1) manufactured for, transferred to, or possessed by the United States or
18 a department or agency of the United States, or any state or a department,
19 agency, or political subdivision of a state;

1 (2) transferred to or possessed by a state or federal law enforcement
2 officer for legitimate law enforcement purposes, whether the officer is on or
3 off duty;

4 (3) transferred to a licensee under Title I of the Atomic Energy Act of
5 1954 for purposes of establishing and maintaining an on-site physical
6 protection system and security organization required by federal law, or
7 possessed by an employee or contractor of such a licensee on-site for these
8 purposes, or off-site for purposes of licensee-authorized training or
9 transportation of nuclear materials;

10 (4) possessed by an individual who is retired from service with a law
11 enforcement agency after having been transferred to the individual by the
12 agency upon his or her retirement, provided that the individual is not otherwise
13 prohibited from receiving ammunition; or

14 (5) manufactured, transferred, or possessed by a licensed manufacturer
15 or licensed importer for the purposes of testing or experimentation authorized
16 by the U.S. Attorney General.

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

18 (A) any of the firearms, or copies or duplicates of the firearms in any
19 caliber, known as:

20 (i) Norinco, Mitchell, and Poly Technologies Avtomat
21 Kalashnikovs (all models);

- 1 (ii) Action Arms Israeli Military Industries UZI and Galil;
2 (iii) Beretta Ar70 (SC-70);
3 (iv) Colt AR-15;
4 (v) Fabrique National FN/FAL, FN/LAR, and FNC;
5 (vi) SWD M-10, M-11, M-11/9, and M-12;
6 (vii) Steyr AUG;
7 (viii) INTRATEC TEC-9, TEC-DC9, and TEC-22; or
8 (ix) revolving cylinder shotguns, such as, or similar to, the Street
9 Sweeper and Striker 12.

10 (B) A semiautomatic rifle that has an ability to accept a detachable
11 magazine and has at least two of the following features:

- 12 (i) a folding or telescoping stock;
13 (ii) a pistol grip that protrudes conspicuously beneath the action of
14 the weapon;
15 (iii) a bayonet mount;
16 (iv) a flash suppressor or threaded barrel designed to
17 accommodate a flash suppressor; or
18 (v) a grenade launcher.

19 (C) A semiautomatic pistol that has an ability to accept a detachable
20 magazine and has at least two of the following features:

1 (i) an ammunition magazine that attaches to the pistol outside the
2 pistol grip;

3 (ii) a threaded barrel capable of accepting a barrel extender, flash
4 suppressor, forward handgrip, or silencer;

5 (iii) a shroud that is attached to, or partially or completely
6 encircles, the barrel and that permits the shooter to hold the firearm with the
7 nontrigger hand without being burned;

8 (iv) a manufactured weight of 50 ounces or more when the pistol
9 is unloaded; or

10 (v) a semiautomatic version of an automatic firearm.

11 (D) A semiautomatic shotgun that has at least two of the following
12 features:

13 (i) a folding or telescoping stock;

14 (ii) a pistol grip that protrudes conspicuously beneath the action of
15 the weapon;

16 (iii) a fixed magazine capacity in excess of five rounds; or

17 (iv) an ability to accept a detachable magazine.

18 (2)(A) “Semiautomatic assault weapon” shall not mean any of the
19 following: Centerfire Rifles—Autoloaders—Browning BAR Mark II Safari
20 Semi-Auto Rifle; Browning BAR Mark II Safari Magnum Rifle; Browning
21 High-Power Rifle; Heckler & Koch Model 300 Rifle; Iver Johnson M-1

