

\* \* \* Department of Public Safety \* \* \*

Sec. 19. 20 V.S.A. chapter 145 is redesignated to read:

CHAPTER 145. DISPOSITION AND FEE FOR STORAGE OF UNLAWFUL  
FIREARMS

Sec. 20. 20 V.S.A. § 2307 is added to read:

§ 2307. FIREARMS SURRENDERED PURSUANT TO RELIEF FROM  
ABUSE ORDER; STORAGE; FEES; RETURN

(a) The Department of Public Safety shall be responsible for the implementation of  
and establishment of standards and guidelines to carry out this section. To carry out this  
responsibility, the Department shall:

(1) establish and maintain a list of qualified storage locations including:

(A) federally licensed firearms dealers who annually certify compliance with the  
Department's standards to receive firearms, ammunition, or other weapons pursuant to  
subdivision (b)(2) of this section; and

(B) cooperating law enforcement agencies;

(2) establish a fee schedule for the transportation and storage of firearms,  
ammunition, and other weapons pursuant to this section;

(3) establish standards and guidelines to provide for the transportation and storage  
of firearms, ammunition and other weapons pursuant to this section;

(4) establish a process by which an owner who has failed to make storage fee  
payments may become current on the payment schedule in order to avoid a sale of the  
stored item or items; and

(5) report on January 15, 2015 and annually thereafter to the House Committee on Ways and Means, Senate Committee on Finance, and House and Senate Committees on Judiciary on the status of the program.

(b)(1) A person who is required to surrender firearms, ammunition, or other weapons by a court order issued under 15 V.S.A. chapter 21 (abuse prevention) or any other provision of law consistent with 18 U.S.C. § 922(g)(8) shall upon service of the order immediately surrender to a cooperating law enforcement agency or an approved federally licensed firearms dealer any firearms, ammunition, or weapons in the person's possession, custody, or control.

(2) The Department of Public Safety shall identify federally licensed firearms dealers who annually certify compliance with the standards and guidelines established by the Department pursuant to subdivision (a)(1) of this section.

(c) A law enforcement agency or an approved federally licensed firearms dealer who takes possession of a firearm, ammunition, or other weapon pursuant to subsection (b)(1) of this section shall photograph, catalogue, and store the item in accordance with standards and guidelines established by the Department of Public Safety pursuant to subdivision (a)(3) of this section. A firearm, ammunition, or other weapon shall not be taken into possession pursuant to this section if it is being or may be used as evidence in a pending criminal matter.

(d) A law enforcement agency or an approved federally licensed firearms dealer who stores firearms, ammunition, or weapons pursuant to subsection (c) of this section may charge the owner a storage fee, not to exceed \$4.00 per week or part thereof. A law enforcement agency or an approved federally licensed firearms dealer who stores

firearms, ammunition, or weapons pursuant to subsection (c) of this section also may charge a retrieval fee not to exceed \$25.00 when the firearm, ammunition, or weapon is retrieved.

(e)(1) A law enforcement agency or an approved federally licensed firearms dealer who takes possession of firearms, ammunition, or weapons for storage purposes pursuant to this section shall not release the item to the owner without a court order unless the item is to be sold at public auction pursuant to subdivision (2)(A) of this section. If a court orders the release of firearms, ammunition, or weapons stored under this section, the law enforcement agency or firearms dealer in possession of the item shall make it available to the owner within three business days of the order and in a manner consistent with federal law. The Supreme Court may promulgate rules under 12 V.S.A. § 1 for judicial proceedings under this subsection.

(2)(A) If the owner fails to retrieve the firearm, ammunition or weapon and pay the applicable storage fee within 90 days of the court order releasing the item, or if the owner fails to pay the storage fee for 90 days in violation of the applicable fee schedule, the firearm, ammunition, or weapon may be sold at public auction. Title to the item shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership to the auctioneer. The law enforcement agency or firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. As used in this subdivision, "reasonable effort" shall include providing notice to the owner at least 21 days prior to the date of the auction via certified mail to his or her last known address.

(B) Proceeds from the sale of a firearm, ammunition, or weapon pursuant to subdivision (A) of this subdivision (2) shall be apportioned as follows:

(i) Unpaid storage fees shall be paid to the law enforcement agency or firearms dealer who incurred the cost.

(ii) Any proceeds remaining after payment is made to the law enforcement agency or firearms dealer pursuant to subdivision (i) of this subdivision (B) shall be paid to the owner.

(f) A law enforcement agency or an approved federally licensed firearms dealer shall be immune from civil or criminal liability for any damage or deterioration of firearms, ammunition, or weapons stored or transported pursuant to subsection (c) of this section. This subsection shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency or firearms dealer.

(g) As used in this section:

(1) “Federally licensed firearms dealer” means a licensed importer, licensed manufacturer, or licensed dealer required to conduct national instant criminal background checks under 18 U.S.C. § 922(t).

(2) “Law enforcement agency” means the Vermont State Police, a municipal police department, or a sheriff’s department.

(3) “Person” means anyone who meets the definition of “intimate partner” under 18 U.S.C. § 921(a)(32) or who qualifies as a family or household member under 15 V.S.A. § 1101.

#### **Sec. 21. DEPARTMENT OF PUBLIC SAFETY UPDATE**

**On or before April 15, 2014 the Department of Public Safety shall provide a status report to the House Committee on Ways and Means, Senate Committee on Finance, and**

House and Senate Committees on Judiciary on the implementation of the firearms storage program required by 20 V.S.A. § 2307, including the standards and guidelines, fee schedules, and list of qualified storage locations required by 20 V.S.A. § 2307(a).