

Journal of the House

Thursday, April 16, 2015

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Carl VanOsdall of First Presbyterian Church, Barre, Vt.

House Bill Introduced

H. 502

By Reps. Pearson of Burlington and O'Sullivan of Burlington,

House bill, entitled

An act relating to prohibition of alcoholic beverages;

To the committee on General, Housing & Military Affairs.

Member Appointed to Committee

The Speaker appointed Rep. Chesnut-Tangerman of Middletown Springs to the Joint Energy committee.

Bill Read Second Time; Consideration Interrupted by Recess

S. 141

Rep. Jewett of Ripton, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to possession of firearms

Reported in favor of its passage in concurrence with proposal of amendment as follows:

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

§ 4017. PERSONS PROHIBITED FROM POSSESSING FIREARMS;
CONVICTION OF VIOLENT CRIME

(a) A person shall not possess a firearm if the person has been convicted of a violent crime.

(b) A person who violates this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.

(c) This section shall not apply to a person who is exempt from federal firearms restrictions under 18 U.S.C. § 925(c).

(d) As used in this section:

(1)(A) “Firearm” means:

(i) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(ii) the frame or receiver of any such weapon; or

(iii) any firearm muffler or firearm silencer.

(B) “Firearm” shall not include an antique firearm.

(2) “Antique firearm” means:

(A) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898.

(B) Any replica of any firearm described in subdivision (A) of this subdivision (2) if the replica:

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(C) Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol which is designed to use black powder or a black powder substitute and which cannot use fixed ammunition. As used in this subdivision (C), “antique firearm” shall not include a weapon which incorporates a firearm frame or receiver, a firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

(3) “Violent crime” means:

(A)(i) A listed crime as defined in subdivision 5301(7) of this title other than:

(I) lewd or lascivious conduct as defined in section 2601 of this title;

(II) recklessly endangering another person as defined in section 1025 of this title;

(III) operating a vehicle under the influence of intoxicating liquor or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(f) and (g);

(IV) careless or negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);

(V) leaving the scene of an accident resulting in serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c); or

(VI) a misdemeanor violation of chapter 28 of this title, relating to abuse, neglect, and exploitation of vulnerable adults; or

(ii) a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(B) An offense involving sexual exploitation of children in violation of chapter 64 of this title, or a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(C) A violation of 18 V.S.A. § 4231(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking cocaine); 4232(b)(2) or (b)(3) (selling or dispensing LSD); 4233 (b)(2), (b)(3), or (c) (selling, dispensing, or trafficking heroin); 4234(b)(2) or (b)(3) (selling or dispensing depressants, stimulants, and narcotics); 4234a(b)(2), (b)(3), or (c) (selling, dispensing, or trafficking methamphetamine); 4235(c)(2) or (c)(3) (selling or dispensing hallucinogenic drugs); 4235a(b)(2) or (b)(3) (selling or dispensing Ecstasy), or a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

(D) A conviction of possession with intent to distribute a controlled substance other than marijuana in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. § 922(g)(1) or 18 U.S.C. § 921(a)(20).

Sec. 2. 20 V.S.A. § 2307 is amended to read:

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

* * *

(g)(1) A law enforcement agency, an approved federally licensed firearms dealer, or any other person that takes possession of firearms, ammunition, or weapons for storage purposes pursuant to this section shall not release the items to the owner without a court order unless the items are to be sold pursuant to subdivision (2)(A) of this subsection. 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 items shall make them available to the owner within three business days of receipt 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)(i) 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 items, the firearm, ammunition, or weapon may be sold for fair market value. Title to the items shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership.

(ii) The law enforcement agency or approved firearms dealer shall make a reasonable effort to notify the owner of the sale before it occurs. In no event shall the sale occur until after the ~~court~~ Court issues a final relief from abuse order pursuant to 15 V.S.A. § 1103.

(iii) As used in this subdivision (2)(A), “reasonable effort” shall ~~include providing notice to the owner at least 21 days prior to the date of the sale via first class mail, certified restricted delivery~~ mean notice shall be served as provided for by Rule 4 the Vermont Rules of Civil Procedure.