1 Carbine; Iver Johnson 50th Anniversary M-1 Carbine; Marlin Model 9 Camp
2 Carbine; Marlin Model 45 Carbine; Remington Nylon 66 Auto-Loading Rifle;
3 Remington Model 7400 Auto Rifle; Remington Model 7400 Rifle; Remington
4 Model 7400 Special Purpose Auto Rifle; Ruger Mini-14 Autoloading Rifle
5 (without folding stock); Ruger Mini Thirty Rifle; Browning Model 81 BLR
6 Lever-Action Rifle; Browning Model 81 Long Action BLR; Browning Model
7 1886 Lever-Action Carbine; Browning Model 1886 High Grade Carbine;
8 Cimarron 1860 Henry Replica; Cimarron 1866 Winchester Replicas; Cimarron
9 1873 Short Rifle; Cimarron 1873 Sporting Rifle; Cimarron 1873 30" Express
10 Rifle; Dixie Engraved 1873 Rifle; E.M.F. 1866 Yellowboy Lever Actions;
11 E.M.F. 1860 Henry Rifle; E.M.F. Model 73 Lever-Action Rifle; Marlin Model
12 336CS Lever-Action Carbine; Marlin Model 30AS Lever-Action Carbine;
13 Marlin Model 444SS Lever-Action Sporter; Marlin Model 1894S
14 Lever-Action Carbine; Marlin Model 1894CS Carbine; Marlin Model 1894CL
15 Classic; Marlin Model 1895SS Lever-Action Rifle; Mitchell 1858 Henry
16 Replica; Mitchell 1866 Winchester Replica; Mitchell 1873 Winchester
17 Replica; Navy Arms Military Henry Rifle; Navy Arms Henry Trapper; Navy
18 Arms Iron Frame Henry; Navy Arms Henry Carbine; Navy Arms 1866
19 Yellowboy Rifle; Navy Arms 1873 Winchester-Style Rifle; Navy Arms 1873
20 Sporting Rifle; Remington 7600 Slide Action; Remington Model 7600 Special
21 Purpose Slide Action; Rossi M92 SRC Saddle-Ring Carbine; Rossi M92 SRS

1 Short Carbine; Savage 99C Lever-Action Rifle; Uberti Henry Rifle; Uberti
2 1866 Sporting Rifle; Uberti 1873 Sporting Rifle; Winchester Model 94 Side
3 Eject Lever-Action Rifle; Winchester Model 94 Trapper Side Eject;
4 Winchester Model 94 Big Bore Side Eject; Winchester Model 94 Ranger Side
5 Eject Lever-Action Rifle; Winchester Model 94 Wrangler Side Eject; Alpine
6 Bolt-Action Rifle; A-Square Caesar Bolt-Action Rifle; A-Square Hannibal
7 Bolt-Action Rifle; Anschutz 1700D Classic Rifles; Anschutz 1700D Custom
8 Rifles; Anschutz 1700D Bavarian Bolt-Action Rifle; Anschutz 1733D
9 Mannlicher Rifle; Barret Model 90 Bolt-Action Rifle; Beeman/HW 60J
10 Bolt-Action Rifle; Blaser R84 Bolt-Action Rifle; BRNO 537 Sporter
11 Bolt-Action Rifle; BRNO ZKB 527 Fox Bolt-Action Rifle; BRNO ZKK 600,
12 601, 602 Bolt-Action Rifles; Browning A-Bolt Rifle; Browning A-Bolt
13 Stainless Stalker; Browning A-Bolt Left Hand; Browning A-Bolt Short Action;
14 Browning Euro-Bolt Rifle; Browning A-Bolt Gold Medallion; Browning
15 A-Bolt Micro Medallion; Century Centurion 14 Sporter; Century Enfield
16 Sporter #4; Century Swedish Sporter #38; Century Mauser 98 Sporter; Cooper
17 Model 38 Centerfire Sporter; Dakota 22 Sporter Bolt-Action Rifle; Dakota 76
18 Classic Bolt-Action Rifle; Dakota 76 Short Action Rifles; Dakota 76 Safari
19 Bolt-Action Rifle; Dakota 416 Rigby African; E.A.A./Sabatti Rover 870
20 Bolt-Action Rifle; Auguste Francotte Bolt-Action Rifles; Carl Gustaf 2000
21 Bolt-Action Rifle; Heym Magnum Express Series Rifle; Howa Lightning

