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H.567

Introduced by Representatives Cole of Burlington, Berry of Manchester,
Bissonnette of Winooski, Burke of Brattleboro, Carr of
Brandon, Clarkson of Woodstock, Donovan of Burlington,
Fields of Bennington, Frank of Underhill, French of Randolph,
Gonzalez of Winooski, Kitzmiller of Montpelier, Krowinski of
Burlington, Lucke of Hartford, Masland of Thetford,
McCormack of Burlington, McCullough of Williston, Miller of
Shaftsbury, Mrowicki of Putney, O’Sullivan of Burlington,
Pearson of Burlington, Rachelson of Burlington, Ram of
Burlington, Ryerson of Randolph, Stevens of Waterbury,
Sullivan of Burlington, Till of Jericho, Walz of Barre City,
Wright of Burlington, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; City of Burlington;
amendment; firearm, ammunition, or deadly or dangerous weapon;
probable cause; domestic assault; police confiscation

1 Statement of purpose of bill as introduced: This bill proposes to approve an
2 amendment to the charter of the City of Burlington that would allow a police
3 officer to confiscate temporarily a deadly or dangerous weapon from a person
4 whom the officer has probable cause to believe has committed domestic
5 assault.

6 An act relating to approval of an amendment to the charter of the City of
7 Burlington regarding police confiscation of deadly or dangerous weapons

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

9 Sec. 1. CHARTER AMENDMENT APPROVAL

10 The General Assembly approves the amendment to the charter of the
11 City of Burlington as set forth in this act. Proposals of amendment were
12 approved by the voters on March 4, 2014.

13 Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

14 CHAPTER 3. CITY OF BURLINGTON

15 * * *

16 ARTICLE 99. GENERAL WEAPONS REQUIREMENTS

17 § 511. POLICE CONFISCATION DURING INCIDENT

18 (a) Notwithstanding the provisions of 24 V.S.A. §§ 2291(8) and 2295, the
19 City of Burlington is authorized to regulate the possession and control of
20 firearms as set forth in this section.

1 (b) Whenever, within the City of Burlington, a police officer has probable
2 cause to believe that a person has been the victim of domestic assault in
3 violation of 13 V.S.A. chapter 19, subchapter 6, the officer may confiscate any
4 firearm, ammunition, or deadly or dangerous weapon, as defined in 13 V.S.A.
5 § 4016, that is in the immediate possession or control of the person believed to
6 have committed the offense.

7 (c) The police shall return the property within five days after it was
8 confiscated unless:

9 (1) the property is being held as evidence in connection with a legal
10 proceeding; or

11 (2) the person declines to accept return of the property.

12 (d) A person who fails to turn over a weapon when requested to do so by a
13 police officer pursuant to subsection (b) of this section may be subject to the
14 following penalties:

15 (1) a criminal offense punishable by a fine of not more than \$1,000.00
16 or imprisonment for not more than 90 days, or both; or

17 (2) a civil ordinance violation punishable by a fine of not less than
18 \$200.00 and not more than \$500.00.

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on passage.