* * *

Sec. 3. REPORT; VERMONT GUN SHOP PROJECT

(a) On or before January 31, 2016, the Department of Mental Health shall report to the Senate and House Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Human Services on the establishment of a Vermont version of the New Hampshire Gun Shop Project. The Department may satisfy the reporting requirement by providing testimony on the issue to the committees identified in this subsection.

(b) For purposes of the report required by this section, the Department of Mental Health shall consult with:

(1) the Vermont Suicide Prevention Coalition;

(2) the Vermont Federation of Sportsmen's Clubs, and other firearms owners organizations;

(3) gun shop owners and other firearms retailers; and

(4) any other parties that may assist in preparing the report.

Sec. 4. 13 V.S.A. § 4824 is added to read:

§ 4824. REPORTING; NATIONAL INSTANT CRIMINAL
BACKGROUND CHECK SYSTEM

(a) If the Court finds that a person is a person in need of treatment pursuant to section 4822 of this title, the Court Administrator shall within 48 hours report the name of the person subject to the order to the National Instant Criminal Background Check System, established by Section 103 of the Brady Handgun Violence Prevention Act of 1993. The report shall include only information sufficient to identify the person, the reason for the report, and a statement that the report is made in accordance with 18 U.S.C. § 922(g)(4).

(b) A report required by this section shall be submitted notwithstanding 18 V.S.A. § 7103 or any other provision of law.

(c) A report required by this section is confidential and exempt from public inspection and copying under the Public Records Act except as provided in subsection (d) of this section. The report shall not be used for any purpose other than for submission to the National Instant Criminal Background Check System pursuant to this section, where it may be used for any purpose permitted by federal law, including in connection with the issuance of a firearm-related permit or license.

(d) A copy of the report required by this section shall be provided to the person who is the subject of the report. The report shall include written notice to the person who is the subject of the report that the person is not permitted to possess a firearm.

Sec. 5. 18 V.S.A. § 7103 is amended to read:

§ 7103. DISCLOSURE OF INFORMATION

(a) All certificates, applications, records, and reports, other than an order of a court made for the purposes of this part of this title, and directly or indirectly identifying a patient or former patient or an individual whose hospitalization or care has been sought or provided under this part, together with clinical information relating to such persons shall be kept confidential and shall not be disclosed by any person except insofar:

(1) as the individual identified, the individual's health care agent under section 5264 of this title, or the individual's legal guardian, if any ~~(or, or, if the individual is an unemancipated minor, his or her parent or legal guardian), guardian~~ shall consent in writing; ~~or~~

(2) as disclosure may be necessary to carry out any of the provisions of this part; ~~or~~

(3) as a court may direct upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make disclosure would be contrary to the public interest; or

(4) as the disclosure is made to comply with the reporting requirements of section 7617a of this title or 13 V.S.A. § 4824.

* * *

Sec. 6. 18 V.S.A. § 7617a is added to read:

§ 7617a. REPORTING; NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

(a) If the Court issues a hospitalization order pursuant to subdivision 7617(b)(1) or (2) of this title or a nonhospitalization order pursuant to subdivision 7617(b)(3), the Court Administrator shall within 48 hours report the name of the person subject to the order to the National Instant Criminal Background Check System, established by Section 103 of the Brady Handgun Violence Prevention Act of 1993. The report shall include only information sufficient to identify the person, the reason for the report, and a statement that the report is made in accordance with 18 U.S.C. § 922(g)(4).

(b) A report required by this section shall be submitted notwithstanding section 7103 of this title or any other provision of law.

(c) A report required by this section is confidential and exempt from public inspection and copying under the Public Records Act except as provided in subsection (d) of this section. The report shall not be used for any purpose other than for submission to the National Instant Criminal Background Check System pursuant to this section, where it may be used for any purpose permitted by federal law, including in connection with the issuance of a firearm-related permit or license.