1 Bolt-Action Rifle; Howa Realtree Camo Rifle; Interarms Mark X Viscount
2 Bolt-Action Rifle; Interarms Mini-Mark X Rifle; Interarms Mark X Whitworth
3 Bolt-Action Rifle; Interarms Whitworth Express Rifle; Iver Johnson Model
4 5100A1 Long-Range Rifle; KDF K15 American Bolt-Action Rifle; Krico
5 Model 600 Bolt-Action Rifle; Krico Model 700 Bolt-Action Rifles; Mauser
6 Model 66 Bolt-Action Rifle; Mauser Model 99 Bolt-Action Rifle; McMillan
7 Signature Classic Sporter; McMillan Signature Super Varminter; McMillan
8 Signature Alaskan; McMillan Signature Titanium Mountain Rifle; McMillan
9 Classic Stainless Sporter; McMillan Talon Safari Rifle; McMillan Talon
10 Sporter Rifle; Midland 1500S Survivor Rifle; Navy Arms TU-33/40 Carbine;
11 Parker-Hale Model 81 Classic Rifle; Parker-Hale Model 81 Classic African
12 Rifle; Parker-Hale Model 1000 Rifle; Parker-Hale Model 1100M African
13 Magnum; Parker-Hale Model 1100 Lightweight Rifle; Parker-Hale Model
14 1200 Super Rifle; Parker-Hale Model 1200 Super Clip Rifle; Parker-Hale
15 Model 1300C Scout Rifle; Parker-Hale Model 2100 Midland Rifle;
16 Parker-Hale Model 2700 Lightweight Rifle; Parker-Hale Model 2800 Midland
17 Rifle; Remington Model Seven Bolt-Action Rifle; Remington Model Seven
18 Youth Rifle; Remington Model Seven Custom KS; Remington Model Seven
19 Custom MS Rifle; Remington 700 ADL Bolt-Action Rifle; Remington 700
20 BDL Bolt-Action Rifle; Remington 700 BDL Varmint Special; Remington 700
21 BDL European Bolt-Action Rifle; Remington 700 Varmint Synthetic Rifle;

1 Remington 700 BDL SS Rifle; Remington 700 Stainless Synthetic Rifle;
2 Remington 700 MTRSS Rifle; Remington 700 BDL Left Hand; Remington
3 700 Camo Synthetic Rifle; Remington 700 Safari; Remington 700 Mountain
4 Rifle; Remington 700 Custom KS Mountain Rifle; Remington 700 Classic
5 Rifle; Ruger M77 Mark II Rifle; Ruger M77 Mark II Magnum Rifle; Ruger
6 M77RL Ultra Light; Ruger M77 Mark II All-Weather Stainless Rifle; Ruger
7 M77 RSI International Carbine; Ruger M77 Mark II Express Rifle; Ruger
8 M77VT Target Rifle; Sako Hunter Rifle; Sako FiberClass Sporter; Sako Safari
9 Grade Bolt Action; Sako Hunter Left-Hand Rifle; Sako Classic Bolt Action;
10 Sako Hunter LS Rifle; Sako Deluxe Lightweight; Sako Super Deluxe Sporter;
11 Sako Mannlicher-Style Carbine; Sako Varmint Heavy Barrel; Sako TRG-S
12 Bolt-Action Rifle; Sauer 90 Bolt-Action Rifle; Savage 110G Bolt-Action
13 Rifle; Savage 110CY Youth/Ladies Rifle; Savage 110WLE One of One
14 Thousand Limited Edition Rifle; Savage 110GXP3 Bolt-Action Rifle; Savage
15 110F Bolt-Action Rifle; Savage 110FXP3 Bolt-Action Rifle; Savage 110GV
16 Varmint Rifle; Savage 112FV Varmint Rifle; Savage Model 112FVS Varmint
17 Rifle; Savage Model 112BV Heavy Barrel Varmint Rifle; Savage 116FSS
18 Bolt-Action Rifle; Savage Model 116FSK Kodiak Rifle; Savage 110FP Police
19 Rifle; Steyr-Mannlicher Sporter Models SL, L, M, S, S/T; Steyr-Mannlicher
20 Luxus Model L, M, S; Steyr-Mannlicher Model M Professional Rifle; Tikka
21 Bolt-Action Rifle; Tikka Premium Grade Rifles; Tikka Varmint/Continental