(d) A copy of the report required by this section shall be provided to the person who is the subject of the report. The report shall include written notice to the person who is the subject of the report that the person is not permitted to possess a firearm.

Sec. 7. 13 V.S.A. § 4825 is added to read:

§ 4825. PERSONS PROHIBITED BY FEDERAL LAW FROM POSSESSING FIREARMS DUE TO MENTAL ILLNESS; PETITION FOR RELIEF FROM DISABILITY

(a)(1) A person who is prohibited from possessing firearms by 18 U.S.C. § 922(g)(4) may petition the Family Division of the Superior Court for an order that the person be relieved from the firearms disability imposed by that section. When the petition is filed the petitioner shall provide notice and a copy of the petition to the State's Attorney or the Attorney General, who shall be the respondent in the matter. The petition shall be filed in the county where the offense or the adjudication occurred.

(2)(A) The Court shall grant a petition filed under this section without hearing if neither the State's Attorney nor the Attorney General file an objection within six months after receiving notice of the petition. If the Court grants the petition pursuant to this subdivision, the Court shall make findings and issue an order in accordance with this section.

(B) The Court shall grant the petition filed under this section without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the Court, and the Court shall make findings and issue an order in accordance with this section.

(b) In determining a petition filed under this section, unless the petition is granted pursuant to subdivision (a)(2) of this subsection, the Court shall consider:

(1) the circumstances regarding the firearms disabilities imposed on the person by 18 U.S.C. § 922(g)(4);

(2) the petitioner's record, including his or her mental health and criminal history records; and

(3) the petitioner's reputation, as demonstrated by character witness statements, testimony, or other character evidence.

(c)(1) The Court shall grant a petition filed under this section if it finds that the petitioner has demonstrated by clear and convincing evidence that the person is no longer a person in need of treatment as defined in 18 V.S.A. § 7101(17).

(2) As the terms are used in this subsection, a finding that the person is no longer a person in need of treatment shall also mean that granting the relief will not be contrary to the public interest.

(d) If a petition filed under this section is granted, the Court shall enter an order declaring that the basis under which the person was prohibited from possessing firearms by 18 U.S.C. § 922(g)(4) no longer applies. The Court shall inform the Federal Bureau of Investigation, the U.S. Attorney General, and the National Instant Criminal Background Check System of its decision.

(e) If the Court denies the petition, the petitioner may appeal the denial to the Vermont Supreme Court. The appeal shall be on the record, and the Supreme Court may review the record de novo.

(f) If the Court denies a petition filed under this section, no further petition shall be filed by the person until at least one year after the order of the trial court, or of the Supreme Court if an appeal is taken, becomes final.

(g) At the time a petition is filed pursuant to this section, the respondent shall give notice of the petition to a victim of the offense, if any, who is known to the respondent. The victim shall have the right to offer the respondent a statement prior to any stipulation or to offer the Court a statement. The disposition of the petition shall not be unnecessarily delayed pending receipt of a victim's statement. The respondent's inability to locate a victim after a reasonable effort has been made shall not be a bar to granting a petition.

(h) As used in this section, "reasonable effort" means attempting to contact the victim by first class mail at the victim's last known address and by telephone at the victim's last known telephone number.

Sec. 8. REPORTING; DEPARTMENT OF MENTAL HEALTH; COURT ADMINISTRATOR

(a) The Department of Mental Health shall report to the Court Administrator on or before October 1, 2015 the names of all persons under the custody of the Department who on that date are subject to a hospitalization order issued pursuant to 18 V.S.A. § 7617(b)(1) or (2), a nonhospitalization order issued pursuant to 18 V.S.A. § 7617(b)(3), or an order that a person is a person in need of treatment pursuant to 13 V.S.A. § 4822. The Court Administrator shall report the names provided pursuant to this section to the National Instant Criminal Background Check System, established by Section 103 of the Brady Handgun Violence Prevention Act of 1993. The report shall include only information sufficient to identify the person, the reason for the report, and a statement that the report is made in accordance with 18 U.S.C. § 922(g)(4).

(b) Reports required by this section shall be submitted notwithstanding 18 V.S.A. § 7103 or any other provision of law.

(c) A report required by this section is confidential and exempt from public inspection and copying under the Public Records Act except as provided in subsection (d) of this section. The report shall not be used for any purpose other than for submission to the National Instant Criminal Background Check System pursuant to this section, where it may be used for any purpose permitted by federal law, including in connection with the issuance of a firearm-related permit or license.

(d) A copy of the report required by this section shall be provided to the person who is the subject of the report. The report shall include written notice to the person who is the subject of the report that the person is not thereafter permitted to possess a firearm.

Sec. 9. REPORTS

(a) On or before January 15, 2018, the Court Administrator, in consultation with the Commissioner of Mental Health and the Executive Director of State's Attorneys and Sheriffs, shall report to the Senate and House Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Human Services on data compiled with respect to the legal requirements established by this act. The report shall include:

(1)(A) The number of persons reported to the National Instant Criminal Background Check System since October 1, 2015 pursuant to:

(i) 13 V.S.A. § 4824 (persons in custody of the Department of Mental Health as the result of an order issued under 13 V.S.A. § 4822); and

(ii) 18 V.S.A. § 7617a (persons in custody of the Department of Mental Health as the result of a hospitalization order issued under 18 V.S.A. § 7617(b)(1) or (2), or a nonhospitalization order issued under 18 V.S.A. § 7617(b)(3)); and

(B) with respect to each of the persons reported to the National Instant Criminal Background Check System pursuant to 13 V.S.A. § 4824 and 18 V.S.A. § 7617a since October 1, 2015, whether the person filed a petition for relief from disabilities pursuant to 13 V.S.A. § 4825, and whether the petition was granted, denied, or remains pending.

(2) The total number of petitions for relief from disabilities filed pursuant to 13 V.S.A. § 4825 since October 1, 2015, and the number of those petitions that were granted, denied, and remain pending.

(b) On or before January 15, 2018, the Executive Director of State's Attorneys and Sheriffs shall report to the Senate and House Committees on Judiciary the number of persons charged with violating 13 V.S.A. § 4017 since

July 1, 2015, and the number of charges that resulted in conviction, dismissal, and acquittal.

Sec. 10. EFFECTIVE DATES; APPLICABILITY

(a) Secs. 1, 2, 3, 8, 9, and this section shall take effect on July 1, 2015.

(b) Secs. 4, 5, 6, and 7 shall take effect on October 1, 2015, and shall apply to hospitalization orders issued pursuant to 18 V.S.A. § 7617(b)(1) or (2), nonhospitalization orders issued pursuant to 18 V.S.A. § 7617(b)(3), or orders that a person is a person in need of treatment pursuant to 13 V.S.A. § 4822 issued on or after that date.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary? **Reps. Jewett of Ripton, Burditt of West Rutland, Conquest of Newbury, Grad of Moretown, Lalonde of South Burlington and Nuovo of Middlebury** moved to amend the recommendation of proposal of amendment offered by the committee on Judiciary as follows:

In Sec. 7, 13 V.S.A. § 4825(c), by striking the words “clear and convincing” and inserting in lieu thereof “a preponderance of the”

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary, as amended? **Rep. Savage of Swanton** moved to commit the bill to the committee on Human Services.

Pending the question, Shall the bill be committed to the committee on Human Services? **Rep. Savage of Swanton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be committed to the committee on Human Services? was decided in the negative. Yeas, 63. Nays, 78.