1 Rifle; Tikka Whitetail/Battue Rifle; Ultra Light Arms Model 20 Rifle; Ultra
2 Light Arms Model 28, Model 40 Rifles; Voere VEC 91 Lightning Bolt-Action
3 Rifle; Voere Model 2165 Bolt-Action Rifle; Voere Model 2155, 2150
4 Bolt-Action Rifles; Weatherby Mark V Deluxe Bolt-Action Rifle; Weatherby
5 Lasermark V Rifle; Weatherby Mark V Crown Custom Rifles; Weatherby
6 Mark V Sporter Rifle; Weatherby Mark V Safari Grade Custom Rifles;
7 Weatherby Weathermark Rifle; Weatherby Weathermark Alaskan Rifle;
8 Weatherby Classicmark No.

9 (B) The fact that a firearm is not listed in subdivision (f)(2)(A) of this
10 section shall not be construed to mean that this section applies to that firearm.

11 Sec. 2. 13 V.S.A. § 4018 is added to read

12 § 4018. LARGE CAPACITY AMMUNITION FEEDING DEVICES

13 (a) A person shall not manufacture, possess, or transfer a large capacity
14 ammunition feeding device.

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

17 (c) This section shall not apply to the possession or transfer of any large
18 capacity ammunition feeding device otherwise lawfully possessed on or before
19 the effective date of this act.

20 (d) This section shall not apply to any large capacity ammunition feeding
21 device:

1 (1) manufactured for, transferred to, or possessed by the United States or
2 a department or agency of the United States, or any state or a department,
3 agency, or political subdivision of a state;

4 (2) transferred to or possessed by a state or federal law enforcement
5 officer for legitimate law enforcement purposes, whether the officer is on or
6 off duty;

7 (3) transferred to a licensee under Title I of the Atomic Energy Act of
8 1954 for purposes of establishing and maintaining an on-site physical
9 protection system and security organization required by federal law, or
10 possessed by an employee or contractor of such a licensee on-site for these
11 purposes, or off-site for purposes of licensee-authorized training or
12 transportation of nuclear materials;

13 (4) possessed by an individual who is retired from service with a law
14 enforcement agency after having been transferred to the individual by the
15 agency upon his or her retirement, provided that the individual is not otherwise
16 prohibited from receiving ammunition; or

17 (5) manufactured, transferred, or possessed by a licensed manufacturer
18 or licensed importer for the purposes of testing or experimentation authorized
19 by the U.S. Attorney General.

20 (e) As used in this section, “large capacity ammunition feeding device”
21 mean a magazine, belt, drum, feed strip, or similar device manufactured after

1 the date of enactment of the Assault Weapons Ban Renewal Act of 2007 that
2 has a capacity of, or that can be readily restored or converted to accept, more
3 than 10 rounds of ammunition, provided that “large capacity ammunition
4 feeding device” shall not include an attached tubular device designed to accept,
5 and capable of operating only with, .22 caliber rimfire ammunition.

6 Sec. 3. 13 V.S.A. § 4019 is added to read:

7 § 4019. NEGLIGENT STORAGE OF A FIREARM

8 (a) As used in this section:

9 (1) “Child” means a person under 18 years of age.

10 (2) “Firearm” means any weapon, whether loaded or unloaded, that will
11 expel a projectile by the action of an explosive and includes any weapon
12 commonly referred to as a pistol, revolver, rifle, gun, machine gun, or shotgun.

13 (3) “Locking device” means a device that is designed to prevent a
14 firearm from functioning and that, when applied to a firearm, renders the
15 firearm inoperable.

16 (b) A person is guilty of negligent storage of a firearm in the first degree if:

17 (1) the person keeps a loaded firearm within any premises that are under
18 the person’s custody or control;

19 (2) the person knows or reasonably should know that a child is likely to
20 gain access to the firearm without the permission of the child’s parent or legal
21 guardian; and

1 (3) a child obtains access to the firearm and uses it to cause death or
2 serious bodily injury to any person.