Those who voted in the affirmative are:

Bancroft of Westford	Burditt of West Rutland	Dickinson of St. Albans
Batchelor of Derby	Canfield of Fair Haven	Town
Beck of St. Johnsbury	Condon of Colchester	Donahue of Northfield
Beyor of Highgate	Cupoli of Rutland City	Eastman of Orwell
Branagan of Georgia	Dame of Essex	Fagan of Rutland City
Brennan of Colchester	Davis of Washington	Feltus of Lyndon
Browning of Arlington	Devereux of Mount Holly	Fiske of Enosburgh

Gage of Rutland City	Marcotte of Coventry	Shaw of Pittsford
Gamache of Swanton	Martel of Waterford	Shaw of Derby
Graham of Williamstown	McCoy of Poultney	Sibilia of Dover
Hebert of Vernon	McFaun of Barre Town	Smith of New Haven
Helm of Fair Haven	Morrissey of Bennington	Strong of Albany
Higley of Lowell	Murphy of Fairfax	Tate of Mendon
Hubert of Milton	Myers of Essex	Terenzini of Rutland Town
Huntley of Cavendish	Parent of St. Albans City	Turner of Milton *
Juskiewicz of Cambridge	Pearce of Richford	Van Wyck of Ferrisburgh
Keenan of St. Albans City	Potter of Clarendon	Viens of Newport City
LaClair of Barre Town	Purvis of Colchester	Willhoit of St. Johnsbury
Lawrence of Lyndon	Quimby of Concord	Woodward of Johnson
Lefebvre of Newark	Russell of Rutland City	Wright of Burlington
Lewis of Berlin	Savage of Swanton	
Lucke of Hartford	Scheuermann of Stowe	

Those who voted in the negative are:

Ancel of Calais	French of Randolph	Mrowicki of Putney
Bartholomew of Hartland	Gonzalez of Winooski	Nuovo of Middlebury
Baser of Bristol	Grad of Moretown	Olsen of Londonderry
Berry of Manchester	Greshin of Warren	O'Sullivan of Burlington
Bissonnette of Winooski	Haas of Rochester	Partridge of Windham
Botzow of Pownal	Head of South Burlington	Patt of Worcester
Burke of Brattleboro	Hooper of Montpelier	Pearson of Burlington
Carr of Brandon	Jerman of Essex	Rachelson of Burlington
Chesnut-Tangerman of Middletown Springs	Jewett of Ripton	Ram of Burlington
Christie of Hartford	Johnson of South Hero	Sharpe of Bristol
Cole of Burlington	Kitzmiller of Montpelier	Sheldon of Middlebury
Connor of Fairfield	Klein of East Montpelier	Stevens of Waterbury
Conquest of Newbury	Komline of Dorset	Stuart of Brattleboro
Copeland-Hanzas of Bradford	Krebs of South Hero	Sullivan of Burlington
Corcoran of Bennington	Krowinski of Burlington	Sweaney of Windsor
Dakin of Chester	Lalonde of South Burlington	Till of Jericho
Dakin of Colchester	Lanpher of Vergennes	Toleno of Brattleboro
Deen of Westminster	Lenes of Shelburne	Toll of Danville
Donovan of Burlington	Lippert of Hinesburg	Townsend of South Burlington
Ellis of Waterbury	Long of Newfane	Trieber of Rockingham
Emmons of Springfield	Macaig of Williston	Troiano of Stannard
Evans of Essex	Manwaring of Wilmington	Walz of Barre City
Fields of Bennington	Masland of Thetford	Webb of Shelburne
Forguites of Springfield	McCormack of Burlington	Yantachka of Charlotte
Frank of Underhill	McCullough of Williston	Young of Glover
	Miller of Shaftsbury	Zagar of Barnard
	Morris of Bennington	

Those members absent with leave of the House and not voting are:

Briglin of Thetford	Martin of Wolcott	Pugh of South Burlington
Buxton of Tunbridge	O'Brien of Richmond	Ryerson of Randolph
Clarkson of Woodstock	Poirier of Barre City	

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

Proper legislative process was not followed in this case. Why? What is being hidden from Vermonters?”

Thereupon, **Rep. Olsen of Londonderry** asked that the question be divided and Secs. 1-3 be taken up first, Secs. 2 and 4-9 be taken up second and Sec. 10 be taken up third.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary, as amended, in Secs. 1-3?

Thereupon, **Rep. Olson of Londonderry** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Recess

Pending the call of the roll, at four o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At five o'clock and three minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Proposal of Amendment Agreed to and Third Reading Ordered

S. 141

Consideration resumed on Senate bill, entitled

An act relating to possession of firearms;

Thereupon the Clerk proceeded to call the roll and the question, Shall the report of the Committee on Judiciary be adopted in the first instance (Sections 1 and 3) of amendment? was decided in the affirmative. Yeas, 89. Nays, 50.

Those who voted in the affirmative are:

Ancel of Calais	Botzow of Pownal	Carr of Brandon
Bartholomew of Hartland	Browning of Arlington	Chesnut-Tangerman of
Berry of Manchester	Burke of Brattleboro	Middletown Springs
Bissonnette of Winooski	Buxton of Tunbridge	Christie of Hartford

Cole of Burlington	Jewett of Ripton	Patt of Worcester
Condon of Colchester	Johnson of South Hero	Pearson of Burlington
Conquest of Newbury	Kitzmiller of Montpelier	Rachelson of Burlington
Copeland-Hanzas of Bradford	Klein of East Montpelier	Ram of Burlington
Corcoran of Bennington	Komline of Dorset	Scheuermann of Stowe
Dakin of Chester	Krebs of South Hero	Sharpe of Bristol
Dakin of Colchester	Krowinski of Burlington	Sheldon of Middlebury
Dame of Essex	LaClair of Barre Town	Sibilia of Dover
Deen of Westminster	Lalonde of South Burlington	Stevens of Waterbury
Devereux of Mount Holly	Lanpher of Vergennes	Stuart of Brattleboro
Donahue of Northfield	Lenes of Shelburne	Sullivan of Burlington
Donovan of Burlington	Lippert of Hinesburg	Sweaney of Windsor
Ellis of Waterbury	Long of Newfane	Till of Jericho
Emmons of Springfield	Lucke of Hartford	Toleno of Brattleboro
Evans of Essex	Macaig of Williston	Toll of Danville
Fields of Bennington	Manwaring of Wilmington	Townsend of South Burlington
Forguites of Springfield	Masland of Thetford	Trieber of Rockingham
Frank of Underhill	McCormack of Burlington	Troiano of Stannard
French of Randolph	McCoy of Poultney	Van Wyck of Ferrisburgh
Gonzalez of Winooski	McCullough of Williston	Walz of Barre City
Grad of Moretown	Miller of Shaftsbury	Webb of Shelburne
Greshin of Warren	Morris of Bennington	Wright of Burlington
Haas of Rochester	Mrowicki of Putney	Yantachka of Charlotte
Head of South Burlington	Nuovo of Middlebury	Young of Glover
Hooper of Montpelier	Olsen of Londonderry	Zagar of Barnard
Jerman of Essex	O'Sullivan of Burlington	
	Partridge of Windham	

Those who voted in the negative are:

Bancroft of Westford	Fiske of Enosburgh	Parent of St. Albans City
Baser of Bristol	Gage of Rutland City	Pearce of Richford
Batchelor of Derby	Gamache of Swanton	Potter of Clarendon
Beck of St. Johnsbury	Hebert of Vernon	Purvis of Colchester
Beyor of Highgate	Helm of Fair Haven	Quimby of Concord
Branagan of Georgia	Higley of Lowell	Russell of Rutland City
Brennan of Colchester	Hubert of Milton	Savage of Swanton
Burditt of West Rutland	Juskiewicz of Cambridge	Shaw of Pittsford *
Canfield of Fair Haven	Keenan of St. Albans City	Shaw of Derby
Connor of Fairfield	Lawrence of Lyndon	Smith of New Haven
Cupoli of Rutland City	Lefebvre of Newark	Strong of Albany
Davis of Washington	Lewis of Berlin	Tate of Mendon
Dickinson of St. Albans Town	Martel of Waterford	Terenzini of Rutland Town
Eastman of Orwell	McFaun of Barre Town *	Turner of Milton
Fagan of Rutland City	Morrissey of Bennington	Viens of Newport City
Feltus of Lyndon	Murphy of Fairfax	Willhoit of St. Johnsbury
	Myers of Essex	Woodward of Johnson