3 (c) A person is guilty of negligent storage of a firearm in the second
4 degree if:

5 (1) the person keeps a loaded firearm within any premises that are under
6 the person's custody or control;

7 (2) the person knows or reasonably should know that a child is likely to
8 gain access to the firearm without the permission of the child's parent or legal
9 guardian; and

10 (3) a child obtains access to the firearm and discharges it or uses it in the
11 commission of a crime or uses it to cause injury to any person.

12 (d) This section shall not apply if:

13 (1) the child obtains the firearm as a result of an illegal entry into any
14 premises by any person;

15 (2) the firearm is kept in a locked container or in a location that a
16 reasonable person would believe to be secure;

17 (3) the firearm is carried on the person or within such close proximity to
18 the person that it can readily be retrieved and used as if carried on the person;

19 (4) the firearm is locked with a locking device that renders the firearm
20 inoperable;

21 (5) The person from whom the child obtains the firearm is a law

1 enforcement officer or a member of the U.S. Armed Forces or National Guard
2 engaged in the performance of the person's official duties;

3 (6) the child obtains or discharges the firearm during the course of a
4 lawful act of self-defense or defense of another person; or

5 (7) a reasonable person would not expect a child to be present on the
6 premises where the firearm was obtained.

7 (e) A person who:

8 (1) violates subsection (b) of this section shall be imprisoned not more
9 than three years or fined not more than \$10,000.00, or both.

10 (2) violates subsection (c) of this section shall be imprisoned not more
11 than one year or fined not more than \$1,000.00, or both.

12 (f) If a violation of this section leads to the accidental shooting of a child of
13 the person who committed the violation:

14 (1) The state's attorney shall consider the impact of the child's injury or
15 death on the person when deciding whether to file charges under this section.

16 (2) No prosecution shall be brought unless the person behaved in a
17 grossly negligent manner or unless similarly egregious circumstances exist.

18 (3) The person shall not be arrested for violating this section until:

19 (A) at least seven days after the date upon which the accidental
20 shooting occurred; and

21 (B) after a law enforcement officer considers the nature and extent of

1 the child's injuries, including whether the child is in critical medical condition.

2 (g) Nothing in this section may be construed to affect any existing right to
3 purchase and own firearms or to provide authority to any state or local agency
4 to infringe upon the privacy of any family, home, or business except by lawful
5 warrant, including rights under Chapter I, Articles 9 and 16 and Chapter II,
6 § 59 of the Constitution of the State of Vermont.

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

8 § 4006. RECORD OF FIREARM SALES; WARNING

9 (a) All pawnbrokers and retail merchants dealing in firearms shall keep a
10 record book in which they shall record the sale by them of all revolvers and
11 pistols, and the purchase by them of all secondhand revolvers and pistols.
12 Such record shall include the date of the transaction, the marks of identification
13 of the firearm, including the manufacturer's name, the caliber, model, and
14 manufacturer's number of the firearm, the name, address, birthplace,
15 occupation, age, height, weight, and color of eyes and hair of the purchaser or
16 seller. Such purchaser or seller shall sign his or her name to the record, and the
17 pawnbroker or merchant shall preserve such record book for six years after the
18 date of last entry and shall permit all enforcement officers to inspect the same
19 at all reasonable times. A person, partnership, or corporation who violates a
20 provision of this section shall be fined not more than \$100.00.

1 (b) All pawnbrokers and retail merchants dealing in firearms shall:

2 (1) conspicuously post at each purchase counter, in bold type not less

3 than one inch in height, the following warning: TO PREVENT

4 UNAUTHORIZED USE OR MISUSE BY CHILDREN, VERMONT LAW

5 REQUIRES THIS FIREARM TO BE STORED SO THAT IT IS SECURE

6 AND INACCESSIBLE TO CHILDREN; and

7 (2) provide a written copy of the warning described in subdivision (1) of

8 this subsection to every person who purchases a firearm.

9 Sec. 5. EFFECTIVE DATE

10 This act shall take effect on July 1, 2013.