Those members absent with leave of the House and not voting are:

Briglin of Thetford	Marcotte of Coventry	Pugh of South Burlington
Clarkson of Woodstock	Martin of Wolcott	Ryerson of Randolph
Graham of Williamstown	O'Brien of Richmond	
Huntley of Cavendish	Poirier of Barre City	

Rep. McFaun of Barre Town explained his vote as follows:

“Mr. Speaker:

I vote no because I don't believe it is necessary for the State of Vermont to create a new misdemeanor crime for a person convicted of a violent crime possessing a firearm when we already have a federal felony crime for a person who has been convicted of a violent crime, for possessing a firearm.”

Rep. Shaw of Pittsford explained his vote as follows:

“Mr. Speaker:

Do we really need a new law that mirrors Federal law? The federal government needs to step up and do the job they are authorized to do! I vote no.”

Thereupon, the second instance of proposal of amendment, Secs. 2 and 4-9 were agreed to on a Division vote. Yeas, 79. Nays, 56. And the third instance of proposal of amendment, Sec. 10 was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 79. Nays, 60.

Those who voted in the affirmative are:

Ancel of Calais	Copeland-Hanzas of	French of Randolph
Bartholomew of Hartland	Bradford	Gonzalez of Winooski
Berry of Manchester	Corcoran of Bennington	Grad of Moretown *
Bissonnette of Winooski	Dakin of Chester	Greshin of Warren
Botzow of Pownal	Dakin of Colchester	Haas of Rochester
Browning of Arlington	Deen of Westminster	Head of South Burlington
Burke of Brattleboro	Donovan of Burlington	Hooper of Montpelier
Carr of Brandon	Ellis of Waterbury	Jerman of Essex
Chesnut-Tangerman of	Emmons of Springfield	Jewett of Ripton
Middletown Springs	Evans of Essex	Johnson of South Hero
Christie of Hartford	Fields of Bennington	Kitzmillier of Montpelier
Cole of Burlington	Forguites of Springfield	Klein of East Montpelier
Conquest of Newbury	Frank of Underhill	Komline of Dorset

Krebs of South Hero	Mrowicki of Putney	Till of Jericho
Krowinski of Burlington	Nuovo of Middlebury	Toleno of Brattleboro
Lalonde of South Burlington	O'Sullivan of Burlington	Toll of Danville
Lanpher of Vergennes	Partridge of Windham	Townsend of South Burlington
Lenes of Shelburne	Patt of Worcester	Trieber of Rockingham
Lippert of Hinesburg	Pearson of Burlington	Troiano of Stannard
Long of Newfane	Rachelson of Burlington	Walz of Barre City
Lucke of Hartford	Ram of Burlington	Webb of Shelburne *
Macaig of Williston	Scheuermann of Stowe	Wright of Burlington
Manwaring of Wilmington	Sharpe of Bristol	Yantachka of Charlotte *
Masland of Thetford	Sheldon of Middlebury	Young of Glover
McCormack of Burlington	Stevens of Waterbury	Zagar of Barnard
McCullough of Williston	Stuart of Brattleboro	
Miller of Shaftsbury	Sullivan of Burlington	
Morris of Bennington	Sweaney of Windsor	

Those who voted in the negative are:

Bancroft of Westford	Feltus of Lyndon	Parent of St. Albans City
Baser of Bristol	Fiske of Enosburgh	Pearce of Richford
Batchelor of Derby	Gage of Rutland City	Potter of Clarendon
Beck of St. Johnsbury	Gamache of Swanton	Purvis of Colchester
Beyor of Highgate	Hebert of Vernon	Quimby of Concord
Branagan of Georgia	Helm of Fair Haven	Russell of Rutland City
Brennan of Colchester	Higley of Lowell	Savage of Swanton
Burditt of West Rutland	Hubert of Milton	Shaw of Pittsford
Buxton of Tunbridge	Juskiewicz of Cambridge	Shaw of Derby
Canfield of Fair Haven	Keenan of St. Albans City	Sibilia of Dover
Condon of Colchester	LaClair of Barre Town	Smith of New Haven
Connor of Fairfield	Lawrence of Lyndon	Strong of Albany
Cupoli of Rutland City	Lefebvre of Newark	Tate of Mendon
Dame of Essex	Lewis of Berlin	Terenzini of Rutland Town
Davis of Washington	Martel of Waterford	Turner of Milton *
Devereux of Mount Holly	McCoy of Poultney	Van Wyck of Ferrisburgh
Dickinson of St. Albans Town	McFaun of Barre Town	Viens of Newport City
Donahue of Northfield	Morrissey of Bennington	Willhoit of St. Johnsbury
Eastman of Orwell	Murphy of Fairfax	Woodward of Johnson
Fagan of Rutland City	Myers of Essex	
	Olsen of Londonderry	

Those members absent with leave of the House and not voting are:

Briglin of Thetford	Huntley of Cavendish	O'Brien of Richmond
Clarkson of Woodstock	Marcotte of Coventry	Poirier of Barre City
Graham of Williamstown	Martin of Wolcott	Pugh of South Burlington

Ryerson of Randolph

Rep. Grad of Moretown explained her vote as follows:

“Mr. Speaker:

My yes vote is for the victims and families who have suffered losses due to firearm related domestic violence and suicide; to give law enforcement the tools they are asking for to enhance the public safety of the changing culture of Vermont; and to put Vermont on a strong constitutional footing for those who seek to restore their 2nd amendment rights.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

‘The people have a right to bear arms for the defense of themselves and the state’ are words Vermonters have lived by since July 8, 1777. Now nearly two and a half centuries later, this founding principle is being challenged by this bill, S.141. By voting no, I stand for nearly 250 years of tradition and protecting the right to bear arms for future generations. Thank you.”

Rep. Webb of Shelburne explained her vote as follows:

“Mr. Speaker:

This is a bill that both respects the second amendment and protects public safety. Vermont has a strong culture of gun responsibility but giving easy access to violent felons has never been part of that. Federal law already prohibits dangerous people from possessing weapons, but right now aspects of this law can’t be enforced at the state level. We want our state to be a place where a violent felon knows that if he or she has a gun they will be prosecuted. We want the family members of those who have recently been adjudicated as a danger to themselves to know that if their loved one tries to buy a gun at a gun shop, the background check will stop them. We want to be clear that people can recover from mental illness, and that if someone who has been previously adjudicated gets better, there is a process in place so that they can get their rights restored. The bill does all of this, while carefully protecting the right to bear arms.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Mr. Speaker:

Fear!

We've heard comments today that reflect a fear that any bill we pass dealing with guns in any capacity will lead to no one being able to own a gun.

This is an irrational fear. It implies that if we move away from one extreme - an absence of regulation - that it will inevitably project us to the other extreme - a total outright ban of all gun ownership.

We are smarter than that. The character of democracy is to hear opinions from all sides and find a middle ground.

We cannot allow convicted violent felons, people who have already shown a propensity for ignoring the basic rights of you, me, our neighbors, to possess deadly weapons.

As far as reporting persons who have been judged in a court of law to be a danger to themselves or others as a result of mental illness, the Executive Vice President of the NRA suggested in 2012 after the Sandy Hook elementary school shooting that the dangerously mentally ill should be reported to "an active national database of the mentally ill." This is what we are doing.

Let us not fear the measures we take to protect ourselves by keeping guns out of the hands of criminals and of those who have been demonstrated to be violently dangerous, so that we can make our communities safer."

Bill Referred to Committee on Appropriations

H. 393

House bill, entitled

An act relating to creating a financial literacy commission

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Message from the Senate No. 47

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 268. An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No. 1 into the Town.

H. 310. An act relating to limited liability companies.

H. 478. An act relating to approval of the adoption and codification of the charter of the Town of Royalton.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 270. An act relating to definitions for pretrial screenings and assessments.

H. 304. An act relating to making miscellaneous amendments to Vermont's retirement laws.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

Adjournment

At five o'clock and forty-seven minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.